

REGULAR MEETING

JANUARY 12, 1993

At a regular meeting of Council held this evening in the Council Chamber at 7:30 p.m., there were present: Vice-Mayor John N. Neff; Council Members Walter F. Green, III, Emily R. Dingleline and Agnes Massie Weaver; City Manager Steven Stewart; City Attorney Earl Q. Thumma, Jr.; Assistant City Manager Roger Baker; Acting City Clerk Mary L. Shifflett; Colonel Donald Harper and City Auditor Philip Peterman.

City Manager requested appointment of Mary L. Shifflett as Acting City Clerk. Motion offered by Vice-Mayor Neff, seconded by Council Member Dingleline and approved with an unanimous vote of Council.

Minutes of the regular meeting held on December 08, 1992, approved as corrected.

✓ The following public hearings were heard:

NOTICE OF INTENTION TO VACATE

A PORTION OF HILL STREET AND AN ALLEY

LOCATED BETWEEN NEWMAN AVENUE AND FRANKLIN STREET

IN THE CITY OF HARRISONBURG

City Council Chambers
Tuesday, January 12, 1993
7:30 P.M.

The Harrisonburg City Council will hold a public hearing on Tuesday, January 12, 1993 at 7:30 P.M., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following applications to vacate a portion of Hill Street and an alley located between Newman Avenue and Franklin Street, in the City of Harrisonburg:

(1) A request of the Harrisonburg Redevelopment and Housing Authority to vacate a portion of Hill Street that is located north of the intersection of Hill and Kelly Streets in the City of Harrisonburg.

(2) A request of W. Marshall Price to vacate an alley that is located on the east side of 279 Newman Avenue, between Newman Avenue and Bruce Street in the City of Harrisonburg.

(3) A request of Barry Kelly and Virginia Miller to vacate an alley that is located between 272 and 260 Franklin Street and runs between Bruce Street and Franklin Street in the City of Harrisonburg.

Copies of the recommendations of the City Planning Commission along with a copy of a plat showing the portion of the street and alley to be vacated are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 A.M. to 5:00 P.M.

All persons interested will have an opportunity to express their views at this public hearing.

CITY OF HARRISONBURG
Steven E. Stewart
City Manager

Stacy Turner, City Planning Director presented Planning Commission recommendations and actions were taken as follows:

Petition to rezone northern half of Lot 68 from B-2 "General Business" to M-1 "General Industrial District" located on the east side of Virginia Avenue to 1090 Virginia Avenue (Lot 68, Block 0, Sheet 47) was withdrawn.

Request by Harrisonburg Redevelopment and Housing to vacate a portion of Hill Street for the purpose of selling two lots for

church facilities and community facilities. Council Member Green offered a motion to accept Planning Commission's recommendation to appoint a Board of Viewers. The motion was seconded by Council Member Dingleline and approved with an unanimous vote of Council.

Council Member Weaver offered a motion to accept Planning Commission's recommendation to close an alley between 272 and 260 Franklin Street without appointing a Board of Viewers. The motion was seconded by Council Member Dingleline and resulted in a tie vote. Motion was withdrawn by Council Member Weaver. Motion then offered by Council Member Weaver to accept Planning Commission's recommendation to appoint a Board of Viewers. The motion was seconded by Council Member Dingleline and approved with an unanimous vote of Council.

Council Member Green offered a motion to let Vice-Mayor Neff select the Board of Viewers. The motion was seconded by Council Member Weaver and approved with an unanimous vote of Council. Board of Viewers selected by Vice-Mayor Neff are: Marshall A. Firebaugh; Thomas J. Wilson, III; Wilmer C. Byrd, Sr.

✓ Council Member Weaver offered a motion to set a public hearing date for February 9, 1993 in response to Planning Commission's recommendation for the request made by Robert McKearney to rezone Lot 5, located at the northwest corner of Country Club and Keezletown Roads from R-1 "Single Family" to B-2 Conditional "General Business". (Opposition to the rezoning was presented by Beth Wampler representing the Fairway Hills Neighborhood Association.) The motion was seconded by Council Member Dingleline and approved with unanimous vote of Council.

✓ Council Member Dingleline offered a motion to set a public hearing in response to Planning Commission's recommendation for the request to rezone Lot 8, Block V, Sheet 33 located on the north side of East Market Street from R-2 "Residential District" to R-3, Conditional, "Multiple Dwelling District"; also known as 660 East Market Street. The motion was seconded by Council Member Weaver and approved with an unanimous vote of Council.

✓ Request to rezone Lot 3 and a portion of Lot 1, approximately 12.7 acres, located approximately 600 feet southeast of Port Republic Road, on both the east and west sides of the planned Peach Grove Avenue, from R-1 "Single Family Residential District" to R-3 "Multiple Dwelling District". No action was taken, request still being considered by Planning Commission, more information to follow.

✓ City Manager Steven Stewart called on City Attorney Thumma to respond to letter of request from the Citizens for Fair Representation asking City Council to consider changing the manner in which school board members are selected to insure representation from each elementary school assignment area.

City Attorney Thumma - each voting ward constitutes a school board district (East ward and West ward). City does not have the authority to set attendance districts. Council cannot replace a school board member so long as they continue to reside in school board district. School board is the only body that has the power to change school attendance districts. The City is set up under two voting precincts. To change the number of voting precincts, the plan would have to be approved by the Department of Justice.

Tim Cupp (Citizens for Fair Representation) spoke in favor of changing the selection process. Mr. Cupp stated the problem being Spotswood Elementary School would not have a representative on the school board, therefore not have a voice in the reassignment. Mr. Cupp said a policy should be adopted provided with a mechanism for fair representation - someone from each pupil assignment area. Other members of the group (Citizens for Fair Representation) spoke in agreement with Mr. Cupp. Mr. Cupp thanked Council for taking time to consider the proposal.

✓ City Manager Steven Stewart presented for Council's approval a letter from Massanutten asking for financial assistance from the City to support the 1993 Tour Dupont. Tour Dupont will not be coming through Harrisonburg, but will be coming through Rockingham County (in the Town of Elkton) both of which have been approached by Massanutten. Both have agreed to provide funding for the 1993

Tour Dupont. Massanutten is asking a contribution from the City of between \$2,000.00 and \$3,000.00. Council Member Green offered a motion to deny the request because it was not included in the current budget, adding that in the future, the request should be made in the appropriate budget year. The motion was seconded by Council Member Weaver and approved with an unanimous vote of Council.

✓ City Manager Stewart stated that at the last Council meeting Lester Seal, Director of Accounting presented the City's Comprehensive Annual Financial Report (CAFR) for fiscal year July 1, 1991 to June 30, 1992. Mr. Ken Huffman of Phibbs, Burkholder, Geisert and Huffman was present to answer questions concerning the audit. There being no questions, Mr. Huffman expressed his firm's appreciation for the opportunity to perform the audit.

City Manager's monthly report received by Council and filed in the Clerk's office.

✓ Mr. Jim Baker, Street Superintendent and Tom Austin, Assistant Street Superintendent presented for Council's review the snow and ice control plan. Mr. Baker said the plan's primary goal was to lessen the severity of the conditions and enhance the safety of the travelling public the first concern. Mr. Baker further stated that because of changes in the weather the plans sometimes have to be changed - a lot of the decisions are made behind the wheel of the snow plow by the operator. Vice Mayor Neff asked Mr. Baker about man hours and cost for the December 12, 1992 snowstorm. It was decided to make it available to the public through the newspaper.

✓ Mr. Jim Baker, Street Superintendent presented the present alley maintenance plan for Council's review. The outline for the present plan was given - a. Alleys which are used for refuse traffic are maintained by the City; b. Maintenance costs for alleys with vehicular traffic are shared between the City and adjacent property owners; c. Alleys not open to traffic are maintained by adjacent property owners. Council Member Weaver offered a motion to approve the plan as presented. The motion was seconded by Council Member Green and approved with an unanimous vote of Council.

✓ City Manager Stewart presented for Council's consideration the establishment of a petty cash fund. Mr. Stewart said that a number of the departments need a petty cash fund with amounts ranging from \$150.00 - \$300.00. Money would be available on a one-time basis and deducted from appropriate line items. Council Member Green offered a motion to approve establishing the petty cash fund as presented. The motion was seconded by Council Member Dingleline and approved with an unanimous vote of Council.

✓ Reallocation of 1992-93 Budget - 1st Reading. Reallocation of funds from 01 05-09401-00-0-144100 Res for Contingencies in the amount of \$23,119.00 to adjust the budget to include the moving expenses of the City Manager for \$15,000.00. Also, to adjust the budget for additional cost related to the fixed asset work for \$8,119 (software cost). Council Member Weaver offered a motion to approve. The motion was seconded by Council Member Dingleline and approved with an unanimous vote of Council.

✓ Supplemental Appropriations - 1st Reading. City Manager Steven Stewart presented for Council's consideration supplemental appropriations on behalf of the police department from 1 1900 1901.01 (recoveries and rebates) in the amount of \$13,021.38 to recover monies expended for overtime; shortages in other personal services; reimbursement for workmen's compensation; light bills from John Lyons for old range; reimbursements for training schools; restitution for vehicle damage; and to replace drug monies in the correct coding. Council Member Green offered a motion to approve. The motion was seconded by Council Member Dingleline and approved with an unanimous vote of Council.

✓ City Manager Steven Stewart presented for Council's consideration a resolution to update federal classification of certain city streets, per Virginia Department of Transportation recommendation.

RESOLUTION

WHEREAS, The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, Section 1006, required that the Virginia Department of Transportation (VDOT) functionally reclassify the roads and streets in the Commonwealth, based on their current and anticipated functional usage; and,

WHEREAS, The Virginia Department of Transportation has previously functionally classified the state highways in accordance with the guidelines presented in the "Highway Functional Classification Manual" (Volume 26, Appendix 12, Highway Planning Program Manual); and

WHEREAS, the Virginia Department of Transportation has updated the functional classification in accordance with the "Highway Functional Classification Manual" (Revised, March 1989) and aforementioned ISTEA of 1991,

NOW, THEREFORE BE IT RESOLVED THAT City of Harrisonburg concurs with the "1995 Highway Functional Classification" for City of Harrisonburg as updated by the Virginia Department of Transportation.

Title

Date

Mr. Stewart called on Mr. Jim Baker, Street Superintendent to give details and respond to questions from Council. Virginia Department of Transportation recommended some changes, requesting approval of what the state has of record. Council Member Green offered a motion to approve the recommendation. The motion was seconded by Council Member Dingledine and approved with an unanimous vote of Council.

✓ City Manager Steven Stewart presented for Council's consideration a request from Rockingham County for a sanitary sewer connection. Rockingham County is currently developing their landfill in order to meet State mandates and need to put their leachate into a sanitary sewer system. Assistant City Manager Roger Baker was asked to give details. Mr. Baker states the reason this was being brought to Council is because it lies outside the guidelines that were established for water and sewer connections outside the city limits. The connection would be within the City limits at a manhole in the Greendale neighborhood. Mr. Baker stated that should the Council grant the right to make this connection it be subject to normal plan and submittal review process giving the City Water and Sewer Superintendent the opportunity to look at it and determine any need for metering, etc. that would be necessary. Council Member Weaver offered a motion to approve the request subject to normal plan and submittal review. The motion was seconded by Council Member Green and approved with unanimous vote of Council.

✓ Vice-Mayor Neff asked for City Manager Steven Stewart's consideration, if the Council sees fit to do so, for a resolution to be drawn commending all those individuals involved in the First Night celebration for the tremendous effort put forth in the planning and development and strongly encourage Council's support for the next First Night Celebration.

✓ Council Member Dingledine stated that she has been contacted about the old sheds on Route 33 West across from Food Lion. It was felt these sheds are an eye sore to people coming into the City. City Manager Steven Stewart said the City would look into the matter.

At 9:30 p.m., Council Member Dingledine offered a motion for council to enter into executive session for discussion and consideration of personnel and prospective candidates to be appointed to Industrial Development Authority, Planning Commission, Disability Services Board and Board of Zoning Appeals, exempt from the public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia and discussion and consideration of the acquisition of real property to be used for streets and the

water/sewer department and sanitation department, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia. The motion was seconded by Council Member Weaver and approved with an unanimous recorded vote of Council.

At 10:40 p.m. the executive session was closed and the regular session reconvened. City Manager Stewart read the following which was agreed to with an unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Vice-Mayor asked Council's wishes concerning an appointment to the Planning Commission. Council Green offered a motion that Mr. George Homan be appointed to a first term for four years to expire on December 31, 1996. The motion was seconded by Council Member Weaver and approved with an unanimous vote of Council.

✓ Vice-Mayor Neff asked Council's wishes concerning an appointment to the Disabilities Service Board. Council Member Weaver offered a motion that Mr. Russell Smith be appointed to a first term of three years to expire on January 31, 1995. The motion was seconded by Council Member Dingledine and approved with an unanimous vote of Council.

At 10:42, there being no further business, and on motion adopted, the meeting was adjourned.

Mary L. Skiffet
ACTING CITY CLERK

VICE-MAYOR JOHN N. NEFF

REGULAR MEETING

JANUARY 26, 1993

At a regular meeting of Council held this evening in the Council Chamber at 7:30 p.m., there were present: Mayor C. Robert Heath; Vice-Mayor John N. Neff; Council Members Emily R. Dingleline and Agnes Massie Weaver; City Manager Steven Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Acting City Clerk Mary L. Shifflett; Colonel Donald Harper and City Auditor Philip Peterman.

Minutes of the regular meeting held on January 12, 1993, approved as corrected.

✓ Dr. Ronald Carrier, President of James Madison University, presented for Council's review a progress report regarding the plans for the College of Integrated Science and Technology (CISAT). Dr. Carrier introduced James Madison University staff members Lynwood Rose, Sr. Vice President, Steve Knickrehm, Director of Projects and Lyle Wilcox, Provost of the new College of Integrated Science and Technology (CISAT). Dr. Carrier also introduced Mr. Phil Toby of Metcalf, Toby and Partners (Architects) and Mr. Mike Matthews, Hankins and Anderson, Inc. (Engineers). Dr. Carrier thanked the City staff for the cooperation JMU has received in the planning for the college and feels that a lot of progress has been made in the last year.

Mr. Phil Toby and Mr. Mike Matthews gave a slide presentation which included an evaluation and assessment of existing conditions, the proposed Master Plan, and photographs of a model of the new campus. Mr. Toby stated the campus will consist of 18 buildings built out over a period of 10 years with a cost of \$180,000,000.00. The campus will consist of academic buildings, student housing, student services, support services (maintenance, etc.) and recreational areas.

Council Member Weaver stated the plan is exciting but voiced concern as to what impact it will have on the community. Housing and traffic were the major concerns. Dr. Carrier explained that over a period of 10 years 3250 to 3500 students are expected. The college expects to house approximately 50% on campus with the other 50% seeking housing in the City. Traffic should not be a problem with three proposed entrances into the new campus (University Boulevard, Driver Drive and a proposed bridge over Interstate 81 from the existing campus).

✓ City Manager Stewart presented for Council's review a request from Mr. Pete Karageorge, General Manager, of Pano's Restaurant asking for Council's review of the petition for a dance hall permit. City Manager Steve Stewart stated there is a need to develop more information concerning the request. The request was tabled for a future meeting.

✓ City Manager Stewart presented Council's review a request from property owners on Greenbriar Drive for "Permit Parking Only Signs". Residents report JMU students parking on Greenbriar Drive are creating problems such as littering and damage to property especially vehicular property. The Street Department and Police Department have been asked to review this request. The City Code must be amended to include Greenbriar Drive if Council wants to approve the request. More information will be gathered and the request was tabled for a future meeting.

✓ City Manager Stewart presented for Council's review a request from Hess & Miller Realty to acknowledge that the property at 234 East Market Street is private property. Hess & Miller Realty has given notice as required by City Code 6-1-4 that their driveway that adjoins the Health Department is private property. Council Member Weaver offered a motion to acknowledge the request. The motion was seconded by Council Member Dingleline and approved with an unanimous vote of Council.

✓ City Manager Steven Stewart presented for Council's review a request by the Downtown Harrisonburg Retail Merchants Association to use the downtown sidewalks around Court Square for an Arts and Crafts Show on April 24, 1993.

Council Member Weaver asked if some consideration in regard to the \$500.00 business license fee could be given to food vendors for these functions. City Manager Stewart said the matter would be studied.

Vice-Mayor Neff offered a motion to approve the request for use of the downtown sidewalks for the craft show. The motion was seconded by Council Member Dingledine and approved with an unanimous vote of Council.

✓ Council Member Weaver offered a motion to set a public hearing date of February 23, 1993 in response to Planning Commission's recommendation for the request to rezone approximately 4.3 acres located on the west side of the planned Peach Grove Avenue approximately 600 feet from Port Republic Road, from R-1 "Single Family Residential District" to R-3 "Multiple Dwelling District. The motion was seconded by Vice-Mayor Neff and approved with an unanimous vote of Council.

✓ City Manager Steven Stewart presented for Council's review a request for permission to bid school buses before January 31, 1993 to secure delivery before September 1994. Mr. Reggie Smith, Transportation Director was asked to give details concerning the request. Buses to be purchased are: one 78 passenger rear engine school bus and two 52 passenger school buses to be used primarily for special education students. The total estimated cost of the project is \$125,000.00. Mr. Smith stated the request was for Council's permission to bid and order the equipment now with the understanding that \$125,000.00 would be appropriated in next year's budget. Council Member Weaver offered a motion to approve the bid for the buses and allocate funds in next year's budget for this request. The motion was seconded by Council Member Dingledine and approved with an unanimous recorded vote of Council.

City Manager Steven Stewart called on Assistant City Manager Roger Baker to give an update on the Americans with Disabilities Act Compliance.

↓ Assistance City Manager Baker gave the background on the Americans with Disability Act (ADA) adding that the City staff has reviewed services, policies, and practices many of which are in place as a result of the 1973 Act. The City's personnel policy needs to be revised so that reference is made to disabilities rather than handicaps, and to ensure that leave policies and other employee benefits do not discriminate against disabled employees, their relatives or their associates.

↓ Several areas of City owned properties have been identified for modifications, most of which are small items such as parking spaces, ramps, door handles, water fountains, etc. The municipal building will require major expenditures such as an elevator and new restrooms. Preliminary plans also include remodeling two restrooms and the addition of a canopied walk on the north side of the building with handicapped parking spaces. The estimated cost would be \$100,000.00 for the elevator and \$75,000 for the restrooms. This year's budget contains \$50,000.00 for this project, \$125,000.00 would have to be put in the budget for next year. Assistant City Manager Baker stated the work can be done without disrupting normal work routine and will not take away from the character inside of the existing building. The deadline for compliance with structural changes is January 26, 1995.

Council Member Weaver expressed some concern regarding expense that will be incurred for adding the new restrooms and remodeling the existing restrooms to comply with ADA.

City Manager Stewart said more investigation would be done in reference to the restrooms to determine what is required by code.

✓ City Manager Stewart presented for Council's consideration a second reading for reallocation of 1992-93 Budget - 2nd Reading. Reallocation of funds from 01 05-09401-00-0-144100 Res for Contingencies in the amount of \$23,119.00 to adjust the budget to include the moving expenses of the City Manager for \$15,000.00. Also, to adjust the budget for additional cost related to the fixed asset work for \$8,119.00 (software cost). Vice-Mayor Neff offered a motion to approve. The motion was seconded by Council Member Weaver and approved with an unanimous recorded vote of Council.

City Manager Steven Stewart presented for Council's consideration a second reading for supplemental appropriations on behalf of the police department from 1 1900 1901.01 (recoveries and rebates) in the amount of \$13,021.38 to recover monies expended for overtime; shortages in other personal services; reimbursement for workmen's compensation; light bills from John Lyons for old range; reimbursements for training schools; restitution for vehicle damage; and to replace drug monies in the correct coding. Council Member Weaver offered a motion to approve the second reading. The motion was seconded by Council Member Dingledine and approved with an unanimous recorded vote of Council.

✓ City Manager Steven Stewart presented for Council's Consideration a second reading on an ordinance amending and re-enacting Section 6-1-22 of the Harrisonburg City Code. City Manager Stewart explained that this concerned alley closings and it would establish a fee of \$50.00 for processing applications, require the applicant to pay the cost of publishing and continue to pay the \$25.00 for the Board of Viewers. Council Member Dingledine offered a motion to approve the second reading of re-enacting Section 6-1-22. The motion was seconded by Vice-Mayor Neff and approved with an unanimous recorded vote of Council.

Mayor Heath read the following resolution for Council's consideration of approval.

RESOLUTION

WHEREAS, The City of Harrisonburg had its initial First Night Harrisonburg New Year's Eve Celebration on December 31, 1992; and

WHEREAS, First Night Harrisonburg was an alcohol-free, family oriented celebration in downtown Harrisonburg; and

WHEREAS, First Night Harrisonburg was an overwhelming success in that over 4,200 people of all ages attended the celebration; and

WHEREAS, There were many volunteers who gave many hours in order to make First Night Harrisonburg a success; and

WHEREAS, A number of City employees performed many valuable services in support of First Night Harrisonburg; and

WHEREAS, There were a number of sponsors that helped to underwrite the cost of the entertainment in order to assure an evening of high quality activities; and

WHEREAS, Marc Taylor provided direction and leadership that insured a successful celebration.

NOW, THEREFORE BE IT RESOLVED, That the City Council of the City of Harrisonburg hereby commends everyone involved in First Night Harrisonburg for providing an alcohol-free, family oriented New Year's Eve Celebration and urge that First Night Harrisonburg continue in future years.

This Resolution was formally considered and adopted by the Harrisonburg City Council at its meeting on January 26, 1993.

C. Robert Heath
Mayor

Council Member Weaver offered a motion to adopt the Resolution. The motion was seconded by Council Member Dingledine and approved with an unanimous recorded vote of Council.

City Manager Stewart presented for Council's consideration a resolution in support of the Shenandoah Valley Regional Airport Commission's request to enter into 5 year lease.

The Airport Commission has requested permission to enter into a 5 year lease for a corporate hangar. The Commission's enabling legislation requires Council's approval to enter into such an agreement. The Commission asked that the company's name not be released at this time.

RESOLUTION PASSED BY
SHENANDOAH VALLEY REGIONAL AIRPORT
January 8, 1993

WHEREAS, A certain unnamed business has requested a lease on a certain portion of the Airport Property for a period of five (5) years, renewable by common consent for an additional five (5) years; and

WHEREAS, Enabling ordinances passed by the Airport Commission's Sponsors, limit the Commission's authorization to enter into leases in excess of two years.

NOW, THEREFORE BE IT RESOLVED, That the Commission requests the governing bodies of Harrisonburg, Staunton, Waynesboro, Augusta and Rockingham for a one time authorization to enter into a five (5) year lease with XYZ Corporation, for a five (5) year renewable term.

Vice-Mayor Neff offered a motion to approve the request. The motion was seconded by Council Member Weaver and approved with unanimous recorded vote of Council.

City Manager Stewart presented for Council's consideration the first reading on an the ordinance to close an alley located on the east side of 229 Newman Avenue and the alley between 272 and 260 Franklin Street. The Board of Viewers asked for additional time for investigation. The request was tabled until a Board of Viewers submit an approved report.

City Manager Stewart presented for Council's review the possibility of changing City code to allow for a banking services contract and more investment alternatives. City Manager Stewart called on Mr. Lester Seal, Finance Director, to give details. Mr. Seal stated it would be to the City's advantage to enter into a banking service contract for several reasons. Some of which are: (1) City funds will be invested at all times, especially the float amount. The City cannot legally invest this money; however, with a banking contract the bank can invest this money for the City, (2) Except for Wednesday's, City funds aren't invested unless the funds exceed at least \$100,000 and the Treasurer has time or feels it is worthwhile to invest the funds. A banking services contract will require the bank to invest this money, no matter what the amount, on a daily basis, (3) The bank will supply the City with checks, deposit slips, stop payment forms, and endorsement stamps, saving the city money, (4) The City currently has 8 bank accounts. A banking service contract will allow for elimination of most of these accounts; thereby, saving time by reducing the number of reconciliations which must be performed, (5) A banking services contract will bring the City into compliance with its "Purchasing and Contracting Policy Manual". The City code currently restricts City investments to certificates of deposits and repurchase agreements. A change in the City code adopting the State's investment options would allow City to obtain the highest rate of return possible on City funds.

City Manager Stewart stated that the request was for authorization to put out the R.F.P. City Manager Stewart added that work would have to be done with City Attorney Thumma to bring back amendments of the City Code for consideration at a future meeting. Vice-Mayor Neff offered a motion to approve getting bids for banking services contract. The motion was seconded by Council Member Dingledine and approved with an unanimous vote of Council.

City Manager Stewart presented for Council's consideration additional compensation for the Judicial complex architect. City Manager called on Assistant Roger Baker to give details concerning the request for additional compensation. Assistant City Manager Baker stated that in November 1991 the architect requested \$156,550 additional compensation because of changes in the scope of work from the original agreement. Some of the changes included: additional paperwork for the added work, asbestos disposal, demolition abatement and preliminary flood plane study. The amount of \$70,000.00 was agreed to be given in January 1992 with the understanding that the original request would be revisited at a later date and after some additional value engineering work was complete. At the Judicial Committee meeting on January 20, 1993 the request was reconsidered with the consensus of the committee

recommending that an additional \$75,000.00 be paid to the architect. This money would come from the bond proceeds, no additional money would have to be appropriated. The \$75,000.00 would be split with the both the City and the County paying half. Council Member Weaver offered a motion for approval. The motion was seconded by Council Member Dingledine and approved with an unanimous recorded vote of Council.

City Manager Steven Stewart presented for Council's consideration a first reading for supplemental appropriations for day care accounts from VPA 2401.07 (Social Services-Federal and State Share) in the amount of \$27,938.00 to VPA #05 1-5309-0-0-5710.01 Day Care-CWS (\$3,000.00), VPA #05 1-5309-0-0-5714.03 Jobs Day Care (\$12,881.00) and VPA #05 1-5309-0-0-5714.05 Transitional Day Care (\$12,057.00). Council Member Dingledine offered a motion to approve the first reading of the supplemental appropriations. The motion was seconded by Council Member Weaver and approved with an unanimous recorded vote of Council.

City Manager Steven Stewart presented for Council's consideration a first reading for supplemental appropriations on behalf of the fire department from 1-1900-1901.01 (Recoveries and Rebates) and 1-1900-1901.04 (E.O.C. Payments from Rockingham County) in the amount of \$42,381.54 to materials and supplies, personal supplies, communications, uniforms, M & R machinery and equipment, M & R Building & Grounds, Travel-Training schools, communications equipment, equipment, firefighters. Council Member Weaver offered a motion to approve the first reading of the supplemental appropriations for the fire department. The motion was seconded by Vice-Mayor Neff and approved with an unanimous recorded vote of Council.

Council Member Weaver expressed thanks to Assistant City Manager Roger Baker for the Board of Commissions Manual. Council Member Weaver stated it would be nice to put a copy of the manual in the library with updates periodically.

Assistant City Manager Roger Baker gave an update on the status of the new Judicial Complex. The courts are very much on schedule with an anticipated move date by July 1, 1993. In reference to the jail, the contractor is still expecting to make up the time lost this winter to open by February 4, 1994.

Assistant City Manager Baker stated that the move into the new jail will involve the use of a transition team. Assistant City Manager Baker recently attended a work shop that dealt with the use of a transition team for this specific purpose. Considering the variables and complexities involved, Assistant City Manager Baker believes the City needs a coordinator for the move into the new Courts adding that the City has the money in the budget for this application.

At 9:30 p.m., Council Member Weaver offered a motion for the council to enter into executive session for discussion and consideration of personnel and prospective candidates to be appointed to Industrial Development Authority, Planning Commission, Disability Services Board and Board of Zoning Appeals, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia and discussion and consideration of the acquisition of real property to be used for streets, discussion and consideration of use of city owned real property for a public use and discussion and consideration of the disposition of city owned surplus property, all exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia. The motion was seconded by Council Member Dingledine and approved with an unanimous vote of Council.

At 11:30 p.m. the executive session was closed and the regular session reconvened. Mayor Heath read the following which was agreed to with an unanimous recorded of Council: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Mayor Heath asked Council's wishes concerning an appointment to the Industrial Development Authority. Vice-Mayor Neff offered a motion that Mr. Michael Beahm be appointed to a first term for four years to expire on April 24, 1996. The motion was seconded by Council Member Weaver and approved with an unanimous vote of Council.

✓ Mayor Heath asked Council's wishes concerning an appointment to the Disability Services Council. Council Member Weaver offered a motion that Diane Foucar-Szocki be appointed to a first term for two years to expire on January 31, 1995. The motion was seconded by Council Member Dingleline and approved with an unanimous vote of Council.

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

ACTING CITY CLERK



MAYOR, C. ROBERT HEATH

REGULAR MEETING

FEBRUARY 9, 1993

At a regular meeting of Council held this evening in the Council Chamber at 7:30 p.m., there were present: Mayor C. Robert Heath; Vice-Mayor John N. Neff; Council Members Walter F. Green, III, Emily R. Dingledine and Agnes Massie Weaver; City Manager Steven Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Acting City Clerk Mary L. Shifflett; Colonel Donald Harper and City Auditor Philip Peterman.

Minutes of the regular meeting held on January 26, 1993, approved as read.

The following public hearings were heard:

NOTICE OF PUBLIC HEARING
REZONING REQUESTS

The Harrisonburg City Council will hold Public Hearings on Tuesday, February 9, 1993 at 7:30 P.M. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider the following rezoning requests:

1. C. F. Weaver's request to rezone Lot 8, an approximately 14,300 square foot lot located on the north side of East Market Street from R-2 "Residential District" to R-3, Conditional "Multiple Dwelling District". The R-3 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 Comprehensive Plan recommendation for this property is "Professional". The "Professional" land use category is described as areas designated for professional service oriented uses with consideration to the character of the area. This property is shown as Lot 8, Block V, Sheet 33 on Harrisonburg Block Maps.
2. Robert A. McKearney's request to rezone Lot 5, an approximately 1.3 acre lot located on the north west corner of Country Club and Keezletown Roads for R-1 "Single Family Residential District" to R-3, Conditional "Multiple Dwelling Residential District". The R-3 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 Comprehensive Plan recommendation for this property is "Planned Business". The "Planned Business" land use category is described as areas which are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses. This property is shown as Lot 5, Block B, Sheets 72 & 73 on Harrisonburg Block Maps.

If this request is granted, the present uses will conform to the zoning district applied for. Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 A.M. to 5 P.M.

All persons interested will have an opportunity to express their views at this Public Hearing.

Any person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the Planning Director at least 5 days prior to the time of the meeting.

Stacy Turner
Planning Director

In regard to Robert A. McKearney's request to rezone Lot 5, an approximately 1.3 acre lot located on the northwest corner of the Country Club and Keezletown Roads from R-1 "Single Family Residential District" to R-3 Conditional "Multiple Dwelling Residential District". The Planning Commission recommended approval as B-2, Conditional "General Business". After meeting with Fairway Hills Homeowners Association Dr. McKearney changed his request to R-3 Conditional "Multiple Dwelling Residential District" and proffered that the property would not be used for multi-family dwellings or college and university buildings.

City Attorney Thumma stated that the request was presented to the Planning Commission as B-2, Conditional and advertised as R-3, Conditional "Multiple Dwelling Residential District" it was his opinion the request should be referred back to the Planning Commission.

Dr. Robert McKearney spoke in favor of the request restating the proffers and showed Council tentative elevation drawings. Dr. McKearney asked that Council not be influenced by the group's fears of future requests for rezoning on Keezletown Road.

Sherry Constable spoke in favor of the request saying she understood the fears of the group but this should not take precedence over planned zoning, adding that neighbors on each side of the property had not signed the petition.

Steven Blatt, spokesman for Fairway Hills Homeowners Association asked Council to take initiative and not send the request back to the Planning Commission. Mr. Blatt said his clients are concerned about busting the R-1 zone, that once the zoning is violated, a precedent is set and it becomes easier for the next request. Mr. Blatt asked that the original petition be made part of the record and transmitted back to the Planning Commission.

Carroll Biggs, President of the Fairway Hills Homeowners Association stated that protection of the properties in R-1 zoning is essential and asked Council to take action and deny the request.

Vice-Mayor Neff offered a motion to refer the request back to the Planning Commission and that instead of the usual two public hearings there be one joint public hearing. The motion was seconded by Council Member Dingledine and approved with an unanimous recorded vote of Council.

The Planning Commission has recommended approval of C.F. Weaver's request to rezone Lot 8, an approximately 14,300 square foot lot located on the north side of East Market Street from R-2 "Residential District" to R-3, Conditional "Multiple Dwelling District". Vice-Mayor Neff offered a motion to approve the request. The motion was seconded by Council Member Weaver and approved with an unanimous recorded vote of Council.

Tanya Denckla representing Greener Harrisonburg asked for an endorsement from Council for a Small Business Administration Natural Resources Development Program Grant application and assistance in maintenance, if the grant is approved. Ms. Denckla presented a landscaping plan of Peach Grove Avenue.

Some concerns expressed by Council were: the need to coordinate with the school as to existing landscaping plans, the risk of planting trees and shrubs on property the City plans to sell and not being locked into planting on just those locations shown on the plan. City Manager Stewart expressed some concern about adding stress on the existing City maintenance crews.

Ms. Denckla said the trees and shrubs would not have to be planted in the exact location shown on the plan and that Greener Harrisonburg is looking for volunteers for the maintenance of the trees.

A motion was offered by Council Member Dingledine to endorse the grant application. The motion was seconded by Council Member Green and approved with an unanimous vote of Council.

City Manager Steven Stewart presented for Council's consideration an offer from the Advance Auto Parts Company to purchase a 30' X

- ✓ 200' parcel from the City that is adjacent to Captain Graham's Seafood. The company has offered \$21,000 (\$3.50 per square foot) for the parcel. City Attorney Thumma recommended authorizing City Manager Stewart to sign the contract subject to an ordinance being approved by Council after holding a public hearing. A motion was offered by Vice-Mayor Neff to advertise the "Addendum to Real Estate Purchase Contract" with the addition of other interested parties may bid if interested in the property. The motion was seconded by Council Member Weaver and approved with an unanimous vote of Council.
- ✓ City Manager Stewart presented for Council's review a request in regard to the changing the closing time for dance halls. City Manager Stewart said as a result of the request made by Pano's Restaurant for a dance hall permit, questions have been raised about the current ordinance which requires areas defined as dance halls to close at 12:00 midnight. A motion was offered by Council Member Weaver to draft a proposed ordinance for Council's consideration which would allow dance halls to stay open until 2:00 a.m. The motion was seconded by Council Member Green and approved with an unanimous vote of Council.
- ✓ Mayor Heath asked Council's wishes concerning an amendment of City Code to eliminate the reading of minutes. A motion was made by Council Member Weaver that the City Attorney be instructed to draw up an ordinance for Council's consideration to allow the elimination of the reading of the minutes at Council's discretion. The motion was seconded by Vice-Mayor Neff and approved with an unanimous vote of Council.
- ✓ Mayor Heath asked Council's wishes concerning a request to close an alley between 227 Franklin Street and 235 Franklin Street. Mayor Heath said normal procedure would be to refer this request to the Planning Commission. A motion was offered by Council Member Weaver to refer the request to the Planning Commission for review. The motion was seconded by Council Member Dingledine and approved with an unanimous vote of Council.
- ✓ Planning Commission's 1992 Annual Report was received by Council.
- ✓ City Manager Steven Stewart presented for Council's consideration a second reading for supplemental appropriations for day care accounts from VPA 2401.07 (Social Services-Federal and State Share) in the amount of \$27,938.00 to VPA #05 1-5309-0-0-5710.01 Day Care-CWS (\$3,000.00), VPA #05 1-5309-0-0-5714.03 Jobs Day Care (\$12,881.00) and VPA #05 1-5309-0-0-5714.05 Transitional Day Care (\$12,057.00). Council Member Dingledine offered a motion to approve the request. The motion was seconded by Council Member Green and approved with an unanimous recorded vote of Council.
- ✓ Vice-Mayor Neff said he would like to see the City Manager or Mayor send a letter of thanks and appreciation to Ed Hughes and Joe Gardner in recognition of their service on the Planning Commission.
- ✓ Council Member Weaver said she had been asked if the crossing guard on East Market Street and the 15 m.p.h. was needed since there are more children riding school buses. Council's consensus of opinion was that there needs to be a crossing guard at ~~all~~ of the school crossings.
- ✓ City Manager Stewart called Council's attention to the letter from Margaret Haynes to Stacy Turner. City Manager Stewart stated Margaret Haynes is a member of the Zoning Ordinance Rewrite Citizen's Advisory Committee and has advised that she going to have to step down because of a conflict in her schedule. Ms. Haynes has asked Council to let the Chamber of Commerce president designate her replacement. Mayor Heath stated this would be scheduled for a later meeting, giving the Council some time to think about the request.
- At 9:30 p.m., Council Member Dingledine offered a motion for the council to enter into executive session for discussion and consideration of personnel and prospective candidates to be appointed to Planning Commission and Board of Zoning Appeals, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia and discussion and consideration of the acquisition of real property to be used for a public purpose, namely a city department; discussion and

consideration of use of city and publicly owned real property for a public use and discussion and consideration of the disposition of city owned surplus property, all exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia.


At 11:02 p.m., the executive session was closed and the regular session reconvened. City Manager Stewart 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 business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

Mayor Heath asked Council's wishes concerning an appointment to the Board of Zoning Appeals. Vice Mayor Neff offered a motion that Mr. Billy Kuykendall be appointed to a second term for five years to expire March 20, 1998. The motion was seconded by Council Member Dingleline and approved with an unanimous vote of Council.

At 11:05 p.m., there being no further business, and on motion adopted, the meeting was adjourned.



ACTING CITY CLERK



MAYOR, C. ROBERT HEATH

REGULAR MEETING
FEBRUARY 23, 1993

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart, City Attorney Earl Q. Thumma, Jr; Vice-Mayor John N. Neff; Council Members Walter F. Green, III, Emily R. Dingleline and Agnes Massie Weaver; City Clerk Judy M. Gray; Colonel Donald Harper and City Auditor Philip Peterman.

Minutes of the regular meeting held on February 9, 1993, approved as read.

✓ At 7:33 p.m. Mayor Heath closed the regular session temporarily and called the evening's public hearing to order. Planning Director Turner read the following notice of public hearing as it appeared in the Daily News Record on Tuesday, February 9, 1993, and Tuesday February 16, 1993:

The Harrisonburg City Council will hold Public Hearings on Tuesday, February 23, 1993, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider the following rezoning request:

Rodney L. and Sylvia L. Eagle's request to rezone approximately 4.3 acres, located approximately 600 feet southeast of Port Republic Road, on the west side of the planned Peach Grove Avenue, from R-1 "Single Family Residential District" to R-3 "Multiple Dwelling District". The R-3 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 Comprehensive Plan recommendation for this property is "Conservation/Recreation". The "Conservation/Recreation" category includes lands in the flood plain and lands owned by the City of Harrisonburg and used for recreation. This property is shown as Lot 3, Block A, Sheet 91 on Harrisonburg Block Maps.

If this request is granted, the present uses will conform to the zoning district applied for. Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5 p.m.

All persons interested will have an opportunity to express their views at this Public Hearing.

Any person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the Planning Director at least 5 days prior to the time of the meeting.

Planning Director Turner stated that this is in an area that contains a mixed zoning classification noting that the adjacent property, which fronts on Port Republic Road, is zoned B-2 General Business district, to the west is zoned R-3, Multiple Family Dwelling district and the school is located further south which is zoned R-1. Ms. Turner explained that the original request was to rezone the entire area but was revised to request rezoning of only a 4.3 acre, triangular shaped parcel located on the west of Peach Grove Avenue. Ms. Turner stated that at the Planning Commission's public hearing both sides of Peach Grove Avenue were considered and there were a lot of concerns expressed by area residents, especially in the Ashby Heights area. Ms. Turner noted that these residents still remain concerned with the rezoning of the 4.3 acres, but stated that the Planning

Commission is recommending the rezoning of this property. Mayor Heath called on anyone wishing to speak in favor of this rezoning request.

Mr. Ray Nicley, with Copper and Associates and representing Mr. and Mrs. Rodney Eagle, explained that what initially started this process was when the City choose the site for the new elementary school and decided to build Peach Grove Avenue through Mr. Eagle's property. Mr. Nicley provided Council with a map showing the area being requested to be rezoned and noted that when the City put this roadway through Mr. Eagle's property it created a small triangular piece of property with a lot of road frontage but not enough depth for development. Mr. Nicley stated that they need to get a ruling on this rezoning because they need to come up with a master plan so the water and sewer lines can be stubbed out by the City. Mr. Nicley concluded in requesting Council's favor and approval of this rezoning request.

Council Member Weaver noted that she is in total agreement that this property should not be zoned R-1 but stated that she is very uncomfortable with the property becoming R-3, as we know it now, noting that the life style of students is not compatible with an elementary school.

Mr. Rodney Eagle, stated that this property would be difficult to develop as R-1 but noted that he has no intentions of developing the property for student housing.

Mayor Heath called on anyone else desiring to speak either for or against the rezoning request. There being no others present desiring to be heard, the public hearing was declared closed at 7:55 p.m., and the regular session reconvened.

Council Member Heath stated that he is concerned about the site plan, even though it is a tentative one, having direct access onto a thoroughfare. Mr. Nicley explained that this was done to comply with the City's street standards. Mayor Heath and Vice-Mayor Neff stated that they would like to see if a variance could be obtained to the street standards, noting that they do not like seeing ten curb cuts along this street.

Vice-Mayor Neff, stated that he does not see any other zoning classification that would suit this area so would like to offer a motion to approve the request to rezone this property from R-1 to R-3. The motion was seconded by Council Green and approved with a majority vote of Council, with Council Member Weaver voting against the motion.

√ Mr. Mike Helbert, representing the Retail Merchants, was present in the meeting to request the closing of the north, west and south shoulders of Court Square on April 24, 1993, for the purpose of having an arts and crafts show. Mr. Helbert stated that they have received no objections from the merchants around Court Square; will have the Police Departments' participation in fingerprinting children and have received 50 paid acceptances from arts and crafts persons. Mr. Helbert further noted that they have received permission to use the old Grand Piano store and the Rockingham Motor Company building in case of inclement weather. Council Member Green offered a motion that permission be granted to close off the north, west and south sections of Court Square on April 24, 1993, for the purpose of an arts and crafts show. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council.

√ Mr. Rich Astarb, of the Moseley McClintock Group, was present in the meeting to report on the Courthouse renovations. Mr. Astarb called Council's attention to drawings of the three levels of the Court house and pointed out the changes that are to be made on each level. Mr. Astarb further noted that if it is the intent to bring the building up to today's standards, the heating system will have to be replaced, the plumbing system will have to be modified or updated, a sprinkler system should be installed to provide protection, the electrical service will need to be increased and the telephone system will need to be upgraded along with the lighting system. Mr. Astarb explained that with the Court House being a historical building no exterior changes can be made, with the exception of window replacement. Mr. Astarb concluded in stating that the estimated cost of the

renovations is 1.5 million dollars, which does not include window replacement.

✓ Mr. Carl Luebben was present in the meeting to give a presentation on the Lower Dry River Water Quality Improvement Project. Mr. Luebben noted that the Shenandoah Valley Soil and Water Conservation District has received a commitment of funding from the United States Environmental Protection Agency for the implementation of a water quality improvement project in the Lower Dry River watershed. Mr. Luebben explained that the Lower Dry River watershed ranks "number one" in the State of Virginia as having the highest potential for surface and ground water contamination. Mr. Luebben stated that the City and County both rely on water intakes on North River below the confluence of Dry River. Because Dry River is the largest tributary to North River, this project will directly affect the quality of this source of the City's and County's municipal water supply. Mr. Luebben also explained that the project includes a municipal composting experiment and demonstration utilizing yard waste and news print in combination with poultry litter. Mr. Luebben noted that this component will provide for the effective recycling of excess poultry litter generated in the watershed and assist the City in utilizing yard waste and news print that is collected during the routine trash pickup. Mr. Luebben stated that once the process is completed, the City will have an affordable and invaluable stabilized organic resource that could supplement or replace commercial products currently being purchased by the City's various grounds departments with the excess of the project being made available to City residents. Mr. Luebben stated that the third component of the project includes a residential education program. Following further comments, Mr. Luebben stated that the total budget for the project is estimated at \$109,000, and that the Soil and Water Conservation District is requesting financial support from both the City and the County in the amount of \$15,000. Mayor Heath thanked Mr. Luebben for his presentation.

✓ Mayor Heath presented a street closing request application from Gary W. and Vicki J. Bodkin requesting that a portion of Albert Street be closed. Council Member Weaver offered a motion that this street closing request be referred to the Planning Commission. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ City Manager Stewart explained that back in the 1960's the City of Harrisonburg and Rockingham County sponsored, along with the Shenandoah Valley Soil and Water Conservation District, a number of improvements along North River. Manager Stewart stated that there were 17 structures that were planned in the original 1964 plan, with 6 of the structures being completed at this time. Manager Stewart noted that the Soil and Water Conservation Service is in the process of modifying the plan and would like to look at the possibility of removing some of the remaining 11 structures. Manager Stewart called Council's attention to their handout and noted that one of the main items to consider in removing any of the structures would be, is municipal and industrial water supply needed as part of any remaining structures. Manager Stewart added that Rockingham County has stated that they are not in a position to endorse the deletion of the eleven planning structures, because once they are deleted it may be difficult or impossible to add any back to the plan. Following comments from Assistant Manager Baker, Vice-Mayor Neff stated that he concurs with the position of the County and moved to authorize the City Manager to write a letter to the proper agency advising them that the City does not wish for any of the structures to be removed. The motion was seconded by Council Member Dingledine and approved with a unanimous vote of Council.

Council received the following extract from the Planning Commission meeting held on February 17, 1993:

✓ "...Vice Chairman Neff explained that the request of Robert A. McKearney to rezone Lot 5, an approximately 1.3 acre lot located on the northwest corner of Country Club and Keezletown Roads from R-1 "Single Family Residential District" to R-3, Conditional "Multiple Dwelling Residential District", was returned to the Planning Commission from City Council. He said that the only action requested to be taken was to schedule a Joint Public Hearing for the next regular meeting. He then asked the Planning Director to address the case.

Ms. Turner explained that Planning Commission previously considered a rezoning request from Robert McKearney. She said that Planning Commission did recommend approval of that request to rezone from R-1 "Single Family" to B-2, Conditional "General Business District". However, before City Council's Public Hearing was held, Dr. McKearney changed the rezoning request to R-3, Conditional "Multiple Dwelling District", and presented proffers that would remove multi-family uses and other portions of that zoning classification. Because of this new information presented by Dr. McKearney, City Council felt that this should come back to Planning Commission to be reviewed again for another recommendation. To speed the process, City Council agreed to have a joint Public Hearing with Planning Commission. Ms. Turner explained that a date needed to be set and recommended the March 17, 1993, meeting date as the Public Hearing date.

Vice Chairman Neff asked if Dr. McKearney would like to speak.

David Penrod, representing Dr. McKearney, said this date was acceptable.

Mr. Homan moved to recommend a joint public hearing to be held on March 17, 1993, Mr. Rexrode seconded. All voted aye..."

✓ Planning Director Turner noted that this is a recommendation from the Planning Commission to hold a joint public hearing on March 17, 1993, to hear the request from Robert McKearney to rezone lot 5, located on the northwest corner of Country Club and Keezletown Roads from R-1 "Single Family Residential District" to R-3, Conditional "Multiple Dwelling Residential District". Ms. Turner stated that she has arranged for this public hearing to be held at the high school due to the large number of people expected. Vice-Mayor Neff offered a motion to approve the date of March 17, 1993, to hold a joint public hearing with the Planning Commission. The motion was seconded by Council Member Dingedine and approved by a majority vote of Council with Council Member Green voting against because of having a prior commitment on Wednesday night.

Council received the following extract from the Planning Commission meeting held on February 17, 1993:

"...The Planning Director presented to the Commission a proposal for amending the Zoning Ordinance by repeal of Section 10-2-61(f) and enactment of Section 10-3-25(21). She read:

"(21) For all commercial, institutional and residential uses, other than single family residential structures, all off-street parking spaces and drives shall be constructed of an all weather, stabilized, dust free surface which is clearly defined from adjoining onsite improvements. Industrial uses are exempted from this requirement.

If not installed during other phases of onsite development, parking and driveway surfacing must be bonded or guaranteed by other surety as may be required by the City at the time of building completion."

Ms. Turner said that based on the previous history of this request, during the work session on the request most of the

Commissioners agreed that it should be applied to areas besides residential. Also, it was agreed to remove it from the Subdivision Ordinance, where it only applies to the newly subdivided property, and put into the Zoning Ordinance where it will apply uniformly to all newly developed properties. She added that Mr. Neff was the only Commissioner that provided comments on the proposal since last month's meeting.

Vice Chairman Neff asked if Ms. Turner would like to read the letter sent to each member of the Planning Commission from the Harrisonburg Rockingham Chamber of Commerce.

The Planning Director said Mr. Nutter from the Chamber of Commerce was present and would answer questions. She read excerpts from the letter:

"...We urge that you exempt all but multi-family residential developments from the proposed paving ordinance... We are very concerned with the financial impact upon our members should this ordinance be approved as drafted.. The cost of new disability and environmental regulation as well as increased emphasis on controlling storm water run-off from the pavement only adds to costs... Again, we urge you to exempt both commercial and industrial uses from the proposed ordinance..."

Vice-Chairman Neff asked if there was anyone from the audience that would like to speak. There was no one. Vice Chairman Neff said that he felt that since the zoning rewrite was in the process of being done, it would be his recommendation to take out of the staff proposal the section reading, "for all commercial, institutional and", and say "for all residential uses, other than single family residential structures, all off site parking spaces and drives shall be constructed, etc. etc." Then the other area would be dealt with by the zoning rewrite committee, because you are going to have to deal with the interest of green space, etc., and parking areas.

Mr. Rexrode, speaking for Ordinance Rewrite Committee, said that he had not seen anything in the landscaping material from the rewrite committee that would involve parking.

Ms. Turner explained that there was information in the landscaping ordinance that requires the landscaping of certain areas or certain percentages of parking lots, but she was not sure if it directly affects the pavement. However, her impression would be that paved parking would be something that would be considered by this rewrite committee, probably under site plan requirements.

Vice Chairman Neff said that for commercial, institutional and industrial, it should be dealt with at the level of the Rewrite Committee. He said that he wanted to avoid approving something that he felt would be modified.

After discussion among the Commissioners Mr. Wassum moved for adoption of the proposal with the amendment to remove all commercial and institutional. Mr. Homan seconded. Mr. Stewart asked if the motion included referring this to the Rewrite Committee. Mr. Wassum said yes. Vice Chairman Neff asked for a voice vote. Mr. Wassum voted aye. Ms. Whitten voted no, and explained that it was a bigger issue than deleting two things from the proposal. Mr. Homan voted aye. Mr. Stewart voted aye because it is going to be referred to the Rewrite Committee and given further study. Mr. Rexrode vote no. Mr. Neff voted aye. Motion carried.

Later in the meeting a date for a Joint Public Hearing was recommended for March 17, 1993..."

Following comments from Planning Director Turner, Council Member Dingleline offered a motion approving the date of March 17, 1993, for the joint public hearing. The motion was seconded by Council Member Weaver, and approved with a majority vote of Council, with Council Member Green voting no.

✓ Council received the following extract from the Planning Commission meeting held on February 17, 1993:

"...A public hearing was called to order by Vice-Chairman Neff. Vice Chairman Neff stated that the Commission would be hearing the rezoning case of Bruce Forbes to modify the floodplain zone between the Commons Apartments and Deer Run Apartments, west of Port Republic Road, in the area between Devon Lane and Deer Run Road. This item was previously tabled, October 1991. He asked the Planning Director to present the case and explained that the Commission would then hear from parties on behalf of the request and those opposed.

Ms. Turner explained that as discussed at the previous Planning Commission meeting, the floodplain zoning district is an overlay zoning classification with boundaries established as shown on the Flood Insurance Rate Map (FIRM), prepared by the Federal Emergency Management Agency (FEMA). She explained that the request was made in order to remove a portion of the Commons property which includes one building from the 100 year floodplain. In order to remove a portion of this property from the floodplain zoning classification, Mr. Forbes secured the service of Blackwell Engineering to request a map revision from FEMA. Mr. Forbes received permission to channelize a portion of the Blacks Run Tributary No 2. and constructed the channelization project in accordance with plans which were approved by FEMA. The request to modify the floodplain overlay zoning classification was originally brought to Planning Commission in October 1991. At that time, the change has not yet received final approval from FEMA, so the request was tabled. This request has now been approved by FEMA through issuance of a

Letter of Map Revision (LOMR), dated February 19, 1992. Ms. Turner explained that now it is necessary to modify the City's overlay zoning district. Ms. Turner referred to a map showing the approximate location of the request and described the surrounding areas. She said, as all required approvals have been obtained, the request is recommended for approval.

Vice Chairman Neff asked if there were anyone to speak for the proposal.

Dick Blackwell, representing Bruce Forbes, explained that his company did the study and gave a brief description of the history of the request and offered to answer any questions.

Vice Chairman Neff asked if there was anyone else to speak for the proposal. There was no one. He asked if there was anyone to speak against the request. There was no one. Public Hearing was closed and the meeting was brought back to general session. Vice-Chairman Neff asked if any of the Planning Commissioners had any questions.

After some discussion, Mr. Wassum moved to approve the request of Bruce Forbes to modify the floodplain zone. Mr. Homan seconded. All voted aye..."

Following comments from Planning Director Turner, Vice-Mayor Neff offered a motion that a public hearing be scheduled for March 23, 1993, to hear the request to modify the floodplain zone. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council.

Council received the following extract from the Planning Commission meeting held on February 17, 1993:

"...The Planning Director explained that a request to

dispose of City owned property on Market Street, adjacent to Captain Graham's Seafood, was referred to Planning Commission by City Council, at their February 9, 1993, meeting. She referred to a map and described the 30' x 200' piece of land which is part of a larger parcel owned by the City. Advance Auto, contract purchaser of the Captain Graham's property, wishes to purchase the City property for parking and setback purposes. Ms. Turner said the reason it was referred by City Council was that Planning Commission needed to make a recommendation before the City can sell or dispose of property. It would then be City Council's decision as to how to sell this property. She explained that there was no opposition from staff to release this property.

After some discussion in regards to the parcel's ability to be built on, Mr. Wassum recommended that Planning Commission recommend the sale of the property. Mr. Homan seconded. All voted aye..."

Following comments from Planning Director Turner, Mayor Heath noted that was some concerns were expressed that this should be advertised publicly for sale rather than just offered to the requestor. City Attorney Thumma stated that Council is being asked to allow this to be advertised as an invitation to bid by sealed bids with the bids to be opened at the next City Council meeting on March 9th, and a public hearing held on March 23, 1993. Vice-Mayor Neff offered a motion authorizing the advertising of an invitation to bid and for a public hearing to be held on March 23, 1993. The motion was seconded by Council Member Dingledine and approved with a unanimous vote of Council.

✓ Planning Director Turner presented an update on the subdivision and zoning ordinance rewrite and stated that the committee is presently reviewing drafts of proposed language for a new sign ordinance and will be looking at the landscaping and screening regulations next. Ms. Turner noted that following this, the Central Business District Zoning classifications and residential district regulations will be reviewed by the committee. Ms. Turner concluded in noting that plans are for everything to be completed by early summer with public hearings being held by the end of summer, early fall.

✓ City Manager Stewart stated that as a follow up to an earlier request from Council Member Green, he has brought to Council information on the City's bonded indebtedness. Manager Stewart noted that in the last calendar year, the City issued \$18,000,000 in new debt for the new elementary school and for the renovations to the high school. Manager Stewart stated that in addition to this, the Sewer Authority issued another \$20,555,000, which the City has contingent liability for. Manager Stewart called Council's attention to several handouts including the City's debt schedule; and noted that the City's debt service will increase in the next fiscal year by approximately 1.2 million dollars due mainly to the debt service on the new schools. Manager Stewart also provided Council with a chart showing the total debt of the city at this point compared to the legal debt margin which is allowed by the constitution. Manager Stewart noted that the City's debt now, according to the population, is considerably higher than what it has been in past years. Vice-Mayor Neff asked what else is anticipated over the next five years. Manager Stewart explained that they are still working on the total capital improvements program, but stated that schools have approximately five to six million in their capital improvements program; and further added that the City has the development of the new landfill, the renovations of the Court House and Garbers Church Road which are some big items that will be within the next five years.

✓ City Manager Stewart called Council's attention to Section X, page 30, of the Appropriation Ordinance of the 1992-93 budget, and noted the section where Council took action establishing the taxation on Real Estate at \$0.58 collectible in total for the full calendar year on December 5, 1992 and for the one half year

on June 5, 1993. Manager Stewart explained that the implementation of this twice a year tax collection is somewhat complicated by this year also being the year for reassessments of real property. Manager Stewart noted that as a result of the general reassessment of real property, the increase of real property value went up by about 2.38%, which is greater than a 1% increase and requires Council to hold a public hearing. Manager Stewart stated that in order to implement the twice a year tax collection and keep the City on a fiscal year basis so Council can continue to set the tax rate in June of each year as part of the budget, the City needs to set the rate for the June 5, 1993, tax collection. Mr. Stewart explained that in April, when the budget is prepared, Council will be asked to set a new rate for the fiscal year 1993-94, and it will be requested that the city go on a fiscal year collection basis to avoid having to set the rate twice. Manager Stewart then provided Council with a schedule for implementing the twice a year tax collection and a copy of the notice of proposed real estate property tax increase that will need to be advertised in the newspaper.

✓ City Manager Stewart presented for Council's consideration of a first reading an ordinance to close the alley located on the east side of 279 Newman Avenue and the alley between 272 and 260 Franklin Street. Manager Stewart stated that the Board of Viewers is recommending this closing and that City Council needs to direct the City Attorney to prepare the ordinance for second reading. Vice-Mayor Neff offered a motion to authorize the City Attorney to prepare an ordinance for second reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented for Council's consideration of a first reading an ordinance to close Hill Street from Kelley Street to dead end. Manager Stewart stated that this request is being recommended by the Board of Viewers with the stipulation that the Housing Authority provide a pedestrian walkway. Council Member Weaver motioned for the ordinance to be approved for a first reading and for the City Attorney to be authorized to prepare an ordinance for second reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 12-3-25, Closing hour, for Council's consideration of a first reading. Council Member Weaver offered a motion that the ordinance be approved for a first reading. The motion was seconded by Vice-Mayor Neff and approved with a majority recorded vote of Council, with Council Member Green voting no because this would allow beer sales on Sunday mornings.

✓ City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 2-3-23, General order of business, for Council's consideration of a first reading. City Attorney Thumma noted that ordinance will eliminate the reading of the minutes at City Council meeting, but noted that a motion will be necessary at every Council meeting to dispense with the reading of the minutes. The motion was seconded by Vice-Mayor Neff and approved with a unanimous vote of Council.

✓ Mr. Roger Williams, bond counsel from Wharton Aldhizer and Weaver and Larry Jolly, representing Rockingham Memorial Hospital were present in the meeting to request City Council to consider action on the issuance of bonds by Rockingham Memorial Hospital. Mr. Williams stated that last week the Industrial Development Authority approved this bond issuance with the recommendation for the City Council to approve the same transaction. Mr. William stressed that these bonds do not count toward the bond limitation of the City of Harrisonburg and is not a debt to the City. Manager Stewart added that the only impact the issuance of these bonds have is because the issue of the Hospital bond is greater

than 10 million dollars it would preclude the City from issuing what is known as bank qualified debt in the calendar year 1993. Mr. Stewart explained that if the City were to issue debt it would mean a slight increase in the interest rate the City would have to pay, but noted that the impact is very small as compared to the benefit of the hospital refinancing its debt to do renovations. Following these comments, Council Member Dingleline offered a motion that the bond issuance be approved. The motion was seconded by Council Member Weaver and approved with a majority recorded vote of Council with Council Member Green abstaining.

✓ In reference to Greenbriar Drive, City Manager Stewart reported that the City is still trying to coordinate a meeting between James Madison University, the residents of Greenbriar Drive, and the Police Department. A resident of Greenbriar Drive stated that they are not that concerned with the JMU community as much as they are with trying to obtain permit parking. It was noted that students park their cars on the street and leave them there for days at a time. Following further discussion and comments from residents of Greenbriar Drive, Council Member Green offered a motion that this issue be jointly discussed by the Police Department and the Harrisonburg Transportation Safety Committee with request that they come back to City Council with a recommendation concerning permit parking on Greenbriar Drive. The motion was seconded by Vice-Mayor Neff and approved with a unanimous vote of Council.

✓ Council Member Weaver called Council's attention to a synopsis of a bill which is a proposal to save the civil war battlefields in the area. Council Member Weaver noted that no land within the battlefield may be acquired through condemnation; that lands can only be acquired with the explicit consent of the owner. Council Member Weaver stated that there are no battlefields within the City of Harrisonburg, but noted that this would mean a great deal for tourist activity in the future. Council Member Dingleline stated that she is in favor of this, but would like to see how Rockingham County feels about this before the Council takes any action on it. Vice-Mayor stated that he would like to see how Rockingham County votes on this matter and is also concerned about the rights of the land owner. Following further discussion, Council agreed to table this matter until after Rockingham County votes on it and until other concerns are made clear.

✓ Horace Wimmer, Data Processing Manager and Lester Seal, Finance Director, were present in the meeting to report to Council on a proposal to upgrade the City's computer system. Mr. Wimmer reported that the current system is over ten years old and very much outdated. Mr. Wimmer explained that he has meet individually with every department head to see what their needs are and feels the unix based system, which is an open system concept, would best suit the City's needs. Mr. Wimmer noted that the open system concept uses the unix operating system versus a particular vendor's proprietary system; would allow the city to change hardware vendors without losing the software investment and will allow for networking between other operating systems. Mr. Seal reported that the new system will catch the city up with modern technology and would be paid for over the next four years with a lease purchase agreement. Mr. Seal also stated that they would like Council's approve to proceed with the new system so they can get some items on line for the next fiscal year. Council Member Green questioned if the Schools and HEC were interested in going in with the City on this new system, and offered a motion for Mr. Wimmer and Mr. Seal to proceed with the purchasing of the new computer system along the lines which are most feasible for the city with request that the Schools and HEC be consulted as to going on the new system also. The motion was seconded by Vice-Mayor Neff and approved with a unanimous vote of Council.

At 10:00 p.m., Council Member Weaver offered a motion for

Council to enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Planning Commission, the Zoning Ordinance Rewrite Citizen's Advisory Committee and the Blue Ridge Community College Local Board, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia; and for discussion and consideration of the acquisition of real property to be used for a public purpose, namely a city department, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia. The motion was seconded by Vice-Mayor Neff and approved with a unanimous recorded vote of Council.

At 10:45 p.m., the Executive Session was closed and the regular session reconvened. City Clerk Gray read the following 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 business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Mayor Heath asked Council's wishes concerning an appointment to the Planning Commission. Council Member Dingledine offered a motion that Dr. William Robert Beasley be appointed to a first term of four years on the Planning Commission, with term to expire on December 31, 1996. The motion was seconded by Vice-Mayor Neff and approved with a majority vote of Council, with Council Member Weaver voting against.

✓ Mayor Heath asked Council's wishes concerning an appointment to the Blue Ridge Community College Local Board noting that Ms. Julia Grandle's first term expires on June 30, 1993. Council Member Weaver offered a motion that Ms. Grandle be appointed to a second term of four years on the Blue Ridge Community College Local Board, with term to expire June 30, 1997. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council, with Council Member Weaver voting against.

✓ Council Member Green questioned if there is enough money in the budget to go ahead and put new lights in the Wolfe Street Parking Deck, noting that Council had earlier agreed that once the Water Street Parking deck repairs were complete the Wolfe Street parking deck repairs would be made. Following discussion, a request was presented from for approval of a supplemental appropriation in the amount of \$65,000, to repair to the Wolfe Street parking deck and replace the lighting system. Council Member Green offered a motion for the appropriation to be approved for a first reading, and that:

\$65,000 chgd. to: 01-05-09401-00-0-144100 - Reserve for
Contingencies

65,000 approp. to: 01-02-08106-00-0-701301 - Parking
Authority Repairs & Maint. Bld. and
Grounds

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

Council Member Green offered a motion that a public hearing be scheduled for May 25, 1993, to hear from citizens desiring to be on the Harrisonburg City School Board. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

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

REGULAR MEETING
MARCH 9, 1993

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; City Attorney Earl Q. Thumma, Jr; Vice-Mayor John N. Neff; Council Members Walter F. Green, III, and Emily R. Dingleline; City Clerk Judy M. Gray; Captain Duane Fairweather and City Auditor Philip Peterman. Absent was Council Member Weaver.

Minutes of the regular meeting held on February 23, 1993, approved as corrected.

The following monthly progress reports were presented and ordered filed:

City Treasurer - A trial balance report for the month of February, 1993.

Police Department - A report of fines and costs collected - \$5,277.50; cash collected from street parking meters - \$5,872.08; total cash collected and paid on accounts - \$11,149.58.

City Auditor's - A report of cash discounts saved in the payment of vendors invoices for the month of February, 1993, in the amount of \$353.04.

Utility Billing Department - A report of water, sewer and refuse accounts, meters read; installations; cut delinquents; complaints; rereads, etc. for the month of February, 1993.

✓ At 7:40 p.m., Mayor Heath closed the regular session temporarily and called the evening's first public hearing to order. City Manager Stewart read the following notice of public hearing as it appeared in the Daily News Record on March 2, 1993:

The City of Harrisonburg proposes to increase property tax levies.

1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvement to property, exceeds last year's total assessed value of real property by 2.38 percent.

2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with exclusions mentioned above, would be \$.567 per \$100 of assessed value. This rate will be known as the "lowered tax rate."

3. Effective Rate Increase: The City of Harrisonburg proposes to adopt a tax rate of \$.58 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$.013 per \$100, or 2.2 percent. This difference will be known as the "effective tax rate increase." Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of City of Harrisonburg will exceed last year's by .24 percent.

A public hearing on the increase will be held on March 9, 1993, at 7:30 p.m. in the City Council Chambers.

City Manager Stewart explained that in June, 1992, City Council established a twice a year tax collection process for the month of June and December. Council also set the tax rate at \$.58 for the December collection for the full year and \$.58 for the one

half year collection at June 5, 1993. Manager Stewart stated that in order to maintain the \$.58 tax rate that was established as a part of the current year's budget, this hearing is required, because the 1993 reassessment shows a 2.38% increase in real estate property values effective with the January 1, 1993, assessment. Manager Stewart noted that State law requires, that if there is a reassessment increase greater than 1%, and if Council wants to maintain the same tax rate, then a public hearing is required. Mayor Heath called on anyone desiring to speak on this issue. There being no one present desiring to speak either for or against this issue, the public hearing was declared closed at 7:42 p.m., and the regular session reconvened. Mayor Heath noted that the Council will take action on this latter in the meeting.

At 7:43 p.m. Mayor Heath closed the regular session temporarily and called the evening's second public hearing to order. City Manager Stewart read the following notice of hearing as it appeared in the Daily News Record on February 9, 1993, March 2, 1993 and March 9, 1993:

The Harrisonburg City Council will hold a public hearing on Tuesday, March 9, 1993, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street.

There will be a public hearing March 9, 1993, at the Harrisonburg City Council Chambers. This hearing will be to discuss Harrisonburg's application for Section 18 funds under the Urban Mass Transportation Act of 1964. These funds will aid in operating, capital and administrative costs for FY94.

All persons interested will have an opportunity to express their views at this public hearing.

CITY OF HARRISONBURG
STEVEN E. STEWART
CITY MANAGER

Transportation Director Reggie Smith noted that this is the annual application for Section 18 funds of the Federal Public Transportation Act of 1982, for capital, administrative and/or operating assistance for public transportation systems in non urbanized areas for fiscal year 1993-1994. Director Smith noted that this is the same basic application that has been done over the past several years and contains no major changes. Director Smith explained that they plan on providing JMU with the same services that have been provided in the past with a few minor changes, but do not plan on adding any routes. Director Smith further added that the capital requests are for two new 20 passenger buses with lifts and for some new engines to replace the old worn out ones. Following further comments from Director Smith, Mayor Heath called on anyone present desiring to speak either for or against the application. There being no one present desiring to be heard the public hearing was declared closed at 7:45 p.m., and the regular session reconvened.

Mr. Bob Satterwhite, staff member of the Shenandoah Valley Private Industry Council, appeared before Council for the purpose of presenting the annual Summary of Planned Operations in Service Delivery Area 4 under Title II-A of the Job Training Partnership Act, July 1, 1993, through June 30, 1994. Mr. Satterwhite noted that the summary is presented each year to all participating jurisdictions, with request for approval of the Plan of Job Training Activities for the year beginning July 1, 1993. Mr. Satterwhite noted that they plan to continue the same types of job training activities as last year and stated that the summer youth programs will be increased. Following further comments, Mr. Satterwhite, requested Council's approval of the plan. Council Member Green offered a motion that the 1993-1994 plan be approved. The motion was seconded by Vice-Mayor Neff and approved with a unanimous vote of Council Members present.

City Manager Stewart presented a letter from Paul H. Hunter requesting City Council's approval for the Rescue Squad to hold a fund raising bicycle tour on May 22, 1993. Manager Stewart noted that the majority of the tour takes place in Rockingham County, but the start and finish lines will be at the Rescue Squad headquarters on Maryland Avenue. Manager Stewart stated that the Street Department has asked that no intersections be blocked, and noted that staff recommends the approval of this bike tour. Council Member Green offered a motion that the Rescue Squad be granted permission to hold the bicycle tour on May 22, 1993. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council Members present.

✓ Mr. David Smith, Vice-President of the Board of Directors for the Community Mediation Center was present in the meeting to request \$5,000 from the Harrisonburg City budget to enhance the mediation services of the Mediation Center. Mr. Smith explained that the Mediation Center has been in existence for 10 years and presently has four full time staff members, with approximately 200 volunteers. Mr. Smith explained that the Center receives about one third of its cases from the court system, with the majority of the clients being from this area and on the low end of the economic scale. Mr. Smith stated that the Center's cost per client is \$35.00 per hour per person in mediation with each mediation requiring two mediators and each mediation session requires intake interviews, scheduling, record keeping and follow up. Mr. Smith further stated that 80% of their clients earn less than \$20,000 per year and 70% earn less than \$15,000; therefore 80% of their clients pay little or nothing for mediation services. Mr. Smith also noted that the Center does not deny services to anyone for lack of ability to pay. Mr. Smith stated that the Center currently has three programs including mediation services, training mediation and conflict resolution skills and peer mediation programs in the public schools. Mr. Smith stated that the Center has been able to function effectively with volunteers, but to meet the needs of the local and wider community, the Center needs to expand its resources. Mr. Smith noted that the Center is a non-profit agency and a united way agency, but are requesting assistance from the City because they offer services to residents of the City and can offer expanding services to the government and industry sectors. Mr. Smith noted the Center does take private donations and noted he will be asking the County for the same assistance. Following further comments, Mr. Smith concluding in stating that a grant of \$5,000 from the City will assist the Center to continue to serve the community in a more efficient and effective way. Mayor Heath noted that this request will be left up to the City Manager to work with in the preparation of the budget.

↓ Transportation Director Smith explained that he has been approached by a transportation advertising firm as to the possibility of having private advertising on the City buses and taxis. Director Smith noted that this firm would sell the advertising and manage the accounts and the City would get one half of the revenue. Director Smith stated that this is something that the City has not done in the past but noted that it is being done in numerous other cities. Director Smith also noted that the advertising would be in the form of a bumper sticker which would adhere to the buses and peel off. Director concluded in stating that it would only generate about \$6,000 per year in revenue from the buses and probably about the same from the taxis. City Manager Stewart stated that he is concerned that with the zoning and subdivision re-write committee presenting working on the sign ordinance to enhance the visual beauty of the community, that this could be seen as a direct conflict to this committee's work. Manager Stewart also expressed concern over what may not be offensive advertising to one person may be very offensive to another which could put the City in the middle of a controversy. Manager Stewart also questioned whether public property should be used for private advertising. Following these

comments, Vice-Mayor Neff offered a motion that the City not allow advertising on the City's transit buses or taxis. The motion was seconded by Council Member Green and approved with a unanimous vote of Council Members present.

✓ Mr. James Sipe, attorney for the Harrisonburg Redevelopment and Housing Authority, was present in the meeting to request Council's approval of a resolution approving the issuance of bonds for the refinancing of a multi-family housing project in the amount of \$9,200,000 for the benefit of Hanover Crossing. Mr. Sipe explained that this will cause no debt obligation to the City, does not impact the City's debt capacity and in no way obligates the City to make any repayment on the debt. Mr. Sipe explained that this is a refunding, refinancing of an existing bond issue and approval by the City is required because the average maturity of the bonds will be extended. Mr. Sipe also noted that this has been approved by the Harrisonburg Redevelopment and Housing Authority with recommendation that the City Council approve the same. Council Member Dingledine offered a motion that the resolution approving the issuance of the bonds be approved. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council Members present.

✓ City Manager Stewart stated that a request to consider endorsement of the Shenandoah Valley National Battlefields and Heritage Commission was tabled at the February 23, 1993, Council meeting pending Rockingham County's action on this matter. Manager Stewart explained that the County has approved this project by way of a resolution. Manager Stewart called Council's attention to several main points the County made in their resolution which include: that Congress make sure that the rights of the individual landowners are protected; that the power of eminent domain not be used to establish the battlefields; that Congress make sure that the sovereignty of local governments would be in place as far as zoning matters and that one of the two proposed visitor centers be located within Rockingham County. Following discussion, Council Member Dingledine offered a motion that the City Council endorse the Resolution of Rockingham County and the County's efforts toward this project. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council Members present.

✓ City Manger Stewart explained that the Department of General Services has solicited applications for projects that are energy efficient and lessen adverse environmental impact. Manager Stewart further noted that James Madison University (JMU), in conjunction with the City, is proposing to apply for \$5,500,000 to fund improvements at the Resource Facility (RRF) that would allow for heating and cooling the CISAT campus. Manager Stewart stated that at the staff level he has meet with JMU officials, and John Holsten and they have agreed that this would be a very good project to submit to the Department of General Services. Manager Stewart noted that this project would allow for the use of steam, that is currently being wasted in the atmosphere, to be used in a productive way and would avoid the new campus having to reply on natural gas and electricity for cooling in the summer. Manager Stewart called Council's attention to the following resolution which was drafted by JMU asking the City to support its application to the Department of General Services for a grant application in the amount of \$5,500,000, to make modifications to the existing RRF that would allow the City to provide both heating and cooling to the new CISAT campus:

RESOLUTION OF THE CITY OF HARRISONBURG COUNCIL
SUPPORT FOR MODIFICATIONS TO THE RESOURCE RECOVERY FACILITY
TO PROVIDE A CENTRAL HEATING AND COOLING PLANT FOR
JAMES MADISON UNIVERSITY: COLLEGE OF INTEGRATED SCIENCE AND TECHNOLOGY

WHEREAS, the City of Harrisonburg's Resource Recovery Facility (RRF) generates steam in a waste-to-energy process; and

WHEREAS, much of said steam generation is wasted due to a

lack of demand for steam from existing James Madison University (JMU) facilities; and

WHEREAS, the new College of Integrated Science and Technology (CISAT) campus represents a new potential market for efficient and environmentally advantageous use of said waste steam; and

WHEREAS, use of the RRF and CISAT's central plan will require significant modifications to the facility in order to assure a continuous supply of steam for heating and chilled water for cooling; and

WHEREAS, such use of the RRF's capacity for CISAT will allow JMU to heat and cool its entire CISAT campus with no additional use of scarce fossil fuels and their attendant pollutants; and

WHEREAS, this course of action will allow the City to abandon its current steam line connection to JMU's main campus-- a line that is a frequent source of maintenance problems and costly repairs.

RESOLVED, by the Harrisonburg City Council that it fully and completely supports the University's request for \$5.5 million to the Commonwealth of Virginia for a capital appropriation to construct said modifications to the City of Harrisonburg's Resource Recovery Facility.

C. Robert Heath
Mayor

Vice-Mayor Neff noted that if this facility is utilized from an energy efficiency standpoint as well as a capital outlay for the projects that they will undertake in this CISAT project, they should see dollar savings on the cost of project. Council Member Green expressed concern over the last paragraph where it states that the City fully and completely supports the University's request for \$5.5 for a capital appropriation to construct said modifications to the City's RRF, and stated that it needs to be made clear that the City will supervise any improvements made to the RRF. In answer to Council Member Green's concerns, Manager Stewart explained that the funding has to come through a state agency or state university, but that the project would be overseen by the City. Manager Stewart also explained that before anything could be done there would have to be a contract between JMU and the City that would spell out who does what and who owns what. Vice-Mayor noted that he agrees with Council Member Green and stated that the care, custody and control of the RRF needs to be specifically outlined. Following further comments, Council Member Green offered a motion that the resolution be approved as long as the City's and the public's trust is protected. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council Members present.

City Manager Stewart explained that JMU is requesting that Council consider supporting the following resolution in support of the I-81 bridge that will connect the existing campus to the new CISAT campus:

RESOLUTION OF THE CITY OF HARRISONBURG COUNCIL
SUPPORT FOR THE PROPOSED VDOT BRIDGE
FOR
JAMES MADISON UNIVERSITY: COLLEGE OF INTEGRATED SCIENCE AND TECHNOLOGY

WHEREAS, James Madison University's new campus for the College of Integrated Science and Technology (CISAT) will be separated from its main campus by Interstate 81; and

WHEREAS, there will be considerable pedestrian and vehicular traffic between the two campuses; and

WHEREAS, much of said traffic will be forced onto already congested bridges at Port Republic Road and Reservoir Street without a direct connector; and

BE IT RESOLVED by the Harrisonburg City Council that it supports the construction of a bridge over Interstate 81 connecting the existing James Madison University campus with the new College of Integrated Science and Technology by the Virginia Department of Transportation.

Manager Stewart noted that he questioned what impact this would have on the City's transportation projects, particularly the ones in the six year plan. Manager Stewart stated that he was told that VDOT has indicated that this would have no impact on any projects of the City. Manager Stewart suggested that Council add a statement to the above resolution indicating that the City will support this only if it will have no impact on City of Harrisonburg projects. Council Member Green questioned what the City is going to do with Reservoir Street, which will cost the City millions of dollars to fix, and stated that if the bottleneck on Route 33 is not fixed ahead of time, traffic trying to turn in on Cantrell Avenue will be backed up to the Mall. Council Member Green stated that with these two big bridge projects that desperately need to be done, it would be advantageous if they could be funded at the same time. Assistant City Manager Baker stated that he will be attending VDOT's annual meeting on March 23, 1993, and will be happy to speak to these three issues. Following further comments, Council Member Green offered a motion that a revised resolution be approved that contains the following statements:

Harrisonburg City Council supports the construction of a bridge over Interstate 81 connecting the existing James Madison University campus with the new College of Integrated Science and Technology by the Virginia Department of Transportation and supports improvements to the bridge on Reservoir Street at I-81 and the bridge on East Market Street, just east of Cantrell Avenue, since they will be impacted by the opening of the new campus.

and

WHEREAS, the City understands that construction of a bridge over Interstate 81 connecting the existing James Madison University campus with the New College of Integrated Science and Technology by the Virginia Department of Transportation would have no negative impact on funding for City of Harrisonburg projects.

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

Manager Stewart explained that based on the recommendation of the Planning Commission, Council had previously authorized the selling of the property that is adjacent to Captain Grahams Seafood on East Market Street. Manager Stewart stated that the property was advertised, and two bids were received prior to 9:00 a.m. today. The following bids were opened by City Attorney Thumma and read by Mayor Heath:

Taylor Foods Association, a North Carolina partnership, offers to purchase from the City of Harrisonburg this first day of March, 1993, all that tract or parcel of land lying adjacent to 885 East Market Street, in Harrisonburg, being approximately 5,550 sq. feet in size. Taylor Foods Association offers \$19,425.00 in cash to the City of Harrisonburg for this parcel of land. Purchaser hereby agrees to settle on or by March 31, 1993, and agrees to all terms mentioned in the advertised bid as noted in the Daily News Record, March 1, 1993. A deposit was made in the amount of \$100.00, January 8, 1993, and noted in the attached contract.

City Attorney Thumma stated that the City also received a letter from the attorney who represents the land owner, who is the seller in the contract mentioned in the bid. City Attorney Thumma noted that the letter states that if the contract purchaser is unable to go through with the contract, the owner submits a bid for the same price. Following further comments, Mayor Heath noted that the City is requesting approval for a first reading of an ordinance to convey real estate owned by the City of Harrisonburg to the proposed purchasers. Council Member Green offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of

Council Members present.

✓ City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 4-1-27, Collection of taxes generally; when taxes due; interest and penalties on taxes, of the Harrisonburg City Code. Manager Stewart explained that this ordinance provides for real estate taxes to be paid on a fiscal year basis and also sets the tax rate of \$.58 for the June 5, 1993, tax billing. This ordinance provides for assessments of real estate to be effective for tax collection purposes on July 1 of each year and approval of this ordinance is necessary to implement the twice per year tax collection. Council Member Dingledine offered a motion that this ordinance be approved for a first reading. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council Members present.

✓ City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 4-1-5, Assessment of real estate - Generally; preparation and delivery of land and personal property book, of the Harrisonburg City Code. City Manager Stewart noted that this amendment is necessary to implement the twice per year tax collection. Council Member Green offered a motion that the ordinance be approved for a first reading. The motion was seconded by Vice-Mayor Neff and approved with a unanimous recorded vote of Council Members present.

✓ City Manager Stewart presented for Council's consideration of a second and final reading an ordinance amending and re-enacting Section 2-3-23, General order of business, of the Harrisonburg City Code. City Manager Stewart noted that this ordinance will eliminate the reading of the minutes at City Council meetings, but noted that a motion will be necessary at every Council meeting to dispense with the reading of the minutes. Vice-Mayor Neff offered a motion that the ordinance be approved for a second reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council Members present.

✓ City Manager Stewart presented for Council's consideration of a second and final reading an ordinance amending and re-enacting Section 12-3-25, Closing hour, of the Harrisonburg City Code. Vice-Mayor Neff offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Dingledine, and approved with a majority recorded vote of Council Members present, with Council Member Green voting against the motion because dance halls being able to remain open until 2:00 a.m. will allow for the selling of alcohol on Sunday mornings which he is opposed to. Council Member Green moved that a supplemental appropriation in the amount of \$65,000.00 requested by Assistant City Manager Baker to reallocate budget amounts to repair the Wolfe street parking deck and to replace the lighting system on the deck, be approved for a second and final reading, a first reading having been approved on February 23, 1993:

\$65,000.00 chgd. to: General 05-09401-00-0-144100 Res.
for Contingencies

65,000.00 approp. to: General 02-08106-00-0-701301
improvements

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

✓ City Manager Stewart presented a request from Transportation Director Reggie Smith for approval of a transfer of funds in the amount of \$100,000 due to insufficient funds for school bus chassis to be delivered prior to July 1, 1993. Council Member Green moved that the transfer be approved and that:

\$100,000 trans. from: 01-05-09401 00-0-144100 Reserve
for Contingencies

100,000 trans. to: 01-04-09302 00-0-5408.02 Public
Transportation

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

Council received a request from Transportation Director Smith for

approval of a supplemental appropriation in the amount of \$100,000 due to insufficient funds. Council Member Dingleline offered a motion that the appropriation be approved for a first reading, and that:

\$100,000 chgd. to: 08-5100 510001 General Fund

50,000 approp. to: 08-01-00081 01-0-1009.09 Transit
Bus Operators
30,000 approp. to: 08-01-00082 01-0-1009.11 School
Bus Operators
20,000 approp. to: 08-02-00087 00-0-7005.03 Motor
Vehicles - School Bus

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

✓ City Manager Stewart presented a request from Finance Director Lester Seal for approval of a transfer of funds in the amount of \$14,360.00 to the adjust the budget in order to purchase a new computer software prior to June 30, 1993. Council Member Green offered a motion that the transfer be approved and that:

\$ 1,500 trans. from: General 01-01207-02-0-200501 Hosp.
and Acc. Insurance
2,500 trans. from: General 01-01207-02-0-201101 Work-
men's compensation
1,200 trans. from: General 01-01207-02-0-530201 Fire &
Theft Insurance
2,200 trans. from: General 01-01207-02-0-530801 General
Liability
1,100 trans. from: General 01-01214-02-0-201101 Workmen's
Compensation
600 trans. from: General 01-01214-02-0-530201 Fire &
Theft Insurance
700 trans. from: General 01-01214-02-0-530801 General
Liability
920 trans. from: General 01-01220-02-0-201101 Workmen's
Compensation
300 trans. from: General 01-01220-02-0-530201 Fire &
Theft Insurance
840 trans. from: General 01-01220-02-0-530801 General
Liability
1,250 trans. from: General 02-01207-00-0-700100 Machinery
and Equipment
500 trans. from: General 02-01207-00-0-700200 Furniture
and fixtures
250 trans. from: General 02-01207-00-0-700300 Communication
500 trans. from: General 02-01214-00-0-700200 Furniture
and Fixtures
14,360 trans. to: General 02-01220-00-0-700700 ADP
Equipment and Software

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

Council Member Green announced that School Board applications will be received at the regular City Council meeting on May 25, 1993.

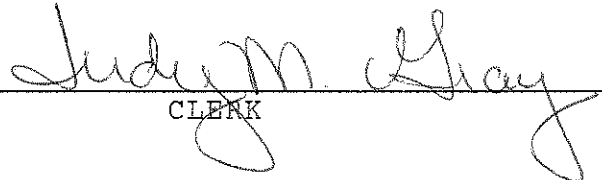
✓ For Council's information, City Manager Stewart noted that the City advertised for requests for proposals for a banking services contract and received six proposals. Manager Stewart explained that interested banks were asked to respond in the following two ways: a proposal based on their charges per month for handling the City's account and a proposal based on looking at a compensating balance method. Manager Stewart stated that it appears, based on both methods of response, that Crestar would offer the best contract to the City.

✓ Mayor Heath, stated that he would like the possibility of color coded parking permits or a numbering system be reinvestigated. Mayor Heath noted that this has been discussed in the past and would like for the City Manager to check into the matter again. Mayor Heath stated that the part of the City he is addressing involves Hillcrest Drive, and that it seems that people with legitimate parking permits for other parts of the City use

them to park in this area along with other areas around the City.

At 9:00 p.m., Council Member Dingledine offered a motion for Council to enter an executive session for discussion and consideration of the acquisition of real property to be used for a public purpose, namely streets, and disposition of publicly held property, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council Members present.

At 9:35 p.m., the Executive Session was closed and the regular session reconvened. City Clerk Gray read the following 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 business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.


CLERK


MAYOR

REGULAR MEETING
APRIL 13, 1993

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John N. Neff, Council Members Walter F. Green, III, Emily R. Dingleline and Agnes Massie Weaver; City Clerk Judy M. Gray and Colonel Harper.

Council Member Weaver offered a motion to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Dingleline and approved with a unanimous vote of Council. The minutes were approved as received.

At 7:32 p.m., Mayor Heath closed the regular session temporarily and called the evening's public hearing to order. City Manager Stewart read the following notice of public hearing as it appeared in the Daily News Record on April 3rd and 10th, 1993:

✓ NOTICE OF INTENTION TO VACATE A PORTION OF ALBERT ST.
AND AN ALLEY LOCATED BETWEEN ASH TREE LANE AND FRANKLIN ST.
IN THE CITY OF HARRISONBURG, CITY COUNCIL CHAMBERS
TUESDAY, APRIL 13, 1993, 7:30 P.M.

The Harrisonburg City Council will hold a public hearing on Tuesday, April 13, 1993, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg Virginia, to consider the following applications to vacate a portion of Albert Street and an alley located between Ash Tree Lane and Franklin Street, in the City of Harrisonburg:

1. A request of Gary W. Bodkin and Vicki Bodkin to vacate a portion of Albert Street that is located between 139 and 143 Clinton Street in the City of Harrisonburg.
2. A request of Roberta and Craig Moore, Alice Kline and JoAnn and Larry Diehl to vacate an alley that is located between Ash Tree Lane and Franklin Street in the City of Harrisonburg.

Copies of the recommendations of the City Planning Commission along with copies of the plats showing the portion of the street and alley to be vacated are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at this public hearing.

CITY OF HARRISONBURG
STEVEN E. STEWART

Assistant City Manager Baker pointed out the location of the section of Albert Street being requested to be vacated and noted that this area is merely a paper street and has never been opened. Mayor Heath stated that the Planning Commission is recommending that this portion of Albert Street be closed, and stated that the next step for City Council is to appoint a Board of Viewers to review the request. Mayor Heath called on anyone present desiring to speak either for or against this request.

Mr. Steve Weaver, Attorney for the property owners, stated that the two property owners making this request are the only property owners affected by this closing and requested that City Council waive sending this to a Board of Viewers and approve it for a first reading. Mayor Heath called on anyone else present desiring to be heard. There being no one else present desiring to be heard, the public hearing was declared closed at 7:36 p.m. and the regular session reconvened. Vice-Mayor Neff offered a motion that a Board of Viewers, consisting of three persons selected by the Mayor, be appointed to review this request. The motion was seconded Council Member Dingleline, and approved with a unanimous vote of Council.

alley requested to be closed and it was noted that the Planning Commission is recommending approval of this alley closing subject to the findings of a Board of Viewers. Mayor Heath called on anyone present desiring to speak either for or against this alley closing request.

Craig Moore, also speaking for the Klines, passed out pictures showing the condition of the alley and noted that people are driving on their lawns to avoid the pot holes in the alley. Mr. Moore requested that Council waive sending this to a Board of Viewers. Mayor Heath called on anyone else present desiring to be heard. There being no other desiring to be heard, the public hearing was declared closed at 7:36 p.m., and the regular session reconvened. Council Member Green offered a motion that a Board of Viewers, consisting of three persons selected by the Mayor, be appointed to review this request. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented and read a letter from Ms. Laura Reilly-Stemper which cited numerous concerns about the condition of the paving and curbs in the 200, 300 and 400 blocks of West Bruce Street from S. High Street to Willow Street. Manager Stewart noted that Ms. Stemper has discussed these concerns with City Staff and also requested to appear before City Council this evening. Ms. Stemper noted that this also involves the 200, 300 and 400 blocks of West Water Street, thus a neighborhood section bordered by High Street, Route 33, Willow Street and the Athletic Complex. Ms. Stemper explained that in May, 1992, a letter was written to Mr. Jim Rhodes, Chairman of the Harrisonburg Transportation Safety Commission, explaining the conditions of the streets and curbs in this area. Ms. Stemper stated that she never received a response to this letter; so therefore would like to ask City Council to refer these concerns to the Harrisonburg Transportation Safety Commission with a request that a study be done in this area. Ms. Stemper also requested that a public forum be offered so residents could come and voice their concerns. Ms. Stemper concluded in requesting City Council's support of the Harrisonburg Redevelopment and Housing Authority's efforts to vitalize this neighborhood. Council Member Weaver questioned if it would be possible to make Bruce and Water Street one way streets in this area. Ms. Stemper noted that they would like the opportunity to discuss this possibility. Following further comments, Council Member Green offered a motion that this request be referred to the Harrisonburg Transportation Commission to be acted on in a timely fashion.

✓ Due to no representative being present, Council decided to delay action on the request from Citizens for Downtown concerning First Fridays Fun Fest until the April 27, 1993, Council meeting.

✓ Mr. Taylor Howell, Manager of the Virginia Employment Commission, was present in the meeting to present the 1993 Plan of Service of the Virginia Employment Commission for Service Delivery Area 4. Following comments from Mr. Howell, Council Member Weaver offered a motion that the City Council approve the plan with authorization for the Mayor to sign the signature page. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented and read a letter from Richard L. Blackwell which was submitted as an addendum to the Application for Zoning Amendment for the property located at 566 E. Market Street. The letter requested that the zoning be amended from R-2 to R-3 conditional. Council Member Dingledine offered a motion that this request be referred to the Planning Commission. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented an application for a temporary banner from the Harrisonburg Rotary Club. Manager Stewart noted it is requested that the banner be displayed across South Main Street from May 13, 1993, to June 1, 1993, to advertise the club's annual

Antique Show. Manager Stewart stated that Zoning Administrator

Gary Cook is recommending denial of this request because it overlaps the period of time that the Poultry Festival banner is being displayed. Vice-Mayor Neff questioned if the Poultry banner could be taken down on Monday, May 17th, and the Rotary banner be put up at this time. Following further comments, Vice-Mayor Neff offered a motion that permission be granted to allow the Rotary Club banner to be displayed, beginning on May 17th, provided that HEC has the opportunity to remove the Poultry banner by this date. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

City Manager Stewart presented an application from the Spotswood Garden Club for the temporary placement of posters on light poles at intersections from April 14 through April 16, 1993. Manager Stewart noted that Gary Cook, Zoning Administrator, is recommending denial of this request. Manager Stewart further stated that a light pole is an inappropriate location for posters and would cause a safety hazard for workmen climbing the poles. Manager Stewart further stated that if this is approved it will set a precedent for all kinds of requests and noted that it is the general policy of HEC not to allow any signs or items to be attached to power poles. Council Member Weaver offered a motion that this request be denied to affirm the general policy of HEC not to allow signs to be placed on poles. The motion was seconded by Vice-Mayor Neff and approved with a unanimous vote of Council.

City Manager Stewart stated that Water and Sewer Superintendent Mike Collins has an additional option to present this evening on the study of water and sewer rates. Manager Stewart's reviewed the four options that were presented at the last Council meeting, and explained that the fifth option builds on the fourth option, which is our current rate structure. Manager Stewart explained that this option flattens out the difference between the residential user and the large user so that over a period of time you would go from a declining rate structure to a uniform rate structure. Manager Stewart noted that he is not asking for any decision to be made this evening, but noted that it would be helpful if Council would delete any options that they do not wish to further study. Following Water and Sewer Superintendent Collins' explanation of the fifth rate structure, Council decided to delete rate structure #3, #2 and #1.

City Manager Stewart called on Colonel Harper to review with City Council the options on dealing with residential parking permits. Colonel Harper noted that the police department reviewed the city code related to residential parking and presented Council with the following options for their consideration: 1. establish zones for different neighborhoods and use a system such as numbers or letter; 2. establish zones for different neighborhoods and use a system of color-codes to identify the zones and 3. no change in the current procedure. Colonel Harper also stated that following the department's review of the code and discussions with the City attorney, that they both agree that the parking ordinance is in need of codification. Following further comments, Council requested that the Police Department present to Council a recommendation and plan on permit parking as soon as possible.

Mr. Jim Fitchett, resident of Greenbriar Drive, was present in the meeting to reiterate the problems that the residents of Greenbriar Drive are having with JMU students blocking off driveways and parking on the street for days at a time. Mr. Fitchett also noted that cars are being vandalized and that trash and broken bottles are found along the street. Mr. Fitchett stated that the residents of Greenbriar would like to have permit parking and questioned if the Transportation Safety Commission has made a recommendation on this request. Following further discussion, Vice-Mayor Neff offered a motion that the Harrisonburg Transportation Safety Commission be requested to report back to City Council at the April 27, 1993, City Council meeting regarding permit parking on Greenbriar Drive. The motion was seconded by Council Member Weaver and approved by a unanimous vote of Council.

City Manager Stewart explained that the Farmer's Market is

proposing revised guidelines for Council's consideration. Manager Stewart explained that proposed guideline 7 makes a request that the City provide liability insurance coverage for the site of the Market and the management of the Market (to include the Farmer's Market Association, Board of Directors and Coordinator), with individual sellers being responsible for their own liability insurance. Manager Stewart explained that the City's insurance carrier does not allow adding on a third party, so if Council wanted to provide the insurance they would have to appropriate funds to purchase the insurance. Manager Stewart noted that typically when a private group uses public property they are required to provide their own insurance coverage and name the City as an additional insurer. Manager Stewart explained that guideline number 8 requests clerical assistance by having the City Manager's office serve as liaison between the City of Harrisonburg and the Farmer's Market and for the Manager's office to provide support to the Market in the form of photocopying and postage. Manager Stewart noted that he has concerns about adding to the workload of the Manager's office and for the precedent this would set. Following comments from Samuel Johnson, Coordinator for the Market, Mayor Heath requested that the guidelines be redrawn to exclude guideline #7 entirely and to modify guideline #8 to just establish the liaison between the City of the Market.

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

RESOLUTION

WHEREAS, The City of Harrisonburg has determined that the present facility housing the Harrisonburg Rockingham Health Department is inadequate to meet the needs of the community, and

WHEREAS, the City of Harrisonburg seeks to obtain a Community Development Block Grant Planning Grant to determine the actual space needs, cost estimates, and preliminary site location and necessary design for providing this space for the Health Department and related entities, and

WHEREAS, the City of Harrisonburg seeks to make all of its public facilities totally accessible to all of the area's citizens and

WHEREAS, the City of Harrisonburg has been presented with a planning grant application addressing all of these concerns,

NOW, THEREFORE BE IT RESOLVED that the City of Harrisonburg approves for submittal the planning grant application as presented on this 13th day of April, 1993.

C. Robert Heath, Mayor

City Manager explained that this is a request of the State to provide a Community Development Block grant planning grant that would allow us to proceed with pursuing space to house the Harrisonburg Rockingham Health Department. Manager Stewart noted that this will be a joint request from the City and County and any local match will be covered by the Redevelopment and Housing Authority. Vice-Mayor Neff offered a motion that the resolution be approved. The motion was seconded by Council Member Dingledine, and approved with a majority recorded vote of Council Members. Vice-Mayor Neff abstained from voting.

City Manager Stewart presented and read the following resolution for Council's consideration of approval.

WHEREAS, Nielsen Construction Company, Inc. is a general contractor located in the City of Harrisonburg; and

WHEREAS, Councilman John N. Neff is a principal owner and President of Nielsen Construction Company, Inc.; and

WHEREAS, the Harrisonburg City School Board had solicited competitive sealed bids on a project for renovations and improvements of the Harrisonburg High School and has received bids from several contractors, including Nielsen Construction Company, Inc.; and

WHEREAS, Virginia Code Section 2.1639.7(B)(3) requires the City Council to determine whether it is in the public interest for one of its members to bid on such a contract;

NOW, THEREFORE, in compliance with the provisions of Virginia Code Section 2.1-639.7(B)(3), BE IT RESOLVED that it is in the public interest for Nielsen Construction Company, Inc., of which Councilman John N. Neff is a principal owner, to bid on such contract with the city school board to make renovations and improvements to the Harrisonburg High School.

Adopted by the Harrisonburg City Council this 13th day of April, 1993.

Mayor

Attest:

Clerk_

✓ City Attorney Thumma explained that he was contacted by the Attorney for the City School Board who was concerned about the particular section of the State Code relating to conflict of interest since Nielsen Construction Company was the low bidder for the High School renovations. Attorney Thumma noted that he was then contacted by Nielsen's attorney who stated that he was going to contact the Commonwealth Attorney for an opinion on this particular section of the State Code. Subsequent to this, Attorney Thumma stated that he received the above draft resolution for the City Council to consider. Attorney Thumma explained that under this particular section of the Virginia State Code there is an exception which says that if the governing body, of which the person who bid on the particular job is a member, passes a resolution that it is in the public's interest that the company be allowed to bid on the contract then it would not be a violation for the company to bid. Attorney Thumma noted that the Commonwealth Attorney's opinion is, that should this resolution be adopted, then this particular section of the State Code is not violated. Council Member Green questioned what affect this will have on many of the citizens of Harrisonburg who already feel that the bids on the renovation are too high and that the job could be done for a lesser amount. Council Member Green also questioned if this will in any way jeopardize or compromise the situations where there may be an opportunity to reduce the \$10,000,000. Following further discussion and comments, Council Member Weaver offered a motion that the resolution be approved. The motion was seconded by Council Member Dingleline, and approved with a majority vote of Council Members. Vice-Mayor Neff abstained from voting.

↓ City Manager Stewart noted that in order for the City of Harrisonburg to apply for FEMA funds for the snow storm of March 13, 1993, FEMA requires the City to name an authorized agent to serve as the contact and sign all necessary documents on behalf of the City. City Manager Stewart recommended that Assistant City Manger Roger Baker be named as the authorized agent. Council Member Dingleline offered a motion that Roger Baker be named the authorized agent. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council.

↓ City Manager Stewart presented the following ordinances for Council's consideration of a first reading: Ordinance amending and re-enacting Sections 3-4-1(4) Creation of departments and offices; 4-1-14 Reports to department of finance; 4-1-23 Powers and duties

generally; 4-1-24 Receipt of city revenue, etc.; special procedures for parking meter receipts; 4-1-31 Daily reports; 4-1-32 Monthly reports; 4-1-34 Additional reports; 4-1-37 Depositories; 4-2-11 Escrow securities required by depositories for city funds; Repeal of Sections 4-2-2, 4-2-10 and 4-2-15; amending and re-enacting Article D, of Title 4 - Director of Finance; Section 4-4-1 Composition; election of chairman; secretary; quorum; and Section 12-3-7(a) Audit required. City Manager Stewart explained that these ordinances allow for a banking contract and to change the name of the Department of Accounting to the Department of Finance and to make reference to the Director of Finance instead of City Auditor to more accurately reflect the actual operations of the office. Council Member Dingleline offered a motion that the ordinances be approved for first readings. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council.

City Manager Stewart noted that VML is soliciting nominations for its seven policy committees. Manager Stewart noted that both elected and appointed officials are eligible for appointment, and that he would like to be considered for the Effective Government Committee. Council Member Dingleline offered a motion that the officials presently serving on the committees continue to serve one more year and that Council Member Weaver be nominated to serve on the Education Policy Committee and City Manager Stewart replace Roger Baker on the Effective Government Committee. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration of a second and final reading an ordinance to amend the subdivision ordinance by repeal of Section 10-2-61(f) and enactment of Section 10-3-25(21) of the Zoning Ordinance. Vice-Mayor Neff offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

Council Member Green offered a motion that a supplemental appropriation in the amount of \$71,097.50, requested by Fire Chief Shifflett as reimbursement from Rockingham County for EOC expenses - two for Life Funds, be approved for a second and final reading, a first reading having been approved on March 23, 1993, and that:

- \$70,039.00 chgd. to: 01-05-09401-00-0-144100 Reserve for Contingencies
- 1,058.50 chgd. to: 01-2400-240402-00 Office of Emergency Services
- 10,000.00 approp. to: 1-1-3201-1-0-1050.01 Other Personal Services
- 9,558.50 approp. to: 1-1-3505-2-0-5413.01 Other operating Expenses
- 15,000.00 approp. to: 1-1-3201-1-0-1005.05 Firefighters
- 5,000.00 approp. to: 1-1-3201-2-0-5400.01 Other materials and supplies
- 4,000.00 approp. to: 1-1-3201-2-0-5200.01 Communication
- 4,000.00 approp. to: 1-1-3201-2-0-5410.01 Uniforms
- 2,000.00 approp. to: 1-1-3201-2-0-3004.01 M & R Mach. & equipment
- 3,000.00 approp. to: 1-1-3201-2-0-3004.04 M & R Bldg. & grounds
- 4,000.00 approp. to: 1-1-3201-2-0-5500.02 Travel - Training schools
- 3,000.00 approp. to: 1-2-3201-0-0-7003.00 Communication and equipment
- 8,000.00 approp. to: 1-2-3201-7001.03 Equipment
- 3,539.00 approp. to: 1-2-3201-0-9-7001.04 Training grounds

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

Council Member Dingleline moved that a supplemental

✓ appropriation in the amount of \$306,727.00 requested by City Manager Stewart to reallocate budget amounts, to increase transfers from the General Fund to the School Fund by \$306,727 for the first interest payment on the \$10,000,000 VPAS Loan for High School renovations and this expenditure is not included in the 1992-93 budget at this time, be approved for a second and final reading, a first reading having been approved on March 23, 1993, and that:

\$306,727 chdg. to: 01-05-09401-00-0-144100 Res. for Contingencies
306,727 approp. to: 01-04-09302-00-0-580301 To Schools

The motion was seconded by Council Member Weaver, and approved with a majority of Council Members present. Vice-Mayor Neff abstained from voting.

City Manager Stewart reminded Council of the retreat to be held on April 16th and 17th at the Holiday Inn in Charlottesville.

City Manager Stewart noted that Colonel Harper was named Law Enforcement Officer of the year by the Harrisonburg Kiwanis Club.

✓ Council Member Weaver stated that Dave Cason's car was struck by a City snow plow and the City's insurance company has refused to cover the damages. Mayor Heath explained that for an insurance company to pay there has to be some proof of negligence and when ice is involved it is hard to prove negligence.

At 10:14 p.m. Vice-Mayor Neff offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Disability Services Board - Alternate, Board of Zoning Appeals by the Circuit Court, City Board of Health, Industrial Development Authority, and the Committee to consult with the School Board, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia; and for discussion and consideration of the acquisition of real property to be used for a public purpose, namely center for the performing arts, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia. The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council

At 11:04 the executive session was closed and the regular session reconvened. City Clerk Gray read the following which was agreed to with a unanimous recorded vote of the Council Members: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Mayor Heath asked Council's wishes concerning the appointment of an alternate to the Disability Services Board. Council Member Weaver offered a motion that Mr. Ben Melton, 241 Paul Street, be appointed to serve as an alternate to the Disability Services Board. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

✓ Mayor Heath asked Council's wishes concerning an appointment to the Industrial Development Authority noting that Mr. James Gilkeson's first term expired on April 23, 1993. Vice-Mayor Neff offered a motion that Mr. James Gilkeson be appointed to a second term on the Industrial Development Authority. The motion was seconded by Council Member Dingleline and approved with a unanimous vote of Council.

✓ Mayor Heath appointed City Manager Stewart and Council Member Weaver to serve with him on the liaison committee to work with the School Board on financial matters.

Nelson Liskey from the Board of Viewers to review the street and alley closings.

Vice-Mayor Neff offered a motion that the following persons serve on the Cable TV Committee: Warren Denton, Curtis Kite, City Manager Steven Stewart, Marvin Milam, Mr. Jim Hoover and Council Member Walter F. Green, III, and that the City will send any one of the members interested in going to the Cable TV conference in Raleigh, North Carolina. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

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

Judy M. Gray
Clerk

C. Robert Blatt
Mayor

REGULAR MEETING

APRIL 27, 1993

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; City Attorney Earl O. Thumma, Jr.; Vice-Mayor John Neff; Council Members Walter F. Green, III, Emily R. Dingledine and Agnes Massie Weaver; City Clerk Judy M. Gray and Colonel Harper.

Council Member Dingledine offered a motion to approve the minutes as corrected and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council.

√ Butch Arthur, representing Citizens for Downtown, was present in the meeting and first gave a brief overview of what First Fridays Fun Fest is. Mr. Arthur explained that Citizens for Downtown have discussed this with the County and the County has indicated that they neither grant or deny permission for the use of Court Square for First Friday's Fun Fest. Mr. Arthur noted that Citizens for Downtown is asking City Council for their support of the event along with permission for the use of the sidewalks around Court Square for vendors, permission to hang a banner over Main Street the week before each event and funding for First Fridays. Mr. Arthur explained that First Fridays is held the first Friday of each month beginning in May and ending in October. Council Member Weaver questioned how the Council would feel about giving the \$500 that the City did not give to First Night to First Fridays. Following discussion as to where the money would come from, City Council decided to consider this funding request in the preparation of next year's budget. Following further discussion and concerns expressed by Council Members, Mayor Heath asked that this item be tabled at this time until more information is available especially concerning insurance coverage for the banners and a definite statements as to the vendors.

√ Concerning permit parking on Greenbriar Drive, City Manager Stewart called Council's attention to the minutes from the March 30, 1993, meeting of the Harrisonburg Transportation Safety Commission. Manager Stewart noted that some concerns were raised by the Safety Commission about singling out an individual street for permit parking and that the Commission wanted to pursue the matter further before taking any action to recommend to City Council. Council Member Weaver stated that she feels the Commission should have terms and regular meeting times. Following further comments, Council agreed to request Mr. James Rhodes, Chairman of the Transportation Safety Commission, to be present at the May 25, 1993, City Council meeting to present a report concerning permit parking on Greenbriar Drive.

Following comments from Planning Director Turner, Vice-Mayor Neff offered a motion that the recommendation of the Planning Commission to approve the dedication of Peach Grove Avenue right-of-way be approved. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

✓ Council received the following extract from the Planning Commission meeting held on April 21, 1993:

"...The Planning Director explained that this was a request from Fred Dooley to allow encroachment on a public right-of-way on Logan Lane. She explained that Mr. Dooley had purchased the property located at the corner of High Street and Logan Lane and when he applied for a building permit it was discovered that the house was located on a portion of the Logan Lane right-of-way. She said that not only was it not set back from the property line, it actually encroached onto the street right-of-way. After investigation, it was found that in 1980, the Homeplace Subdivision townhouses were approved to be built in this area and there was an agreement to remove this structure after the completion of the townhouses. Ms. Turner read from the minutes of the Planning Commission meeting on May 21, 1980. "...Discussion regarding removal of a row of trees and posting "no parking" signs followed. Mr. Logan agreed to remove the trees but said he probably won't demolish the old Logan house until most or all of the proposed townhouse structures are constructed..." She said that it then went to City Council and the subdivision was approved. Since that time, ownership of the property has transpired from Mr. Logan to others. At this time it does present site distance problems when turning from Logan Lane onto High Street. Staff recommendation is not to allow encroachment. She added that the only way an encroachment is allowed is by approval of City Council.

Mr. Dooley presented material for review by the Planning Commission.

Mr. John Krall, representing Mr. Dooley, said that Mr. Dooley purchased this house in December of 1992 with the intent of creating a residence for his family and a photography business for his wife. Mr. Krall explained that Mr. Dooley had inquired about a building permit before the purchase of the property and was told that there were no problems. After the purchase, he tried to obtain a building permit for renovations and found that there are two encroachments, one being 2 feet 7 inches and the other 1 foot 7 inches. Because of these encroachments the permit was denied and City staff informed Mr. Dooley that he would have to go before City Council to get a variance before a permit could be issued. Mr. Krall said that there was a precedent set on

Water Street at the Valley Players Building, where the entire front encroaches on City right-of-way. Mr. Krall read from the May 27, 1980, City Council minutes, "...that Mr. Logan remove the trees and/or shrubs along South High Street in front of the old Logan home, and "no parking" be posted by the City." He said that this appears to be what was agreed upon and he felt that based on those minutes it was not determined to demolish the structure and even if that was the agreement, the City has had 13 years to enforce it. He said the issue is not whether the house will be torn down but whether a variance will be approved and the property be allowed to become a positive force in the neighborhood. He then referred to a letter written by neighborhood residents approving of the interest being taken by Mr. Dooley. Mr. Krall addressed the site distance problems by saying the house would not be the cause of this type of problem and that this had been confirmed by the City Engineer. He concluded by asking that Planning Commission approve the request.

Mr. Neff said that the development was never completed and his understanding was that the City Council's approval was not based on the removal of the house, it was based on the perimeters of removing trees and shrubs. There was discussion regarding the time period of 13 years passing since the subdivision approval. Ms. Turner stated that the issue was whether or not to grant the encroachment on a right-of-way. If the encroachment was not granted it would mean that Mr. Dooley would not be able to get the building permit, not that the structure would have to be torn down. It would continue to exist as it is unless he chooses to pursue legal action and relinquish ownership.

Ms. Whitten asked if it were possible to approve encroachment with the stipulation that if the property falls into disrepair it would be torn down. Mr. Dooley stated that it was his understanding that if it were destroyed, it could not be replaced.

Chairman Wassum said the chair would entertain a motion. Mr. Homan moved to approve the encroachment as presented. Ms. Whitten seconded. All voted aye..."

Planning Director Turner reiterated many of the points in the above Planning Commission extract and noted that even though it was staff's recommendation not to approve the encroachment, it is Planning Commission's recommendation to approve the request. City Attorney Thumma stated that if City Council wishes to approve this request, it will have to be done by ordinance with two readings. Council Member Weaver offered a motion that the recommendation of the Planning Commission to approve this request be approved and that the ordinance allowing this encroachment be approved for a

first reading. Ms Weaver also recommended that the City take measures to assure that what happened to Mr. Dooley never happens again. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ Council received the following extract from the Planning Commission meeting held on April 21, 1993:

"...The Planning Director explained that this was a request to consider the sale of a 4,628 square foot parcel of land to Mr. Bill Neff. With a block map Ms. Turner described the location of the property saying it was on the southeast corner of the University Boulevard and Reservoir Street intersection. Said the Mr. Neff asked the City to sell him this corner to allow him a better area for entrances and a better marketable lot. Ms. Turner explained that City staff had reviewed this and that at the March 23, City Council meeting Mr. Roger Baker reported that he had spoken to the Director of Water and Sewer, the Street Superintendent, and HEC, who said that as long as easements for storm and sanitary sewer, electrical lines and traffic lights were maintained there were no objections to the sale of the property. At that time it was referred to the Planning Commission for recommendation.

After some discussion regarding the property line and the right-of-way on Reservoir Street, Mr. Stewart explained that this did not present a concern to City staff. Mr. Neff moved for approval. Mr. Homan seconded. All voted aye..."

City Attorney Thumma stated that if Council approves the purchase, then sealed bids will have to be received and a public hearing held on the sale of the property. Following City Attorney Thumma's comments, Council Member Weaver offered a motion that City Council approve the recommendation of the Planning Commission to allow the purchase of the property and to proceed in the fashion specified by the City Attorney. The motion was seconded by Vice-Mayor Neff and approved with a unanimous vote of Council.

✓ City Manager Stewart presented for Council's consideration of a second and final reading an ordinance amending Section 3-4-1(4) and Section 12-3-7(a) and ordinances amending various portions of Section 4 of the Harrisonburg City Council. Vice-Mayor Neff offered a motion that the ordinances be approved for a second reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented for Council's consideration of a second and final reading an ordinance closing a ten foot alley between Lots 30 & 32 of the Bucher-Steigel addition to the City of Harrisonburg. Manager Stewart noted that all the fees have been

paid and this has been recommended by the Board of Viewers and the Planning Commission. Vice-Mayor Neff offered a motion that this ordinance be approved for a second reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ Council received a request from Street Superintendent, Jim Baker for approval of a supplemental appropriation in the amount of \$2,288.50 to recover funds for repair of traffic signals at Erickson Ave. & High Streets damaged by contractors for the Water Department. Council Member Dingledine offered a motion for the appropriation to be approved for a first reading, and that:

\$2,288.50 chgd. to: 1-1900-1901.01 Recoveries & Rebates

**2,288.50 approp. to: 1-1-4107-2-0-3004.28 Maintenance
and repairs.**

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

✓ Assistant City Manager Baker explained that in August 1992, a Contel representative reported to Council on a project of Contel to replace some lines which would involve making cuts in Main Street. Assistant Manager Baker noted that to date, only temporary patching of Main Street has been done and also noted some traffic signal loops on Main Street were damaged during the construction work. Mr. Baker explained that Jim Baker, Street Superintendent, has worked very hard in trying to get the telephone company to contact him about these repairs. Assistant Manager Baker noted that a letter was sent to Contel giving them until the 23rd of April to respond to the City. Assistant Baker stated that since no response has been received, the City plans to withdraw Contel's permit for further work until the repairs are made.

✓ Assistant City Manager Baker noted that the bids received for the construction work necessary to improve the site distance between Medical Avenue and Deyerle Avenue were higher than what the City had anticipated along with some other costs that were not anticipated. Assistant Baker stated that the City can save some money by milling the street off and reusing that in the project and also use the same water line again. Assistant Baker stated that there is not money in the budget specifically for the cost of this project; however there is other capital outlay money left over in the Street Dept. budget that could be used. City Council gave the okay for the money to be used.

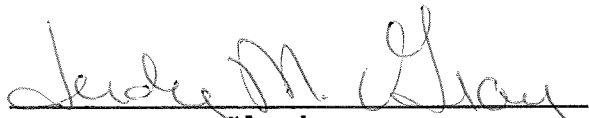
✓ Council Member Weaver questioned what is going to be done with the piece of land on the corner of Main Street and Port Republic Road where the old stone house was torn down; and noted that it has been requested by residents in the area that it be used as green space. Assistant Manager Baker noted that after the project is over the State will return any part of the land that is not needed and that he does not see any problem with beautify the area.

Council Member Weaver also noted that she was contacted by citizen who lives in the 900 block of Dogwood Drive, who questioned if there is a city ordinance pertaining to vehicles and lawn mowers parked on people's lawns. Manager Stewart noted that he will request Zoning Administrator Gary Cook to look into this matter.


At 9:17 p.m. Council Member Dingledine offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Board of Zoning Appeals by the Circuit Court, City Board of Health and the Parks and Recreation Commission, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia.

At 9:30 p.m., the Executive Session was declared closed and the regular session reconvened. City Clerk Gray read the following which was agreed to with a unanimous recorded vote of the Council Members: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

At 9:35 there being no further business and on motion adopted, the meeting was adjourned.



Clerk



Mayor

REGULAR MEETING
MAY 11, 1993

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff, Council Members Walter F. Green, III, Emily R. Dingledine and Agnes Massie Weaver; City Clerk Judy M. Gray and Colonel Harper.

Vice-Mayor Neff offered a motion to approve the minutes as received and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council.

The following monthly progress reports were presented and ordered filed:

City Treasurer - A trial balance report for the month of April, 1993.

Police Department - A report of fines and costs collected - \$4,183.45; cash collected from street parking meters - \$5,526.71; total cash collected and paid on accounts - \$9,710.16.

City Auditor's Office - A report of cash discounts saved in the payment of vendors invoices for the month of April, 1993, in the amount of \$329.73

Utility Billing Department - A report of water, sewer and refuse accounts, meters read; installations; cut delinquents; complaints; rereads, etc. for the month of April, 1993.

Council Member Weaver offered a motion that due to the large number of people in attendance that the City Council meeting adjourn to the Thomas Harrison Middle School and reconvene by 8:00 p.m. The motion was seconded by Vice-Mayor Neff and approved with a unanimous vote of Council.

At 7:56 p.m. the meeting reconvened at Thomas Harrison Middle School. Mayor Heath closed the regular session temporarily and called the evening's public hearing to order. City Manager Stewart read the following notice of public hearing as it appeared in the Daily News Record:

Notice is hereby given, that a Public Hearing on said budget as submitted will be held in the Council Chamber in the Municipal Building, 345 South Main Street, at 7:30 p.m. on the 11th day of May, 1993, at which meeting the said budget will be further acted upon by the Council.

All citizens are invited to attend and provide the Council with written and oral comments and ask questions concerning the City's entire proposed budget. The proposed budget summarized above can be inspected by the

public from 8:30 a.m. until 5:00 p.m., Monday through Friday in the City Manager's Office, second floor, Municipal Building, or at the Rockingham Public Library, 45 Newman Avenue.

Given under my hand this 3rd day of May, 1993.
Steven E. Stewart, City Manager

Following a review of the preparation of the budget and a detailed explanation of the revenues and expenditures, Mayor Heath called on anyone present desiring to make comments concerning the proposed budget.

Judith Cook, 270 Smithland Road, stated that she is shocked about the number of increases the City of Harrisonburg has had over the past four years. Ms. Cook also questioned why the City Council has had so few planning sessions in the last six months, and questioned the \$15,000 moving expenses for the City Manager.

Curtis Kite, speaking on behalf of the Dealer Group, expressed concern about automobiles being hit twice with the personal property tax and the increase in auto decals. Mr. Kite stated that he feels the personal property tax should be the same for both autos and machinery and tools. Mr. Kite also stated that the City of Harrisonburg is not doing a good job of collecting taxes; noting that if the City collected all the business taxes that are currently are not being collected the city would have plenty of money.

Mr. Kite noted that business licenses tax should be based on gross returns and questioned how much revenue the City is receiving from leased equipment.

Walter Curt, owner of SEI Inc. stated that with the proposed tax increases he is considering moving his business out of the City and questioned if the City is hiding spending or if the City is just not being managed properly.

Terry Rhodes, Dunham Bush, stated that Dunham Bush currently pays over \$300,000 a year to the City for personal property taxes, water and sewer and real estate. Mr. Rhodes indicated that if taxes keep going up that Dunham Bush, along with other industries, are going to be forced to move out of the City. Mr. Rhodes also noted that he feels the City has a lot of unnecessary expenses, for example, the reconstruction of University Boulevard and twice a week trash collection.

Helen Hanson, speaking on behalf of the neighborhood coalitions, applauded the council for proposing the tax increases, noting that the City of Harrisonburg needs this money. Ms. Hanson noted that the previous Mayor and Council tried not to raise taxes and budgets were fudged and stretched. Ms. Hanson stated that the work on the High School is long overdue and that the Police Department has been losing well trained Police personnel for years because of the low pay. Ms. Hanson noted that the new City Manager did not create the problem; it is just his to solve.

John Driver, speaking on behalf of 30 retired city employees, stated that he would like to see no tax increases and stated that this is the largest tax increase in the history of the City. Mr. Driver noted that there is enough money in the budget with no tax

increases. Mr. Driver stated that salary increases from 3 to 8 percent are excessive, and that he feels the water and sewer budget is excessive.

John Adams, asked the City to be innovative in reducing the budget, and suggested that all department be asked to decrease their budgets by one percent.

Sam Knight, suggested that to cut the budget the City Manager's office be moved to the first floor of the Municipal Building to eliminate the need for elevators and questioned why the City seems to purchase the most expensive cars for employees.

Byran Bullock, stated that we have an obligation to educate our young people, and that he is opposed to any educational cuts. Mr. Bullock stated that the schools should be funded at the highest level for the students and quality of life.

Dr. Tom Faller, pointed out the differences of opinion between the Council Members, and encouraged the Council to following Council Member Green's advise and not raise taxes.

Ann Bender, Valley Program for Aging Services, thanked the Council for the City's past support of VPAS and asked the city to continue to support their services.

Lance Bray, stated that the cost per student in the City is about average and noted that he supports continued funding of the schools.

Beverly Silver, stated that she has seen the City of Harrisonburg grow and services maintained. Ms. Silver noted that the City still has a way to go and that the City needs money to do this, so she is in support of the budget proposal.

Helen Ley, Bruce Forbes, Mark Strickler, Dave Cason, Mike Coball, Bruce Gray, Tanis Rontropolis, Sandra Gray and Glen Hendrick, all spoke in opposition to the tax increases.

At 9:52 p.m. there being no others present desiring to be heard the public hearing was declared closing and the regular session reconvened.

✓ City Manager Stewart presented for Council's consideration of a first reading the appropriation ordinance of the City of Harrisonburg, VA, for fiscal year ending June 30, 1994. Council Member Green stated that he would implore both Council and the City administration to take a second look at the budget. Council Member Green noted that he is aware that we all look at figures and can see various end results, but questioned the Council to look at the following figures and show him where they are wrong. Council Member Green stated that we have a contingency fund in the present budget of 1.3 million (which started at 2+ million) which will lapse into the unappropriated surplus. Council Member Green further noted that the City has a fund balance/retained earnings of \$1,061,064, of which \$200,000 is proposed for the renovation of the municipal building leaving \$800,000. Council Member Green pointed out that this gives the City 2.1+ million in reserve. In addition to this, Council Member Green explained that the City will have \$35,000 from the municipal budget (the residual of the \$50,000 in the present budget for the toilets and elevator for the municipal building.) Council Member Green pointed out that there is \$100,000 in the proposed budget for contingencies which puts the total up to

\$2,235,000 in reserve funds. Council Member Green stated that he does not know whether the \$47,000 reserved for encumbrances is being used, but pointed out it is late in the year. Also, Council Member Green stated, it would appear that we will have an overage in the real estate tax, noting that the Commissioner of Revenue has billed for \$3,798,017 for the June 5th collection with a possible collection of \$3,825,000 at 58 cents. Council Member Green noted that we have already exceeded the anticipated business and professional license tax revenue with the anticipated revenues being \$2,649,425; and to date \$2,691,989 have already been collected with the possibility of collections totaling \$2,750,000. Council Member Green also noted that the sales tax and meals tax are looking good. Council Member Green explained that the jail complex anticipated completion date is April 1994; and following the final inspection by the Department of Corrections, the City and County will each receive 3.5 million dollars. Council Member Green stated that this money should be used to curtail the principal of one of the City's outstanding bonds and should reduce the interest payment by \$180,000 per year plus paying off the 3.5 million. Council Member Green noted that you can quite safely go through the budget and further eliminate some expenditures, which may not be much in each account, but they could add up to perhaps a one cent reduction in real estate taxes. Council Member Green noted that the optimal figure desired in surplus is 5% of \$55,000,000 or \$2,750,000. Council Member Green further noted that the retention of surplus funds has been questioned in the Virginia Council System and the city in question was ruled against. Following further comments and discussion, Council Member Weaver offered a motion that the appropriation ordinance be approved for a first reading, with the understanding that the tax rates can be adjusted down. The motion was seconded by Council Member Dingleline, and approved with a majority recorded vote of Council, with Council Members Green and Neff voting no. Council Member Weaver offered a motion that a budget work session be held on Monday, May 24, 1993, at 7:30 p.m. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Council Member Dingleline offered a motion that the agenda item to consider revised guidelines for the Farmers's Market be tabled until a later time. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council.

Council Member Weaver offered a motion that the request from Citizens for Downtown concerning First Fridays Fun Fest be tabled until a later time. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented and read a letter from Mervyn Wingfield and Eva Pittenger requesting the closing of the portion of an alley between 281 and 285 Campbell Street south of Campbell Street to the alley running east and west. Council Member Dingleline offered a motion that this alley closing request be referred to the Planning Commission. The motion was seconded by Council Member Weaver, and approved by a unanimous vote of Council.

√ City Manager Stewart presented a deed for Council's consideration of approval for the acceptance of a 2,947 square foot parcel of land at the intersection of Myers Avenue and Reservoir Street for street intersection improvements. City Manager Stewart noted that this land is owned by the Harrisonburg Redevelopment and Housing Authority. Street Superintendent Baker, noted that they plan to realign the Myers Avenue and Reservoir Street intersection to improve the site distance. Council Member Green offered a motion that this deed be accepted. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

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

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives, and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, solid waste collection, and snow removal; and

WHEREAS, the health, safety, and comfort of this community greatly depends on these facilities and services, and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,

NOW, THEREFORE, I, C. Robert Health, Mayor of the City of Harrisonburg, do hereby proclaim Friday, May 21 and Saturday, May 22, 1993, as

NATIONAL PUBLIC WORKS CELEBRATION DAYS

in the City of Harrisonburg, and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

Given under my hand and the Seal of the City of Harrisonburg this 12th day of May, 1993.

City Manager Stewart explained that this celebration is to provide information to the public about the operation and services provided by the City of Harrisonburg's Public Works Department and that a display of the public works operations is planned for May 21st and May 22nd at the Valley Mall. Council Member Dingledine offered a motion to authorize Mayor Heath to sign the proclamation. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council.

✓ City Manager Stewart presented the following bids received for the Pear Street Sanitary Sewer and Waterworks Improvements projects:

F. L. Showalter	\$295,000.00
Central Builders, Inc.	298,813.00
Fayetteville Contractors, Inc.	415,381.00
E. C. Pace Company, Inc.	428,400.00

City Manager Stewart explained that Water and Sewer Superintendent Mike Collins is requesting authorization to award the contract for the Pear Street Sanitary Sewer and Waterworks Improvements to F.L. Showalter, Inc. Council Member Green offered a motion to approve the awarding of the contract to F. L. Showalter, Inc. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ City Manager Stewart opened and read the following bid which was received for the property located on the southeast corner of University Blvd. and Reservoir St. intersection:

In reference to sealed bid for the sale of a 4,628 square foot parcel of real estate owned by the city, we hereby make an offer of \$10,000.00 for this tract.

✓ City Attorney explained that if this is approved for a first reading, this evening, then a public hearing will be scheduled for June 8th, followed by approval for a second reading. Vice-Mayor Neff offered a motion that the ordinance conveying this parcel of land be approved for a first reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council. Council Member Weaver offered a motion that a public hearing date be scheduled for June 8th. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented and read the report from the Board of Viewers recommending the closing of the alley between 227 and 235 Franklin Street at the request of Mr. and Mrs. Craig Moore on the one side, owners of 227 Franklin St. and Mrs. Alice Kline, owner of 235 Franklin Street. City Manager Stewart explained that if this is approved for a first reading this evening; then, following payment by the requestors, the City Attorney will prepare the ordinance to be considered for a second reading. Mr. Craig Moore noted that he would like to see the culvert on Ash Tree

Lane maintained. Mr. Moore also expressed concerns over paying for the alley too far in advance of the second reading. Following further comments, Council Member Weaver offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

√ City Manager Stewart presented and read the report from the Board of Viewers recommending the closing of a portion of Albert Street between 139 and 143 Clinton Street. City Manager Stewart explained that if this is approved for a first reading this evening; then, following payment by the requestors, the City Attorney will prepare the ordinance to be considered for a second reading. Vice-Mayor Neff offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

√ City Manager Stewart presented for Council's consideration of approval an ordinance amending Section 7-4-1 of the Harrisonburg City Code. Manager Stewart explained that this ordinance will allow for the 31% across the board water rate increase, and will allow for the 20% initial sewer rate increase. Council Member Green offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

√ City Manager Stewart presented for Council's consideration of a second and final reading an ordinance granting a nonexclusive easement to encroach upon City property on the south side of Logan Lane near its intersection with South High Street. Council Member Green offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

√ City Manager Stewart presented for Council's consideration of a second and final reading the lease/purchase of a new computer system. Manager Stewart noted that Council previously authorized the lease/purchase of this new computer system and the lease/purchase agreement needs to be approved by Council in its final form. Manager Stewart noted that quotes were taken, and the agreement with Bell Atlantic TriCon Government Finance, Inc. represents the lowest cost to the City. Manager Stewart noted that the City Attorney has reviewed the agreement and finds it in proper form. Council Member Weaver offered a motion that the lease/purchase of the new computer system be approved for a second reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

√ Council Member Weaver moved that a supplemental appropriation in the amount of \$2,288.50, requested by Street Superintendent Jim Baker, to recover funds for repair of traffic signals at Erickson & High Streets damaged by contractors for Water Department, be approved for a second and final reading, a first reading having been approved on April 27, 1993:

\$2,288.50 chdg. to: 1-1900-1901.01 Recoveries & Rebates

2,288.50 approp. to: 1-1-4107-2-0-3004.28 Maintenance
and Repairs Allowable

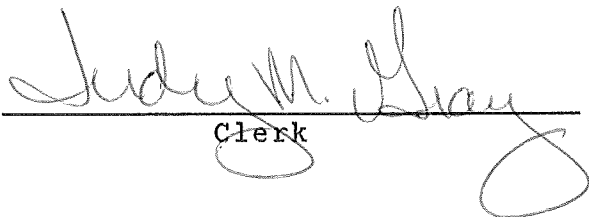
The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council.

Mayor Heath suggested that the appointment of an Advisory Board for the jail facility be considered at a later meeting.

√ Mr. Forest Palmer, 60 Weaver Avenue, was present in the meeting to voice concerns about the increased traffic on Weaver Avenue due to the construction on Port Republic Road. Mr. Palmer noted that Weaver Avenue is not constructed for heavy traffic, and with increased traffic on the street speeding has become a problem. Mr. Palmer noted that the residents of the area are concerning for their children's safety because of the high rate of speed of the cars and the large trucks coming through the neighborhood. Following further comments, Mr. Palmer noted that he would like to request that the following measures be taken to help eliminate the problem: install more speed limit signs, make public announcements, restrict through trucks and increase police radar control in the area. Council Member Weaver also suggested that stop signs be placed between the two blocks of Weaver, during the construction on Port Road, to slow the traffic. Mayor Heath stated that the recommendations will be looked into.

√ Dr. Wolfe, resident of Rockingham County, explained that during one of the snow storms, a city dump truck upset a load of salt on his garden and broke a section of this fence. Dr. Wolfe stated that the insurance company tells him that due to sovereign immunity, the City is not held liable. Dr. Wolfe stated that he feels the City, in being a "good neighbor", should have removed the salt and fixed the fence on their own. Dr. Wolfe noted that the salt could have easily been removed and the fence repaired as soon as it happened but now he has been told that two feet of soil has been contaminated by the salt. Following further comments, City Manager Stewart stated that he contacted the City's claims adjuster, and the City's claims representative will be present at the next City Council meeting to answer questions etc.

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


Clerk


Mayor

REGULAR MEETING
MAY 25, 1993

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff, Council Members Walter F. Green, III, Emily R. Dingledine and Agnes Massie Weaver; City Clerk Judy M. Gray and Captain Fairweather.

Council Member Dingledine offered a motion to approve the minutes as corrected and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Vice-Mayor Neff and approved with a unanimous vote of Council.

At 7:34 p.m., Mayor Heath closed the regular session temporarily and called the evening's public hearing to order. City Manager Stewart read the following notice of public hearing as it appeared in the Daily News Record on May 13th and 14th, 1993.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, May 25, 1993, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, VA.

The Harrisonburg City Council will receive the views of citizens within the Harrisonburg School District concerning the vacancies in the East and West School Wards. These School Board members' terms will commence July 1, 1993, and be for a three year term to June 30, 1996.

Pursuant to Section 22.1-29.1 of the Code of Virginia, 1950, as amended, no nominee or applicant whose name is not considered at a public hearing shall be appointed as a School Board Member.

Steven E. Stewart
City Manager

City Manager Stewart read the names of the following persons who have indicated a desire to be considered for the School Board: Greg Coffman, Jean Gearing, Ruth Garber, Cathy Stevenson, Emory Cooper, Les Bolt, Richard Yoder, Pamela DuBose, Gary Wilson, Carol Riggs and Dana Crittenden. Mayor Heath called on anyone present desiring to be heard concerning the School Board appointments. Dr. Les Bolt, noting that fiscal constraints are a fact of life stated that because of this school boards are going to have to be much more creative and flexible in how they approach the programming. Dr. Bolt stated that he feels our schools need to do a better job in educating all students in ways that will allow them

to be more creative. Dr. Bolt stated that he feels that we need to provide more rigorous academics standards for all students and also provide a more diverse set of technical skills and opportunities for students as they move into the work world.

Cathy Stevenson, noted that she have done extensive volunteer work in the schools and has seen the needs first hand. Ms. Stevenson noted that she has not been totally happy with what the School Board has done in the past and feels it is time for a change.

Richard Yoder, noted that his interest in serving on the School Board stems from his commitment to public education; his commitment to young people, and his commitment to the public interest.

Marshall Price - presented the City Council with a petition of 600 names urging the City Council to appoint someone to the School Board from the Spotswood Elementary School attendance area.

Jean Gearing - stated that she has enjoyed her service on the School Board and feels that she has served with a sense of commitment and integrity; and if reappointed, it is her intention to serve with the same integrity and commitment.

Gary Wilson - noted his interest in serving on the School Board is because he cares about his children's education and he sincerely wants to better the system.

Dana Crittenden - noted that her interest in serving on the School Board is to insure that the children of Harrisonburg will get the proper education to be able to compete in a global workplace; that the children be challenged in a challenging, stimulating and learning environment and not fear going to school.

Tim Cupp - Stated that a public commitment made should be a public commitment honored. Mr. Cupp noted that City Council made a commitment in January that they would appoint someone from the Spotswood Elementary School attendance area, and further noted that the ward system has kept up with the growth of the City.

Mayor Heath called on anyone else desiring to be heard. There being on others desiring to be heard, the public hearing was declared closed at 7:55 p.m. and the regular session reconvened.

✓ Mr. Bill Pagett was present in the meeting to report on the City's liabilities in regards to sovereign immunity and negligence.

✓ Ms. Betty S. Redmond, RN, was present in the meeting and gave a brief report on the nursing activities at the Harrisonburg-Rockingham Health Department.

✓ City Manager Stewart presented for Council's consideration of a second and final reading the Appropriation Ordinance of the City of Harrisonburg, VA, for fiscal year ending June 30, 1994. Following comments from Mayor Heath, Council Member Dingledine offered a motion to approve the appropriation ordinance with a change in the Real Estate from \$0.65 to \$0.60; auto decal will remain with an increase from \$15.00 to \$20.00; and reduce the personal property from \$2.35 to \$2.00. The motion was seconded by Council Member Green. The motion was defeated with a three to two vote (Council Members Green and Dingledine voted for the motion and Council Member Weaver, Vice-Mayor Neff and Mayor Heath voting against the motion.) Vice-Mayor Neff stated that after review and

observation of the budget and with the intent not to have to come back next year and raise taxes again he feels the Real Estate taxes should not be lowered to \$0.60. Following further comments, Council Member Weaver offered a motion for approval of the amended seconded reading of the appropriation ordinance to lower the real estate tax rate from \$0.65 to \$0.62, leave the auto decals at an increase from \$15.00 to \$20.00, and eliminate the increase in personal property with the commitment that she will follow up with a second motion for approval of the cost containment goals. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council. (see page 121 for ordinance)
 Council Member Weaver offered a motion for approval of the following list of cost containment goals as discussed in the budget work session:

✓
**COST CONTAINMENT GOALS
 CITY OF HARRISONBURG, VA**

1. Develop an economic policy and plan to recruit business and industry in undeveloped areas of the city. Set concrete goals for increased revenue as a result of growth.
2. Assess long range impact of residential growth on city and consider potential impact charges to developers for services.
3. Consider selling real property adjacent to new Stone Spring Elementary School in calendar year 1994 with capital to go towards building of reserves for future expenditure shortfall or to curtail the principal on the City's long term bonded indebtedness.
4. Solicit competitive bid proposals for services and operations within departments for fiscal year 1993-94.
5. Pursue consolidation of Social Services and Landfill Operations with Rockingham County in fiscal year 1993-94.
7. "Freeze" new capital projects until expenditures are reduced enough to maintain budget at present levels. (Excluding Water & Sewer Projections for 5-year.)
8. Incorporate a goal of a reduction of 1.5% to 2.0% in expenditures for fiscal year 1994-95.
9. Consolidate maintenance of all city property (schools, recreation, plant & equipment) to one central department. This will reduce equipment inventory and expenses, personnel & overhead costs.

11. Review past 5 years for "benchmarking" and evaluating key trends in financial planning for the city and management.
12. Centralize purchasing of all departments and personnel department to "streamline" personnel, policies, and procedures.

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

✓ Mr. Jim Rhodes, Chairman of the Harrisonburg Transportation Safety Commission, was present in the meeting and presented Council with the following extract from the Transportation Safety Commission meeting held on May 18, 1993:

As the first item of old business, Chairman Rhodes reintroduced the request for permit parking on Greenbriar Drive. Following Captain Fairweather's presentation of a parking survey conducted by the Police Department on Greenbriar Drive,,, the suggestion was made that it was perhaps time for the Planning Commission to establish criteria for the establishment of permit parking areas in residential neighborhoods since such requests did not involve matters of transportation safety. Following a lengthy discussion including the fact that permit parking has historically been granted by the City Council to entire neighborhoods rather than to individual streets and that Police Chief Harper had recently established a task force to study all permit parking in the city. Richard Presgrave motioned that the Safety Commission recommend to Council that the residents request for permit parking on Greenbriar Drive be denied pending completion of the study by the Police Chief's task force. Mr. Presgrave also motioned that the recommendation be made to Council for the erection of dead-end signs, the improvement of street lighting, and the painting of yellow curbing at the intersection of Greenbriar Drive and Forest Hills Road. The motion was seconded by Ralph Smith and carried by an unanimous vote of the Commission.

Chairman Rhodes reiterated many of the points in the above report and noted that JMU security is willing to barricade this street during JMU functions. Chairman Rhodes also noted that after conducting several surveys of the street, they found no problem with parking on Greenbriar Drive. Council Member Weaver questioned if we have something in writing from JMU stating that they will barricade the street during JMU functions and pointed out some other isolated streets in the City with permit parking. Council Member Weaver also noted that she feels this issue has been going

on too long and stated that she feels the City should give the residents on Greenbriar permit parking to offer them some relief. Following further comments, Vice-Mayor Neff offered a motion that some action be taken, no later than the first City Council meeting in August, with respect to the permit parking request for Greenbriar Drive. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

↓ City Manager Stewart explained that there is a new federal requirement for non-profit organizations to have certification from the City to allow them to apply for Federal Shelter Grants (FSG). City Manager Stewart stated that the City has been asked by First Step, Mercy House and the Salvation Army to provide this certification. Council Member Weaver offered a motion that the City approve for these organizations to apply for FSG funds and that the City Manager be authorized to sign the certification forms. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

↓ City Manager Stewart presented and read a letter from City Treasurer, Beverly Miller, requesting authorization to charge off delinquent business licenses. City Treasurer Miller explained that the businesses have either gone out of business, filed for bankruptcy or all methods of collections, including taking them to court, have failed. Council Member Green offered a motion to grant the City Treasurer permission to charge off the list of delinquent business licenses. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

↓ Council received the following extract from the Planning Commission meeting held on May 19, 1993:

"...A Public Hearing was called to order by Chairman Wassum and the Planning Director described with a tax map the request for Richard L. Blackwell to rezone 0.31 acres, located at 566 East Market Street, from R-2 "Residential District" to R-3 Conditional, "Multiple Dwelling District". She said that Mr. Blackwell has proffered that the use of the property be for professional offices only. He intends to repair the existing dwelling and use it as an office for his engineering business. He had also stated that he plans on accessing the property from the undeveloped Elizabeth Street right-of-way or from the Hill Street side. Ms. Turner said that this lot is located on the northeast corner of Hill and East Market Street. The primary use in the block is residential, with two exceptions: lot 8 (660 East Market Street) located approximately 310 feet to the east that was rezoned to R-3 Conditional in January 1993, and the service station at the corner of Old Furnace Road which is zoned B-2 "General Business". The area directly across the street, on the south side of East Market Street is zoned R-2, and further east is a B-2 area. She said that the comprehensive Plan recommends

of the area. Ms. Turner stated that the requested rezoning, with the attached proffers, is consistent with the Comprehensive Plan's vision for the area. Additionally, these proffers offer protection for the nearby residential areas from the more dense residential development that would be allowed by the conventional R-3 classification. Provided that the proffer remains a part of the rezoning, the request is recommended for approval.

Chairman Wassum asked if there were any questions for the Planning Director. There were none. Chairman Wassum asked if there was anyone that would like to speak for the request.

Mr. Richard Blackwell, contract purchaser of the property, said that at this time there are only two ways to rezone for professional office space and that would be to go B-2 proffered, or R-3. He said that he felt that what he is requesting fits the Comprehensive Plan for professional offices in the area and would be a better use for the property than the present one. He also felt this would give a minimum amount of traffic to the area.

Chairman Wassum asked Mr. Blackwell about parking plans. Ms. Blackwell said that it would have plenty of parking and that he had talked to Jim Baker, Superintendent of Streets, and it appears that the best access to the property would be to come in from Elizabeth Street and come from Hill Street.

Chairman Wassum asked if there was anyone else to speak for the request.

Gary Beatty, 450 South Mason Street, owner of property located across East Market Street from the rezoning request, spoke in favor of the rezoning. He said that Market Street is no longer a residential area and has become more conducive to professional office uses. He felt that the improvements Mr. Blackwell is considering would meet the professional intentions of the Comprehensive Plan.

Chairman Wassum asked if there was anyone else to speak for the request. There was no one. Chairman Wassum asked if there was anyone that would like to speak against the request. There was no one. Chairman Wassum brought the meeting back to regular session and asked if there were any questions from the Commissioners.

Mr. Homan moved to approve the request. Dr. Beasley seconded. All voted aye..."

Following comments from Planning Director Turner, Vice-Mayor Neff offered a motion that a public hearing be scheduled for June 22, 1993, to hear this rezoning request. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ Council received the following extract from the Planning Commission meeting held on May 19, 1993:

"...The Planning Director described with a block map the location of the Daff home and explained that the request was to close portions of the undeveloped right-of-way of 6th Street and Edom Road. She said that Mr. and Mrs. Daff recently applied for refinancing of the property and discovered that a substantial portion of their home is located on the undeveloped right-of-way of Edom Road. She explained that the request, as originally presented, was to vacate portions of Edom Road and 6th Street totaling 7,848 square feet. The amount of property involved was an attempt to reflect the extent of land the Daffs had previously considered to be their yard area. This request presented concerns to staff as it removed the potential for 6th Street to ever be developed and also impacted any future improvements to Edom Road. Improvements to Edom Road have been discussed by City staff and the area around the Daff home could be an essential part of any improvement. If 6th Street were developed and an intersection with Jackson Street was opened, the area around the Daff home would be needed in order for cars to turn from Jackson Street to Edom Road. When these concerns were presented to Mr. Daff, he agreed to modify his request to include only the area necessary to put his home on a lot of its own. Ms. Turner presented the new plat to the Commission and explained that it showed an area of 1,297 square feet to be vacated. The whole 6th Street area was withdrawn at the request of City staff. The area in front of the house was also reduced significantly. The Planning Director stated that the amended request as shown on the plat with the revised date of May 14, 1993, is recommended for approval.

Chairman Wassum asked if there were any questions. There were none. Mr. Neff moved to approve the amended request. Mr. Homan seconded. All voted aye..."

Planning Director Turner called Council's attention to a large scale map of the area and reiterated many of the points from the Planning Commission's extract. Council Member Weaver offered a motion that a public hearing be scheduled for June 22, 1993, to hear the request to close portions of 6th Street. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

request for final subdivision plat approval of "Emerald Drive Estates" located on the south side of the west end of Emerald Drive; existing lot 2. She said that this subdivision received preliminary approval from Planning commission and at this time, Mr. John Newton, owner of the property, is requesting final subdivision approval for Lots 2A - 2H. Mr. Newton is proposing to divide this into eight town-house lots, each containing from 4,642 square feet to 6,363 square feet. The development plan is to build two groups of four attached townhouses. Ms. Turner said that staff is now in the process of reviewing site plans. Ms. Turner explained that a surety for completion of public improvements, which only involves the sanitary sewer has been submitted to the City. Ms. Turner stated that this request is recommended for approval.

Chairman Wassum asked if there were any questions, There were none. Mr. Homan moved to approve. Mr. Rexrode seconded. All voted aye..."

Following comments from Planning Director Turner, Council Member Dingleline offered a motion that the final subdivision plat, Emerald Drive Estates; Lots 2A - 2H, located on the south side of the west end of Emerald Drive be approved. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

↓ City Manager Stewart presented for Council's consideration of a second and final reading an ordinance amending and re-enacting Section 7-4-1, Schedule of rates and charges generally, of the City Code. City Attorney Thumma explained that this ordinance sets forth the water and sewer rates. Council Member Weaver offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 7-4-22, Charges for running water service lines to applicant's property line generally and installation of meters; and ordinance amending and re-enacting Section 7-4-23, Charges for water tap; (main extensions, sprinklers, private or other public connections, and an ordinance repealing Section 7-4-24 of the Harrisonburg City Code. Following the City Attorney's explanation of these ordinances, Council Member Green offered a motion that Section 7-4-22 be approved for a first reading. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council. Council Member Green offered a motion that Section 7-4-23 be approved for a first reading. The motion was seconded by Council

✓ Council received the following extract from the Planning Commission meeting held on May 19, 1993:

"...The Planning Director explained that this was a request for final subdivision plat approval of "Emerald Drive Estates" located on the south side of the west end of Emerald Drive; existing lot 2. She said that this subdivision received preliminary approval from Planning commission and at this time, Mr. John Newton, owner of the property, is requesting final subdivision approval for Lots 2A - 2H. Mr. Newton is proposing to divide this into eight town-house lots, each containing from 4,642 square feet to 6,363 square feet. The development plan is to build two groups of four attached townhouses. Ms. Turner said that staff is now in the process of reviewing site plans. Ms. Turner explained that a surety for completion of public improvements, which only involves the sanitary sewer has been submitted to the City. Ms. Turner stated that this request is recommended for approval.

Chairman Wassum asked if there were any questions, There were none. Mr. Homan moved to approve. Mr. Rexrode seconded. All voted aye..."

Following comments from Planning Director Turner, Council Member Dingleline offered a motion that the final subdivision plat, Emerald Drive Estates; Lots 2A - 2H, located on the south side of the west end of Emerald Drive be approved. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented for Council's consideration of a second and final reading an ordinance amending and re-enacting Section 7-4-1, Schedule of rates and charges generally, of the City Code. City Attorney Thumma explained that this ordinance sets forth the water and sewer rates. Council Member Weaver offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 7-4-22, Charges for running water service lines to applicant's property line generally and installation of meters; and ordinance amending and re-enacting Section 7-4-23, Charges for water tap; (main extensions, sprinklers, private or other public connections, and an ordinance repealing Section 7-4-24 of the Harrisonburg City Code. Following the City Attorney's explanation of these ordinances, Council Member Green offered a motion that Section 7-4-22 be approved for a first reading. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council. Council Member Green offered a motion that Section 7-4-23 be approved for a first reading. The motion was seconded by Council

Member Dingleline, and approved with a unanimous recorded vote of Council. Council Member Green offered a motion that Section 7-4-24 be approved for a first reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented a request from Parks and Recreation Director for approval of a supplemental appropriation in the amount of \$12,570.00, for expenses that were paid for the Tree Planting Grant and the money has been reimbursed per the conditions of the grant. Council Member Dingleline offered a motion that the appropriation be approved for a first reading, and that:

\$12,570 chgd. to: General 1900-1901.01 Recoveries & Rebates

12,570 approp. to: General 1-2-7101-0-0-7013.01 Improvements

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

✓ City Manager Stewart presented for Council's consideration of a second and final reading an ordinance closing a ten foot (10') alley between lots 21 & 23 of the Bucher and Steigel Addition to the City of Harrisonburg. Manager Stewart noted that the closing has been recommended by the Planning Commission and Board of Viewers and all fees have been paid. Council Member Weaver offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council.

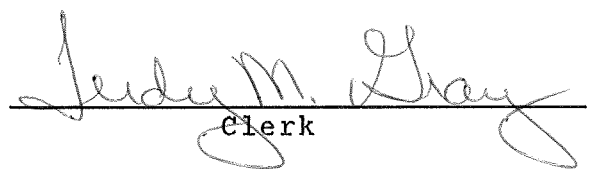
✓ Council Member Weaver noted that something needs to be done about the traffic problem, which has been caused by the construction work on Port Road, in the Purcell Park area. City Manager Stewart stated that additional speed limit signs have been put up, but noted that Street Superintendent Baker has concerns about putting up a temporary stop sign. City Manager Stewart further added that the contractor has been requested to hurry the project along and the Police Department has been running radar to help slow the traffic.

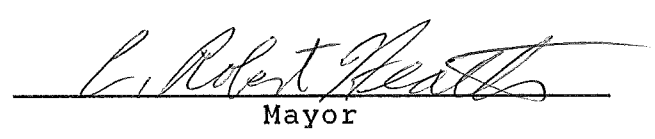
✓ Ms. Judith Cook, 1270 Smithland Road was present in the meeting and voiced the following concerns: Ms. Cook noted that after having called 911 at 1:00 a.m. to report a possible rape, that it took 30 minutes for the police to arrive and 27 minutes for an ambulance to arrive. Ms. Cook questioned why it would take 3 vehicles and 1 mower to cut high grass. Ms. Cook stated that she saw this being done and noted the waste in personnel. Ms. Cook also stated that it has been five years since she purchased her home on Smithland Road, and at that time she was told that there would be a park on Smithland Road. Ms. Cook noted that there is still no park on Smithland Road and questioned the unnecessary landscaping and unnecessary city funds being spent on the parcel of land if there is never going to be a park there. Ms. Cook stated

that she feels for the city to provide the special green recycle boxes with the City of Harrisonburg printed on the side is a waste of money. Ms. Cook concluded in stated that she would like to be privy to the guidelines for the Farmer's Market; and questioned why the City provides space, free of charge, to the Farmers Market and then in turn charge a fee for people to sell their goods. City Manager Stewart noted that he would check into all of these concerns and get back with Ms. Cook.

Mr. Curt, stated that he would like to personally thank Vice-Mayor Neff, and Council Members Green and Dingleline for really looking at what the citizens want. Mr. Curt expressed disappointment that taxes are increased before the effort is made to cut spending, and concluded in commending the Council for reducing the original tax increases.

At 9:55 p.m., there being no further business, and on motion adopted, the meeting was adjourned.


Clerk


Mayor

REGULAR MEETING

JUNE 8, 1993

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff, Council Members Walter F. Green, III, Emily R. Dingledine and Agnes Massie Weaver; City Clerk Judy M. Gray and Colonel Harper.

Council Member Weaver offered a motion to approve the minutes as corrected and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

At 7:33 p.m., Mayor Heath closed the regular session temporarily and called the evening's public hearing to order. City Manager Stewart read the following notice of public hearing as it appeared in the Daily News Record on Saturday, May 29th and Saturday, June 5th.

NOTICE OF INTENTION TO SELL
A 4,628 SQUARE FOOT PARCEL
OF REAL ESTATE
LOCATED AT THE INTERSECTION OF
UNIVERSITY BOULEVARD AND RESERVOIR STREET
CITY COUNCIL CHAMBERS
Tuesday, June 8, 1993
7:30 p.m.

The Harrisonburg City Council will hold a public hearing on Tuesday, June 8, 1993, at 7:30 p.m. in the City Council Chambers, Municipal Building, 345 South Main Street, to sell a 4,628 square foot parcel of unimproved real estate, located at the intersection of University Boulevard and Reservoir Street, in the City of Harrisonburg

Sealed bids having been received by the City Council at its regular meeting, on May 11, 1993, the City Council intends to convey said parcel to the highest bidder.

Copies of the recommendations of the City Planning Commission, along with a copy of a plat and more particular description of the parcel to be sold and copies of the bids received, are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at this public hearing.

Mayor Heath called on anyone present desiring to speak either for or against the sale of this land. There being no one present desiring to be heard, the public hearing was declared closed at 7:35 p.m., and the regular session reconvened. City Manager Stewart noted that additional action on this item will be taken later in the meeting.

✓ City Manager Stewart called Council's attention to a letter from Samuel Johnson, Coordinator for the Harrisonburg Farmer's Market, which states that Mr. Johnson would like for the City Council to go ahead with the consideration of the following proposed guidelines for the Farmers' Market:

PROPOSED GUIDELINES FOR FARMERS' MARKET

HARRISONBURG, VA

1. The Farmers' Market area shall be located on the east side of the lower level of the Water Street Parking Deck. The City of Harrisonburg and the Harrisonburg Parking Authority shall cooperate in designating the amount of space available for use by the Market, and the exact location of the space to be used. Permission to use the space, in part or in its entirety, may be withdrawn at any time by the City of Harrisonburg for any reason deemed appropriate by the City.
2. Market days shall be Tuesday and Saturdays at hours designated by the producers. The market may operate the last Saturday in April to the Saturday before Thanksgiving.
3. All items must be produced by the seller. Allowable products include produce, plants, crafts, baked goods, and other food products. All sellers must comply with state and local ordinances, statutes and health regulations.
4. All sellers shall display the necessary permits obtained from the City of Harrisonburg showing that they are licensed to sell their products. Producers of food items and agricultural products must obtain a Producer's Permit from the City. Producers of handcrafts must obtain a Retail Merchants License from the City in addition to the Producer's Permit.

5. All sellers shall maintain the space used and clean up after each use. The Harrisonburg Police Department will inspect the premises on a random basis to insure that the Farmers' Market vendors are properly maintaining the premises. If a problem were to arise the Market Coordinator, Mr. Samuel Johnson, would be contacted at 703-269-8261.
6. The participating producers are authorized to form a not-for-profit Farmers' Market Association to operate and promote the Market. The Farmers' Market Association is authorized to collect fees to cover the costs of operating, managing and promoting the Market.
7. The City of Harrisonburg or the Harrisonburg Parking Authority will not provide any type of insurance coverage for the benefit or protection of the Farmers' Market Association, its vendors, or others associated therewith. The Farmers' Market Association shall acquire and maintain at all times an insurance policy covering the association's general liability and product liability exposures, in the amount of one million dollars, with the City of Harrisonburg named as an additional insured. Such certificate of insurance shall be submitted to the Farmers' Market Association who shall have responsibility for keeping the certificates current and on file for inspection by the City of Harrisonburg. All vendors and an officer of the Farmers' Market must also sign a "Hold Harmless" Agreement before obtaining a Producer's Permit or a Retail Merchants License from the Commissioner of Revenue.
8. The City Manager's office shall serve as liaison between the City of Harrisonburg and the Farmers' Market Association.

City Manager Stewart noted that the letter further states that Mr. Johnson requests Council to delay action on the Hold Harmless Agreement until he has time to further discuss it with his attorney. Council Member Weaver added that she fully supports the concept that a person must be a member of the Farmers' Market to sell goods at the Market. Mr. Samuel Johnson was present in the meeting and reiterated many of the points in his letter. Following further discussion, Council Member Weaver offered a motion that the above guidelines for the Farmers' Market be approved, and that the Council will consider the Hold Harmless Agreement at a later date. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Parks and Recreation Director Lakey Logan presented Council with the Department of Parks and Recreation's 20-year Master Plan. Ms. Logan gave a brief background of the Master Plan, and noted that the basic objection of the plan includes: acquiring land for parks and open space, constructing additional athletic fields to meet the existing and projected needs, phasing in the development of parks sites according to service demands, enhancing and expanding the existing facilities, increasing utilization of existing athletic fields, parks and indoor recreational facilities, maintaining parks and facilities in good repair and providing diverse indoor leisure and recreational opportunities. Following further comments, Ms. Logan concluded in stating that this whole plan exists primarily as a guide and is intended to be very flexible. Council Member Weaver questioned why there is no plan for expanding the soccer program and noted that she sees nothing in the plan for expanding programs for girls. Council Member Weaver also stated that she feels this plan is not consistent with the cost containment goals recently adopted by the City Council. Following further discussion, Council Member Weaver offered a motion that this 20-year plan be referred to the Planning Commission, with the suggestion that no dates be included in the plan and for the Planning Commission to consider the cost containment goals along with this plan. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented and read a letter from Phyllis Kline, Secretary of the Retail Merchants Association requesting Council's permission for use of the sidewalks in front of the merchants businesses on Friday, June 25th and Saturday, June 26th for Sidewalks Sales Day. Council Member Green offered a motion that permission be granted for use of the sidewalks. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ City Manager Stewart noted that initially when the Courts Complex is open there will be some vacant space and the County has recommended that the City and County both adopt the following Policy:

The Rockingham County Board of Supervisors and the Harrisonburg City Council hereby establish the following policy pertaining to the allocation of the vacant area located in the Lower Courts Complex, Court Square.

The Board of Supervisors and the City Council, by their joint action, have caused the construction of the Lower Courts Complex, located on Court Square, Harrisonburg, Virginia, by the expenditure of \$3.9 million in public funds for said building to be used for public purposes. Therefore, the future allocation of now-vacant space within the Lower Courts building will be for governmental purposes only as expressly authorized by the joint action of the Board of Supervisors and the City Council.

This policy shall remain in full force and effect until such time as it is either amended or repealed by joint action of the Rockingham County Board of Supervisors and the Harrisonburg City Council.

City Manager Stewart noted that the policy has been adopted by the Rockingham County Board of Supervisors contingent upon approval by the City Council. Council Member Dingleline offered a motion that the policy be approved. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration of approval the following proposed Public Trees Working Group policy:

1. Membership would include representatives from the Street Department, Parks and Recreation, Planning, HEC, Water and Sewer, Greener Harrisonburg and other experts in the community as recommended by Greener Harrisonburg, hopefully not to exceed a total working group of 8-9 people. If additional expertise is needed in a particular area, the group may consult with other volunteers as needed.
2. The group's first task would be to develop a policy for dealing with trees on public property to include maintenance, pruning techniques, tree removal, tree planting, etc. This group would review major public construction projects in advance to insure that the minimum number of trees are removed.
3. The group would also work with Greener Harrisonburg in pursuing completion of a tree inventory.
4. Upon completion of the public tree policy, the group may consider the following: development of a tree ordinance; possible creation of a tree commission; feasibility of creating horticulturist position; contracting out maintenance of some or all public plantings.

Following discussion on this working group, Council Member Dingleline offered a motion that the general concept of the policy be approved; that the committee will be appointed by the City Manager and all matters are to be channeled through the City Manager. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

↓ City Manager Stewart explained that at the conclusion of the April 16-17, 1993, Council Retreat, Council indicated that they wanted to adopt, in some formal way, the expectations and goals developed at the retreat. City Manager Stewart noted that the major categories to be considered for adoption by Council are: ground rules for working as a group; Council's expectations of City

Manager, City Manager's expectations of Council, Council Member's and Mayor's expectations among each other; goals and next steps. Council Member Dingledine offered a motion that the City Council Retreat Report be adopted. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 13-1-3, Adoption of State Law, of the Harrisonburg City Code. City Manager Stewart explained that this ordinance states that the City will abide by any amendments to the State Code effective July 1, 1993, pertaining to motor vehicles and driving under the influence. Council Member Weaver offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 13-1-15, City motor vehicle license, of the Harrisonburg City Code. City Attorney Thumma explained that there are only two changes to this ordinance; one which raises the auto decals from \$15.00 to \$20.00 for passenger cars and light trucks and changing the time for decals to be purchased to on or before March 31st of each year. Council Member Dingledine offered a motion that the ordinance be approved for a first reading. The motion was seconded by Vice-Mayor Neff and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented for Council's consideration of approval for a second reading an ordinance selling a 4,628 square foot parcel on the west side of Reservoir Street at its intersection with University Boulevard in the City of Harrisonburg. Manager Stewart noted that bids were received for this property at the May 11, 1993, City Council meeting along with this ordinance being approved for a first reading. Council Member Dingledine offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

✓ Council Member Dingledine offered a motion that a supplemental appropriation in the amount of \$12,570, requested by Parks and Recreation Director for expenses that were paid for tree planting grant and money has been reimbursed per the conditions of the grant, be approved for a second and final reading, a first reading having been approved on May 25, 1993, and that:

\$12,570 chdgd. to: General - 1900 -1901.01 Recoveries and Rebates 04-04-93

\$12,570 approp. to 1-2-7101-0-0-7013.01 Improvements

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

√ City Manager Stewart presented a request from Lester Seal for approval of a transfer in the amount of \$12,889 to transfer budget amounts to cover a deficit in tax relief for the elderly. More tax relief for the elderly was given than had been estimated when the budget was originally prepared. Council Member Dingledine offered a motion for the transfer to be approved for a first reading and that:

\$12,889 trans. from: 1-01-09102-00-0-201101 Workmen's
liability insurance

12,889 trans. to: 0101-05306-00-0-571501 Property Tax
Relief

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

√ City Manager Stewart presented a request from Fire Chief Shifflett for approval of a supplemental appropriation in the amount of \$25,596.69 for reimbursements, receipts from Fire School and Donations. Council Member Weaver offered a motion for the appropriation to be approved for a first reading, and that:

\$25,596.69 chgd. to: 1-1900-1901.01.0 Recoveries &
Rebates

\$ 8,000.00 approp. to: 1-1-3201-1-0-1005.05 Firefighters
7,600.00 approp. to: 1-2-3201-0-0-7001.04 Fire Training
5,996.69 approp. to: 1-2-3201-0-0-7001.03 Equipment
4,000.00 approp. to: 1-1-3201-2-0-5400.01 Other materials
and supplies.

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

√ City Manager Stewart presented a request from Fire Chief Shifflett for approval of a supplemental appropriation in the amount of \$11,000.00 to recover 911 tax funds. Council Member Weaver offered a motion for the appropriation to be approved for a first reading, and that:

\$11,000.00 chgd. to: 1-04075 Fund Balance

11,000.00 approp. to: 1-1-5302-2-0-5200.02 Communications
E-911

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

√ City Manager Stewart presented for Council's consideration of approval of a second reading an ordinance amending and re-enacting Section 7-4-22, Charges for running water service lines to applicant's property line generally and installation of meters; an

ordinance amending and re-enacting Section 7-4-23, Charges for water tap; (main extensions, sprinklers, private or other public connections); and an ordinance repealing Section 7-4-24 of the Harrisonburg City Code. Manager Stewart stated that these ordinances are necessary to change the water and sewer rates. Council Member Dingleline offered a motion that the ordinance amending and re-enacting Section 7-4-22 be approved for a second and final reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council. Council Member Weaver offered a motion that the ordinance amending and re-enacting Section 7-4-23 of the City Code be approved for a second and final reading. The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council. Council Member Dingleline offered a motion that the ordinance repealing Section 7-4-24 of the Harrisonburg City Code be approved for a second and final reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

↓ City Manager Stewart presented Council with copies of the Customer Services Manual and form and explained that this is a system set up to insure when citizens call in with a concern or complaint that they will receive a response within five working days. Manager Stewart explained that every employee will receive a copy of the manual and will also receive some type of professional customer service training over the next several months.

↓ City Manager Stewart stated that work has started on the improvements to the bathrooms and installation of an elevator in the Municipal Building. Manager Stewart noted that a joint work session with the Planning Commission and City Council and Department Heads to review the standards manual needs to be scheduled. Following discussion it was decided to have the work session begin at 7:00 p.m. on Tuesday, June 22, 1993, with the regular City Council meeting starting as usual at 7:30.

↓ Assistant Manager Baker stated that, as part of the contract for the access road to the new elementary school, Stonespring Road will be closed on Thursday, June 10, 1993, from 9:00 a.m. until 3:00 p.m. for installation of the jersey barriers.

Assistant Manager Baker called Council's attention to the draft report of the Disability Services Council on Local Unmet Needs of People with Physical and Sensory Disabilities and noted that this item will be on the June 22, 1993, agenda for adoption.

↓ Council Member Weaver expressed concern that the City is adding too many subsidized housing, and questioned if there is anyway we can get a homeowners occupied home on the property at the corner of Reservoir Street and Myers Ave. It was noted that this property is owned by the Harrisonburg Redevelopment and Housing Authority.

✓ At 8:45 p.m., Council Member Weaver offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Board of Zoning Appeals by the Circuit Court, the City Board of Health, the Parks and Recreation Commission, the City Board of Viewers, the Jail Advisory Board, the Blue Ridge Diversionary Program Community Corrections Resources Board and the City School Board exempt from the public meeting requirement pursuant to Section 2.1-344(A)(1) of the Code of Virginia; and for discussion and consideration of the disposition of publicly held property, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia; and for discussion and consideration and evaluation of performance of personnel, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. The motion was seconded by Council Member Dingledine and approved with a unanimous recorded vote of Council.

✓ At 10:08 p.m., the executive session was declared closed and the regular session reconvened. City Manager Stewart read the following which was agreed to with an unanimous recorded vote of the Council Members: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Mayor Heath asked Council's wishes concerning a recommendation to the Circuit Court for the Board of Zoning Appeals. Vice-Mayor Neff offered a motion that Carl Wassum, subject to Mr. Wassum's acceptance, be recommended to the Circuit Court for appointment to the Board of Zoning Appeals. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

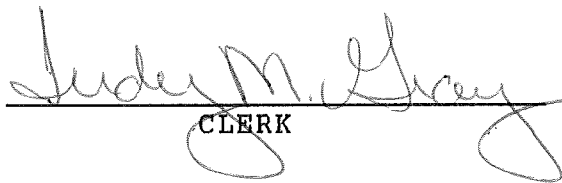
✓ Mayor Heath asked Council's wishes concerning an appointment to the Parks and Recreation to fill the unexpired term of Wallace E. Banks. Mayor Heath noted that Mr. Banks has moved out of the City of Harrisonburg rendering him ineligible to serve on the City's Parks and Recreation Commission. Council Member Dingledine offered a motion that Ms. Joan Krumm, 221 Divot Drive, be appointed to a first term (Simms-east) on the Parks and Recreation Commission with term to expire on December 31, 1996. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ Council Member Weaver offered a motion that Mayor Heath, Council Member Green and City Manager Stewart be appointed to serve on the advisory board for the jail facility. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

✓ Mayor Heath asked Council's wishes concerning an appointment to the Board of Public Welfare, noting that Ms. Janice Ramser's first term expires on June 30, 1993. Council Member Dingledine offered a motion that Ms. Janice Ramser, 480 Andergren Dr., be appointed to a second term of four years to the Board of Public Welfare with term to expire on June 30, 1997. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

✓ Mayor Heath asked Council's wishes concerning two appointments to the City School Board noting that the first terms of Greg L. Coffman and Jean Foerster Gearing expire on June 30, 1993. Council Member Dingledine offered a motion that Mr. Richard A. Yoder, 1157 Stuart Street, be appointed to a first term of three years on the City School Board. Mr. Yoder's first term will expire on June 30, 1996, and he will be representing the west ward. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council. Vice-Mayor Neff offered a motion that Ms. Cathy L. Stevenson, 371 Myers Avenue, be appointed to a first term of three years on the City School Board. Ms. Stevenson's first term will expire on June 30, 1996, and she will be representing the east ward. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

At 10:15 p.m. there being no further business and on motion adopted, the meeting was adjourned.


CLERK


MAYOR

**REGULAR MEETING
JUNE 22, 1993**

At a regular meeting of Council held this evening at 7:45 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; Attorney Holmes Harrison,; Vice-Mayor John Neff, Council Members Walter F. Green, III, Emily R. Dingleline and Agnes Massie Weaver; City Clerk Judy M. Gray and Colonel Harper.

Council Member Weaver offered a motion to approve the minutes as corrected and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

√ At 7:48 p.m., Mayor Heath closed the regular session temporarily and called the evening's public hearing to order. City Manager Stewart read the following notice of hearing as it appeared in the Daily News Record:

The Harrisonburg City Council will hold a public hearing on Tuesday, June 22, 1993, at 7:30 p.m, in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider an application to vacate an undeveloped portion of Edom Road, in the City of Harrisonburg:

A request of Jackie Dean Daff and Janet Louise Daff to vacate a portion of Edom Road, consisting of 1,297 square feet, that is located approximately 350 feet west of North Liberty Street, in the City of Harrisonburg.

A copy of the recommendation of the City Planning Commission along with a copy of the plat showing the portion of the street to be vacated are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at this public hearing.

**CITY OF HARRISONBURG
Steven E. Stewart
City Manager**

Planning Director Turner called Council's attention to a large scale map of the area and explained that when Mr. Daff came to the Department of Community Development on another zoning issue he found out that part of his home is actually located on the right-of-way of Edom Road. Following further comments, Planning Director Turner concluded in noting that if the vacation of the portion of Edom Road is approved, this will put the Daff's home on a lot of its own. Planning Director Turner also noted that there were no staff objections to this request and the Planning Commission is

recommending approval. Mayor Heath called on anyone present desiring to speak in favor of this closing request.

Mr. Dave O'Donnell, representing Jackie and Janet Daff, reiterated many of the points made by Planning Director Turner and stated that the house has been in this location for about 40 or 50 years. There being no others present desiring to speak either for or against this closing request this public hearing was declared closed at 7:55 p.m. and the regular session reconvened. Council Member Weaver offered a motion that a Board of Viewers be appointed consisting of Marshall Firebaugh, Tom Wilson and Wilmer Byrd to hear the request to vacate a portion of Edom Road, with Marshall Firebaugh to chair the board during this review. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ At 7:48 p.m. Mayor Heath closed the regular session temporarily and called the evening's public hearing to order. City Manager Stewart read the following notice of public hearing as it appeared in the Daily News Record:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, June 22, 1993, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following rezoning request:

Richard L. Blackwell's request, as contract purchaser, to rezone Lot 1, approximately 0.31 acres, located on the north side of East Market Street, from R-2 "Residential District" to R-3 Conditional "Multiple Dwelling District." The R-3 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 Comprehensive Plan recommendation for this property is "Professional." The "Professional" land use category is described as areas designated for professional service oriented uses with consideration to the character of the area. The property is located at 566 East Market Street and is shown as Lot 1, Block V, Sheet 33 on Harrisonburg Block Maps.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m. All interested persons will have an opportunity to express their views at these Public Hearings.

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

Steven E. Stewart, City Manager

Planning Director Turner called Council's attention to a large scale map of the area and stated that it is located on the north side of East Market Street and is currently zoned R-2 and Mr. Blackwell has requested that it be zoned R-3 Conditional Multiple Dwelling District. Ms. Turner explained that the proffers that he has proffered with the rezoning request are that this property will be used for professional office purposes only. Ms. Turner added that the Comprehensive Plan recommendation for this area is professional. Mayor Heath called on anyone present desiring to speak either for or against this rezoning request.

Mr. Richard Blackwell, stated that he would like to encourage the Council to approve this request. Mr. Blackwell noted that this is in an old section of the City and feels that it is a good location for professional offices.

Mayor Heath called on anyone else present desiring to be heard. There being no others present desiring to be heard, the public hearing was declared closed at 7:55 p.m., and the regular session reconvened. Vice-Mayor Neff offered a motion that the recommendation of the Planning Commission to approve this rezoning request be approved. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

↓ City Manager Stewart noted that the City was an original sponsor of the Lower North River Watershed Plan and called on Mr. Steve Leslie to explain supplement number 4 of the Plan. Mr. Leslie stated that supplement number 4 does the following things: adds "dikes" as a structural component of the plan, substitutes Lilly dike for dam 31A which is on Blacks Run, adds Augusta County and the Headwaters Soil and Water Conservation District to the list of sponsors, and calls for re-evaluating the structures that are remaining to be built after Lilly Dike is built. Council Member Weaver offered a motion that City Council endorse the plan. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

↓ Mr. Ben Melton from the Social Security Office of Harrisonburg and Mr. Jeff Weaver from the Department of Rehab Services were present in the meeting to present the Blue Ridge Disability Services Board draft report to the Disability Services Council on Local Unmet Needs of People with Physical and Sensory Disabilities. Mr. Melton explained that their method so far has been to survey the local agencies who work with the disabled to identify transportation, counseling, case management and employment services needs of the disabled in this area. Following further comments, Mr. Melton concluded in stating that their primary recommendation is mainly to solicit more public input and publicity. Following further comments and questions, Council Member Weaver offered a motion that the draft report be approved. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

Council received the following extract from the Planning Commission meeting held on June 16, 1993:

✓ "...Chairman Wassum read the request from Douglas Driver, agent for Mervyn Wingfield and Eva Pittenger, to close the portion of an alley between 281 and 285 Campbell Street.

The Planning Director described with a block map the location of the request and said that the property owners, Mervyn Wingfield and Eva W. Pittenger, are requesting this alley to be closed because of the noise, dust, litter and safety hazards caused by traffic on this portion of the alley. She said that the Wingfield's, Pittenger's and other neighbors along Campbell Street, have attempted to create a park-like atmosphere behind their homes by maintaining but not developing, the lots located behind them. Ms. Turner said that staff has reviewed the request and there were no public facilities there or any other easements that would need to be maintained if it were closed. Therefore, there is no staff objection to the closing of this portion of the alley.

Chairman Wassum said that his only concern was that since the alley does not extend to Ott Street, if people use the entrance on Mason Street, how will they turn around to go back down the alley without crossing someone else's property. Mr. Driver, representing the Wingfields and Pittengers, said that the reason for closing this part of the alley is to help prevent this sort of problem in the future. After discussion regarding the process of closing an alley. Mr. Homan motioned to approve. Ms. Whitten seconded. All voted aye..."

Planning Director Turner called Council's attention to a large scale map of the area and noted that no objections were voiced by the City staff. Ms. Turner stated that the Planning Commission recommends approval of the closing. Vice-Mayor Neff offered a motion that a public hearing be scheduled for July 13, 1993, to hear this alley closing request. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council.

↓ Council received the following extract from the Planning Commission meeting held on June 16, 1993:

"...A Public Hearing was called to order and Chairman Wassum read the request of Marvin J. and Robin C. Baker to rezone .206 acres located on the north side of East Johnson Street, from R-2 "Residential District" to M-1 "General Industrial District."

The Planning Director explained that this proposal was continued from the May 20, 1993, meeting and described with a tax map the location of the request. She explained that Mr. Baker had completed improvements

that were discussed at the last meeting, to address concerns of the adjoining property owners as well as the Planning Commission. The improvements completed are: slating installed in the chain link fence around the perimeters of the property; drainage improvement work was done to the lots adjoining him, which includes grading and placing a drainage pipe at the rear of the lots which goes under the parking area and then empties to Main Street which was the natural drainage course before Mr. Baker did any work to his property; there has also been chip and seal placed where the drainage discharges, alleviating problems with rocks washing out into the street; and seeding the area where grading was done on the residential lots. Ms. Turner said that Mr. Baker has done quite a bit of work since the last meeting and put quite an investment into the property for which he is to be commended. The problem that concerns staff is the issue of having residential zoning directly adjacent to an industrial classification. She said that while Mr. Baker may in all regards, intend to be a good neighbor to the adjacent residential properties, rezoning is a further encroachment into the neighborhood of the industrial zoning classification which is not compatible with the residential uses. There may be problems with any future owners of this property. The concern is not so much Mr. Baker's maintenance, use, or presentation of the property. The fundamental concern is having industrial property directly adjacent and encroaching in further to the existing residential neighborhood. For these reasons the request is not recommended for approval.

Carl Wassum asked if there was anyone that would like to speak for the rezoning.

Mr. Steven Blatt, representing Mr. Baker, said that Ms. Turner's characterization of the work Mr. Baker has done is apropos but reminded that Commissioners that at the last meeting Mr. Baker had said that he was going to do this work anyway and was not going to get bogged down in a debate as to whether something was a condition, a proffer, or a non binding offer. Mr. Blatt presented a letter from the City Engineer stating whether or not the plan for engineering was acceptable. Mr. Blatt also resubmitted a letter from an adjoining property owner as evidence of his satisfaction of what was done there. Mr. Blatt said that he would like to point out that this property has been used as industrial property for a great many years by Shenandoah's Pride or Valley Milk Producers before the property was sold to Mr. Baker. It can't be expanded because the City owns the alley that abuts this property and in fact these lots can't be used for anything under the R-2 zoning since they don't meet requirements. If the Commission does not approve the

rezoning it amounts to confiscating the property. Mr. Blatt said that under recent Supreme Court opinions, this is a case of inverse condemnation by the City. He said that it was only 50 feet and the balance of the property will be used as industrial anyhow, so the Commission was not really stopping anything that isn't there already. All Mr. Baker wants to do is correct the mistake that was made before he acquired the property and have the entire property zoned industrial. He said it wasn't well founded to say that there was any possibility that this property could be expended in the future, the balance of the property is and always will be industrial, its not going to change. All Mr. Baker wants is to have the 50 foot mistake corrected. Mr. Blatt added that Mr. William Weiss, Consulting Engineer, was there to answer any questions.

Chairman Wassum asked if there was anyone to speak for the request. There was no one. Chairman Wassum asked if there was anyone to speak against the rezoning.

Mr. Alfred, Sr., 75 East Johnson Street, said that when he bought property in the neighborhood it was zoned R-2, all but the Shenandoah Pride property. Mr. Howard gave a brief description of the history of the neighborhood and sated that he was not proud of the neighborhood anymore due to changes. Mr. Howard said that he feels that at this time everyone is doing what ever they want. He feels that for 7 years he had dealt with dust, filth, and abuse from the property owner. He said that he also felt that after Mr. Baker promised to clean up the property there are still problems. Mr. Howard asked if the property was R-2 or M-1 at the time of purchase by Mr. Baker. Ms. Turner and Chairman Wassum explained that it was R-2.

Chairman Wassum asked if there was anyone else that would like to speak against the rezoning. There was no one. Chairman Wassum asked if there was any questions from the Commissioners. Mr. Rexrode asked for the location of Mr. Howard's property in regards to the request and asked Mr. Cook if it was true that lots 9 and 10 didn't meet R-2 requirements. Mr. Cook said that the lots were undersized and R-2 requires a 60 foot wide lot. He said that most of the lots through that area are 50 foot wide.

Chairman Wassum closed the Public Hearing and brought the meeting back to general session. Chairman Wassum asked if there were any questions from the members of the Commission.

The Planning Director asked Mr. Cook if someone wanted to purchase lots 9 and 10 and use them for

residential purposes, would they need to get any type of variance since it did not meet the 60 foot required width.

Mr. Cook answered that there would not be a problem if one house were put on the 2 lots. He added that there is a valid use for that lot in the present zoning classification.

Ms. Whitten spoke of concern that the property was being used industrially while being zoned R-2. Mr. Cook explained that it was discovered to be R-2 only when Mr. Baker brought in a site plan. At that time, Mr. Baker proceeded to apply for the rezoning.

Chairman Wassum said that the dust problem would probably go away after construction is completed but the site barrier still bothered him. He said that Mr. Baker's efforts show that he would be a good neighbor but he would like to know what can be done to permanently ensure that the site barrier remains in place.

Chairman Wassum stated that he would entertain a motion if there were no more questions or discussion. Ms. Whitten moved to not approve the rezoning based on staff concerns and advice and because pushing M-1 and R-2 closer together would be a mistake and it is something we need to be more vigilant about in Harrisonburg. Mr. Homan seconded. Chairman Wassum asked for a voice vote. Ayes were Mr. Stewart, Mr. Homan, Dr. Beasley and Ms. Whitten. Opposing votes were Mr. Rexrode and Mr. Neff. The motion passed..."

Planning Director Turner called Council's attention to a large scale map of the area and reviewed the Planning Commission's report. Council Member Dingleline offered a motion that the City Council accept the Planning Commission's recommendation to deny this rezoning request, and schedule a public hearing for July 13, 1993, to hear citizens' views concerning this rezoning request. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

✓ Council received the following extract from the Planning Commission meeting held on June 16, 1993:

"... Chairman Wassum read the request for final subdivision plat approval of Reherd Acres, Unit 26, Phase II, Lots 1-21, located on the east side of Vine Street and northwest of Blue Ridge Drive.

The Planning Director explained that this request is continued from the June 19, 1993, meeting and that it was a continuation of Reherd Acres Subdivision, Unit 26, requesting approval of the second phase, which includes

11 single family lots. She explained that the preliminary plat and construction plans have been approved. She explained that at the last meeting the City had not received a surety to guarantee the construction of public improvements for this part of the subdivision. Ms. Turner said that staff has now received this surety and therefor, recommends approval.

Mr. Neff motioned to approve the final plat. Mr. Rexrode seconded. All voted aye..."

Council Member Weaver offered a motion that the recommendation of the Planning Commission to approve the Final Subdivision Plat, Reherd Acres, Unit 26 Phase II, Lots 11-21 be approved. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

↓ Assistant City Manager Baker reported that GTE began a project last fall on replacing some conduits in Main Street and now they plan to start the project again. Mr. Baker explained that the project will begin at Main Street and go up Water Street to Old South High Street and they also want to go up Main Street to about Johnson Street. Mr. Baker noted they are hopeful to be able to use the old conduits in the section between Elizabeth and Water Street and not have to cut the pavement in this section. Mr. Baker explained there is a bridge on close to Gay Street and Water Street and six culverts that GTE will have to deal with during the construction, so the City has asked them to submit detailed drawings of how they plan to go through the abutments so they do not weaken them. Mr. Baker also stated that from Elizabeth Street to Johnson Street the asphalt will have to be cut. Mary Ellen from GTE thanked the City Council for the City's help and support of GTE's project. Mary Ellen also noted that they plan to have the project completed before cold weather.

↓ City Manager Stewart presented and read a letter from the Central Shenandoah EMS Council requesting Council's support for ALS-Cardiac Technician license for Harrisonburg Rescue Squad. Manager Stewart explained that the State Board of Health requires Council to authorize and support the Rescue's Squad's efforts to obtain the ALS-Cardiac Technician license before the license can be issued. Manager Stewart noted that there is no requirement for financial support. Council Member Green offered a motion that the City support the Rescue Squad's efforts to obtain the ALS-Cardiac Technician license. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

↓ City Manager Stewart explained that the Department of Parks and Recreation is requesting an additional \$200.00 to the Department's petty cash fund. Manager Stewart noted that this money is to be taken from the Parks & Recreation revolving Fund I-1 Summer Fund and that it is to be used for field trip admissions to areas that will not bill the city for services. Manager Stewart further noted that this is strictly a summer program and was not

anticipated when the Department made its initial request for petty cash. Council Member Weaver offered a motion that permission be granted to the Department of Parks and Recreation for an additional \$200.00 to the Department's petty cash fund. The motion was seconded by Vice-Mayor Neff and approved with a unanimous vote of Council.

✓ City Manager Stewart presented for Council's consideration of a second and final reading an ordinance amending and re-enacting Section 13-1-3, Adoption of State Law, of the Harrisonburg City Code. Council Member Green offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Vice-Mayor Neff and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented for Council's consideration of a second and final reading an ordinance amending and re-enacting Section 13-1-15, City motor vehicle license, of the Harrisonburg City Code. Council Member Weaver offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented for Council's approval a schedule of 1992-93 budget amounts to be reserved at June 30, 1993. Manager Stewart explained that several capital projects that were budgeted in 1992-93 will not be completed by June 30 and since no contract or purchase order has been issued, it is requested that these funds be reserved as of June 30, 1993. Manager Stewart explained that in prior years, these items would have been encumbered, would have been paid for off-budget and would not have been brought back to Council. Manager Stewart further explained that changing the encumbrance procedure to comply with Generally Accepted Accounting Principles has brought about this new procedure and in fiscal year 1993-94, Council will be asked to reauthorize expenditures from these reserves. Council Member Dingleline offered a motion that the following amounts be reserved at June 30, 1993:

General Fund	\$ 454,000.00
Water Fund	300,000.00
Sewer Fund	250,000.00
Sanitation Fund	<u>695,000.00</u>
 Grand Total	 \$1,699,000.00

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

✓ Council Member Green moved that a supplemental appropriation in the amount of \$25,596.69, requested by the Fire Department, to recover donations, reimbursements, and receipts from Fire School, be approved for a second and final reading, a first reading having been approved on June 8, 1993, and that:

\$25,596.69 chgd. to: 1-1900-1901.01.0 Recoveries &
Rebates

8,000.00 approp. to: 1-1-3201-1-0-1005.05 Firefighter
7,600.00 approp. to: 1-2-3201-0-0-7001.04 Fire Training
5,996.69 approp. to: 1-2-3201-0-0-7001.03 Equipment
4,000.00 approp. to: 1-1-3201-2-0-5400.01 Other materials
and supplies

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

✓ Council Member Weaver offered a motion that a supplemental appropriation in the amount of \$11,000.00 to recover the 911 tax funds be approved for a second and final reading, a first reading having been approved on June 8, 1993, and that:

\$11,000.00 chgd. to: 1-04-75 Fund Balance

11,000.00 approp. to: 1-1-3505-2-0-5200.02 Communications
E-911

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

✓ Council Member Weaver stated that Amy Johnson of the Historical Society contacted her concerning some windows that need replaced at the Historical Society.

✓ Council Member Weaver also questioned if the city buses run on the same schedule in the summer and they do in the winter. Manager Stewart noted that they run on a revised schedule during the summer months.

✓ Assistant City Manager Baker noted that the move day for the Juvenile Courts will begin on July 16th and that they will be opened again on July 19th.

✓ Assistant Manager Baker also noted that the City has received notification that we will receive from FEMA some funds to compensate for the blizzard in March.

At 8:40 p.m., Council Member Weaver offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the City Board of Health, City Board of Viewers, Community Services Board and the Blue Ridge Diversionary Program Community Corrections Resources Board exempt from the public meeting requirements pursuant to Section 2.1-244(A)(1) of the Code of Virginia; and for discussion and consideration of the disposition of publicly held property, exempt from the public meeting requirement pursuant to Section 2.1-344(A)(3) of the Code of Virginia; and for discussion and consideration and evaluation of performance of personnel, exempt from the public meeting requirements pursuant to Section

2.1-344 (A)(1) of the Code of Virginia. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

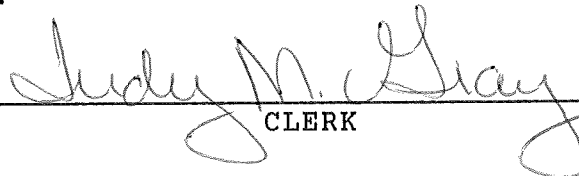
At 10:00 p.m., the executive session was declared closed and the regular session reconvened. Mayor Heath read the following which was agreed to with a unanimous recorded vote of the Council Members: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

Council Member Green offered a motion that the current vacancy on the City Board of Health not be filled. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

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



MAYOR



CLERK

REGULAR MEETING
JULY 13, 1993

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff, Council Members Walter F. Green, III, Emily R. Dingleline and Agnes Massie Weaver; City Clerk Judy M. Gray and Colonel Harper.

Council Member Weaver offered a motion to approve the minutes as received and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

At 7:35 p.m., Mayor Heath closed the regular session temporarily and called the evening's public hearing to order. City Manager Stewart read the following notice of public hearing as it appeared in the Daily News Record on June 29th and July 6th:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, July 13, 1993, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following rezoning requests:

Marvin J. Baker, Jr. and Robin Baker's request to rezone Lots 9 and 10, approximately 0.21 acres, located on the north side of East Johnson Street, from R-2 "Residential District" to M-1 "General Industrial District." The M-1 district is intended primarily for manufacturing, processing, storage and distribution activities which are not properly associated with, nor compatible with, residential and institutional development. The Comprehensive Plan recommendation for this property is "Commercial." The "Commercial" land use category is described as areas which are found along the major travel corridors and in the Central Business District of the City. Uses in this category include retail, wholesale or service functions. This property is known as Lot 28 of the Zirkle Addition and is shown as Lots 9 and 10, Block BB, Sheet 34 on Harrisonburg Block Maps.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m. All interested persons will have an opportunity to express their views at these Public Hearings.

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

Planning Director Turner noted that these two lots are located on the north side of East Johnson Street and when Mr. Baker purchased the lots in 1987 for Appalachian Equipment he thought all of the property was zoned M-1. Ms. Turner explained that when Mr. Baker came in recently to obtain a building permit for lots 9 and 10 it was discovered that lots 9 and 10 were zoned R-2. Ms. Turner noted that even though industrial use is not allowed in an R-2 zone, the Baker's, believing the property was industrial, installed curb and gutter and a chain link fence around the business. Ms. Turner noted that some concerns expressed by staff and surrounding property owners dealt with drainage and the general aesthetics of the property. Following the request being tabled in May, Ms. Turner stated that Mr. Baker, in trying to alleviate some of the concerns, put slatting in the fence and also did some work to correct the drainage problems. Following further comments, Ms. Turner stated that staff and the Planning Commission still were very much concerned about the impact of having industrial property directly adjacent to residential property and recommended to deny the rezoning request. Ms. Turner noted that the Comprehensive Plan's recommendation for this property is commercial. Mayor Heath called on anyone present desiring to speak for or against this rezoning request.

Mr. Steven Blatt, attorney for Mervin and Robin Baker, first of all noted that the two lots in question are grossly undersized and do not meet the requirements for R-2 zoning. Mr. Blatt noted that the property has been used industrial for many years and abuts a public City alley so can never be expanded across the alley. Mr. Blatt also noted that Mr. Baker voluntarily installed curb and gutter at a cost of about \$21,000. Mr. Blatt further noted that the drainage problems are not caused by Mr. Baker's property. Mr. Blatt also indicated that they were never told that if the improvements were made, the recommendation would still be to deny the rezoning request. Mr. Blatt stated that this property is used and has been used as M-1 Industrial, and that won't change regardless of what happens with this rezoning. Mr. Blatt noted that commercial use is not acceptable for these two small lots and would be totally inconsistent with the balance of the property and would have a significant impact and impede Mr. Baker's use of the balance of the property. Mr. Blatt also called Council's attention to a letter from Mr. Sampson, adjoining property owner, which stated that he has no objection to the rezoning. Mr. Blatt concluded in stating that he feels they have done everything that has been asked of them and urged Council to approve this rezoning request to M-1 Industrial so it will be consistent with the rest of Mr. Baker's property.

Chasteen Willis, who lives on the corner of Broad and Johnson Street stated that he has no objection to the rezoning request.

Alfred Howard, 75 East Johnson Street, stated that he has lived at this location for 33 years and is opposed to the rezoning request. Mr. Howard stated that if this request is granted it will have a negative impact on him and his family. Mr. Howard noted that Mr. Baker has not been a very good neighbor to him and stated that

Mr. Baker's business causes a great amount of dust and is an eye sore. There being no others present desiring to be heard the public hearing was declared closed at 8:18 p.m., and the regular session reconvened.

Vice-Mayor Neff offered a motion that the Planning Commission's recommendation to deny this rezoning request be denied and that Mr. Baker's request to rezone the property to M-1 Industrial be approved. The motion was seconded by Council Member Weaver and approved with a unanimous recorded vote of Council. Council Members Green and Weaver both encouraged Mr. Baker to plant some trees inside the fence line to add oxygen to the area and cut down on the dust.

At 7:35 p.m. Mayor Heath closed the regular session temporarily and called the evening's public hearing to order. City Manager Stewart read the following notice of public hearing as it appeared in the Daily News Record on July 3rd and 10th:

The Harrisonburg City Council will hold a public hearing on Tuesday, July 13, 1993 at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following application to vacate a portion of an alley between 281 and 285 Campbell Street, in the City of Harrisonburg.

(1) A request of Mervyn Wingfield and Eva Pittenger to vacate a portion of an alley between 281 and 285 Campbell Street.

Copies of the recommendations of the City Planning Commission along with copies of the plat showing the portion of the alley to be vacated are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at this public hearing.

CITY OF HARRISONBURG
Steven E. Stewart
City Manager

Planning Director Turner pointed out the location of this alley on a large scale map. Ms. Turner noted that the two property owners involved have requested that this alley be closed for reasons of dust, noise and safety concerns. Ms. Turner also stated that no easements will need to be maintained. Ms. Turner explained that staff has no objections to the closing and that Planning Commission is recommending the closing, but expressed concern about vehicles being able to turn around. Mayor Heath called on anyone present desiring to speak either for or against this closing request.

request, reiterated many of the points made by Ms. Turner. Mr. Driver noted that residents of Campbell Street will still be able to access the rear of their properties whereby entering along Mason Street as they do now; however the closing will prevent the thoroughfare situation of people traveling through there and coming out between the Wingfield and Pittenger homes.

There being no others desiring to speak either for or against the request, the public hearing was declared closed at 8:18 p.m. and the regular session reconvened. Council Member Green offered a motion that a Board of Viewers consisting of Marshall Firebaugh, Tom Wilson and Wilmer Byrd, with Marshall Firebaugh to chair the board, be requested to review this closing request. The motion was seconded by Council Member Dingledine and approved with a unanimous vote of Council.

↓ City Manager Stewart presented for Council's consideration for approval a resolution approving modification of bonds issued by Harrisonburg Redevelopment and Housing Authority and called on Mr. James Sipe, attorney for the Harrisonburg Redevelopment and Housing Authority to explain the resolution. Mr. Sipe noted the bonds were issued in 1984 by the Housing Authority for 13 million dollars for a multi-family housing project in Prince William County. Mr. Sipe explained that they are in the process of extending the maturity dates for lower interest rates. Mr. Sipe noted that in keeping in compliance with the Internal Revenue Code to make the bond tax exempt, a public hearing is required in the locality where the bonds were issued and in the locality where the project is located. Mr. Sipe noted that the local Housing Authority held a public hearing on June 16th and no objections were voiced. Following further comments, Council Member Dingledine offered a motion that the resolution be approved. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

↓ City Manager Stewart presented and read a letter from John H. Monger, III, stating that J-M Apartments, the owners of tax parcels 25 (H) 12, 13 and 14 located on the east side of Old South High Street be rezoned from R-2 to M-1. Vice-Mayor Neff offered a motion that this rezoning request be referred to the Planning Commission. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

↓ City Manager Stewart presented and read a report from the City Treasurer listing the following delinquent taxes remaining unpaid at the close of fiscal year ending June 30, 1993:

<u>Year</u>	<u>Tax</u>	<u>Amount</u>
Prior to 1990	Real Estate	\$ 24,863.53
1990	Real Estate	22,782.94
1991	Real Estate	43,214.72
1989	Personal Property	16,924.84
1990	Personal Property	28,852.91

Council Member Dingleline offered a motion that the report from the City Treasurer be accepted. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented and read a letter from City Treasurer Miller submitting a list of delinquent taxes on Real Estate for the year of 1992 and Tangible Personal Property for the years 1991 and 1992, as required by Chapter 20, Sec. 58-978 of the Tax Code of Virginia. City Manager Stewart noted that a list of the delinquent taxes is available in the Manager's office for review. Council Member Weaver offered a motion that the report of delinquent taxes be accepted. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

✓ City Manager Stewart noted that as a result of the discussion at the City Council retreat in April, he has drafted a Mission Statement and Organizational Values. Manager Stewart noted that these documents are based on goals articulated at the Retreat, the Comprehensive Plan and his knowledge about Harrisonburg and experience in working on these items in other jurisdictions. Manager Stewart noted that he has shared these items with the department heads for their input before bringing this final draft to Council. Manager Stewart explained that he believes the adoption of both a mission statement and a set of organizational values are important steps in the provision of excellent customer service. Manager Stewart stated that the mission statement should be the long-term vision of what the City is or is striving to become, and should reflect the values, beliefs and philosophy of the organization. Manager Stewart noted that it would serve as a focal point for everyone in the organization and once finalized, would be prominently displayed in every department. Manager Stewart further noted that the establishment of organizational values is important so as to articulate a clear set of City's beliefs to the public and to our employees. Manager Stewart noted that these values ought to be communicated throughout the organization and decisions ought to be made based on these stated values. Following further discussion, Council agreed to table this item until the July 27, 1993, Council meeting to give the public opportunity for comments. Council Member Weaver also requested that a copy of the mission statement and organization values be displayed in the City Council Chambers.

✓ Colonel Harper reviewed with the City Council the Police Department's recommendations concerning changes in the residential permit parking ordinance. Following a review of the changes, Colonel Harper noted that the changes would not go into effect until next year. Council Member Weaver stated that she would like to see the day of Harrisonburg High School's graduation exempt from the provision of the Green Zone. Colonel Harper noted that Greenbriar Drive is a situational problem and residential parking will not address the problems on Greenbriar Drive. Colonel Harper did add that JMU has agreed to help with the parking problems on Greenbriar during functions at the Convocation Center. Following

concerns raised by Council Member Weaver as to whether the \$1.00 fee for parking permits covers the cost of permit parking, Mayor Heath asked the City Manager to investigate the costs to the City for permit parking. Vice-Mayor Neff offered a motion that the recommendations concerning changes in the residential permit parking ordinance be approved for a first reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented the following report from the Board of Viewers:

WE the undersigned members of the Harrisonburg Board of Viewers submit the following report concerning a portion of Edom Road to be closed at the request of Mr. and Mrs. Jackie D. & Janet L. Daff.

The portion of Edom Road requested to be closed has not been used but is incorporated in the property now owned by Mr. & Mrs. Daff, since the house was built in 1921 according to the information available to the Board of Viewers. The statute 15.1-364 of the Code of Virginia, having been complied with, no objection has been made at the public hearing or to the Board of Viewers, the Board of Viewers find no inconvenience would result in the closing of the portion of Edom Road so requested to be closed.

All rights of the City of Harrisonburg with respect to utilities and drainage are reserved.

Following comments from the City Manager, Council Member Dingledine offered a motion that an ordinance closing a portion of Edom Road be approved for a first reading with direction for the City Attorney to prepare the ordinance for second reading to be approved after all the fees are paid. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ Council received a request from the School Board for approval of a supplemental appropriation in the amount of \$434,017.96 to reappropriate Reserves for Encumbrances, (normal summer supplies and equipment purchases), at June 30, 1993, as required by Generally Accepted Accounting Principals Manual and per direction of the city administration; and to appropriate funds from School Fund balance to pay additional funds to City Transportation, to order additional textbooks, and to resurface the tract at Harrisonburg High School. City Manager Stewart explained that in accordance with Generally Accepted Accounting Principals, reserves for encumbrances will need to be reappropriated by Council. Manager Stewart further explained that the request from the School Board does not involve new City funds, but simply reappropriates funds previously approved by Council. Vice-Mayor Neff offered a motion that the appropriation be approved for a first reading, and that:

\$287,517.96	chgd. to:	1111 22100	Reserve for Encumbrances
146,500.00	chgd. to:	1111 25100	Fund balance unreserved
240,641.04	approp. to:	1111 40610	Instruction
26,548.10	approp. to:	1111 40620	Admin, Attend, Health
38,287.00	approp. to:	1111 40630	Pupil transportation
128,100.64	approp. to:	1111 40640	Operation & Maintenance
441.18	approp. to:	1111 40650	Food Ser./other nonInst.

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

✓ Council Member Weaver and Council Member Dingleline noted that they have received calls from citizens complaining about speeding on Paul Street. Mayor Heath asked Colonel Harper to look into the matter.

✓ Building Inspector, John Byrd, in giving the Council an update on the ADA project of the Municipal Building, reported that the work on installing a handicapped toilet on the first floor is on schedule and should be completed within the next two to three weeks. Mr. Byrd reported that the toilets on the second floor will also be renovated but there will no major structural changes. Mr. Byrd reported that Phase II, which is the work on the elevator, vestibule and canopy is not on schedule due to the vein of limestone that is in the pit for the elevator. Due to this vein of limestone and the fact that they can't blast the stone because of the destabilization of one wall of the Municipal Building, Mr. Byrd reported that this will add about \$15,000 to the original contract. Following further comments, Mr. Byrd noted that this work is scheduled for completion by the first of October.

✓ Following discussion as to a location for the Court facilities during the renovation work on the Court House, Council Member Weaver moved that the Warren Sipe House be offered as a location for the courts during the renovation work. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

At 9:30 p.m., Council Member Weaver offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the City Board of Viewers, City Clerk, Community Services Board, Blue Ridge Diversionary Program Community Corrections Resources Board, and Board of Zoning Appeals exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia; and for discussion and consideration of the disposition of publicly held property, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia; and for discussion concerning the location and expansion of an existing industry in the City, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(5) of the Code of Virginia; and for consultation

and briefing by legal counsel pertaining to the Virginia Surface Water Management Areas Act, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia; and for discussion, consideration and evaluation of performance of personnel, exempt from the public meeting requirements pursuant to Section 2.10344(A)(1) of the Code of Virginia.

At 11:25 p.m., the executive session was declared closed and the regular session reconvened. Mayor Health read the following which was agreed to with a unanimous recorded vote of the Council Members: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

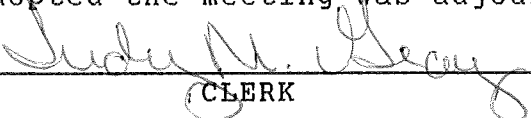
Mayor Health asked Council's wishes concerning an appointment to the Blue Ridge Diversionary Program Community Corrections Resources Board noting that the first term of Susie P. Verson expired June 30, 1993. Council Member Weaver offered a motion that Ms. Joan Kosnik, 481 East Market Street, be appointed to first term to expired on June 30, 1994, to the Blue Ridge Diversionary Program Community Corrections Resources Board. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

Mayor Heath asked Council's wishes concerning an appointment to the Community Services (Chapter 10) Board inasmuch as the unexpired term that Ms. Joanne Taylor was filling expired on July 1, 1993. Council Member Green offered a motion that Ms. Joanne Taylor, 119 Broad Street, be appointed to a first term of three years, with term to expire on July 1, 1996, to the Community Services (Chapter 10) Board.

Council Member Weaver offered a motion that Carl Wassum's recent recommendation to the Board of Zoning Appeals be rescinded due to the fact Mr. Mervin Stickley's second term does not expire until March 20, 1994. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

Council Member Green offered a motion that Marshall Firebaugh, Thomas Wilson and Wilmer Byrd be appointed to review the alley closing request on Campbell Street, with Marshall Firebaugh to chair the committee. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

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


CLERK


MAYOR

REGULAR MEETING
July 27, 1993

At a regular meeting of Council held this evening at 7:30 p.m., there were present: City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff, Council Members Walter F. Green, III, and Agnes Massie Weaver; City Clerk Judy M. Gray and Colonel Harper. Absent: City Manager Stewart, Mayor C. Robert Heath and Council Member Emily R. Dingleline.

Council Member Weaver offered a motion to approve the minutes as received and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

At 7:32 p.m. Vice-Mayor Neff closed the regular session temporarily and called the evening's public hearing to order. Assistant Manager Baker reading the following notice of public hearing as it appeared in the Daily News Record on July 20, 1993:

Pursuant to Section 15.1-162.1 of the Code of Virginia, the City of Harrisonburg will hold a public hearing on July 27, 1993, at 7:30 p.m. in the Council Chambers at 345 South Main Street for the purpose of considering an amendment to the 1993-94 Budget. This amendment is necessary in order to reappropriate funds from the 1992-93 Budget that were encumbered for purchase orders and contracts that were not completed by June 30, 1993. The proposed Budget amendment is as follows:

Revenues - Reserve for Encumbrances	\$1,311,703.93
Expenditures - General Fund	345,040.75
Water Fund	304,717.33
Sewer Fund	337,873.43
Transportation Fund	280,995.00
Sanitation Fund	<u>43,077.42</u>
	\$1,311,703.93

All interested persons will have an opportunity to express their views at the public hearing.

Assistant City Manager Baker explained that to comply with Generally Accepted Accounting Principles as published by the Governmental Accounting Standards Board, reserves for encumbrances need to be reappropriated by Council. Assistant Manager Baker noted that in previous years the encumbrances were paid for off-budget without coming back to Council for reappropriation. Assistant Manager Baker also noted that the amendment to reappropriate the reserve for encumbrances only uses funds previously appropriated by Council in 1992-93, and these funds have been committed by purchase orders or contracts awarded prior to July 1, 1993. Assistant Manager Baker noted that because the

amendment exceeds \$500,000, State law requires this public hearing. Vice-Mayor Neff called on anyone present desiring to speak either for or against this budget amendment. There being no one present desiring to be heard, the public hearing was declared closed at 7:35 p.m., and the regular session reconvened. Council Member Weaver offered a motion for the appropriation to be approved for a first reading to reappropriate year ended June 30, 1993, reserve for encumbrances, and that:

\$ 345,040.75 chgd. to: 1000-22200 Reserve for Capital Projects
 304,717.33 chgd. to: 2011-22200 Reserve for Capital Projects
 337,873.43 chgd. to: 2012-22200 Reserve for Capital Projects
 280,995.00 chgd. to: 2013-22200 Reserve for Capital Projects
 43,077.42 chgd. to: 2014-22200 Reserve for Capital Projects

1,311,703.93 approp. to: various funds

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

✓ Jim Werner explained to City Council that the Veterans of Foreign Wars are in the process of organizing a re-dedication of the World War Two Memorial Stadium located on South High Street adjacent to Harrisonburg High School. Mr. Werner noted that they plan to have the ceremony on June 5, 1994, which is the Sunday before the 50th anniversary of the Normandy Invasion. Mr. Werner explained that they are planning a three day event to start on June 3rd with a parade.

✓ Council received the following extract from the Planning Commission meeting held on July 21, 1993:

"...Chairman Wassum read the request for final subdivision plat approval of Blue Stone Hills Subdivision, Section 3G, located on the north side of the west end of Emerald Drive.

The Planning Director explained that the request was made to subdivide a 1.389 acre parcel of land from a larger, approximately 68 acre, tract. Ms. Turner said that the request was made to transfer ownership and that further subdivision for townhouse lots is expected in the future. She said that all public facilities are available, therefore a bond is not needed. She added that staff recommends approval for final subdivision.

Mr. Neff motioned to approve the final plat. Mr. Rexrode seconded. All voted aye..."

Following comments from Planning Director Turner, Council Member Green offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council Members present.

✓ Council received the following extract from the Planning Commission meeting held on July 21, 1993:

"...Chairman Wassum explained that the next agenda item was to review the Updated Master Plan for Parks and Recreation and that staff had prepared a memo for the Commission on the subject. He then introduced Lakey Logan, Director of Parks and Recreation.

Ms. Logan explained that the main purpose of the plan was that it was to be a guide identifying the needs of Parks and Recreation Department for the next 20 years. She spoke about the relationship of the plan to City Council's Cost Containment Goals and explained that if there was a freeze on Capital Improvement Projects then the timing identified in the plan would be delayed. She said that regarding the consolidation of maintenance functions, as considered in the cost containment goals, the plan identifies regular maintenance items needed regardless of who they would be performed by. She said that the time table for a decision on the consolidation is to have a report by August 6, 1993, or at the latest September 1. She explained that improving the Smithland Road property is the only annexation mandate remaining to be completed and that currently there are no utilities available to this area.

Chairman Wassum asked for questions from the Commission.

There was discussion among the Commissioners that included: whether the projects identified by the plan were those that were considered necessary; the flexibility of the dates in the plan; the City's ranking compared with other localities in respect to the amount of parkland and spending per capita. Ms. Logan explained that plans are to expand the facilities already owned including the possible acquisition of land between Hillandale and Westover Parks. She stated that the plan is intended to remain flexible and change as needs change. In response to a question regarding a lake identified in the plan, Ms. Logan responded that for a long time there has been a plan for a lake on the Lineweaver property. Mr. Homan asked if there were problems with the consolidation of maintenance functions. Ms. Logan said that there may be because each department has their own priorities and specialties. He asked if sub contracting the work out has been looked into. Ms. Logan said that this has been looked into and will be further investigated.

After discussion, Ms. Whitten moved to recommend adoption of the Update to City Council with the priorities of keeping maintenance intact, putting off

capital expenditures until funding is available, and staying within the guidelines of cost containment goals. Mr. Homan seconded. All vote aye..."

Planning Director Turner stated that this will not preclude getting the City's maintenance centralized. Following further comments, Council Member Weaver offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Green, and approved with a unanimous vote Council Members present.

✓ Transportation Director Reggie Smith was present in the meeting to discuss with City Council the department's 1993-94 school bus routing and walking zones. Mr. Smith explained that the subject of walking zones has been mentioned, but noted that several items need to be considered. Mr. Smith explained that transportation is needed with the location of the middle school, and the number of buses they schedule are dependent upon numbers required for the Middle School and High School. Mr. Smith further explained that the biggest cost of transportation is the bus itself and even though walking zones for elementary schools would decrease the demand for that age group; the total number of buses would not be decreased because of the demands at the High School and Middle School. Mr. Smith also stated that most citizens feel they pay for the service and should have the opportunity to use it if they so desire. Mr. Smith did note that usually students living close to elementary schools are picked up first and forced to ride long routes in an effort to encourage them to walk to school. Mr. Smith concluded in stating that if a policy for walking zones were to be set it should be set by the School Board or City Council and further added that he does not feel the amount of money saved would be worth the amount of criticism it would create. Following more discussion and comments, Council Member Weaver stated that she would like to see more work done to lower the cost per pupil for the fall of 1994.

✓ Vice-Mayor Neff asked Assistant City Manager Baker to explain the item to consider the award of construction contracts for "Monroe Street Sanitary Sewer Improvement" and "Riven Rock Water line. Assistant Manager Baker explained that the Monroe Street Sanitary Sewer Improvement is a part of the overall interceptor sewer evaluation study that was done by Wiley and Wilson in 1988 with recommendation for improving and upgrading the sanitary sewer collection system by enlarging sections of Blacks Run interceptor; and the Riven Rock Waterline is for some work at the Riven Rock intake to do some modifications so they can test the actual flow of what is being released from Switzer Dam and get more accurate data to determine if the City is going to have to pipe from Switzer Dam to Riven Rock or if we can build a treatment plant at Riven Rock. Assistant Manager Baker noted that the low bidder was G. L. Howard, and our engineers have evaluated the bid and are recommending that the bid be awarded to G. L. Howard for a total amount of \$608,350.00. Following further comments by Mike Collins, Water and Sewer Superintendent, Council Member Green offered a motion that

the construction contract be awarded to G. L. Howard, Inc. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council Members present.

✓ Assistant Manager Baker explained that currently and for some time JMU has used the parking lot off Grace Street for commuter student parking. In trying to do some improvements to the parking, JMU discovered that the rear portion of this property is owned by the City and the east side is a paper street. Assistant Manager Baker stated that JMU is requesting City Council to authorize the signing of a lease giving JMU the continued exclusive use and maintenance of this City property. Assistant Manager Baker noted that staff has the following concerns: that Grace Street becomes congested at times from students waiting to secure a parking space and the fact that JMU have agreed to the maintenance of the lot if they are allowed to use it, but the City would also like for them to include the maintenance of a storm drainage easement and a pipe that runs under the railroad tracks. City Attorney Thumma noted that he feels several parts of the lease are not applicable and he would like to get with the Manager and Assistant Manager to revise the lease. Council Member Weaver offered a motion that this item be tabled to give time to address the concerns of the City staff and City Attorney. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

✓ Assistant City Manager Baker explained that in order to increase the membership of the ASAP (Alcohol Safety Action Program Board) to include all present members, the resolution adopted in 1976 needs to be revised; noting that presently the Board has two more members than what the resolution allows. Following further discussion, Council Member Green offered a motion that the resolution adopted in 1976 be revised to allow for an increase in membership. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

Due to a number of members being absent, the item to consider adoption of a Mission Statement and Organizational Values of the City was tabled at this time.

✓ Assistant Manager Baker presented for Council's consideration of approval for a second reading, an ordinance closing a portion of Edom Road. Assistant Manager Baker noted that this has been recommended for approval by the Planning Commission and Board of Viewers; has been approved for a first reading, and all fees paid. Council Member Green offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council Members present.

✓ Council Member Green moved that a supplemental appropriation in the amount of \$434,017.96, to reappropriate Reserves for Encumbrances and to appropriate funds from School Fund Balance to pay additional funds to City Transportation, to order additional textbooks, and to

resurface the tract at Harrisonburg High School, be approved for a second and final reading, a first reading having been approved on July 13th and that:

\$287,517.96	chgd. to:	1111 22100	Reserve for Encumbrances
146,500.00	chgd. to:	1111 25100	Fund balance unreserved
240,641.04	approp. to:	1111 40610	Instruction
26,548.10	approp. to:	1111 40620	Admin, Attend, Health
38,287.00	approp. to:	1111 40630	Pupil transportation
128,100.64	approp. to:	1111 40640	Operation & Maintenance
441.18	approp. to:	1111 40650	Food Ser./other nonInst.

The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council Members present. Council Member Green expressed concern that the School Board let the contract for resurfacing the tract at Harrisonburg High School for \$60,000 prior to even coming to City Council for the money. Council Member Green also questioned where the other \$68,000 is since the schools requested \$128,000, and noted that the School Administration needs to be more specific on these matters. Council Member Green also expressed concern over a new school administrative position recently advertised in the newspaper. Vice-Mayor Neff stated that it is Council's request that the Liaison Committee meet in the near future to discuss these encumbrances and to explain the newly advertised administrative position in light of the City's new philosophy.

Council Member Green also stated that the alley beside Hallmark Cards on Main Street continues to be littered with trash.

At 8:30 p.m., there being no further business and on motion adopted, the meeting was adjourned.

Judith M. Gray
CLERK

C. Robert Heath
MAYOR

REGULAR MEETING
AUGUST 10, 1993

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff, Council Members Walter F. Green, III, Emily R. Dingleline and Agnes Massie Weaver; City Clerk Judy M. Gray and Colonel Harper.

Vice-Mayor Neff offered a motion to approve the minutes as received and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

✓ City Manager Stewart called on Assistant City Manager Baker to present an update of the Harrisonburg Area Transportation Study. Assistant Manager Baker noted that he will be concentrating on the southern interchange on South Main Street. Assistant Manager Baker called Council's attention to a large scale map showing alternative number 4 that was previously reviewed with Council by VDOT. Assistant Manager Baker noted that this alternative was presented to the Bridgewater, Dayton, Rockingham County and the City and that Rockingham County has some problems with this alternative number 4 due to the amount of farm land that would be lost. As a result of this, Assistant Manager Baker stated that the County offered several alternatives that the committee has considered but because they involve a new intersection the committee has abandoned the idea because new interchanges are almost impossible to get because of stringent guidelines that Harrisonburg does not meet. Assistant Manager Baker noted that he and Street Superintendent Jim Baker are now looking at improving the existing intersection, which has been agreed to by the committee members. Assistant Manager Baker stated that this would allow the City to use some exiting roadways that are already being put in place and would allow all the existing business to stay where they are. Following further comments and discussion, Council Member Weaver offered a motion that the Council approve the concept of improving the existing intersection. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented the following report from the Board of Viewers concerning the alley closing request of Mervyn Wingfield and Eva Pittenger:

We, the undersigned of the Harrisonburg Board of Viewers submit the following report concerning the alley closing request of Mervyn Wingfield and Eva Pittenger, concerning the alley between 281 and 285 Campbell Street.

It is the opinion of the Board of Viewers that little or no inconveniences will result in the closing of said alley. It appears that there are no utilities or drainage matters involved.

City Manager Stewart added that a public hearing was held on this request on July 13, 1993, and no one spoke in opposition. Manager Stewart also noted that the Planning Commission is recommending approval of this request. Vice-Mayor Neff offered a motion that an ordinance granting the closing of this alley be approved for a first reading with authorization for the City Attorney to prepare the ordinance for approval of a second reading after all fees are paid. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented the following Mission Statement and Organizational Goals for Council's consideration of approval:

MISSION STATEMENT

The City of Harrisonburg preserves and enhances the quality of life that is unique to our community. This quality of life depends upon a partnership between our citizens, elected officials and city employees. Through this partnership, the City provides for the orderly and efficient development of the community so as to protect the health, safety and general welfare of all citizens, thereby providing a desirable living environment for this and future generations. The City provides effective governance and the efficient delivery of public services. The City identifies and anticipates concerns, problems, and opportunities and takes action to address them. The City selects, trains, motivates and retains highly qualified individuals as city employees and creates an organizational environment that fosters integrity, discourages complacency and encourages individual and group achievement. The City projects a positive image, instills pride in the community and maintains Harrisonburg as "The City With the Planned Future".

ORGANIZATIONAL VALUES

The prosperity, harmony, and livability of a community is a direct result of the interaction, trust and teamwork between its citizens, elected officials and employees. In striving to maintain our community as "The City With the Planned Future" we pledge a commitment to the following Organizational Values.

WE VALUE AN OPEN AND ACCESSIBLE GOVERNMENT: In a democracy, a government must be a partnership between the citizens, elected officials and employees. We pledge to provide an open and honest government for our citizens which encourages their input and fosters a free exchange of ideas.

WE VALUE QUALITY SERVICE TO OUR CITIZENS: The City exists to provide services to its citizens. We pledge a commitment to enhance the value and quality of City services in terms of cost and performance.

WE VALUE FISCAL RESPONSIBILITY: Careful management of our financial resources demonstrates our respect for the citizens who provide the financial support for our organization. We pledge a commitment to the concept that fiscal responsibility recognizes that most problems cannot be solved by money alone, and thus demands fresh approaches and creativity in addressing issues in a cost - effective way.

WE VALUE A HUMANE ORGANIZATION: Work should be a source of enjoyment and satisfaction. We pledge to place great emphasis upon the personal qualities that contribute to a humane organization and foster a caring attitude.

WE VALUE EQUALITY IN OPPORTUNITY AND TREATMENT: Fair treatment and the opportunity to prosper are basic human needs that should be afforded to both employees and citizens. We pledge to treat people fairly and with understanding so that individual are made to feel like a part of the community's team.

WE VALUE A SPIRIT OF PROFESSIONALISM: Successful completion of the task is more important than who gets the credit. We pledge to display a professional attitude that dictates a dispassionate analysis of issues, free of personal biases and with a commitment to the organization and the community.

WE VALUE THE FUTURE: So many times the future is ignored in day-to-day operations and decision - making. We pledge to prepare for the future on a daily basis, every mindful of the changing dynamics without our organization and the community and the need to have a long-term plan and strategy for dealing with these changing dynamics.

Mayor Heath noted that these have been discussed at length at previous meetings. Council Member Weaver offered a motion that the Mission Statement and Organizational Goals for the City of Harrisonburg be approved. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented for Council's consideration of a second and final reading an ordinance closing a sixteen foot (16;) alley between lots 21 & 23 of the A. M. Newman Addition of the City and between Newman Avenue and Bruce Street. Manager Stewart noted that all fees for this closing have been paid. City Attorney Thumma explained that the parties involved requested that the alley be divided widthwise rather than lengthwise. Attorney

Thumma noted that the proper signatures have been acquired in order to divide the alley in this manner. Council Member Dingleline offered a motion that this ordinance be approved for a second and final reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented for Council's consideration of a second and final reading ordinances amending and re-enacting section 13-1-60, 13-1-60.01, 13-1-61.01, 13-1-62, 13-1-63, 13-1-64 and 13-1-67 of the Harrisonburg City Code relating to permit parking. City Manager Stewart explained that following a request by the City Council for a standardized approach towards residential permit parking, the Police Department has drafted ordinances that set up a process to establish new residential parking zones and sets up color coded zones. Manager Stewart further noted that it is Colonel Harper's recommendation that the charge for new permit parking stickers be \$5.00 and the charge for replacement stickers be \$1.00. Manager Stewart stated that currently the charges are \$1.00 for new stickers and \$.50 for replacements. Following further comments, Council Member Weaver offered a motion that the ordinances be approved for second readings with the charge for new stickers being \$5.00 and replacement stickers being \$1.00. The motion died due to the lack of a second. Vice-Mayor Neff offered a motion that the ordinances be approved for second readings, with the charge for new permit stickers being \$3.00 and the charge for replacements stickers being \$1.00. The motion was seconded by Council Member Dingleline, and approved with a majority vote of Council. Council Member Weaver and Mayor Heath voted against the motion stating that they were in favor of the \$5.00 charge because they feel the City needs to cover its administrative costs.

Council Member Dingleline moved that a supplemental appropriation in the amount of \$1,311,703.93, requested by City Manager Stewart to reappropriate year ended June 30, 1993 reserve for encumbrances be approved for a second and final reading, a first reading having been approved on July 27, 1993, and that:

\$ 345,040.75 chgd. to: 1000-22200 Reserve for Capital Projects
 304,717.33 chgd. to: 2011-22200 Reserve for Capital Projects
 337,873.43 chgd. to: 2012-22200 Reserve for Capital Projects
 280,995.00 chgd. to: 2013-22200 Reserve for Capital Projects
 43,077.42 chgd. to: 2014-22200 Reserve for Capital Projects

1,311,703.93 approp. to: various funds

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

✓ Council received a request from Colonel Harper for approval of a supplemental appropriation in the amount of \$34,075.00 to budget for a Department of Criminal Justice Grant. The grant is for enhancing drug enforcement and is composed of \$34,075.00 in Federal funds and a local match of \$11,358.00. The local match will come

from currently budgeted funds. Council Member Weaver offered a motion for the appropriation to be approved for a first reading, and that:

\$34,075.00 chgd. to: 1000-33310 Anti Drug Grant

21,816.00 approp. to: 1000-3101-41010 Salaries & Wages

12,259.00 approp. to: 1000-3101-48111 Machinery & Equip.

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

✓ Council Member Weaver offered a motion that the City of Harrisonburg's first town meeting be held on September 30, 1993, at 7:30 p.m. at Thomas Harrison Middle School. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ In reference to an article in the Daily News Record concerning action taken by the Board of Zoning Appeals on the request by Outdoor East to put billboards back up that the Zoning Administrator had ruled were a health hazard, City Manager Stewart stated that he would like to clarify some of the statements in the newspaper that were made by the members. Manager Stewart noted that one of the statements was that the City violated its own ordinances. Manager Stewart stated that the Zoning Administrator would argue strongly that the City did not violate its own ordinances, and that our City Attorney confirms this opinion. Manager Stewart noted that this statement was made in reference to the 50 percent damage rule. Another statement, Manager Stewart noted was that the City used a backhoe to drag the signs out. Manager Stewart explained that the signs were taken out by the Street Department crew by putting chains around the signs and pulling them out with a backhoe. Manager Stewart also noted that Backdoor East did not have a written agreement with the property owner for the placement of the billboard and that the property owners wanted the signs removed. City Manager Stewart concluded in noting that he feels the city crews got a bad rap publicly for handling the situation in a manner they considered to be correct. Council Member Weaver questioned how many of the persons serving on the Board of Zoning Appeals have taken the training class, and noted that she feels the judge should require all new persons appointed to the Board to take the class.

At 8:12 p.m., Council Member Weaver offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the City Board of Viewers, the Harrisonburg Transportation Safety Commission, the Rockingham Harrisonburg ASAP Commission, the Harrisonburg Parking Authority and the City Clerk, exempt from the public meeting requirements pursuant to Section 2.10344(A)(1) of the Code of Virginia; and for discussion and consideration of the disposition of publicly held property, exempt from the public meeting requirements pursuant to Section 2.10344(A)(3) of the Code

performance of personnel, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. The motion was seconded by Council Member Dingleline and approved with a unanimous vote of Council.

At 9:20 p.m., the executive session was declared closed and the regular session reconvened. Mayor Heath read the following which was agreed to with a unanimous recorded vote of the Council Members: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Council Member Dingleline offered a motion that Ralph Smith, 541 Lee Avenue, be appointed to the Board of Viewers. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Council Member Green offered a motion that Edward E. Hughes, 716 Hickory Hill Drive, be appointed to the Board of Viewers. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

At 9:30 p.m., there being no further business, and on motion adopted, the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

AUGUST 24, 1993

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; City Attorney Earl Q. Thumma, Jr.; Council Members Walter F. Green, III, Emily R. Dingleline and Agnes Massie Weaver; City Clerk Judy M. Gray and Colonel Harper. Absent: Vice-Mayor John Neff.

Council Member Weaver offered a motion to approve the minutes as corrected and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

✓ Mr. David E. Schrock, from Park View Mennonite Church, was present in the meeting to request Council's permission to hold a bike race on city streets. Mr. Schrock explained that the event is scheduled from approximately 4:00 p.m. until 5:30 p.m. on Saturday, September 11th. Mr. Schrock noted that he has spoken with Captain Wilfong of the Harrisonburg Police Department about the Church's plans and has requested the services of three off-duty officers for the purpose of traffic control. Mr. Schrock called Council's attention to a map outlining the route for the bike race and stated that he has spoken with the Church's insurance carrier to provide special events coverage. Council Member Dingleline offered a motion that approval be granted for the bike race. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

✓ Council received the following extract from the Planning Commission meeting held on August 18, 1993:

"...Chairman Wassum read the request of J. M. Apartments to rezone the southeastern portion, approximately 13,987 square feet, of lots 12, 13 and 14 on the west side of Old South High Street from R-2 "Residential District" to M-1 "General Industrial District".

The Planning Director explained with a tax map the locations of the request and said that the front portions of the 3 lots contain dwellings and each appear to be duplex dwellings. She said that lot 12 (#314) contains approximately 5,817 square feet of which 2,803 square feet is requested to be rezoned to M-1. Lot 13 (#308) contains approximately 9,991 square feet of which 5,601 square feet is request to be rezoned to M-1. Lot 14 (#304) contains approximately 9,635 square feet of which 5,583 square feet is requested to be rezoned to M-1. Ms. Turner referred to the

survey prepared by Hal Benner, which shows the areas requested to be rezoned to M-1 as well as the positions of the dwellings in relation to the R-2 and M-1 classification. The Planning Director said that when you look at this you need to keep in mind that they are not asking to subdivide the property in the way it is shown on the plat, it is simply a rezoning request. Ms. Turner said that it has been the planning staff's general policy to request that efforts be taken to avoid having split zoning classifications on a single lot such as the ones requested. In the past this has resulted in subdivisions occurring concurrent or just subsequent to rezoning. However, if this requested rezoning is granted, the R-2 portions of these lots will be too small to permit them to be resubdivided. Although the total lot areas would remain as they are, the portion zoned R-2 would fall far below the minimum requirement for this district. It is not the intent of the zoning ordinance to create, or encourage, this type of situation. The R-2 Zoning Classification requires a minimum lot size of 7,000 square feet for a single family dwelling and 11,000 square feet for a two family dwelling. As all three lots contain less than 11,000 square feet each, none of them currently meet the minimum lot area requirement for a two family dwelling. The uses are allowed to continue however as nonconforming as long as they are not destroyed. The Planning Director said that it is her belief and the Zoning Administrator concurs, that when the zoning classification requires a 7,000 square foot lot for a single family dwelling it is intended that it should be 7,000 square feet zoned in that residential classification, not a portion zoned residential and a portion industrial. Ms. Turner said that another problem with the request, dealing with the Comprehensive Plan, is the general nature of putting the industrial and the residential areas closer together. This area on Old South High Street already contains other lots that have the rear portion zoned industrially, some rezoned as late as 1986. The two lots rezoned in 1986 are 14A and 15 and the minutes of that Planning Commission meeting show that there was nothing pointed out about those lots not having the minimum square footage required for the zoning classifications and no objections were raised by Planning Commissions or City Council, so it was approved. However, at this time, the recommendation is that, the 7,000 minimum square footage should be a strong consideration. She said the Comprehensive Plan recommendation for this area is "Neighborhood Residential". The Planning Director referred to the Comprehensive Plan's Land Use Map pointing out the area meant for "Neighborhood Residential" land use. This was meant to keep the Residential and Industrial land uses somewhat separated. Ms. Turner stated that the rear portion of this property is also located in the floodplain. The Floodplain Zoning District requires that before development or use of land "within the approximated Floodplain District, the applicant shall delineate a floodway area". The ordinance contains a restriction that within the floodway, outdoor storage of materials is not allowed. If the area is shown to be within the floodplain, but not the floodway, then materials that are buoyant (such as lumber), can not be stored unless properly anchored or flood proofed. Given these restriction, further study would be necessary to determine whether

or not the property could be put to its intended industrial use. However, once something like this is allowed to go into the floodplain, the monitoring of it becomes difficult. For these reasons, the rezoning is not recommended for approval.

Kathy Whitten asked Ms. Turner if these regulation were from FEMA. Ms. Turner answered, "yes".

Chairman Wassum asked if there was anyone that would like to speak for the request.

James Monger, owner of the property, stated that 304 and 314 were single family dwellings and 308 had a basement apartment. Mr. Monger explained that they had recently cleaned that area up and the land on the lower side was not used at this time. What they want to do is clean it up, extend the yard and use the area for storage, therefore, allowing them to expand and service customers. He said that the floodplain areas did not seem to be a problem or a threat at this time since they have never had any type of water problems from water run off. He explained that they do not want to resubdivide the lots due to the rental business they are now involved in with them. Mr. Monger explained that the houses are now occupied by college students and that the other residents in the area seem to be in favor of the future plans for the property. Mr. Monger said he would be glad to answer any questions.

Mr. Wassum asked Mr. Monger if all the lots adjacent the area of the request belong to him or his family. Mr. Monger said that all the lots in the request are theirs, but lot 11 is not.

Dr. Beasley asked if the duplex apartments were on lots 12 and 13. James Monger said that 12 and 14 were single family and lot 13 had a basement apartment and was probably considered a duplex. Dr. Beasley commented that the Monger family had done a nice job of cleaning up the area. He also asked Mr. Monger if the floodplain situation bothered him and was he going to go up higher than the floodplain. Mr. James Monger said that since he and his brother had been down there he had never seen water come out of the creek. In the last 50 years he understands that there was a flood that caused extensive flooding in that area of Liberty Street but there was only water up to the doorsill of the building. Mr. Monger said he really didn't feel there was concern with water problems in that area. John Monger, owner of the property, explained that when the current parking lot was put in, even though it sloped down, they did not get into the floodplain. Dr. Beasley asked where would the access be into the new area. Would it be off Chesapeake Avenue and come from your own property? Mr. James Monger said, "from our own property".

Chairman Wassum asked if they were going to just expand the present area. James Monger said "yes". Chairman Wassum asked the Planning Director what it would take to raise the elevation of the property.

Ms. Turner referred the question to Mr. Cook:

Mr. Cook said that the criteria is that it has to be done with an expensive engineering hydraulic analysis. There are two principle parts of a floodplain. That is the floodway and the floodfringe. The only thing that he can truly develop is what is called the floodfringe. The floodway is where that water at a 100 year flood would be flowing at a very rapid rate. The floodfringe is the developable area that you can fill into and only raise the base flood elevation 1 (one) foot. That is why it is required that everything in the floodplain be 1 (one) foot above the base flood elevation. The base flood elevation is a flood occurrence at a 100 year flood. The federal government mandates that we protect the property owners themselves as well as the property owners upstream and downstream. He said that Mr. Monger is correct in saying that he did as analysis on the two apartments he did. He stopped just short of getting in the floodplain so he didn't have to get into the hydraulic analysis. Also, when his structure burned in 1990 he did do an analysis of that area and it was determined that it was 1 (one) foot above the base flood elevation. Mr. Cook said that improvements to the channel itself, where the rushing water is contained, will ultimately allow him to encroach closer but there is still a channel that will have to be maintained. The only way to do that is through a hydraulic analysis that is submitted to the Community Development Department and reviewed by the Engineering Department.

Mr. Homas said "so if we approve this, then some analysis would have to be done if anything was done to the property".

The Planning Director presented a block map overlaid with a topo map and explained that it gave the approximate space from the rear property line to the floodplain boundary lies. She said that on lot 2 it is probably about 45 feet from the rear property line. On the lot line between 12 and 13, it is probably 35 feet from the corner lot 12. The next measurement would probably be about 50 feet from the line between 13 and 14, and next would be about 45 feet between 14 and 14 A. Mr. Monger said "so that gives me about 70 feet of usable space before the floodplain". Ms Turner said that an actual survey would have to be done to determine where the boundaries actually lie.

After discussion Chairman Wassum asked if there was anyone that would like to speak in opposition.

Melbourne A. May, representing Jane L. May owner of 301 Old South High Street, said that he did not oppose the request but was concerned. He said that this was an established residential area, whether people rented or owned, and being adjacent to an industrial area could be an undesirable situation due to the increase of traffic, noise and dust. He also spoke of the concern of a decrease in property values. Mr May said that he felt there should be some kind of a buffer between residential and industrial properties.

Mr. Homan asked if Mr. May could actually see the requested property. Mr. May said "yes, between the houses across 301 but not directly". Mr. May said that he is not totally against it but would like to see some kind of guarantee that the approval of this request would not set some sort of precedent that would allow M-1 to continue to deplete that residential area. Mr. John Monger said that what they are doing would only improve property value and they do have future plans of putting a fence around the property.

Chairman Wassum asked if there were anymore discussion. There was none. Chairman Wassum brought the meeting back to general session and asked for questions from the Commissioners.

Kathy Whitten asked Mr. Rexrode if, when working with the writing of the Comprehensive Plan, was there conversation about that particular area. Mr. Rexrode said "no, and he was surprised that the residential area in the Comprehensive Plan goes clear to Chesapeake Drive, because I don't think it should." There has been industrial use there for many years and with the need for basic jobs that we have in the City, we should bend over backwards to keep them there.

Mr. Homan asked what was the concern from the City stand point as far as the floodplain. How critical is that? Mr. Turner said that she had talked to Mr. Baker, Superintendent of Public Works and he said that when they have cleaned out Blacks Run there has been lumber in it and that is a critical concern if it obstructed floodwater. There is also an enforcement problem as the regulations can be set but they are only as good as long as they are followed and enforced.

Mr. Cook said that another aspect of that regulation is that FEMA also monitors the City's regulatory abilities in what we do. It is an insurance program. Anyone that is in the floodplain that goes to the bank, has to get flood insurance. Because of an ordinance the City enacted on November 3, 1989, which is the Floodplain Ordinance, we went into a regular program. Up until that point we were in an emergency program. Being in a regular program we get a cheaper rate. If FEMA comes in and investigates and finds that the regulations have not been enforced and we don't start complying with regulations we will go through as surcharge. If we continued not to comply then they can take us out of the program, which means that anybody that has property in the floodplain cannot get flood insurance.

There was further discussion among the Commissioners regarding steps that could be taken to assure the anchoring of lumber so it could not cause floating during flooding, fencing on both sides of the creek, the position of the new building, and there was questions regarding other practical uses for the property.

The Planning Director asked to address the statement made by one on the Commissioners that the area had no other use. She said that this land does currently have a use, it is allowing for single

family and duplex residences.

Mr. Stewart added that by saying the land had no other use would be like saying that any of our back yards, because we don't have anything built on them, ought to be industrial because its not being used. He said that these lots are already nonconforming, so what you're talking about doing is to create nonconforming lots in order to create further encroachment into a residential area with an industrial use. He said it was really a misleading statement to say that this land was not good for anything else. Mr Stewart said that if this is rezoned you're be talking about putting the City's most intense zoning classification further into a medium density residential area.

John Monger discussed with the Commissioners the cleanup process that have been done to the area in order to make it a better neighborhood. Mr. Cook stated that these improvements were for the rental property and what Mr. Stewart is saying is that each of those houses need all of the R-2 zoned land as a minimum requirement of that zoning classification. Lot 12 does not meet that requirement and if lot 13 has a duplex on it, that would not be allowed at this time. Lot 14, if it's a single family does. But if you take approximately 5,000 square feet from it you would be 3,000 square feet short for the R-2 regulations.

The Planning Director asked to address the question from a Commissioner regarding an entrance from South High Street. She said that although the Monger's have no intention of putting an entrance there, future property owners could put one there. She said that there are other areas of Old South High Street where they could also put in street access but the topography would possibly be steeper and probably one or more of the houses would have to be torn down. Mr. Monger said that putting a road down Old South High Street would be expensive, steep and hard to justify.

Mr. Rexrode said that he through these lots were really unusual because of the topography and were the topography more normal ho would have a problem with this. He said after seeing the property and what they wanted to do he doesn't think its going to degrade the neighborhood. Mr. Rexrode said that this established company has earned some faith and trust and motioned to approved the request. Dr. Beasley seconded. Chairman Wassum asked if there were any other discussion and asked for a vote. Ayes were: Mr. Homan; and Dr. Beasley. Opposing votes were: Mr. Stewart and Ms. Whitten. Chairman Wassum chose not to vote...."

Planning Director Turner stated that City staff voted against this rezoning request but the Planning Commission voted to recommend the rezoning. Following further comments, Council Member Weaver offered a motion that a public hearing be scheduled for September 14, 1993, to hear this request for rezoning. The motion was seconded by Council Member Dingledine, and approved with a

unanimous vote of Council Members present. Council Member Weaver stated that she would like a report from the City Fire Department as to what kind of hazard it would make with all the lumber stored there.

City Manager Stewart stated that staff has received inquiries about the location of the potential research and development facilities and expects to receive more inquiries primarily as a result of the new College of Integrated Science and Technology. Manager Stewart noted that the current Zoning Ordinance does not list research and development as a permitted use in any category; so therefore staff is preparing a draft ordinance amendment that would allow limited research and development uses in the B-2 District. Manager Stewart explained that even though this need can and should be addressed as a part of the Zoning Ordinance re-write committee, it is felt that some opportunities might be available prior to the adoption of the new Zoning Ordinance. Manager Stewart noted that Council is being asked this evening to consider referring this to the Planning Commission for public hearing to add a permitted use into the B-2 Zone. City Manager Stewart provided Council with copies of the proposed language and Planning Director Turner explained the language. Following further comments, Council Member Weaver offered a motion that this proposed ordinance amendment be referred to the Planning Commission for public hearing. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council Members present.

Council Member Dingleline moved that a supplemental appropriation in the amount of \$34,075.00, requested by Colonel Harper to budget for a department of Criminal Justice Grant, be approved for a second and final reading, a first reading having been approved on August 10, 1993, and that:

\$34,075.00 chdg to: 1000-33310 Anti Drug Grant

\$21,816.00 approp. to: 1000-3101-41010 Salaries & Wages
Regular

\$12,259.00 approp. to: 1000-3101-48111 Machinery and
Equipment

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

The City Manager presented a request from Fire Chief Shifflett for approval of a supplemental appropriation in the amount of \$19,851.58 to appropriate from fund balance unexpended funds in these line items to the same line items in the new budget. The funds in these line items are from State grants which restrict their use to the line items listed. Council Member Dingleline offered a motion that the appropriation be approved for a first reading, and that:

\$19,851.58 chgd. to: 1000-31010 Anticipated Cash Balance

7,004.42 approp. to: 1000-3201-48230 Fire Programs Fund
12,847.16 approp. to: 1000-3505-46160 Hazardous Materials
Supplies

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

City Manager Stewart presented and read a letter from Lance K. Braun, Skyfire Pyrotechnical Displays Unlimited, requesting permission to hold a brief fireworks display at the opening home JMU football game scheduled for Saturday, September 4, 1993, at Bridgeforth Stadium. Manager Stewart noted that the show will consist of a brief barrage of aerial fireworks at the climax of the halftime show and a 10-12 minute display immediately following the end of the football game, at approximately 8:45 and 10:15 p.m. Council Member Dingledine offered a motion that the request for a fireworks display be approved. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

Council Member Weaver noted that she has received several calls concerning the safety of all the students walking on Port Republic Road. Council Member Weaver noted that some people have questioned if sidewalks could be installed, which she realizes is very expensive. Council Member Weaver questioned if the Safety Committee could explore ways to make this area safer for all the foot traffic. Following further comments, City Manager Stewart stated that he will have City staff look into the matter first, and report back to Council.

Council Member Dingledine stated that she has received calls from residents on Stuart and Clinton Street concerning water standing in their yards. City Manager Stewart noted that this matter has been looked into.

City Manager Stewart noted that the City Transportation Department has received three new transit buses. City Manager Stewart also stated that the Sub-division and Zoning Re-write committee will start meeting twice monthly beginning in September.

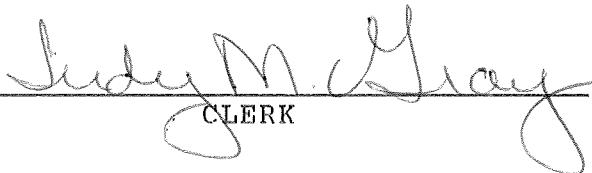
Colonel Harper explained that the Police Department is using a portion of Simms School for a mini sub-station due to having a number of problems in this general area. Colonel Harper noted that this is the first step in a community policing program. Colonel Harper stated that the bike patrol will be assigned to this area on a temporary basis to see how the program works out. Colonel Harper noted that this puts the officers in the community on a continuing basis rather than just responding to calls. Colonel Harper stated that this program is an attempt for the community to see the Police Department as a part of the community. Colonel Harper also noted that this is being used as a pilot program for the possibility of having other mini-substations in the city.

At 8:00 p.m. Council Member Dingledine offered a motion that

Council enter an executive session for consultation with the City Attorney and briefings by staff members pertaining to amendments to an existing contract, requiring the provision of legal advice by the City Attorney, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council Members present.

At 8:58 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Gray read the following which was agreed to with a unanimous recorded vote of the Council Members present: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

At 9:00 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

jmg

- cc: City Council
- City Manager
- Assistant City Manager
- Finance Department
- Charlene Rice
- Public Library

REGULAR MEETING

SEPTEMBER 14, 1993

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff, Council Members Walter F. Green, III, Emily R. Dingledine and Agnes Massie Weaver; City Clerk Judy M. Gray and Colonel Harper.

Council Member Weaver offered a motion to approve the minutes of the previous meeting as received and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ At 7:36 p.m. Mayor Heath closed the regular session temporarily and called the evening's public hearing to order. City Manager Stewart read the following notice of public hearing as it appeared in the Daily News Record on August 31, 1993 and September 7, 1993:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, September 14, 1993, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider the following rezoning request:

J.M. Apartment's request to rezone the southeastern portions, approximately 13,987 square feet, of lots 12, 13 and 14, which are located on the east side of Old South High Street, from R-2 "Residential District" to M-1 "General Industrial District". The M-1 district is intended primarily for manufacturing, processing, storage and distribution activities which are not properly associated with, nor compatible with, residential and institutional development. The Comprehensive Plan recommendation for this property is "Neighborhood Residential". The "Neighborhood Residential" land use category is intended to highlight those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of further residential development. This property is located at 304, 308 and 314 Old South High Street and is shown as a portion of lots 12, 13 and 14, Block H, Sheet 25 on Harrisonburg Block Maps.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at this Public Hearing.

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

Steven E. Stewart
City Manager

Following comments from Planning Director Turner, Mayor Heath called on anyone present desiring to speak in favor of the rezoning request.

Jim Monger, owner of J.M. Apartments, stated that he and his brother requested the rezoning because they want to increase their lumber storage area. Mr. Monger noted that they have recently cleaned up the area and the land on the lower side is not being used at this time. Mr. Monger stated that in an effort to expand customer service, they wish to extend the yard and use the area for storage. Mr. Monger further noted that the floodplain area is not a problem or a threat since they have never had any type of water problems from water run off. Mr. Monger also noted that they do not want to resubdivide the lots, they simply want to store lumber on the lots.

Mayor Heath called on anyone else present desiring to speak either for or against the rezoning. There being no others present desiring to be heard the public hearing was declared closed at 7:47 p.m., and the regular session reconvened. Council Member Green offered a motion that the Planning Commission's report be accepted and the rezoning request be approved. The motion was seconded by Vice-Mayor Neff and defeated with a three to two vote. Council Members Dingleline and Weaver voted against the rezoning request because they feel like it is in direct conflict with the Comprehensive Plan. Mayor Heath voted against the rezoning stating that he feels to approve it would be violating the very rules that the Council set up.

✓ Mr. Joseph McGee, from Bellomo-McGee was present in the meeting to review the result of the Downtown Parking Study. Mr. McGee noted that two of the more significant findings of the study are that employees occupy most of the convenient close in spaces and that the City needs more effective management of the downtown parking.

✓ A representative of the Harrisonburg Retail Merchants was present in the meeting to request the following: to close Court Square on the north, west and south sides on October 1, 1993, from 6:30 to 10:30, to hold an event to recognize the college students coming back. The representative noted that this is being done in coordination with First Fridays and they plan to have a music group and invite the Valley Crusers; to close Court Square from Market

Street around on the South side on October 30,1993, from 2:00 to 4:00 for the purpose of holding the annual trick or treat for children and permission to hold the annual Christmas Parade on December 3, 1993, at 7:00 p.m. City Manager Stewart noted that the closing of Court Square for Halloween and for First Fridays will involve costs of approximately \$450.00 per event for overtime work involved with the Police and Street Departments. Council Members expressed concerns, especially for the Halloween event, due to the fact that the renovations on the Court House will have started by this date. Following further discussion, Council Member Weaver offered a motion that permission be granted for the First Fridays event on October 1, 1993, noting that some changes in the location of the band etc. may have to be made due to the Court House renovations. The motion was seconded by Council Member Dingledine and approved with a unanimous vote of Council. Council Member Green noted that other alternatives need to be investigated for the Halloween events due to the Court House renovation. Council Member suggested that they event be coordinated with the Library and also stated that he feels sure that they could use the area in front of Harrison Plaza for the costume judging etc. Council Member Green offered a motion that permission be granted for the Christmas Parade. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

✓ Dr. Willard K. Lutz was present in the meeting to explain dental care for indigent children and adults at the State Health Department.

✓ City Manager Stewart presented for Council's consideration of approval a proposed lease between the City and JMU for continued use of Grace Street parking lot by JMU. Manager Stewart noted that currently, and for some time, JMU has used the parking lot off Grace Street for commuter student parking. Manager Stewart noted that recently they discovered that the rear portion of this property is owned by the City and the east side is a paper street (Kyle Street). Manager Stewart noted that JMU is requesting Council to authorize the signing of a lease giving JMU the continued exclusive use and maintenance of this City property. Manager Stewart noted that this was considered at the July 27, 1993, City Council meeting and tabled at that time due to problems with the lease. Manager Stewart noted that all the problems and concerns have been addressed and that he is again asking for Council's consideration of this lease. Council Member Dingledine offered a motion that the proposed lease be approved. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented for Council's consideration of approval a resolution supporting an amendment to the U.S. Constitution that will enable three-fourths of the States to amend the Constitution subject to Congressional veto. Manager Stewart explained that this resolution is being recommended by the National

Association For A Balanced Federal System and that it has been endorsed by the Virginia Municipal League, the General Assembly, the Council of State Governments and a number of local governments in Virginia. Manager Stewart also stated that this adds a third option and gives the States more power in amending the constitution. Vice-Mayor Neff offered a motion that the resolution be approved. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ City Manager Stewart noted that since a Town Meeting has been scheduled for September 30, 1993, at 7:30 p.m.,; he felt like to have a successful meeting it would be helpful to decide what type of format is to be used and what type of information is to be shared by Council and staff. Manager Stewart noted that all Department Heads are expected to be in attendance. Manager Stewart called Council's attention to a sheet listing the possible format for the meeting and ground rules to consider. Council Member Weaver noted that she would like to see that copies of the Mission Statement, Cost Containment Goals, Customer Service procedures and Organizational values be made available to everyone in attendance. Mayor Heath noted that he does not feel that some of the ground rules are "friendly" and would not like to have a time limit on the meeting, not have a sign up sheet for speakers in advance of the meeting and does not agree with having detailed or technical questions submitted in writing in advance of the meeting. Following further comments Council agreed on the suggested format for the meeting.

✓ Council Member Weaver moved that a supplemental appropriation in the amount of \$19,851.58 , requested by Fire Chief Larry Shifflett to appropriate from fund balance unexpended funds in these line items to the same line items in the new budget, be approved for a second and final reading, a first reading having been approved on August 24, 1993, and that:

\$19,851.58 chgd. to: 1000 31010 Anticipated Cash Balance

7,004.42 approp. to: 1000-3201-48230 Fire Programs Fund

12,847.16 approp. to: 1000-3505-46160 Hazardous Materials
Supplies

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

✓ City Council scheduled a tour with HEC for Friday, September 24, 1993, at 9:30 a.m.

At 9:40 p.m. Council Member Dingledine offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Transportation Safety Commission, the Rockingham-Harrisonburg ASAP Commission, the Harrisonburg Parking Authority

and City Clerk, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia and for consultation with the City Attorney and briefings by staff members pertaining to amendments and additions to two (2) existing contracts, requiring the provision of legal advice by the City Attorney, exempt from the public meeting requirement pursuant to Section 2.1-344(A)(7) of the Code of Virginia.

At 10:40 the executive session was declared closed and the regular session reconvened. City Manager Stewart read the following which was agreed to with a unanimous recorded vote of the Council Members present: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Council Member Green offered a motion to authorize the City Manager to execute an agreement and covenant that the City will not sue Draper Aden and Associates in connection with the certification as required by House Bill 1205.

At 10:41 there being no further business and on motion adopted, the meeting was adjourned.

Sudyn M. Gray
CLERK

C. Robert Heath
MAYOR

REGULAR MEETING

SEPTEMBER 28, 1993

At a regular meeting of Council held this evening at 7:30 p.m., there were present: City Manager Steven E. Stewart; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff, Council Members Walter F. Green, III, Emily R. Dingleline and Agnes Massie Weaver; City Clerk Judy M. Gray and Colonel Harper. Absent Mayor C. Robert Heath.

Council Member Dingleline offered a motion to approve the minutes of the previous meeting as received and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

At 7:37 Vice-Mayor Neff closed the regular session temporarily and called the evening's public hearing to order. City Manager Stewart read the following notice of public hearing as it appeared in the Daily News Record on Tuesday, September 21, 1993:

The City Council of the City of Harrisonburg, Virginia will receive public comment on the proposed Construction Standards and Design Manual at its regular meeting on September 28, 1993, beginning at 7:30 p.m. in the Council Chambers in the Municipal Building at 345 South Main Street, Harrisonburg, Virginia.

The purpose of this manual is to establish standards for the design and construction of public facilities constructed as a portion of subdivision or development plan within the City of Harrisonburg.

Copies of the Design and Construction Standards Manual are available for review at the Community Development Office at 409 South Main Street or at the City Manager's Office at 345 South Main Street during normal working hours.

City Manager Stewart noted that the Design and Construction Manual was done completely by City Staff, which saved the City a lot of money. Manager Stewart also expressed his thanks to the numerous staff members who helped put the manual together. Vice-Mayor Neff called on anyone present desiring to speak either for or against the Manual.

Ike Rowan, stated that he feels that the demands placed on developers by this manual work against efforts to lower the cost of housing in Harrisonburg. Mr. Rowan questioned the length of the maintenance bond and asked what the geotechnical report is. Mr. Rowan went on to say that \$1,000 extra cost per lot is expensive and unrealistic, particularly if it includes the cost of sidewalks.

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Mr. Rowan noted that these costs will fall on persons buying property and will raise the cost of housing in Harrisonburg.

Mr. Rowan stated that he does most of his development in the Pleasant Hill Acres area and noted that "it is hard for him to solve a problem that he does not have."

Vice-Mayor Neff noted that there is an extreme need for pedestrian access along roadways and that sidewalks can enhance and improve the value of property. Vice-Mayor Neff stated that one developer can not be treated differently from another and noted that the manual was designed to preserve and protect the community. Vice-Mayor Neff asked if there were any others present desiring to be heard. At 7:55 p.m. there being no others desiring to be heard the public hearing was declared closed and the regular session reconvened. Council Member Weaver offered a motion that the Design and Construction Manual be referred to the Planning Commission for a recommendation. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council Members present. Vice-Mayor Neff expressed his sincere appreciation to staff for the development of this manual noting that an independent firm would have charged a great amount of money to prepare it.

City Manager Stewart presented an application from the RMH Women's Health Focus to place a banner across Main Street from September 30, 1993 thru October 29, 1993. City Manager Stewart noted that the proper insurance forms have been received and that Gary Cook, Zoning Administrator, has reviewed the application and his recommendation is for approval. Council Member Weaver offered a motion that the application be approved. The motion was seconded by Council Member Dingledine and approved with a unanimous vote of Council Members present.

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

WHEREAS, since its founding, the United States of America has prided itself on advancing the civil rights of individuals and guaranteeing liberty and justice for all. Central to the philosophy of our democratic form of government are the precepts of equality and individual dignity, the value of self-reliance and the basic right of all citizens to live full, independent and productive lives.

WHEREAS, in keeping with that proud tradition, the United States Congress has designated October of each year as "National Disability Employment Awareness Month" and has called upon state and local governments to join in the national observance.

WHEREAS, the City of Harrisonburg strongly supports this resolution and the spirit as well as the letter of the law to assure that all citizens with disabilities are fully included in our social, cultural and economic mainstream; and,

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WHEREAS, people with disabilities represent a large untapped pool of talent in the City of Harrisonburg, and

NOW, THEREFORE, BE IT RESOLVED THAT I, C. ROBERT HEATH, MAYOR of the CITY OF HARRISONBURG, do proclaim October as DISABILITY EMPLOYMENT MONTH and further proclaim October 22, 1993, as

DISABILITY EMPLOYMENT AWARENESS DAY

in the City of Harrisonburg and urge its observance by all of our citizens.

ADOPTED, this 28th day of September, 1993.

C. Robert Heath, Mayor

Council Member Dingledine offered a motion that the resolution be approved. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

Vice-Mayor Neff noted that the Major Street Plan will be discussed this evening because the street plan is referenced in the Construction Standards, but the street plan will not be voted on. City Manager Stewart explained that the last plan was approved in 1984 and that this plan was developed based on guidelines from the approved Comprehensive Plan. Manager Stewart noted that the major street plan classifies streets and describes the function, use, and planned street width for existing or new streets. Manager Stewart further noted that this information will be used for planning and developing the transportation system for the city. Manager Stewart stated that any proposed street, not shown on this plan will be classified during the planning process and made a part of the major street plan when developed. Street Superintendent, Jim Baker reviewed the plan and addressed questions from the Council Members. Council Member Weaver noted that she is opposed to Neyland Drive being opened up, which would make Dogwood Drive an easy cut through; plus added that she would like the business community and neighborhoods to look at this now and get feedback to the City while the street plan is in the planning stages. Ms. Helen Hanson, speaking on behalf of the southeastern neighborhood association, presented Council with a petition signed by 87 residents stating their opposition to the extension of Dogwood Drive and Neyland Drive. Ms. Hanson noted that the Association's main issue is to protect the quality of the neighborhoods and not make their streets thoroughfares. Ms. Hanson concluded in stating that they request that the development of Dogwood Dr. and Neyland Dr. be deleted from the major street plan. Following further comments, Council Member Weaver offered a motion to refer the Major Street Plan to the Planning Commission with request that they hold a public hearing on the plan to receive input from the citizens. The motion was seconded by Council Member Dingledine and approved with a unanimous vote of Council Members Present.

City Manager Stewart noted that the staff has reviewed the problem of pedestrian access along Port Republic Road and has provided the following suggestions: provide seven foot wide sidewalks from I-81 to Deer Run on the South side of Port Republic Road to accomodate a large number of pedestrian traffic and

possibly to allow bicycles at an estimated cost of \$49,000; provide pedestrian crosswalk across Port Republic Road, near Forest Hills Drive, to indicate a crosswalk for pedestrians traveling to the Convocation Center; pedestrians traveling to the main campus could travel from Port Republic Road to Forest Hills Drive to the Convocation I-81 tunnel, or walk on the south side of Port Republic Road across the I-81 bridge to the pedestrian crosswalk and light which is being installed at Bluestone Drive, under the current VDOT Project. Street Superintendent reviewed the suggestions and noted that it is planned to do these improvements in phases with the first phase being the sidewalks from I-81 to Deer Run. City Manager Stewart also noted that the Bicycle Study Committee has reviewed this area several times and recommend that bicyclist not be encouraged to use Port Republic Road for travel. Following further comments, Vice-Mayor Neff stated that he would like to see further study as to the possibility of shared costs by JMU before any further action.

Council received the following extract from the Planning Commission meeting held on September 15, 1993:

"...Chairman Wassum called a Public Hearing to order and said that the Commission would be hearing the proposed amendment to the Zoning Ordinance by addition of Section 10-3-84(16), which would permit in the B-2 "General Business District", limited research and development facilities.

The Planning Director explained that at the August City Council meeting the City Manager informed Council that the City has received inquiries from developers in the area as well as companies asking whether research and development facilities were permitted in the B-2, "General Business District", zoning classification. The areas of interest seem to be around the new JMU CISAT campus. She explained that this area is slated in the Comprehensive Plan as a Planned Business area, however it is zoned B-2, "General Business", now. She said our current ordinance is silent on these types of uses, which leads to the conclusion that they are not permitted in B-2 zones. Considering the current zoning classification and Comprehensive Plan recommendation, limited research and development activities would be appropriate in this area. Ms. Turner explained that City staff proposed wording for such an amendment to City Council on August 31, and it was referred to the Planning Commission for a Public Hearing. Ms. Turner read the proposal that was advertised for Public Hearing and originally heard by Council:

(16) Research and Development facilities which do not cause any more smoke dust, odor, noise, vibration or danger of explosion than other uses permitted in this district and which do not involve any manufacturing, processing or fabrication other than that incidental to testing or research activities conducted on the premises. In no case shall such incidental manufacturing activity occupy more than 15% of the gross floor area. All services and storage shall be conducted within the principal structure which is to be completely enclosed.

Ms. Turner said that after City Council's referral of this amendment and its subsequent public advertisement, some questions on interpretation arose. As originally proposed, any manufacturing

activities connected with a Research and Development facility would have been limited to those that are "incidental". This word seemed to have several possible interpretations. It also became clear that in order to survive, most small Research and Development facilities performed assembling of the products they developed. Staff wanted to recognize and allow for this consideration, however also wanted proceed cautiously on the types of "manufacturing" activity allowed in business zoning classifications. After more consideration, staff has developed a slightly different wording for the proposed amendment as follows:

(16) Research and Development activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district and which involve no more than 15% of the gross floor area in the assembling or process of products. Any assembling or processing shall only involve products developed on the premises. All Services and storage shall be conducted within the principal structure which is to be completely enclosed.

The Planning Director explained that the fact that this becomes #16 on the list of permitted uses reemphasizes the last sentence; "All services and storage shall be conducted within the principal structure which is to be completely enclosed." She said that #(15) states that accessory uses or buildings are allowed, so #(16) will emphasize that accessory buildings are not allowed; everything would have to stay within the principal building. Ms Turner explained that the reason that was done was because of concern with the manufacturing portions of these operations which may not typically fit into a planned business category. With the new zoning ordinance, it could be that in the future there may be a mechanism to allow some type of accessory structures in controlled circumstances. For now, we felt that we did not want to encourage things that would become non-conforming later. She said that although proposed to be a use permitted by right in our current ordinance, staff anticipates that the new ordinance will place this use in the "Special Permit Use" category, therefore being something that would have to be reviewed by the Planning Commission before it would be allowed.

Chairman Wassum asked if there were anyone that would like to speak for the proposal.

Roger Williams, an attorney with Wharton Aldhizer & Weaver, spoke in support of the amendment. He said that he was also there on behalf of a Research and Development firm who is involved in pending negotiations with private parties. He said that from a zoning and land use point, it makes good sense to consider an amendment like this and that only clean high-tech research and development firms would qualify under this kind of language. Mr. Williams said that this would be kind of use that would be compatible with B-2. He said that with JMU developing a new college and the B-2 land close by, the timing is right and the amendment deserves the Commission's favorable attention.

Chairman Wassum asked if there were anyone else that would like to the speak for amendment. He then read a letter from Ronald Carrier, President of James Madison University.

Dear Members of the Planning Commission,

This is to notify you that James Madison University supports the Harrisonburg Zoning Ordinance that would permit the development of certain Research and Development facilities in the B-2 General Business district zoning classification.

The type of Research and Development facilities that could be located in B-2 areas are consistent with other forms of business which are permissible under the current ordinance.

James Madison University is supportive of this change since such Research and Development facilities would complement many of the scientific programs at the University, particularly those in the new college of Integrated Science and Technology.

Sincerely,

Ronald E. Carrier
President

Chairman Wassum asked if there were anyone else that would like to speak for the amendment. There was no one. Chairman Wassum asked if there was anyone that would like to speak against the amendment. There was no one. The meeting was brought back to general session and Chairman Wassum asked for questions from the Commission.

Mr. Homan asked the Planning Director if there was any feedback in terms of the percentage of square footage? Ms. Turner said that the only thing that she would be aware of would be from the group of people who initiated the inquires and they have not brought any objections forward.

Mr. Stewart said that it was intentionally worded to be limiting because of the idea that this area would become "Planned Business" and was supposed to be somewhat restrictive. It shouldn't be a manufacturing type of use. He said that was also where the language "incidental" came from to begin with, so it would be very clear that the manufacturing aspect or the assembling aspect, would be incidental to the research and development process--because that is the intent, the research and development portion of the facility. He added that the people making the inquires are aware of the restriction and there has been no negative feedback.

Mr. Cook said that the 15% is something that staff really wanted to hold the line on. He said that in the building code incidental is 10% of net area, and if this is held at 15% of gross area it would be something that could be administered.

Ms. Whitten asked to discuss the uses that are already permitted in B-2 and their continuance. She questioned the wisdom of continuing the automobile and truck repair use. Does that perhaps open up the restriction on smoke, dust, odor, noise, vibration, and danger of explosion? It seems like if you are going to allow automobile truck and repair then it really doesn't restrict the next guy very much. Ms. Turner said that she would agree that this is a use too intense for the B-2 zoning classification. Mr. Cook supported that opinion. After discussion it was felt that the section saying, "activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district", was not a concern at this time.

Mr. Neff asked to discuss the restriction of 15% of gross floor area. He said that the word "processing" is in the proposal and if you are developing software in 100% of the square foot of that building, you're processing a product. Someone has got to interpret that and question whether it is legal within the perimeters of that clause. Mr Neff said that there will be some areas that will require a zoning administrator to use judgement calls on what is considered processing or assembling.

Ms. Turner said that she felt that the 15% is really important. We have manufacturing zones in the City that are not filled up with manufacturing uses and she didn't think the City should start allowing things that are mostly manufacturing or even a portion of manufacturing to occur in the business zone. These are manufacturing uses and they need to occur in that classification.

Mr. Stewart said that even in the rewrite there are two different classifications of industrial, "light and heavy", and he felt that this is something about which we need to be careful.

Mr. Neff said that the Comprehensive Plan category, "Planned Business", was designed for the type of light industry related to software and assembling of products related to that, for that area out beside JMU. That was the intended purpose of "Planned Business" in that area and there will be people that will test that clause as it stands. Mr Neff said he would be interested in how the Zoning Rewrite is defining Planned Business.

Ms. Turner stated that there was not language in the Comprehensive Plan that mentioned manufacturing in a Planned Business category. Mr. Neff said that he didn't think that it was intended to list so much manufacturing, but assembly and processing are two area that Planned Business were supposed to deal with.

Mr. Cook said that as proposed, it was something that he could administer, Mr. Cook and Ms. Turner expressed their desire to start out restrictive and possibly in the future, if a need is seen and it would not be detrimental to the zoning classification, to then be less restrictive.

Mr. Homan said that he would be more concerned in identifying research and development and be accountable to that and not how it is being put together and how much space it is taking up inside.

Mr. Stewart said that one reason why you would be concerned about how the entire gross area would be used would be truck traffic. Planned Business is not intended for the constant traffic of eighteen wheelers. If the entire area is allowed to be used for assembling and processing, then it tends to get away from the research and development portion of the use of the building. If we get beyond Planned Business then we need to look at Light Industrial or some other classification,

Question was called for and Mr. Homan made a motion to approve consideration of the amendment. Mr Rexrode seconded. All voted aye...."

Respectfully submitted,

Stacy Turner - Planning Director

Council Member Green offered a motion that a public hearing be scheduled for October 26, 1993, to hear citizens views concerning

the amendment to the Zoning Ordinance. The motion was seconded by Council Member Dingleline and approved with a unanimous vote of Council Members present.

Council received the following extract from the Planning Commission meeting held on September 15, 1993:

"...Chairman Wassum read the request for final subdivision plat approval of Northfield Commercial, Lot 20, located on the east side of North Main Street.

The Planning Director referred to a tax map and explained that this was a request for a single lot subdivision, of a lot in Northfield Commercial Subdivision. She said that the proposed lot consists of approximately 20,436 square feet and is comprised of portions of two other lots. The current plan is to use the lot for automobile sales. Ms. Turner said that water and sewer are available from Main Street and that there was street frontage on Main Street. She said that the request is recommended for approval.

Mr. Neff moved for approval and Mr. Rexrode seconded. All voted aye..."

Council Member Green offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council Members present.

Council received the following extract from the Planning Commission meeting held on September 15, 1993:

"Chairman Wassum read the request for final subdivision plat approval of Blue Stone Hills Subdivision, Section 3G, located on the north side of the west end of Emerald Drive. (Revision of previously approved but unrecorded subdivision.)

The Planning Director referred to a tax map and explained that the subdivision was previously reviewed and approved in July 1993. She said that the request is made to subdivide a 1.232 acre parcel, located on the north side of the west end of Emerald Drive, from an approximately 68 acre tract. The remaining 67 acres has frontage on Evelyn Byrd Avenue and is planned to contain a future street, Lucy Drive. She said that the expectation is that at some point in the future there will be a request for further subdivision and townhouse development. The Planning Director said that at the previous presentation, the rear lot line of the

subdivision was in a different location. Since this had not yet been recorded, it could not come through as a minor subdivision, so it has been brought back to the Planning Commission and City Council to have it changed. she explained that Emerald Drive has not yet been completed; a portion of this street is only graveled and the remainder of it has only been surface treated. The Street Department has confirmed that further improvement

of this is the City's responsibility due to development regulations at the time the right-of-way was dedicated (with approval of Blue Stone Hills, Sections 3E and 3F). The street is City maintained and meets all access standards to allow building permits to be issued. Ms. Turner said the request for final subdivision plat approval is recommended for approval as shown on the plat of survey, prepared by Copper and Associates, with a revised date of August 25, 1993.

Mr. Neff moved for approval and Mr. Homan seconded. All voted aye..."

Council Member Weaver offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council Members present.

City Manager Stewart explained that as a result of the Cable Television Act of 1992, the City now has the opportunity to regulate the basic tier cable rates. Manager Stewart noted that in order to do so, FCC form 328 must be filed, which requests certification by the Federal Communications Commission. Manager Stewart stated that the City will then be required to adopt rules consistent with the FCC regulations and must provide a reasonable opportunity for interested parties, including the cable company, to participate in the rate review proceedings. Manager Stewart further noted that if the City does not want to regulate rates and does not ask the FCC to regulate them, then the basic service rates will not be regulated; the FCC will regulate basic service rates only when the franchising authority (the City) demonstrates it has no legal authority or lacks sufficient resources. Manager Stewart concluded in noting that the regulation of rates will involve additional staff time and will probably entail more legal expenses. Following questions from the Council and comments from Bill Wright, of Warner Cable, City Manager Stewart presented the following resolution for Council's consideration of approval:

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

1. The City will follow the FCC Rate Regulations in its regulatin of the Basic Service Rates and Charges of the Company and any other cable television system operating in the City, notwithstanding any different or inconsistent provisions in the Franchise; and
2. In connection with such resulation, the City will ensure a reasonable opportunity for consideration of the views of interested parties; and
3. The City Manager or his or her designee, is authorized to execute on behalf of the City and file iwth the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC Rate Regulations in order to enable the City to regulate Basic Service Rates and Charges; and
4. This Resolution shall be effective immediately.

Mayor

ATTESTE:

Clerk

Council Member Green offered a motion that the resolution be approved. The motion was seconded by Council Member Dingledine, and approved with a recorded vote of Council Members present. Council Member Weaver requested that the City keep a close account of what it costs the City to regulate these rates.

City Manager Stewart noted that the Council needs to choose a voting delegate and an alternate for the Virginia Municipal League Conference. Council Member Weaver offered a motion that the Mayor be the voting delegate and the Vice-Mayor be the alternate for the conference. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council Members present.

City Manager Stewart presented a request from the Police Department for approval of a supplemental appropriation in the amount of \$14,842.87, for renovations of building and to buy uniforms. Council Member Weaver offered a motion for the appropriation to be approved for a first reading, and that:

\$14,842.87 chgd. to: 1000-22700 Drug Forfeiture

1,000.00 approp. to: 1000-3101-46110 Uniforms

13,842.87 approp. to: 1000-3101-48181 Bldgs. & Grounds

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

Dr. Ken Williamson, citizen present in the meeting, applauded the Council on their efforts to regulate the cable and suggested the Council try to regulate more. Mr. Williamson also noted that he is angry about the taxes he pays in Harrisonburg.

Ms. Helene Pettus suggested that if two cable companies are in an area it would likely bring the costs down.

City Manager Stewart announced that the dedication of Stone Spring Elementary School will be held on October 31, 1993, at 3:00 p.m.

City Manager Stewart handed out copies of the newcomers package that has been prepared and asked Council to let him know if they would like any changes.

City Manager Stewart showed Council framed copies of the Value Statement and Organizational Values which will be hung in the Council Chambers.

At 9:25 p.m. Council Member Dingledine offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Transportation Safety Commission, the Upper Valley Regional Park Authority, the Harrisonburg Parking Authority and City Clerk, exempt from the public meeting requirements pursuant to

Section 2.1-344(A)(1) of the Code of Virginia; and for consultation with the City Attorney and briefings by staff members pertaining to amendments and additions to one (1) existing contract and one (1) proposed contract, requiring the provision of legal advice by the City Attorney, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council Members present.

At 9:55 p.m. the executive session was declared closed and the regular session reconvened. Vice-Mayor Neff read the following which was agreed to with a unanimous recorded vote of the Council Members present: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

Council Member Green offered a motion that Assistant City Manager Roger Baker be appointed to the Upper Valley Regional Park Authority for a second term to expire on September 30, 1997. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council Members present.

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

Judy M. Wiley C. Albert Heath
CLERK MAYOR

REGULAR MEETING

OCTOBER 12, 1993

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff, Council Members Emily R. Dingledine and Agnes Massie Weaver; City Clerk Judy M. Gray and Colonel Harper. Absent: Council Member Green.

Vice-Mayor Neff offered a motion to approve the minutes of the previous meeting as amended and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council Members present.

✓ City Manager Stewart explained that following the resignation of Judy Gray as Clerk of the City Council, he was instructed by the Council to find a replacement for Judy. City Manager Stewart stated that after reviewing 40 some applications, he would like to recommend to City Council that Yvonne Ryan (Bonnie) be appointed as the City Clerk of Harrisonburg subject to the personnel policies applicable to all other city employees. Council Member Weaver offered a motion that Council approve the recommendation for Yvonne Ryan to be appointed as the City Clerk. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council Members present. Mayor Heath welcomed Bonnie.

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

RESOLUTION

BE IT RESOLVED, that curfew is hereby declared to be effective and enforced at and after the hour of 11:00 P.M. on the night of Sunday, October 31, 1993 (Halloween), after which curfew hour it shall be unlawful for any person to be on the streets or public places of the City of Harrisonburg for the purpose of celebrating Halloween.

The provisions of this resolution are designed to curb and limit the celebration of Halloween to appropriate hours and shall not extend or apply to the use of the City streets or other public places for any other proper purpose.

CITY OF HARRISONBURG

MAYOR

Following discussion, Vice-Mayor Neff offered a motion that the resolution be approved. The motion was seconded by Council Member Dingledine and approved with a unanimous vote of Council Members present.

City Manager Stewart presented and read a letter from the Utility Billing Department requesting that a list of delinquent accounts be written off as uncollectible. City Manager Stewart noted that the total amount proposed to be written off from December, 1991, through February, 1993 is .05% of the total amount collected for that time period. Following questions from the Council Members, Council Member Dingledine offered a motion that authorization be given for the delinquent accounts to be written off as uncollectible. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

Council Member Dingledine moved that a supplemental appropriation in the amount of \$14,842.87, requested by Police Chief Harper for renovations of a building and to buy uniforms be approved for a second and final reading, a first reading having been approved on September 28, 1993, and that:

- \$14,842.87 chgd. to: 1000-22700 Drug Forfeiture
- 1,000.00 approp. to: 1000-3101-46110 Uniforms
- 13,842.87 approp. to: 1000-3101-48181 Building & Grounds

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

City Manager Stewart presented a request from the City Treasurer Miller for approval of a supplemental appropriation in the amount of \$9,000, for delinquent taxes collected because the amount of delinquent taxes was greater as of 6-30-93 than in previous years. Council Member Weaver offered a motion for the appropriation to be approved for a first reading, and that:

- \$9,000.00 chgd. to: 1000-25100 Fund Balance Unreserved
- \$9,000.00 approp. to: Personal Services - Del. Tax Acct.

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

Council Member Weaver noted that several meetings ago representatives from Bruce St. and Willow St. were present in the meeting requesting street improvements, one-way streets and a deaf child in the area sign. Council Member Weaver asked for a follow up report on these requests. Assistant City Manager Baker noted that the deaf child sign was put up, but the family has moved from this area and the sign has been put up in the area where they now live. City Manager Stewart noted that he will check into the other matters and get back with Council. Council Member Weaver also

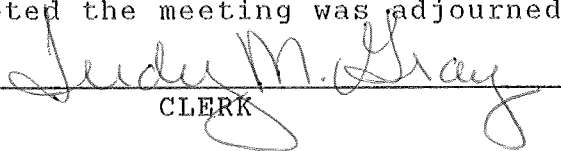
noted that she has received calls concerning the possibility of adding an extra lane at the intersection of Country Club Road and Route 33. Council Member Weaver further noted that she has received calls concerning the bottleneck that is created when cars make a left off of Linda Lane into the Sheraton. Council Member Weaver stated that the caller suggested possibly making the turn lane longer and the light stay green longer. Council Member Weaver concluded in stating that the new stop light on Reservoir Street and Route 33 does not stay green long enough for cars traveling on Route 33.

At 7:55 p.m., Council Member Dingleline offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Transportation Safety Commission, the Harrisonburg Electric Commission, the Harrisonburg Parking Authority, the Building Code Board of Appeals, the Central Shenandoah Emergency Medical Services Council and the Harrisonburg Parks and Recreation Commission, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council Members present.

At 8:15 p.m. the executive session was declared closed and the regular session reconvened. City Clerk Gray read the following which was agreed to with a unanimous recorded vote of the Council Members present: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

Mayor Heath asked Council's wishes concerning an appointment to the Harrisonburg Parking Authority noting that Betty Jolly has resigned from the Authority. Vice-Mayor Neff offered a motion that Ronald M. Hotinger, 690 North Dogwood Drive, be appointed to a first term to expire on November 28, 1996, on the Parking Authority. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council Members present.

At 8:17 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

cc: City Council
City Manager
Assistant City Manager
Director of Finance
Public Library
Charlene Rice

REGULAR MEETING

OCTOBER 26, 1993

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff, Council Members Walter F. Green, III, Emily R. Dingledine and Agnes Massie Weaver; City Clerk Bonnie Ryan and Chief of Police Donald Harper.

Council Member Dingledine offered a motion to approve the minutes of the previous meeting as amended and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members.

✓ At 7:32 p.m., Mayor Heath closed the regular session temporarily and called the evening's public hearing to order. City Manager Stewart read the following notice of public hearing as it appeared in the Daily News Record on Monday, October 11, 1993 and October 18, 1993:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, October 26, 1993, at 7:30 P.M. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider the following:

Proposed amendment to the Harrisonburg Zoning Ordinance by addition of Section 10-3-84(16) which would permit in the B-2, General Business District, zoning classification the following use:

(16) Research and Development activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district and which involve no more than 15% of the gross floor area in the assembling or processing of products. Any assembling or processing shall only involve products developed on the premises. All services and storage shall be conducted within the principal structure which is to be completely enclosed.

For any additional information, contact the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 A.M. to 5 P.M.

All persons interested will have an opportunity to express their views at this Public Hearing.

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

Steven E. Stewart, City Manager

City Manager Stewart noted that the public hearing concerns an amendment to the zoning ordinance which would add a section to the B-2 district allowing research and development activities in that district. This amendment was brought to the Council's attention several months ago as a way to help ease the relocation of research and development operations that want to move to the city to be close to James Madison University's College of Integrated Science and Technology. Following comments from City Manager Stewart, Mayor Heath called on anyone present desiring to speak in favor or against the proposed amendment to the Harrisonburg Zoning Ordinance. There being no one present desiring to speak either for or against the amendment, the public hearing was declared closed at 7:35 p.m. and the regular session reconvened. Council Member Weaver offered a motion for approval of the first reading on this amendment. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council Members.

The request for fireworks display for First Night Harrisonburg, will be delayed until a future council meeting.

✓ City Manager Stewart noted the Planning Commission recommends approval of Design and Construction Standards Manual. Staff held two public meetings with interested parties and Council has held a public hearing. The latest draft has been distributed to Council. City Manager Stewart also noted everyone should be commended for a first class job. Vice-Mayor Neff offered a motion for approval and for the manual to go into effect January 1, 1994. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members

✓ Council Member Dingledine offered a motion directing City Treasurer Miller to advertise unpaid delinquent real estate taxes as required under Section 4-1-29 of the City Code. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members.

✓ Council Member Weaver offered a motion to hold only the December 14th Council meeting unless the need arises to hold a second December meeting. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council Members present.

✓ Council Member Dingledine moved that a supplemental appropriation in the amount of \$9,000.00, requested by City Treasurer Miller for delinquent taxes collected, be approved for a second and final reading, a first reading having been approved on October 12, 1993, and that:

\$9,000.00 charged to: 1000-25100 Fund Balance Unreserved

\$9,000.00 approp. to: 1000-1224-41030 Personal Services
Del. Tax Account

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

✓ City Manager Stewart announced the Planning Commission will hold a work session on October 27 at 7:00 p.m. to review the 1994-95 to 1998-99 CIP document. City Manager Stewart also announced that a sub-committee would be reviewing the Major Street Plan at

the Municipal Annex on November 2 at 7:00 p.m.

At 7:45 p.m. Council Member Weaver offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Transportation Safety Commission, the Harrisonburg Electric Commission, the Harrisonburg Parking Authority, the Building Code Board of Appeals, the Central Shenandoah Emergency Medical Services Council and the Harrisonburg Parks and Recreation Commission, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia; and also consultation with the City Attorney and briefings by staff members pertaining to a proposed contract, requiring the provision of legal advice by the City Attorney, exempt from the public meeting requirements pursuant to Section 2.1-344(A) (7) of the Code of Virginia. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council Members.

At 8:25 p.m. the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following which was agreed to with a unanimous recorded vote of the Council Members present: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

Vice-Mayor Neff offered a motion that Jerry F. Morris, 215 Fairway Drive, be appointed to a second term on the Harrisonburg Electric Commission to expire on December 31, 1996. The motion was seconded by Council Member Green and approved with a unanimous vote of Council Members.

Council Member Dingledine offered a motion that Douglas B. Gardner, 1057 South Dogwood Drive, be appointed to a second term on the Harrisonburg Electric Commission to expire on December 31, 1996. The motion was seconded by Council Member Green and approved with a unanimous vote of Council Members.

At 8:27 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan
CLERK

Robert Heath
MAYOR

cc: City Council
City Manager
Assistant City Manager
Director of Finance
Public Library
Charlene Rice

REGULAR MEETING

NOVEMBER 9, 1993

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; City Attorney Earl Q. Thumma, Jr.; Council Members Walter F. Green, III, Emily R. Dingleline and Agnes Massie Weaver; City Clerk Bonnie Ryan and Chief of Police Donald Harper. Absent: Vice-Mayor John Neff and Assistant City Manager Roger Baker.

Council Member Dingleline offered a motion to approve the minutes of the previous meeting as presented on the second draft without reading. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council Members present.

City Manager Stewart announced that Anne Stevens with First Night Harrisonburg would be presenting a request for expansion of the street closings on New Year's Eve. Also, Police Chief Harper and Street Superintendent Baker would be commenting. Anne Stevens with First Night Harrisonburg commented on the overwhelming success of last year's celebration and the assistance from the City, particularly including the security and safety factors, the clean-up after the event and closing the streets. Police Chief Harper and Street Superintendent Baker discussed the safety factors and additional manpower involved in having South Main Street closed from around Court Square south to the Harrisonburg Baptist Church. The Fellowship Hall and the Sanctuary at the church will hold up to 500 people each, which means at least 1,000 people will be walking in the area of the church. Event organizers and the owner of the Joshua Wilton House restaurant had worked out a proposal to close only one lane of the street thus not interfering with the New Year's Eve business at the restaurant. Street Superintendent Baker and Police Chief Harper had concerns about people walking in the street, even if it were only in one lane. It is difficult to close off only half the street and have crowd control. City Manager Stewart mentioned two concerns, safety and additional costs of manpower. Mayor Heath suggested that a continuous barrier be put up to obstruct pedestrians from the path of traffic. After further discussion a motion was made by Council Member Weaver to provide the necessary manpower to make a safe situation for the people attending First Night celebration. A substitute motion was made by Council Member Green to authorize the City Manager to work with City Staff and First Night Organizers to work out a solution in the best fashion for all concerned and bring a proposal back to Council on November 23. Council Member Weaver withdrew the first motion. The motion was seconded by Council Member Dingleline and approved with a unanimous vote of Council Members present.

City Manager Stewart announced that at the April 16-17, 1993 Council retreat, a list of eight goals was approved by Council. City Manager Stewart was asked to follow-up on the list of eight goals and report back to Council in November following the Town

meeting held in September. The town meeting took place on Sept. 30. Included in the agenda packet is a proposed plan of action to try to accomplish those eight goals.

PLAN OF ACTION FOR 1993 RETREAT GOALS

1. Have a better working relationship with our boards and commissions.
2. Have a budget process that gives Council the information it needs to make intelligent decisions.
3. Have a long-term plan and strategy for the physical and economic growth and development of the City that enables us to anticipate needs beyond the five-year capital improvement program; hold an annual work session with Planning Commission to help to accomplish this.
4. Have a forum for citizens to have input to the goals that Council pursues and to its formulation of a vision for the City's future; hold an annual "Town Meeting" to accomplish this.
5. Enhance the value and quality of City services in terms of cost and performance.
6. Save costs where possible by consolidating services with other jurisdictions.
7. Assume a long-term perspective in financing capital facilities and City services.
8. Have a systematic procedure and criteria for Council appointment to boards and commissions.

PLAN OF ACTION FOR 1993 RETREAT GOALS

1. Have a better working relationship with our boards and commissions.
 - a. After making appointments that have a direct advisory role to Council (such as the Planning Commission and the Parks and Recreation Commission) or appointments that are to autonomous groups (HEC, School Board, Parking Authority, Board of Zoning Appeals), have Council meet with them to discuss expectations.

- b. Consider hosting an annual or bi-annual dinner for members of the various boards and commissions.
 - c. Give certificates of appreciation to members completing terms.
 - d. Give City lapel pin (not currently available) to each member.
 - e. Meet with the School Board and a representative from the Virginia Department of Education early in 1994 to further Council's and the School Boards's understanding of each other's interests in school finance and operations.
2. Have a systematic procedure and criteria for Council appointments to boards and commissions.
- a. Require all candidates for appointment to complete an application form.
 - b. In making appointments, Council may want to review the make-up of the entire board and consider the following:
 - (i) Does the board reflect the different groups in the community?
 - (ii) Is the group in need of special expertise?
 - (iii) Does the board need new ideas?
 - (iv) Is the board reacting to issues or taking a proactive approach to dealing with problems?
 - c. For appointments to boards and commissions such as School Board, HEC, Parking Authority, Board of Zoning Appeals and Planning Commission have Council or Council Committee interview applicants.

These positions have a significant amount of authority and Council may gain valuable insight as to how the

applicant will perform as a member of a particular board or commission.

- d. Establish some general criteria for the positions. In some cases these are legal criteria.
3. Have a budget process that gives Council the information it needs to make intelligent decisions.

The budget document presented to Council for 1993-94 gave Council a significant amount of information. The 1994-95 budget document will build on the information provided in 1993-94 and will make improvements where appropriate. Staff's number one goal will be to recommend a budget without a tax increase.

4. Have a long-term plan and strategy for the physical and economic growth and development of the city that enables us to anticipate needs beyond the five-year capital improvement program; hold an annual work session with Planning Commission to help to accomplish this.

The first step and the foundation for this process was the development of the Comprehensive Plan adopted in 1992. The second step involves the complete rewrite of the sign, zoning and subdivision ordinances and the addition of a landscape ordinance that will help in development strategies for the year 2000 and beyond. The third step has been to make major changes in the preparation of the five-year Capital Improvement Program. The 1994-95 - 1998-99 CIP presents a unified approach to capital planning by providing Council with a document that reflects all priority City projects including the School Board. For the first time it also includes historical and projected financial information to assist in reviewing the projects. The fourth step is the proposed major street plan that projects transportation needs out through 2015 and is a major element in any plan for long-term development of the City. The next step should be to meet with the Planning Commission to look beyond a five year planning horizon. It is recommended that Planning Commission be invited to attend a portion of Council's next retreat to discuss this goal. In addition, the Rockingham Development

Corporation is working on information that will be of assistance in developing a long-term strategy.

5. Have a forum for citizens to have input to the goals that Council pursues and to its formulation of a vision for the City's future; hold an annual "Town Meeting" to accomplish this.

The meeting was held on September 30. It is suggested that another meeting be scheduled for September, 1994 and that the City develop strategies to focus the meeting on goals and a vision for the City's future.

6. Enhance the value and quality of City service in terms of cost and performance.

As a part of pursuing the cost containment goals, each department is reviewing its operations to insure effectiveness and efficiency. Customer service is also being emphasized through the implementation of a new customer service system and formalized customer service training for each City employee. The City Manager, Assistant City Manager and Department Heads are currently involved in training with an emphasis on the development of a high performance organization that looks beyond departmental lines in the delivery of service.

7. Save costs where possible by consolidating services with other jurisdictions.

Staff is working with Rockingham County to consider the possibility of consolidating the two Social Services agencies and the landfill operations. Work is also underway to look at consolidating all emergency dispatch functions. Also, the consolidation of various City maintenance activities, including the School Board, is being studied. Finally, there is a concerted effort to use personnel and equipment between departments in order to provide quality service.

8. Assume a long-term perspective in financing capital facilities and city services.

The comprehensive approach to the 1993-94 budget, the CIP, the pursuit of implementing the cost containment goals, the development of organizational values and the development in progress of a Financial Trend Monitoring

System are all examples of efforts to assume a long-term perspective.

City Manager Stewart gave a brief summary of the goals and made comments concerning implementing these eight goals. Following discussion from Council Members it was suggested to have only one presentation to the Planning Commission and Council on the five-year Capital Improvement Program. Council accepted the presentation of the plan of action for 1993 Retreat Goals. Mayor Heath commented that he felt like the City was headed in the right direction. Also Mayor Heath remarked that City Manager Stewart is doing an excellent job in trying to fulfill Council's wishes.

✓ City Manager Stewart presented for Council's consideration a second and final reading of an ordinance enacting Section 10-3-84(16) of the City Code which would permit research and development activities in the B-2 General Business District. Council Member Dingledine offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Weaver and approved with a unanimous recorded vote of the Council Members present.

✓ City Manager Stewart announced the Virginia Local Government Management Association is soliciting endorsement from local governments in order to urge the General Assembly to provide funding for the establishment of an Institute of Government. The Institute would provide a comprehensive training curriculum for local government officials rather than the current fragmented approach to training in the Commonwealth. Council Member Green offered a motion that the City endorse the concept of the establishment of an Institute of Government. The motion was seconded by Council Member Dingledine and approved with a unanimous vote of the Council Members present.

✓ City Attorney Thumma presented a recommendation to Council to approve the execution of a deed of release with Blue Stone Land Company, Inc. This would be put on record that a water line easement had been released and vacated by the City. Council Member Weaver offered a motion that the City execute the deed of release with Blue Stone Land Company, Inc. The motion was seconded by Council Member Dingledine and approved with a unanimous recorded vote of the Council Members present.

City Manager Stewart presented a recommendation for Council to set December 14, 1993 as the date to hold the public hearing on the 1994-95 - 1998-99 Capital Improvement Program (CIP). The Planning Commission held a work session October 27 and will hold its public hearing on November 17. It is hoped that they will have a recommendation to Council on November 23. It is requested that Council consider adoption of the CIP following the public hearing on December 14 or the January 11 meeting at the latest. Other items City Manager Stewart suggested to Council were whether or not to have some type of individual departmental presentation after the November 23 meeting, to have a separate work session on the CIP or to consider some other option in reviewing the CIP document. After further discussion it was decided to have Department Heads available at the November 23 City Council meeting to answer

questions concerning the Capital Improvement Program. Council Member Dingledine offered a motion that the CIP public hearing be held on December 14 at 7:30 p.m. The motion was seconded by Council Member Weaver and approved with a unanimous vote of the Council Members present.

At 8:23 p.m. Council Member Dingledine offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Transportation Safety Commission, the Harrisonburg Parking Authority, the Building Code Board of Appeals, the Central Shenandoah Emergency Medical Services Council and the Harrisonburg Parks and Recreation Commission, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia; and also consultation with the City Attorney and briefings by Staff Members pertaining to two (2) proposed contracts, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

At 9:31 p.m. the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following which was agreed to with a unanimous recorded vote of the Council Members present: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

Council Member Weaver offered a motion that Donna Stewart, 16 Laurel Street, be appointed to a first term on the Harrisonburg Parking Authority to expire on November 28, 1998. The motion was seconded by Council Member Dingledine and approved with a unanimous vote of Council Members present.

At 9:35 p.m. there being no further business Council Member Green made the motion to adjourn. The motion was seconded by Council Member Dingledine and approved with a unanimous vote of the Council Members present.



 CLERK



 MAYOR

cc: City Council
 City Manager
 Assistant City Manager
 Director of Finance
 Public Library
 Charlene Rice

REGULAR MEETING

NOVEMBER 23, 1993

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff; Council Members Walter F. Green, III, Emily R. Dingledine and Agnes Massie Weaver; City Clerk Bonnie Ryan and Chief of Police Donald Harper.

Council Member Weaver offered a motion to approve the minutes as received and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ City Manager Stewart announced that at the last Council meeting staff was directed to work with First Night organizers and to present a recommendation at this meeting. Police Chief Harper stated the recommendation from staff is closing the west side of South Main Street from Campbell Street to the Harrisonburg Baptist Church to traffic with a combination of barrel barricades with flashing lights and construction fencing. An opening would be left so pedestrians could have easy access to the Joshua Wilton restaurant and allow access to the lot adjacent to the Municipal Building. The cost of the barricades and fencing would be \$2,114.00 and out of this amount would be a one-time \$500.00 fee in purchasing the construction fencing. Council Member Dingledine had some concern about spending so much money. City Manager Stewart stated the other options were to completely close the street or not close the street at all as the City's main concerns were safety and cost. After further discussion Council Member Dingledine offered a motion to close off the entire street and work out something else to accommodate the Joshua Wilton restaurant and parking. The motion failed for lack of a second. Following further comments and discussion, Council Member Weaver offered a motion to accept staff's recommendation to close the west side of South Main Street from Campbell Street to the Harrisonburg Baptist Church with barrel barricades and construction fencing. Vice-Mayor Neff seconded the motion. The motion carried with a vote of no by Council Member Dingledine.

✓ City Manager Stewart presented for Council's consideration a request from a number of property owners on Garber's Church Road to shoot deer that are damaging their crops. Police Chief Harper explained the City Code does permit the Police Chief to issue a permit for this purpose. City Attorney Thumma explained because the deer is an animal regulated by the state, the land owners will have to comply with the damage control permits issued by the commonwealth. Once these requirements are met, the City will require the Game Warden to first approve shooting the deer before the police department issues the permit. This does not require an action by the City Council.

City Manager Stewart explained that several months ago, staff had reported to Council that the Virginia Public School Authority (VPSA) had refunded or refinanced certain bonds issued several years ago. The state had made a decision to keep the savings from that refunding and place in the General fund. The City of Harrisonburg raised objections along with a number of other jurisdictions, and after several months of working with the state the VPSA has agreed to a refunding. This means if Council chooses to refund a 12 million dollar bond this refunding will result in a lump sum cash payment of \$78,612. This money would be wired on January 3, 1994. The first stipulation associated with this money is if the City accepts this refund, then the City would forgo any right for additional refunding of these bonds. After talking with bond counsel, if the City does not accept this offer, there probably will not be another offer and the City will lose the opportunity to receive almost \$79,000 in savings. The second stipulation is that the money must be used for capital projects and, while there is no absolute restriction that it must be used for school capital projects, there is a strong recommendation that the money be used for school projects. Staff is suggesting to Council to accept the lump sum and use for future capital projects. One suggestion staff has for the refund is an effort to consolidate maintenance facilities into one building for schools and parks and recreation. After further discussion Council Member Weaver made the motion to adopt the resolution of these bonds but not stipulate how the money is to be spent. This motion was seconded by Council Member Green with an addendum "What is the State paying to have this done through bond attorneys and other interested parties"? Council Member Green would prefer to have a response to this question. The motion carried with a recorded vote of Council members with one abstention by Vice-Mayor Neff.

City Manager Stewart explained that the State Compensation Board has been asked to reduce its budget by \$24.4 million. The board has suggested one way is to eliminate its share of the funding of fringe benefits for Constitutional Officers and their staffs. At first it was thought this would cost the City approximately \$115,141 but after the new jail is opened the cost will be approximately \$181,000. City Manager Stewart proposed the following resolution that is designed to send a message to the State to get its own financial house in order rather than passing along revenue shortfalls to local government. The City of Danville has just passed a similar resolution.

A RESOLUTION STATING THE COUNCIL'S OPPOSITION TO A PROPOSAL BY THE STATE COMPENSATION BOARD TO AGAIN REDUCE STATE FUNDING FOR ITS SHARE OF THE EXPENSES OF CONSTITUTIONAL OFFICERS' BUDGETS BEGINNING JULY 1, 1995.

WHEREAS, Governor Wilder has projected a \$500 million shortfall in State revenues for the upcoming biennium; and

WHEREAS, the State Compensation Board has been targeted to be reduced by \$24.4 million; and

WHEREAS, the State Compensation Board in an effort to address its reduction has proposed, among other things, to eliminate funding of its share of fringe benefits for Constitutional Officers, which would result in a loss of funding to the City of Harrisonburg in an amount of approximately \$115,141, and following completion of new Harrisonburg-Rockingham Judicial Complex this cost will be approximately \$181,000; and

WHEREAS, the State Compensation Board has in past years already significantly reduced its level of funding for its share of the costs of the budgets for the Constitutional Officers to address prior State budget shortfalls; and

WHEREAS, the State Compensation Board has, in an effort to reduce the impact of its reduced funding, indicated that it will be proposing to the General Assembly a fee for civil process for General District Court and Circuit Court cases, a fee which has been proposed in the past by other entities and has yet to be approved by the General Assembly and, therefore, appears to be a wasted effort;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Harrisonburg, Virginia that it does hereby express its opposition to a current proposal by the State Compensation Board to address its share of Governor Wilder's anticipated \$500 million shortfall by reducing funding of the City's Constitutional Officers.

AND BE IT FURTHER RESOLVED that the Council does hereby call upon the State Compensation Board, the Governor and the General Assembly to address State shortfalls of revenue in a forthright manner and to be open and honest with the citizens of the Commonwealth and not to address this issue by passing along its revenue shortfalls to local government so as to say that it did not increase taxes.

AND BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the State Compensation Board, the Honorable Douglas L. Wilder and the City's representatives in the General Assembly.

APPROVED:

MAYOR

ATTEST:

CLERK

Council Member Dingleline offered a motion to adopt this resolution. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart asked Recreation Director Logan to explain a proposed increase in park shelter fees. Ms. Logan explained that presently the fees are \$10.00 for weekend bookings and none for the weekdays bookings. The proposed increase in park shelter fees would be \$15.00 for weekend bookings and \$5.00 for weekday bookings. There will be one exception to the fee and that is ALL CITY public school functions would pay no fee on weekdays. This should generate an extra \$4500.00 in additional revenue for park shelters. This year the total collected for park shelters was \$7000.00. Council Member Weaver made a motion to increase the park shelter fees as presented. The motion was seconded by Council Member Dingleline and approved with a unanimous vote of Council.

✓ Council received the following extract from the Planning Commission meeting held on November 17, 1993:

"....Chairman Wassum read the request for Final Subdivision Plat approval of Northfield Estates, Section 5, Lots 1-23, located on the northwest side of Northfield Court and asked the Planning Director to present the request.

Ms. Turner explained that this subdivision received preliminary plat approval on October 20, 1993. She said that the request was made to subdivide approximately 2.038 acres of land into 23 townhouse lots. The average lot size is 2,500 square feet, and all lots exceed the 2,000 square foot minimum requirement. The property is zoned R-4, "Planned Unit Residential" and as such it requires that 15% of the development be reserved for open green space. Within the whole development there is about 21% reserved for open green space. At the October, 1993, Planning Commission meeting, Mr. Kevin Leigh, owner and developer, submitted a letter for the Planning Commission

records. The letter offered a screening of evergreen trees on the west boundary, adjoining the Commercial Park. This letter was made part of the approval. Staff is currently reviewing the construction plans. As a part of this review, a note was requested to be added on page 2 of the plat, indicating the location of utility easements for a previous section. She said that this note had been added. Ms. Turner concluded by saying that staff recommends approval, provided the letter from Mr. Leigh offering the landscape on the west border of the property be included.

Chairman Wassum asked for discussion. There was none, Chairman Wassum asked for a motion. Mr. Neff motioned to approve the subdivision with inclusion of Mr. Kevin Leigh's letter. Mr. Whitten seconded. All voted aye....".

Planning Director Turner explained a request was received to approve final subdivision plat, Northfield Estates, Section 5, lots 1-23. This subdivision received Planning Commission preliminary approval in October and final approval in November. The developers of the property had offered a development plan of evergreen screening on its west boundary adjoining the commercial park. At the November 17, meeting the Planning Commission did recommend approval of the 23 townhouse lots subdivision zoned R-4 with inclusion of the letter offering the landscape border along the western bounty of the property. Council Member Green made the motion to accept this recommendation from the Planning Commission. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council Members.

Council received the following extract from the Planning Commission meeting held on November 17, 1993.

"....Chairman Wassum called a Public Hearing to order and said that the Commission would be considering the proposed Capital Improvement Program. Chairman Wassum asked Mr. Stewart to present the proposal.

Steve Stewart said that the Public Hearing was on the update of the City's Capital Improvement Program and explained that the Program was a multi-year projection for capital projects that are estimated to cost \$20,000 or greater. He stressed that this document was a planning document not a budget. The budget for capital items is considered in the spring by City Council when they set tax rates and appropriate dollars for specific projects. This document is a planning tool and does not mean that if something gets approved as a part of a Capital Improvement Program, the budget money will be available in the coming year or any of the planned five years. The goal of the process is to make sure that the City continues to meet its Capital needs. Over a five year planning horizon, each year the plan will be reviewed, dropping a year and adding a fifth year on a continuing basis. This year the plan represents significant information about the projects themselves as well as financial information, both from a historical perspective and five year projections. Mr. Stewart said that department heads would be glad to answer any questions.

Chairman Wassum said the first item of the CIP was the Police Department and asked if there were any questions or comments. There were none.

Chairman Wassum said the second item of the CIP was the Fire Department and asked if there were any questions or comments. There were none.

Chairman Wassum said the third item of the CIP was the Community Development Department and asked if there were any questions or comments. There were none.

Chairman Wassum said the next item of the CIP was the Street Department and asked if there were any questions or comments. There were none.

Chairman Wassum said the next item of the CIP was the Recreation Department and asked if there were any questions or comments. There were none.

Chairman Wassum said the next item of the CIP was Schools and asked if there were any questions or comments. There were none.

Chairman Wassum said the next item of the CIP was the Sewer and Water Department and asked if there were any questions or comments. There were none.

Chairman Wassum said the next item of the CIP was the Transportation Department and asked if there were any questions or

comments. There were none.

Chairman Wassum said the next item of the CIP was Solid Waste and Recycling and asked if there were any questions or comments. There were none.

Chairman Wassum asked Mr. Stewart to give the Commission some general numbers on what the CIP will amount to each year.

1, Mr. Stewart asked to present the figures by fund and numbers that would include all projects not just priority 1 and 2. He then explained that the priority system is a ranking of projects from 1 to 5. Priority 1, are projects that were absolutely required by court order or state or federal mandate. Priority 2, are project that were highly desirable and would effect efficiency and effectiveness. Priority 3, are projects that are desirable. Priority 4, are projects that are marginally beneficial. Priority 5, are projects that are not justified. There are no priority 4 or 5 projects included in the document. In addition, there are some priority 3 projects that were eliminated. Only something that is considered, at minimum to be desirable and maximum absolutely required, were included in the CIP document.

He said the general fund projects, which included Fire, Police, Street, Parks and Recreation, and Community Development Departments, totals about \$3.5 million for the first year, \$7.1 million for the second year, \$7.8 million for the third year, \$5.6 million for the fourth year and \$5.6 million for the fifth year. Schools, which will differ from the program the School Board approved on November 16, 1993, is about \$2 million for 94-95, \$1.5 million for 95-96, \$1.5 million for 96-97, \$2 million for 97-98, and \$3 million for 98-99. Water, primarily supported by revenues from the sale of water, is about \$1 million for 94-95, \$1 million for 95-96, just under \$1 million for 96-97, \$900,000 for 97-98, and \$1.1 million for 98-99. Sewer, primary supported by rates, is about \$800,000 for 94-95, under \$1 million for 95-96, \$800,000 for 96-97, \$800,000 for 97-98 and \$500,000 for 98-99. Central Stores, part of the Street Department, \$55,000 for 94-95, \$100,000 for 95-96, and nothing thereafter. Central Garage, nothing for 94-95, \$35,000 for 95-96, and nothing thereafter. Transportation, \$510,000 for 94-95, \$240,000 for 95-96, \$195,000 for 96-97, \$630,000 for 97-98 and \$150,000 for 98-99. Transportation includes for capital project purposed transit and school buses. Sanitation, which includes operation of the resource recovery facility, landfill operation, and garbage pick up, is \$1.8 million for 94-95, \$6.3 million for 95-96, \$1.4 for 96-97, \$1.4 for 97-98 and \$1.3 for 98-99. Totaling all of this gives under \$10 million for 94-95, just over \$17 million for 96-97, a little over \$11 million for 97-98 and a little under \$12 million for 98-99 with a total of \$63 million dollars in projects for the entire CIP.

Chairman Wassum asked for questions or comments. There were none. Chairman Wassum closed the Public Hearing and asked for

none. Chairman Wassum closed the Public Hearing and asked for questions or comments from the Commission.

Mr. Neff asked if there was a total dollar amount for priorities 1 and 2, per year. He said that in terms of fulfilling the goals of the cost containment measure, set forth by City Council, there are some things that may bear consideration. Mr. Neff was concerned whether any further expenditures should occur for a new landfill until a firm proposal on consolidation is presented with respect to working with the County. He said he would not like to appropriate money for a new landfill until a plan was reached.

The City Manager reminded the Commission that the CIP was not a budget but a plan. We have an obligation, as staff, to present to you what, in this case, would be a worse case scenario. We do not, at this time, have a consolidation with the county. We have to dispose of our garbage and we need to plan for a landfill in case other routes are not taken. The current landfill has to be closed down by January of 1996, so we need a recognition that something has to be done about the disposal of garbage over the next few years, while we are at the same time working with the county to look at the possibility of consolidation.

Mr. Neff asked if the dollars for the new landfill, for 94-95, need to be in the document in that format. He explained that he did not want to appropriate 1 million dollars toward that venture without seeing alternatives. He also asked if the title could be changed from "new landfill". Mr Stewart said the name could be changed but that would not change the fact that we need to plan for disposal of our garbage. Mr. Neff said he would like to work towards a consolidation. Mr. Stewart said that consolidation of a landfill, as well as a consolidation of maintenance efforts is now being studied. What we are looking at, is trying to use the money that the Recreation Department had carried over from previous budget years, to leverage what the School Board might be able to come up with, so a larger maintenance facility could be constructed that would accommodate multiple users and allow us the opportunity to better use equipment and people across the departmental lines.

Mr. Rexrode presented a listing of priority 1 projects listed by year. He said also listed is a total for priority 1 projects that comes to just under 25 million dollars. Of that, there is about 15 million dollars in grants and enterprise funds, which leaves about 9.5 million dollars in priority projects after recoveries are made. The total cash available from all of the different funds is about 9.8 million. Therefore anything that is listed as priority 2 or beyond would require debt service or a tax increase.

Mr. Stewart said that those funds really could not be mixed as water and sewer stand completely alone because they are enterprise funds. He said there are transfers for water and sewer to cover general funds expenditures on behalf of water and sewer. The general

fund also supports sanitation to a very large extent.

Mr. Neff said that he would like to see Planning Commission reinforce the goals from City Council with respect to cost containment measures.

Mr. Rexrode presented a resolution to the Planning Commission and read:

City of Harrisonburg
Capital Improvement Plan
Planning Commission Resolution

Submitted to the commission for consideration on November 17, 1993.

1. City Council's cost containment goals shall be realized;
2. City Indebtedness shall be reduced not further increased;
3. In so far as funds are available within those limitations, priority 1 goals shall be included in the City's Capital Improvement Plan with highest priority to projects that are largely self funding through subsidies, grants and the like;
4. If additional funds are available after inclusion of priority 1 projects, priority 2 projects shall be prioritized against each other within source funds with highest priority to projects that are largely self funding;
5. Cooperative cost reduction efforts shall be explored between City departments to include sharing of facilities and equipment before approving individual projects;
6. Cooperative cost reduction opportunities shall be explored between the City and Rockingham County before approving capital for major unilateral projects which may be unnecessarily duplicated for each jurisdiction.

Mr. Rexrode made a motion to approve the resolutions on the Capital Improvement Program. Mr. Neff seconded.

Chairman Wassum asked for further discussion on the resolutions.

Mr. Stewart asked about item #2. He asked if Mr. Rexrode was suggesting that over the next five year period, the City not incur any additional debt. Mr. Rexrode said that he was encouraging that we never go any higher than we are now. Mr. Neff said that in other words, as the debt is worked off, it can then be increased.

Mr. Stewart said that item #4 talks about only priority 1 projects being funded and giving highest priority to those that are largely self funding. He said that almost excludes every school project from ever being built. There will be no way for the City to fund on a pay as you go basis, 17 million dollars worth of school projects. Ms. Whitten said that would also apply to the Police and Fire Departments. Mr. Rexrode said that although the bridges included in the Street Department's plans are a priority 2, money will be recovered from VDOT. So there is not a net cost to the City

on those. Mr. Stewart said this item #4, would make it extremely difficult for any significant school projects to be funded over the next several years, as well as other major projects. Mr. Homan said that his concern was that the way this is worded, we may be limiting the flexibility of the City to make some picking and choosing. He said that his understanding is that this is a planning instrument. It lets us set a variety of items down that we can evaluate at budget time or as the priorities change. He said that he would be concerned about restricting it so much that there would be very little flexibility.

Mr. Neff said that with item #1, item #4 wouldn't have to be quite as specific or rigid. There was discussion regarding the school roofs being on a scheduled maintenance and not part of the Capital Program for Schools.

Ms. Whitten asked to read from the Virginia Citizens Planning Association and Virginia Department of Housing and Community Development's Capital Improvement Programming Book:

"A capital improvements program (CIP) is a five year plan to guide the construction or acquisition of capital projects. It identifies needed capital projects, estimates their costs, ranks them by priority, lists the year each should be started and determines the best method of paying for them within the community's fiscal capabilities.

An adopted CIP does not bind the local governing body to carry out any of the proposed projects, nor does it appropriate or require the expenditure of money. capital expenditures may be authorized in the annual operating budget as "capital outlays" or they may be adopted in a separate capital budget.

A CIP is a form of short-term planning. It must be based upon the comprehensive plan and must be limited to a five year planning period. Every year the CIP should be updated...."

Ms. Whitten said that she felt that some of the reasons that we are in the situation that we are in with roads, schools and facilities is because this has not been done. She said that while she understands the cost containment goals and endorses those, I think we need to take this seriously. We have asked the department heads to come forward with a plan and they have done a fine job of doing so. If we don't endorse them by saying yes we agree with this plan, or we think a specific area needs work, and we adopt a document such as this resolution, I feel that it is really going to restrict more than it helps in the long run.

Mr. Stewart said that staff takes the cost containment goals very seriously. If Planning Commission and City Council were to adopt the CIP as presented, when staff started work on the budget in December, our goal would be to work within whatever dollars we have without looking at a tax increase for 94-95. He said that staff wants to make sure Planning Commission, City Council and the community have a clear view of projects that need to be considered.

Chairman Wassum said there was a motion on the floor and asked

for further discussion. Mr. Rexrode called for question. Chairman Wassum said that the Commission would vote on each resolution item individually.

Item resolution #1: all voted aye.

Item resolution #2: all voted aye.

Item resolution #3: Mr. Neff voted aye; Mr. Homan voted no; Mr. Stewart voted no; Ms. Whitten voted no; Mr. Rexrode voted aye; Dr. Beasley voted aye; and Chairman Wassum voted no.

Item resolution #4: Mr. Neff voted no; Mr. Homan voted no; Mr. Stewart voted no; Ms. Whitten voted no; Mr. Rexrode voted aye; Dr. Beasley voted aye; and Chairman Wassum voted no.

Item resolution #5: all voted aye.

Item resolution #6: all voted aye.

Chairman Wassum asked that the records show that Resolution item #s 1, 2, 5, and 6 were approved. Item #s 3 and 4 were not approved.

Discussion included different priorities and their funding. There was concern that the approval of the Program would mean that the dollars specified in the Program should be spent. Mr. Neff said that if the Program is approved it should be subject to the resolution. The items should be made as part of the recommendation that goes from Planning Commission to City Council. Mr. Stewart explained that staff is under a mandate from Council to use the Cost Containment Goals. If there are specific projects the Commission is uncomfortable with, then perhaps they should be taken out, but if you feel that they should be funded, then I suggest that they be left in.

Further discussion included the possibility of going to a once a week trash pick-up and the sharing of expenses with JMU for the steam plant. Mr. Stewart explained that there is serious consideration being given to once a week trash pick-up and that because of CISAT, JMU will be covering the larger part of the steam plant expenses.

Chairman Wassum asked for a motion. Mr. Homan moved to approve the Capital Improvement Program as presented and that resolution items 1, 2, 5, and 6 be included in the motion. Dr. Beasley seconded. All voted aye...."

Respectfully submitted,

Stacy Turner - Planning Director

✓
Planning Director Turner explained the Planning Commission is recommending approval of Capital Improvement Program FY 94-95 through FY 98-99, together with adopted resolution. Ms. Turner gave a brief summary explaining that the Planning Commission considered the CIP at a work session October 27, 1993, with all the Department Heads presenting the higher priority items to the Planning Commission. At the November 17, 1993, meeting a Public Hearing was held and there were not any questions or comments from the public on the CIP. Also, at this meeting a resolution was offered by a member of the Planning Commission that included six points to accompany the approval of the CIP. In the extract

provided each of the six points were explained and voted on item by item and four of those points were included in the Planning Commission recommendation for approval of the CIP. They are:

1. City Council's cost containment goals shall be realized;
2. City indebtedness shall be reduced not further increased;
3. Cooperative cost reduction efforts shall be explored between City departments to include sharing of facilities and equipment before approving individual projects.
4. Cooperative cost reduction opportunities shall be explored between the City and Rockingham County before approving capital for major unilateral projects which may be unnecessarily duplicated for each jurisdiction.

Mayor Heath expressed a major concern, not with the intent of the four items on the resolution, but the fact that it will tie City Council hands. Mayor Heath expressed that the City Council has the authority and responsibility as elected officials to determine these types of things and he did not understand why it is necessary since the City has already adopted the cost containment goals. A different opinion was expressed by Vice-Mayor Neff saying that Council hands are not tied and the Planning Commission was just reinforcing a concern with respect to their responsibility. This is an endorsement of the already adopted plan. It was discussed during Planning Commission if item number one was accepted this covered all four points in the Planning Commission resolution. After further discussion, it was mentioned the first statement should read City Council's cost containment goals should be realized and not shall be realized. After more discussion it was decided no action would be taken tonight and that concerns had been expressed. Council does appreciate the Planning Commission support. The public hearing will be held on December 14, 1993.

City Manager Stewart asked Planning Director Turner to explain the referral of a zoning request to Planning Commission. Planning Director Turner explained Waste Management has requested a rezoning of property located at 3580 South Main Street and Reedy Court from B-2 to M-1. Vice-Mayor Neff made the motion that this be referred to the Planning Commission. The motion was seconded by Council Member Weaver and Dingledine, and approved with a unanimous vote of Council.

City Manager Stewart suggested if Council would like to have another retreat this year, it should be held in late January. If Council is interested in having a retreat, City Manager Stewart suggested starting on Friday afternoon and continuing all day Saturday and holding this retreat in Harrisonburg. An open date would be Friday, January 28, and Saturday January 29, 1994. It was suggested that Department Heads attend for discussion concerning cost-containment goals. Council Member Weaver made the motion to hold a retreat, that it be held in Harrisonburg on January 28-29, 1994, and all Department Heads should attend. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

Council Member Weaver expressed concern about all the

Department Heads attending this Council meeting and no questions about the CIP were asked of the Department Heads. Council Member Weaver feels like Council should use the Department Heads' time more effectively. Mayor Heath suggested this would be a good item for discussion at the retreat.

✓ City Attorney Thumma presented a recommendation to Council to approve the deed of easement between THE GREENS AT CHESTNUT RIDGE I LIMITED PARTNERSHIP and the City of Harrisonburg. In 1990 a number of easements were accepted relating to a number of sewer and water lines. After the project was constructed, it was determined a number of the decks and patio caused encroachment into the easement in five or six different areas. Since that time they have redesignated the easement. Council is being asked to approve the new easements. After further discussion Council Member Dingledine made the motion to approve the new easements. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

✓ Assistant Manager Baker presented some information from the Sewer Authority concerning the composting that will be required of the sludge. This is another Federal mandate. From the engineering studies the best option is to compost and try to sell it as a topsoil product. Enough money from the bond issue has been saved to pay the capital cost of additional expansion. This will not need additional bond or a rate increase to cover the capital cost. There will be some additional cost in the operation once it begins.

At 8:43 p.m. Council Member Weaver offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to Harrisonburg Transportation Safety Commission, the Building Code Board of Appeals, Central Shenandoah Emergency Medical Services Council, Harrisonburg Parks and Recreation Commission and Blue Ridge Disabilities Services Board, exempt from the public meeting requirements pursuant to Section 2.1-344(A) (1). Discussion and consideration and evaluation of the performance of personnel and departments, exempt from the public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia and consultation with the city attorney and briefings by staff members pertaining to two (2) proposed contracts, requiring the provision of legal advice by the city attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia.

At 10:10 p.m. the executive session was declared closed and the regular session reconvened. Mayor Heath read the following which was agreed to with a unanimous vote of the Council Members: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

Council Member Weaver offered a motion that Carl Wassum, 1169 Westmoreland Drive, be appointed to a first term on the Building

Code Board of Appeals to expire on November 30, 1998. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council Members.

Council Member Dingledine offered a motion that Eleanor Price, 1310 Crawford Avenue, be appointed to a first term on the Central Shenandoah Emergency Medical Services Council to expire on October 10, 1996. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members.

Council Member Green offered a motion that Lorenzo "Sam" Knight, 434 Kelly Street, be appointed to a first term East on the Parks and Recreation Commission to expire on December 31, 1997. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council Members.

Vice-Mayor Neff offered a motion that Edward J. Baldwin, Jr., 66 Middlebrook Street, be reappointed to a three year term on the Blue Ridge Disabilities Services Board to expire on February 1, 1997. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council Members.

Council Member Weaver offered a motion for approval of a parking lot lease with Otterbein United Methodist Church for a period of seven (7) years from April 1, 1994 to March 31, 2001. The motion was seconded by Vice-Mayor Neff and approved with a unanimous vote of Council Members.

Council Member Weaver made a motion to increase the annual salary of City Manager Steven Stewart by 8% (\$5,600), effective January 1, 1994, with the understanding that this amount included the cost of living raise contained in the current budget. The motion was seconded by Vice-Mayor Neff. Voting in favor of the motion were Council Member Weaver, Vice-Mayor Neff, and Mayor Heath. Voting against the motion were Council Member Dingledine and Council Member Green. Council Member Dingledine stated that she was pleased with what the City Manager has done but does not feel that he should receive a raise at this time due to economic conditions. Council Member Green stated that he felt that it was inappropriate to grant a raise at this time.

At 10:20 p.m., there being no further business and on motion adopted, the meeting was adjourned.

Yvonne Ryan
CLERK

L. Robert Heath
MAYOR

REGULAR MEETING

DECEMBER 14, 1993

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff; Council Members Walter F. Green, III, Emily R. Dingledine and Agnes Massie Weaver; City Clerk Bonnie Ryan and Chief of Police Donald Harper.

Council Member Dingledine offered a motion to approve the minutes as received and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

At 7:33 p.m., Mayor Heath closed the regular session temporarily and called the evening's public hearing to order. City Manager Stewart announced that the following public hearing notice appeared in the Daily News Record on Monday, November 29, and December 6, 1993:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, December 14, 1993, at 7:30 P.M. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider the proposed Capital Improvements Program, for fiscal years 1994-95 through 1998-99. The Capital Improvements Program is a multi-year projection and scheduling of capital projects of \$20,000 or greater. This plan is prepared annually in an effort to facilitate planning and setting priorities among capital improvement needs over a subsequent five-year period.

For any additional information, contact the City Manager's Office, 345 South Main Street, Monday through Friday, 8:30 A.M. to 5 P.M.

All persons interested will have an opportunity to express their views at the Public Hearing.

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

Steven E. Stewart, City Manager

City Manager Stewart explained that the Capital Improvements Program is a planning document and is not a budget, but a frame work for establishing capital projects for the budget. Council will actually be considering the appropriation of the funds for

capital projects as part of the annual budget process. Mayor Heath asked if anyone would like to ask a question or comment on the Capital Improvements Program as it has been presented and recommended by the Planning Commission.

Mr. Lance Brady, speaking on behalf of Waterman Elementary School Parent Advisory Committee, made a statement concerning a desperate need for improvements since the school building is very old and does not meet the 1988 guidelines and safety issues. The cafeteria is so small that lunch periods are scheduled from 10:50 a.m. until 1:00 p.m. The gym is also very small, probably half the size of other schools, which is another safety issue. Every day there are 50 plus students in a gym class which requires students waiting their turn.

Mr. Don Shank expressed concern about the offices being located on the second floor which creates a security problem because of the lack of supervision. Mayor Heath noted the comments of Mr. Brady and Mr. Shank concerning the improvements at Waterman Elementary School, being included in the Capital Improvements Program which has been recommended by the Planning Commission for 94-95. At 7:40 p.m. there being no others desiring to be heard, the public hearing was declared closed and the regular session reconvened. Mayor Heath stated the matter before Council is whether to accept the recommendations of the Planning Commission as presented. Mayor Heath also mentioned along with the recommendations are the items concerning cost containment goals. Council Member Dingledine made a motion to accept the Capital Improvements Program as recommended by the Planning Commission including the endorsement of the cost containment goals. The motion was seconded by Council Member Weaver. Following further discussion, Council Member Weaver expressed her concern about the Port Republic Road's sidewalk construction being scheduled after other sidewalk projects. Council Member Weaver recommended Port Republic Road's sidewalks be given top priority. Council Member Weaver offered a substitute motion that the Planning Commission recommendations be accepted, with the exception that Port Republic Road's sidewalks take priority over Franklin Street's sidewalks which would result in switching the sidewalks projects from one year to another. The substitute motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council. Since this substitute motion carried, the original motion will not be considered.

✓ City Manager Stewart explained that the Harrisonburg-Rockingham Convention and Visitors Bureau has requested a supplemental appropriation in the amount of \$6,000 to provide front-desk staffing to respond to tourism inquiries for March 1 through June 30, 1994.

Paul Kline, President of the Chamber of Commerce, reminded everyone to remember in considering this proposal that the City and Chamber are partners in business in bringing tourism into the City. Both the City and Chamber benefit through increased sales and profitability and in the meal and lodging tax. The Chamber has calculated that the City receives about 2.4 million from the meal and lodging tax, and in addition increased revenue from the business licensing fees from the businesses. Since other adjoining

localities tourism programs are more fully funded than Harrisonburg-Rockingham County, the City is probably getting left behind. Since tourism has increased the Chamber has had to pull the Director off the road and telephone to provide information to visitors, and cannot meet planners with the intent to attract group meetings, seminars, shows and bus tours to the community. Also, the City's investment in the Convention and Visitors Bureau is \$23,800 and this is less than 1% of the tax money the City receives from the meal and lodging tax. Mayor Heath noted in effect this money amount is an advertising dollar that is designed to produce business. Council Member Dingledine asked the question whether Rockingham County would be contacted concerning this request of \$6,000. Mr. Kline answered since Rockingham County does not have as many motels and restaurants nor the 4% tax on meals and lodging and does not receive as many benefits, they would not be asked at this time. Mayor Heath made a stand-alone statement stating whether in business or government something that produces revenue, \$6,000 additional appropriation is small when considering the benefits. Mr. Kline stated in answer to Vice-Mayor Neff question concerning this front-desk staffing, that this would be an 8:00-5:00 position five day work week from March 1 through June 30, 1994.

Ellis Tusing, President-Elect, explained since visitors have increased from 400 to 1,100 each month as another reason for front-desk staffing. Mr. Tusing also explained that last year a horse show was held for the first time and from this show four hotels were filled with representatives from seven states which brought in over 2,000 people. Following further comments from Mr. Tusing, Council Member Dingledine asked the question "Where could this \$6,000 be found"? City Manager Stewart explained Council set aside \$100,000 reserve in the budget and if Council so approves, the money could be appropriated from that reserve. Council Member Dingledine made the motion to approve a first reading for the \$6,000 appropriation. The motion was seconded by Council Member Weaver, and approved with a recorded vote of Council.

✓ City Manager Stewart explained that R.S. Monger and Sons, Inc., has requested Council consider making an amendment to the Comprehensive Land Use Plan adopted in March, 1992. There are three ways an amendment to the plan can be initiated, by a citizen, by Council or Planning Commission. The only action needed at this point would be a referral by Council to the Planning Commission who would formulate a recommendation and bring it back to Council. Vice-Mayor Neff made a motion that this request be referred to Planning Commission for their action. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ City Manager Stewart asked Lester Seal, Director of Finance, to make some comments concerning the presentation of fiscal year 1992-93 Comprehensive Annual Financial Report. Mr. Seal explained to Council and the public the 1992-93 Comprehensive Annual Financial Report is available for public inspection at the City Manager's office and the library. Council Member Weaver made a

motion to accept the audit report with a proviso that after reviewing, the auditors be available for questions at a later date. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented for Council consideration, to designate a project to be funded with the \$78,612 from the VPSA bond refunding. Several suggestions have been made, a maintenance shed shared by the Parks and Recreation Department and City schools and the renovation of the Rockingham County Courthouse. Following further discussion Council Member Green suggested we get the money first and then decide where the money will go. Council Member Weaver made the motion to table this matter till later. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council. Council Member Green and other Council Members would like to have additional information concerning the process of interest that is earned from these bonds making sure everything is documented properly and legally correct.

✓ Larry Shifflett, Fire Chief, explained that the "Special Service Arrangements" tariff rates for the 911 equipment, which were established when the 911 system was implemented, expired October 10, 1993. This equipment now is covered by the Universal Emergency 911 Service Tariff rates, which will result in a monthly rate increase of \$58.30. Although the tariff rates increased, the actual per month cost of the 911 system will be reduced by \$798.38 due to the recent elimination of some unnecessary equipment. Council Member Weaver made a motion to accept this addendum to the contract. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ City Manager Stewart explained that the Fire Department provides life support services for the community and as result of providing these services, the State Department requires that the City have what is known as an Operational Medical Director. For many years the emergency room doctors have provided OMD services at no charge to the City and County. They will continue to provide this service to the volunteer organizations, but they cannot continue to provide the services at no charge to the City and County. They are proposing to charge the City and County \$750 each per month beginning January 1, 1994. The County approved the OMD services at its meeting last week. Council is being asked to approve these OMD services so the City can continue these services without any break beginning January 1, 1994. Council Member Green questioned whether all the money went to the OMD or if the hospital would be receiving any of this money. Vice-Mayor Neff made a motion to authorize the City Manager to negotiate and execute a contract for OMD services with Harrisonburg Emergency Physicians, P.L.C. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

✓ City Manager Stewart explained that several months ago, Council took the opportunity to re-regulate basic cable TV rates. At that time one of the requirements was that Warner Cable as a

result of FCC regulations would have to document and justify the September 1, 1993 rates that were put into effect. Warner Cable has submitted the appropriate forms justifying these rates. City Manager Stewart suggested since the City has the absolute right to review the rates in 30 days and has the authority to request 90 additional days, this action should be taken. During that time staff and the Cable TV Committee could review the FCC Form 393 information. Following further discussion, Council Member Weaver made a motion to authorize the City Manager to conduct a thorough review of the basic cable rates making sure Warner Cable is not charging more than FCC allows. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ City Manager Stewart asked Mike Collins, Director of Water and Sewer, to explain the proposed revisions to the City Ordinance. The current City Code does not adequately address adjustments of water and sewer bills. Mr. Collins explained some of the ordinances are inappropriate due to utility billing being moved under the Water and Sewer Department. Mr. Collins explained Sections 7-4-4 is supervision or preparation and mailing bills, and 7-4-5 is a list of delinquent accounts. Responsibilities for these two sections are in the code of ordinances under the Data Processing Manager. This department was moved to the Water and Sewer Department in July, 1991 and a request is being made to change this from the Data Processing Manager to Supervisor of Utility Billing. Also, 7-4-6 which is adjustment of erroneous accounts, and 7-4-9 which is adjustments for excessively high consumption without justification of erroneous account needs some changes. Some recent events have lead the department to question policies not in the City's ordinances. 7-4-26 is adjustments of water bill for underground water leaks between meter and property. Mr. Collins explained that the department needs ordinances in the City Code to back-up the policy. This would involve setting up a procedure and ordinances that deal with the exception rather than the rule. Following further discussion, Council Member Weaver made a motion to accept this for a first reading approval. The motion was seconded by Council Member Dingledine, and approved with a recorded vote of Council.

✓ City Manager Stewart explained when Council established petty cash for different departments, they were approved in various amounts for the departments. The Water and Sewer Department had requested the \$150.00 petty cash. Because the volume of customers paying their bills has increased, there is a need to increase the petty cash. Council Member Green made a motion to increase petty cash for the Water and Sewer Department by \$50.00. The motion was seconded by Vice-Mayor Neff, and approved with a recorded vote of Council.

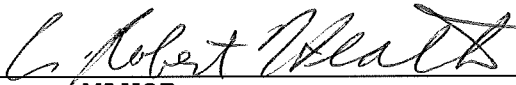
At 9:00 p.m. Council Member Weaver offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to Harrisonburg Transportation Safety Commission and the Building Code Board of Appeals, exempt from the public meeting requirements

pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Discussion and consultation with legal counsel regarding legal issues involving a franchise agreement, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia. Consultation with the city attorney and briefing by staff members pertaining to two (2) proposed contracts and one (1) existing contract, requiring the provision of legal advice by the city attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia. And discussion, consideration and evaluation of the performance of a City Department and its employees, exempt from the public meeting requirements, pursuant to section 2.1-344(A)(1) of the Code of Virginia.

At 10:25 p.m. the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following which was agreed to with a unanimous vote of the Council Members: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.



CLERK



MAYOR