

MINUTES - REGULAR MEETING OF CITY COUNCIL - APRIL 8, 2003

REGULAR MEETING

APRIL 8, 2003

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

Council Member Frank gave the invocation and Mayor Fitzgerald led everyone in the Pledge of Allegiance.

Council Member Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading approval of a Supplemental Appropriation for the General Capital Projects Fund. The motion also included referring Section 7-2-4 of the Harrisonburg City Code to the Planning Commission. The recorded roll call vote was taken as follows:

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

Absent    None

Business and Finance Director Triplett presented a request for a supplemental appropriation for the School Board. These funds represent unanticipated receipts from the Federal Government that were not known during the budget process. No additional City dollars are required from City Council for the school division to receive these additional funds.

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At 7:35 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 31, 2003.

NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council will hold a Public Hearing on Tuesday, April 8, 2003 at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia to consider the following.**

**It is the intent of the City Council to amend the fiscal year 2002-2003 budget by an amount of \$626,351.00 in order to appropriate funds for the following:**

**School Fund:**

<b>Technology</b>	<b>\$626,351.00</b>
<b>Total</b>	<b>\$626,351.00</b>

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

**CITY OF HARRISONBURG**

**Roger D. Baker**

**City Manager**

Mayor Fitzgerald called on anyone desiring to speak for or against this supplemental appropriation. There being no one desiring to be heard, the public hearing was declared closed at 7:36 p.m., and the regular session reconvened. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$626,351.00 chge. to: 1111-33301 School Revenue Federal

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\$626,351.00 approp. to: 1111-111114-40680 Technology

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Frank

Council Member Lantz

Vice-Mayor Rogers

Mayor Fitzgerald

Absent None

City Manager Baker presented the proposed 2003-2004 budget. He said that a public hearing will be held on April 22 with final approval suggested on May 13<sup>th</sup>. He reiterated that the City continued to be in a growth situation as evidenced by the latest population figures of 42,200 as estimated by the Weldon Cooper Center of Public Service. The City continues to be one of the fastest growing cities in the state. The proposed budget recognizes the increased demand for services while being sensitive to the need to hold expenditure levels to a minimum. The proposed budget represents a 40.4% decrease in net expenditures from the fiscal year 2003 budget as amended (5.8% increase when compared to the original 2003 budget), while moving forward towards many of the City's priorities. The decrease from the current year budget is mainly due to a decrease in capital projects expenditures. The General Fund budget includes a recommended one (1) percent increase in the meals tax, implementation of a cigarette tax of fifty (.50) cents per pack and the use of \$954,605 in budgetary revenue from the fund balance. Other significant contributions include \$200,000 from Harrisonburg Electric Commission and \$508,950 from Real Estate taxes. He also said that in the future the City may have to consider developing some new revenue generating options and suggested considering reassessment of real estate annually instead of biennially. The budget format is similar to prior years, with detailed explanations by fund and by major function areas in the General Fund. A number of charts and graphs have also been included in order to assist with the explanation of the budget document. Mr. Baker reviewed the 2000 retreat goals. The proposed budget reflects sensitivity to the need to keep expenditure levels to a minimum; even though, there are proposed tax rate increases recommended in the General Fund. It also reflects a commitment to the City's adopted Mission Statement, Organizational Values, 2000 City Council Retreat Goals and Total Quality Management. Primary emphasis is placed on **EDUCATION, PUBLIC SAFETY, ROAD AND PUBLIC UTILITIES**. General Fund revenues are projected to increase by \$4,859,184 (less transfers from other funds, proceeds from debt and fund balance). This increase represents an 9.3% increase from the current year's budget. The amount of fund balance designated to be used to balance the budget, \$954,605, follows the guidelines in the City's Financial Management Policies by matching it with the costs of one-time capital expenditures, while maintaining at least 10% of General Fund

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expenditures plus an adequate amount for cash flow undesignated fund balance. The City continues to have the second lowest nominal real estate tax rate among all independent cities. The City is currently sixth for personal property tax rates for motor vehicles based on an adjusted effective rate among all independent cities. The Police Department's proposed budget includes four (4) new Police Officer II positions and two part-time positions. The Fire Department's operating budget has decreased by 9.7%. Three new firefighters are being proposed in the budget to alleviate overtime pay and allow employees the opportunity to use more of their vacation time. The Public Works Department budget shows an overall 2.7% decrease in funding. Proposed expenditures include resurfacing 4.13 miles of streets, replacing older trucks, replacing various construction equipments, replacing deteriorated sidewalks, new traffic signals, and adding two new positions in the Traffic Engineering department. The Health Department budget has increased 4.2% compared to the 2003 budget. The overall Parks and Recreation's budget will remain at level funding compared to the current fiscal year. The budget includes replacing vehicles, basketball court lighting, parking lot and pathway paving, renovations of the exercise room, renovations to the bathhouse, renovations at Purcell Park athletic fields, fencing replacement, and renovations of field number four at the Ramblewood complex. Planning and Community Development reflects a 10% increase compared to fiscal year 2003. This increase is primarily due to the employee reclassifications. Funding is provided for the continuation of the update to the City's Comprehensive Plan. The Economic Development Department funding will increase substantially by \$590,012 compared to the current year budget. This increase is due to the first of three payments that will be made to AIG Baker for offsite infrastructure improvements at the Harrisonburg Crossing Shopping Center. Marketing expenditures remain level in order to aggressively recruit businesses for the remaining parcel within the Harrisonburg Technology Park and other economic development opportunities within the City. Funds are also included to continue the City's involvement with the Shenandoah Valley Partnership. In the non-departmental contributions most items that have been funded in previous years are proposed to remain at current year levels. Two new programs that have not received funding in previous years are being proposed. A contribution of \$80,000 to the Downtown Renaissance Committee is proposed and \$6,000 for the Harrisonburg Little League Association is included. This contribution will take the place of some of the direct and in-kind services and support that the Parks and Recreation Department have been providing in previous years. The operating appropriation for the Massanutten Regional Library is proposed to increase 2.1% compared to fiscal year 2003 levels. The Juvenile Detention Center shows an increase of 47.1% based on this year's usage. This sizable increase is primarily due to the City of Charlottesville and the County of Albemarle deciding to construct a separate joint detention home. It is also proposed that Central Garage continue to provide labor for the Harrisonburg Rescue Squad's vehicle maintenance, if they pay for parts and supplies; and that each Rescue Squad volunteer that is a City resident receive one free auto decal. Joint Operations covers the City's share of judicial, sheriff and jail expenditures and a portion of the Health Department's rent. The majority of the increase is due to an increase of 57.4% within the Comprehensive Services Act budget. The administrative split will remain at 61% for Rockingham County and 39% for the City. The budget also includes supporting the Weed and See program. The contribution to the Shenandoah Valley Regional Airport remains unchanged at \$45,000 and Reserve for Contingencies is budgeted at \$200,000 for unplanned expenditures. General Fund debt service has decreased \$1,018,618. This decrease is due to the fact that one of the City's outstanding Virginia Public School Authority (VPSA) bond issues was completely retired during fiscal year 2003. Also, due to the structure of the \$41.5 million VPSA bond issue in November 2001, the City actually paid about 16 months of interest in the fiscal year 2003 budget. Proposed expenditures in the General Capital Projects Fund includes Port Republic Road improvements, city-wide drainage program, two way communications project, Simms building renovations, widening of Cantrell Avenue, improvements to Garbers Church Road, Hardesty-Higgins House renovation, extension of Erickson Avenue and improvements to Stone Spring Road.

Mr. Baker said that schools represent the largest single expenditure in the City budget. The proposed transfer and school related debt service expenditures paid from the General Fund is 40.2% of the total General Fund

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budget. The proposed School Fund budget is \$3,772,735 or 10.6% higher than the original fiscal year 2003 budget. The Water Fund budget has decreased 18.3% from the current budget. An approximate three percent rate increase is being proposed to assist in funding the debt service payments on the June 2002 bond issue. The Sewer Fund budget has decreased 0.9% from the current budget. Capital projects include a new Central Stores warehouse; Smithland Road extension; oversizing and extensions, inflow and infiltration abatement; sewer main upgrades and continued work on the Blacks Run Interceptor. The Sanitation Fund budget has increased 12.5%. The current monthly residential collection fee of \$10.00 is proposed to increase to \$12.00 per month to assist with the cost of collecting, processing and disposal of solid waste. The Parking Authority Fund will remain at level funding. The Golf Course Fund represents an increase of 36.8% from the current year. Staff has identified objectives for the golf course including an aggressive marketing plan; developing a business plan, maintaining the facility to the highest quality ensure maximum player enjoyment, challenge and return play; developing partnerships with the school systems and local colleges to maximize play during the weekdays; and working jointly with the First Tee Program to provide instructional programs and educational opportunities for all youth. The Central Garage Fund has increased only 3.8%.

Council Member Peterson proposed scheduling a work session on April 15<sup>th</sup> at 7:00 p.m.

Police Chief Harper presented for Council's consideration an application from Boris R. Caballero and Aldo Pinedo of Latino Cabs for a Certificate of Public Convenience & Necessity to operate a taxicab business. He explained that the Police Department has conducted an investigation in accordance to City Code Section 14-1-1.

The following discussion by Council Members relative to the request included: expressed concern supporting a taxi service catering to only Hispanics; commented transportation should be provided for everyone; questioned changing the name on the submitted application; entrepreneur becoming successful in the United States by noticing a market that is not adequately served and trying to serve it; noted that City Council sets the rates for taxicabs, many cities regulating its cab services; and suggested examining City regulations on how to manage the increasing number of smaller taxi companies.

Aldo Pinedo, said that he wanted to provide a service for Hispanic immigrants who can't communicate with English-speaking taxi drivers, but would provide taxicab service for the entire community. The business will operate 24 hours a day and seven days a week.

John Keith, owner and operator of Yellow Cab Company, said that he has been in taxicab service since 1995. He acknowledged there is a language problem; however, three years ago his company implemented a computer dispatch to help with the language problem. He noted that Hispanic use his taxi service.

Boris R. Caballero and Aldo Pinedo agreed to change the name to Fiesta Cab.

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Following further discussion and comments, Council Member Peterson offered a motion to approve the application with the understanding that line three of the application has been modified to read Fiesta Cab. The motion also included a suggestion by Council Member Lantz that Council consider examining future requests for taxicab services. The recorded roll call vote was taken as follows:

Vote:        Yes -        Council Member Peterson

Council Member Frank

Council Member Lantz

Vice-Mayor Rogers

Mayor Fitzgerald

Absent    None

Transportation Planner Drew Williams presented a brief overview of traffic calming measures in the Eastover Neighborhood. He said that a Neighborhood Traffic Calming Program meeting was held March 5<sup>th</sup> with a majority of the residents of the Eastover Neighborhood. Speed and traffic volume were major concerns for residents, along with growing concern that increased traffic will cut through their neighborhood as a result of the completion of Harrisonburg Crossing Shopping Center. A number of residents felt that while the parking lots at James Madison University were a factor, they were not the main contributor to cut-through traffic. Mr. Williams said that the City has added additional speed signs in the neighborhoods. Orange placards have been placed over the speed limit signs and a stop sign has been added at the intersection of Eastover Drive and Paul Street. He said other options discussed with the neighborhood include putting islands on Paul Street and Eastover Drive and at the intersection of Cardinal/Duke Drive and Paul Street. Also, a diverter has been recommended at the intersection of Eastover Drive and Reservoir Street. The City is prepared to install islands on a trial/temporary basis at no cost to residents to see what effects the improvements would have on the neighborhood; however, if the residents of the neighborhood wish to install islands permanently, they will be asked to participate in financing and maintaining the project. Assistant City Manager Hodgen questioned if the residents realized the diverter at Eastover Drive and Reservoir Street would also affect them. Mr. Williams said it was made clear any changes would affect residents as well as everybody else. Public Works Director Baker assured Council and residents of the Eastover neighborhood that the City is working with emergency services regarding how the diverter will work. Diverters that will impact emergency services will not be proposed.

City Manager Baker presented for Council's consideration approval of Harrisonburg Metropolitan Planning Organization Memorandum of Understanding Program.

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The following discussion by Council Members relative to the makeup of the MPO board included: Questioned language in paragraph one of Article I Geographic Scope of the Process; whether a new jurisdiction shall automatically be eligible; equal voting power; voting proportions; Harrisonburg in a minority position despite representing 70% of population; City has reservations about makeup of the board; agreement should be reached before document is signed; confusing language in document; clarification of members or voting representatives; changes in document could complicate the whole approval process; forced to include four localities of different sizes and different characters; almost impossible to get a reasonable voting plan; document stating that amendments to this AGREEMENT may be made by written agreement among all parties to this AGREEMENT; short time frame dedicated by Federal Highway Administration and Virginia Department Of Transportation; unclear who is eligible to vote; and whether clarification in document should add non before voting member. Following further discussion and comments, Council Member Lantz offered a motion to amend ARTICLE I, paragraph one, by inserting (non) before voting member in the sentence. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Frank

Council Member Lantz

Vice-Mayor Rogers

Mayor Fitzgerald

Absent - None

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

## Resolution

**WHEREAS, on February 5, 2003, Secretary of State Colin Powell addressed the United Nations and presented surveillance photographs and audio intercepts pointing to Iraq's continued weapons of mass destruction capabilities, as well as allegations of a Baghdad-al Qaeda link; and**

**WHEREAS, on March 17, 2003, after the United States and its coalition partners had exhausted all reasonable efforts to avoid military conflict, President of the United States George W. Bush made one last effort to avoid military conflict by giving Iraq's leader, Saddam Hussein, 48 hours to go into exile or face a U.S. invasion; and**

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**WHEREAS, on March 19, 2003, after President Bush's ultimatum expired, the United States launched Operation Iraq Freedom with its first strikes against Iraq; and**

WHEREAS, citizens of Harrisonburg have family, friends and neighbors who are members of the Armed Forces of the United States and are presently stationed in the Middle East,

**NOW, THEREFORE, BE IT RESOLVED that the Harrisonburg City Council acting on behalf of the citizens of Harrisonburg, Virginia, does hereby recognize the sacrifices being made by our citizens to protect the cause of freedom throughout the world; and**

BE IT FURTHER RESOLVED that the City Council pledges support to our troops in the Middle East and their families, and to those men and women serving in the Armed Forces throughout the world who are providing assistance to our troops in the Middle East; and

**BE IT FURTHER RESOLVED that the City Council calls upon all people to meet this global challenge and stand together in countries, states, cities, counties, towns and villages around the world in united support of the men and women stationed in the Middle East.**

**Given under our hand this eighth day of April in the year two thousand three, A.D.**

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**Joseph Gus Fitzgerald, Mayor**

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**Larry M. Rogers, Vice-Mayor**

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**Carolyn W. Frank, Council Member**

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**Hugh J. Lantz, Council Member**

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**Dorn W. Peterson, Council Member**

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**Attest: Yvonne Ryan, CMC, City Clerk**

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Mayor Fitzgerald said that this resolution supports our U.S. Troops in the Middle East. He read the following conclusion of the resolution: The Harrisonburg City Council acting on behalf of its citizens recognizes the sacrifices being made by our citizens to protect the cause of freedom, pledges support to our troops in the Middle East and their families, and to those throughout the world providing assistance to our troops, and that the Council calls upon all people to meet the global challenge and stand together in countries, states, cities, counties, towns and villages around the world in support of the men and women stationed in the Middle East. Vice-Mayor Rogers offered a motion to adopt this resolution as presented. The motion was approved with a unanimous vote of Council.

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

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

# PROJECT PROGRAMMING RESOLUTION

WHEREAS, in accordance with Virginia Department of Transportation construction allocation procedures, it is necessary that a request by Council resolution be made in order that the Department program urban highway projects in the City of Harrisonburg; now

**THEREFORE BE IT RESOLVED, that the City of Harrisonburg, Virginia requests the Virginia Department of Transportation to establish the following projects for the reconstruction and extension of Stone Spring/Erickson Avenue from the East City limits to the West City limits.**

- 1. 1. Stone Spring Road from the intersection with South Main Street (Route 11) to the East Corporate Limits of the City; identified as Project: U000-115-123, PE-101, RW-201, C-501; with the estimated cost of \$1,658,000 for Preliminary Engineering.**
- 2. 2. Erickson Avenue from the intersection of South High Street (Route 42) to the intersection of South Main Street (Route 11) and identified as Project: U000-115-128, PE-101, RW-201, C-501, with the estimated cost of \$735,000 for Preliminary Engineering.**
- 3. 3. Erickson Avenue from 0.5 mile west of Garbers Church Road (Route 910) to the intersection of South High Street (Route 42); identified as Project: U000-115-127, PE-101, RW-201, C-501, with the estimated cost of the \$736,000 for Preliminary Engineering.**

**BE IT FURTHER RESOLVED, that the City of Harrisonburg hereby agrees to pay its share of the total costs for construction of this project, and that if the City of Harrisonburg subsequently elects to cancel this project, the City of Harrisonburg hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.**

**BE IT FURTHER RESOLVED, that this project takes priority over all presently requested projects.**

**BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to sign the necessary VDOT agreements.**

**Adopted and approved this 8<sup>th</sup> day of April, 2003.**

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**MAYOR**

**Attest:**

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**CLERK OF COUNCIL**

City Manager Baker said adopting this resolution establishes the Stone Spring/Erickson Road project. Upon adoption, the project will be recognized by VDOT making future expenditures eligible for re-imbusement. Council Member Lantz offered a motion to approve this resolution. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Frank

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Council Member Lantz

Vice-Mayor Rogers

Mayor Fitzgerald

Absent - None

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

**RESOLUTION APPROVING THE ISSUANCE BY THE HARRISONBURG REDEVELOPMENT  
AND HOUSING AUTHORITY OF ITS MULTIFAMILY RESIDENTIAL RENTAL HOUSING  
BONDS FOR THE ACQUISITION AND REHABILITATION OF THE APPROXIMATELY 294  
UNIT**

**GLENWOOD FARMS APARTMENTS MULTI-FAMILY HOUSING FACILITY**

**LOCATED IN HENRICO COUNTY, VIRGINIA**

**WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the Authority ) is authorized to advertise and hold public hearings relative to the issuance of private activity bonds; and,**

**WHEREAS, the Authority considered the request of Renaissance Glenwood, LP, a Virginia limited partnership, whose address is 489 Fifth Avenue, 34<sup>th</sup> Floor, New York, New York 10017 (the Company ), for the issuance by the Authority of its tax-exempt multifamily rental housing revenue bonds in the maximum principal amount not to exceed \$7,500,000 and its taxable multifamily residential housing revenue bonds in the maximum principal amount not to exceed \$2,500,000, upon the terms and conditions to be mutually agreed upon between the Authority and the Company (the Bonds ), to finance a portion of the cost of acquiring and rehabilitating an approximately 294 unit multifamily residential rental housing project known as Glenwood Farms Apartments (the Project ), located at 2709 Byron Street in Eastern Henrico County, Virginia (the County ); and,**

**WHEREAS, pursuant to Section 36-23 of the Code of Virginia of 1950, as amended (the Virginia Code ), the Authority may exercise its powers in the territorial boundaries of the County by issuing the Previously Approved Bonds and the Additional Bonds (as hereinafter defined) for the Project provided the governing body of the County adopts a resolution (the Section 36-23**

**Resolution ) declaring there is a need for the Authority to exercise its powers within the County; and,**

**WHEREAS, the County has adopted a 36-23 Resolution authorizing the Authority to exercise its powers in the County with respect to the Project; and**

**WHEREAS, the Company has requested that the Authority agree to issue an additional \$2,500,000 of its tax exempt multifamily residential rental housing revenue bonds under the Act (the Additional Bonds ), which, when combined with the Previously Approved Bonds, would allow the Authority to issue a total of up to \$10,000,000 of tax exempt multifamily residential rental housing revenue bonds and a total of up to \$2,500,000 of its taxable multifamily residential rental housing revenue bonds for the acquisition and rehabilitation of the Project; and**

**WHEREAS, on March 26, 2003, the Authority conducted a public hearing on the issuance of the Additional Bonds and, by adoption of a resolution (the Official Intent Resolution ), declared its official intent to issue the Additional Bonds to finance the Project, and recommended that the City Council of the City of Harrisonburg (the City Council ) approve the issuance of the Additional Bonds; and**

**WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the Internal Revenue Code ), provides that the applicable elected representatives of the governmental unit issuing private activity bonds and the applicable representatives of the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located, shall approve the issuance of such bonds; and,**

**WHEREAS, the Authority, as the issuing governmental unit, has no applicable elected representative and the City is the next highest governmental unit with such a representative; and,**

**WHEREAS, the members of the City Council constitute the applicable elected representatives of the City of Harrisonburg; and,**

**WHEREAS, Chapter 514 of the 1983 Acts of the General Assembly of Virginia requires that any government entity established by or pursuant to an Act of the General Assembly that proposes to issue bonds that are industrial development bonds within the meaning of Section 103(b) of the Internal Revenue Code of 1954, as amended, shall, with respect to such bonds, comply with the procedures set forth in Virginia Code Sections 15.2-4906 and 15.2-4907; and,**

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**WHEREAS, Virginia Code Section 15.2-4906 requires that, within sixty (60) calendar days after the public hearing, the City Council approve or disapprove the financing of any facility recommended by the Authority; and,**

**WHEREAS, the Authority has adopted the Official Intent Resolution recommending that the City Council approve the issuance of the Bonds and a copy of the Official Intent Resolution, a reasonably detailed summary of the comments, if any, expressed at the public hearing and the Fiscal Impact Statement required by Virginia Code Section 15.2-4907, have been filed with the City Council.**

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

- 1. The City Council approves the foregoing recitals, which are incorporated in, and deemed a part of, this Resolution as if fully set forth herein.**
  
- 2. The City Council approves the issuance of the Bonds by the Authority, for the benefit of the Company, to the extent of and as required by Section 147(f) of the Internal Revenue Code, Chapter 514 of the 1983 Acts of the Virginia General Assembly, and Virginia Code Sections 15.2-4906 and 15.2-4907, to permit the Authority to assist in the financing of the Project.**
  
- 3. The approval of the issuance of the Bonds as required by Section 147(f) of the Internal Revenue Code, Chapter 514 of the 1983 Acts of the Virginia General Assembly, and Virginia Code Sections 15.2-4906 and 15.2-4907, does not constitute an endorsement to the prospective owners of the Additional Bonds of the creditworthiness of the Project or the Company and the Additional Bonds shall provide that neither the City of Harrisonburg nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged thereto, and that neither the faith and credit nor the taxing power of the City of Harrisonburg or the Authority is pledged to the payment of the principal of the Bonds or the interest thereon or other costs incident thereto.**
  
- 4. In approving this resolution, the City of Harrisonburg, including its elected representatives, officers, employees and agents, shall not be liable, and hereby disclaim all liability for any damages to any person, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.**

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

**READ AND ADOPTED: April 8, 2003**

## **CERTIFICATE**

**Record of the roll call vote by the City Council of the City of Harrisonburg, Virginia, upon reading on a resolution titled "RESOLUTION APPROVING THE ISSUANCE BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY OF ITS MULTIFAMILY RESIDENTIAL RENTAL HOUSING BONDS FOR THE ACQUISITION AND REHABILITATION OF THE APPROXIMATELY 294 UNIT GLENWOOD FARMS APARTMENTS MULTI-FAMILY HOUSING FACILITY LOCATED IN HENRICO COUNTY, VIRGINIA," taken at a regular meeting of the City Council held on April 8, 2003:**

	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Joseph G. Fitzgerald, Mayor	X			
Larry M. Rogers, Vice-Mayor	X			
Carolyn W. Frank	X			
Hugh J. Lantz	X			
Dorn W. Peterson	X			

Dated: April 8, 2003

[SEAL]

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**Mayor, City of Harrisonburg, Virginia**

ATTEST: \_\_\_\_\_

**Clerk, City Council of City of Harrisonburg, Virginia**

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**The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia (the City Council ) hereby certifies that the foregoing is a true, correct and complete copy of a Resolution adopted by the City Council at its meeting duly called and held on April 8, 2003, in accordance with law, and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect as of the date hereof.**

**WITNESS my hand and the seal of the City of Harrisonburg, Virginia this 8th day of April, 2003.**

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**Clerk, City Council of the  
City of Harrisonburg, Virginia**

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

Vote: Yes - Council Member Peterson

Council Member Frank

Council Member Lantz

Vice-Mayor Rogers

Mayor Fitzgerald

Absent None

City Manager Baker announced that the Virginia Main Street has accepted Harrisonburg as an affiliate community of the Virginia Main Street Program.

City Manager Baker announced that Harrisonburg's skate park will open April 22, 2003.

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At 9:50 p.m., Council Member Lantz offered a motion that Council enter a closed session for the purpose of the discussion of personnel matters. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code). The motion was approved with a unanimous vote of Council.

At 10:14 p.m., the closed session ended and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of Council: I certify to the best of my knowledge belief that (1) only public matters lawfully exempt from open meeting and requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such matters as were identified in the motion by which the closed session were convened, were heard, discussed or considered in the closed session by the City Council.

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

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CITY CLERK

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MAYOR