

## REGULAR MEETING

February 13, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault; Carolyn W. Frank, and Ted Byrd; and Chief of Police Donald Harper. Absent: City Clerk Yvonne "Bonnie" Ryan, MMC.

Councilmember Chenault gave the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Under "Public Comment", John Tenseck spoke with Council about a "drop-in center" for the mentally ill that he was hoping to get started in the City and to request their support and approval. He has already spoken with the appropriate city agencies relative to licenses and permits, has identified a downtown location for the center and is pursuing funding through private sources and a Federal Block Grant. The center would open after Community Services Board offices had closed for the day, and would operate from 5:00 – 10:00 PM, Monday through Friday.

Vice-Mayor Pace offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Parks and Recreation Department and Police Department. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was consideration of a supplemental appropriation to the School Board budget in the amount of \$219,073.00. These funds represent unanticipated receipts from the Federal government and will be used in the "Instruction" and "Technology" line items of the School's budget. Dee Dee Dawson presented the request on behalf of the School Board. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$185,273.00 chge. to: 1111-33301 School Revenue-Federal  
33,800.00 chge. to: 1111-31691 School Revenue-Other

\$217,300.00 approp. to: 1111-111114-40610 Instruction  
1,773.00 approp. to: 1111-111114-40680 Technology

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

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

Absent – None

The next item of business was a public hearing to consider rezoning 2.14 +/- acres on Garbers Church Road, from R-1 to B-2C, at the request of Verstandig, Inc. Planning and Community Development Director Stacy Turner introduced the request and explained that the Comprehensive Plan designates this area as Low-Density, Mixed Residential. The rezoning would allow the applicant to relocate their studios from a nearby site in Rockingham County to the proposed location. She then reviewed the existing land uses adjacent to the property. The request was originally submitted to the Planning Commission in July of 2006, but citizen and staff concerns were raised at that time relative to that area remaining predominantly single-family. Staff continues to recommend denying this request and the planning commission has recommended denial as well. However, the applicant has refined their proffers to limit the uses on the property to radio and television stations and studios, recording studios and public uses and would not make use of any other allowable B-2 uses at this location. Access to the site would be limited to an improved existing driveway that would be shared with the Valley Brethren-Mennonite Heritage Center. A landscaped evergreen tree buffer would be established along the portions of the adjoining neighbor's property as specified by the current resident. The building would not exceed 35 feet in height, sign height would be eight feet, and site lighting would be diverted downward. She said that Planning Commission recommended that this rezoning request not be approved.

At 7:15 p.m., Mayor Eagle closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, January 29, 2007 and Monday, February 5, 2007:

#### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on February 13, 2007 at 7:00 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:**

**Rezoning – 521 Garbers Church Road (Verstandig Broadcasting)**

**Public hearing to consider a request from M. Belmont VerStandig, Inc. with representative Susanne Myers to rezone 2.14 +/- acres from R-1, Single Family Residential District to B-2C, General Business District Conditional. The property is located at 521 Garbers Church Road and can be found on tax map parcel 122-B-2.**

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

**The Zoning Ordinance states that the R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The residential density ranges from 1 to 4 units per acre, with a minimum lot size of 10,000 sq. ft. The B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District.**

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

**All persons interested will have an opportunity to express their views at these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearings 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 Eagle called on anyone desiring to speak for or against the rezoning request.

Suzanne Myers, General Manager of VerStandig and the applicant said that she was available to answer any questions. She then responded to several questions from Council Members. Only radio stations will be on the site.

Dick Blackwell said that he was available to answer any questions.

Richard Tysinger, a resident of the City, said a lot of the neighbors were against the rezoning. He presented a petition signed by all the neighbors living on Garbers Church Road. He said nothing has been changed by the applicant and asked Council to deny the request. There being no others desiring to be heard, the public hearing was declared closed at 7:31 p.m., and the regular session reconvened.

The following discussion by Council Members included: If a television station was a use permitted by right in the B-2? Proffers are very precise. Rezoning will not set a precedent.

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

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

Council Member Frank  
Mayor Eagle

Absent – None

The next item of business was a public hearing to consider rezoning 9.91 acres on Peach Grove Avenue from B-2 to R-3C, at the request of Bruce Forbes. Planning and Community Development Director Stacy Turner introduced the request and explained that the Comprehensive Plan designates this area as Commercial. She reviewed the surrounding uses in the area. This property was the subject of an identical rezoning request, from B-2, General Business District, to R-3 Multiple Dwelling District, in 1995. It was not recommended by Planning Commission and not approved by City Council. The concerns cited at the time revolved around impact of additional multi family dwellings on single family neighborhoods in the general area, traffic, and the abundance of undeveloped property already zoned R-3 available in the area. The Comprehensive Plan at that time recommended a “Planned Business” use for the property, but since 1995 the surrounding area has seen many changes. Student housing has been constructed on property to the east, single family development has occurred to the south, and commercial development has occurred to the west. Neff Avenue extended has been constructed, connecting to Peach Grove Avenue at Port Republic Road, and Port Republic Road has been widened. Today this property is located between existing multi family housing, primarily occupied by students, and commercial uses including undeveloped commercial land. The dividing line in the Comprehensive Plan between properties recommended for high-density residential use versus commercial use is this property’s western boundary. Traffic in this area is certainly a concern as Peach Grove Avenue and Port Republic Road are both heavily traveled with traffic expected to increase with the planned move of the hospital. The B-2 zoning on this property currently would generate as much or slightly more traffic than an R-3 apartment complex on the site. If zoned R-3, the maximum number of units that could be developed on this property is 143. The threshold for requiring a Traffic Impact Analysis (TIA) is 100 peak hour vehicle trips. Almost any commercial development on this site would require a TIA, there is no opportunity to review impact on streets, including impacts on entrances to adjacent properties or on the closest intersections. Although not proffered, the applicant has submitted a potential site design to show their general development concept. She reviewed the plan showing 13 building containing 11 units each, which is an odd configuration for 143 units. The applicant has indicated that they actually want to achieve at least 150 units, which would require additional land to be rezoned. She reviewed the required parking spaces. Recreational amenities have not been proffered, but are shown on the plan. City landscape requirements are minimal and there should be some guarantee to the aesthetic value of the landscaping. A concern cited in the 1995 rezoning case that remains today is the presence of undeveloped land already zoned R-3 in this general area. As the Comprehensive Plan shows this as the border between residential and commercial uses, it could be used as a transitional area with either zoning classification said to be in conformance with the Comprehensive Plan. With the concerns over the impact on roads and the lack of requirement of TIA for this site, parking potential to impact adjacent commercial and residential property, and uncertainty over recreational or aesthetic amenities, this rezoning is not recommended for approval by City staff. She said that Planning Commission recommended that the request be approved.

At 7:53 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, January 29, 2007 and Monday, February 5, 2007:

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on February 13, 2007 at 7:00 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:**

***Rezoning – Peach Grove Apartments (Bruce Forbes)***

**Public hearing to consider a request from Bruce Forbes, with representative Blackwell Engineering, to rezone 9.91 acres from B-2, General Business District to R-3C Multiple Dwelling Residential District Conditional. The property is located along Peach Grove Avenue and can be found on tax map 92-F-6.**

**The Comprehensive Plan designates this area as Commercial. This designation states that these areas include uses for retail, wholesale, or service functions. These areas are found along major travel corridors and in the Central Business District of the City.**

**The Zoning Ordinance states that the B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District. The R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft./unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.**

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

**All persons interested will have an opportunity to express their views at these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearings 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 Eagle called on anyone desiring to speak for or against the rezoning request. Ed Blackwell an engineer representing the applicant reviewed traffic issues, parking, and building configuration. The client would like to have R-5, but it is not on the books now.

Kathleen White, General Manager for Forbes Development said that the project would be a guard-gated community. She said the proposed building would be four stories in the front and three stories in the back, built into grade. With the current zoning, we can subdivide this property into 12 or 13 lots, which could include bars, plumbing companies, or furniture stores. We are proposing a rezoning to R-3 for student housing for the children of the community. There will be a fence around the property, clubhouse, swimming pool, and volleyball and basketball courts. These amenities are needed just to be in competition with other local student housing projects.

Ray Atkinson a resident of the City said rezoning this land would allow mass student housing and change the make up and accessibility of the neighborhood. Currently, due to the existing density of student housing in this area, traffic is already very heavy in this mornings and afternoons. He requested that Council vote against the rezoning proposal.

David Fisher a resident of the City said he opposed the rezoning. He said there is a lot of noise in their neighborhood from students having parties. Student housing should not be concentrated in one area of the City. The increased traffic along Peach Grove Avenue and Port Republic Road is a serious concern.

Anthony Bailey a resident of the City said before any public body exercises power on behalf of the people that body should be convinced that there is a public need or problem that it should remedy. “What is the need that warrants this change in zoning? Should the taxpayers and residents bear the burden to meet that need. Would it not be more appropriate for the university to address its own housing need by building more dormitories?”

Lynn Sprouse a resident of the City said he opposed the Forbes proposal. Poor planning decisions have been made on Peach Grove Avenue and Port Republic Road. A mass of student housing development should not have been built directly across from two family neighborhoods.

Leslie Falconi a resident of the City she was opposed to the rezoning from R-3 to R-5. Student housing should not be concentrated in one area and there is never enough parking for the students.

Patty May said students of the complex will try to take shortcuts through the neighborhoods.

Tara Sieber said traffic is a source of anxiety for all Harrisonburg residents. This proposed project will also add sedimentation problems in Blacks Run. There being no others desiring to be heard, the public hearing was declared closed at 9:17 p.m., and the regular session reconvened.

The following discussion by Council Members included: Appreciate having JMU and students in the community. R-1 neighborhoods should be protected at all costs. The traffic issue has been discussed at length tonight. Port Republic Road should be protected for public uses. There is adequate student housing in the City. This property needs to remain B-2. There are major traffic concerns already in the area. Hearing from the citizens of the community gains a different perspective regarding peak traffic times, guest parking, impact of clustering student housing, crime and safety. Following further discussion and comments, Council Member Chenault offered a motion to deny this rezoning request. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

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

Council Member Frank  
Mayor Eagle

Absent – None

The presentation by Samuel Nickels of New Bridges will be rescheduled to a later Council meeting.

Council Member Chenault offered a motion to approve use of City streets for the Tour of Virginia Bike Race on Saturday, April 28<sup>th</sup>. The motion was seconded by Council Member Frank, and approved with a unanimous vote of Council.

The next item of business was a request from Rockingham Rotary Club to close a portion of Washington Street for an “All American Soap Box Derby”. The club is requesting permission to close Washington Street from Route 11 to just above Northfield Court on Saturday, May 26<sup>th</sup> from 5:00 a.m. until 5:00 p.m. Vice-Mayor Pace offered a motion to approve this request. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

Mayor Eagle presented the following resolution for Council’s consideration of approval:

**RESOLUTION OF THE  
CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA**

**WHEREAS, Rockingham Memorial Hospital, a not-for-profit Virginia nonstock corporation (the “RMH”), has requested the Industrial Development Authority of the City of Harrisonburg, Virginia (the “Authority”), to issue its revenue bonds (the “Bonds”), pursuant to the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the “Act”), in an amount not to exceed \$55,000,000; and**

**WHEREAS, RMH owns and operates an acute care hospital facility currently located at 235 Cantrell Avenue, in Harrisonburg, Virginia; and**

**WHEREAS, the proceeds of the Bonds will be used to (1) pay costs of the Project, defined below, (2) refund all or a portion of the Authority’s outstanding \$50,000,000 Variable Rate Revenue Bonds (Rockingham Memorial Hospital), Series 2005, (3) pay the costs of the issuance of the Bonds, (4) pay the cost of credit enhancement for the Bonds, and (5) fund a debt service reserve fund for the Bonds; and**

**WHEREAS, the Project will consist of acquiring, constructing and equipping a replacement hospital facility for RMH and Rockingham Health Care, Inc., a not-for-profit Virginia nonstick corporation and the corporation parent of RMH (“RHC” and together with RMH, the “Corporations”) containing approximately 234 beds to be located on 254 acres along Port Republic Road, between Reservoir Street and Boyers Road, in Rockingham County and may include the purchase of ordinary equipment, replacements and working capital related to the Project and the operations of the Corporation; and**

**WHEREAS, the Authority, on February 9, 2007, held a public hearing on the issuance of the Bonds; and**

**WHEREAS, Section 147(f) of the Internal Revenue Code, as amended (the “Code”), and Section 15.2-4906 of the Act require that the governmental unit on behalf of which the Authority will issue the Bonds approve the issuance of such bonds; and**

**WHEREAS, the Corporations have requested the City Council of the City of Harrisonburg, Virginia (the “Council”), to approve the issuance of the Bonds to comply with Section 15.2-4906 of the Act and Section 147(f) of the Code; and**

**WHEREAS, a copy of the Authority’s resolution of February 9, 2007, approving issuance of the Bonds, a record of the public hearing and a fiscal impact statement with respect to the issuance of the Bonds have been filed with the Council; and**

**WHEREAS, the Authority has recommended that the Council approve the issuance of the Bonds to comply with Section 147(f) of the Code and Section 15.2-4906 of the Act.**

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

**1. The Council hereby approves the issuance of the Bonds by the Authority Authority for the benefit of the Corporations, as required by Section 147(f) of the Code and Section 15.2-4906 of the Act.**

**2. The approval of the issuance of the Bonds does not constitute an endorsement of the Bonds or the creditworthiness of the Corporations. The Bonds shall provide that neither the City of Harrisonburg, Virginia, nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from revenues and moneys pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, the City of Harrisonburg, Virginia, or the Authority shall be pledged thereto.**

**3. All acts and doings of the officers and members of the Council that are in conformity with the purposes and intent of this resolution shall be, and the same hereby are, in all respects approved and confirmed.**

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

**CERTIFICATE**

**The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia (the “Council”), hereby certifies that the foregoing is a true, correct and complete copy of a Resolution adopted by a majority of the Council present and voting at a regular meeting duly called and held on February 13, 2007, in accordance with law.**

**WITNESS the following signature and the seal of the Council this 13th day of February, 2007.**

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

City Attorney Thumma said the Harrisonburg Industrial Development Authority held a public hearing at the request of Rockingham Memorial Hospital on February 9, 2007 to issue its bonds in an amount not to exceed \$55,000,000 to finance the construction of the new hospital and re-issuance of existing debt. Council Member Chenault offered a motion to approve this resolution as presented. The motion was seconded by Council Member Byrd, and approved with a recorded roll call taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Byrd  
Council Member Frank  
Mayor Eagle

Abstained - Vice-Mayor Pace

Absent – None

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

**RESOLUTION**

**A Resolution Regarding Regional Water Supply Planning and Application for a FY08  
Water Supply Planning Grant**

**Whereas the Virginia General Assembly has mandated the development of local and regional water supply plans throughout the Commonwealth and the State Water Control Board has developed regulations to implement this planning process; and**

**Whereas, based upon these regulations, the City of Harrisonburg is required to complete a water supply plan that fulfills the regulations by deadlines based on population, specifically:**

**November 2, 2008 for local governments with populations in excess of 35,000**  
**November 2, 2009 for local governments with populations between 15,001 and 35,000**  
**November 2, 2010 for local governments with populations 15,000 or less**

**Whereas, local governments may elect to join one or more other local governments to develop a regional water supply plan for which a deadline of November 2, 2011 has been established.**

Whereas, the following elements must be included in all local or regional water supply programs:

- A description of existing water sources in accordance with 9 VAC 25-780-70;
- A description of existing water use in accordance with the requirements of 9 VAC 25-780-80;
- A description of existing water resource conditions in accordance with the requirements of 9 VAC 25-780-90;
- An assessment of projected water demand in accordance with the requirements of 9 VAC 25-780-100
- A description of water management actions in accordance with the requirements of 9 VAC 25-780-110 and 9 VAC 780=120;
- A statement of need in accordance with the requirements of 9 VAC 25-780-130;
- An alternatives analysis that identifies potential alternatives to address projected deficits in water supplies in accordance with the requirements of 9 VAC 25-780-130;
- A map or maps identifying important elements of the program that may include existing environmental resources, existing water sources, significant existing water uses, and proposed new sources;
- A copy of the adopted program documents including any local plans or ordinances or amendments that incorporate the local program elements required by this chapter;
- A resolution approving the plan from each local government that is party to the plan; and
- A record of the local public hearing, a copy of all written comments and the submitter's response to all written comments received, and

Whereas, it is reasonable and prudent to for the following local governments to coordinate and collaborate in the development of a regional water supply plan: the Cities of Staunton, Waynesboro and Harrisonburg, Counties of Augusta and Rockingham, and Towns of Bridgewater, Broadway, Craigsville, Dayton, Elkton, Grottoes, Mt. Crawford and Timberville; and

Whereas the Virginia Department of Environmental Quality has announced the availability of grant funds to assist localities offset some of the costs related to the development of these plans and are encouraging localities to submit applications for grant funds using regional water supply plans; and

Whereas, regional water supply planning is a sensible approach to developing a water supply plan since watershed boundaries do not follow political boundaries and since there will likely be cost savings to all jurisdictions participating; and

Whereas, for purposes of this DEQ water supply grant fund program, the City of Harrisonburg will participate within a water supply region consisting of the localities of Cities of Harrisonburg, Staunton and Waynesboro, Counties of Augusta and Rockingham,

and Towns of Bridgewater, Broadway, Craigsville, Dayton, Elkton, Grottoes, Mt. Crawford and Timberville; and

Whereas, Central Shenandoah Planning District Commission (CSPDC) has previously managed the development of successful regional water supply plans and other regional plans and is a logical entity to organize and manage a regional water supply planning process; and

Whereas, CSPDC has previously written, received, and managed DEQ water supply grants and is the logical entity to apply for, on behalf of the communities participating in the regional water supply plan; and

Whereas, CSPDC desires to manage and develop a regional water supply plan for the region, and participating localities in the region agree with this approach, and

Whereas, the region, through the (lead agent) wishes to apply for and secure DEQ grant funds to help offset the cost of the plan development.

**NOW, THEREFORE BE IT RESOLVED** that the City of Harrisonburg agrees to participate with the Cities of Staunton and Waynesboro, Counties of Augusta and Rockingham, and Towns of Bridgewater, Broadway, Craigsville, Dayton, Elkton, Grottoes, Mt. Crawford and Timberville in the development of a regional water supply plan and authorizes the CSPDC to manage and develop said regional water supply plan that will comply with mandated regulations; and

**BE IT FURTHER RESOLVED** that the CSPDC is authorized to develop an application for water supply planning grant funds to offset to the extent feasible the cost of developing said regional water supply plan; and

**BE IT FURTHER RESOLVED** that A. Ray Griffin Jr., Executive Director, CSPDC is authorized to sign the DEQ grant contract and other appropriate documents related to the source water planning grant and the regional source water supply plan, and

**BE IT FURTHER RESOLVED** that City of Harrisonburg intends to provide matching funds (cash and/or in-kind) for the project for work performed within the organization to meet the requirements of the regional water supply planning effort, and

**BE IT FURTHER RESOLVED** that the City of Harrisonburg will participate financially for the costs of the regional water supply plan that is not covered by the DEQ grant in an amount not to exceed \$24,674.

**BE IT FINALLY RESOLVED** that the State Water Control Board and the Department of Environmental Quality should consider this resolution from each of the participating localities their Letters of Intent to participate in a regional water supply plan with a completion due date of November 2, 2011, in accordance with 9 VAC 25-780-50.B.4.

**Upon the Motion of Vice-Mayor Pace and second by Council Member Byrd, this RESOLUTION is hereby approved on this the 13th day of February, 2007.**

City Manager Baker said that the state has mandated the development of a regional water supply plan. We are required to have our plan complete by November 2007 if we go alone and November 2010 if we join with others. Grant funding up to \$50,000 is available to assist with the development of the plan, the maximum amount the City could be responsible for is \$24,674 if no grant funds were allocated. Vice-Mayor Pace offered a motion to approve this resolution as presented. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Attorney Thumma presented for Council's consideration an ordinance amending and re-enacting Section 13-1-74 of the Harrisonburg City Code. He said that amending this ordinance brings the parking violation in compliance with the state law. Vice-Mayor Pace offered a motion amending and re-enacting Section 13-1-74 of the Harrisonburg City Code for a first reading. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a request to use the City lot behind the Municipal Building. City Manager Baker said that the March of Dimes will once again be holding WalkAmerica in Harrisonburg. The event is scheduled for Saturday, April 21, 2007. The City lot will be used as a staging area as well as for pre-and post-walk events. No street closings will be requested. Council Member Chenault offered a motion to approve this request. The motion was seconded by Council Member Frank, and approved with a unanimous vote of Council.

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

**CONCURRING RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF HARRISONBURG, VIRGINIA  
REGARDING A FINANCING BY THE HARRISONBURG-ROCKINGHAM**

**COMMUNITY SERVICES BOARD**

**WHEREAS, the Harrisonburg-Rockingham Community Services Board (the “HRCSB” was created pursuant to Chapter 5, Title 37.2 of the Code of Virginia (1950), as amended, by resolutions of the Board of Supervisors of Rockingham County, Virginia (the “County”) and the City Council of the City of Harrisonburg, Virginia (the “City”); and**

**WHEREAS, the HRCSB has requested to the City that it now desires to borrow up to \$375,000 (the “Loan” to fund, in part, (i) the acquisition, improvement, and equipping of certain property, located at 1231 North Main Street, Harrisonburg, Virginia (the “Facilities”), and (ii) the payment of the financing costs therefore; and**

**WHEREAS, Virginia Code §37.2-504(11) requires the authorization of the City Council of the City and the Board of Supervisors of the County before the HRCSB may borrow money.**

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

- 1. The City hereby endorses the financing plans of the HRCSB, including the Loan.**
- 2. To the extent required by law, if at all, the City hereby endorses and further approves any necessary or appropriate actions of the HRCSB to affect such financing.**

**This Resolution shall be effective immediately.**

**PASSED BY THE COUNCIL:**

\_\_\_\_\_  
**Mayor, City of Harrisonburg, Virginia**

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

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

Absent – None

At 10:01 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 10:31 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 hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

At 10:32 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