

## REGULAR MEETING

JUNE 8, 1999

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Rodney Eagle; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Hugh J. Lantz, Council Member Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan, CMC, and Chief of Police Donald Harper. Absent: Council Member John H. Byrd, Jr.

Mayor Eagle delivered the invocation and led everyone in the Pledge of Allegiance.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes, and the second reading of a supplemental appropriation for the Commissioner of Revenue's office and increasing the School Capital Projects Fund Budget. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

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

Absent: Council Member Byrd

✓ Planning and Community Development Director Turner introduced a request by Gary Turner (contract purchaser) to rezone 3.707 acres located at 1630 and 1640 Virginia Avenue (tax map parcels 52(C) 4 & 5) from B-2 General Business District to R-3 Multiple Dwelling Residential District (conditional). She explained that the property is located on the eastern side of Virginia Avenue between Sharon Avenue and Acorn Drive. The developer has requested that the rear portion of the property adjacent to the railroad tracks be rezoned to R-3 Multiple Dwelling Residential District (conditional). The front part of the property would remain in the B-2 zoning classification. She said that at Planning Commission's public hearing no one spoke in opposition to the request. Planning Commission voted 6 to 1 in favor of recommending the rezoning request. Staff did not recommend approval of this rezoning request. She reviewed some of the relevant factors and the reasoning Staff recommended against this request. Mrs. Turner reported that the applicant has submitted the following proffers with the rezoning request. The following is a list of these proffers: 1) The property will not be used for any of the following uses otherwise permitted within the proposed R-3 zoning classification: (a) Child day care centers; (b) Adult day care centers; (c) Private clubs and golf courses; and cemeteries. The property shall only be used for the remaining purposes otherwise permitted in the R-3 district by right at the time of the rezoning. 2) Dwelling units may not be occupied by more than two unrelated persons. Individual dwelling units may not be constructed having more than two

bedrooms. No structure will be constructed consisting of more than two stories. A minimum of 40% of the front and side elevations of each structure, excluding areas covered by roof, windows and doors, shall be brick. No more than 32 units will be constructed. The overall layout and elevation view of the proposed units will be in accordance with attachment A while reserving the right to make any changes necessary to meet all applicable local, state and federal codes. A combination of fencing, plantings and landscaping shall be placed along the railroad property. Staff recommends denial of the rezoning request, which is not consistent with the Land Use Guide's recommendation for the property. The Land Use Guide recommends the site for commercial rather than residential use. In addition, the property borders the railroad and an industrial area, which may negatively impact a residential development. Staff does not believe the site is appropriate for residential use and, therefore, should remain zoned for commercial development. Mrs. Turner also expressed concern about setting a precedent for this area and concern with not following the Comprehensive Plan. Also, there are 656 units of student housing and 95 other multi-family units under construction or planned. JMU has stated that it plans to add about 360 students in the fall and then only 50 to 60 a year until 2003 when the projected enrollment would be 14,900. With this type of increase, there will be an abundance of student housing in the next few years. Students will be moving from the older units to the newer ones. This will leave older complexes available for remodeling to house families, young singles, or retirees. In addition to the number of units under construction or planned, there is also approximately 230 undeveloped acres of land zoned R-3 and R-4 within the City limits.

At 7:44 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 Tuesday, May 25, and Tuesday, June 1, 1999.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, June 8, 1999, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:**

- 1. Request by Gary Turner (contract purchaser) to rezone 3.707 acres, located at 1630 and Virginia Avenue, from B-2 General Business District to R-3 Multiple Dwelling Residential District (conditional). The B-2 district is intended to provide a wide variety of retail shopping, commercial, automotive, recreational, and service activities, whereas the R-3 district is intended for medium-to-high density residential development and other uses compatible with residential surroundings. The minimum lot area in the R-3 district is 6,000 SF for single-family dwellings, 3,000 SF/unit for multi-family dwellings, and 2,000 SF for townhouses. The Comprehensive Plan recommends the site for commercial use. The property is identified as tax map parcels 52(C)4&5.**

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



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

**CITY OF HARRISONBURG**

**Steven E. Stewart**

**City Manager**

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

Daniel Michael, representative for the owner from Valley Engineering, stated that he would like to discuss a few items that staff had in their report. First, there was the issue that staff wrote that Planning Commission recommended approval. That speaks for itself. Seven people sat down and looked at the request once and thought it was a good idea. Staff wrote that the Comprehensive Plan recommends commercial usage for this area. He pointed out that the plan suggests it, it does not mandate anything. He also explained that no one could determine what the market forces would dedicate in four or five years. This rezoning process gives City Council the authority and the right to make decisions and change things based upon the facts of today and not opinions that were made a year ago or three years ago. He said that staff wrote the rezoning request should not be viewed in isolation but as a part of a unified plan for the Virginia Avenue corridor. He also pointed out that there is already a mixture of zoning uses in this area. He reviewed the approximately 230 undeveloped acres of land zoned R-3 and R-4 within the City limits. He again reviewed the proffers submitted by Mr. Turner and noted that this property has been on the market for eight years with little or no interest in the property at all. The only interest that has come towards the property is for small one and two acre areas in the front. Mr. Michael stated that in his opinion the rezoning would complete the most logical plan of development for this parcel. There being no others desiring to be heard, the public hearing was declared closed at 7:52 p.m., and the regular session reconvened.

Discussion included Planning Commission strongly supporting the request, staff recommending denial, providing housing other than student housing, this property being on the market for eight years, railroad, developer assuming a risk, keeping businesses in the front of the property, proffers included fencing, planting, landscaping and the development plan for buildings. Council Member Rogers offered a motion to support Planning Commission's recommendation. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent: Council Member Byrd

✓ Planning and Community Development Director Turner introduced a request by Richard L. Blackwell, Jr. to rezone property at 566 Market Street (tax map parcel 33-V-1) from R-3 (conditional) to R-3 (conditional), with amended proffers and to rezone property at 578 East Market Street map parcel 33-V-2). She explained that the two properties involved are at the intersection of East Market Street and Hill Street. The property had been rezoned in 1993 with some conditions that it would be used for professional offices or uses permitted by right in R-1 and R-2. Mr. Blackwell had not proffered that he could have accessory buildings and uses clearly incidental to the uses that were permitted with the rezoning request. Mr. Blackwell is seeking to change the proffers at his current location to enable him to construct an accessory building for his business, which the existing proffers would not allow. Also, Mr. Blackwell has stated that he intends to purchase the brick house at 578 East Market Street, which is next door to Blackwell Engineering, for professional offices. The Land Use Guide recommends both properties for professional offices. Surrounding parcels are zoned R-2, with the exception of property located directly across East Market Street, which is zoned B-2 General Business District. Adjacent land-uses are residential in nature. She said that Planning Commission also recommended approval of the request.

At 8:06 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 Tuesday, May 25, and Tuesday, June 1, 1999.

### NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, June 8, 1999, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

2. Request by Richard L. Blackwell, Jr. to rezone 13, 447 SF, located at 566 East Market Street, from R-3 Multiple Dwelling Residential District (conditional) to R-3 Multiple Dwelling Residential District (conditional), with amended proffers. The property is identified as tax map parcel 33(V)1. The applicant is also requesting to rezone 6,376 SF, located at 578 East Market Street, from R-2 Residential District to R-3 (conditional). The property is identified as tax map parcel 33(V)2. The R-2 district is intended for medium-density, single-family and two-family residential development, whereas the R-3 district is intended for medium-to-high density residential development and other uses compatible with residential surroundings. The minimum lot area in the R-2 district is 7,000 SF for single-family homes and 5,500 SF/unit for two-family dwellings. In the R-3 district the minimum lot area is 6,000 SF for single-family dwellings, 3,000 SF/unit for multi-family



Village people and also City Council has in writing what is expected of the applicant and some time ago Planning Commission had recommended approval of the rezoning request.

At 8:11 p.m., Mayor Eagle closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, May 25, and Tuesday, June 1, 1999.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, June 8, 1999, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:**

**Rezoning:**

**4. A request by AB Builders (contract purchaser) to rezone 0.915 acres, located at 811 Port Republic Road, from R-1 Single-Family Residential District to R-3 Multiple Dwelling Residential District (conditional). The minimum lot area in R-3 districts is 6,000 square feet for a single-family dwelling, 3,000 sq. ft./unit for multi-family dwellings, or 2,000 sq. ft./unit for town-homes. The property, identified as tax map parcel 92-H-O, is recommended for medium density residential use in the Comprehensive Plan, with a density of up to 15 units per acre.**

**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 this public hearing.**

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

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

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

Ray Nicely, applicant for AB Builders, expressed his appreciation to Stacy and staff for providing the opportunity to hold another public hearing regarding this matter. He said that everything has been proffered as discussed with the adjoining property owners. There being no others desiring to be heard, the public hearing was declared closed at 8:12 p.m., and the regular session reconvened. Vice-Mayor Lantz offered a motion to approve this rezoning request. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Green  
Council Member Rogers

Vice-Mayor Lantz  
Mayor Eagle

Absent: Council Member Byrd

✓ Planning and Community Development Director Turner introduced a request by Owens-Brockway Plastics, Inc. to rezone parcel 35(R) 40 at 291 West Wolfe Street from R-3 Multiple Dwelling Residential District to M-1 General Industrial District (conditional). She explained that the site is currently a vacant lot, zoned M-1. The Land Use Guide recommends the site for Neighborhood Residential use but it does recommend the area for continued industrial use. Owens-Brockway Plastics, Inc. is requesting to use the small lot located adjacent to their plant as a paved parking lot for their employees. In addition, the company will provide a landscaped buffer zone between the parking lot and adjoining properties. She said that Planning Commission recommended approval of the request with a 5 to 2 vote.

At 8:16 p.m., Mayor Eagle closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, May 25, and Tuesday, June 1, 1999.

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

The Harrisonburg City Council will hold a public hearing on Tuesday, June 8, 1999, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following.

1. **Request by Owens-Brockway Plastics, Inc. to rezone parcel 35 (R) 40 from R-3 Multiple Dwelling Residential District to M-1 General Industrial District (Conditional).** The property located at 291 West Wolfe Street, is 7,692 square feet in area. The Comprehensive Plan recommends that property for Neighborhood Residential use. This type of land use is characteristic of older neighborhoods that have large housing units on small lots.

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 this public hearing.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the day of the meeting.

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



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

Steven Thigpen, plant manager at Owens-Brockway, said that they had received complaints from the neighbors about employees parking on the street. He said that the intent is to provide 17-18 additional parking spaces in the proposed parking lot. He said that they had addressed the concerns of the neighbors regarding the runoff of water. The current parking lots are guided to storm water discharge areas.

Joseph Ervin, chiropractor at 117 North High Street, stated that he has serious reservations and concerns. He noted that he has been at this location for 23 years. He said that Owens-Brockway is a good neighbor; however, he has been the recipient of their runoff. What do they plan on doing with the water runoff? In the wintertime, water runs off the property and across his paved lot and creates black ice. He also noted that Owens-Brockway has not discussed with him any plans for dealing with the runoff situation.

David Wiens said that he had purchased the property in January. He pointed out the high and low areas and presented how the water flows. It is his understanding that Brockway is requesting that they be permitted to make a parking lot of the land adjoining his property. It is a contention of Brockway that this is needed because their present parking needs are not met because that the lot is full and overflows onto the neighboring streets. He said, "I am here tonight to contest what they are saying." Do they really need more parking? He said that during the past few weeks he has walked around the facility and discovered that the present parking lot is not fully utilized. The question then comes to his mind, what is the need for more parking if the parking that is available is not fully used? The company may contend that they need more parking during shift changes because all of the cars on both shifts cannot fit into the present spaces. He questioned if it is really parking spaces that the company wants. Is parking the issue here or does the company want to free up existing parking spaces for industrial expansion. This could make parking problems worse. He noted that he making improvements to the site and also helping to improve the appearance of the area in the existence of the green space. There being no others desiring to be heard, the public hearing was declared closed at 8:29 p.m., and the regular session reconvened.

Mayor Eagle noted that he had voted against the rezoning at the Planning Commission meeting because he thought the drainage problem had not been addressed. Discussion included runoff problems, drainage, grassy area, green space, buffer zone, and snow removal. Council Member Green suggested that Owens-Brockway, Dr. Joseph Ervin, David Wiens, and the City discuss some of these problems to hopefully resolve some of these problems, make recommendations and address City Council's concerns. Vice-Mayor Lantz offered a motion to table this item until more communications can be conducted between the property owners and Owens-Brockway and a solution can be presented to City Council. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

Planning and Community Development Director Turner introduced a request by Beacon Hill of Harrisonburg, LLC to amend Section 10-3-25(8) of the Zoning Ordinance pertaining to off-street parking. She explained that Beacon Hill is requesting to amend the zoning ordinance to allow garage spaces to be counted towards off-street parking requirements. The proposed ordinance would only apply to quadrplexes and townhouses that have an attached two-car



garage and an adjacent driveway. She also said that currently under the City's parking regulations for something to count as a parking space, a car has to be able to get into and out of it without another car having to maneuver to accommodate this. While reviewing this request, staff researched other localities and learned that Prince William County allows garage spaces to meet parking requirements, but requires restrictive covenants prohibiting conversion of the garage to living or storage space. She said the current language reads for all uses other than single-family and duplex, on-site parking shall not depend on the public right-of-way, other than alleys or transient easements, in order to maneuver into or out of parking spaces, and the moving of any vehicle on site in order to maneuver another vehicle on site shall not meet the intent of this section. The addition would read except quadraplexes and townhouses which have an attached two-car garage and an adjacent driveway. Said garage and driveway shall constitute three parking spaces, regardless of whether it is necessary to move a vehicle parked in the driveway in order to maneuver any other vehicle parked in the garage or otherwise. The restrictive covenants for any such quadraplex or townhouse shall prohibit the conversion of the garage to either living or storage spaces. She said that Planning Commission recommended making these changes as proposed.

At 8:38 p.m., Mayor Eagle closed the regular session temporarily and called the evening's fifth public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, May 25, and Tuesday, June 1, 1999.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, June 8, 1999, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following.**

#### **Ordinance Amendment**

**Request by Beacon Hill of Harrisonburg, LLC to amend Section 10-3-25(8) of the Zoning Ordinance pertaining to off-street parking. The proposed amendment reads as follows:**

**(8) for all uses other than single-family and duplex, on-site parking shall not depend on the public right-of-way, other than alleys or transient easement, in order to maneuver into or out of parking spaces, and the moving of any vehicle on site in order to maneuver another vehicle on site shall not meet the intent of this section, except quadraplexes and townhouses which have an attached two-car garage and an adjacent driveway. Said garage and driveway shall constitute three parking spaces, regardless of whether it is necessary to move a vehicle parking in the driveway in order to maneuver any other vehicle parked in the garage or otherwise. The restrictive covenants for any such quadraplex or townhouse shall prohibit the conversion of the garage to either living or storage space.**

**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 this public hearing.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the day of the meeting.

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

Mayor Eagle called on anyone desiring to speak for or against amending the zoning ordinance. Steve Weaver, attorney for Clark and Bradshaw, representing Beacon Hill said that this occurred as part of the design of Beacon Hill. The developer prefers that all of these units have two car garages. We have worked with staff on this and they were very helpful in getting information from other localities. This ordinance does not change the parking requirements for the City. We are only trying to clarify the existing situation as to a unit with a two-car garage. He mentioned that for security purposes most people prefer to have a garage. There being no others desiring to be heard, the public hearing was declared closed at 8:41 p.m., and the regular session reconvened.

Council Member Rogers offered a motion to approve this request for a first reading. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent: Council Member Byrd

City Manager Stewart presented a request by Eleanor Price, resident of 1310 Crawford Avenue, to consider the implementation of tow away zones on Crawford and Weaver Avenue. Planning and Community Development Director Turner explained that Ms. Price and other neighbors in the Crawford and Weaver Avenue area had explained at the Planning Commission meeting that they are continuing to have many violations with student parking in their neighborhoods. Tickets do not appear to be a very effective way to control the problem. This neighborhood feels that they have unique problems because they are located so close to JMU. She said that Planning Commission was very sympathetic and recommended that all the blue zone parking areas should become tow away zones. Police Chief Harper explained that his department had some concerns with this recommendation. He suggested that rather than automatically making all blue parking areas into tow-away zones, that perhaps changes could be reserved for areas where a large number of residents request and can demonstrate a need for them. Discussion included concern from other residents surrounding these streets, tow away zone being limited to one end of the street, tow away zone should include the entire street, vandalism in the area, and signs not referring to area being a tow away zone. City Attorney



Thumma suggested that only the residents involved in these areas should sign the petition and request the tow away zone. Following more discussion and comments, Vice-Mayor Lantz offered a motion to table this item until June 22, 1999. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

Terry Ward made a brief presentation to Council concerning improving the climate for artists in our area. He explained that he was a concerned "civilian" worrying about the economic and cultural wounds our area suffers by being popularly perceived as being "unfriendly" or indifferent toward art. He said that many cultural figures and organizations have cited the negative climate and moved to other localities. He said, "I believe that the City is not beyond reason and that attitudes can be reshaped when proper arguments are presented." He said that art contributes positively to the culture of our nation, state, region, city, county, and also contributes to the economies of these areas; however, cultural survival requires support from powerful people. Municipalities support numerous other public facilities and he suggested that the old Grand Piano building might be an ideal location for an art display. Council Member Green clarified that the Grand Piano building is owned by the library and not the City. He also suggested that Mr. Ward speak with the director at the library.

✓ Economic Development Director Shull presented for Council's consideration an endorsement of proposed MRF project as an amendment to the SVP Strategic Plan. He explained that the City and County Departments of Public Works have been investing the Material Reclamation Facility (MRF) as a way to more effectively and efficiently manage solid waste and extend the life of our landfill and save taxpayer money. As a regional venture, it is important to have this project included in the Regional Strategic Plan for Economic Competitiveness. This action will enable Harrisonburg and Rockingham County to apply for Regional Competitiveness Act seed funding through the Shenandoah Valley Partnership this summer. Council Member Green offered a motion to support this plan. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

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

**CONCURRING RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF HARRISONBURG, VIRGINIA  
APPROVING ISSUANCE OF BONDS  
ON BEHALF OF JAMES MADISON UNIVERSITY FOUNDATION, INC.**

The Industrial Development Authority of the Town of Bridgewater, Virginia (the "Authority"), has considered the application of James Madison University Foundation, Inc. (the "Foundation") requesting the issuance of the Authority's higher education facilities revenue bond in an amount not to exceed \$1,000,000 (the "Bond") to assist the Foundation with a portion of the costs of the Alumni Building project by providing a portion of the funds needed to construct capital projects for higher education purposes,



including a building for alumni functions, staff and related activities (the "Project"), to be located on the campus of James Madison University in Harrisonburg, Virginia.

Section 147(f) of the Internal Revenue Code of 1986, as amended, provides that the governmental units having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the Bond.

Section 15.2-4905 of the Code of Virginia of 1950, as amended (the "Virginia Code"), provides that if a locality has created an industrial development authority, no industrial development authority created by a second locality may finance a facility located in the first locality unless the governing body of such first locality concurs with the inducement resolution adopted by the industrial development authority created by the second locality.

The Authority issues its Bond on behalf of the Town of Bridgewater, Virginia (the "Town"); the Project is located in the City of Harrisonburg, Virginia ("City"); the City Council (the "City Council") of the City constitutes the highest elected governmental unit of the City, and the Town Council of the Town (the "Town Council") constitutes the highest elected governmental unit of the Town.

The Authority held a public hearing on the issuance of the Bond at 7:00 p.m. on June 8, 1999, and recommended that the Town Council and the City Council approve the issuance of the Bond. The Town Council has approved issuance of the Bond at its 7:30 p.m. meeting on June 8, 1999.

A copy of the Authority's authorizing resolution (the "Resolution") approving the issuance of the Bond, subject to the terms to be agreed upon, a copy of the certificate of publication of the notice of the public hearing, summary of public comments from such public hearing, and a fiscal impact statement have been filed with the City Council as required by law.

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

1. The City Council concurs with the Resolution as required by law and approves the issuance of the Bond by the Authority for the benefit of the Foundation.
2. The approval of the issuance of the Bond does not constitute an endorsement to a prospective purchaser of the Bond or the creditworthiness of the Project or the Foundation.

3. Pursuant to the limitations contained in Regulations issued by the Internal Revenue Service, this resolution will remain in effect for a period of one year from the date of its adoption.
4. The Bond shall provide that it shall not be deemed to constitute a debt or pledge of the faith and credit or taxing power of the Commonwealth of Virginia, or any political subdivision thereof, including the Authority, the Town and the City, and neither the Authority nor any other political subdivision shall be obligated to pay the principal of, premium, if any, or interest on the Bond or other costs incident thereto, except from the revenues and monies pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, or any political subdivision thereof, including the Authority, the Town and the City, shall be pledged for the payment of principal or premium, if any, or interest on the Bond or other costs incident thereto.

This Resolution will take effect immediately upon its adoption.

Adopted: June 8, 1999

**CERTIFICATE of VOTES**

Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon reading on a resolution titled "CONCURRING RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA APPROVING ISSUANCE OF BONDS ON BEHALF OF JAMES MADISON UNIVERSITY FOUNDATION, INC.", taken at a regular meeting of the City Council held on June 8, 1999 after public notice thereof for such meeting:

	AYE	NAY	ABSTAIN	ABSENT
Rodney L. Eagle, Mayor	X			
Hugh J. Lantz, Vice Mayor	X			
Dr. Walter F. Green, III	X			
Larry M. Rogers	X			
John H. Byrd, Jr.				X

Dated: June 8, 1999

(SEAL)

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

ATTEST: Clerk, City Council of  
City of Harrisonburg, Virginia



✓ City Manager Stewart explained that this resolution would allow the Industrial Development Authority of Bridgewater to issue bonds for James Madison University Foundation, Inc. Approval of this resolution does not obligate the City in anyway nor does it count against the City's bond capacity.

James Sipe, attorney with the law firm of Litten & Sipe, representing the James Madison University Foundation said that City Council approval is required by law to approve the concurring resolution because the university is located within the City. This resolution will assist in raising funds for construction of a alumni building at JMU. Council Member Green offered a motion to approve this resolution as presented. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

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

Absent: Council Member Byrd

✓ City Manager Stewart presented for Council's consideration a 50/30 issue. He explained that the General Assembly has enacted legislation that would allow for all state employees, teachers, and administrative and clerical employees of school divisions to retire with full benefits at age 50 with 30 years of VRS eligible service. Employees of local government are eligible and will automatically be a part of this system unless the City opts out. Not going along with the benefit will put the City at a competitive disadvantage. However, beginning in fiscal year 2000-2001, the City's contribution rate to VRS will drop but the reduction will be less if the City participates in the 50/30 program. Based on the estimated 1999-2000 payroll, the annual cost will be about \$20,000. Following further discussion and comments including a suggestion that City Manager Stewart discuss this issue with Mike Amyx of the Virginia Municipal League, and report back to City Council.

✓ City Manager Stewart presented a request to reallocate current budget estimates. He explained that the court appointed attorney expenditure line item is currently overspent. Vice-Mayor Lantz offered a motion to approve the reallocation of these funds. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

\$6,500 chge. to: 1000-910511-47071 Expenses of Social Services District  
\$6,500 approp. to: 1000-330231-43151 Court appointed attorney

✓ City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 13-1-3 of the Harrisonburg City Code. He explained that each year Council is asked to amend this ordinance to adopt the state motor vehicle laws. Council Member Green offered a motion to approve this ordinance for a first

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

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

Absent: Council Member Byrd

✓ Assistant City Manager Baker presented a request to close an alley 12 feet wide and 177 feet long running from West Water Street South to another alley for a first reading. Mr. Baker explained that Council appointed a board of viewers following a public hearing on May 11, 1999. The Board of Viewers has submitted a report noting that they see no problem with vacating the alley. However, they have recommended that a perpetual ingress and egress easement be granted to the adjoining property, and any necessary City utility easements which is presently owned by Thomas and Karen Reznik. Council Member Green offered a motion to approve closing this alley for a first reading. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent: Council Member Byrd

✓ City Manager Stewart presented a request for a supplemental appropriation for the Public Transportation Department. He explained that these funds would be used to balance the end of the year budget and make the 27 payroll. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$34,000 chge. to: 2013-31513 Investment Earnings  
\$30,000 approp. to: 2013-822081-42020 Retirement - VRS  
2,000 approp. to: 2013-842081-41030 PT salaries & wages - Reg.  
2,000 approp. to: 2013-842081-42050 Hospital insurance

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

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



Absent: Council Member Byrd

✓ City Manager Stewart presented a request for a supplemental appropriation for the Public Transportation Department. He explained these funds would be used to balance the end of the year budget. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$34,000 chge. to: 2013-31513 Investment Earnings  
\$30,000 approp. to: 2013-822081-42020 Retirement - VRS  
2,000 approp. to: 2013-822081-42020 Retirement -VRS  
2,000 approp. to: 2013-842081-42050 Hospital Insurance

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

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

Absent: Council Member Byrd

✓ City Manager Stewart presented a request for a supplemental appropriation for the Fire Department. He explained that these are funds received from donations and cost recovery during the 1998-99 budget year. Council Member Green offered a motion to approve the transfer of these funds:

\$14,821.38 chge. to: 1000-31914 Recovered cost  
10,514.52 chge. to: 1000-31809 Donations  
3,941.89 chge. to: 1000-32510 hazardous materials  
6.99 chge. to: 1000-3901  
\$ 8,000.00 approp. to: 1000-320132-46110 Uniforms  
2,000.00 approp. to: 1000-320132-42050 Hospital Insurance  
19,283.79 approp. to: 1000-320132-41020 Salaries & Wages O.T.

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

Vote: Yes – Council Member Green  
Council Member Rogers  
Vice-Mayor Lantz  
Mayor Eagle

Absent: Council Member Byrd

✓ City Manager Stewart presented a request for a supplemental appropriation for the Police Department. He explained that these funds will replace money in the department through a grant for the school resource officer. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$6,811.77 chge. to: 1000-33505 School resource officer  
\$6,811.77 approp. to: 1000-310131-41010 salaries/wages reg.

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

Vote: Yes – Council Member Green  
Council Member Rogers  
Vice-Mayor Lantz  
Mayor Eagle

Absent: Council Member Byrd

✓ City Manager Stewart presented a request to increase the Treasurer's budget by the amount received from the Compensation Board for the implementation of the Personal Property Tax Relief Act. City Treasurer Neal explained that the State Compensation Board has reimbursed the City for PPTRA expenses incurred by the Treasurer in the amount of \$13,021.00. Council Member Green offered a motion to approve this request for a first reading, and that:

\$13,021.00 chge. to: 1000-3204 State share of PPTRA expenses  
\$ 2,567.75 approp. to: 1000-121313-42010 Salaries & wages – regular  
476.00 approp. to: 1000-121313-42010 FICA  
4,977.25 approp. to: 1000-121313-46010 Office supplies  
5,000.00 approp. to: 1000-121313-48211 Machinery & Equipment

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

Vote: Yes – Council Member Green  
Council Member Rogers  
Vice-Mayor Lantz  
Mayor Eagle

Absent: Council Member Byrd

✓ City Manager Stewart presented a request for a supplemental appropriation for the Parks and Recreation Department. These funds are collected through donations received from the African American Festival, Mid Atlantic Wheelchair game, and Little League field improvements. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:



\$8,991.50 chge. to: 1000-31809 General fund: revenue donations  
\$3,643.00 approp. to: 1000-710171-46130 Recreational supplies  
2,293.12 approp. to: 1000-710171-46132 Ed/rec. supplies athletics  
441.00 approp. to: 1000-710171-43360 Maintenance/repair B&G  
19.90 approp. to: 1000-710171-45850 Freight & drayage  
2,594.39 approp. to: 1000-710471-48184 Capital outlay improvements


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


Vote: Yes – Council Member Green  
Council Member Rogers  
Vice-Mayor Lantz  
Mayor Eagle

✓ At 9:55 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Parking Authority, and the Community Services (Chapter 10) Board and the evaluation of a City Department, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, amended. Discussion and consideration of the acquisition of real estate to be used for a public purpose, exempt from public meeting requirements pursuant to Section 21.-344(A)(3) of the Code of Virginia, 1950, as amended. Consultation with the City Attorney and briefings by staff members concerning probable litigation, 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, 1950, as amended. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 11:55 p.m., the executive session was declared closed and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of the 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 matters as were identified in the motion by which the executive or closed meeting were convened, were heard, discussed or considered in the executive session by the City Council.

At 11:56 p.m., there being no further business and on motion adopted the meeting was adjourned.

  
CLERK

  
MAYOR