

## REGULAR MEETING

MARCH 28, 2000

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 John H. Byrd, Jr., Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne "Bonnie" Ryan, CMC/AAE, and Chief of Police Donald Harper.

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

Assistant City Manager Baker introduced two new City employees: Teresa Breeden and Thomas Landis, Fire Department.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes, and second reading of a supplemental appropriation for the School Division, Materials Recovery Facility (MRF), and a Sanitation Fund. The motion also included a second reading to increase the Sanitation budget and granting property to the Virginia Quilt Museum. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent - None

Planning and Community Development Director Turner introduced a request by Wayne B. and Karen B. Rothery for a special use permit. She explained that this request is for a special use permit to reduce the sideyard setback of a structure to zero feet at 1751 South Main Street. The site is zoned B-2 General Business District which allows zero setback with a special use permit. The purpose is to remove the existing structure's Northeast section and rebuild the section to create a 4,588 square foot retail sales area for the Mi Mercadito Retail Market. The existing building is currently built with zero setback along the Northeast property line. The developer is proposing to remove the old building and build along the same wall line. According to the design layout provided by the developer, the site will meet the minimum parking requirement. The Zoning Ordinance requires one parking space for each 200 square feet of floor area, for a total of 23 spaces. Staff recommended approval of the special use permit if the dumpster site is screened from view. Staff also noted that the proposed wall along the Northeast property line will have to be built to a greater standard because of the zero setback. According to the Building Code, any wall within 10 feet of the property line will have to be a firewall. She said that Planning Commission recommended approval of the special use permit.

At 7:37 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, March 13, and Monday, March 20, 2000.

#### NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, March 28, 2000, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

#### SPECIAL USE PERMITS

Request by Wayne B. and Karen B. Rothery for a special use permit to reduce the sideyard setback of a structure at 1751 South Main Street to zero feet, per Section 10-3-91(9) of the Zoning Ordinance. The site, identified as tax map parcel 10-B-15, is zoned 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 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 special use permit.

#### Wayne B. Rothery

said that he would like to remove the existing wall and replace it with another wall to improve the property. There being no others desiring to be heard, the public hearing was declared closed at 7:37 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve the recommendation made by the Planning Commission. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent - None

Planning and Community Development Director Turner introduced a request by Wayne Engel, LLC for a special use permit to operate a Bed and Breakfast in the R-2, Residential District at 547 East Market Street. She explained that the request is to convert an existing rooming and boarding house into a bed and breakfast establishment. The subject property and surrounding parcels are zoned R-2 Residential District and single-family homes are located adjacent to the site and across the street. The Land Use Guide recommends the property for "Professional" use, which encourages the development of service-oriented businesses along major thoroughfares and areas adjacent to the Central Business District. This designation is intended to promote the use of older homes that are no longer practical to maintain as housing units. The current boarding and rooming house are considered a legal non-conforming use in the R-2 district and are allowed to remain unless its normal operation is discontinued for a period of 24 consecutive months. Since 1991, this house has been used as a boarding and rooming house with six guestrooms. The house is inspected on an annual basis and was last inspected on January 11, 2000. At the time, the property passed inspection and the permit was renewed for another year. Mr. Engel is now applying for a special use permit to change the house from a boarding and rooming house to a bed and breakfast facility. The Zoning Ordinance defines a bed and breakfast facility as a "single-family dwelling (including the principal dwelling and related buildings) occupied by the owner or a proprietor, in which accommodations limited to ten (10) or less guest rooms are rented for periods not exceeding ten (10) consecutive days per guest." Mrs. Turner said it had been explained to Mr. Engel that if the bed and breakfast use were approved, the boarding and rooming house use would cease. After operating as a bed and breakfast for a 24-month period, the property could not revert to a boarding and rooming house due to the loss of its nonconforming status. At the public hearing held by Planning Commission, staff recommended that outside amenities (such as a pool, patio, or gazebo) be screened from view by the adjacent residences. Planning Commission recommended approval provided that a six-foot buffer be installed to block the view of the parking area from the adjacent residents.

At 7:42 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, March 13, and Monday, March 20, 2000.

#### NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, March 28, 2000, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

#### SPECIAL USE PERMITS

Request by Wayne Engel, LLC, for a special use permit to operate a Bed and Breakfast in the R-2 Residential District, at 547 East Market Street. The site is identified as tax map parcel 27-F-24.

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 special use permit.

Wayne Engel

said that he was available to answer any questions City Council may have about the special use permit. There being no others desiring to be heard, the public hearing was declared closed at 7:43 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve the recommendation made by Planning Commission. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent - None

Planning and Community Development Director Turner introduced a request to close a portion of an alley between Ash Tree Lane and Franklin Street. She explained that Mr. Barry Kelley is requesting to close a 1,000 square foot section of an alley that runs North-South between Ash Tree Lane and Franklin Street. It is an undeveloped alley serving as a driveway to adjacent properties, but there is an area for access from Ash Tree Lane to Franklin Street. The purpose of Mr. Kelley's request is to increase the size of his lot in order to tear down an existing dwelling at 260 Ash Tree Lane and build a new single-family home on the site. The existing frame structure has deteriorated and Mr. Kelley has indicated that he intends to construct a single-family home that would be owner-occupied. Since the property is in an R-2 Zoning Classification and doesn't have enough square footage to be a duplex unit, it can only be used as a single-family home now or in the future. The Public Works Department has also noted that drainage along this property should be improved by grading the drive entrance and installing larger driveway pipes. She also said that the applicant is aware that he is required to contact the Public Utilities Department when planning and building a new structure, to ensure compliance with all utility sections of the City Code especially the section requiring sewer testing whenever a new building proposes to use an old sewer. She said that Planning Commission recommended approval of the request.

At 7:50 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 Monday, March 13, and Monday, March 20, 2000.

NOTICE OF INTENTION TO CLOSE

PORTION OF ALLEY LOCATED BETWEEN

FRANKLIN STREET AND ASH TREE LAND

IN THE CITY OF HARRISONBURG

City Council chambers, Municipal Building

Tuesday, March 28, 2000 at 7:30 p.m.

The Harrisonburg City Council will hold a public hearing on Tuesday, March 28, 2000, 7:30 p.m., at City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the application of an alley located between Franklin Street and Ash Tree Lane in the City of Harrisonburg.

A copy of the recommendation of the City Planning Commission along with a copy of the plat showing the portion of the street and alley to be vacated and closed are available at 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 the opportunity to express their views at the 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 approving this alley closing request.

#### Barry Kelley

owner of the property said he wanted to close the alley to remove the existing frame structure which has deteriorated. He said he wanted to build a new structure to blend into the area which would be similar to the carriage house formally owned by Dr. Deyerle.

#### Marshall Ross

said that he has a house directly to the East of this property which fronts on Franklin Street. He said that his neighbors frequently block the driveway and he has had situations where in order to get out of the back where he parks his car, he needs to go out the alley. He also said that he has a long term plan to build a covered garage on his property. In order to do that it would be in the back part and he would need to get down the alley and out to Ash Tree Lane. Mr. Ross suggested that the alley should remain as a public alley.

#### Jim McKee

, a resident living at 270 Campbell Street, said that he was concerned about the future development of the property. The house is in disrepair, but as a home owner living in Old Town, he would like to have more information about Mr. Kelley's plan for the property.

#### Kevin Rose

said that he was opposed to closing the alley. He said that although the neighborhood is zoned R-2 several houses on Campbell Street have college students living in the houses which generate a lot of traffic on Ash Tree Lane.

There being no others desiring to be heard, the public hearing was declared closed at 7:59 p.m., and the regular session reconvened. Vice-Mayor Lantz offered a motion to appoint a Board of Viewers to consider this request and provide a recommendation to City Council. The motion was seconded by Council Member

Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent - None

Dr. Donald Ford, Superintendent of Harrisonburg City Schools, presented the School Board's proposed 2000-2001 budget. He said the proposed school budget has been developed taking into consideration both the needs of the school division and the understanding that available revenues are limited. He reviewed the budget revenue estimates which the School Board adopted at its March 27th meeting. The budget is based on a projected average daily membership (ADM) which next year is projected to be approximately 3,580. The total budget is \$33,921,936. Of that amount, City revenues total \$19,761,902 which includes an increase of \$916,960. The new positions included in the budget have been determined by the school board on administrative recommendation and public input. Many other requested positions are not included. The budget includes a projected average 6% increase for teachers, a 6% salary increase for cafeteria workers, and a 4% salary increase for all other personnel. The maintenance and operations fund includes projected expenditures for next year's projects identified in our five-year maintenance/special projects schedule, as well as ongoing routine maintenance costs. Dr. Ford expressed his appreciation to City Council for the good communication that has been occurring for the last several years between the School Board and City Council. The Liaison Committee has been a real positive step in improving communications.

Planning and Community Development Director Turner introduced a request by Harrisonburg Electric Commission to subdivide tax map parcel 75-C-1 located on East Market Street at the City-County line and a variance to the subdivision requirement that all lots subdivided front onto a public street. She explained that HEC is desiring to carve out a lot to be used for a substation. HEC indicates that the variance is warranted due to the shape of the property and its location to public access. Limited access is desirable due to the nature of the use. Staff recommended approval of the subdivision and variance. Access to the lot is through a gravel driveway, which serves the mini storage facility located in the County. The driveway lies on the City-County line and would serve only the HEC substation and the mini storage buildings. Staff supports the variance because the driveway would serve only two users. Steep topography would hinder extension of the driveway. She said that Planning Commission recommended approval of the request. Council Member Rogers offered a motion to approve this request as presented. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent - None

Betty Hedrick representing Kensington Garden Club presented a request from the garden club that the entrances into Harrisonburg should become more attractive. The Kensington Garden Club feels that enhancing these entrances into the City could be done at a minimum cost and within the City's budget. She also said that Bridgewater, Dayton and Staunton are outshining Harrisonburg and suggested planting some redbud trees and flowers.

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

**CENSUS 2000 RESOLUTION**

STATE OF VIRGINIA

Partnering entity

and the

United States Bureau of the Census

Charlotte Region

WHEREAS, the City of Harrisonburg understands that this is a unique opportunity to participate in and have influence on CENSUS 2000;

Now therefore, BE IT RESOLVED that in order to accomplish the goal of a more accurate and cost efficient Census in Census 2000, the Harrisonburg City Council does herein take the following action:

1. Promoting Census 2000 to all of our People; and
2. Encourage every resident to accurately complete the Census questionnaire and promptly return it by mail; and
3. THAT April 1, 2000, BE DESIGNATED - CENSUS DAY IN AMONG ALL CITIZENS.

Adopted by the Harrisonburg City Council in a meeting duly assembled on the 28th day of March, 2000, at which a quorum was present and voting.

---

Mayor

Attest:

---

Clerk of City Council

Greg Moon representing the Census Bureau thanked City Council for their support in designating April 1, 2000 "Census Day" in the City of Harrisonburg. Council Member Green offered a motion to adopt the

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

Mayor Eagle announced that the agenda item to consider a recommendation from Planning Commission to change Lois Lane to Devon Lane was removed from the agenda.

City Manager Stewart explained that the John D. Eiland Company has again requested sponsoring Fundfest concert series. The concert series will be held on alternating Wednesday evenings and will again provide fund raising opportunities for a number of local charities. The Fundfest concert series will begin May 10, 2000 and end on August 30, 2000. Over the years the annual Fundfest events have contributed more than \$38,000.00 to local charities within the community. He said that the City would be working with the volunteer organization to possibly block a portion of Warren alley to provide for additional space. Council Member Rogers offered a motion to approve the concert series. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

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

### **RESOLUTION**

WHEREAS, the Harrisonburg Area Transportation Study (HATS) was developed under the direction of the Virginia Department of Transportation (VDOT) in an effort to address short-and long-range concerns of the City of Harrisonburg and a radius of five miles around the City in Rockingham County; and

WHEREAS, the short-range component identified problems that can be addressed without the need for large-scale design efforts, searching for funding sources and preparing additional planning, study, or permit-type documents while the long-range component addresses problems of a large scale to the year 2015; and

WHEREAS, the recommendations are the result of VDOT's roadway network modeling coupled with the land use recommendations of the Rockingham County and City of Harrisonburg Comprehensive Plans; and

WHEREAS, during 1994 public hearings were held to present HATS to the community and to receive comments; and

WHEREAS, in 1994 the City of Harrisonburg endorsed the HATS plan, while on October 26, 1994, the Rockingham County Board of Supervisors adopted Resolution No. 94-22 concurring that HATS was a good plan that should be used as a guide for transportation planning in conjunction with the County's long-range land use plans; and

WHEREAS, the Chamber of Commerce supported the efforts of the City and County to jointly endorse the plan; and

WHEREAS, on a number of occasions, County and City representatives met to jointly devise a transportation strategy that would better address local transportation needs; and

WHEREAS, at its meeting held on July 28, 1999, the Board of Supervisors approved and endorsed the Harrisonburg Area Transportation Study (HATS) map, showing a revision to the eastern connector based on discussions between staff and VDOT officials, and including all of the projects previously prioritized by the Board and the Harrisonburg City Council; and

WHEREAS, at its meeting held on October 13, 1999, the Board of Supervisors approved the original Harrisonburg Area Transportation Study (HATS) map, with modifications as recommended by VDOT staff, which include the revised eastern loop road, the extension of the collector roads to meet the revised loop road, and a new east/west collector route as recommended by the County; and

WHEREAS, at its meeting held on November 9, 1999, the Harrisonburg City Council approved the modified plan as presented by VDOT.

NOW, THEREFORE, BE IT RESOLVED, that the Harrisonburg City Council reaffirms its approval and endorsement of the Harrisonburg Study (HATS) map.

\_\_\_\_\_

Date Mayor

Attest:

\_\_\_\_\_

Clerk of City Council

City Manager Stewart explained that the Chamber of Commerce is asking Harrisonburg and Rockingham County to reaffirm their support of the Harrisonburg Area Transportation Study (HATS) by endorsing this resolution. Rockingham County has already approved a similar resolution. Mr. Stewart also noted that through the successful efforts of Delegate Weatherholtz and Senator Miller funding has been provided to start the process for a portion of the HATS study. Vice-Mayor Lantz offered a motion to approve the resolution. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

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

**RESOLUTION**

WHEREAS, that due to construction, reconstruction, or elimination of certain streets within the City limits of Harrisonburg, there are deletions and additions of street mileage, which are eligible for maintenance payments.

1. Collector/local streets to be deleted, totaling 2.87 centerline miles (5.74 lane miles).
2. Collector/local streets to be added, which meet the requirements of Sections 33.1-41.1 of the Code of Virginia as of February 22, 1985, there are eligible for maintenance payments totaling 5.77 center line miles (14.99 lane miles). Said street being listed on accompanying U-1 (7-1-85), Virginia Department of Transportation form and shown in red on City map.
3. Principal/Minor Arterial streets to be deleted, totaling 1.8 centerline miles (3.6 lane miles).
4. Principal/Minor Arterial streets to be added, which meet the requirements of Section 33.1-41.1 of the Code of Virginia as of February 22, 1985, that are eligible for maintenance payments totaling 1.8 center line miles (7.0 lane miles).

miles). Said streets being listed on accompanying U-1 (7-1-85), Virginia Department of Transportation form and shown in red on City map.

NOW, THEREFORE, BE IT RESOLVED THAT, The City of Harrisonburg respectfully requests the Virginia Department of Transportation to make maintenance payments effective July 1, 2000.

Adopted by the Harrisonburg City Council the \_\_\_\_\_ day of March 2000.

\_\_\_\_\_

Mayor

Attest:

\_\_\_\_\_

Clerk of City Council

Public Works Director Baker said that this resolution will add newly developed streets to VDOT Urban Street Inventory. By adding these streets to the inventory the City will be reimbursed from the State and will receive future urban maintenance funding. Council Member Green offered a motion to approve this resolution adding these streets to the VDOT inventory. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration approval of a lease agreement for parking for District Courts and Jail facility. He explained that Rockingham County who is the lead agent in providing fiscal support for the jail and court has asked that both the City and County approved the lease agreement with Ottobine United Methodist Church since the City is responsible for half the rent. Council Member Green offered a motion to approve this lease agreement. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent - None

City Manager Stewart presented a request to transfer funds from the Public Transportation Fund and Central Garage Fund to the Public Transportation Capital Projects Fund. He explained that these funds will be used to construct a transportation building addition, etc., which will not be completed until next fiscal year. Vice-Mayor Lantz offered a motion to transfer these funds:

\$512,391.00 chge. to: 1323-34260 Transfer from Public Transportation Fund

10,000.00 chge. to: 1323-34240 Transfer from Central Garage Fund

\$522,391.00 approp. to: 1323-911381-48661 Transit building addition

\$510,672.00 chge. to: 2013-872081-48181 Buildings and grounds

1,719.00 chge. to: 2013-872081-48121 Furniture and fixtures

10,000.00 chge. to: 2111-672141-48111 Machinery and fixtures

\$512,391.00 approp. to: 2013-892081-49216 Transfer to capital projects

10,000.00 approp. to: 2111-692141-49216 Transfer to capital projects

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

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent - None

City Manager Stewart presented a request to transfer and appropriate funds for a new fire truck. He explained that the funds for this fire truck were included in the 1999-2000 budget and is scheduled to be delivered this month. Vice-Mayor Lantz offered a motion to approve this request for a first reading:

\$49,350.34 chge. to: 1000-980142-49118 Fire truck lease/purchase - Principal

6,995.37 chge. to: 1000-980142-49128 Fire truck lease/purchase - Interest

\$56,345.71 approp. to: 1000-320132-48165 Fire Truck

\$153,184.00 chge. to: 1000-31010 Amount from Fund Balance

\$153,184.00 approp. to: 1000-320132-48165 Fire Truck

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

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent - None

City Manager Stewart presented a request from the Finance Department to transfer cash from the Central Garage Fund and Sewer Fund to the Central Stores Fund. He explained that the City's Central Stores fund is supported by charges to other City departments and agencies for the sale of materials and supplies and transfers from other funds. Council Member Rogers offered a motion to approve this request for a first reading:

\$160,000.00 chge. to: 2111-31010 Amount from fund balance

\$160,000.00 approp. to: 2111-692141-49260 To Central Stores Fund

\$160,000.00 chge. to: 2112-34240 Transfer from Central Garage Fund

\$160,000.00 approp. to: 2112-31010 Amount from fund balance

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

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent - None

Parks and Recreation Director Gucker presented an overview of the clearing operation and a report from the forester regarding the golf course property. She pointed to a map and noted that the golf course property was designated in yellow which is adjacent to Hillandale Park designated in red. Hillandale Park was established as a public park in 1968 and will remain untouched during this project. The golf course property and Hillandale Park are two separate pieces of property. The boundaries of the property have been clearly marked. North-Fork Lumber Company is responsible for the clearing operation on the golf course property. The forester's report indicates that the actual number of marketable trees marked for sale on the golf course property are 1,620. Distribution of this number by diameter class is from 6 inches to 28 inches. Distribution of this number by product class is 1,212 pulp wood trees and 408 saw timber trees. The report also indicates that during a systematic sample of 650 trees within the timber sale area 60% of the trees sampled were in good shape, 32% of the trees sampled were in poor shape, and 8% of these trees sampled were dead or close to being dead. She said that "Marking of the trees for removal on the golf course property was done carefully, making sure as many specimen trees were kept as possible. If there was any question at all whether to keep or remove the tree, the decision was made to keep the trees in question even though they might have to be removed at a later date." Clearing will only be done on the golf course property as necessary. Hillandale Park will remain untouched. Vice-Mayor Lantz questioned how long will it take to clear the trees from the golf course property. Mrs. Gucker answered that the contract allows 30-60 days.

Ben Fordney

suggested that City Council delay further cutting of the trees in Hillendale Park and any construction of the golf course until after the May 2 election.

At 8:38 p.m., Vice-Mayor Lantz offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory Board, Commission on Children and Youth, Harrisonburg Parking Authority, Board of Zoning Appeals, Shenandoah Valley Workforce Investment Board, and the Industrial Development Authority, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, amended. Discussion concerning a prospective business locating within the City, exempt from public meeting requirements pursuant to Section 2.1-344(A)(5) of the Code of Virginia, 1950, as amended. Consultation with the City Attorney and briefings by staff members pertaining to pending probable litigation, and two proposed contracts, 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 Council Member Rogers, and approved with a unanimous vote of Council.

At 11:30 p.m., the closed 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 was convened, were heard, discussed or considered in the closed session by the City Council.

At 11:31 p.m., there being no further business and on motion adopted the meeting was adjourned.

---

CLERK MAYOR