

## REGULAR MEETING

NOVEMBER 14, 2000

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

Council Member Lantz delivered the invocation and Mayor Frank led everyone in the Pledge of Allegiance.

Vice-Mayor Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Public Works Traffic Engineering Division, closing an alley between 143 and 127 Old South High Street to South High Street, and setting a date of November 28, 2000 for public hearing on proposed Capital Improvement Program (CIP). The recorded roll call vote was taken as follows:

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

Absent - None

At 7:35 p.m., Mayor Frank 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, October 30, and Monday, November 6, 2000.

**NOTICE OF PUBLIC HEARING**

The Harrisonburg City Council will hold a Public Hearing on Tuesday, November 14, 2000, at 7:30 p.m. in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia.

The Harrisonburg City Council will receive the views of citizens regarding the proposed use of funds paid under the Local Law Enforcement Block Grant as it relates to the Harrisonburg Police Department's entire budget. At this hearing, persons shall be given an opportunity to provide written and oral views to the City Council about the Department's budget and the relation of the Grant to the entire budget.

**CITY OF HARRISONBURG**

**Roger D. Baker**

**City Manager**

Mayor Frank called on anyone desiring to speak for or against the local Law Enforcement Block Grant.

Colonel Don Harper stated that the United States Department of Justice issues the local Law Enforcement Block Grant to assist localities in improving public safety. A public hearing must be held to receive these funds which will be used to purchase more in-car cameras for the police cars.

There being no others desiring to be heard, the public hearing was closed at 7:40 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve this block grant application. The recorded roll call vote was taken as follows:

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

Absent - None

✓ Planning and Community Development Director Turner introduced a request to rezone tax map parcels 12-I-1 through 12 & 12-K-1 through 12 from R-4, Planned Unit Residential District to R-1, Single-Family Residential located along both sides of Greenbriar Drive. She explained that the Comprehensive Plan designates the Greenbriar Drive areas as Low Density Residential. This designation states that these areas consist of single-family detached dwellings with a maximum density of one to four units per acre. Low density sections are found mainly in well established neighborhoods. The low density residential areas are designed to maintain the existing character of the neighborhoods and to provide traditional areas for home ownership. This area has a mixture of uses surrounding it. She reviewed the surrounding zoning classifications. The City annexed the Greenbriar Drive area in 1983 from Rockingham County. The zoning in the County at that time was R-5, Planned Residential District. Therefore, when the area was annexed into the City the zoning was kept within the same constraints as the County zoning, which was balanced, with the R-4 zoning classification. She said that Planning Commission recommended approval of the rezoning.

At 7:42 p.m., Mayor Frank 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, October 30, and Monday, November 6, 2000.

#### NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council will hold a Public Hearing on Tuesday, November 14, 2000 at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:**

#### REZONING

**Public Hearing to consider a comprehensive rezoning of a portion of the Greenbriar area (tax map parcels 12-I-1 through 12 & 12-K-1 through 12) from R-4, Planned Unit Residential District to R-1, Single-Family Residential located along both sides of Greenbriar Drive.**

The R-4, Planned Unit Residential District is intended to permit the development of planned residential neighborhoods containing not less than twenty-five (25) contiguous acres under one ownership or control at the time of approval for development. Within the district the location of all buildings, playgrounds, recreation and green areas, parking areas and open spaces shall be developed in such a manner as to promote a variety of residential and permitted nonresidential buildings in orderly relationship to one another. The residential density ranges for the R-4 district are single-family, 6,000 sq. ft. minimum; two-family, 3,000 sq. ft./unit; multi-family, 3,000 sq. ft./unit; and townhouse, 2,000 sq. ft./unit. The R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The minimum residential density ranges for the R-1 district is 10,000 sq. ft.

The Comprehensive Plan designates this area as Low Density Residential. The Low Density Residential designation states that these areas consist of single-family detached dwellings with a maximum density of one to four units per acre. Low density sections are found mainly in well established neighborhoods. The low density residential areas are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership.

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**

**Roger D. Baker**

**City Manager**

Mayor Frank called on anyone desiring to speak for or against this rezoning request. Chris Watkins, a resident living at 816 Greenbriar Drive, said that two of the homes on their street are now student houses and are violating the deed restrictions. All of the people who bought property on Greenbriar Drive had deed restrictions and were under the impression that those deed restrictions were law.

There being no others desiring to be heard, the public hearing was declared closed at 7:45 p.m., and the regular session reconvened. Council Member Lantz offered a motion to approve this rezoning request. The recorded roll call vote was taken as follows:

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

Planning and Community Development Director Turner introduced a request by Meridian Properties, L.L.C. for a preliminary plat for Meadow Pointe subdivision with variances to Section

10-2-41(a) and 10-2-42(d) of the subdivision ordinance located on approximately 33.87 acres. Meridian Properties is requesting to divide this property into 136 duplex lots with variances to the City of Harrisonburg Design and Construction Manual and Subdivision Ordinance for street regulations and fronting on a public street. The Land Use Guide shows the property as Planned Residential-Medium Density. This category is designated for the planned development of multi-family uses. These uses would include two-family dwellings and single-family attached dwellings (townhouses and condominiums). In the plan it states that policies are to encourage medium density residential development in areas that have physical features which limit development. It also is to encourage the development of attractive medium density dwellings such as townhouses and condominiums and to encourage common open space. The Comprehensive Plan is promoting the type of development desired by these developers through statements such as proactive planning using the remaining undeveloped land in the City in the best possible manner. Also, aesthetics and environment encouraging the use, maintenance, and replanting of trees as part of residential, commercial, and industrial development in the City. In addition, manage and maintain existing trees in the City. It also encourages natural features seeking to develop policies for the preservation and protection of trees in our community. This area is surrounded by several zoning classifications. The property is zoned R-2 which does allow for the single-family and duplex, but it is directly adjacent to B-2 commercial development occupied by uses such car dealerships and small shops. The developer is trying to develop a community that would not fit the City's traditional design standards. The developer is seeking to have some homes on private streets. The streets in the proposed subdivision would be more narrow and would be part of the proposed lots containing duplexes. This portion of the subdivision would be age restricted as allowed under the state code requirements for people who are 55 and older. The remainder would be a regular subdivision duplex development, but have a public street. One area has been left as a connection to adjacent undeveloped property for development of a street connection in the future. Some reasons the developer is seeking these variances are because they are trying to make the best use of this property. The developers have made several proffers including preserving trees, developing walking trails, preserving a pond on the property, and building a community center. She said that staff has been working with the developers and visited a similar development in Winchester. Mrs. Turner reviewed the PUD proffer list which included having 27% open space for the entire site, \$200,000 for landscaping budget for the entire site, all walking trails to be hard surfaced, 184 trees to be preserved with the possibility of another 24 being preserved, a community building valued at \$140,000, deed restricting community to 80% of residents being 55 or older spelled out in 'Housing for Older Persons Act of 1995', front a facade of all homes to be brick with exception of some gables, a minimum front setback to be 19' from a back of a curb with majority being 20', in any one duplex group, one unit of the two will be built with the garage protruding no farther than the rest of the house (or porches) toward the street, garages will not protrude more than 10' out from the rest of the house on any home, a property Owners Association set up to pay for all maintenance items (roads, common areas, etc.), minimum amount for road maintenance escrow will be recorded in POA Deed of Dedication. She said that staff and Planning Commission recommended approval of the subdivision as presented. Vice-Mayor Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

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

Council Member Rogers  
Mayor Frank

Absent - None

John Schuster representing the Valley Stargazers Club introduced several members of the club including John Sellers, Jack Wine, and Joey Reece. Joey Reece presented a brief overview on "Dark Skies." He explained that "Dark Skies" is a nationwide movement which arose from the desire to return our night skies to the way they were prior to the industrialization of our cities. The main reason is most people would like to see the stars in the sky and hopefully future generations will be able to continue to see the stars. Valley Stargazers are concerned about the increasing problem of light pollution in Harrisonburg and other areas. Light pollution is an outdoor light that produces glare, light trespass, clutter, energy waste, or urban sky glow. Mr. Reece presented several slides reviewing several examples of poor lighting and good lighting in the City. The rewards for better quality and more efficient lighting are energy savings, dollar savings, improved visibility by eliminating glare, improved safety and security, more attractive surroundings, getting along better with neighbors, helps preserve our environment and wildlife, and a darker night sky that everyone can enjoy. He encouraged Harrisonburg to adopt a lighting ordinance providing guide lines for all future lighting. Vice-Mayor Peterson offered a motion requesting that Planning Commission review ordinances adopted by other localities and make a recommendation to City Council at a future meeting. The motion was approved with a unanimous vote of Council.

The presentation by David Moler was withdrawn.

Ben Fordney said that after many months of controversy the golf course has been approved and the project is now on its way to completion. The question is how will this project be managed and operated. Even those citizens who opposed the golf course feel it should be financially successful. The golf course is a reality and the management of the golf course should be structured that it realizes the maximum revenue to cover expenses and hopefully operate at a profit. It is the belief of the CHANGE organization that the Harrisonburg City Golf Course should be managed by an independent commission appointed by City Council. The Golf Course Commission should be given full responsibility and should be vested with authority to use all property and assets of the golf course and have full control of management and revenue. This commission should have the authority to appoint a manager of the course, a clubhouse manager, and any other employees that are deemed necessary for the performance of their responsibility to operate and maintain the golf course as effectively as possible. The commission should be free from the jurisdiction and control of other City officers and employees. Mr. Fordney recommended that the golf course provide an annual report showing the financial condition of the golf course. The bottom line is revenue and efficiency. The CHANGE organization believes the golf course should be placed in the hands of experienced managers who will operate it as a profit making business.

Director of Public Utilities Collins presented a report on the Dry River Dam. He explained that the goal of this project was to have enough water during a drought. The crucial factor in the decision is to improve the City's ability to use multiple water sources in times of drought and to have a reliable water system that can easily expand in the future. He said that his department obtained as built construction drawings and design calculations from the NRCS for the existing dam.

The Dry River Dam was considered for a water supply of 5000 acre-ft during the 1976 construction period for Rockingham County. The department talked extensively with the project manager/inspector from NRCS pertaining to previous construction and site specific events associated with the original project. The purpose was to try to come up with a preliminary cost to develop the dam. Mr. Collins said that the cost estimate included demolishing the existing shell, demolish the riser structure completely as well as the discharge piping through the dam. Because the emergency spillway was dug out of rock it will have to be put back with concrete. The material is limited to build the core and will be costly. The estimated cost is \$19,000,000. Maps of aerial photography and contours were used to project the location of the property boundaries over the existing and proposed area of impact. A followup discussion was made with a representative of the private owners of the Dry River Dam land area. The firm of Mays & Valentine has prepared for the City a document outlining the permitting requirement for this project. An hydraulic analysis of pipe capacity for technical reliability of the Dry River Dam project was completed. He acknowledged that a letter had been received from Congressman Goodlatte's office to offer support and assistance for the project. Mr. Collins also said information was obtained from the archives of the U.S. Geological Service, records from 1947 and 1948 water years for a gaging station once located at Rawley Springs. This data was adjusted to recognize the impact of Switzer Dam and then analyzed to determine the significance of an expanded conveyance pipe versus the significance of expanding Dry River Dam. He explained that the South Fork project intake includes installing a 24 inch pipe line, several pumping stations, and expand the treatment plant to 15 million gallons. The Dry River project includes building a dam and installing two 24 inch pipe lines. Mr. Collins also met with the Virginia Department of Health to discuss the comparison of alternatives for the South Fork project versus the Dry River Dam project. Mr. Collins said, "I do not think we have a water quality issue in the South Fork and we can meet water quality standards as set forth. I favor the South Fork project. It has long range vision other alternatives don't provide us." The Dry River Dam project would put a ceiling of total water quality at 15 million gallons per day, while the South Fork project has a much greater total capacity. The cost of the Dry River project would greatly exceed the South Fork project. Following a lengthy discussion and comments, Council Member Lantz offered a motion to move forward on the development of a new water pipeline from the South Fork of the Shenandoah River. The recorded roll call vote was taken as follows:

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

Absent - None

Vice-Mayor Peterson offered a motion to set a public hearing date of December 12, 2000 regarding incurring debt for the Bridgewater College land. The motion was approved with a unanimous vote of Council.

Charles Chenault, a member of the Parks and Recreation Commission, presented a recommendation of the specific management structure for the golf course as request by City Council on September 26, 2000. He said this issue was discussed at a special called meeting of the Parks

and Recreation Commission held Monday, November 6th at the Community Activities Center. He said that the Parks and Recreation Commission recommended to City Council that we establish the golf course operation as an enterprise fund with a golf course manager and a course superintendent who would report directly to Director of Parks and Recreation Paula Gucker and that the golf course be operated as part of the Harrisonburg City Parks and Recreation Department. Mr. Chenault said that the golf course is a recreational facility with an unusual distinction because of its extraordinary cost. The Parks and Recreation Department has performed extraordinarily during the construction of the golf course. Mr. Chenault stressed the commission was best prepared to balance the need to run the golf course at a profit, and provide a recreational opportunity for the citizens of Harrisonburg. Following a lengthy and emotional debate, Council Member Fitzgerald offered a motion to table a decision on management of the golf course. The recorded roll call vote was taken as follows:

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

Absent - None

City Manager Baker presented a brief report concerning a contest to select a 'Welcome to Harrisonburg' sign. He suggested this would be a great community project and that OASIS has agreed to judge the contest. He encourages businesses to help fund the project. Anyone interested in the contest should submit a sign on an 8 ½" x 11" sheet of paper by December 31th to the City Manager's office. Council Member Fitzgerald offered a motion to endorse this contest. The motion was approved with a unanimous vote of Council.

City Manager Baker presented a brief report on the development of Stone Spring Road to Erickson Avenue. He explained that preliminary engineering for this connector was completed by Mattern & Craig in December 1999. Funds are available to proceed with pre-construction drawings so we can purchase right-of-way for this project. Council Member Lantz offered a motion to proceed with the development of Stone Spring to Erickson Avenue Connector. The recorded roll call vote was taken as follows:

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

Absent - None

City Manager Baker presented for Council consideration of a request by the Shenandoah Valley Track Club (SVTC). He explained that the club, in conjunction with the Shriners Hospital for children and JMU's Men and Women Track Program, is sponsoring a 10 Mile/5K (Running

Race) to be held on Sunday, November 4, 2001. These groups will establish the organization of the race and will provide a number of volunteers to help conduct the event. In order for the event to be promoted and advertised in magazines it is necessary to receive City Council approval now. Council Member Fitzgerald offered a motion to approve this event. The motion was approved with a unanimous vote of Council.

Police Chief Harper presented for Council's consideration an application from Sandra F. Eppard applying for a Certificate of Public Convenience and Necessity to operate Sandra's Transit. He explained that Ms. Eppard would like to operate a transit service in Harrisonburg providing transportation to daily appointments, doctor's appointments, dialysis treatments and shopping trips. Colonel Harper said that the Police Department has completed the background check for the application and recommended issuing the certificate. Vice-Mayor Peterson offered a motion to approve a Certificate of Public Convenience & Necessity for Sandra's Transit for five (5) years. The motion was approved with a unanimous vote of Council.

City Manager Baker announced that a request from Goodtimes Restaurant for a dance hall permit should be tabled until the next meeting.

City Manager Baker presented a request from the Retail Merchants Association. He explained that the association has requested blocking the streets around Court Square on Friday, November 24th at 6:30 p.m. as part of the tree lighting ceremony and Christmas concert. Rockingham County has reviewed this request and given permission for the event to be held. Mr. Baker recommended that Main Street be left open as it has been in the past and only closing three streets around the Court House. Vice-Mayor Peterson offered a motion to approve the request. The motion was approved with a unanimous vote of Council.

Director of Parks and Recreation Gucker explained that the Harrisonburg Parks and Recreation Department, Rockingham County Parks and Recreation Department and the Downtown Merchants Association are sponsoring the annual Christmas Parade to be held on Friday, December 1, 2000 at 7:00 p.m. The parade will begin this year at the monument at the intersection of South Main Street and Liberty Street ending at the corner of Gay and North Main Streets at the Rockingham County Administrative Complex. Mrs. Gucker reviewed the following streets that are requested to be closed: Main Street from Cantrell Avenue to Gay Street, Liberty Street from Bruce Street (HEC) to the monument on South Main Street, the westbound right hand lane of Cantrell Avenue from Mason Street to South Main Street, staging the rescue vehicles. Council Member Fitzgerald offered a motion to approve the request. The motion was approved with a unanimous vote of Council.

Director of Public Transportation Smith presented a request for a supplemental appropriation to purchase two (2) Dupont trolley buses. He explained that the total bid is \$498,000, 95% state funds of \$473,000 with the City providing 5% local match at \$24,900. The delivery of the two (2) trolley buses is expected 90 days from placing the purchase order. He also explained that the transit colors of blue and white will be painted on the trolley buses. Council Member Lantz offered a motion to approve this request for a first reading:

- \$ 24,900.00 chge. to: 1000-31010 Amount from fund balance
- \$ 24,900.00 approp. to: 1000-990111-49270 Transfer to Transportation fund

\$ 24,900.00 chge. to: 2013-34210 Transfer from General Fund  
\$473,100.00 chge. to: 2013-32518 Transit Capital Grant Buses - State  
\$498,000.00 approp. to: 2013-872081-48253 Transit Buses

The recorded roll call vote was taken as follows:

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

Absent - None

George Rontopoulos commented that the City has a very serious drug problem and has been labeled as a major distribution center. He expressed his concern about several groups and organizations that are undermining all the good things that have happened in the City. He also said that the Police Department has to spend too much time dealing with college students rather than patrolling the streets of Harrisonburg and conducting police work.

Hank Dunton suggested that it was inappropriate for a Council Member to attend a Harrisonburg Electric Commission meeting and suggest nominees or try to influence the commission's list of nominees for the Harrisonburg Electric Commission Board.

Council Member Fitzgerald commented that because of a lack of clarity in the City Code, an issue had been created concerning the number of nominees that Harrisonburg Electric Commission should have submitted and suggested that perhaps City Council should ask for two more names. He also said that it was his opinion in interpreting the City Code that Harrisonburg Electric Commission should provide a slate of three names for each opening on the commission. Mr. Fitzgerald said that "Common sense and human nature suggest that similar conversations between Council and commission members have taken place in a less public light. Dr. Peterson's conversation instead at the Harrisonburg Electric Commission meeting was straightforward, above-board, and in an open and honest fashion." Because an issue has been made of this list provided by HEC, Council Member Fitzgerald offered a motion that City Council request two more nominees be added to the list and then move forward with the appointments.

Council Member Lantz noted that there are five members on City Council and this issue was not open and above-board because neither he nor Council Member Rogers was consulted on this issue. He also noted that City Manager Baker was not consulted. Mr. Lantz charged Vice-Mayor Peterson with building distrust with the way he handled the HEC situation. Mr. Lantz said, "We agreed at the retreat that we would keep all members of Council apprised of all actions being taken and yet this issue which requires a vote of all of the Council Members was not discussed with everyone on Council." Mr. Lantz read an excerpt from the City Code which states, "Vacancies on the commission shall be filled by appointment by the Council from a list of three (3) nominations." It also states that Council shall either make the appointment from such list of nominees, or request an additional slate of three (3) nominations." Mr. Lantz pointed out to Mr. Peterson that it states 'Council' and that he alone was not the entire Council. All five elected members comprise

Harrisonburg City Council. Council Member Lantz also commented that hopefully this was a learning experience and that everyone on Council in the future would be consulted on these matters.

City Attorney Miller said that a poorly worded City Code with “much ambiguity in it” was a significant factor in Peterson’s request to the Harrisonburg Electric Commission for two more nominees. Both Council Member Rogers and Council Member Lantz commented that it would be a mistake to request any new nominations from HEC prior to amending the City Charter to clarify this ambiguity.

Vice-Mayor Peterson said “I do not know many elected officials who are expected to appoint their opponents.” He replied that, “Part of winning the election was to put in place a different set of voices on these boards and commissions. I don’t see us appointing the same set of people that would have been appointed if we had lost the election. I can accept that the right way to have done it would have been to bring it up with Council as a whole. I will credit that mistake to inexperience. I do not agree that it was an unethical request.”

Following further discussion and comments, Council Member Fitzgerald offered a motion requesting that Harrisonburg Electric Commission provide two additional names to be considered for appointment to the commission. The recorded roll call vote was taken as follows:

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

No - Council Member Lantz  
 Council Member Rogers

Absent - None

Janice Fitzgerald commented that it was time to remove from the discussion the numbers of candidates and openings and the bantering back and forth between the City Council and HEC and instead talk about ethics. She said, “We don’t get into discussions about candidates that will come before us to be voted on.” It is not complicated. The precedent has been set in City of Harrisonburg for the process to name people to the Harrisonburg Electric Commission. She reminded Council that everyone on City Council should have been consulted concerning the nominees for the electric commission. She said she cares about the City and would like to see everyone including citizens and Council move on.

Barry Hensley suggested that since Harrisonburg Electric Commission was set up as an independent commission, Council should not make decisions about how the commission should operate in the future. He suggested that Council ask the Harrisonburg Electric Commission board members what they wanted and if they would be willing to serve as commissioners if the appointing nomination process is different from what it now is.

At 11:15 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for discussion and consideration of persons to be appointed to the Harrisonburg Planning Commission,

Harrisonburg Parks and Recreation Commission, Harrisonburg Redevelopment and Housing Authority, Harrisonburg Building Code Board of Appeals, Harrisonburg/Rockingham ASAP Commission, and the Harrisonburg Social Services Advisory Board. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.1 of the Code of Virginia (1950), as amended (the Code).

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 were convened, were heard, discussed or considered in the closed session by the City Council.

Vice-Mayor Peterson offered a motion that Michael G. Wong, 447 Northfield Court, be appointed to a second term on the Harrisonburg Redevelopment and Housing Authority to expire on November 29, 2004. The motion was approved with a unanimous vote of Council.

Council Member Fitzgerald offered a motion that Rory DePaolis, 440 East Wolfe Street, be appointed to a first term on the Harrisonburg Parks and Recreation Commission (East) to expire on December 31, 2004. The motion was approved with a unanimous vote of Council.

Council Member Fitzgerald offered a motion that Commonwealth Attorney Marsha Garst be appointed to the Harrisonburg-Rockingham Alcohol Safety Action Commission. The motion was approved with a unanimous vote of Council.

Vice-Mayor Peterson offered a motion that David Wiens, 1520 College Avenue, be appointed to a first term in the Harrisonburg Planning Commission to expire on December 31, 2004. The motion was approved with a unanimous vote of Council.

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

  
CLERK

  
MAYOR