

REGULAR MEETING

DECEMBER 12, 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.

Mayor Frank delivered the invocation and 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 increasing the Data processing budget and a Supplemental Appropriation for the School Board. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Mayor Frank

Absent - None

City Manager Baker presented the following resolution for Council's consideration of approval and a request from the Virginia Quilt Museum to be exempt from local taxation. He noted that the Virginia Quilt Museum had responded to the questions that the state code requires to answer as part of the consideration for receiving tax exempt status. The final decision rests with the General Assembly.

RESOLUTION

WHEREAS, the Virginia Quilt Museum, a Virginia non-profit corporation (hereinafter referred to as Corporation), has requested the City Council of the City of Harrisonburg, Virginia to adopt a resolution supporting its request to the General Assembly to designate the property of the Corporation exempt from taxation pursuant to Article X, Section 6(a) of the Constitution of Virginia; and

WHEREAS, the City Council of the City of Harrisonburg held a public hearing concerning the request of the Corporation, pursuant to Section 30-19.04 of the Code of Virginia, 1950, as amended, on December 12, 2000; and

WHEREAS, pursuant to Section 30-19.04(B) of the Code of Virginia, 1950, as amended, the City Council has examined and considered all of the questions as set forth in said section;

NOW, THEREFORE, in compliance with Section 30-19.04 of the Code of Virginia, 1950, as amended, BE IT RESOLVED that the City Council, after examining and considering all of the questions as set forth in the above referenced section, supports the request of the Corporation and recommends to the General Assembly that the Corporation be exempted from taxation with a specific classification of cultural. That the assessed value of all property owned by the Corporation in the City of Harrisonburg for the year 1999 was \$0.00 and the taxes paid to the City for the year 1998 was \$0.00.

ADOPTED AND APPROVED this 12th day of December, 2000.

MAYOR

ATTEST:

CLERK OF THE CITY COUNCIL

At 7:36 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 Tuesday, December 5, 2000.

CITY OF HARRISONBURG

NOTICE OF PUBLIC HEARING

Please take notice that on December 12, 2000 at 7:30 p.m. in the City Council Chamber, 345 South Main Street, Harrisonburg, Virginia, the Harrisonburg City Council will conduct a public hearing, pursuant to Section 30-19.04(B) of the Code of Virginia, 1950, as amended, concerning a request by The Virginia Quilt Museum, a non-profit corporation, for exemption from local taxation. The assessed value of all property owned by The Virginia Quilt Museum in the City of Harrisonburg for the year 1999 was \$0.00 and the taxes paid the City for year 1998 was \$0.00. Public comments on the proposed exemption--which would be granted by the Virginia General Assembly--are invited and all citizens shall have an opportunity to be heard. Further information is available from the City Manager s Office at 345 South Main Street, Harrisonburg, Virginia between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

Roger D. Baker

City Manager

Mayor Frank called on anyone to speak either for or against this tax-exempt request.

Agnes Weaver, President of the Virginia Quilt Museum, thanked City Council for donating the building for the Virginia Quilt Museum. She said that under the leadership of Director Joan Knight, the museum has been a phenomenal success attracting approximately 5,000 visitors a year. The museum had been awarded a grant to hire an historic architect to conduct an assessment of the building for renovation. 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 resolution and make a recommendation to the General Assembly that the Virginia Quilt Museum be approved for tax exempt status. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Mayor Frank

Absent - None

City Manager Baker presented for Council's consideration approving the proposed financing of 48.265 acres of land by Bridgewater College. Mr. Baker said they have discussed this issue at several Council meetings; however, before the City can incur debt they must hold a public hearing. Bridgewater College will finance the purchase for five years at 8% interest with the principal due at the end of the five-year period.

At 7:40 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, November 27, and Monday, December 4, 2000.

NOTICE OF PUBLIC HEARING ON PROPOSED
FINANCING OF APPROXIMATELY 48.2 ACRES
OF LAND FOR RECREATION PURPOSES
IN THE CITY OF HARRISONBURG, VIRGINIA

Notice is hereby given that the City Council of the City of Harrisonburg, Virginia (the Council) will hold a public hearing on the proposed financing by the City of Harrisonburg, Virginia (the City), for the purchase of approximately 48.2 acres of land. Financing in the amount of \$800,000 will be provided by Bridgewater College for a period of five (5) years at 8% interest payable annually with the principal due at the end of the five (5) year period.

The public hearing which may be continued or adjourned, will be held at 7:30 p.m. on Tuesday, December 12, 2000, before the Council in the Council Chambers on the first floor of the Municipal Building at 345 South Main Street in Harrisonburg, Virginia 22801. All persons interested will have the opportunity to express their views at this public hearing.

Any individual requiring auxiliary aids, including signers, in connection with this 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 to speak either for or against the financing of 48.265 acres of land by Bridgewater College. There being no one desiring to be heard, the public hearing was declared closed at 7:41 p.m., and the regular session reconvened. Vice-Mayor Peterson questioned what benefit it would be to the City to borrow the money at 8% rather than using City money at a lower interest rate. He said why Can t we take money out of a saving account at 5% instead of paying 8% to Bridgewater College. City Manager Baker noted that Finance Director Seal projected that over a five-year period if the \$800,000 loan was invested at the current rate of return at compound interest, then the loan will earn an additional \$2,200. Council Member Lantz noted that prepayment can be made anytime. Council Member Lantz offered a motion to approve the financing of this property. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

No - Council Member Fitzgerald

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request to consider a comprehensive rezoning of a portion of the Old Town area from R-2, Residential District to R-1, Single-Family Residential. In addition, Mrs. Turner also introduced an amendment of the Comprehensive Plan Land Use Guide for a portion of the Old Town area, from Neighborhood Residential and Professional designation to Low Density Residential and explained that since both of these issues are related she would only give one staff report on both issues. She said that the area extends generally east to west between Ott Street and Mason/Federal Street and north to south between Newman Avenue and Grattan Street. The Comprehensive Plan designates the Old Town area as Neighborhood Residential and Professional. The Neighborhood Residential designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older neighborhoods, which can be characterized by large housing units on small lots. The professional designation states that these areas are suitable for commercial development, but need careful controls to ensure compatibility with adjacent land uses. 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. She said that this area contains a mixture of zoning classifications and dwelling uses. A review of the history of this area's zoning shows the majority of the area was zoned to R-2 in 1963 when the current R-1 through R-3 zoning designations were implemented. The area to the west of Mason Street was zoned R-3 in 1963, changing to R-2 in 1969. The residents of this area have been concerned over conversion of single family homes to multi-family since the 1970's. Since then, the zoning ordinance has been amended several times in attempts to address these concerns while still permitting the flexibility of multiple units and occupancy by groups. The last change occurred in 1998 which took the number of people, who could live in a dwelling unit by right, and changed it to allow four people living other than a family only as a special use permit use. The City of Harrisonburg's Zoning Ordinance states that R-2 single-family parcels shall have 7,000 square feet and two-family lots shall have 5,500 square feet/unit, while R-1 requires 10,000 square feet. Of the total 208 lots in the area under consideration, 162 are conforming as to size and 46 are nonconforming. Under the proposed R-1 zoning, 133 would not meet the 10,000 square foot lot area requirement for R-1 lots; however, 75 would be conforming lots under the R-1 zoning classification. Mrs. Turner noted that the setbacks between R-2 and R-1 are very similar. A lot of the houses located in the area do not currently meet the R-2 zoning classification set-back requirements. Within the total area under consideration for comprehensive plan amendment and rezoning there are approximately 208 total lots and 180 structures used for dwelling purposes. Of this total, 107 owners of lots and 91 owners of structures have signed the petitions for the changes. This represents 51% of lot owners and 50.5% of structure owners. This total area contains approximately 43.9 acres of land area (not including streets and alleys). Owners of 23.5 acres (53.5%) have signed the petition for the changes for the total area. However, with the recommended boundary change there are 160 total lots and 137 structures used for dwelling purposes. From that total, 99 are owners of lots and 84 are owners of structures, who signed the petition to rezone. This represents 62% of lot owner and 61% of structure owners. The new boundary area determined for staff's recommendation contains approximately 35 acres of land area. Property owners who signed the petition made up approximately 22 acres or 62% of the new boundary area outlined by Staff. Mrs. Turner explained that nonconformance is defined in the City's zoning ordinance definitions as a building or land that was lawful at the time the zoning ordinance was originally enacted, but because of subsequent amendments to the zoning ordinance or changes to the zoning classification of that property, it is no longer permitted on that land. Section 10-3-20 of the Zoning Ordinance, as well as the State Code, provides that a nonconforming use may be continued until the use is "discontinued or its normal operation stopped for a period of twenty-four consecutive months or more. The ordinance also provides that nonconforming uses cannot be extended, enlarged, reconstructed or structurally altered except in conformity with the zoning ordinance or when the enlargement does not compound the existing violation. She said that Staff noticed that a lot of people who owned property on the west side of Mason Street did not sign the petition in favor of the rezoning. This area contains less single family lots and

has more rental occupied property on the west side of Mason Street than the east side of Mason Street. There are also more apartment buildings with greater number of units located in the area. In 1969, this area was rezoned from R-3 to R-2 so historically before 1969 this area had been zoned R-3, which was different from the remainder of the neighborhood. Staff recommended rezoning the area from the east side to Ott Street, but leaving the west side of Mason Street in the R-3 zoning classification. Lot owners with lots of 11,000 square feet or more that are not currently developed as duplexes will be the most negatively impacted by the rezoning. This is because with the current R-2 zoning they could develop duplexes or renovate an existing single family structure to a duplex. If rezoned to R-1, this option would no longer be available. Of the total 208 lots in the area under consideration, 47 contain 11,000 square feet or more. A count of the number of these lots currently developed with duplexes was not able to be determined. Within the area, staff is recommending for approval, there are 160 total lots and 41 of these contain 11,000 square feet or more. Owners of 26 of these 41 lots have signed the petition in favor of the changes. The number of lot owners and the percentage of dwelling owners who are in favor would increase with the new boundary. Mrs. Turner said that Planning Commission had expresses concern about the people who owned lots in the area that contained the 11,000 square feet or more because they would have the ability to convert over to duplexes in the future. Planning Commission asked staff to conduct a survey to find out what these property owners were currently doing with their properties. She reviewed the results of the survey. Staff recommended that the Comprehensive Plan designation be changed to Low Density Residential and the rezoning be approved to be amended to R-1 to the east of Mason Street area. She said that Planning Commission has recommended approving the rezoning request for the area to R-1. However, Planning Commission indicated they would prefer that City Council appoint a committee to study the zoning in the area and instead of amending the Comprehensive Plan looking at the zoning classification, to determine if there is a better zoning classification for the neighborhood.

At 8:05 p.m., Mayor Frank 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, November 27, and Monday, December 4, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, December 12, 2000, at 7:30 p.m. in the City Council Chambers at the Municipal Building, 345 South Main Street, to consider the following:

REZONING

Public hearing to consider a comprehensive rezoning of a portion of the Old Town area (tax map parcels: 16-D-5 to 17, 25-M-9 to 28A, 25-N-10 to 15, 26-E-8 to 13, 26-F-8 to 13, 26-I-0 to 14, 26-K-10 to 13 & 16 to 19, 26-L-1 to 13, 26-N-1 to 12, 26-O-5 to 18, 26-P-8 to 16 & 18 to 39 & 41 to 54, 26-R-1 to 11 & 18 to 25, 26-T-1 to 14 & 20 to 27) from R-2, Residential District to R-1, Single-Family Residential. This area is located generally east to west between Ott Street and Mason/Federal Street and north to

south between Newman Avenue and Grattan Street.

The R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq.ft/unit. The R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The residential density ranges for the R-1 district is 10,000 sq. ft minimum.

The Comprehensive Plan designates this area as Neighborhood Residential and Professional. The Neighborhood Residential designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older neighborhoods, which can be characterized by large housing units on small lots. The Professional areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses. These properties are subject to the previous proposed Comprehensive Plan Amendment.

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

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

**CITY OF HARRISONBURG
Baker**

**Roger D.
City Manager**

Mayor Frank called on anyone desiring to speak for or against considering a comprehensive rezoning of a portion of the Old Town area from R-2, Residential District to R-1, Single-Family Residential.

Les Bolt, a resident living at 255 Campbell Street, said that he has seen a lot of changes in the 20 years he has lived on Campbell Street. The characteristic of the neighborhood during the last 20 years has become more of a single family residential neighborhood. There is a lot of R-2 in the neighborhood, which is not appropriate, nor is R-1 as it stands now. He said he would like to see some stability in the neighborhood and to fix it true to the characteristic of the neighborhood. He urged City Council to make the change moving from R-2 to R-1.

Pat Sweet, a resident living at 488 South Mason Street, said that he was in favor of the rezoning request of the neighborhood to R-1 status. He said that the move to change to R-1 started with the residents of Paul Street getting a petition, which had signatures from Grattan Street and Newman Avenue. This is important because in the past years, it was the families on South Mason Street, which started the movement for zoning changes. It appears that the problems on South Mason Street are creeping throughout the neighborhood. He said that they needed City Councils help in preserving and increasing home ownership in the City only Old Town neighborhood district. We need to be aware of the problems with the current R-2 zoning in Harrisonburg before trying to make changes. The overabundance of rental opportunities has hurt home ownership in this City. People who own homes want to live next door with people who own homes. As much as the City staff needs to concern themselves with undeveloped land in the City for future home ownership, it is more important to concentrate on the existing neighborhoods to reduce rental opportunities and increase home ownership and prevent the mass exit to the County for homeowners. Old Town has a substantial homeowner base, approximately 70%, and the mixed-use R-2 zone will still allow for future rental opportunities. Overall, mixed use is a failure about home ownership. Renters beside homeowners do not work. Old Town is on a tract to be designated a historical neighborhood site. The City needs to preserve neighborhoods for aesthetics as well as for family purposes.

Shelley Baker, a resident living at 281 Paul Street, said that her family enjoyed living down town, walking to First Night and Kline Dairy. The homes in Old Town have architectural and historical values and it is long overdue to preserve and restore the neighborhood. Rezoning to R-1 would encourage more single-families to buy these homes and maintain or restore them. She said that some landlords only do what maintenance is absolutely necessary and many homes fall into a sad state of disrepair. Speeding vehicles and lack of parking are ongoing problems in Old Town. Maintaining a strong single-family neighborhood would enhance the downtown revitalization effort by making the area a more desirable place to visit and live in. Businesses would be attractive to downtown because of the nearby permanent residents and the quality of the neighborhood. Making Old Town a strong single-family neighborhood versus a traditionally transient R-2 neighborhood, will give our elementary school the strong basis it needs to thrive. Each single family that buys and restores an Old Town home is probably one less that buy outside the City limits. There have been long debates about the rezoning of Old Town and some arguments against rezoning are very convincing, but the fact is that the majority of the property owners are in favor and want this change. It is now time to move ahead and to do what is right for these residents, for our downtown, for Spotswood Elementary School and for the entire City.

Cathy Slusher, a resident living at 520 South Mason street, said that it is a privilege to live in the Mason House which was built in 1916 on Mason Street. The area is a neighborhood of families and needs to remain a neighborhood of families. She said that, Every afternoon in our yard there is a youth club of young people who love playing together. To preserve the family nature and structure and the beautiful homes, she urged City Council to change the rezoning to R-1.

Cullen Sherwood, a resident of 120 Ott Street, said that he had spoken before about the many problems the neighborhood has with renters including trash, heavy traffic, noise, and broken glass in the street. This area has a lot of rental property and there doesn't seem to be a shortage of rental property in the City. However, there does seem to be a shortage of single-family dwellings within the City. The Old Town area has been designated a historic zone. Many people that live there have a great deal of pride in the area. He said that he was in favor of the R-1 rezoning.

George Heishman, a resident living at 567 South Mason Street, said at this time the rezoning did not concern his side of the street, but he hoped in the future it would involve his side. He said that he has travel to a lot of Cities in the Country and this part of Harrisonburg is more unique than any of those Cities. It is a treat to live in a beautiful part of the world. He noted that some renovations made to dwellings for multi-family probably did not have the proper permits. The results from a lot of the renovations have been over crowding, lack of parking facilities, increase in noise and trash excess in the neighborhood. He said that, Some landlords only did the renovations for greed not investment. Mr. Heishman said, AI say to you (the landlords) what did you care when you renovated these buildings, did your care about the neighborhood, did you care about the community or did you care about the history of the area. I doubt it because you only care about the cash flow. There is a small fungus growing in the area and now is the time to stop it. He encouraged City Council to rezone it to R-1.

Robert J. Sullivan, Jr., read the following statement: Mayor Frank and Members of City Council, I am Robert J. Sullivan, Jr., a Harrisonburg native; my wife Kathleen and I are owners of a single family home at 65 Paul Street. We have lived there for almost 22 years and our five children grew up there. It is my understanding the properties west of South Mason Street are not being considered for rezoning tonight.

Last month on November 8th, I attended the Planning Commission's meeting at Thomas Harrison Middle School and was surprised to hear a recommendation from the Planning Staff that my property and all others west of South Mason Street be rezoned from R-2 to R-3 Multiple Dwelling District!!! Fortunately, that recommendation failed to get the support from the Planning Commission.... I bring this to your attention because it bothers me very much that a few investors came up with that idea, took it to the Community Development Office and persuaded the staff recommend the R-3 zone! We single-family home owners were not approached!!!

Concerning the rezoning proposal that is before you tonight, my position is to express support for rezoning the properties east of South Mason Street from R-2 Medium Density Residential to R-1 Single Family Residential...

One of the reasons for supporting the proposed R-1 zone is historic in nature.... On May 2, 1939, the Harrisonburg City Council, 61 years ago, adopted the City's first Zoning Ordinance and Zoning Map, and in the southeast section of Town, the homes and vacant lots east of South Mason Street plus the new hilltop street, Ott Street, were zone "A-1" Residential. Both sides of South Mason Street and all homes and vacant lots west of South Mason Street all the way to the west side of South Liberty Street were zoned AA-2" Medium Density Residential.

I have brought the 1939 Zoning map with me tonight (which I have displayed on the bulletin board)....

During the past 61 years, City-wide zoning ordinance and zoning map reviews have occurred periodically.... The southeast section is divided into three residential Zoning District.... R-3, R-2 and R-1.... Tonight's rezoning proposal will leave the R-3 Multiple Dwelling District as is, it will reduce the R-2 Medium Density Residential District and it will increase the R-1 Single Family District.... This proposed change just may encourage the home owners to stay in the neighborhood for many years to come.... It may encourage those who rent properties to rent them to families or young professional couples or to senior citizens!!!

As an obviously older neighborhood, diversity of population, relatively high density of population, a variety of housing styles and a broad range of assessed property values, and our close proximity to other activities and functions such as Rockingham Memorial Hospital, James Madison University, the Elk's Lodge, several churches, Woodbine Cemetery, the Public Library and the Central Business District, are all important reasons that our portion of Harrisonburg simply must survive for the benefit of its present and future residents and for the benefit of the entire City!!!

Jane Jacobs, author of the book entitled The Death and Life of Great American Cities, observed that successful urban neighborhoods must have relatively high density of population, more than one primary function, a variety of building styles and ages of those buildings, and short City blocks....

Jane Jacobs would admire the section of Harrisonburg that I have been talking about tonight!!!

Thank you for this opportunity to speak during this Public Hearing....

Bonnie Paul, a resident living at 724 Ott Street, said that she owns a duplex on the corner of Mason and Paul Street, which is surrounded by rental properties. She said that she was opposed to rezoning the area to R-1 primary because I believe the neighborhood is stabilized and should remain as it is until there is a reason justifying some change. She also said that her family owns a house at 504 South Mason Street, which has been in the family for 100 years. She has been remodeling the duplex, doing some landscaping, but the use of

the duplex is nonconforming as it relates to the number of people living in it. Nonforming means we will be subject to rules and regulations.

John Hull, a resident living at 252 West View Street, said that he was passionately opposed to down-zoning Old Town Harrisonburg to R-1. He said that, I am in favor of setting up a committee to find a new zoning classification for Old Town that conforms to the neighborhood and addresses the concerns of all its citizens and property owners. I hope to convince the City Council that R-1 is inappropriate for Old Town. It will not reduce the current student population or do anything to reduce the problems of noise and trash that come with students. R-1 will not eliminate or reduce the current student population. Nor will it teach, or motivate the use of, manners. It will not resolve the problem. It will reduce property rights of virtually every property owner in the neighborhood by making, for all practical purposes, the entire neighborhood nonconforming. The Old Town neighborhood is inconsistent with the stated purpose of R-1 zoning. It will reduce the vested rights of property owners. Down-zoning would unjustly limit the rights and remedies of property owners in Old Town. Down-zoning will disturb what is now a logical buffer between zoning districts. The purpose of an R-1 District which he quoted from, (Section 10-3-31 of the Harrisonburg City Code), is intended for low-density, relatively spacious single family residential development and for areas where such development is likely to occur in the future, with certain governmental, educational, religious, recreational and utility uses, subject to restrictions and requirements necessary to ensure compatibility with residential surroundings. No future development is likely to occur. Old Town, for all practical purpose is fully developed. There is likely to be little development in the future. The zoning flows from Industrial to Business to R-3 to R-2 (the subject neighborhood) to R-1. With the proposed change the zoning would jump from R-3 to R-1. The rights and remedies for Old Town are confusing and the property rights of all the citizens of Old Town will be reduced. He also said that the recommendation of the Planning Commission lacks conviction.

Margaret Haynes, a resident living at 1140 Hillcrest Drive, said that she also owns a duplex located at 290 and 292 Campbell Street. She said that the duplex is rented to professional people, she has not and does not intend to rent it to students. The Old Town neighborhood is an example of the quintessential R-2 neighborhood as defined by the City Code. There are small lots with large houses and on-street as well as off-street parking. The neighborhood was created with mixed housing. It was never intended to be R-1 density with only single-family housing. That is why there are so many apartments houses and duplexes that were originally built to serve multi-housing rental needs. The Old Town neighborhood suffers from an on going problem with student rentals. She said that she was sympathetic to the residents of this wonderful old neighborhood, but zoning is not a useful tool to deal with behavior problems by a specific class of citizens. She also said, AI hope that each of you will vote to deny the request for R-1 zoning and direct the Planning Department to move forward on designing a new classification that preserves all buildings in the neighborhood that are functioning as they were originally built. Single family houses should not continue to be converted into students housing. Please do not turn this neighborhood into something it has never been, was not meant to be and really will be. Let s preserve the uniqueness of this neighborhood, it is the only one like it is Town. Let s preserve the integrity of the current classification and keep Old Town as an R-2 designation until a joint committee can establish a more appropriate classification that will meet the needs of most property owners.

Glenn Loucks, a resident living on North Main Street, said that he was opposed to rezoning these properties from R-2 to R-1. He said people are calling the area a single family neighborhood, but it has never been a single-family neighborhood. He also said that R-1 and R-2 probably aren t the right classes for this area, but we need to find a class that will work for the area. He urged City Council to come up with a real zoning class that will fit the historic area. A majorities of the properties don t fit into the R-1 classification. Approximately 75% of the properties will be nonconforming use. Its no secret that the primary motivation is to down zone and limit poor behavior problems of the students. Nevertheless, zoning is not used as a tool to change behavior. He said that he would like things to become stable in the neighborhood.

John Wood, a resident living at 1140 Hillcrest Drive, said that he has lived in Harrisonburg for 40 years. The matter of nonconforming sounds like a neutral term, but when you read the code it links nonconforming with the phenomenal which is in the code of existing violation. Making a change to R-2 now is premature to make an R-1 designation now.

Barry Kelly, a resident living at 272 Franklin Street, said that he was a bad student 20 years ago, but now he was a product of greed. He said many changes have occurred on Franklin Street during the last ten years. The right to change from multi-dwelling back to single family use will be taken away with the proposal of making a change from R-2 to R-1. He said that he would be willing to work on a committee to discuss these changes.

Vice-Mayor Peterson read the following letter from Don E. and Mary L. Krueger: We will not be in attendance at the public hearing to be held this evening concerning the referenced matter, but desire to offer the following in opposition to the proposed rezoning of the Newman Avenue portion of the area proposed for rezoning. In an effort to be concise we will attempt to highlight our concerns as follows:

1. Nothing has changed on Newman Avenue to even hint that a change in zoning is either desirable or necessary. To the contrary, the City began to change the character of the street when it widened same to improve ingress to and egress from downtown. Also, the rezoning of the western half of the block to B-2 has changed the complexion of the neighborhood from family residences to business offices.
2. The percentage of property owners on Newman Avenue who signed the petition requesting the rezoning is only 25 percent, obviously a small minority. This speaks for itself regarding the wishes of Newman Avenue homeowners.
3. We have resided in our home for more than 25 years and, contrary to an exhibit presented at the second Planning Commission public hearing, have never rented a room to anyone. Having reached retirement age, which will result in static income and increasing medical costs, we desire to retain this ability to supplement our income.

There are two thoughts regarding the overall rezoning. First is the question as to why the Council would desire to make more than 90 percent of the lots within the area under consideration non-conforming, since they will not have the frontage required for the R-1 zone. If a catastrophe resulted in the destruction of one or more of these non-conforming homes, what problems or obstacles will face homeowners trying to replace their dwelling?

Secondly, the idea of providing rooms for JMU students has, in effect, been given tacit approval by the City since we have lived here. In 1975 the JMU enrollment was approximately 3,000, today it is approximately 16,000. In those twenty-five years there has been no action taken to request that the State government control enrollment until housing was available on campus. Even private enterprise has not been able to keep up with the growth.

We believe that the existing R-2 zoning of the Newman Avenue portion is a good transition zone from the B-2 zone on the western half of the block to the R-1 zone on Ott Street. In closing, we respectfully request that the Council take a look at the Newman Avenue portion of the proposed rezoning. We would submit that this area is not appropriate for R-1.

Vice-Mayor Peterson read the following letter from Lowell W. Miller. To the Harrisonburg City Council, I had a prior commitment and will be unable to attend the City Council public hearing on the change of the Comprehensive Plan and rezoning of the area called Old Town.

My wife and I own a duplex at 261 East Grattan Street which we have owned for approximately 25 years. I oppose the change in the Comprehensive Plan and rezoning. Let me mention several reasons why this area should not be rezoned. I have some familiarity in such matters since I have been in the real estate business in Harrisonburg for over 46 years.

- 1) The area was not developed as a R-1 type area.
- 2) The area was never intended to be a R-1 type area.
- 3) It is not, by character or by any stretch of one's imagination, a R-1 zone.
- 4) Even some people in Old Town who are proposing the change, admit R-1 is not a proper zone for it.
- 5) The rezoning will make the usage of many properties in the area non-conforming and this is not good planning.
- 6) R-1 zoning is not in conformity with the present Comprehensive Plan which was the result of many months of study, not a decision made in one evening.
- 7) This rezoning request was presented to the Planning Commission at its September meeting. The same night it was presented, the Planning Commission voted to propose to change the zoning. The Planning Commission made a decision in one evening without hearing one word from those who oppose the plan or may have alternative plans to offer. They even decided to work it so the petitioners did not have to pay the \$300 application fee. Let me read you several comments from the minutes of that meeting. I won't mention who made the remarks. That is a part of the minutes.

....does not want to sideline this movement, because there is an impetus here that is valuable

....there is momentum here

....does not want to slow any of these folks down over a \$300 application fee

....does not think we need the \$300 that bad

When this matter came to public hearing, as far as the Planning Commission was concerned, it was a done deal. Of course two members of the commission live in Old Town. For the Planning Commission, the good old boy system of doing business is still alive and well.

Now before I convey the wrong impression, I want to make it clear that I have commended and do commend the people in Old Town for taking an interest in improving their area. I just disagree with their methods, that is to make the change at potentially great expense to others owners in the area. Instead of trying to work with all owners in the area, the Old Town Association has had an attitude of no negotiation. They say they want to preserve the neighborhood, when actually they want to change the neighborhood, but not at their expense, but at the expense of owners of rental property.

Let me tell you about my property. It was built about 55 years ago as a duplex and it has always been used as a duplex. When it was built, it appears that it met all requirements of City ordinances. Neither my wife nor I, have a company pension and so we have purchased several properties for retirement income. This you might say is one of our pensions. When we purchased this property about 25 years ago, we had the title checked and it was clear. So far as we could determine, the property still met all City requirements.

Beginning in 1985, portions of our property (our pension) have been taken away from us. Now, I know you are thinking that I still own my property. Well, I really only own part of what I purchased. When you buy real estate, you don't just buy a pile of dirt. Real Estate ownership is described as a bundle of rights. Let me explain by example. You may not own mineral rights. Some people in the Elkton area own property where the right to mine, I think it was manganese, was sold off. In west Rockingham County some people sold off gas & oil rights. Someone may have a right of way across your property. You may have a clear deed for a lot that is considered a wet land, but you virtually own nothing because you can do little, if anything, with it. We have not sold any of our rights, but some of our rights, parts of our property, have been taken away from us in 1985, 1987, 1989 & 1998. Each time this was at the insistence of Old Town residents. I had mixed feelings through all of these changes in the zoning regulations for the R-2 zone, but did not object to them. I understood the concerns that the Old Town residents had for their neighborhood. (I might say that all of these changes that Old Town insisted upon were also imposed upon all R-2 areas in town. In trying to sell some of these properties, I have found the property values have been decreased by the property becoming non-conforming). Even though I did not oppose former changes, there comes a time when we must stand up for our rights, before all our rights are taken from us. It's been going on for 15 years. When will it ever stop? As a matter of fact, at the Planning Commission's Public Hearing, the Chairman of the Planning Commission mentioned requiring an annual inspection and permit for rental property. I am hoping the members of City Council will not consider this a done deal but be willing to consider alternatives to the R-1 zoning.

Rockingham County has developed a brochure called "The Sweet Smell of Agriculture." People decide they want to live in the country. They move into their new home and one fall morning they wake up to an odor which certainly isn't breakfast cooking. It's the farmer next door spreading manure on his farm. The new residents begin to complain. It doesn't matter that the land has been farmed for 150 years and the homeowner has been there only six months. He still feels the farmer is the one that should change. The County put out the brochure to let people know that if they want to live in a farming area, they need to accept those things that go along with country living. We have the same problem here. Newcomers know the characteristics of Old Town when they buy there, but still expect existing property owners to change. Very few people presently live in Old Town, who were living there 55 years ago when my duplex was built. The newcomers have moved in knowing it was there, but expect me and other rental owners to accept changes that could result in great loss to us. Mrs. Baker, who presented the proposal to the Planning Commission said she has been local all her life, went to JMU and moved to Old Town two years ago. She had to be familiar with Old Town, but after two years wants to make the usage of duplexes and triplexes that have existed for close to 100 years, or more, illegal. Sure, they will be allowed to continue as nonconforming uses but under very restrictive conditions.

This brings up question of the gross misrepresentation that many proponents of the rezoning make when they say that nonconforming properties are grandfathered and therefore there will be no problem to the owners. I think you are familiar enough with the zoning law to realize that this is not the case. There are many things that can happen that will cause great loss to the owner of property that is nonconforming (illegal). My remarks are too long to give illustrations of these potential dangers, but they are real.

As I mentioned earlier, I hope City Council will be willing to consider alternatives, since R-1 zoning is not a proper zone for the area. The problem is, if R-1 is adopted now, with the expectation of working out a new zoning class later that is more appropriate, the people of Old Town will have no incentive at all to work and try to compromise on conditions that is fair to all owners. This is proven from the past experience. My office is only one block from the Old Town neighborhood. Never in the last 15 years that this has been a real issue has anyone from Old Town came to my office and said they have a concern about what is happening in Old Town, could we work together and come up with solutions. One owner told me that he had asked several times for a chance to attend their meetings and discuss the issues. His request was never accepted.

Do not put the owners of rental property in the untenable position of having to help in developing a new zoning class where all the power is in the hands of the proponents of rezoning. It appears that conversion of existing single family homes into apartments are the main current concern of Old Town residents. At the last hearing Margaret Haynes suggested a moratorium on conversions to allow time for a new zoning classification to be approved. This certainly is one of a number of alternatives that can be considered. My concern is that the problem is not compounded by passing a completely inappropriate zone for the neighborhood. You may have friends in Old Town, but this is not about friendship. You may have political support in Old Town, but this is not about politics. This is about right and wrong, fairness to all owners in Old Town. Thank you for your consideration.

There being no others desiring to be heard, the public hearing was declared closed at 9:11 p.m., and the regular session reconvened.

Some discussion by Council Members included whether it is legal to have a moratorium on conversions or will it take either a change in the ordinance or a change in zoning to stop conversions. Vice-Mayor Peterson said that it is important to at least slow or stop conversions while the formation of a proposed study commission works on developing a new classification that will more appropriately represent the mixture of single-family homes and rental properties in the high density neighborhood, finding a way to recognize the diverse nature of the area, protecting property owners, having some control over special use permit, and changing the ordinance would change the definition of R-2 in the entire City. He also said that he hesitated leaving the area R-2 while the study is being conducted because the City will not have any control over conversions while trying to come up with another zoning classification that is better adapted to the older neighborhoods. Council Member Rogers questioned if permits could be issued during the time a study is being conducted. Council Member Fitzgerald said that any decision we come up with is an ugly one and that he supported Planning Commission suggestion for rezoning to R-1 primary as an effective freeze. Mayor Frank ensured everyone that Council would be working on this issue to find a solution. City Attorney Miller suggested that he would feel more comfortable deciding whether a zoning modification could be made for this area rather than changing what R-2 mean for the whole City. Council Member Lantz commented that 40 percent of the Council is made up of people that moved from the County to the City. Mr. Lantz also said that it is a tough decision because his preference would be for Old Town to be R-1; however, the area is really not R-1 nor is it really R-2. He said, Should we not just wait until we hear from the committee. He said that he was concerned about the people who live in R-1 and how disappointed they would be because a new zoning classification could have them going back to something similar to R-2. Following further discussion and comments, Vice-Mayor Peterson offered a motion to table this request until Planning Commission could appoint a committee to study this issue. The motion was approved with a unanimous vote of Council. Then the next public hearing was opened.

At 9:40 p.m., Mayor Frank 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 Monday, November 27, and Monday, December 4, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, December 12, 2000, at 7:30 p.m. in the City Council Chambers at the Municipal Building, 345 South Main Street, to consider the following:

COMPREHENSIVE PLAN AMENDMENT

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Public hearing to consider Comprehensive Plan amendments to portions of the Old Town area on the Land Use Guide. Amendments to tax map parcels: 16-D-5 to 17, 25-M-9 to 28A, 25-N-10 to 15, 26-I-0 to 14, 26-K-10 to 13 & 16 to 19, 26-L-1 to 13, 26-N-1 to 12, 26-O-5 to 18, 26-P-8 to 16 & 18 to 39 & 41 to 54, 26-R-1 to 11 & 18 to 25, 26-T-1 to 14 & 20 to 27 from the Neighborhood Residential designation to

Low Density Residential. In addition, amendments to tax map parcels: 26-E-8 to 13 and 26-F-8 to 13 from the Professional designation to Low Density Residential. This area is located generally east to west between Ott Street and Mason/Federal Street and north to south between Newman Avenue and Grattan Street.

The Neighborhood Residential designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older neighborhoods, which can be characterized by large housing units on small lots. The Professional areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses. The Low Density Residential designation states that these areas consist of single-family detached dwellings with a maximum density of 1 to 4 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 these public hearings.

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
Baker**

**Roger D.
City Manager**

Mayor Frank called on anyone desiring to speak for or against amending the Comprehensive Plan Land Use Guide for a portion of the Old Town area, from Neighborhood Residential and Professional designation to Low Density Residential. There being no one desiring to be heard, the public hearing was declared closed at 9:41 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion to table this item and suggested that Planning Commission appoint a committee to study a new zoning classification that better matches current older neighborhoods in the City. The motion was approved with a unanimous vote of Council.

Ken Huffman, a representative from Phibbs, Burkholder, Geisert & Huffman, presented the 1999-2000 Comprehensive Annual Financial Report. He said that his firm and the City have to comply with certain standards and guidelines set by the Governmental Accounting Standards Board (GASB) and the Commonwealth of Virginia Auditor of Public Accounts. Mr. Huffman expressed his appreciation to the Finance Department for all of their assistance. City Manager Baker presented a brief review of the Undesignated Fund Balance report explaining that these monies have not been appropriated or designated for any specific expenditures in the City.

Joan Strickler, Executive director of First Night, presented a brief overview of the First Night activities. She explained that First Night is a non-alcoholic series of artistic performances throughout the evening of December 31st. This year the event includes a processional opening with puppets, many local and national acts, and in addition to the midnight fireworks display, there will also be a ground fireworks display at 9:00 p.m. for children. She also said that Lee Bosworth will be handling the fireworks display as he has been doing for several years. Vice-Mayor Peterson offered a motion to approve First Night's request for fireworks and to close certain streets. The motion was approved with a unanimous vote of Council.

City Manager Baker presented for Council's consideration authorizing the conveyance of land to the Commonwealth of Virginia. He explained that the Virginia Department of Transportation is reconstructing a bridge on Route 650 in the vicinity of the City's property at Island Ford. VDOT needs .2 acre of the City property for this project. Council Member Lantz offered a motion authorizing the conveyance of land to the Commonwealth of Virginia by City Manager Baker. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Mayor Frank

Absent - None

Director of Public Works Baker presented a report on the South Main Street pedestrian crossing at JMU. He explained that the Harrisonburg Transportation Safety Commission and City Staff has been discussing with the James Madison University staff possible ways to enhance safety improvements and an opportunity for a pedestrian crossing along South Main Street from Cantrell Avenue to Port Republic Road. He reviewed a conceptual plan for proposed changes to pedestrian access along South Main Street which includes the installation of high visibility crosswalks, installation of advance pedestrians ahead warning signs, installation of count down timers, and a potential landscape barrier along South Main Street. The plan also includes a new crosswalk at Patterson Street as well as the median landscaping, strongly encourage JMU discontinue using the Anthony Senger building as a classroom and that all classrooms be moved to the East side of Main Street. It is also recognized that the JMU facilities on the west side of Main Street will remain as administrative support staff and probably increase parking in that area. Mr. Baker said that JMU has objected to a landscape pedestrian barrier along the east side of Main Street. He suggested hiring the consulting firm of Anderson and Associates to prepare a study and recommendation for further addressing the safety concerns and authorizing City Manager Baker to enter into an agreement with JMU sharing the cost equally. He also suggested requesting that the consultant explore possible grants including ISTEA grants for funding of construction ideas. Following further discussion and comments, Council Member Fitzgerald offered a motion to develop a scope of work with JMU and requesting a price quote for the work from the consultant. The motion was approved with a unanimous vote of Council.

Darryl Crawford, a Senior Planner at the Central Shenandoah Valley Planning District Commission presented an overview endorsing the Central Shenandoah Valley Region Strategic Initiatives for Economic Competitiveness. He explained that the Central Shenandoah Valley Region is currently responsible for maintaining three separate plans relating to growth and development for the five-county, five-city region in order to qualify for state and federal economic development support and programs. There is a strong support for the concept that, instead of multiple plans which all say the same thing, the Central Shenandoah Valley would be better served to have one common set of goals and objectives that can be jointly supported throughout the Region. Five strategic planning workshops were held throughout the Central Valley in May 2000. Some 125 sector representatives and stakeholders participated in the meetings and over 400 individuals on our regional mailing list were asked to review the results. Over the past several months, we have been able to develop one truly regional strategy. Our Region will work cooperatively, as one, to conserve our natural, agricultural, and historical resources and preserve the heritage, natural beauty, values, local character and rural traditions that continue to provide the Central Shenandoah Valley Region of Virginia with a quality of life known around the world. Vice-Mayor Peterson offered a motion to endorse this plan. The motion was approved with a unanimous vote of Council.

City Manager Baker proposed that all City employees below the position of Assistant City Manager receive a 2 percent salary increase effective January 1, 2001, and also that all City employees receive a full day as a holiday on Christmas Eve. He said that this recommendation comes as a result of the Council's direction to compare compensation rates for City employees after several department heads raised the issue during their October meeting. He also noted that a midyear salary hike is not a common course of action, but after comparing the payroll with other municipalities the raise was in order. Vice-Mayor Peterson commented that he was in favor of this salary increase, but when the more extensive analysis of pay scales is conducted during the budget process, he wanted to make sure that the City did not have any employees making below poverty level. Mayor Frank commented that all City employees should be compensated for their years of service to the City. Vice-Mayor Peterson offered a motion to approve the proposed salary increase by 2 percent effective January 1, 2001 and also approve Christmas Eve as a holiday for the whole day. The recorded roll

call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Mayor Frank

Absent - None

Council Member Fitzgerald offered a motion that Kathryn Sarver, 1011 Stuart Street, and Robert J. Steere, 1652 Central Avenue, be appointed to a first term on the Harrisonburg Planning Commission to expire on December 31, 2004. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Mayor Frank

Absent - None

City Manager Baker requested direction from City Council about proceeding with a driving range adjacent to the golf course. He reviewed some of the costs associated with the project and explained that \$400,000 for the driving range project was actually a 20 percent reduction from the golf course architect's first rough estimate. He also said that unless the construction of the driving range was started soon it could not coincide with the opening of the golf course in September 2001. Some discussion by Council Members included where the money would come from to construct the driving range. Council Members Rogers and Lantz argued that a driving range is a necessary part of any successful golf course. Following further discussion and comments, Council Member Fitzgerald offered a motion to initiate the design and engineering of the driving range. The motion also included instructing City Manager Baker to explore the possibility of private individuals contributing to the project, determining how to pay for the project, and discussing with the architect possible ways to save costs and possibly expanding the project as needed. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

No - Vice-Mayor Peterson

Mayor Frank

Absent - None

Council Member Fitzgerald commented that the consensus opinion was to have a commission oversee the operations of the City's municipal golf course within the confines of the bond documents. He suggested that the majority of the members should be appointed by City Council and either one or two members be appointed by the Parks and Recreation Commission. He also suggested that the City Manager and the Parks and Recreation Director serve as ex officio members. One detail yet to be determined is the day to day involvement of other City departments. He proposed that other City departments which assisted with the golf course should keep track of the hours and equipment used for the project. The Parks and Recreation Director as an ex officio member would be the contact person. Once an agreement can be reached on the broad outlines of the commission structure, then the City Manager and the Parks and Recreation Director would be designated to determine how the administrative details would work.

Vice-Mayor Peterson commented that he thought a member from the Parks and Recreation Commission should serve on the new commission. He said, "I cannot support the Parks and Recreation Director as a voting member. I opt instead for an ex officio position."

Council Member Lantz said, "Absolutely I am not in favor of any Council Member being on that commission either in a voting capacity or as an ex officio member. We are trying to make it as independent as we possibly can make it. There is nobody who wants the golf course to be a success more than Larry Rogers and myself. Mr. Lantz also commented that it is ironic that the people who have been opposed to the golf course are now saying how it should be operated."

Mayor Frank commented that the proposed marketing plan from the NGF Study targets residents of the City, business people, tourists, and regional residents. She said that one person from the Parks and Recreation Commission should represent recreation interests and the City of Harrisonburg.

Vice-Mayor Peterson offered a motion that the structure of the commission be made up of four members nominated by City Council, each person to serve a four year term. The initial members will be selected by lot as to whether they will serve a one, two, three or four year term. The motion also included that one member will be selected from the membership of the Parks and Recreation Commission and the Parks and Recreation Director will serve as an ex officio position. The recorded roll call vote was taken as follows:

Vote: No - Council Member Rogers

Council Member Lantz

Yes - Vice-Mayor Peterson

Mayor Frank

Abstained - Council Member Fitzgerald

Absent - None

Vice-Mayor Peterson responded to Council Member Lantz by saying, A significant number of the Harrisonburg citizens voted for the three new members on City Council because they were worried that the golf course would be a burden and yet somehow might appear to be making a profit. I believe that I have a responsibility to make sure that those people see that the golf course commission is independent enough and that financial transactions back and forth between the golf course and the rest of the City are explicit enough so that everybody understands that when a financial statement is made for the golf course, it is a believable one and that is why I made the motion.

Council Member Lantz offered a motion to appoint three people from the community at large and two members be appointed from the Parks and Recreation Commission. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Council Member Lantz

No - Vice-Mayor Peterson

Mayor Frank

Abstained - Council Member Fitzgerald

Absent - None

Vice-Mayor Peterson offered a motion to table the issue. The motion was approved with a unanimous vote of Council.

At 11:20 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the following boards and commissions: Harrisonburg Electric Commission, Harrisonburg Building Code Board of Appeals, and the 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 11:49 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 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.

At 11:50 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

