

SPECIAL MEETING

REGULAR MEETING

NOVEMBER 27, 2001

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; Assistant City Manager Kurt Hodgen; 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 led everyone in the Pledge of Allegiance.

Council Member Fitzgerald requested that Item #5d, #5e, #5f, and #5g be removed from the consent agenda.

Vice-Mayor Peterson offered a motion that Council resolve to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Police Department. The motion also included a rezoning request by Nelson Swartz and a request to close a street right-of-way in the Wyndam Woods neighborhood. The recorded roll call vote was taken as follows:

Vote:        Yes -        Council Member Lantz

              Council Member Rogers

              Vice-Mayor Peterson

              Council Member Fitzgerald

              Mayor Frank

Absent    None

Council Member Fitzgerald requested that Item #5d (adding articles Z. UR, Urban Residential District and AA, R-P, Residential-Professional Overlay District to the Zoning Ordinance), Item #5e (adding Section 11-5-10 to the Sign Ordinance), Item #5f (rezoning a portion of the Old Town area from R-2, Residential

## SPECIAL MEETING

District to UR, Urban Residential District), and Item #5g (considering a comprehensive rezoning to apply an overlay zoning classification to a portion of the Old Town area) be removed from the consent agenda. He suggested that perhaps Council should reconsider the action taken on these items at the November 13<sup>th</sup> City Council meeting. He said, I think Council took action before it was necessary. He explained that last year in December, City Council held a public hearing to consider a comprehensive rezoning of the Old Town area. Following the contested rezoning proposal, City Council referred the items back to the Planning Commission for further study and to form a committee to look at creating a new zoning classification for the Old Town area. The committee met numerous times since the first of the year and achieved consensus on all issues because the homeowners in the Old Town area wanted a reversion to R-1 and the landlords didn't. A compromise between the homeowners and landlords was reached with each side making major concessions on some of the core issues. The landlords accepted larger lot sizes and the homeowners on the committee accepted a greater density. He said, I don't think that Council should have taken away what one side agreed to while letting the other side keep it. Since a conversion to a rental hasn't been made since 1998 in the area affected, I don't think there is a rush to approve this new zoning classification. Council should think about it once more before completely abandoning the compromise the two groups came up with. After a committee has put in eight months of work, I think we should bend over backward to accommodate the recommendation of the committee. It is setting a bad precedent to let a committee put in that much work and perhaps the next time Council tries to organize a committee it will be harder to accomplish. Council Member Fitzgerald offered a motion that Council resolve to table these items; however, following further discussions and comments, Council Member Fitzgerald withdrew the motion to table these items.

Vice-Mayor Peterson offered a motion that Council resolve to approve Item #5d (adding articles Z, UR, Urban Residential District and AA, R-P, Residential-Professional Overlay District to the Zoning Ordinance), Item #5e (adding Section 11-5-10 to the Sign Ordinance), Item #5f (rezoning a portion of the Old Town area from R-2, Residential District to UR, Urban Residential District), and Item #5g (considering a comprehensive rezoning to apply an overlay zoning classification to a portion of the Old Town area) on the consent agenda. The recorded roll call vote was taken as follows:

Vote:            Yes -            Council Member Lantz

                    Council Member Rogers

                    Vice-Mayor Peterson

                    Mayor Frank

                    No -                Council Member Fitzgerald

                    Absent - None

## SPECIAL MEETING

Planning and Community Development Director Turner introduced a request to amend the Comprehensive Plan by Dunham Bush Holdings, Inc., represented by AIG Baker Real Estate, L.L.C. Mrs. Turner said that she was planning on combining both the rezoning and comprehensive plan amendment into one report because of the overlay of information; however, two separate public hearings would be held. She explained that the parcels are located at 101 Burgess Road, primarily between Interstate 81, Reservoir Street, and Burgess Road, with approximately 0.5 acres on the east side of Burgess Road. The parcel is approximately 47.468 acres and the request is to amend the land use guide recommendation from General Industrial to Commercial. The General Industrial designation applies to areas intended for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities. The applicant is seeking to change the designation to Commercial, which is intended for retail, wholesale, or service functions typically found along the major travel corridors and in the central business district of the City. Mrs. Turner reviewed the surrounding uses in the area. Staff recommends approval of the Comprehensive Plan amendment, which would change the property's Land Use Guide designation from General Industrial to Commercial. The best use of the property is for commercial development, due to the retail corridor expansion along East Market Street, which has become an important traffic artery. In addition, the site's frontage along the interstate enhances the property's value for retail and service establishments, which depend on a high visibility location. She said that staff and Planning Commission recommended approval of the request. Mrs. Turner also said that staff recommends approval of the request to rezone the property from M-1 General Industrial District and B-2, General Business District to B-2C, General Business District (conditional). Staff believes that the B-2 classification would be more compatible with existing commercial development in that area. The site's high-visibility location along Interstate 81, Burgess Road, Evelyn Byrd Avenue, and Reservoir Street makes the property well suited for commercial development. The applicant, in connection with the rezoning request, has stated that they intend to construct a retail center on the site. The company has submitted a list of proffers which limit the future uses on the property, provide assurance that the site will be developed in conformance with the City's Comprehensive Plan and good development practices. The applicants also proffered to address the development's traffic impact. The proffers have stated that the uses would be limited in their nature and not all B-2 uses would be permitted on the property. She reviewed many of the uses that will not be permitted. The applicants have also proffered to facilitate pedestrian traffic through the proposed shopping center with two walkways through the main parking area to connect Reservoir Street and Burgess Road's existing sidewalk areas with pedestrian access into the property. A landscape buffer of 60 evergreen trees is to be placed along the back of the proposed shopping center along the interstate. The applicant has also proffered to install traffic signals at the intersection of Reservoir Street and Evelyn Byrd Avenue, Evelyn Byrd Avenue and Burgess Road, the Burgess Road and shopping center entrance, and Reservoir Street and shopping center entrance. For informational purposes only, the Sign Ordinance allows one square foot of sign area per one lineal foot of road frontage. Staff has reviewed the traffic impact study and worked with the developer to ensure that the improvements are adequate for the type of development planned. The applicants have been working with staff to alleviate any concerns regarding the wording of proffers and phasing of improvements. Considering the property's suitability for commercial use, and the appropriateness of the submitted proffers, staff recommends approval of the conditional rezoning request. She said that Planning Commission recommended approval.

Economic Development Director Shull briefly reviewed the Master Development Agreement which is part of the agreement with AIG Baker. The Master Development Agreement was mentioned in the proffers and states that all the agreements between the City and AIG Baker would be accordance with the contract. The City promises to repay off-site road improvement costs of up to \$1.8 million in a Master Development Agreement. The money will come from additional tax revenues generated by the center. He also requested that as part of the rezoning vote, Council authorize the City Manager to sign the agreement between AIG Baker and the City.

## SPECIAL MEETING

At 7:50 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 Thursday, November 15, and Wednesday, November 21, 2001.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, November 27, 2001, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **COMPREHENSIVE PLAN AMENDMENT**

-

**Public hearing to consider a request to amend the Comprehensive Plan by Dunham Bush Holding, Inc. represented by AIG Baker Real Estate, L.L.C. to change the Land Use Guide classification from General Industrial to Commercial for tax map parcels 14-P-3, 79-A-0, 79-A-9, 79-F-2, and 79-F-3 (47.468 acres). The parcels are located at 101 Burgess Road, primarily between Interstate 81, Reservoir Street, and Burgess Road, with approximately 0.5 acres on the East side of Burgess Road. The Comprehensive Plan states that General Industrial areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities, whereas Commercial areas include retail, wholesale, or service functions found along the major travel corridors and in the Central Business District of the City.**

#### **REZONING**

Public hearing to consider a request by Dunham Bush Holdings, Inc., with representative AIG Baker Real Estate, L.L.C., to rezone tax map parcel 14-P-3, 79-A-0, 79-F-2, and 79-F-3 (46.482 acres) zoned M-1,

## SPECIAL MEETING

General Industrial District and 79-A-9 (.986 acres) zoned B-2, General Business District to B-2C, General Business District (conditional). The parcels are located at 101 Burgess Road, primarily between Interstate 81, Reservoir Street, and Burgess Road, with approximately 0.5 acres on the East side of Burgess Road.

The M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. In addition, M-1 is used to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, retail and office uses are limited to those which will be useful primarily to employees in the district. The B-2, General Business District is intended to provide a sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the M-1, General Industrial District or the B-2, General Business District.

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

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

Bob Sullivan, a resident living at 65 Paul Street, said that he supported the B-2 rezoning request because the land use pattern made a lot of sense. The additional traffic lights will be part of the price we pay for more traffic and businesses. He also said, I can remember when Space Conditioning, Inc., from Los Angeles, California announced that it was building a new plant in Harrisonburg; however, at that time the plant was built in Rockingham County. But, soon after the factory was built it was annexed into the City so the City could provide water and sewer for the new factory, which generated a lot of jobs in the area. He also said he recently reviewed a photograph taken from the air which showed Dunham Bush sitting all by itself completely surrounded by farm land. He said we have come a long way in 40 years.

Milton Bubba Smith, President, AIG Baker Development, LLC, thanked the City staff for their professionalism. He also commented on the finest staff presentation he has ever seen in his 25 years of development activity. He thanked Economic Development Director Brian Shull for his professionalism and the tremendous help he has provided. Mr. Smith shared some of the history of AIG Baker because he felt it

## SPECIAL MEETING

was important that the community know something about the company that would soon be spending millions in Harrisonburg. Mr. Smith said four major retailer users would be using 90,000 square feet of the shopping center. The current design of the building layouts could vary to some degree depending on the particular retailer that occupies the facility. The two entrances and the safety issues surrounding those entrances create the site plan. A landscape buffer of 60 evergreen trees is to be placed along the backs of the buildings adjacent to the interstate. AIG Baker Development will spend from \$1.8 to \$2.1 million for off-site road improvements which Mr. Shull had previously explained. It should be a win-win situation for everyone. He said AIG Baker is prepared to move forward with the project. Economic agreements have been worked out with six or seven major national retailers that are not currently located in Harrisonburg. These stores will occupy 393,000 square feet of the proposed 488,000 square feet of the shopping center. The target date for opening remains March to May of 2003. He requested that Council approve both applications.

Vice-Mayor Peterson reminded Mr. Smith that at the Planning Commission meeting, he had requested bicycle racks be included in the shopping center. He said this is a college town and it would be nice to make the shopping center bike-friendly for college students and professors.

Louis Chalmers, Vice-President of Lowe and Associates, in responding to a question from Council said the left turn lane from Burgess Road should be able to handle 10-12 cars in the lane. He said that most of the turn lanes are approximately 200 feet long. Mr. Chalmers stated he used the ITE (Institute of Transportation Engineers) Manual to generate the projected figures. He also added that the numbers calculated were for the peak driving hours of the morning and late afternoon. He also commented that the City staff would be reviewing all the plans. There being no others desiring to be heard, the public hearing was declared closed at 8:12 p.m., and the regular session reconvened.

Vice-Mayor Peterson offered a motion that Council resolve to amend the Comprehensive Plan requested by Dunham Bush as presented. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent None

At 8:13 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 Thursday, November 15, and Wednesday, November 21, 2001.

## NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council will hold public hearings on Tuesday, November 27, 2001, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

### COMPREHENSIVE PLAN AMENDMENT

-

**Public hearing to consider a request to amend the Comprehensive Plan by Dunham Bush Holding, Inc. represented by AIG Baker Real Estate, L.L.C. to change the Land Use Guide classification from General Industrial to Commercial for tax map parcels 14-P-3, 79-A-0, 79-A-9, 79-F-2, and 79-F-3 (47.468 acres). The parcels are located at 101 Burgess Road, primarily between Interstate 81, Reservoir Street, and Burgess Road, with approximately 0.5 acres on the East side of Burgess Road. The Comprehensive Plan states that General Industrial areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities, whereas Commercial areas include retail, wholesale, or service functions found along the major travel corridors and in the Central Business District of the City.**

### REZONING

Public hearing to consider a request by Dunham Bush Holdings, Inc., with representative AIG Baker Real Estate, L.L.C., to rezone tax map parcel 14-P-3, 79-A-0, 79-F-2, and 79-F-3 (46.482 acres) zoned M-1, General Industrial District and 79-A-9 (.986 acres) zoned B-2, General Business District to B-2C, General Business District (conditional). The parcels are located at 101 Burgess Road, primarily between Interstate 81, Reservoir Street, and Burgess Road, with approximately 0.5 acres on the East side of Burgess Road.

The M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. In addition, M-1 is used to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, retail and office uses are limited to those which will be useful primarily to employees in the district. The B-2, General Business District is intended to provide a sufficient space in appropriate locations for a wide variety of retail shopping, commercial,

SPECIAL MEETING

automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the M-1, General Industrial District or the B-2, General Business District.

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

**All persons interested will have an opportunity to express their views at these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public 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 present desiring to speak for or against this rezoning. There being no one desiring to be heard, the public hearing was closed at 8:14 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that Council resolve to approve the rezoning of the Dunham Bush property as presented and also resolve that the City Manager sign the Development Agreement with AIG Baker. The recorded roll call vote was taken as follows:

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

Absent    None

\_\_\_\_\_

City Attorney Miller presented and read the following resolution for Council's consideration.

SPECIAL MEETING

**RESOLUTION CONCERNING**

**SECTION 56 COUNCIL ACTION BY  
ORDINANCE OR RESOLUTION  
OF THE CHARTER OF THE  
CITY OF HARRISONBURG, VIRGINIA**

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

**WHEREAS, the Charter of the City of Harrisonburg, Virginia, in Section 56, contains language that is contrary to the common practice of many years, and**

**WHEREAS Section 56 as currently written creates an unnecessarily cumbersome process that serves no practical or procedural purpose, it is now**

RESOLVED by the Council of the City of Harrisonburg, Virginia to ask the General Assembly representatives serving the City to carry to the General Assembly the proposal to amend Section 56 of the Charter of Harrisonburg as follows:

**Sec. 56 Council action by ordinance, resolution or motion.**

The Council may act either by ordinance, resolution or motion. All acts by Council prior to the effective date of this amendment are ratified and reaffirmed.

**So Resolved this 27<sup>th</sup> day of November, 2001.**

---

**MAYOR**

**ATTESTE:**

RESOLUTION CONCERNING

## SPECIAL MEETING

---

### CLERK OF THE COUNCIL

City Attorney Miller explained that currently the Charter states that, Except in dealing with parliamentary procedure, the Council shall act only by ordinance or resolution. The proposed amendment would allow Council to also act by motion. After a public hearing is held and if approved by Council it must then be forwarded to the General Assembly for its consideration.

At 8:16 a.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 Wednesday, November 21, 2001.

#### NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council will hold a public hearing on Tuesday, November 27, 2001, at 7:30 p.m. in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:**

## CITY CHARTER AMENDMENT

Public Hearing to consider revising Sec. 56 of the City Charter entitled, Council action by ordinance or resolution to read as follows:

**Sec. 56. Council action by ordinance, resolution or motion.**

**Except in dealing with parliamentary procedure, the council shall act only by ordinance, resolution or motion.**

**A copy of the existing City Charter, including the existing referenced section is available for review in the City Manager's Office, 345 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.**

SPECIAL MEETING

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 present desiring to speak for or against this City Charter Amendment. There being no one desiring to be heard, the public hearing was closed at 8:17 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that Council resolve to amend Sec. 56 of the City Charter adopting the resolution read by the City Attorney. The recorded roll call vote was taken as follows:

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

Absent    None

Warren Dillenbeck read the following statement. Sometimes during the summer of 1999, when a number of citizens were speaking in opposition to the proposed golf course, I addressed City Council. One of the points I made in opposition to the golf course was that the citizens would never know how the golf course was doing financially, because its expenses could be spread around various City departments. One or more members of City Council took offense at this suggestion, stating that City finances were meticulously kept and available to the public. Trusting completely in this assertion, I would like to ask Council to adopt the following resolution:

Since the City Golf Course is nearing completion of construction, a complete accounting of all the spending for construction of the golf course shall be made. This accounting shall include the spending on all contracts involved, the purchase of land including land for the driving range, the cost of all labor of City

## SPECIAL MEETING

employees including labor borrowed from other departments, and the cost of purchased materials. This accounting shall also include the fair rental market value of equipment borrowed from other departments. Once this accounting has been completed, the City shall publish it in detail in the local newspaper.

The Golf Course Commission shall also be required to publish a financial statement of its operating results at the end of each calendar year.

While on the subject of the golf course, would City Council please ask the Golf Course Commission to advise the public on the average usage of water for the golf course and the source of this water? In light of the current drought, which has persisted for about three months, water usage is of concern.

City Manager Baker commented that the source of the water is supplied from an irrigation lake, which was constructed as part of the golf course. Backwash from the water treatment plant is used to fill the lake. He also said that the golf course is a separate enterprise fund, which is audited each year. Once the golf course is closed from a soft opening this year a report will be presented to the City Council.

Robin Sullenberger, Executive Director of the Shenandoah Valley Partnership, presented a brief report on the partnership activities. He said that Roger Baker and Brian Shull represented Harrisonburg on the board and Mr. Shull was chairman of the marketing committee, which is the most active committee. The partnership has existed for five years and tries to be very aggressive in economic development. The partnership facilitates things to enhance the local economic development activities. The group currently has a consultant firm participating in a technology incubator study and another organization conducting a private sector study, which also includes a private fund raising. Most private businesses want some help in workforce development assistance. Shenandoah Valley Partnership is actively pursuing that aspect of the day-to-day structure by working with the local universities and colleges to assist in workforce development. All of the localities in the partnership are working together to hopefully move forward and prosper in the future.

City Manager Baker presented a request for Council's consideration from Sherwin-Williams to sign a long-term lease agreement. He explained that currently Sherwin-Williams is leasing space from the City to operate its business. Mr. Baker said that he and City Attorney Miller have reviewed the lease agreement and recommended that an escalator clause be included if a long-term lease agreement is agreed upon and signed. Following further discussion and comments, Vice-Mayor Peterson offered a motion that the Council resolve to have the City Manager negotiate a three-year lease with Sherwin-Williams. The motion to resolve was approved with a unanimous vote of Council.

City Manager Baker presented a request from the Parks and Recreation Department, Rockingham County Recreation Department and the Downtown Merchants Association to hold the annual Christmas parade. He explained that these groups are sponsoring the annual Christmas parade to be held on Friday, December 7, 2001 at 7:00 p.m. The parade will begin at the monument at the intersection of South Main

## SPECIAL MEETING

Street and Liberty Street and end at the corner of Gay Street and North Main Street at the Rockingham County Administrative Complex. Council Member Lantz offer a motion that the Council resolve to approve this request. The motion to resolve was approved with a unanimous vote of Council.

City Council agreed to schedule a public hearing to review the Capital Improvement Program (CIP) on December 11, 2001.

City Manager Baker announced that a joint work session would be held with the Planning Commission on November 28, 2001 at 7:00 p.m.

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds would be used toward purchasing an upgraded records management system. Council Member Fitzgerald offered a motion that the Council resolve that this supplemental appropriation be approved for a first reading, and that:

\$4,775.00 chge. to: 1000-31907 Sale of Used Equipment

\$4,775.00 approp. to: 1000-310431-48172 Hardware

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent None

## SPECIAL MEETING

Jim Werner representing the Veterans of Foreign Wars Post 632 thanked City Council for adopting a Virginia Fallen Firefighters resolution and designating October 14, 2001 as Fallen Firefighter s Day in Virginia. He also said that a memorial service will be held on Pearl Harbor Day, December 7<sup>th</sup> at 10:00 a.m. at the Rockingham County Courthouse on the east lawn. This will be the 60<sup>th</sup> anniversary of the beginning of that war. The service will also honor 139 veterans from Harrisonburg and Rockingham County. He also presented a appreciation award plaque to City Clerk Yvonne Bonnie Ryan, CMC, Harrisonburg City Clerk for meritorious and distinguished service in furthering the aims and ideals of the Veterans of Foreign Wars of the United States.

Vice-Mayor Peterson said that when the Old Town Committee made their presentation at the November 13<sup>th</sup> City Council meeting, one thing they suggested was that Council should be looking at a nuisance ordinance and possible changes to a noise ordinance and litter ordinance. He proposed that a small committee be formed to consider a nuisance ordinance and recommended several people that he thought should be on the committee. Council Member Lantz said that it was a good suggestion and recommended that Vice-Mayor Peterson should be in charge of forming the committee.

Vice-Mayor Peterson offered a motion that the Council resolve to enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the following boards and commissions: the Community Services (Chapter 10) Board, the Building Code Board of Appeals, the Parks and Recreation Commission, the Harrisonburg Electric Commission, and the Golf Course Advisory Committee. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the purpose of the closed session is for the discussion of certain personnel matters. A closed session is permissible for this purpose also pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the purpose of the closed session is for the discussion of the possible acquisition of real property. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.3 of the Code.

At 10:20 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I certify to the best of the 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 matters as were identified in the motion by which the closed meeting were convened, were heard, discussion or considered in the closed session by the City Council.

Vice-Mayor Peterson offered a motion that the Council resolve that Paula Caldwell, 417 Paul Street, be appointed to the Golf Course Advisory Committee. The motion to resolve was approved with a unanimous vote of Council.

At 10:25 p.m., there being no further business and on motion adopted the meeting was adjourned.

SPECIAL MEETING

---

---

CITY CLERK

MAYOR