

REGULAR MEETING

SEPTEMBER 13, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Hugh J. Lantz and George W. Pace; City Clerk Yvonne “Bonnie” Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Vice-Mayor Eagle gave the invocation and Mayor Rogers led everyone in the Pledge of Allegiance.

Bucky Berry, a resident of Harrisonburg, expressed his appreciation to the Police and Sheriff Departments for assisting hurricane victims in the South.

Vice-Mayor Eagle offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Police Department and Community Development Block Grant Fund. The motion also included a rezoning request by Dennis Belcher and Joseph Good, and referring an alley-closing request by Borris R. Caballero, Nora C. Caballero and Craig Hertzler to the Planning Commission. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Pace
Council Member Lantz
Vice-Mayor Eagle
Mayor Rogers

Absent – None

The next item of business was recognizing Harrisonburg’s Deputy Commissioner of Revenue Ruth P. Craig. Commissioner of the Revenue June W. Hosaflook said it was a pleasure to recognize a City employee who has achieved a level of professionalism esteemed by her peers. Ms. Craig began her career in the Harrisonburg Commissioner’s office nearly 20 years ago. Over the years, she has worked in all areas of local taxation; however, in recent years, she has concentrated her efforts in the areas of Virginia income taxes, assessment of business personal property, and managing the collection of local excise taxes. She also excels in customer service. The Master Deputy Commissioner of the Revenue level of achievement is based on experience and education in the field of tax assessment. Changes occur every year in local and state taxation and having an educated employee is vital to providing excellent service for both the City and its customers. The Commissioners Career Development Program was developed by the Commissioners of the Revenue of Virginia to promote professionalism and excellence in the field of tax assessment. A committee of Commissioners and the Weldon Cooper Center for

Public Service at the University of Virginia administers the program and the Virginia General Assembly recognizes it. Ms. Craig has achieved the level of Master Deputy by dedicating herself to the program and excelling in it. Mrs. Hosaflook said that tax administration requires special study, knowledge and skills. She said that Deputy Commissioner Craig is an asset to residents of Harrisonburg and her commitment to provide the highest level of tax assistance is demonstrated by the professional way she does her job. Mrs. Hosaflook then presented a Master Deputy Commissioner of Revenue framed certificate to Ms. Craig.

Planning and Community Development Director Turner presented a request by Nelson Hess to rezone a parcel located at 147 West Water Street. She said that this request is for a 6,700 square foot lot currently containing a non-conforming dwelling unit zoned M-1 General Industrial classification. The Comprehensive Plan designates this area as Mixed Use Development area intended for both existing and proposed new mixed uses. She reviewed the surrounding uses in the area. The applicant has requested to rezone the property to a R-3 zoning conditional classification. The applicant has proffered that the property will only be used for the following: 1) All uses permitted in the R-1, Single-Family Residential District. 2) Professional and medical offices as allowed within the R-3 Zoning Ordinance. These proffers substantially limit the potential uses of this property and remove any concern for this site being used as a rental property for four unrelated individuals. She said if the rezoning is approved it would still not be in complete conformance because of the City's setback regulations. This property is accessed from a driveway off of West Water Street, which the applicant has stated encroaches the adjacent property at 139 West Water Street. It is suggested that the applicant create a shared access agreement between 147 West Water Street and 139 West Water Street if they anticipate sharing potential parking facilities at the rear of these buildings. The Public Utilities Department has also stated that changing the use of the property from single family residential to an office use would require evaluation of water, sewer services, and fire flow availability. This may result in needed upgrades. This rezoning request brings the property into closer conformance with the existing zoning and the Comprehensive Plan designation. She said that Planning Commission recommended approval of the request.

At 7:47 p.m., Mayor Rogers closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, August 29, and Tuesday, September 6, 2005.

Notice Of Public Hearing

The Harrisonburg City Council will hold a public hearing on Tuesday, September 13, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Rezoning – 147 West Water Street

Public hearing to consider a request from Nelson Hess, with representative Steven Hess to rezone one, 6,700 sq. ft. +/- lot from M-1, General Industrial District to R-3C, Multiple Dwelling Residential District Conditional. The property is located at 147 West Water Street and can be found on tax map 25-C-9.

The Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-work” and traditional neighborhood developments. Live-work developments combine residential and office / service uses allowing people to both live and work in the same area.

The Zoning Ordinance states that 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. No minimum lot size restrictions exist in the M-1, General Industrial District. The R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft/unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.

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

All persons interested will have an opportunity to express their views at this public hearing. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

**CITY OF HARRISONBURG
Roger D. Baker
City Manager**

Mayor Rogers called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:48 p.m., and the regular session reconvened. Council Member Lantz offered a motion to approve this rezoning request. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Pace
Council Member Lantz
Vice-Mayor Eagle
Mayor Rogers

Absent – None

The next item of business was a report by Ted Cole of Davenport and Company, the City’s financial advisor. Mr. Cole presented an overview of a proposed new school project,

which is estimated to cost \$35 million. There are three funding options including General Obligation (GO), Virginia Public School Authority (VPSA), and Virginia Municipal League/Virginia Association of Counties (VML/VACo). The General Obligation bond allows the City to issue debt. If the City participates in either the VPSA or VML/VACo program it will be pledging general obligation credit. The best of the three options would be for the City to offer a general obligation bond. The General Obligation bond allows the City to maintain complete control and flexibility over when the debt is issued. There may be limitations on how some of the other options are structured. If the City considers issuing General Obligation bonds it would have an opportunity to include in the financing process non-school related projects. A General Obligation bond could save the City approximately one-half million dollars in debt service savings. He proposed working through the City Manager's office to get a better appreciation for the timetable and cost estimate of the project.

Council Member Pace asked, "Are there any restricted covenants on general obligation bonds that are significantly different from the other two alternatives?"

Mr. Cole responded that if the City uses the general obligation bonds then it would be responsible for the debt service. He said it depends on whether the City wants to issue general obligation bonds or participate in a bond pool.

Council Member Lantz asked, "If we have to wait six months before issuing the bonds would the general obligations bonds still be cheaper?"

City Manager Baker said the City now has a better AA rating when compared to previous years.

Mr. Cole reiterated as this project proceeds the City of Harrisonburg won't have any problem securing the needed funds because of its strong bond rating.

Planning and Community Development Director Turner introduced a request from James Shenk for a preliminary subdivision of 35 lots with variances. This request by Mr. Shenk would reconfigure three lots on College Avenue and the undeveloped area of Smith Avenue. The entire area is zoned R-2 Residential District, which permits single-family homes and duplexes. The Comprehensive Plan designates this area as Neighborhood Residential. She reviewed the surrounding uses in the area. The plan calls for the creation of 16 single-family lots, including the existing home occupied by the applicant, along with 16 duplex lots fronting along Smith Avenue. Three additional lots would be created from a reconfiguration of existing structures along College Avenue. Six large lots, including the applicant's home would require a variance to the City Zoning Ordinance. Because of the topography, and the inability to create a public street to these parcels, the developer has designed them to front on Smith Avenue with pipe stem lot configurations. A variance will be needed to the City's Design and Construction Standards Manual because it is estimated that a combined total of 293 vehicle trips per day will be generated on this long portion of Smith Avenue. It is also in excess of the 800 feet maximum length for a cul-de-sac. When the developer originally submitted the plan it contained a permanent cul-de-sac configuration for the property, which had more duplex units. There was a lot of concern from adjacent property owners on Graystone Street and College Avenue about the

amount of traffic that could possibly be generated. The developer then reduced the number of proposed duplex units. The access easement would allow pedestrian traffic without having to cross people's property lines. A gate with a chain would prevent vehicles from driving onto the access easement. She said that Planning Commission recommended approval of the request with the condition that the lots would not be further subdivided in the future.

Following further discussion and comments, Council Member Lantz offered a motion to approve this request for a preliminary subdivision. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Pace
Council Member Lantz
Vice-Mayor Eagle
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from Gary Bodkin to preliminarily plat 10 townhouses with a variance. The site, which is approximately .77 acres currently zoned R-3, Multiple Dwelling Residential is located on Reservoir Street. She reviewed the surrounding uses in the area. The applicant is requesting to preliminarily plat 10 townhouse lots, which is a use permitted by right in the R-3 zoning classification. These lots would not front on a public street, but on a private parking lot. Currently Reservoir Street has 50 feet of right-of-way. The Public Works Department estimates that an additional 10 feet will be needed to make the necessary improvements; 5 feet of right-of-way would be needed from each side of the street. In addition, the entrance to this development should be designed to ensure there are no line-of-sight issues with traffic entering the City on Reservoir Street. She said that Planning Commission recommended approval of the request. Council Member Chenault offered a motion to approve the variance request. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Pace
Council Member Lantz
Vice-Mayor Eagle
Mayor Rogers

Absent – None

Mayor Rogers announced that a request by Butch Girdley to consider a preliminary plat of 142 single home lots with variances has been requested by Mr. Dick Blackwell to be withdrawn.

The next item of business was a presentation by Harrisonburg Downtown Renaissance. Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance provided an

update on the progress and accomplishments of HDR. He thanked City Council and staff for its dedication and support for the restoration of the Hardesty-Higgins House. He said HDR and Harrisonburg Tourism and Visitors Services are developing a downtown-walking brochure, which should be available at the end of September. HDR is hosting the Virginia Main Street Conference September 28-29 in Harrisonburg. Recently focus groups with Main Street Consultants met to determine what is unique about Harrisonburg. Harrisonburg has a series of springs on which the City was founded. The consultants have recommended using “Springing to Life” as a slogan. It has also been recommended finding an easier way for travelers to find downtown attractions, and parking, and to have a uniform signage system, which should be incorporated into the Streetscape Plan. Several businesses in the downtown area conducted a zip code counting. It was discovered that 60% of downtown shoppers have a Harrisonburg zip code. Slightly more than 15% have a Rockingham County zip code, which means almost 25% come from other counties, states, and countries. On Wednesday, October 26th a group of officials from Harrisonburg will travel to Lynchburg to tour the community, learn about its revitalization efforts and community services. A reception has been scheduled at Calhoun Restaurant on October 17th from 5:00-7:00 p.m., to report accomplishments, give awards and have a kick-off membership campaign. He also said the summer films and concerts held on Court Square this year were very successful. A block party will be held on September 24th from 3:00-10:00 p.m., to welcome back students from area colleges. There are new signs, lighting, awning, and improved landscape throughout the downtown area due to a Harrisonburg Downtown Renaissance grant program. The Downtown Parking Advisory Committee continues to meet discussing ideas and recommendations. He reviewed the status of the Blacks Run Bridge.

Todd Hedinger representing friends of Blacks Run Greenway said the bridge at the Market Square area was not originally on the master plan. However, when the bridge was condemned and removed the community wanted a replacement bridge. He then reviewed a proposal and asked City Council to authorize the City to sign an agreement for an easement with Main Street Bar and Grill for the purpose of putting a walkway from the bridge through to the parking lot in front the bicycle shop.

Council Member Chenault offered a motion to sign an easement from the Main Street Bar and Grill to the City for the purpose of putting the walkway from the bridge through to the parking lot in front of the bicycle shop. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Pace
Council Member Lantz
Vice-Mayor Eagle
Mayor Rogers

Absent – None

The next item of business was a report on the Railroad Enhancement Feasibility Study. Public Works Director Baker said the City of Harrisonburg, in partnership with Rockingham County and James Madison University, has completed a year-long feasibility study concerning

the feasibility of relocating a section of the Chesapeake & Western Railway around the City. This is a regional plan serving a community transportation base of over 100,000 people.

Todd Weatherman representing Ralph Whitehead Associates presented a feasibility study evaluating re-locating 3.1 miles of Northern Southern Railroad out of the James Madison University's campus and through downtown Harrisonburg. The feasibility study contains three primary alternates that were considered for the proposed realignment, a southern route, a northern route, and a middle route. Decisions on selecting the routes were based on land use, impacts, topography, and engineering restraints. The northern route has been selected by the railroad relocation committee as the primary planning process route. He said with their existing conditions the conflicts and hazards have a lot of safety issues with a number of grade crossings. Two or three trains a day create a lot of impatience with people waiting and long lines. On the JMU campus up to 5,000 students and professors are impacted when a train is passing through the campus during class change. Emergency response is also impacted when trains passes through the area. He said that there is a lot push to relocate the line to the north of the City in Rockingham County. There are jurisdictional waters and wetlands that must be considered in the planning process. It is also important in the beginning of the planning process to determine if and where historical and/or archaeological resources may exist within the project area. There are eight protected endangered species in Rockingham County and Harrisonburg that will have to be further evaluated in the environmental stage. Environmentally hazardous materials and underground storage tanks will also have to be considered in the planning process. Consideration will have to be made regarding noise level and impacts to the relocation of the railroad track. It has also been noted that an evaluation must be conducted regarding the potential for disproportionately high and adverse human health or environmental effects that projects may have on minority populations and low-income populations. The southern alternate would cost approximately \$71 million, the middle alternate \$92 million, and the northern alternate would cost approximately \$75 million. The cost is very high because of the topography, grading, draining, and tremendous cuts in the fields. A project of this magnitude will require a significant amount of funding. Though no one source is likely to provide all of the funding, a combination of funding avenues may be available during different stages of the project. The project will likely require cooperation and assistance of a Congressional earmark. As such, efforts to work closely with the U.S. Congressional Delegation are of utmost importance. Additional funding opportunities may be available through the Federal Railroad Administration and/or the Federal Highway Administration through Rail Relocation Grants. The Norfolk Southern Railway has not made any commitment to participate in project funding at this phase of the project. However, they will continue to be a participating party throughout the planning phase of the project. The next step is coming up with the funding for additional phases, which includes planning, environmental documents, preliminary engineering, design and construction.

The following discussion by Council Members included: Has there been any reaction from JMU or Rockingham County Board of Supervisors? Is Congressman Goodlatte supportive of this project? What would become of the present right-of-way? If Norfolk and Southern Railroad decides not to participate in an agreement to spend \$75 million dollars to move three miles of railroad, JMU and the City will need Southern Railroad's deeded interest for future use. Of the \$75 million dollars at least \$70 million dollars plus will have to come from the Federal

Government. Has Congressman Goodlatte seen the number? It is a staggering amount of money. If the City approaches the Federal Government on only one priority it should be repairing roads in the area first.

Public Works Director Baker said that JMU has reviewed the preliminary draft of the project and are interested in moving forward with the project. A report will be presented to Rockingham County Wednesday, September 14th. The preliminary indications are that the northern route would be considered because it will have the least impact in the area. Congressman Goodlatte is supportive of the project.

The next item of business was a discussion on changing the BPOL fees. Commissioner of the Revenue June Hosaflook said that the City charges small businesses grossing \$50,000 or less \$50.00. There is an interest in reducing or eliminating the fee up to a different threshold. She suggested considering a tier of up to a certain amount allowing people that have an irregular business or a serious hobby to not pay a fee at all. She said it could cost approximately \$35,000 to lower the fee from \$50.00 to \$25.00 and \$4,000 by eliminating people under the \$4,000 gross receipts amount. BPOL is an excellent source of revenue and is growing rapidly. For example, by June 30th this year the gross receipts in the City and the taxes produced through BPOL have already surpassed all of 2004 numbers. The City has collected \$5.4 million dollars in BPOL tax. Following further discussion and comments, Council Member Lantz offered a motion to tax gross receipts from \$0.00 to \$10,000.00 no fee; from \$10,001.00 to \$25,000.00, fee at \$25.00; and \$25,001.00 to \$50,000.00 fee at \$50.00 for a first reading. This change will be effective January 1, 2006. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Pace
Council Member Lantz
Vice-Mayor Eagle
Mayor Rogers

Absent – None

The next item of business was a discussion on general reassessment of real estate. Commissioner of the Revenue June Hosaflook said the City has a bi-annual or every other year of real estate reassessment. She said that a number of cities in Virginia with an in-house assessment staff reassess annually. If the City would go to annual real estate reassessment there would also be a permanent Board of Equalization. Receiving a new assessment notice, which is 14% to 20% higher than the last assessed value, is a hardship on a lot of homeowners. Property owners would not have to wait two years to see the value reflected in the assessment. She said her office could accomplish an annual reassessment with additional staff of two people and one-time equipment purchases, which could cost be \$80,000 during the first year. She reviewed the costs associated with hiring two full-time positions compared to hiring part-time positions during reassessment.

Council Member Pace said that changing to a reassessment every year will help keep property taxes in line and budget planning for the City and property owners. “We heard the shock people had at 13.5 percent.” Annual assessment has essentially two elements of embedded tax increase in it. The citizen will be paying money to the City a year earlier losing the opportunity to earn interest on it and the City gains an opportunity to earn interest on it. Also, the citizen could start having a compound effect rather than a simple interest rate. However, “I am in favor of annual assessment because during the last four years the City’s general property taxes have not been enough to pay the City’s contribution to the operating expenses of the school budget.

Council Member Lantz said, “I don’t know if I agree that it is an embedded tax increase, it’s taxes that people owe, but the City is just collecting it sooner.”

Following further discussion and comments, Council agreed to hear public comments at the September 27th Council meeting.

Public Utilities Director Collins presented a request to charge off delinquent utility bills incurred through December 2004. He said two accounts will have the amount transferred to their new account. None of the other accounts listed currently have service with the City of Harrisonburg; these accounts are currently being pursued by a professional collection service. Council Member Pace offered a motion to write off the list of delinquent accounts. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Pace
Council Member Lantz
Vice-Mayor Eagle
Mayor Rogers

Absent – None

Economic Development Director Shull presented a request to transfer funds to establish Harrisonburg Tourism and Visitors Services Division. He said on August 16th the Harrisonburg Tourism and Visitors Services Division was established and located in the Hardesty-Higgins House. Also, this division was placed under the Economic Development Department. There is a balance of \$148,875 remaining in the in the 2005-2006 budget line item for the H-R Convention and Visitors Bureau. Vice-Mayor Eagle offered a motion to approve this transfer request, and that:

\$148,875.00 chge. to: 1000-910411-45654 Convention & Visitors Bureau

\$48,500.00 approp. to: 1000-810821-41010 Salaries & Wages

312.00 approp. to: 1000-810821-41015 Employer Benefit Match

38,500.00 approp. to: 1000-810821-41030 PT Salaries & Wages

6,656.00 approp. to: 1000-810821-42010 FICA

7,397.00 approp. to: 1000-810821-42020 Retirement-VRS
10,460.00 approp. to: 1000-810821-42050 Hospital Insurance
65.00 approp. to: 1000-810821-42160 Flex Spending Plan Cost
5,000.00 approp. to: 1000-810821-43100 Professional Services
9,285.00 approp. to: 1000-810821-43600 Advertising
5,000.00 approp. to: 1000-810821-43601 Printing Services
200.00 approp. to: 1000-810821-44300 Central Stores
4,000.00 approp. to: 1000-810821-45210 Postage
3,000.00 approp. to: 1000-810821-45230 Telecommunications
2,500.00 approp. to: 1000-810821-45530 Training & Travel
3,500.00 approp. to: 1000-810821-45810 Dues & Memberships
3,000.00 approp. to: 1000-810821-46010 Office Supplies
500.00 approp. to: 1000-810821-46120 Books & Subscriptions
1,000.00 approp. to: 1000-810821-46140 Other Operating Supplies

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

Vote: Yes - Council Member Chenault
Council Member Pace
Council Member Lantz
Vice-Mayor Eagle
Mayor Rogers

Absent – None

The next item of business was a request to approve a petty cash advance in the amount of \$300.00 for the Harrisonburg Tourism and Visitor Services. Council Member Lantz offered a motion to approve the cash advance. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Pace
Council Member Lantz
Vice-Mayor Eagle
Mayor Rogers

Absent – None

Public Utilities Director Collins presented for Council's consideration ordinances amending Section 7-1-16, 7-4-1(5), and 7-4-1(6) of the Harrisonburg City Code. He said these changes should make deposits more customers friendly and charge a \$10.00 fee if a customer misses an appointment to set up an account. Council Member Pace offered a motion to approve this ordinance for a first reading. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Pace
Council Member Lantz
Vice-Mayor Eagle
Mayor Rogers

Absent – None

City Attorney Thumma presented for Council’s consideration amending and re-enacting Section 2-3-3(a) (2) of the Harrisonburg City Code. He said this ordinance changes procedures concerning the development of the agenda for Council meetings, which states that all agenda items must be submitted to the City Clerk no later than 5:00 p.m., of the Tuesday before regular Council meetings. Council Member Chenault offered a motion to approve this ordinance for a first reading. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Pace
Council Member Lantz
Vice-Mayor Eagle
Mayor Rogers

Absent – None

School Superintendent Ford presented a request for a supplemental appropriation for the School Board. He explained that these funding represents unanticipated receipts from the Federal Government that were not known during the budget process. These funds will be used for Title I reading program, special education technology, and purchasing calculators for mathematics. No additional City dollars are required from City Council for the school division to receive these additional funds. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$116,471.00 chge. to: 1111-33301 School Revenue – Federal

\$116,471.00 approp. to: 1111-111114-40610 Instruction

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

Vote: Yes - Council Member Chenault
Council Member Pace
Council Member Lantz
Vice-Mayor Eagle
Mayor Rogers

Absent – None

City Manager Baker presented a request from Rockingham County Public Schools. He explained that the schools have requested permission to hold a special event “Celebrating Character Counts” on Court Square on Tuesday, September 27th from 5:30 until 8:00 p.m. Vice-Mayor Eagle offered a motion to approve this request. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

City Manager Baker announced that the City will purchase a bomb-sniffing dog using budgeted funds for the Police Department. The total cost of the dog will be \$13,629.00.

At 10:10 p.m., Vice-Mayor Eagle offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Parking Authority, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirement pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Pace
Council Member Lantz
Vice-Mayor Eagle
Mayor Rogers

Absent – None

At 11:00 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 hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

At 11:01 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

cc: City Council
City Manager
Assistant City Manager
Public Library

