

## REGULAR MEETING

JUNE 13, 2006

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.

Council Member Pace gave the invocation and Mayor Rogers led everyone in the Pledge of Allegiance.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Police Department, Tourism and Visitor Services, Animal Control and Contributions, adjusting the boundary for the Harrisonburg Downtown Technology Zone, increasing the budget for Judicial Complex, Sheriff, and Courts, and increasing monies into the Water Capital projects fund. The motion also included amending and re-enacting Section 7-1-17, 7-4-1, 7-4-9, 7-4-22 and 13-1-3 of the Harrisonburg City Code. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request from R. Darren Bostic and others to rezone one, 6,152 square foot lot from R-2, Residential District to R-3C, Multiple Dwelling Residential District Conditional. The property is located at 548 Virginia Avenue, and can be found on tax map 35-D-16. The Comprehensive Plan designates this area as Neighborhood Residential. Mrs. Turner reviewed the surrounding uses in the area. The applicant is requesting to rezone the property from R-2 to R-3C for his law office. The site contains a two-story brick structure that faces Virginia Avenue. The rear yard contains a detached two-car garage opening onto 2<sup>nd</sup> street. If the property were to be converted into professional office space, the rear yard would be paved to provide the required parking spaces. It is estimated that the City’s Zoning Ordinance would require seven parking spaces. Signage for professional offices in the R-3 District is limited to 24 square feet. The applicant has offered several proffers to limit the impact of this potential change in use. The proffers include: only professional office or single-family residential uses would be permitted on the site, hours of operation have been restricted to 8:00 a.m. through 6:00 p.m., Monday through Friday and 9:00 a.m. through 1:00 p.m. on Saturdays, the garage would remain in the rear yard to provide

screening and vehicle parking for two cars, a landscape buffer would be provided along the property lines of the property to shield the neighboring homes from the parked cars, and the applicant has promised to maintain the exterior, and where possible, the interior of the structure, to retain the residential feel of the property. She said that staff appreciates the applicant's willingness to offer substantial proffers, but unlike the previous rezoning along Virginia Avenue, staff feels that this home and surrounding homes are viable as single-family residential units. It does not appear that conversion of this property to a professional office is necessary to ensure its upkeep and this rezoning may not be in the best interest of the surrounding owner occupied homes. Staff feels the most appropriate use for this property at the current time is to remain a residential dwelling. She said that Planning Commission offered a motion to not recommend approval, but that motion failed by a vote of three to three.

At 7:45 p.m., Mayor Rogers 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, May 30, and Monday, June 5, 2006.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearing on June 13, 2006 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

***Rezoning – 548 Virginia Avenue***

**Public hearing to consider a request from R. Darren Bostic & others to rezone one, 6,152 square foot lot from R-2, Residential District to R-3C, Multiple Dwelling Residential District Conditional. The property is located at 548 Virginia Avenue, and can be found on tax map 35-D-16.**

**The Comprehensive Plan designates this area as Neighborhood Residential. This 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 Zoning Ordinance states that 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-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 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 Rogers called on anyone desiring to speak for or against this request.

Darren Bostic the applicant discussed the parking issues for the lot and said access to the lot would be from 2<sup>nd</sup> Street. He then explained the details and history of how they acquired this property. They liked this property compared to others they looked at because it was well set up for their office use. Other properties they viewed were not well kept. He said he, his wife, and an administrative assistant would only use it. He noted that two of the adjacent properties are rentals and not owner occupied.

Phoebe Davis said she was concerned because this property would be used as a law firm, which advertises in the telephone directory as handling criminal cases.

Christine Stephan said, "I am concerned about this request because the neighborhood has worked very hard to foster a sense of community and neighborhood on Collicello Street." Her husband is the neighborhood watch coordinator and they have made tremendous efforts to meet the neighbors. There are many rental properties in this area, which makes the neighborhood more transient. Crime is an issue although not a huge issue, but they see gang activity in the area. She expressed concern about the safety of children playing in the alley that passes to the rear of the property and the subject parcel.

Bucky Berry said the neighborhood should remain residential. There being no others desiring to be heard, the public hearing was declared closed at 7:54 p.m., and the regular session reconvened.

The following discussion by Council Members included: Concern about a professional office being located in residential area, spot rezoning, no public need for this law office, and current zoning should remain on the property.

Council Member Pace offered a motion that this rezoning request be denied. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request from Ferguson Investments to rezone twenty-seven lots, from R-2, Residential District and R-2C, Residential District Conditional to R-7, Medium Density Mixed Residential Planned Community District. The properties are located near the undeveloped portion of Suter and Monroe Streets, and can be found on tax map parcels 40-A-25-30, 40-B-9-19, and 40-B-28-37. The Comprehensive Plan designates this area as Mixed Use Development and Neighborhood Residential. Mrs. Turner reviewed the surrounding uses in the area. The applicant is requesting to rezone twenty-two, R-2, Residential District lots and five R-2C, Residential District Conditional lots to R-7, Medium Density Mixed Residential Planning Community District. Twenty-eight lots, public streets and an open area are proposed to be located in the area between the undeveloped right-of-way section of Suter and Monroe Streets. The current request proposes to construct eight lots that would be accessed from the existing Suter Street right-of-way. The remaining 20 lots would be constructed along two cul-de-sac streets and therefore no new lot would front on the northern side of the existing undeveloped Monroe Street right-of-way. Each lot would front along a dedicated City street. They have also reserved 1.44 acres for a park (20.3% of the area), which meets the R-7 requirements of a minimum of 15% of the development to be reserved for common open space. She reviewed the different homes types in the development. The plan itself serves as a proffered development, therefore the area, width, depth, and setbacks for each lot must conform to the proposal as it is presented. Additionally, the developer has offered the following additional details for the plan: A tree of 2” or greater caliper in each yard, Landscaping for each unit, upgraded light poles, front of unit to have masonry accents, exposed block foundation covered with masonry product, asphalt or concrete driveway, concrete sidewalk from driveway to the front door. She said that Planning Commission recommended approving this request.

At 8:10 p.m., Mayor Rogers 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 Tuesday, May 30, and Monday, June 5, 2006.

#### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearing on June 13, 2006 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

***Rezoning – Suter Street (Undeveloped)***

**Public hearing to consider a request from Ferguson Investments to rezone twenty-seven lots, totaling 7.11 acres, zoned R-2, Residential District and R-2C, Residential District Conditional to R-7, Medium Density Mixed Residential Planned Community District. The properties are located along the undeveloped portion of Suter Street and along North Liberty and Charles Streets, and can be found on tax map parcels 40-A-25-30, 40-B-9-19, and 40-B-28-37.**

**The Comprehensive Plan designates this area as Neighborhood Residential and Mixed Use Development. 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 Mixed Use Development 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 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-7, Medium Density Mixed Residential Planned Community is intended to permit the development of planned residential communities offering a mix of single family detached and attached dwellings and open spaces. Innovative residential building types and creative subdivision design solutions are encouraged to promote neighborhood cohesiveness, walkability, connected transportation systems, community green spaces and protection of environmental resources. Communities shall be developed, redeveloped, and amended in accordance with a master development plan.

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 Rogers called on anyone desiring to speak for or against this request.

Tim Ferguson said they were trying to build affordable houses in the City. There being no others desiring to be heard, the public hearing was declared closed at 8:13 p.m., and the regular session reconvened. Vice-Mayor Eagle offered a motion to approve this request as presented. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request from Virginia Manor, LLC to rezone three lots from M-1 to B-1C. She said that the Comprehensive Plan designates this area as Mixed Use Development. She reviewed the surrounding uses in the area. The applicant is requesting to rezone three lots and intends on redeveloping the site into a mixed-use development, incorporating residential condominiums, professional offices, commercial/retail space and possibly a restaurant. The proposed plan involves removing less architecturally significant portions of the building to provide better access to the remaining structures as well as providing additional on site parking. The B-1, Central Business District is intended for properties located with Harrisonburg's core downtown area. The expectation is that these properties can utilize on-street parking and public parking provided in various city parking lots and decks. She said that applicant has proffered to provide one parking space for each dwelling unit created, along with providing spaces for professional, commercial, and retail services to meet 35 percent of the required parking for the site if it were required to provide its own on-site parking under the B-2 requirements. She said that Planning Commission recommended approving this request.

At 8:20 p.m., Mayor Rogers 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 Tuesday, May 30, and Monday, June 5, 2006.

#### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearing on June 13, 2006 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

***Rezoning – 217 South Liberty Street (Cassco Ice Property)***

**Public hearing to consider a request from Virginia Manor, LLC to rezone three lots, totaling 2 +/- acres from M-1, General Industrial District to B-1, Central Business District. The property is located at 217 South Liberty Street, and can be found on tax map parcels 25-F-9, 9A, 10.**

**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 B-1, Central Business District is intended as an urban and regional center for the conduct of commercial, financial, professional and governmental activities to which the public requires direct and frequent access. No minimum lot size or setback restrictions exist in the B-1, Central 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 Rogers called on anyone desiring to speak for or against this request.

Katrina Kirtshank questioned whether the corridor along the railroad tracks would be free from gangs. How can the City guarantee safety of patrons using the restaurant or residents living in the area? There being no others desiring to be heard, the public hearing was declared closed at 8:24 p.m., and the regular session reconvened. Vice-Mayor Eagle offered a motion to approve this request as presented. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Mayor Rogers announced that a scheduled public hearing rezoning request by John M. Serrell has been tabled.

At 8:26 p.m., Mayor Rogers 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, June 5, 2006.

#### **NOTICE OF PUBLIC HEARING`**

**A public hearing will be held by the Harrisonburg City Council on Tuesday, June 13, 2006 at 7:30 p.m., in the Harrisonburg Municipal Building, 345 South Main Street, Harrisonburg, Virginia. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City's 2005-2006 budget in the net amount of \$916,604.74. This amount represents additional General Fund, CDBG Fund and Sanitation Fund expenses that will be funded by additional receipts and amounts from fund balance.**

**The budget increase will be as noted below:**

<b>Revenues:</b>		
<b>General Fund:</b>		<b>\$ 71,736.10</b>
Donations		8,974.35
Recovered cost		8,813.49
Federal grant		4,297.36
Insurance recovery		8,995.00
Transfer from CDBG Fund		<u>101,948.90</u>
<b>Total General Fund</b>		<b>204,765.20</b>
 <b>Community Development Block Grant Fund:</b>		
Amount from fund balance		(118,644.78)
Community Development Block Grant		<u>330,484.32</u>
<b>Total CDBG Fund</b>		<b><u>211,839.54</u></b>
 <b>Sanitation Fund:</b>		
Landfill fees		197,218.00
Steam Plant Tipping fees		167,000.00
Sale of recyclables		20,000.00
Reimbursement-JMU CISAT operations		259,000.00
Reimbursement-HEC Cogeneration		(89,515.00)
Reimbursement-Rockingham Co-recycling		(53,703.00)
<b>Total Sanitation Fund</b>		<b><u>500,000.00</u></b>
 <b>Grand Total</b>		 <b><u>916,604.74</u></b>
 <b>Expenditures:</b>		
<b>General fund:</b>		
Police-Operation Division	49,297.36	
Police-Support Services	<u>45,000.00</u>	94,297.36
Fire-Suppression	26,782.84	
Fire-Public Safety Building	<u>83,685.00</u>	<u>110,467.84</u>
<b>Total General Fund</b>		<b><u>204,765.20</u></b>
 <b>Community Development Block Grant Fund:</b>		
Various expenditures		<u>211,839.54</u>
 <b>Sanitation Fund:</b>		
CISAT		472,494.00
Refuse Collection		15,000.00
Recycling		<u>12,506.00</u>
<b>Total Sanitation Fund</b>		<b><u>500,000.00</u></b>
 <b>Grand Total</b>		 <b><u>916,604.74</u></b>

**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 these supplemental appropriations. There being no one desiring to be heard, the public hearing was declared closed at 8:27 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve this request for a first reading, and that:

- \$197,218 chge. to: 2014-31632 Landfill Fees
- 167,000 chge. to: 2014-31633 Steam plant Tipping Fees
- 20,000 chge. to: 2014-31807 Sales of Recyclables
- 259,000 chge. to: 2014-31915 Reimb-JMU Cisat Operating
- (89,515) chge. to: 2014-31912 Reimb-HEC co-Generation
- (53,703) chge. to: 2014-31917 Reimb-Rockingham co-Recycle
  
- \$115,000 approp. to: 2014-912242-43310 Repairs & Maintenance
- 165,000 approp. to: 2014-912242-45110 Electricity
- 96,000 approp. to: 2014-912242-45119 Natural Gas
- 73,000 approp. to: 2014-912242-46180 Chemicals
- 8,000 approp. to: 2014-912242-42110 Workman's Compensations
- 1,125 approp. to: 2014-912242-43600 Advertising
- 1,500 approp. to: 2014-912242-45340 Property Insurance
- 10,769 approp. to: 2014-912242-44310 Fuel
- 2,100 approp. to: 2014-912242-45370 Liability Insurance
- 15,000 approp. to: 2014-922041-44310 Fuel
- 1,114 approp. to: 2014-952042-42110 Workmen's Compensation
- 11,392 approp. to: 2014-952042-44310 Fuel
  
- \$90,000 chge. to: 1000-31010 Amount from fund balance
  
- 45,000 approp. to: 1000-310431-44310 Central Stores-power eqp. Fuels
- 1,000 approp. to: 1000-310231-41020 Salaries/wages OT
- 10,000 approp. to: 1000-310231-45380 General Liability Insurance
  
- \$4,297.36 chge. to: 1000-33524 Federal DMV grants
  
- \$4,297.36 approp. to: 1000-310231-41020 Salaries/wages OT
  
- \$8,813.49 chge. to: 1000-31914 Recovered costs
- 8,974.35 chge. to: 1000-31809 Donations
- 8,995.00 chge. to: 1000-34011 Insurance recovery
- 83,685.00 chge. to: 1000-31010 Amount from fund balance

\$17,787.84 approp. to: 1000-320232-41020 Salaries & wages OT  
8,995.00 approp. to: 1000-320232-48203 Fire Programs Fund  
62,937.92 approp. to: 1000-320632-45110 Electricity  
20,747.08 approp. to: 1000-320632-45119 Natural Gas

\$101,948.90 chge.to: 1000-34280 Transfer from CDBG fund  
330,484.32 chge. to: 1000-33201 Community Development Block Grant

\$101,948.90 approp. to: 1000-31010 Amount from fund balance (decrease)  
118,644.78 approp. to: 1117-31101 Amount from fund balance (decrease)  
18,310.00 approp. to: 1117-810721-41010 Salaries and Wages  
100.00 approp. to: 1117-810721-41015 Employer benefit match  
1,410.00 approp. to: 1117-810721-42010 FICA  
86,662.88 approp. to: 1117-810721-45676 CDBG Projects and Programs  
3,407.76 approp. to: 1117-810721-48272 Hardware  
101,948.00 approp. to: 1117-810721-49210 To General Fund

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

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

Absent – None

City Manager Baker read the following letter: As you may have heard, the City of Harrisonburg is considering the sale of the former Harrisonburg High School property – now named Memorial Hall – to James Madison University. Because a public hearing on this proposal is scheduled for June 13, I felt that it was important for you in the neighborhoods surrounding the high school to have more direct correspondence on the university's plans for the property should the City Council vote to sell.

Hopefully, you have been pleased with our upkeep of the property since we began leasing it in July 2005. We've worked hard to be good stewards of the property. In fact, we've heard that many fans of local baseball are glad that Memorial Stadium is looking well cared for. The Harrisonburg Turks are playing there – as they have since it was built in 1947 – and we would continue the tradition. Minor upgrades to Memorial Stadium would be part of our near term plans. Over the long term, any major improvements to Memorial Stadium would include preserving the World War II Veterans Memorial.

JMU's College of Education moved in during the last several weeks, and will be Memorial Hall's primary occupant. Given that over 200 JMU education students help teach in local

schools every year, and that many established local K-12 teachers are JMU alumni, we feel that locating the College of Education in Memorial Hall is in keeping with the building's tradition of educating local students.

The Outreach Program segment of the JMU College of Graduate and Outreach Programs also recently moved to Memorial Hall. This represents a terrific opportunity for JMU to assist Harrisonburg to meet the goal in its Comprehensive Plan of offering education and training opportunities to adult populations. Last year, over 1,000 adult students were served by JMU's Outreach Programs, and it is our hope that this new location can help to serve even more.

JMU intercollegiate and intramural sports will use the athletic fields and gymnasium space. The JMU department of university recreation is considering a plan that would bring city recreation department programs onto the fields when they are not in heavy use – during the summer months, for example.

We look forward to being your good neighbors into the future. In the meantime, I wish you and your family a healthy and happy summer season. Sincerely yours, Andy Perrine, Associate Vice-President.

At 8:30 p.m., Mayor Rogers closed the regular session temporarily and called the evening's fifth public hearing to order. The following notice appeared in the Daily News-Record on Friday, June 2, and Friday, June 9, 2006.

**NOTICE OF PUBLIC HEARING ON THE  
DISPOSITION OF REAL ESTATE  
OWNED BY THE CITY OF HARRISONBURG  
ALONG SOUTH HIGH STREET IN THE CITY OF HARRISONBURG**

**The Harrisonburg City Council will hold a public hearing on June 13, 2006 at 7:30 P.M. in the City Council Chambers located in the Municipal Building, 345 South Main Street, Harrisonburg, Virginia, concerning the disposition of real estate, namely, the surplus property received from the City School Board (the Old Harrisonburg High School and adjoining athletic fields) to James Madison University and the James Madison University Real Estate Foundation, Inc., as per their proposal to purchase the same.**

**Copies of the proposed sales agreements are available in the City Manager's Office, 345 South Main Street, Harrisonburg, Virginia, 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 person requiring auxiliary aids, including signers, in connection with this public hearing shall notify the City Manager at least five (5) days prior to the time of the hearing.**

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

Mayor Rogers called on anyone desiring to speak for or against disposing of this real estate owned by the City of Harrisonburg.

Ralph Geddis, a resident of the City, said City Council should continue leasing the old high school building to JMU rather than selling it because another school building may be needed in 10 years.

Barry Haff said this is an opportunity for the City and JMU to get together and create something that will become a model for other cities. Memorial Hall could become a City Center for recreation, education and culture to benefit the entire community. He said, "I am opposed to selling all the recreation fields to JMU outright with the idea that they could eventually close it off to the City."

Eliza Hoover said that Downtown Renaissance is amazing and exciting. In twenty years hopefully many people will be living in the downtown area and the school could be part of the extended downtown area. Selling this building is not a quick budget fix.

Vicky Swartz, a resident of the City, said is the old high school property and Veterans Memorial Stadium is not any less historic to the citizens than the Lucy Simms School or the remodeled Hardesty-Higgins House. The old high school property and all the athletic fields are one of the most valuable centrally located properties that the City of Harrisonburg owns. This property is being given away at the proposed purchase price. With all the development and rezoning requests being approved by this Council, common sense would indicate that we will need additional schools, but where will we put them? Using this building to educate our students has to be better than mobile classrooms. We do not know what our growing City will need in the future. If we need money for roads and schools immediately, lets sell Heritage Oaks Golf Course that the citizens did not want in the first place. City taxpayers should have a vote on whether this property is sold. Veterans Memorial Stadium is the City's largest local monument honoring the local men who died in World War II and selling the stadium is a slap in the face to all our veterans. "Do not sell the citizens of Harrisonburg's future and history down the road. Do not disrespect our local veterans and all veterans past, present and future by allowing this sale to proceed."

Bucky Berry, a resident of the City, said sometimes elected officials make bad decisions. My father was killed in the Viet Nam War and it is a disgrace to my family if Memorial Hall and the stadium are sold.

Mike Gray, commander of the Disabled American Veterans, in Harrisonburg said veterans of War World II built the stadium and gave it to Harrisonburg. He accused Council Members of not paying attention to the citizens.

Jessica Thompson said she was very happy that JMU would be taking over the high school property. The building is not safe nor it is a great building and will cost millions and millions dollars for it to be a safe elementary or middle school again. "Let it go and let the community use it somehow."

Susanne Feterline said she has been involved in the school board discussions and activities during the re-structuring over the last several years. She said most people thought JMU would lease the property for five years. It was not to give the property away forever. This property

may be of real value to the City in the future. There needs to be more discussion regarding this decision to sell the property.

Dorn Peterson said some people are worried that the City may need the land and building at a later date. Other people are worried that the land is being sold too cheaply. JMU needs to plan for their students for a long time period and probably a five-year lease is not long enough. But, if the City would give JMU a lease until they move into the hospital buildings or a 10-year lease it would help a lot. It would mean that 10 years from now the City could go back and look at its needs. "I hope Council will consider postponing making a decision tonight."

Katrina Cook Shenk said, "Who will pay the \$11.5 million?" She said that amount is the difference between what JMU will be paying for the property and price of a new school.

Robert Sullivan, Jr. read the following statement: "I graduated from Harrisonburg High School in 1956. Harrisonburg High School began to operate in this Municipal Building (in 1894 and continued until 1928) when a new high school on the edge of town was built for \$258,000. In 1993-1994 major renovations were done at a cost of \$11 million. In 2005, HHS moved to its new home on Garbers Church Road on the southwest edge of the City and the current enrollment is about 1,300 students. Today, there are approximately 10,400 Harrisonburg High graduates. If the old HHS is sold to JMU can the original 1928 façade be preserved? I would prefer that the property be turned back to the School Board so that it could again be part of our school system. Change is often very hard to accept. I hope your decision will be in the best interest of the entire City."

Scott Joist said the high school is glue for a community. When the high school was moved the neighborhood became very quiet. The City is still experiencing huge amounts of growth. Why are we selling the old high school so fast? Why are we rushing?

There being no others desiring to be heard, the public hearing was declared closed at 9:19 p.m., and the regular session reconvened.

Vice-Mayor Eagle said, "I have been paying close attention to everything said tonight. The names on the Veterans Memorial plaque are not legible and can't be read because the glass needs to be fixed. I have done my homework very carefully and looked at everything from all angles. I was elected to make decisions for the best interest of the citizens of Harrisonburg. Selling the property for \$17 million is equivalent to \$586,000 an acre. The City recently purchased 35 acres at Port Republic Road and Neff Avenue. The cost of the property is approximately \$85,000 an acre. Duke's Plaza has been on the market for several years and can be purchased for less than \$350,000 an acre. I graduated from Harrisonburg High School 51 years ago. My grandson graduated from Harrisonburg High School last Saturday, June 10<sup>th</sup> and the ceremony was held at James Madison University. It was not held at the new \$41 million high school. Many events are held at JMU on a daily basis. JMU takes very good care of its property. There must be a certain amount of mutual trust. The City provides fire and rescue service for JMU. Would we have a transit system without JMU? JMU has been a good partner with the City of Harrisonburg. This money is needed to begin projects and pay for new schools. JMU will be a good partner."

Council Member Chenault said, "I want to thank everybody over the past year that has provided counsel to me and help to understand why I think this is good for the City of Harrisonburg. I thank everybody for being here tonight. I apologize if somebody thinks I wasn't paying attention because I thought I was, but you never know sometimes. In answer to questions by a citizen, I

don't know when a done deal is a done deal. When the lease proposal was first presented, I was supportive of selling the property to JMU. Approximately three years ago a group met and discussed the need at that time for a joint elementary/middle school complex located on the east side of the City. However, a problem existed, how do we pay for it? Construction will begin soon on the joint elementary/middle school complex, which is estimated to house over 1,200 students in grade configurations with the other schools in the City. The purchase price of the property far exceeds anything we could receive on the open market unless we sell the property to a private developer. But, common sense tells me a private developer will destroy the high school building and eliminate Memorial Stadium. That is not a suitable alternative to me. I want to preserve the original high school building and the additions and Memorial Stadium. It is my belief that JMU will utilize the stadium very consistently with the veterans theme and will even improve upon it so that all veterans will be proud of the facility. JMU has the sixth best ROTC program in the country. The other five ROTC programs ranked better than JMU are military schools. JMU produces more active military officers than non-military schools in the country. They have men and women serving in the military around the world and one student has lost their life in the service of their country. The educational use of the property is the only remaining obstacle and probably the first obstacle to why we shouldn't enter into this sale with JMU. Teachers and administrators have assured me that this school has absolutely no use to our school system. Furthermore, all of the growth in the City of Harrisonburg is on the East side of Main Street and I-81. Schools should be where the students are and this location for the new elementary/middle school complex was chosen. In the future, the high school may need an addition, but it was configured and designed for it. There also may be a need for a sixth elementary school. Finally, I hope the high school building and Memorial Stadium will be an asset to the downtown area. We are elected to make decisions that are best for all of the citizens of Harrisonburg. We are all painfully aware of the escalation of building material prices and construction cost. We have many immediate needs at the new school, Reservoir Street, Port Republic Road and Stone Spring Road. A dollar to us now means much more than a dollar five years from now. Additionally, by paying off the bonds that are still due on the high school now rather than waiting five years the City should save approximately \$583,000, which is considerable. Harrisonburg is known throughout the state as having the best recreational program in the state of Virginia. The golf course has more City residents participating in its program than any other City athletic programs and it recovers more of its cost on a percentage basis than other City facilities. Unless we are willing to dispose of all City recreational assets it is very unfair to pick out one that is used by more people than other assets that we have and by more adults."

Council Member Pace said, "I received more input on this issue both pro and con than any other issue that has come before this body in the last two years. It is very important that we remember that over a year ago the School Board and administration did reach a consensus that the old high school was not an appropriate facility for either elementary or middle school students. It was decided because of its size, configuration, location, and the rapid escalating cost of maintenance and utilities. This body concurred with that recommendation and voted unanimously to fund a new facility designed for an elementary/middle school complex. We are receiving a fair market value for the property. JMU will relocate the College of Education to the old high school. This decision is critically important to the future of our public school system because in the next five years 27% of our teachers will become eligible for retirement. The old high school building will

allow JMU to increase enrollment in the College of Education, which will help the City with its recruitment challenge. I think over half the proceeds should be provided for the educational infrastructure and the balance should be used to fund our other top priority, which is transportation. Let's fund completing the widening of Port Republic Road and Reservoir Street to the eastern boundary of the City. It needs to be done right now and even if we begin working on the project it will take two to three years to complete. I suggest that an addendum to the contract asking for an agreement with JMU that we agree to share the auditorium, Memorial Stadium and the athletic facilities on a seasonal basis. It appears that JMU is willing to support this agreement and it should be in writing and in the contract. I also checked with the City Manager regarding selling the golf course. The established bond covenant regarding selling the golf course cannot be done until 2010 and then there are penalties. It is not an option until the year 2010."

Mayor Rogers said, "I know that during the duration the men sitting around this table have worked very hard on the project. I have not been involved in any meetings at JMU nor any discussions."

Council Member Chenault offered the following motion, "That the City of Harrisonburg acting through its City Manager sell 9.6 acres to James Madison University Real Estate Foundation at the gross sales price of \$11,040,000 and that we sell 19.4851 acres to the Visitors of James Madison University for the gross sales price of \$4 million. Furthermore, I move that all covenants contained in the real estate contracts be merged into the motion and ordinance and further authorize the City Manager to be empowered to see that these real estate transactions are closed as soon as possible with the realization that the Visitors of James Madison University may require extra time to secure the money because of the state budget impasse and that he be allowed to negotiate extension in their payment of the purchase price to accommodate this. I would consolidate Mr. Pace's request that James Madison University take note of our request that acknowledgement be given to the possible joint use of the athletic facilities and the social facilities located within the City on a seasonal basis as they are available when JMU is not using them. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Abstained - Mayor Rogers

Absent - None

City Manager Baker presented the following resolution for Council's consideration.

**RESOLUTION AUTHORIZING THE UNDERTAKING  
OF CERTAIN PRELIMINARY ACTIONS  
WITH RESPECT TO THE ISSUANCE OF BONDS**

**BY THE CITY OF HARRISONBURG, VIRGINIA**

**WHEREAS, the City Council of the City of Harrisonburg, Virginia (the “Council”) wishes to undertake the construction of a new elementary and middle school complex (the “School Project”) located in the City of Harrisonburg, Virginia (the “City”) to be financed in part by the issuance of general obligation bonds (the “School Bonds”) of the City;**

**WHEREAS, the City also wishes to issue bonds to finance certain housing projects (collectively, the “Housing Project”) as requested by the Harrisonburg Redevelopment and Housing Authority (the “Authority”) by issuing general obligation bonds (the “Housing Bonds”) and providing the proceeds thereof to the Authority;**

**WHEREAS, the City may wish, depending upon an analysis of debt service savings and other factors, to refinance certain of its existing bonded indebtedness through the issuance of refunding bonds (the “Refunding Bonds”);**

**WHEREAS, the School Bonds and the Housing Bonds (collectively, the “Bonds”) and the Refunding Bonds would be issued pursuant to the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended (the “Act”), and would be secured by a pledge of the full faith and credit of the City; and**

**WHEREAS, the City Manager and staff of the City will need to take certain actions prior to the final authorization of the Bonds and the Refunding Bonds in order to make certain determinations with respect to such issuance and to facilitate the offering, sale and issuance of the Bonds and the Refunding Bonds in a timely and orderly manner;**

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

**1. It is hereby determined to be in the best interests of the City to undertake the financing of the School Project and the Housing Project by issuing the School Bonds and Housing Bonds therefore. The City will determine whether to issue any Refunding Bonds upon the presentation of a financial analysis with respect thereto.**

**2. Pursuant to the Act, there are hereby authorized to be issued Bonds of the City in the maximum aggregate principal amount of \$45,000,000 to be issued at one time or from time to time, to provide funds, together with other funds that may be available, to finance the School Project and the Housing Project and to pay related issuance costs and capitalized interest.**

**3. The Bonds shall mature at such time or times not exceeding forty years from the date of their issuance, shall bear interest at such rate or rates, shall be redeemable for such amounts and at such times, shall be in such form and shall contain such other details not inconsistent with the Act, as shall be fixed by the Council by resolution adopted at a subsequent meeting prior to the time that the City offers the Bonds for public sale. The Bonds may be issued in one or more separate series appropriately designated.**

**4. The Council hereby determines that it will be in the best interests of the City to sell the Bonds through an offering to the public.**

**5. The Council hereby appoints Troutman Sanders LLP to serve as Bond Counsel to the City in connection with the issuance of the Bonds and to supervise all proceedings in connection with the issuance of the Bonds.**

**6. The City Manager is hereby authorized to determine the appropriate series designations and fix the amounts, dates, maturity schedules, redemption provisions**

and other terms of the Bonds, to determine the terms upon which the Bonds will be offered for public sale and the amount of any good faith deposit, and to take all other necessary action for the sale of the Bonds, all subject to approval by the Council by resolution adopted at a subsequent meeting prior to the time that the City offers the Bonds for public sale.

7. The City Manager and his staff are authorized to work with Davenport & Company LLC (the “Financial Advisor”) to prepare a Preliminary Official Statement of the City describing the Bonds and their terms and manner of purchase, the purposes for which the Bonds are being issued and the security for and other information relating to such Bonds, and setting forth certain information with respect to the City. The form of the Preliminary Official Statement and its distribution are subject to approval by the Council by resolution adopted at a subsequent meeting prior to its distribution.

8. The City Manager and his staff are authorized to take such actions as shall be necessary or appropriate to obtain a credit rating or ratings for the Bonds from Fitch, Inc., Moody’s Investors Service, Inc. and/or Standard & Poor’s Ratings Services, if the City Manager, in consultation with the Financial Advisor, determines that the receipt of such ratings would be beneficial to the City.

9. The City Manager and his staff are authorized to take such actions as shall be necessary or appropriate to obtain a commitment or commitments for municipal bond insurance or other credit enhancement to secure the Bonds, if the City Manager, in consultation with the Financial Advisor, determines that the receipt of such municipal bond insurance or other credit enhancement would be beneficial to the City. Any determination of the security to be offered for the Bonds such as bond insurance or other credit enhancement will be subject to approval by the Council by resolution adopted at a subsequent meeting prior to the time that the City offers the Bonds for public sale.

10. The City Manager and his staff are authorized to take such actions as shall be necessary or appropriate to make application to a qualified securities depository to act as securities depository for the Bonds during any period ownership of the Bonds is to be evidenced by book-entry.

11. The City Manager, his staff and other officers of the City are further authorized to take any other actions that they may feel are necessary or desirable in connection with the offering, issuance or sale of the Bonds.

12. This Resolution shall take effect immediately upon its adoption.

**CLERK’S CERTIFICATE**

At a regular meeting of the City Council of City of Harrisonburg, Virginia, held on the 13<sup>th</sup> day of June, 2006, at which the following members were present and absent:

<b><u>MEMBER</u></b>	<b><u>PRESENT</u></b>	<b><u>ABSENT</u></b>
Charles R. Chenault	X	
Rodney L. Eagle	X	
Hugh J. Lantz	X	
George W. Pace	X	
Larry M. Rogers	X	

**The foregoing resolution, a true and correct copy of which precedes this certification, was adopted by the affirmative roll call vote of a majority of all members of the City Council, the ayes and nays being recorded in the minutes of the meeting as follows:**

<u>MEMBER</u>	<u>AYE</u>	<u>VOTE</u>	<u>NAY</u>
Charles R. Chenault	X		
Rodney L. Eagle	X		
Hugh J. Lantz	X		
George W. Pace	X		
Larry M. Rogers	X		

**WITNESS my hand as Clerk of the City Council of City of Harrisonburg, Virginia, this 13th day of June, 2006.**

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**Clerk, City Council of City of Harrisonburg,  
Virginia**

City Manager Baker said that adopting this resolution will allow staff and bond counsel to move forward with the sale of bonds for the new middle/elementary school complex. All documents will have to come back to Council for final approval. Vice-Mayor Eagle offered a motion to approve authorizing this preliminary resolution for issuance of bonds. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a request from the City Treasurer to advertise delinquent real estate taxes for 2003/2004 and 2004/2005. The ads will be advertised in the Daily News-Record. Council Member Chenault offered a motion to approve this request. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

The next item of business was a request from the City Treasurer to charge off uncollectible personal property taxes for the year 2000 and real estate taxes for the year 1985. Mrs. Becky Neal said the 1985 real estate taxes being written off is \$161.64 and the 2000 personal property taxes' amount is \$129,606.13. She said three parcels have been charged off year after year and have been delinquent since 1975. Mrs. Neal said she intends to sell these

properties eliminating the delinquent balance and four years of taxes. Council Member Pace offered a motion to approve this request. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

City Attorney Thumma presented for Council's consideration an ordinance amending and re-enacting Section 4-2-10 of the Harrisonburg City Code. Amending and re-enacting City ordinance to add Community Development Block Grant appropriations that cannot be completed during any one of the City's fiscal years. Council Member Pace offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Attorney Thumma presented for Council's consideration an ordinance amending and re-enacting Section 4-1-27 of the Harrisonburg City Code. Amending and re-enacting this ordinance sets the interest rate for delinquent personal property tax at four percent (4%). Following further discussion and comments, Council Member Pace offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Attorney Thumma presented for Council's consideration an ordinance amending and re-enacting Section 10-6-7 of the Harrisonburg City Code. Amending and re-enacting City ordinance to include existing City technology businesses in the downtown technology zone if they meet certain criteria. Vice-Mayor Eagle offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Attorney Thumma presented for Council’s consideration an ordinance amending and re-enacting Section 4-2-17 of the Harrisonburg City Code. Amending and re-enacting City ordinance to set forth the procedure to grant tax exemptions for non-profit organizations for the real and personal property. Following further discussion and comments, Council Member Pace offered a motion to approve this ordinance as amended for a first reading. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Attorney Thumma presented for Council’s consideration an ordinance amending and re-enacting Section 13-1-15 of the Harrisonburg City Code. Amending and re-enacting City ordinance to increase motor vehicle license fees. Council Member Chenault offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Economic Development Director Brian Shull presented a transfer request for the department. He said that this request allows the transfer of money from the Hardesty-Higgins House Capital Project budget to the City’s General Properties budget to cover Hardesty-Higgins House maintenance expenses. Council Member Lantz offered a motion to transfer these funds, and that:

\$31,121.55 chge. to: 1000-34291 Trans from General Capital projects fund  
34,239.53 chge. to: 1310-910141-48692 Hardesty Higgins House

\$ 5,342.40 approp. to: 1000-430221-41030 Part time salaries and wages  
5,308.26 approp. to: 1000-430221-43320 Service contracts  
265.75 approp. to: 1000-430221-43330 Maint & Repair – Machinery & Equip  
488.00 approp. to: 1000-430221-43364 Maint & Repair – 212 South Main St.

965.08 approp. to: 1000-430221-43720 Laundry and dry cleaning  
40.00 approp. to: 1000-430221-43890 State fees and permits  
2,422.30 approp. to: 1000-430221-44300 Central Stores  
7,553.04 approp. to: 1000-430221-45116 Electricity-212 South Main St.  
5,855.52 approp. to: 1000-430221-45126 Heating-212 South Main St.  
560.23 approp. to: 1000-430221-45130 Water and Sewer  
1,355.97 approp. to: 1000-430221-45230 Telecommunications  
965.00 approp. to: 1000-430221-45340 Property insurance  
3,117.98 approp. to: 1000-910141-48698 Municipal Building Renovation & Repairs  
31,121.55 approp. to: 1000-910141-49210 Transfer to General Fund

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

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

Absent – None

School Superintendent Ford presented a request to transfer funds for the School Board. He said this transfer is a normal procedure for this time of the year to make funds available where they are needed. No new dollars are necessary from City Council for the school division to receive this transfer. Council Member Lantz offered a motion to transfer these funds, and that:

\$125,000 chge. to: 1111-111114-40610 Instruction

\$125,000 approp. to: 1111-11114-40680 Technology

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

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

Absent – None

Robert Sullivan expressed his appreciation to City Council for all their hard work.

Ralph Gettes complained about water not draining properly after a storm in front of his home.

City Manager Baker presented a request from Hal Dubois to hold a sanctioned thirteen-mile, (26 lap), speed skating race entitled “The First Annual Independence Day Race of Champions” on July 4<sup>th</sup>. The route for the race includes closing Bruce Street from Liberty Street to Main Street, Main Street from Bruce Street to Graham, Graham Street from Main Street to Liberty Street. The race will begin at 7:00 a.m. and end at 10:30 a.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 presented an application for a fireworks display at the Arts Council Valley 4<sup>th</sup> celebration. He said the appropriate applications have been completed and all Fire Department requirements have been met. Council Member Chenault offered a motion to approve this request. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

City Attorney Thumma said that after receiving a complaint from Karen Thomas regarding a landowner who had closed a portion of an alley he and other City staff members made a visit to the alley. The landowner was informed not to park any more vehicles within the alley.

At 10:16 p.m., Council Member Chenault 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 and Industrial Development Authority, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Consultation with legal counsel regarding a proposed contract requiring the provision of legal advice of such legal counsel, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(7) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 11:35 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement 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 11:40 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

cc: City Council  
City Manager  
Assistant City Manager  
Public Library