

## REGULAR MEETING

October 13, 2009

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Police Major Malcolm Wilfong. Absent: Police Chief Donald Harper.

Council Member Byrd gave the invocation, and Mayor Degner led everyone in the Pledge of Allegiance.

Bucky Berry encouraged everyone to support several events being held during October, November and December to collect food for the needy.

Brandon Amstutz, owner of Downtown Fine Furniture, expressed his concerns regarding the appearance of “One Court Square”, which has been vandalized and looks terrible especially during events held in the downtown area. He encouraged the City to find a use for the building.

City Manager Hodgen introduced Ande Banks the City’s new Director of Special Projects & Grant Management.

Council Member Frank 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. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Baugh  
Council Member Byrd  
Council Member Frank  
Council Member Wiens  
Mayor Degner

Absent – None

Planning and Community Development Director Turner presented a request from Jamison Black Marble Wildlife Preserve for a special use permit within the M1, General Industrial District to allow for a recreational use at 1430 Red Oak Street. The Comprehensive Plan designates this area as General Industrial. Mrs. Turner reviewed the surrounding uses in the area. The applicant is requesting a special use permit to allow the property at 1430 Red Oak Street to be used for recreational and leisure time uses. The owners describe the property as a wildlife habitat consisting of a lake, cliffs, wooded and open areas, which is being used as a retreat for themselves, family and friends. The owners wish to construct two cabins to provide shelter, a kitchen area and indoor bathrooms with running water on the property. A perimeter fence surrounds the property and is gated and locked from the general public. The following

conditions have been recommended by Planning Commission: 1) Limiting the site to the two proposed cabins only. 2) The cabins cannot be occupied on a long term basis. 3) Staff shall be authorized to review any complaints received regarding the property and based on their finding may require the applicant to return to Planning Commission and City Council for a public hearing to re-examine the use of the property. Such re-evaluation may result in additional conditions being placed on the use. Planning Commission recommended approval of the special use permit request.

At 7:15 p.m., Mayor Degner closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 28, and Monday, October 5, 2009.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, October 13, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Special Use Permit – 1430 Red Oak Street (10-3-97(10) Recreational Use)***

**Public hearing to consider a request from Jamison Black Marble Wildlife Preserve for a special use permit per Section 10-3-97 (10) of the Zoning Ordinance to allow recreational and leisure time activities within the M-1, General Industrial District. The property is located at 1430 Red Oak Street and can be found on tax map 46-C-8.**

**CITY OF HARRISONBURG  
Kurt D. Hodgen  
City Manager**

Mayor Degner called on anyone desiring to speak for or against this special use permit request. Ed Blackwell, of Blackwell Engineering and also one of the property owners, said that he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 7:16 p.m., and the regular session reconvened. Vice-Mayor Baugh offered a motion to approve the special use permit request with the stated conditions. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Baugh  
Council Member Byrd  
Council Member Frank  
Council Member Wiens  
Mayor Degner

Absent – None

Planning and Community Development Director Turner presented a request to amend Section 10-3-139 (b) of the Zoning Ordinance. Mrs. Turner said this proposed change to the

Zoning Ordinance outlines the procedures on applications and appeals for the Board of Zoning Appeals (BZA). This change would implement a ten day process rather than a 30 days process to notify property owners when they are in violations of the Zoning Ordinance. There is a provision in the state code that provides for certain types of violations of zoning ordinances, which allows the appeal period to be reduced to ten days. The State Code describes a ten day notice of violation involving seasonal commercial uses, maximum occupancy limitation of a residential dwelling unit, keeping of inoperable vehicles and junk, or similar short term recurring violations. The City has inserted this wording into the requirements of Section 10-3-139 (b). Planning Commission has recommended amending the ordinance.

At 7:21 p.m., Mayor Degner closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 28, and Monday, October 5, 2009.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, October 13, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Ordinance Amendment – 10-3-139(b) Ten Day Appeal Process***

**Public hearing to consider a request to amend section 10-3-139 (b) of the Zoning Ordinance to establish a ten day notice of violation involving temporary or seasonal commercial uses, maximum occupancy limitation of a residential dwelling unit, keeping of inoperable vehicles and junk, or similar short term, recurring violations.**

**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  
Kurt D. Hodgen  
City Manager**

Mayor Degner called on anyone desiring to speak for or against amending this ordinance. There being no one desiring to be heard, the public hearing was declared closed at 7:22 p.m., and the regular session reconvened. Council Member Byrd offered a motion to adopt Section 10-3-139 (b) of the Zoning Ordinance as proposed for a first reading. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Baugh  
Council Member Byrd

Council Member Frank  
Council Member Wiens  
Mayor Degner

Absent – None

An agenda item to consider amending Sign Ordinance Section 11-7-3 (23) was postponed.

Mayor Degner presented the following resolution for Council's consideration of approval:

### RESOLUTION

**WHEREAS, pursuant to the City Charter (the "Charter") and the Public Finance Act, Chapter 26, Title 15.2 of the Code of Virginia, 1950, as amended (the "Public Finance Act"), the City of Harrisonburg, Virginia, (the "City") is duly incorporated and empowered to finance and refinance costs in connection with capital projects for essential governmental purposes for the benefit of the City and to issue its general obligation bonds and notes to pay such costs, as described below; and**

**WHEREAS, the City desires funds to pay capital costs to acquire, construct, and equip the Tower Street water tank, identified as CIP #404-07-08 Tower Street Reservoir Replacement (Tank Construction), including facilities relating thereto (the "Project"), in order to improve, upgrade, expand and modernize its water system facilities (the "Water System"); and**

**WHEREAS, pursuant to the American Recovery and Reinvestment Act of 2009, (Pub. L. 111-5), as amended and in effect from time to time ("ARRA"), the Environmental Protection Agency awards and administers a State Revolving Fund Capitalization Grant to the Commonwealth of Virginia in the Drinking Water Supply Revolving Fund program by Virginia Department of Health ("VDH"); and**

**WHEREAS in a letter from VDH to the City, dated June 29, 2009, among other correspondences, the City was advised that the Project is eligible for financial assistance and inclusion in VDH's ARRA intended use plan; and**

**WHEREAS, the financial assistance shall consist of a total \$2,272,000 award to the City (the "Financial Assistance"), which shall include two components, with a 50% portion thereof being provided under a Funding Agreement (defined below) for a "principal forgiveness" loan from the Drinking Water Supply Revolving Fund (the "Fund"), and the other 50% portion thereof being provided under a Financing Agreement (defined below) for a 0% interest rate loan from Virginia Resources Authority ("VA"), as Administrator of the Fund; and**

**WHEREAS, the City reasonably estimates that the total costs of essential capital improvements for the Water System shall be approximately \$3,500,000, and accordingly, the City has determined the advisability to use a portion of the proceeds of its general obligation bond, issued in June, 2009, to pay a portion of such total costs, with the other portion of such total costs being funded through the Financial Assistance as described above; and**

**WHEREAS, the Council held a public hearing, upon due notice therefor, on September 22, 2009, regarding the issuance by the City from time to time of up to \$2,272,000 bond, which may be secured by a pledge of the revenues of the Water System or by the full faith and credit pledge of the City, or both, all in accordance with the requirements of Section 15.2-2606 of the Public Finance Act; and**

**WHEREAS, pursuant to the Commitment Letter from VRA to the City, dated September 30, 2009 (as amended from time to time, if at all, the "Commitment Letter"), a copy of which is attached hereto as Exhibit A, the final terms of such Financial Assistance shall be set forth, among other documents, in a Funding Agreement, to be dated as of October 1, 2009 (or such other date as may be necessary or convenient), by and between VRA and the City (the "Funding Agreement", a substantially final form of which is attached hereto as Exhibit B), and in a Financing Agreement, to be dated as of October 1, 2009 (or such other date as may be necessary or convenient), by and between VRA, as Administrator of the Fund, and the City (the "Financing Agreement", a substantially final form of which is attached hereto as Exhibit C); and**

**WHEREAS, the City may issue such \$1,136,000 general obligation bond, at the election of the Council, under the provisions of the City Charter and Section 15.2-2601 of the Public Finance Act without regard to the requirements, restrictions or other provisions contained in any charter or local or special act applicable to the City, and, further, under the provisions of the City Charter and Section 15.2-2607 of the Public Finance Act, the Council may finally adopt this Resolution authorizing the issuance thereof at the meeting at which it is introduced upon a majority vote of the members thereof; and**

**WHEREAS, accordingly, the City now desires to approve the terms and provisions of the Financial Assistance in connection with the Project, all as further described below.**

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia, as follows:**

**1. It is hereby determined to be necessary and expedient for the City to obtain a loan in the principal amount of \$1,136,000, to be used, together with other lawfully available funds therefor, including monies to be provided under the Funding Agreement, in order to pay the costs of the projects.**

**2. There is hereby authorized to be issued and sold to VRA, as Administrator of the Fund, a debt obligation of the City to be designated up to \$1,136,000 City of Harrisonburg, Virginia General Obligation Water Bond, Series 2009" (the "Bond"), for the purpose of**

financing the Project, pursuant to the terms and conditions set forth herein. To such end, the Council hereby elects to issue the Bond under the provisions of Section 15.2-2601 of the Public Finance Act, among other provisions thereof, and, further, the City shall issue the Bond in accordance with the provisions of Section 15.2-2607 of the Public Finance Act, among other provisions thereof.

3. The City Council hereby accepts and approves the terms of the Funding Agreement and the Financing Agreement (sometimes referenced together as the “Agreement”). The text thereof is hereby incorporated in this Resolution as if fully set forth herein. The Mayor, the Vice-Mayor and the City Manager, any one or more of whom may act (whether individually or collectively, the “City Representative”), are each hereby authorized to execute and deliver the Agreements and any other instruments on behalf of the City in connection therewith, all as may be required by VDH or VRA, as Administrator of the Fund, in regard to the Financial Assistance to pay the costs of the Project and to carry out the intent and purposes of this Resolution.

4. The Bond shall be a single, fully registered Bond, without coupons, shall be numbered R-1, shall be dated as of the date of its delivery to the VRA, as Administrator of the Fund and initial registered owner thereof, upon payment therefor (the “Closing Date”), shall bear no interest thereon, and shall not exceed the principal amount of \$1,136,000. The Bond shall be substantially in the form attached hereto as Exhibit D.

If principal disbursements up to the maximum authorized amount of the Bond are not made, the principal amount due on the Bond shall not include such undisbursed amount. Further, unless the City and VRA agree otherwise, in writing, until all amounts due under the Bond and the Financing Agreement shall have been paid in full, less than full disbursement of the maximum authorized amount of the Bond shall not postpone the due date of any semi-annual installment due on the Bond, or change the amount of such installment unless the principal amount due under the Bond is less than the amount of such installment.

The City Representative is expressly authorized and directed hereunder to finally determine and approve all details of the Bond, including without limitation, the maximum principal amount authorized to be advanced thereunder, the maturity or payment dates and amounts and the final maturity date; *provided, however* that (i) the maximum principal amount authorized to be advanced under the Bond shall not exceed \$1,136,000, (ii) no interest shall accrue on the Bond, and (iii) the final maturity of the Bond shall be no later than December 31, 2041. The principal payment schedule shall be set forth in the form of the Bond and approved by the City Representative.

If any installment is not paid within ten (10) days after its due date, the City shall be obligated to pay the registered owner an amount equal to five percent (5%) of the overdue installment. In addition to the payments of principal of the Bond, the city agrees to pay on demand of the VRA, as Administrator of the Fund, certain Additional Payments (as defined in the Financing Agreement), including the five percent (5.0%) per annum late fee

for any overdue installment from the due date of such Additional Payments until the date of payment thereof, all as set forth in the Financing Agreement.

Installments of principal shall be payable in lawful money of the United States of America by check or draft mailed (or other credit transfer being sent) to the registered owner of the Bond at its address as it appears on the registration books of the Registrar, except that the final installment shall be payable upon presentation and surrender of the Bond at the office of the City Treasurer, who is hereby appointed Registrar.

5. In accordance with requirements of VRA, the City hereby covenants to comply with the provisions of the ARRA and any applicable regulations and other pronouncements and published guidance thereunder relating to the Financial Assistance for the Project.

6. The Bond shall be a taxable general obligation of the City for the payment of principal of which its full faith and credit shall be irrevocably pledged and shall be payable from as valorem taxes without limitation of rate or amount.

7. The City Representative and the Director of Finance, any one or more of whom may act, are hereby authorized to execute and deliver the ARRA Monthly Report (a form of which is attached to the Financing Agreement) and submit such ARRA Monthly Report with each Request for Disbursement under the Financing Agreement in order for payment requests to be processed. In addition to any other government requirements contained in the Financing Agreement, or otherwise, the City hereby agrees and covenants to comply with all applicable governmental requirements relating to the Project, including the ARRA Contract Inserts and Procedural Guidelines (all as defined in the Financing Agreement), and the use and application of funds, all as provided in the Agreements. Further, the City acknowledges and agrees that the Financial Assistance as described herein constitutes a financial assistance package in connection with the provisions of ARRA. Accordingly, the City hereby agrees, confirms and accepts that (i) an early termination of the Funding Agreement (pursuant to Section 5.3(b) and (c) thereof), or (ii) a failure of the City to comply with any of the requirements relating to the Project and the use and application of under provided by the ARRA or in the ARRA Contract Inserts and Procedural Guidelines, shall constitute an Event of Default under the Financing Agreement.

8. The City Representative, the Clerk of the City Council, and all such other officers of the City as may be requested by VDH or VRA from time to time, are each hereby authorized and directed to take all proper steps to (i) have the Bond and the Financing Agreement prepared and executed in accordance with their respective terms and to deliver the Bond upon payment thereof pursuant to directions provided by the VRA, (ii) have the Funding Agreement prepared and executed in accordance with its respective terms, and (iii) execute such additional instruments, agreements, documents, and certificates, all as may be requested by legal counsel or bond counsel to the City or VRA, or as otherwise required by the Agreements in furtherance of the purposes set forth herein. All such further actions shall be conclusively deemed as having been accepted and

approved as authorized herein without any further acts or approvals. All such actions previously taken are hereby ratified and confirmed in their entirety.

9. The appropriate officers of the City, any one of whom may act, are each hereby authorized and directed to coordinate with legal counsel in order to see to the filing of a certified copy of this Resolution in the Clerk's Office of the Circuit Court of Rockingham County, Virginia.

10. This Resolution shall take effect immediately

Adopted: October 13, 2009

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Mayor

**CERTIFICATE OF VOTES**

The record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, on the foregoing Resolution, adopted by the Council upon a due election under Section 15.2-2601 of the Public Finance Act, and further, in accordance with the provisions of Section 15.2-2607 the Public Finance Act, among others, by a roll-call vote at its duly called regular public meeting, is as follows:

NAME	AYE	NAY	ABSTAIN	ABSENT
Kai Degner, Mayor	X			
Richard Baugh, Vice-Mayor	X			
Ted Byrd	X			
Carolyn Frank	X			
David Wiens	X			

Date: October 13, 2009

[SEAL]

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Clerk of City Council  
City of Harrisonburg, Virginia

City Manager Hodgen said a public hearing was held on September 22<sup>nd</sup> regarding the issuance of a General Obligation Bond in an amount not to exceed \$2,272,000.00 for construction of an 8 million gallon water tank on Tower Street. The funding is being provided through the ARRA "stimulus" funding. One half of the amount will be provided as a "forgiveable loan" and the other half of the funding will be a zero interest rate (0%) loan for up to 30 years. Council Member Byrd offered a motion to adopt the loan resolution package for the ARRA water tank project including authorizing the Mayor, City Manager, City Attorney, and Clerk to execute any documents associated with the loan package. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Baugh

Council Member Byrd  
Council Member Frank  
Council Member Wiens  
Mayor Degner

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for bond proceeds for the Public Utilities Department. The City has been awarded financial assistance through the ARRA for the construction of the Tower Street Water Tank. The financial assistance will be provided under a funding agreement with the Virginia Department of Health through the Virginia Resources Authority (VRA) and by way of a bond issue. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$ 2,272,000.00 chge. to: 1321-34110 Bond proceeds

\$ 2,272,000.00 approp. to: 1321-910161-48657 Water Storage Tanks

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

Vote: Yes - Vice-Mayor Baugh  
Council Member Byrd  
Council Member Frank  
Council Member Wiens  
Mayor Degner

Absent – None

City Manager Hodgen presented the following resolution for Council’s consideration of approval:

## **SUPPLEMENTAL RESOLUTION**

### **IN REGARD TO SHENANDOAH VALLEY REGIONAL AIRPORT COMMISSION**

**WHEREAS, the Shenandoah Valley Regional Airport Commission (the “Commission”), was duly established pursuant to the Code of Virginia, 1950, as amended, and by resolution and agreement of the several political subdivisions of the Commonwealth of Virginia comprising the Commission, namely the Counties of Augusta and Rockingham and the Cities of Harrisonburg, Staunton and Waynesboro (collectively, the “Member Localities”).**

**WHEREAS, the Commission has determined to issue and sell its aggregate up to \$550,000 taxable airport revenue note or bond to United States of America, acting through**

Rural Housing Service, an Agency of United States Department of Agriculture (“RHS”), in order to obtain favorable long-term financing of the costs to: (i) acquire, construct and equip site improvements in connection with the development of open span aircraft storage hangars and facilities relating thereto at SVRA on a site consisting of approximately 12 Acres, including grading, drainage and building pad preparation improvements and various other preliminary costs in connection therewith, (ii) acquire, construct and equip all or any portion of such hangars and facilities, and (iii) pay issuance costs (collectively, the “Project”).

WHEREAS, each of the Member Localities previously approved the incurrence of indebtedness by the Commission in connection with the Project, including interim financing therefor (each such approval being referenced as the “Prior Approval”).

WHEREAS, the Prior Approval contemplated that Virginia Resources Authority would provide such long-term financing of the Project, and accordingly, the Commission now desires each of the governing bodies of the Member Localities to approve the permanent financing of the Project by RHS in order to obtain a lower cost of funds, subject to the determination of the final terms and provisions therefor ( the “RHS Loan”).

**NOW THEREFORE BE IT RESOLVED** by the City Council of City of Harrisonburg, Virginia (the “Locality”), as follows:

1. The incurrence of the RHS Loan by the Commission, from time to time, is hereby approved and authorized, to the fullest extent as may be required, if at all.

2. It is to be understood that nothing contained in this Resolution shall be deemed to be a debt or a pledge of the faith and credit or the taxing power of the Locality, and nothing herein or therein shall legally bind or obligate the Locality to appropriate funds for such purposes. The indebtedness of the Commission represented by the RHS Loan (or otherwise in connection with the Project) shall not be deemed to constitute a debt or pledge of the faith and credit of the taxing power of the Locality, and neither the faith and credit nor the taxing power of the Locality shall be pledged for the payment of the principal of or interest on the RHS Loan or any other obligation of the Commission to RHS in connection with the Project or any other costs incident thereto.

3. The Prior Approval, as amended by this Supplemental Resolution, is hereby approved and confirmed. To the extent required, if at all, the City Manager is authorized and directed to take all such further actions and to execute and deliver any and all instruments, certificates and other documents, as may be necessary or convenient, in order to carry out the purposes hereof and in furtherance, otherwise, of the long-term financing of the Project by the Commission as described herein.

4. This Resolution shall be effective immediately.

Date of Approval: October 13, 2009

CITY OF HARRISONBURG, VIRGINIA

**BY:** \_\_\_\_\_  
**Kai Degner, Mayor**

**ATTEST:** \_\_\_\_\_  
**Yvonne H. Ryan, MMC, City Clerk**

City Manager Hodgen said that in December of 2008, the City approved a Borrowing Resolution for the Shenandoah Valley Regional Airport Commission, which is connected to the development of the North Corporate Hangar Site Project. The December resolution contained provisions for short-term, interim financing with a local financial institution. Over the past several months, the Commission has been looking at other long-term financing options and has determined that more favorable terms are available through USDA and their Rural Development Program. Since the original resolution specifically references the Virginia Resources Authority as the ultimate lender, a change in lender needs to be made via the Supplemental Resolution. Other than the lender change, the resolution remains unchanged. Council Member Byrd offered a motion to approve this resolution as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Baugh  
Council Member Byrd  
Council Member Frank  
Council Member Wiens  
Mayor Degner

Absent – None

The next item of business was a presentation by the Virginia Department of Game and Inland Fisheries on Urban Archery Programs. David Kocka, District Biologist for the Virginia Department of Game and Inland Fisheries, presented an overview of an Urban Archer program, which can be helpful in controlling the deer population. Mr. Kocka said there is deer throughout the City and not just in City parks. Deer need to be managed because of the damage potential, high reproductive rate, and long life span. The City has never allowed bow hunting within the City limits. Mr. Kocka explained that bow hunting is a very safe and effective way of removing deer with no direct cost to land owners or the City. Following further discussion and comments, Council Member Frank offered a motion to ask staff to prepare an amendment to the ordinance to allow for urban archery. The motion was seconded by Council Member Byrd and approved with a unanimous voice vote.

The next item of business was an update on replacing Tower I fire truck. City Manager Hodgen said that the Finance Committee has met several times to discuss the repair cost or replacement of Tower 1 fire truck. Mr. Hodgen said after taking into consideration the price of a new truck, depreciation and repair and maintenance it is recommended that the City repair the existing Tower I fire truck. Council Member Byrd offered a motion to repair the existing Tower I fire truck. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Baugh  
Council Member Byrd  
Council Member Frank  
Council Member Wiens  
Mayor Degner

Absent – None

The next item of business was an update on State Budget Reductions. City Manager Hodgen reviewed direct cuts to City revenues, which includes the Treasurer's office and Commissioner of Revenue's office, and law enforcement,. Indirect cuts include reduction to Massanutten Regional Library, reduction for funding for the Sheriff's office, Circuit Court Clerk's office, and Commonwealth's Attorney office. The City is meeting with the County Liaison group to have further discussions on how to address the indirect cuts. More information and recommendations will be presented at a later Council meeting.

Council agreed to consider a request from Royal Cab Company to transfer a Certificate of Public Convenience and Necessity to Benish Corporation at a future Council meeting.

At 8:30 p.m., Vice-Mayor Baugh offered a motion that Council enter into a closed session for discussion concerning the expansion of an existing business or industry where no previous announcement has been made of the business' interest in expanding its facilities within the City, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Baugh  
Council Member Byrd  
Council Member Frank  
Council Member Wiens  
Mayor Degner

Absent – None

At 8:55 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma 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 requirement 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.

Vice-Mayor Baugh offered a motion that Rudy Propst, 970 Turkey Run Road, be appointed to a second term on the Harrisonburg Redevelopment & Housing Authority. The motion was seconded by Council Member Byrd and approved with a unanimous voice vote.

Council Member Byrd offered a motion that Orden L. Harman, 650 Stone Spring Road, Leon Armentrout, 3031 South Main Street, and Henry Morris, 1926 Park Road, be appointed to a third term on the Building Code Board of Appeals. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote.

At 9:00 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