

## REGULAR MEETING

JUNE 9, 1998

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Rodney Eagle; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Council Member John H. Byrd, Jr., Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper. Absent: Vice-Mayor Hugh J. Lantz.

Council Member Byrd delivered the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading amending Article F. Definitions, and Section 10-3-47. R-3 area and dimensional regulations of the Zoning Ordinance. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd  
 Council Member Rogers  
 Council Member Green  
 Mayor Eagle

No - None

Absent: Vice-Mayor Lantz

Mayor Eagle announced that a public hearing to consider a rezoning request by Ham Design and Construction Company has been postponed to a later date.

✓ Planning and Community Development Director Turner introduced a request by Lantz-Eby Enterprises to rezone 19.00 acres at the intersection of Mount Clinton Pike and Acorn Drive from M-1 General Industrial District to B-2 General Business District (conditional). She explained that the Comprehensive Plan Land Use Guide recommends this area for continued industrial land use. The subject property lies in the middle of one of the City's largest undeveloped industrial areas. These 19.00 acres will only be used to develop a cultural center, family restaurant, conference center, and lodging facility. The cultural center is intended to highlight the history and culture of the Mennonite and Brethren people and their influence on this part of Virginia and parts of the world. The cultural center will provide educational programs for visitors and will sell items related to Mennonite and Brethren history, including books and videos. The lodging and restaurant facilities will accommodate the needs of the visitors to their facility and the local population. She said that based on the submitted proffers, Planning Commission recommended approval of the request.

✓ At 7:40 p.m., Mayor Eagle 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 26, and Monday June 1, 1998.

### NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, June 9, 1998, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following:

#### Rezoning:

3. Request by Lantz-Eby Enterprises to rezone 39.26 acres bounded by Acorn Drive, Mt. Clinton Pike, and North-Liberty Street from M-1 General Industrial District to B-2 General Business District (conditional). The site is identified as a portion of lot 45-A-4 on the City of Harrisonburg's block maps. The Comprehensive Plan recommends the site for General Industrial Use.

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 persons requiring auxiliary aids, including signers, in connection with the Public Hearing, shall notify the City Manager at least five (5) days prior to the time of the meeting.

CITY OF HARRISONBURG  
Steven E. Stewart  
City Manager

Mayor Eagle called on anyone desiring to speak for or against this rezoning request.

Wallace Hatcher, general partner for Lantz-Eby Enterprises, said that this rezoning would enhance the area and assist the development of the Meadowbrook Corporate Center surrounding the 19.00 acres. The businesses locating in the new technology zone have indicated a desire to have this type of facility supporting their activities. It will also attract industry into the area with these support facilities. There being no others desiring to be heard, the public hearing was declared closed at 7:42 p.m., and the regular session reconvened. Council Member Green offered a motion to approve this rezoning request. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council Members present.

✓ Planning and Community Development Director Turner introduced a request by Marvin D. Rhodes and Carilion Health System to rezone 6.931 acres on South Main Street from R-2 Residential District to B-2 General Business District (conditional). She explained that the Land Use Guide recommends this property for planned residential - medium density use. The primary intent by Carilion Health System is to locate professional and medical offices on the property; however, it is

not the only thing being proffered as potential use. The five parcels that comprise the subject parcel are zoned R-2. A single-family home and outbuildings are located on lot 7; however, the remainder of the property lies vacant. It is surrounded by a variety of zonings including single-family homes zoned R-2, Hartman Motor Sales zoned B-2, Rocco Hatchery zoned M-1 and single-family homes zoned R-1. In connection with the proposed rezoning, the applicants have submitted a list of proffers intended to minimize impact on neighboring residential areas. Mrs. Turner reviewed the proffers which include that the property will only be used for government-business offices, professional offices, and financial institutions. These proffers also include recreational uses directly related to provision of health care, medical or rehabilitative, or wellness service and related uses. She said that any of the tracts currently zoned R-1 adjoining the subject property will have an appropriate buffer constructed along the boundary lines. With regard to the border parcel 5A and lots 1 through 6 fronting on South Main Street, a similar buffer to that proffered above shall not be currently required, but shall be constructed when and if development of 5A occurs in the future. There will be no outside storage of any materials, other than a sanitary dumpster, which will be contained in an enclosed area and screened from neighboring properties. All light fixtures to be located in the rear section of the subject property shall be of the type and design as to direct the illumination away from the rear boundary line, and no structures in excess of 40 feet in height will be constructed. Mrs. Turner said at the Planning Commission's public hearing quite a few people spoke in opposition to the request and cited many concerns. Since that meeting Carilion and their attorneys have met with some of the surrounding property owners to further discuss the issues. Planning Commission recommended approval of the rezoning with a four to two vote. The two people who voted in opposition felt that there was not enough information provided to make a decision, and that they would like some more discussion between the neighbors and the applicants.

At 7:49 p.m., Mayor Eagle 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 26, and Monday June 1, 1998.

### NOTICE OF PUBLIC HEARING

✓ The Harrisonburg City Council will hold a Public Hearing on Tuesday, June 9, 1998, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following:

#### Rezoning:

1. Request by Marvin D. Rhodes, et, at., and Carilion Health System to rezone 6.931 acres from R-2 Residential District to B-2 General Business District (conditional). The properties involved are identified as parcels 10(B)5a, 7, 8, 9, and 9a, on the City of Harrisonburg's block maps. The parcels are located at 1661, 1671, and 1681 South Main Street. The Comprehensive Plan recommends the site for planned residential-medium density use.

**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 persons requiring auxiliary aids, including signers, in connection with the Public Hearing, shall notify the City Manager at least five (5) days prior to the time of the meeting.**

**CITY OF HARRISONBURG  
Steven E. Stewart  
City Manager**

Mayor Eagle called on anyone desiring to speak for or against this rezoning request.

Todd Rhea, attorney with the law firm of Clark & Bradshaw, said that he has been working with Carilion Health System and the Rhodes family who are the joint applicants for this rezoning. He noted that some steps have been taken to address the concerns raised by City staff and landowners in their petitions and letters to the City. As the preliminary proposed site plan indicates, the initial phase of development is planned to occur solely on South Main Street with the vacant properties not slated for current development. The Rhodes family has marketed these properties as a package deal because selling the front three lots on South Main Street would restrict and cut-off their access to the lots owned behind. He said he believed that the proffers addressed the concerns raised by the neighbors and landowners. Carilion met with the surrounding property owners and a lot of the concerns were addressed in a positive manner.

Hugh Thornhill, administrator of Carilion Health Care Corporation, said that the company's goal is to provide convenient, cost-effective primary care physician services to the communities it serves. In 1995, a number of local physicians and practices merged to form Valley Health Care. This organization merged and eventually matured, joining Blue Ridge Primary Care. In order to grow and mature as an organization, they joined Carilion in 1996. He said the organization's role is to provide expertise and capital to mature the practice, improve its operation, and effectively deliver care to patients. Within the City of Harrisonburg, three locations currently operate under the company. Physician needs assessment for this community indicate the need for eight additional family practitioners. The company has been looking for a centralized location in the area to provide these services to all of our practices and provide some room to grow and add additional physicians to the community. Carilion has developed a lot of facilities since 1992 in Roanoke, Salem, Glade Hill, Buchanan, Wytheville, and a similar project in Blacksburg was competed in January. In addition to the Harrisonburg project, Carilion is also working on projects in Rocky Mount, Roanoke, Martinsville, and Dublin. He reviewed the services which would be offered to patients and the hours of operation. He said that a physician practice and other health-care related services are preferable development for the land and that Carilion should be an excellent neighbor.

Marvin Rhodes said that this property has been in his family for approximately 60 years. This proposal is the best option for the purchaser, the Pleasant Hill community, and the City of Harrisonburg. He said that he has had a number of potential buyers of the property, but those potential buyers wanted only a portion of the property. Carilion is interested in the total parcel. He read a letter from Richard A. Lee stating that he was in full support of the rezoning request and that the proposed plan to develop a first class health care facility would be a significant asset to this area.

Another letter from Edwin Swope stated that he fully supported the rezoning request and encouraged Council to approve the rezoning request. Mr. Rhodes requested that Council consider the rezoning request. Council Member Byrd commented that the City in the past has been concerned about the awkward traffic condition and right-of-way on South Main Street. Mr. Byrd questioned if the property owners fronting onto South Main Street realized the R-2 pocket being created in this area. Mr. Rhodes noted that a letter in opposition from some of the neighbors was initialed before many of the proffers came from Carilion.

Dr. Sam Showalter, a physician practicing in Weyers Cave and Bridgewater, said that he practiced in this area for 22 years. He said that Carilion's personnel are very community orientated, very health care orientated, and a very good employer for the last two years. Carilion would be a welcome addition to the City and would be a good corporate and small town neighbor.

Dr. Mark Ness, a physician practicing in Park View for the last 24 years, said that he has had a busy and on-going practice. For the past six years, he and other doctors have been trying to get another physician to share the load and practice, but because of the restricted nature of a small practice, they have been unable to attract anybody. This proposed facility would be a real addition to the community and attract more primary care physicians to this area. There being no others desiring to be heard, the public hearing was declared closed at 8:10 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve this rezoning request as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

✓ Planning and Community Development Director Turner introduced a request by Harman Properties, LLC for a special use permit to allow a mail processing operation in the B-2 General Business District. She explained that the site is surrounded by tenants in the shopping center which include National Business College, Ski and Skate, Shenk Honda, and Valley Structures. It is in an area surrounded by B-2 zoning, M-1 zoning, and Interstate 81. The Comprehensive Plan recommends the site for commercial use. An assembly operation such as the one proposed is permitted in the B-2 General Business District only by a special use permit. The applicant is seeking this special use permit to operate a mail sorting and metering facility. Pitney Bowes plans to operate the facility for sorting and metering mail for JMU. Incoming mail for James Madison University would be received from the U.S. Postal Service and sorted for delivery to JMU. Outgoing mail would be metered and prepared for delivery to the U.S. Postal Service. Deliveries to and from the business are made by delivery vans or station wagons rather than by tractor trailers. She said that Planning Commission recommended approval of the special use permit.

✓ At 8:12 p.m., Mayor Eagle 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 26, and Monday, June 1, 1998.

### NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council will hold a Public Hearing on Tuesday, June 9, 1998, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following:**

### Special Use

1. **Request by Harman Properties LLC for a special use permit to allow a mail processing operation in the B-2 General Business District. The property is located at 51/F Burgess Road and would be leased to Pitney Bowes Management Services as a mail processing site for James Madison University Mail Services.**

**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 persons requiring auxiliary aids, including signers, in connection with the Public Hearing, shall notify the City Manager at least five (5) days prior to the time of the meeting.**

**CITY OF HARRISONBURG  
Steven E. Stewart  
City Manager**

Mayor Eagle called on anyone desiring to speak for or against this special use permit. David Lee, representing Harman Properties, said that he was available if Council had any questions regarding the special use request.

Paul Clay, site manager for Pitney Bowes Management Services, said that this site would be a very quiet site as only six people will be working at the facility. There should be no disruption to current operations at the site. There being no others desiring to be heard, the public hearing was declared closed at 8:15 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Rogers offered a motion to approve this request as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

Ben Fordney representing the Shenandoah Chapter of Virginians Against Handgun Violence presented a brief report to Council. He explained that the group was requesting that Council prevent handgun violence in the community by enacting laws that will serve to keep guns out of the wrong hands. The VAHV is a non-profit, non-partisan, volunteer organization dedicated to the reduction of gun violence in Virginia through educational sensible legislation. He reviewed several statistics regarding people who own handguns, policies restricting weapons, and laws preventing alcohol in City parks.

Reverend Robby Burke, president of the Virginians Against Handgun Violence, presented a series of proposals to City Council. These include that it shall be illegal to possess a firearm on one's person or in a vehicle on any public property in the City, illegal to possess a firearm in public parks and recreational facilities, and illegal to sell or trade a firearm within 2000 feet of the property of a school. In addition, he proposed that all firearm sales in the City should be finalized at the place of business of a licensed firearm dealer after an instant background check on the buyer. He noted that the General Assembly will have to grant permission for these laws to go into effect because of the 1987 preemption law. He urged Council to take all measures necessary for these proposals to become law in the City. He also suggested that Council consider their proposals including passing

the four proposals, petition our delegate and senator to present these proposals to the General Assembly, appoint a special commission, or place these four proposals on the fall election ballot.

Sandra Pennington made a presentation to Council regarding issues concerning the Concerned Citizens Against Handgun Violence. She explained that she was not part of any special interest group or lobby, but was one of the silent law-abiding majority, who has chosen to break silence due to potential endangerment of our rights. Passing further restrictions that will be obeyed ONLY by law-abiding citizens is not the answer, but is just treating the symptoms instead of curing the disease. We have a CORE PROBLEM of lack of respect for life, property and authority! It began insidiously with the messages we are sending in several areas including removing God from our society, and removing all absolutes and replacing them with situation ethics. She said that she was concerned about abortion on demand and mercy killing, removing personal responsibility for our actions, blaming society, allowing criminals to serve only part of their sentences and plea bargain to a lesser crime. She noted that during the last year, the Daily News-Record published national statistics of interest including that violent crimes nationally are actually decreasing; however, juvenile crimes of violence are the fastest rising crime category. Washington, D.C. has the most restrictive gun regulations in the US, yet their violent crime rate is the highest in the nation and close to that internationally. She said that "I am against laws that may take away our right to defend ourselves against violence outside our homes, which will increase our propensity to becoming targets of violence. I am requesting that our City concentrate on some core or root causes of crime rather than be sidetracked into dealing with symptoms. Make a stand for curing the disease, instead of aiming at laws which further remove the rights of the rest of us! She suggested that should City Council choose to adopt further gun control measures anyway, that the proposal be put on the ballot in the next City election, giving us all a voice in this!

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

**Harrisonburg Rockingham Disaster Recovery Task Force**

**RESOLUTION**

**WHEREAS, the Harrisonburg Rockingham Disaster Recovery Task Force became active following the devastation of hurricane Fran to serve the citizens of Harrisonburg City and Rockingham County suffering disaster losses; and**

**WHEREAS, the Harrisonburg Rockingham Disaster Task Force is comprised of public and non-profit agencies and organizations, along with various churches, civic, and other groups, all having various capacities and programs of value and importance in disaster recovery activities; and**

**WHEREAS, the Harrisonburg Rockingham Disaster Recovery Task Force's intent is to coordinate local disaster recovery activities by bringing together various levels of assistance and resources with the local persons, families, businesses, and infrastructure suffering losses; and**

**WHEREAS, the Harrisonburg Rockingham Disaster Recovery Task Force's activities will primarily focus upon donation management, and short term and long term recovery; and**

**WHEREAS, the Harrisonburg Rockingham disaster Recovery Task Force has organized itself to be prepared to assist with local disaster beyond the devastation of hurricane Fran, and with other types of disaster in addition to flooding.**

**THEREFORE, BE IT RESOLVED, that the Harrisonburg City Council recognizes the Harrisonburg Rockingham Disaster Recovery Task Force as an organization of Harrisonburg City government with its purpose being to be involved in the activities cited above.**

\_\_\_\_\_ **Mayor**

\_\_\_\_\_ **Date**

**Attest:**

\_\_\_\_\_ **Clerk of City Council**

✓ Don Driver, director of Social Services, presented a request to approve participation in the Local Disaster Recovery Task Force. He explained that the purpose of the task force is to provide assistance to citizens who in times of disaster have expended the resources provided by the federal and state governments. He noted that many local organizations were faced with how to help local citizens following the flood devastation of hurricane Fran in 1996. Since then, the Rockingham Harrisonburg Disaster Recovery Task Force has been established to work within the communities of the City and Rockingham County during disasters. He said that the core group is composed of public and non-profit agencies and organizations, along with various churches, civic, and other groups, all having various capacities and programs of value and importance in disaster recovery activities. The organization through its efforts was able to assist approximately 60 families in recovering from the flood damages. Mr. Driver said that the intent of the organization shall be to coordinate local disaster activities by bringing together various levels of assistance and resources with the local persons, families, businesses, and infrastructure in need. The group stays active and has the capacity to get back into action anytime a disaster faces the area. Council Member Rogers offered a motion to participate in the Local Disaster Recovery Task Force by approving the resolution as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

✓ City Manager Stewart presented a request for utility service from Whitesel Brothers and Berea Christian School. He explained that both requests are in conflict with the City's moratorium on utility service outside the City. Public Utilities Director Collins said that Whitesel Brothers has a portion of the lot located in the City; however, the building will be located in the County. Berea Christian School is supplied with water from a well on the school property which currently does not meet the requirements of the Commonwealth of Virginia for public water. Dick Blackwell representing Whitesel Brothers said part of the property is in the County and part is in the City. He presented a map of the property and gave a brief overview of the property. He said that Whitesel



Brothers is requesting both water and sewer. Discussion included a City business moving to the County, lost revenue for the City, a moratorium conflict, and a possible requested rezoning in the future. Council Member Rogers offered a motion to deny the request of Whitesel Brothers for utility services. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council Member present. Council Member Rogers offered a motion to deny the request of Berea Christian School for utility services. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

✓ City Manager Stewart presented a request to adopt the revised HATS map. He explained that the City has been working with the County to look at a number of transportation issues trying to find common ground between the two jurisdictions. Assistant City Manager Baker said both the City and County staff members have met trying to reach a consensus on the map and he had discussed it with a VDOT representative. He reviewed the map especially noting proposed road locations not supported by the County, a new road connection supported by the County, and City projects. He requested that Council adopt this map in concept and refer it to the VDOT planning department for their review and comments. Council Member Rogers offered a motion to approve the concept and refer the HATS map to VDOT. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

✓ Council Member Byrd offered a motion to authorize the City Manager to sign a contract for the audit of the City's financial records. The current contract with the accounting firm of Phibbs, Burkholder, Geisert and Huffman expires with the fiscal year ending June 30, 1998. The cost for the audit for the year ended June 30, 1998 will be \$25,745. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

✓ City Manager Stewart presented a request to transfer funds into a Capital Projects account. He explained that this money will be used for the Betts Road Sewer Extension project and a portion of the utility main extension commitment for Friendship Industries. Council Member Rogers offered a motion to approve the transfer of these funds.

\$78,000 chge. to: 1322-34230 Transfer from Sewer Funds

\$78,000 approp. to: 1322-911161-48650 Oversizing & Extensions

\$39,000 chge. to: 2012-472061-48219 Oversizing & Extensions

18,000 chge. to: 2012-482061-47060 HRRSA Debt

21,000 chge. to: 2012-422-62-43840 HRRSA O & M

\$78,000 approp. to: 2012-492061-49216 Transfer to Capital Projects

The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

City Manager Stewart announced that Friendship Industries has been awarded a \$700,000 community block grant to begin construction.

✓ City Manager Stewart presented a request to transfer funds for Social Services. Charlette McQuilkin said that additional funding was needed for the Comprehensive Services Act. Don Driver said there is a shortfall of funding needed to complete this fiscal year for the mandated children and families served in the City. Our projections indicate that the deficit will be \$160,000 which of that amount, \$50,000 is need for the local match. Council Member Rogers offered a motion to approve the transfer of these funds:

\$56,503 chge. to: 1000-980142-49126 Public Facility Lease

\$56,503 approp. to: 1000-910511-47071 Expense of Social Services District

The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

✓ School Superintendent Ford presented a request to transfer funds for the School Board. He explained that these appropriated funds will be used for unanticipated costs in some areas and some other areas where anticipated expenses did not materialize. Council Member Rogers offered a motion to approve the transfer of these funds:

\$100,000 chge. to: 111114-40610 Instruction

\$100,000 approp. to: 111114-40620 Adm., Attendance, and Health

100,000 approp. to: 111114-40640 Operation and Maintenance

The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council Members present.

✓ City Manager Stewart presented a request to transfer funds from Reserve for Contingencies. He explained there are shortfalls in both the City Attorney's budget and Human Resources budget. Council Member Green offered a motion to approve the transfer of these funds:

\$3,734 chge. to: 1000-940111-49310 Reserve for contingencies

\$1,734 approp. to: 1000-120411-43152 Other legal services

2,000 approp. to: 1000-120511-41030 Part-time salaries and wages

The motion was seconded Council Member Rogers, and approved with a unanimous vote of Council Members present.

✓ City Manager Stewart presented a request for the Fire Department. This request is being made to recover donations made to the department as well as to recover funds for services rendered during the year. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$ 4,279.97 chge. to: 10001809 Donations

21,958.72 chge. to: 10001914 Recovered Costs

\$16,738.69 approp. to: 320132-48113 Equipment

9,500.00 approp. to: 320132-43350 M & R Auto Equipment

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

Vote: Yes - Council Member Byrd  
 Council Member Rogers  
 Council Member Green  
 Mayor Eagle

No - None

Absent: Vice-Mayor Lantz

Taines Rontopoulos said that he was concerned about the Virginians Against Handgun Violence proposals. He said that he had served in the military and was a veteran who had sworn to serve, protect and defend our Constitution. He said "I do not conform with their way of dividing our society." We have learned from our founding fathers that honest people are the people who obey the laws. Criminals do not obey any laws. He said that additional laws would restrict honest citizens in our community from carrying and possessing firearms which people have been allowed to do for many years by the state of Virginia and the Constitution. The media have created an atmosphere of mistrust and rumors.

Roy Heishman said that he was a concerned City resident. He said that he has been involved with firearms for a long time and had been a hunter's safety instructor. He presented a petition of approximately 300 signatures to City Council concerned about the proposals being made by the Virginians Against Handgun Violence.

Todd Peg said that he was a concerned City resident. He said that he disagreed with Rev. Burke and questioned whether the laws being proposed would really keep the firearms out of the hands of children. He said that Virginia already has a law which makes it illegal to possess or transport a firearm loaded or unloaded under the age of 18, possess a firearm loaded or unloaded on school property, and makes it illegal to leave it unsecured if it gets into the hands of a child.

Charles Eaton said he was a retired Police Officer for the City of Harrisonburg and he did not know of any police officers in the City who feared the average citizen carrying a concealed weapon. This proposed law would restrict the common good citizens and the criminals will not abide by any laws that they pass.

Michael Johnson said that he was an ex-Air Force NCO who took an oath to protect and defend the Constitution of United States. He read a quotation made by Adolph Hitler which said that 1935 will go down in history for the first time as a civilized nation having full gun registration, safer streets, more efficient police officers and the world will follow our lead into the future. He said that he would not follow such a person.

At 9:45 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to

the Social Services Advisory Board, Harrisonburg-Rockingham Regional Sewer Authority, Community Services (Chapter 10) Board, and Central Shenandoah Planning District Commission, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Consultation with the City Attorney and briefings by staff members pertaining to probable litigation, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia. Discussion and consideration of economic development and the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council Members present.

At 11:49 p.m., the executive session was declared closed and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of the 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 executive or closed meeting were convened were heard, discussed or considered in the executive session by the City Council.

Council Member Rogers offered a motion that Rodney Eagle be appointed to a term on the Central Shenandoah Planning District Commission to expire on June 30, 2001. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

Council Member Byrd offered a motion to appoint Rachel Hollis to a term on the Community Services (Chapter 10) Board to expire on July 1, 2001. The motion was seconded by Council Member Green and approved with a three to zero vote of Council Members present. Council Member Rogers abstained.

At 11:52 p.m., there being no further business and on motion adopted the meeting was adjourned.

  
CLERK

  
MAYOR