

REGULAR MEETING

MARCH 14, 2000

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., Vice-Mayor Hugh J. Lantz, Council Member John H. Byrd, Jr., Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne ABonnie@ Ryan, CMC/AAE, and Chief of Police Donald Harper.

Vice-Mayor Lantz delivered the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Council Member Rogers offered a motion to approve the minutes on the consent agenda and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request by Ung Zei Oh to rezone property 1370 and 1380 North Main Street from M-1 General Industrial District to B-2 General Business District (conditional). She said that the site of the rezoning request consists of three vacant lots 16, 16A and 16B at the corner of North Main Street and Vine Street. These three vacant lots are adjacent to a mixture of zoning classifications. The property's M-1 zoning permits many intensive types of industrial uses. The Land Use Guide recommends the site for Planned Business Use, correlating to the B-2 conditional zoning designation. The site's proximity to residential development plays a role in the Land Use Guide's recommendation. In connection with the rezoning request, the applicant has proffered to remove several uses from the list of uses permitted in the B-2 General Business District including hotels, motels, theaters, bus terminals, animal hospitals, or parking garages. The applicant has submitted proffers that limit the uses to include mercantile establishments, personal service, restaurants establishments, other shops and stores customary to shopping centers, governmental, business/professional offices, financial institutions, religious, educational, charitable, or benevolent institutional uses, service stations, automobile, manufactured home and customary agricultural sales and service. Additional proffers by the applicant include automobile or truck sales, service and repair but not auto salvage, storage or sale of junk, general service or repair shops, pet shop, pet grooming establishment, radio and television stations, studios or recording studios, public utility, public service, public transportation uses or buildings, generating, purification or treatment plants, water storage tanks, pumping station, telephone exchange, warehousing and other storage facilities, funeral homes, accessory buildings, research development activities, plant nurseries, greenhouses, and public uses. Mrs. Turner said that the maximum sign height on the property would be limited to not more than twenty-five (25) feet. She said that Planning Commission recommended approval of the request with the proffers submitted and the sign height restriction.

At 7:39 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 Monday, February 28, and Monday, March 6, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, March 14, 2000, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

REZONING B PUBLIC HEARING

Request by Ung Zei Oh to rezone property at 1370 and 1380 North Main Street from M-1 General Industrial District to B-2 General Business District (conditional). The property is identified as tax map parcels 42(D) 16, 16A, and 16B, and totals approximately 44,822 square feet. The Land Use Guide recommends the site for Planned Business 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 interest will have an opportunity to express their views at this public hearing.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

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

David Lee representing the agent for the current property owners said that he was available to answer any questions City Council may have about the rezoning request. There being no others desiring to be heard, the public hearing was declared closed at 7:40 p.m., and the regular session reconvened. Vice-Mayor Lantz offered a motion to approve this request. The motion was seconded by Council Member Rogers, and

approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

City Manager Stewart explained that Council had adopted a resolution on January 25, 2000 to file an application with the Virginia Public School Authority for school bond funding. Mr. Stewart also said that Glenn Hodge, attorney with the law firm of Wharton, Aldhizer and Weaver, would be introducing this item and following the public hearing, Council could consider approving the resolution authorizing the bonds. This action only requires one reading, pursuant to Section 15.2-2601 of the Code of Virginia 1950, as amended.

**RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND
AWARD OF NOT TO EXCEED \$5,100,000 GENERAL
OBLIGATION SCHOOL BONDS OF THE CITY OF
HARRISONBURG, VIRGINIA, SERIES 2000A, TO BE
SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY, AND
PROVIDING FOR THE FORM AND DETAILS THEREOF.**

WHEREAS, the City Council (the "Council") of the City of Harrisonburg, Virginia (the "City"), has determined that it is necessary and expedient to borrow not to exceed \$5,100,000 and to issue its general obligation school bonds for the purpose of financing of certain capital projects for school purposes, to pay a portion of the costs of the acquisition, construction, reconstruction, renovation, expansion and equipping of public school facilities in the City including, but not limited to, additions to Spotswood Elementary School, Waterman Elementary School and Harrisonburg High School Field House (all capital projects for school purposes within the City being designated collectively herein as the AProject@).

WHEREAS, the School Board of the City (the ASchool Board@) has requested, by resolution dated December 7, 1999, the Council to authorize the issuance, sale and award of the Bonds.

WHEREAS, the Council has determined that it is necessary and appropriate to proceed to issue its bonds pursuant to the authority set forth in the Public Finance Act of 1991, Chapter 26, Title 15.2 of the Code of Virginia 1950, as amended (the APublic Finance Act@), including but not limited to Section 15.2-2601 thereof, and for the Council, as the governing body of the City, to elect to issue bonds under such provisions of the Public Finance Act without regard to the requirements, restrictions or other provisions contained in the Charter of the City.

WHEREAS, the City held a public hearing, duly noticed, on March 14, 2000, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.2-2606, Code of Virginia, 1950, as amended.

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

1. Authorization of Bonds and Use of Proceeds. The Council hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$5,100,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes as described above. The Council hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution. Upon mature consideration, the Council has determined that it is necessary and appropriate to proceed to issue its bonds pursuant to the authority set forth in the Public Finance Act, as set forth above, and, accordingly, hereby elects to issue the Bonds under such provisions of the Public Finance Act without regard to the requirements, restrictions or other provisions contained in the Charter of the City.

2. Sale of the Bonds. It is determined to be in the best interest of the City to accept the offer of the Virginia Public School Authority (the "VPSA") to purchase, and the City to sell to the VPSA, the Bonds at a price, determined by the VPSA to be fair and accepted by the Mayor or Vice-Mayor and the City Manager that is not less than 98% of par and not more than 103% of par upon the terms established pursuant to this Resolution. The Mayor and Vice-Mayor of the Council, the City Manager and such officer or officers of the City as any of them may designate are hereby authorized and directed to enter into a Bond Sale Agreement to be dated as of April 3, 2000, with the VPSA providing for the sale of the Bonds to the VPSA in substantially the form submitted to the Council at this meeting, which form is hereby approved (the "Bond Sale Agreement").

3. **Details of the Bonds.** The Bonds shall be issuable in registered form in denominations of \$5,000 and whole multiples thereof; shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 2000A"; shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 (each an "Interest Payment Date"), beginning July 15, 2000, at the rate or rates established in accordance with Section 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts set forth on Schedule I attached hereto (the "Principal Installments"), subject to the provisions of Section 4 of this Resolution.

4. **Interest Rates and Principal Installments.** The City Manager is hereby authorized and directed to accept the interest rate or rates on the Bonds established by the VPSA, provided that no such interest rate shall be more than ten one-hundredths of one percent (0.10%) over the annual rate to be paid by the VPSA for the corresponding maturity of the bonds to be issued by the VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further, that the true interest cost of the Bonds does not exceed seven percent (7%) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of the VPSA. The City Manager is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of the VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rates established by the VPSA and the Interest Payment Dates and the Principal Installments requested by the VPSA as having been so accepted as authorized by this Resolution.

5. **Form of the Bonds.** For as long as the VPSA is the registered owner of the Bonds, the Bonds shall be in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A. On twenty (20) days written notice from the VPSA, the City shall deliver, at its expense, Bonds in marketable form in denominations of \$5,000 and whole multiples thereof, as requested by the VPSA, in exchange for the temporary typewritten Bond.

6. **Payment; Paying Agent and Bond Registrar.** The following provisions shall apply to the Bonds:

(a) For as long as the VPSA is the registered owner of the Bonds, all payments of principal of, premium, if any, and interest on the Bonds shall be made in immediately available funds to the VPSA at or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for banks in the Commonwealth of Virginia or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next preceding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.

(b) All overdue payments of principal or interest shall bear interest at the applicable interest rate or rates on the Bonds.

(c) Crestar Bank of Richmond, Virginia, is designated as Bond Registrar and Paying Agent for the Bonds.

7. **Prepayment or Redemption.** The Principal Installments of the Bonds held by the VPSA coming due on or before July 15, 2011, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature on or before July 15, 2011, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by the VPSA coming due after July 15, 2011, and the definitive bonds for which the Bonds held by the VPSA may be exchanged that mature after July 15, 2011, are subject to prepayment or redemption at the option of the City prior to their stated maturities in whole or in part, on any date on or after July 15, 2011, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

Dates Prices

July 15, 2011 through July 14, 2012 102%

July 15, 2012 through July 14, 2013 101%

July 15, 2013 and thereafter 100%

Provided, however, that while the VPSA is the registered owner of the Bonds, the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

8. **Execution of the Bonds.** The Mayor or Vice Mayor and the Clerk or any Deputy Clerk of the Council are authorized and directed to execute and deliver the Bonds and to affix the seal of the City thereto.

9. **Pledge of Full Faith and Credit.** For the prompt payment of the principal of, the premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the City are

hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the City subject to local taxation sufficient in amount to provide for the payment of the principal of, the premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the City to the extent other funds of the City are not lawfully available and appropriated for such purpose.

10. **Use of Proceeds Certificate and Certificate as to Arbitrage.** The Mayor or Vice Mayor of the Council, the City Manager and such officer or officers of the City as any of them may designate, are hereby authorized and directed to execute a Use of Proceeds Certificate and Certificate as to Arbitrage each setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds. The Council covenants on behalf of the City that the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Use of Proceeds Certificate and Certificate as to Arbitrage and that the City shall comply with the covenants and representations contained therein. Furthermore, the Council covenants on behalf of the City that the City shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludible from gross income for Federal income tax purposes.

11. **State Non-Arbitrage Program; Proceeds Agreement.** The Council hereby determines that it is in the best interest of the City to authorize and direct the City Treasurer to participate in the State Non-Arbitrage Program in connection with the Bonds. The Mayor or Vice Mayor of the Council, the City Manager, the City Director of Finance and such officer or officers of the City as any of them may designate, are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the City, the other participants in the sale of the VPSA Bonds, the VPSA, the investment manager (Mentor Investment Advisors, L.L.C.), and the depository (Wachovia Bank, N.A.). Such Proceeds Agreement shall contain such terms and provisions as may be requested by the VPSA for the issuance, sale and award of the Bonds, and shall be in the general form as submitted to the City, which form is hereby approved.

12. **Continuing Disclosure Agreement.** The Mayor of the Council, the City Manager and such officer or officers of the City as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the City and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12 and directed to make all filings required by Section 3 of the Bond Sale Agreement should the City be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

13. **Filing of Resolution.** The appropriate officers or agents of the City are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of Rockingham County, Virginia.

14. **Further Actions.** The members of the Council and all officers, employees and agents of the City are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance, sale and award of the Bonds and any such action previously taken is hereby ratified and confirmed.

15. **Consent to Representation.** The City hereby acknowledges that the law firm of Wharton, Aldhizer & Weaver, P.L.C. has represented the School Board as general counsel from time to time, and, at the request of the City, has agreed also to serve as the City's bond counsel, and hereby consents to such multiple representations in connection with the financing for capital projects for school purposes in the City and the transactions contemplated thereby.

16. **Effective Date.** This Resolution shall take effect immediately upon the approval by Council.

Date: March 14, 2000

[SEAL] Mayor, City Council,

City of Harrisonburg, Virginia

City Manager, City of Harrisonburg, Virginia

w/CERTIFICATE attached

SCHEDULE I - preliminary attached

EXHIBIT A - FORM OF TEMPORARY BOND w/ASSIGNMENT and SCHEDULE I,

preliminary, attached

Bond Sale Agreement (form)

CERTIFICATE of VOTES

Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, taken after lawful notice therefor at the regular meeting of the City Council held on March 14, 2000, at which meeting the City Council, among other things, elected to comply with the authority provided under the Public Finance Act of 1991, Chapter 26, Title 15.2 of the Code of Virginia 1950, as amended, including but not limited to Section 15.2-2601 thereof, for the issuance of bonds under the provisions thereof without regard to the requirements, restrictions or other provisions contained in the Charter of the City, the undersigned hereby certify the voting of the City Council on the foregoing ARESOLUTION AUTHORIZING THE ISSUANCE, SALE AND AWARD OF NOT TO EXCEED \$5,100,000 GENERAL OBLIGATION SCHOOL BONDS OF THE CITY OF HARRISONBURG, VIRGINIA, SERIES 2000A, TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY, AND PROVIDING FOR THE FORM AND DETAILS THEREOF@, as follows:

	AYE	NAY	ABSTAIN	ABSENT
Rodney L. Eagle, Mayor	X			
Hugh J. Lantz, Vice-Mayor	X			
Dr. Walter F. Green, III	X			
Larry M. Rogers	X			
John H. Byrd, Jr.	X			

Date: March 14, 2000

Rodney L. Eagle, Mayor

ATTEST: _____

Clerk, City Council of

City of Harrisonburg, Virginia

NO. TR-1 \$5,100,000

UNITED STATES OF AMERICA

COMMONWEALTH OF VIRGINIA

CITY OF HARRISONBURG

General Obligation School Bond

Series 2000A

The CITY OF HARRISONBURG, VIRGINIA (the "City"), for value received, hereby acknowledges itself indebted and promises to pay to the VIRGINIA PUBLIC SCHOOL AUTHORITY the principal amount of FIVE MILLION ONE HUNDRED THOUSAND DOLLARS (\$5,100,000), in annual installments in the amounts set forth on Schedule I attached hereto, payable on July 15, 2001, and annually on July 15 thereafter to and including July 15, 2020, (each a "Principal Payment Date"), together with interest from the date of this Bond on the unpaid installments, payable semi annually on January 15 and July 15 of each year, commencing on July 15, 2000, (each an "Interest Payment Date"; together with any Principal Payment Date, a "Payment Date"), at the rates per annum set forth on Schedule I attached hereto, subject to prepayment or redemption as hereinafter provided. Both principal of and interest on this Bond are payable in lawful money of the United States of America.

For as long as the Virginia Public School Authority is the registered owner of this Bond Crestar Bank of Richmond, Virginia, as bond registrar (the "Bond Registrar"), shall make all payments of principal, premium, if any, and interest on this Bond, without the presentation or surrender hereof, to the Virginia Public School Authority, in immediately available funds at or before 11:00 a.m. on the applicable Payment Date or date fixed for prepayment or redemption. If a Payment Date or date fixed for prepayment or redemption is not a business day for banks in the Commonwealth of Virginia or for the Commonwealth of Virginia, then the payment of principal, premium, if any, or interest on this Bond shall be made in immediately available funds at or before 11:00 a.m. on the business day next preceding the scheduled Payment Date or date fixed for prepayment or redemption. Upon receipt by the registered owner of this Bond of said payments of principal, premium, if any, and interest, written acknowledgment of the receipt thereof shall be given promptly to the Bond Registrar, and the City shall be fully discharged of its obligation on this Bond to the extent of the payment so made. Upon final

payment, this Bond shall be surrendered to the Bond Registrar for cancellation.

The full faith and credit of the City are irrevocably pledged for the payment of the principal of and the premium, if any, and interest on this Bond. The resolution adopted by the City Council authorizing the issuance of the Bond provides, and Section 15.2-2624, Code of Virginia 1950, as amended, requires, that there shall be levied and collected an annual tax upon all taxable property in the City subject to local taxation sufficient to provide for the payment of the principal, premium, if any, and interest on this Bond as the same shall become due which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the City to the extent other funds of the City are not lawfully available and appropriated for such purpose.

This Bond is duly authorized and issued in compliance with and pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia 1950, as amended, and resolutions duly adopted by the City Council of the City and a requesting resolution of the School Board of the City, respectively, to provide funds for capital projects for school purposes.

This Bond may be exchanged without cost, on twenty (20) days written notice from the Virginia Public School Authority, at the office of the Bond Registrar on one or more occasions for one or more temporary bonds or definitive bonds in marketable form and, in any case, in fully registered form, in denominations of \$5,000 and whole multiples thereof, and having an equal aggregate principal amount, having principal installments or maturities and bearing interest at rates corresponding to the maturities of and the interest rates on the installments of principal of this Bond then unpaid. This Bond is registered in the name of the Virginia Public School Authority on the books of the City kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond Registrar shall exchange this Bond for definitive Bonds as hereinabove provided, such definitive Bonds to be registered on such registration books in the name of the assignee or assignees named in such assignment.

The principal installments of this Bond coming due on or before July 15, 2011, and the definitive Bonds for which this Bond may be exchanged that mature on or before July 15, 2011, are not subject to prepayment or redemption prior to their stated maturities. The principal installments of this Bond coming due after July 15, 2011, and the definitive Bonds for which this Bond may be exchanged that mature after July 15, 2011, are subject to prepayment or redemption at the option of the City prior to their stated maturities in whole or in part, on any date on or after July 15, 2011, upon payment of the prepayment or redemption prices (expressed as percentages of principal installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

Dates

Prices

July 15, 2011 to July 14, 2012	102%
July 15, 2012 to July 14, 2013	101%
July 15, 2013 and thereafter	100%

Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without the prior written consent of the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the City, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the City Council of the City of Harrisonburg has caused this Bond to be issued in the name of the City of Harrisonburg, Virginia, to be signed by its Mayor or Vice Mayor, its seal to be affixed hereto and attested by the signature of its Clerk or any of its Deputy Clerks, and this Bond to be dated May 18, 2000.

CITY OF HARRISONBURG, VIRGINIA

(SEAL)

ATTEST:

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

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS, INCLUDING ZIP CODE, OF ASSIGNEE)

PLEASE INSERT SOCIAL SECURITY OR OTHER

IDENTIFYING NUMBER OF ASSIGNEE: _____

the within Bond and irrevocably constitutes and appoints

_____ attorney to exchange said Bond for definitive bonds in lieu of which this Bond is issued and to register the transfer of such definitive bonds on the books kept for registration thereof, with full power of substitution in the premises.

Date: _____

Registered Owner

Signature Guaranteed:

(NOTICE: The signature above

must correspond with the name

of the Registered Owner as it

(NOTICE: Signature(s) must be

appears on the front of this

guaranteed by an Aeligible guarantor

Bond in every particular,

institution@ meeting the requirements

without alteration or change.)

of the Bond Registrar which requirements will include Membership or participation in STAMP or such other Asignature guarantee program@ as may be determined by the Bond Registrar in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

VIRGINIA PUBLIC SCHOOL AUTHORITY

BOND SALE AGREEMENT

dated as of April 3, 2000

Name of Jurisdiction (the "Local Unit"): Harrisonburg, City of

Sale Date: Not earlier than April 17, nor later than May 3, 2000

Closing Date: On or about May 18, 2000

Principal Amount (Requested): \$5,100,000

Amortization Period: Up to Twenty (20) Years

1. The Virginia Public School Authority ("VPSA") hereby offers to purchase your general obligation school bonds at a price, determined by the VPSA to be fair and accepted by you, that is not less than 98% of par and not more than 103% of par (105% if a 10-year amortization is involved) in the Principal Amount set forth above (as authorized by your bond resolution) from the proceeds of the VPSA's bonds, the sale of which is scheduled to take place on the Sale Date.

2. You represent that on or before April 3, 2000, your local governing body will have duly authorized the issuance of your bonds by adopting a resolution in the form attached hereto as Appendix B (the "local resolution") and that your bonds will be in the form set forth in the local resolution. Any changes that you or your counsel wish to make to the form of the local resolution and/or your bonds must be approved by the VPSA prior to adoption of the local resolution by your local governing body.^[1]

The local resolution has been drafted for the issuance of bonds by a County. Bond Council will need to make appropriate changes in the local resolution for the issuance of bonds by a City or Town.

3. You hereby covenant that you will comply with and carry out all of the provisions of the Continuing Disclosure Agreement in the form attached hereto as Appendix F, which agreement is hereby incorporated by reference herein and expressly made a part hereof for all purposes. The VPSA has defined a Material Obligated Person (AMOP@) for purposes of the Continuing Disclosure Agreement as any Local Issuer the principal amount of whose local school bonds pledged under VPSA's 1997 Resolution compromise more than 10% of the total principal amount of all outstanding 1997 Resolution bonds. MOP status will be determined by adding the principal amount of your local school bonds to be sold to the VPSA and the principal amount of your local bonds previously sold to the VPSA and currently pledged under VPSA's 1997 Resolution and measuring the total against 10% of the face value of all outstanding bonds under VPSA's 1997 Resolution. If you are or may be a MOP, the VPSA may require that you file all the information described in the following paragraph prior to VPSA's mailing its Preliminary Official Statement, currently scheduled April 7, 2000.

You acknowledge that if you are a MOP following the issuance of your local school bonds that are the subject of this Bond Sale Agreement, the VPSA will incorporate by reference in its Preliminary Official Statement and final Official Statement the information respecting you ("Your Information") that is on file with the Nationally Recognized Municipal Securities Information Repositories ("NRMSIRs") and the Municipal Securities Rulemaking Board ("MSRB"). Accordingly, if it appears that you will be a MOP following the delivery of your local school bonds to the VPSA in connection with this sale, you hereby represent and covenant to the VPSA that you will file such additional information, if any, as is required so that Your Information, as of each of (i) the date of the VPSA's Preliminary Official Statement (expected to be April 7, 2000), (ii) the date of sale of the VPSA's final Official Statement (expected to be April 19, 2000) and (iii) the date of delivery of VPSA's bonds (expected to be May 18, 2000), will be true and correct and will not contain any untrue statement of a material fact or omit to state a material fact which should be included in Your Information for the purpose for which it has been filed or which is necessary to make the statements contained in such information, in light of the circumstances under which they were made, not misleading. You further agree to furnish to the VPSA a copy of all filings you make with NRMSIRs and the MSRB subsequent to the date of this Agreement. Such copy will be furnished to the VPSA on the same day that any such filing is made.

The VPSA will advise you within 60 days of the end of each fiscal year if you were a MOP as of the end of such fiscal year. Upon written request, the VPSA will also advise you of your status as a MOP as of

any other date.

4. VPSA's commitment to purchase your bonds is contingent upon (i) VPSA's receipt on the Closing Date of (a) your bonds which shall include and otherwise meet the Standard Terms and Conditions contained in Appendix A hereto, (b) certified copies of the local resolution (see Appendix B attached hereto) and the school board resolution (see Appendix E attached hereto), (c) an executed agreement, among VPSA, you and the other local units simultaneously selling their bonds to VPSA, Wachovia Bank, N.A. and its successors and assigns, and Mentor Investment Advisors, LLC, the depository and the investment manager, respectively, for the State Non-Arbitrage Program ("SNAP"), providing for the custody, investment and disbursement of the proceeds of your bonds and the other general obligation school bonds, and the payment by you and the other local units of the allocable, associated costs of compliance with the Internal Revenue Code of 1986, as amended, and any costs incurred in connection with your participation in SNAP (the "Proceeds Agreement"), (d) an executed copy of the Use of Proceeds Certificate in the form attached hereto as Appendix C, (e) if you will be a MOP on the date of delivery of your local school bonds, your certificate dated the date of the delivery of the VPSA's bonds to the effect that Your Information was as of the date of the VPSA's Preliminary and final Official Statements, and is as of the date of the certificate, true and correct and did not and does not contain an untrue statement of a material fact or omit to state a material fact which should be included in Your Information for the purpose for which it has been filed or which is necessary to make the statements contained in such information, in light of the circumstances under which they were made, not misleading, (f) an approving legal opinion from your bond counsel in form satisfactory to VPSA as to the validity of the bonds and the exclusion from gross income for federal and Virginia income tax purposes of the interest on your bonds, the conformity of the terms and provisions of your bonds to the requirements of this Bond Sale Agreement including the appendices attached hereto, and the due authorization, execution and delivery of this Bond Sale Agreement, Continuing Disclosure Agreement and the Proceeds Agreement, and the validity of the Continuing Disclosure Agreement and the Proceeds Agreement, (g) a transcript of the other customary closing documents not listed above, (h) the proceeds of VPSA's bonds, (ii) if you will be using the proceeds of your bonds to retire a bond anticipation note, certificate of participation or other form of interim financing (the "Interim Security"), receipt by VPSA of (A) an opinion of your bond counsel that, as of the Closing Date, the Interim Security will be defeased according to the provisions of the instrument authorizing the Interim Security or it will no longer be outstanding (in rendering such opinion bond counsel may rely on a letter or certificate of an accounting or financial professional as to any mathematical computations necessary for the basis for such opinion) and (B) an executed copy of the escrow deposit agreement/letter of instruction providing for the retirement of the Interim Security and (iii) your compliance with the terms of this agreement. Two complete transcripts (one original) of the documents listed above shall be provided by your counsel to the VPSA on the Closing Date or, with VPSA's permission, as soon as practicable thereafter but in no event more than thirty (30) business days after the Closing Date.

5. This Bond Sale Agreement shall take effect on April 3, 2000.

Virginia Public School Authority

By: _____

By: _____

Authorized VPSA Representative

Name: _____

Title: _____

Glenn Hodge, attorney with the law firm of Wharton, Aldhizer and Weaver, explained that on December 7, 1999, the Harrisonburg School Board requested City Council's approval to apply to the Public School Authority for funds not to exceed \$5,100,000 for renovations at Spotswood Elementary and Waterman Elementary and adding air conditioning at the Harrisonburg High School Fieldhouse. On January 25, 2000, City Council approved the School Board's application to VPSA and declared its intent to reimburse itself for expenses from proceeds of the bond sale. He reviewed prepayment, penalty if pre-paid, interest rates, and tax exempt bonds. Interest is payable semi-annually and the first interest payment will commence July 15, 2000. A notice of this hearing was published in the Daily News-Record and a copy of the proposed resolution has been on file in the City Manager's office.

At 7:44 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, February 29, and Tuesday, March 7, 2000.

NOTICE OF PUBLIC HEARING WITH RESPECT TO THE ISSUANCE, SALE AND AWARD OF GENERAL OBLIGATION SCHOOL BONDS BY THE CITY OF HARRISONBURG, VIRGINIA, IN THE MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$5,100,000 TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY A PORTION OF THE COSTS OF CAPITAL PROJECTS FOR SCHOOL PURPOSES WITHIN THE CITY OF HARRISONBURG, VIRGINIA.

Notice is hereby given that the City Council of the City of Harrisonburg, Virginia, will hold a public hearing pursuant to the provisions of Section 15.2-2606 of the Code of Virginia (1950), as amended, with respect to the adoption by the City Council of a Resolution authorizing the issuance, sale and award of the principal amount not to exceed \$5,100,000 of General Obligation School Bonds of the City of Harrisonburg, Virginia, to be sold to the Virginia Public School Authority, for the purpose of providing funds to pay a portion of the costs of the acquisition, construction, reconstruction, renovation, expansion and equipping of public school facilities in the City including, but not limited to, Spotswood Elementary School, Waterman Elementary School, and Harrisonburg High School Field House (all capital projects for school purposes within the City being designated collectively herein as the "Project").

The public hearing which may be continued or adjourned will be held at 7:30 p.m. on March 14, 2000, before the City Council in the City Council chambers, Municipal Building, located at 345 South Main Street, Harrisonburg, Virginia. Any person interested in the issuance, sale and award of the Bonds may appear at the hearing and present his or her views. A copy of the proposed Resolution is on file and open for inspection at the office of the City Manager located at 345 South Main Street, Harrisonburg, Virginia, from 8:00 a.m. to 5:00 p.m. Monday through Friday.

City of Harrisonburg, Virginia

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against approving the funding for the school bond.

Dr. Don Ford, Superintendent of Harrisonburg City School, said that he was in favor of issuing the bonds.

Carolyn Frank questioned how would borrowing this bond money effect the City's bond rating or the per capita debt? City Manager Stewart answered divide 34,000 people into \$5,100,000 and it will provide the answer on the amount of debt it added per capita. There being no others desiring to be heard, the public hearing was declared closed at 7:46 p.m., and the regular session reconvened. Council Member Green offered a motion to approve this bond resolution authorizing the issuance, sale and award of not to exceed \$5,100,000 General Obligation School Bonds of the City of Harrisonburg, Virginia, Series 2000A to be sold to the Virginia Public School Authority, and providing for the form and details thereof. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

Jim Werner and Adolph Cave representing the Veterans of Foreign Wars Post 632 presented a plaque to the Harrisonburg City Council. He said that an old German cannon, a local landmark, sitting in front of the Harrisonburg High School had been restored to its original luster. He thanked the City for helping with permits and providing a new concrete pad. Mr. Werner also said the restored cannon had been fired at precisely 11:00 a.m., on November 11th, At the 11th hour of the 11th day of the 11th month.@ Mayor Eagle

thanked the Veterans of Foreign Wars Post 632 for the plaque.

City Manager Stewart said that the request seeking Council=s endorsement of an application by First Centrum, LLC had been postponed from the February 8 and February 22 Council meetings. Jack Gordon, Manager of Development for First Centrum, said that his company would like to build 50 two-bedroom apartments on a 4.2 acre parcel for a project called The Meadows of Harrisonburg Senior Apartments. It is an independent living senior persons project 62 and over. He noted that First Centrum projects should not be compared to the Lineweaver Apartments. All units will contain approximately 840 square feet and will feature fully equipped kitchens and an emergency call system. He said that First Centrum would need the City=s support for this project. Following further discussion and comments, Council Member Rogers offered a motion to approve this request by First Centrum, LLC and authorized writing a letter supporting this project. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

No - Vice-Mayor Lantz

Absent: None

Council Member Green offered a motion to adopt the 1999 Planning Commission Annual Report. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart explained that the Harrisonburg Parks and Recreation Department and Rockingham County have requested blocking certain streets for the annual Spring in the Valley Parade on May 21, 2000 at 3:00 p.m. which is also being sponsored by Wal-Mart and WVPT honoring the young heroes in the community. The parade will follow last year=s route beginning at the Municipal Building on South Main Street and ending at the Rockingham County office building on Main Street. Council Member Rogers offered a motion to approve this request. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart reported on the cost of the TAGS lawsuit. City Manager Stewart explained that at the last Council meeting, Council Member Rogers had asked for an itemized statement concerning the costs associated with the lawsuit. These figures are the cost to defend TAGS lawsuit as of March 10, 2000.

Mays & Valentine	\$48,292.20
Harrison, Thumma & Carr	8,159.00
City Staff (205.5 hours)	7,693.78
City supplies (20,611 copies of documents)	<u>149.32</u>
Total through March 10, 2000	\$64,294.30

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, AUTHORIZING THE CITY MANAGER
TO NEGOTIATE AND EXECUTE A CONTRACT WITH THE LOWEST
RESPONSIVE AND RESPONSIBLE BIDDER FOR THE CONSTRUCTION
OF THE MUNICIPAL GOLF COURSE**

WHEREAS, the City is in the process of reviewing bids, which were taken on March 8, 2000, for the construction of the proposed municipal golf course; and

WHEREAS, the City Council wishes to let the contract to the lowest responsive and responsible bidder:

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

1. The City Manager is directed to review all bids taken on March 8, 2000, for the construction of the municipal golf course.

2. After the review of all bids, the City Manager is directed to negotiate with any contractor and to then execute a contract for the construction of the municipal golf course with the lowest responsive and responsible bidder.

Approved: March 14, 2000

MAYOR

ATTEST:

CLERK OF THE COUNCIL

City Manager Stewart said that bids were taken on March 8 and W.R. Love and Associates are in the process of reviewing and analyzing all of the bids. This resolution will authorize the City Manager to negotiate and execute a contract with the lowest responsive and responsible bidder for the construction of the municipal golf course. It appears that Turf Drain Inc. has submitted the lowest bid. Turf Drain has been in business for 13 years and has built and/or renovated 450 golf courses. The company works only on golf courses. Vice-Mayor Lantz offered to adopt this resolution authorizing the City Manager to negotiate and execute a contract with the lowest responsible and responsive bidder for the construction of the municipal golf course. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

City Manager Stewart presented the following resolution for Council=s consideration of approval:

RESOLUTION

REGARDING

THE SHENANDOAH VALLEY DETENTION CENTER COMMISSION

CITY OF HARRISONBURG, VIRGINIA

WHEREAS, on December 21, 1999, the City Council of the City of Harrisonburg, Virginia, adopted the Concurrent Resolution and Ordinance regarding the Shenandoah Valley Juvenile Detention Center Commission (Member Jurisdictions) (the AResolution@);

WHEREAS, the Resolution approved withdrawal from membership in the Shenandoah Valley Juvenile Detention Center Commission (the ACommission@) by the City of Charlottesville and Albemarle County, effective on July 1, 2001; and

WHEREAS, the Commission, the City of Charlottesville and Albemarle County have agreed that the effective date of such withdrawal shall be April 1, 2000, subject to approval of such earlier date by the other member jurisdictions in accordance with the Commission=s Bylaws;

NOW THEREFORE BE IT RESOLVED that April 1, 2000, is approved as the effective date for withdrawal of the City of Charlottesville and Albemarle County from membership in the Commission.

This Resolution shall take effect on the date of its adoption.

Approved: _____, _____

CERTIFICATE

The record of the roll-call vote by the City Council of Harrisonburg, Virginia, on a Resolution of the City Council entitled, A Resolution Regarding The Shenandoah Valley Juvenile Detention Center Commission@ at its regular public meeting held on March 14, 2000 is hereby certified as follows:

AYE NAY ABSTAIN ABSENT

Hugh J. Lantz X

John H. Byrd, Jr. X

Dr. Walter F. Green, III X

Larry M. Rogers X

Rodney L. Eagle X

Mayor, City of Harrisonburg, Virginia

(SEAL)

ATTEST: _____

Clerk, City Council, City of

Harrisonburg, Virginia

Assistant City Manager Baker explained that Council adopted a concurrent resolution on December 21, 1999 releasing Charlottesville and Albemarle County from the Commission effective July 1, 2001. However, Charlottesville and Albemarle County have indicated they will be leaving the commission by April 1, 2000. A new resolution needs to be adopted changing the effective date of withdrawal. Council Member Rogers offered a motion to approve the resolution. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

Assistant City Manager Baker introduced an ordinance granting City property to the Virginia Quilt Museum. He explained that the Board of the Virginia Quilt Museum would like to make some improvements to the Virginia Quilt Museum including adding air-conditioning in the building to protect the quilts. The board would like to apply for grants; however, ownership of the building is needed before they can apply for the grants. Mr. Baker noted that adoption of this ordinance would only grant the property to the Quilt Museum as long as the Warren-Sipe house is used as a Quilt Museum. Mr. Baker also said that the General Assembly House and Senate have unanimously declared the Virginia Quilt Museum as the state quilt museum. Vice-Mayor Lantz offered a motion to approve this ordinance giving the Warren-Sipe house to the Virginia Quilt Museum for a first reading. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

Council Member Rogers commented that the Virginia Quilt Museum organization has done an excellent job with the quilt displays including exhibiting contemporary quilts from the Grand Duchy of Luxembourg and he had enjoyed meeting the Ambassador of Luxembourg. He noted that Virginia Quilt Museum is a great asset to the downtown area.

City Manager Stewart presented a request to authorize the Finance Department to set up a Public Transportation Capital Projects Fund. He explained that the City's Transportation Department is in the process of enlarging their building. Since this project will exceed \$200,000 and won't be completed until next fiscal year, 2000-2001, it is requested that City Council authorize the Finance Department to set up this fund. Council Member Green offered a motion to transfer these funds. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

City Manager Stewart presented a request to increase the Sanitation budget. He explained that these funds are the City's share of the Rockingham County's landfill. Vice-Mayor Lantz offered a motion to approve this request for a first reading:

\$182,185.00 chge. to: 2014-31010 Amount from fund balance

\$143,882.00 approp. to: 2014-982042-49160 County landfill development note-Principal

38,303.00 approp. to: 2014-982042-49180 County landfill development note-Interest

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

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

School Superintendent Donald Ford presented a request for a supplemental appropriation for the School Division. He explained that these funds are from unanticipated receipts and carry-over funds from the Federal and State Government. No additional local dollars are required from the City. Council Member Rogers offered a motion to approve this request for a first reading.

\$6,424.00 chge. to: 1111-33301 School Revenue-Federal

7,859.00 chge. to: 1111-32442 School Revenue-State

\$14,283.00 approp. to: 111114-40610 Instruction

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

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

City Manager Stewart presented a request for a supplemental appropriation for Sanitation Fund. He explained that these funds would be used to adjust the sanitation fund=s budget for additional revenue anticipated to be received from JMU and to budget the use of funds to cover expenditures for water treatment chemicals and salaries. Mr. Stewart said there has been a significant turn over of employees at the Resource Recovery Plant during the last year and the City has been working with JMU to create a plan based on pay for skill. JMU is willing to share costs in the plan so the City can attract and retain quality employees. Council Member Green offered a motion to approve this request for a first reading:

\$12,000.00 chge. to: 2014-31915 Reimbursement from JMU CISAT operations

\$6,400.00 approp. to: 2014-912242-41010 Salaries & Wages

5,600.00 approp. to: 2014-912242-46180 Chemicals

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

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

City Manager Stewart presented a request for a supplemental appropriation and to transfer funds for a Materials Recovery Facility (MRF). He explained that this a joint venture between the City of Harrisonburg and Rockingham County. An application was submitted to the Shenandoah Valley Partnership Regional Competitiveness Program last year. Funding was received to conduct a feasibility study with Rockingham County for a Materials Recovery Facility (MRF). Council Member Rogers offered a motion to approve this request for a first reading:

\$5,000.00 chge. to: 2014-31010 Amount from fund balance

\$5,000.00 approp. to: 2014-992042-49216 Transfer to Sanitation Capital Projects Fund

\$5,000.00 chge. to: 1324-34270 Transfer from Sanitation Fund

5,000.00 chge. to: 1324-31817 County Share MRF

15,000.00 chge. to: 1324-32526 MRF Grant

\$25,000.00 approp. to: 1324-910142-48685 Recycling Development

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

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

Dorn Peterson wanted to know if a copy of the costs associated with the lawsuit was available in the City Manager=s office. He also questioned the money paid to Mays & Valentine (bond counsel attorneys for the City). He thanked Council Member Rogers for requesting an itemized statement of what it is costing the taxpayers of the City for City Council to defend itself from the lawsuit by the TAGS group. He also asked Council Member Rogers to request a similar report of the accounting costs to date that Harrisonburg officials have incurred in the development of the golf course. Council Member Rogers answered that information is always available at the City Manager=s office.

George Rontopoulos questioned why the steam plant was losing employees and whether it was due to competition or other reasons.

Carolyn Frank made comments about TAGS and about how taxpayers=s money is spent.

William Goldberg said that he had been exercising his right to free speech and had written his share of editorials concerning the golf course. He questioned whether a majority of the people in the community were in favor of the golf course and suggested a mediation meeting between representatives from both sides should

be held. It was pointed out that Mr. Goldberg is a Rockingham County resident.

Mayor Eagle commented that it is not necessary to hold a mediation meeting. The Parks and Recreation Commission recommended that the City proceed with building a golf course. Mayor Eagle said, A City Council voted to build a golf course and we are building a golf course. Mr. Eagle also said that City Council was elected by the citizens to make decisions for the City and he pointed out that City Council had also made a decision tonight to approve a \$5,100,000 school bond which no one commented about. @

Tom Moyers said that since the TAGS group lost the lawsuit they should reimburse the City for the cost to defend itself.

Sandra Rose said that she was a Rockingham County resident but owned property in the City. She said that she didn't support the golf course with her tax money. She also questioned when was the City designated as a Bird Sanctuary. @ City Manager Stewart said that several years ago the Rockingham Bird Club, JMU Arboretum, and Norlyn Bodkin had requested establishing a bird sanctuary in the City and an ordinance relating to the establishment was approved. He also said that a bird sanctuary covers the entire City, not one particular area.

James Miller questioned whether destroying walking paths, youth memories, running cross country and playing soccer in Hillendale Park would be worth the money spent on the golf course. Mayor Eagle commented that hopefully the area Mr. Miller referred to which is not a park will be used by a lot more of the citizens of the City than its present use.

Council Member Byrd offered a motion that Edward (Jud) Baldwin, 66 Middlebrook Street, be appointed to a third term on the Blue Ridge Disability Services Board to expire on February 1, 2003. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 8:46 p.m., Vice-Mayor Lantz offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory Board, Commission on Children and Youth, Harrisonburg Parking Authority, Blue Ridge Disability Services Board, Board of Zoning Appeals, Shenandoah Valley Workforce Investment Board, and the Industrial Development Authority, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, amended. Discussion concerning a prospective business locating within the City, exempt from public meeting requirements pursuant to Section 2.1-344(A)(5) of the Code of Virginia, 1950, as amended. Consultation with the City Attorney and briefings by staff members pertaining to pending probable litigation, and two proposed contracts, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 11:30 p.m., the closed 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 matters as were identified in the motion by which the executive or closed meeting was convened, were heard, discussed or considered in the closed session by the City Council.

At 11:31 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR