

REGULAR MEETING

MAY 23, 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 "Bonnie" 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 Green offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for a traffic signal. The motion also included the second reading amending and re-enacting Section 7-1-9 of the Harrisonburg City Code. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

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

Absent - None

✓ Mayor Eagle announced that a Public Hearing scheduled to hear a request by F. Rita Kaslow and Avra B. Kaslow-Leigh to rezone 23.732 acres, located at the intersection of Neff Avenue and Port Republic Road, from R-1 Single-Family Residential District to B-2 General Business District (Conditional) had been withdrawn.

Planning and Community Development Director Turner introduced a request by Ashby LLC for a special use permit to reduce the required sideyard setback of two structures to zero feet, per Section 10-3-91(9) of the Subdivision Ordinance. She explained that the property zoned B-2 General Business District, is located at 560 and 590 Neff Avenue. The applicant has submitted this request to construct an enclosed breezeway that would connect two buildings located on separate lots. One lot already has an existing structure which is used for a professional office. The proposed building is compatible with the surrounding land uses and will accommodate professional office space. The reduction in the required side yard setback to zero would allow the proposed building to connect to the existing building next door. She said that staff will review the site plan before development begins. Also, the applicant has been reminded that a fire door would be required for one side of the breezeway to be completed during construction and if the lots were ever conveyed separately, maintenance of the enclosed breezeway would need to be resolved. She said that Planning Commission recommended approval of the request.

At 7:34 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, May 8, and Monday, May 15, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, May 23, 2000, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT

Request by Ashby LLC for a special use permit to reduce the required sideyard setback of two structures to zero feet, per Section 10-3-91(9) of the Subdivision Ordinance. The property, zoned B-2 General Business District, is located at 560 and 590 Neff Avenue and is identified as tax map parcels 84-J-2 and 84-J-6.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this public hearing.

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

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

Mayor Eagle called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was closed at 7:35 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve this request. 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
Vice-Mayor Lantz
Mayor Eagle

Absent - None

✓ Council Member Rogers presented a proposal to add 48 acres to Hillendale Park. He explained that adding acreage to the park will provide more green space, walking trails and provide more recreational family activities. Vice-Mayor Lantz said that any time a municipality has an opportunity to acquire additional land next to an existing park, it shouldn't hesitate to purchase the land. He also said that the property owner has indicated that it could become development property since it is currently zoned R-1. Council Member Rogers offered a motion to refer this opportunity

to purchase additional park land to the Parks and Recreation Commission for their review and present a recommendation to City Council at a later date. The motion also included that once City Council has received a recommendation from the Parks and Recreation Commission they would refer it to the Planning Commission. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

✓ Mayor Eagle introduced for Council's consideration Item Number 9 on the agenda which is to consider adopting a resolution authorizing the issuance by the City of Harrisonburg, Virginia of its public recreational facility general obligation and revenue bonds, Series 2000, in a principal amount not to exceed \$6,410,000. He explained that this is a resolution contained in the May 23rd agenda packet as an attachment to the agenda item action request form for agenda item number nine. Mayor Eagle then turned the item over to City Manager Stewart.

City Manager Stewart said that Sandi McNinch, bond counsel with the law firm of Mays and Valentine, Chip Bassett with BB&T Capital Markets, and Bob Fowler, President of Public Finance Consultants were present and Sandi McNinch would be introducing this item to City Council and present a brief review as a follow-up to action Council took on December 21, 1999. He also said that following Ms. McNinch presentation the consultants will be available for questions before City Council takes any action.

Sandi McNinch, bond counsel with the law firm of Mays and Valentine, said that the Harrisonburg City Council was being asked to consider the adoption of a bond resolution which would authorize the issuance by the City of its public recreational facility general obligation and revenue bonds Series 2000 in a principal amount not to exceed \$6,410,000. The bonds will be used to retire the short term notes that were issued in December 1999 to provide short term financing for the project, thereby providing long-term financing for the golf course. The bonds will be fixed rate long term bonds secured by the general obligation of the City and the net revenues of the golf course. Also, it is expected that there will be a municipal bond insurance policy issued to secure the bonds. The bonds will be dated June 1 and will mature no later than December 1, 2029. The aggregate principal amount of the bonds will not exceed \$6,410,000 and the weighted average maturity of the bonds no more than 25 years. The true interest cost will not exceed 6.95% and the bonds will be subject to optional redemption provisions. She said that using the 6.36% anticipated true interest costs on the bonds, the net debt service amount payable on the bonds will be about \$12.925 million over twenty-nine years. The resolution also acknowledges that the bonds will be bank qualified which is an important distinction because it will get the City a better interest rate in the market. In addition to authorizing the issuance of the bonds the resolution also authorizes the documents pursuant to which the bonds will be issued. She referenced indenture of trust, the bond purchase agreement which is the contract between the City and BB&T Capital Markets, continuing disclosure certificate and the preliminary official statement. She acknowledged that the resolution also authorizes any further actions necessary or appropriate to complete the issuance of the bonds.

✓ City Manager Stewart noted that the resolution before Council does indicate that Council elects to issue the bonds under the provisions of the Public Finance Act of 1991 and not under the provisions of the City Charter. Therefore, the resolution may be finally approved at tonight's meeting. Council Member Rogers offered a motion that Council approve the adoption of the resolution contained in the May 23, 2000 Harrisonburg City Council agenda packet as an attachment

to the agenda item action request number nine authorizing the issuance by the City of Harrisonburg, Virginia of its public recreational facility general obligation and revenue bonds, Series 2000, in a principal amount not to exceed \$6,410,000. The motion was seconded by Council Member Green. Following the motion Mayor Eagle stated that Council Member Rogers has moved and Council Member Green has seconded a motion to approve the adoption of the resolution authorizing the issuance by the City of Harrisonburg, Virginia of its public recreational facility general obligation and revenue bonds, Series 2000 in a principal amount not to exceed \$6,410,000. Mayor Eagle called for a roll call vote. The recorded roll call vote was taken as follows:

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

Absent - None

✓ Mayor Eagle presented a request by John A. Sowers, resident of 25 Maplehurst Avenue, to consider a change in the residential permit parking zone. Mr. Sowers explained that Maplehurst Avenue is an R-1 single-family neighborhood. He also said that the neighborhood is surrounded by JMU, South Main Street, and Port Republic Road and has been experiencing parking problems. The neighborhood is currently in the blue zone permit parking area and would like to be placed in the red zone permit parking area. This change is vital to the preservation of the integrity of the Maplehurst neighborhood. Occupants from other neighborhoods which include R-2 designation and inhabited primarily by people other than single families are parking their vehicles in the Maplehurst blue zone permit neighborhood. Other people which might be in the blue zone are parking temporarily or part-time in the Maplehurst neighborhood. He also said non-residents of the neighborhood are parking on a full-time basis on Maplehurst Avenue. Mr. Sowers requested that neighborhood be changed from a blue permit parking zone to a red parking permit zone and presented a petition containing signatures of the residents of the neighborhood. Council Member Rogers offered a motion to change the color of the parking permit 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 - Council Member Green
 Council Member Rogers
 Council Member Byrd
 Vice-Mayor Lantz
 Mayor Eagle

Absent - None

✓ City Manager Stewart presented a request to consider closing a portion of an alley between Ash Tree Lane and Franklin Street. He explained that a public hearing was held at the March 28 City Council meeting and a Board of Viewers appointed. He said that the Board of Viewer's have reported that in their opinion closing a portion of the alley would create a great inconvenience for

the adjoining properties owners and recommended that the alley be left open for the convenience of the property owners. Council Member Green offered a motion to accept the Board of Viewer's report which recommends that the alley be left open. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

George Toliver said that he had been attending a banquet honoring and recognizing student athletes and he believed one day this community could recognize a student athlete as "Golfer of the Year." He said that he was not on one side or the other, but it was time to focus about what is right. It is okay to disagree but ultimately you have to get back to the issue of what is right. He said that building the golf course was the right thing to do because it would be for the children and future generations. Our community is always going to have young people and students going through the schools and they can expect to play golf more than any other sport into their later years. Golf provides an opportunity for everyone. He said that he had been talking to a lot of people during the last several weeks trying to find out how he could be of assistance to this controversy. There is a lot of confusion in this community including saving the trees, preserving the land and then selling the land to build houses on it. What happened to the trees that were supposed to be saved? The election is over. The politics is over, and let's start telling the truth. This golf course project will not mandate that anyone in this room ever has to go and use it. Nevertheless, by providing a golf course it will mean that those people who choose to play and use the golf course, will be paying for it. Are we willing to dump \$2.5 million because we are not willing to give people an opportunity to go and do what they want to do and pay for the golf course and ensure that it is there for generations and generations? It is not about me or you but it is about what goes on forever. A golf course is not any different from any other recreational facility in the City and should not be excluded from this community. If the golf course project is delayed, it could lead to problems for the City. Stopping the golf course could open Harrisonburg to lawsuits from the contractor and subcontractors who are working on the project. There is clearly a negative air that has gripped the community and it is painful to hear people at other golf courses laughing at the situation in this City. Mr. Toliver offered any service he could provide to help and said that he had been in contact with PGA. He said that people now and for generations to come will reap the benefit of a new recreational opportunity. As the old Council Members and new Council Members move toward your legacy please consider this, nobody remembers yesterday's headlines, the applause will die, the words will tarnish, achievements will be forgotten, and the certificates will be buried with you. The people remembered are the ones that did well, the ones who cared. All we ask is that you do the right thing because it's not about who is right, but it's about what is right.

Mr. Toliver read the following Parks and Recreation Mission Statement: The mission of the Harrisonburg Department of Parks & Recreation is to enhance the quality of life and meet the needs of every citizen by providing comprehensive leisure service opportunities. The department's mission is also to develop and maintain a safe system of open spaces and public facilities for the use and enjoyment by the community.

Kyle Sherman said that he played golf with other friends in his neighborhood and would enjoy an inexpensive place to play golf because the other golf courses in the area are too expensive.

Jeremy Briggs said that he has lived in Harrisonburg for 11 years. He said that he has played baseball, tennis, basketball and soccer through the City's recreation programs. He said that by the

time he graduates from high school, he will have earned eight varsity letters; however, four of the letters will be in golf. He said, "I didn't learn to play golf through any City programs or course because there weren't any programs or courses. I learned how to play golf because my parents gave me the opportunity. I have played golf with college professors, doctors, lawyers, politicians, business leaders, parents, friends, and I hope I can play golf with future business partners, my children, and my grandchildren." It is a wonderful game that can be played for a lifetime with persons from many professions. He said that he enjoys playing other sports but they will not be life time sports. There are hundreds of young people in this City that will never have the opportunity to learn to play golf because they will not have the opportunity. A City owned golf course with sponsored programs will provide an opportunity for all of the young people in the City. He said that, "I know that this golf course issue is centered on money and politics, but I urge you to look at the potential good that this course holds for so many kids in the City."

Economic Development Director Shull presented a request to hold a public hearing to consider adopting a resolution creating the Harrisonburg Crossing Community Development Authority. He explained that the City has received a petition from four landowners in the City to create a Community Development Authority to enable the landowners to secure financing for off-site improvements for \$4.2 million. In accordance with the Virginia state code they are requesting that a public hearing be scheduled to consider the creation of this authority. The recommended public hearing date is June 27, 2000. This property consists of approximately 66 acres of land in the City located east of Interstate 81 and north of Country Club Road. Vice-Mayor Lantz offered a motion to schedule a public hearing on June 27, 2000 to consider this request. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart explained that the Retail Merchants Association has requested blocking certain streets around Court Square and a portion of North Main Street on August 26 for an Arts and Craft Show and Cruise-In. The street will be closed from 9:00 a.m. until 3:00 p.m. He explained that this request is similar to other requests in recent years with one exception. There is an additional request to close Main Street from East Market to Elizabeth Street. The appropriate staff members reviewed the request and supported closing the street around Court Square, but recommended that Main Street from East Market Street to Elizabeth Street not be closed because it will create traffic problems. Council Member Green offered a motion to accept Staff's recommendation to close a portion of Court Square on August 26. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to transfer funds from Traffic Engineering to General Capital Projects. He explained that these funds will be used to make some improvements to the traffic signal at Burgess Road and East Market Street. Vice-Mayor Lantz offered a motion to transfer these funds:

\$100,000 chge. to: 1000-410741-48111 Machinery & Equipment
 \$100,000 approp. to: 1000-990111-49216 Transfer to Capital Projects

\$100,000 chge. to: 1310-34210 Transfer from General Fund
 \$100,000 approp. to: 1310-910141-48620 Burgess Road Extension

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

School Superintendent Ford presented a request to transfer funds for the School Division. He explained that at the conclusion of some school years, unanticipated expenses are received. These funds will be used for instruction, operation and maintenance and will not cost the City any additional local dollar. Vice-Mayor Lantz offered a motion to transfer these funds:

\$163,500 chge. to: 11114-40610 Instruction
 \$163,500 approp. to: 11114-40640 Operation & Maintenance

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

School Superintendent Ford presented a request for a supplemental appropriation for the School Division. He explained that the bids for the Waterman Elementary and Spotswood Elementary school renovation projects are over budget. The School Division estimates they can provide some funds from year-end funds using the unappropriated fund balance and some other savings, however, they need an additional \$300,000 from the City so they can proceed with the projects. If using these funds is not necessary, then they can return them to the City. Council Member Rogers offered a motion to approve this request for a first reading:

\$300,000 chge. to: 1311-34210 Transfer from General Fund
 \$300,000 approp. to: 1311-910114-48690 Repairs to Elementaries

\$300,000 chge. to: 1000-31010 Amount from Fund Balance
 \$300,000 approp. to: 1000-990111-49225 Transfer to School Capital Projects

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
 Vice-Mayor Lantz
 Mayor Eagle

Absent - None

School Superintendent Ford presented a request for a supplemental appropriation for the School Division. He explained that these funds will be used to purchase year-end food services, supplies, kitchen equipment and the Keister Elementary School renovation.

\$100,000 chge. to: 11114-31691 School Revenue - Other
 \$100,000 approp. to: 11114-40650 School Food Service

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

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

Absent - None

City Manager Stewart presented a request for a supplemental appropriation for Parks and Recreation. He explained that the Parks and Recreation and Big Brothers/Big Sisters jointly applied for and developed the "Building Bridges" Sports Buddies Program grant. This grant provided for sports activities at the Community Center in mentoring, baseball, basketball, swimming and general recreational activities. Vice-Mayor Lantz offered a motion to approve this request for a first reading:

\$1745.00 chge. to: 1000-34010 Revenue
 \$1745.00 approp. to: 710471-46130 Recreational Supplies

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

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

Absent - None

City Manager Stewart presented a request for a supplemental appropriation for the Fire Department. He explained that these are funds received from donations and costs recovered since July 1, 1999. Vice-Mayor Lantz offered a motion to approve the transfer of these funds:

\$ 3,685.12 chge. to: 01-10001809 Donations
 19,560.37 approp. to: 01-320132-48181 Buildings & Grounds

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
 Vice-Mayor Lantz
 Mayor Eagle

Absent - None

City Attorney Thumma presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 13-1-3 of the Harrisonburg City Code. He explained that each year Council is asked to amend this ordinance to adopt the state motor vehicle laws. Council Member Rogers offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

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

Absent - None

Joe Carioff said that because of two knee operations the only sport he could play was golf. Golf provides an opportunity for young people to enjoy a sport while teaching etiquette, competing, and proper manners.

Paul Riner said that he was a senior at Harrisonburg High School and would be attending the University of South Carolina in the fall to pursue a degree in sport administration. He said, "I am here tonight requesting that the construction continue of the City's Municipal Golf Course for four main reasons: 1) If the golf course is stopped, the bond issued or the money already spent for construction will come from another City budget or cause a tax increase for everyone. However, if the golf course is completed, the golfers who use this recreational facility will pay back the loan or bond issued because of the green fees they will be charged. 2) The City provides many recreational activities such as tennis, swimming, baseball, football and soccer. All of these activities are funded by all of the City residents who pay taxes. Although no one in my family participates in any of these activities, they are an asset to our City and my family supports these activities with tax dollars. Golf is a sport just like any other sport and it can be played by everyone, male or female, young or old. Maybe one day I can take my children and grandchildren to play golf and not leave our City to spend my dollars in Rockingham County. 3) The election was about change, that what the campaign signs all read, but there is a huge difference between being opposed to a golf course and trying to stop something that began more than ten years ago. If the golf course is stopped the City taxpayers instead or the golfers will pay for dumping all of this money down the hole. 4) Please do not sell City park or recreational land. Don't sell away our future. If this is done we lose everything, the golf course, park land and a lot of taxpayers money. Listen to George Toliver, not so much as to what he had to say, but to the truth that needs to be heard." Students at Harrisonburg High School and adults in the community have no idea who to believe. Everyone needs to hear the truth.

Brian Lacey said that he was a senior at Harrisonburg High School and next year he planned to continue his education at Shenandoah University and play on the football team. He said since he was 13 years old he has played golf and has played on many local courses. He noted that the prices at local golf courses are too high and too crowded. Continuing to build this golf course will provide a great opportunity for the youth and everyone in the community who wants to, can play golf. He

also said that selling park land would be a wrong thing to do because the park land was designated for recreational use.

John Gu said that he was a senior at Harrisonburg High School. He said that as a youth of the City not paying taxes or allowed to vote, his voice should still be heard because he is an active member of the City Government. The golf course should continue to be built providing an opportunity for the youth to learn a new sport. Most courses in the area are either too expensive or too crowded for the average family's income. All parks in the City should be used for recreational uses and since the City already funds other sports, it should also support and fund the golf course.

Mike Lee said that he was a senior at Harrisonburg High School and captain of the varsity golf team. He said years ago Harrisonburg High School used Lakeview Golf Course, but because two county high schools are now using Lakeview, it is too crowded for three high schools to use the golf course for practice. Harrisonburg High School now uses Spotswood; however, because of the cost many students cannot play on the course. The team can only practice during a scheduled team time. A public golf course that would be more accessible to the youth of the community would be a wonderful idea and give many advantages to students and the golf program. It would definitely encourage golf as a sport to be played in addition to the other sports that they are currently playing.

Josh Sundquist, a sophomore at Harrisonburg High School, said very enthusiastically that it was great to live in America and in a democracy which allows free speech. He also said that last week he had been in Hillandale Park holding a golf club and had been informed by TAGS members that unless he paid taxes, the golf course issues did not concern him. He said, "I am only 15 years old and I personally believe this is an issue about golf which makes it an issue for me. They are people who believe that just because we are young we do not count, but my opinion does count because I am the future. One of my favorite bible verses says (Do not let anyone look down upon you because you are young.) If you don't believe in us then you don't believe in the future, and if you don't believe in the future then we should forget this whole golf thing and move to Broadway. Today, I am here to talk about the future, the day when I will be old enough to take my kids and play golf at a money making City operated golf course. There is only one side of this issue that is truly important. That is the debate between the guy that says 'I love golf' and between the guy that says 'I hate golf.' It is my dream for this City that we can unite around this core issue that this is a golf course and more importantly that we will together believe in the future of this City."

Dale Metzler said that the City voted for change and change will happen whether we like it or not. Change is in the wind and it is not just about a golf course or anything else. It is about the Council of this City being open, responsive, listening, and hearing the voices of the public.

Vern Sequin read the following statement: A few months ago a member of the City Council was asked to hold off on the proposed golf course funding and construction until the voters had a chance to voice their approval in a referendum vote. The response was that since the proposed financing was a revenue bond, no referendum vote was required because the repayment would be made from the course income and citizens would not be obligated for the debt.

Since then, the Council approved application for a bond issue in the amount of \$6.4 million which will accrue an additional \$7 million of interest over its 30 year life. In order to obtain a more favorable interest rate, Council agreed to obligate the Harrisonburg taxpayers as the equivalent of co-signers by guaranteeing the good faith of the City to underwrite any default on the repayments. The bond issue states that a tax surcharge will be levied to cover any insufficient golf course revenue. Thus, this bond issue now puts the taxpayers in much the same position as a general obligation issue and they have not been made aware of the scope of this burden.

The City Charter is greatly remiss if it does not require taxpayers' approval for an encumbrance of over \$13 million upon themselves, their children, and grandchildren over the 30 years term.

Because of their temporary tenure, the present lame duck City Council has a moral obligation to defer its withdrawal of funds from the golf course bond issue. They should reconsider and agree to leave it to the newly elected Council to determine how otherwise to proceed and thereby defer or avoid the expected cost of over \$60,000 required to issue the bonds now.

Vince Hedger said that he has lived in the City for three years. He said there is another issue concerning whether golf is a good game or not a good game. The real question is about process and the fact that times are changing and although in the past we have been comfortable with the idea that there is an issue coming before us. We struggle to become the winner. One thing sometimes we forget regardless whether we are on the winning side or losing side, we have to live with each other. We are all members of this community and whether we build or not built the golf course, if we can't come together and seek a solution that works for all of us then everyone will suffer. If we need evidence, then look at the way the North treated the South during the Civil War and we are still paying for that. The best way for everyone to live together is to work together and not against each other.

Michael Haines said that he wrote a letter to the editor of the Daily News-Record critical of the objectivity of the newspaper and was surprised that they did not print it. When the matter of truth is an issue, when an election is based on the truth and the newspaper did not report the facts then it is misleading. He said, "I believe that a great deal of the information presented to the people was substantially misinformed. He said that he was not for or against a golf course, but that he wished people could have read the right information in the newspaper."

Carolyn Frank said that on July 1st, she would be a City Council Member and she would like to make intelligent decisions which were not based on emotions. She questioned whether the golf course would have enough golfers to pay for the golf course and not leave the taxpayers with a big debt. She said that, "I am willing to listen to the people and to the other two Council Members to determine what is best for the citizens of Harrisonburg." She said that she needed facts and how much could the City subsidize golf.

Carolyn Pence requested that Council Members provide some background information regarding The First Tee program to those people who usually don't attend the Council meetings.

Council Member Rogers said that The First Tee program would provide a place for children to learn to play golf, and a continuum of practice and play that offer kids the chance not just to swing a golf club a few times, but an opportunity to advance their skills. He also said that President George Bush serves as Honorary Chairman of The First Tee program which is a non-profit organization to change the face of golf making it affordable and accessible to youth regardless of income, race or tongue. Mr. Rogers reiterated that City Council has spent between \$300,000 and \$500,000 for soccer fields so the children of the City could have decent soccer fields. He also said that he was glad the North won the Civil War or he probably wouldn't be a City Council Member.

Vice-Mayor Lantz commented that based on all of the information received from the best experts that the City could hire, the golf course will not be a burden on the taxpayers of the City. Whether this golf course will pay for itself or not, nobody has that answer until it is given a chance, but if you cut it off we will never know.

Shawn Douglas said that he was president of the Debate Team at Harrisonburg High School. He said that as a newly elected member he didn't get to choose the students or what they bring to the school. The students either come with school spirit or the lack of school spirit. He said that as newly elected members we should work with what we are given and not try to change what has been done in the past.

At 9:32 p.m., Vice-Mayor Lantz offered a motion that Council enter a closed session for discussion and consideration of persons to be appointed to the Social Services Advisory Board, Harrisonburg Parking Authority, and Board of Zoning Appeals, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, as amended. Consultation with the City Attorney and briefings by staff members pertaining to probable litigation and a proposed contract, 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 11:04 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.

Council Member Rogers offered a motion that William (Hank) Dunton, 314 Franklin Street, should be recommended to the Circuit Court for a first term on the Board of Zoning Appeals to expire on March 20, 2005. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion to transfer funds from Reserve for Contingencies to Capital Improvements Building/Grounds fund.

\$25,000 chge. to: 1000-940111-49310 Reserve for Contingencies
 \$25,000 approp. to: 1000-710171-48181 Capital Improvements Building/Grounds

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

✓ Council Member Green offered a motion to transfer funds from Reserve for Contingencies to the SPCA.

\$2,989.00 chge. to: 1000-940111-49310 Reserve for Contingencies
 \$2,989.00 approp. to: 1000-350131-45657 SPCA

The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 11:05 p.m., there being no further business and on motion adopted the meeting was adjourned.

Lysanne Ryan McCLANE
 CLERK

Richard L. Eagle
 MAYOR