

REGULAR MEETING

July 8, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

Council Member Chenault gave the invocation, and Mayor Eagle led everyone in the Pledge of Allegiance.

Vice-Mayor Pace offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Transportation Department. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

City Manager Hodgen presented for Council’s consideration issuing general obligation debt not to exceed \$1.4 million. The City plans to install a 1,500 ton chiller at the City’s Recovery Facility which will replace the current 500 ton chiller. The purpose of this new chiller is to provide cooling for the JMU ISAT campus. The City will issue the bond for the project and James Madison University will service the debt for the bond.

At 7:01 p.m., Mayor Eagle closed the regular session temporarily and called the evening’s first public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, June 24, and Tuesday July 1, 2008.

NOTICE OF PUBLIC HEARING ON PROPOSED ISSUANCE OF BONDS BY THE CITY OF HARRISONBURG, VIRGINIA

Notice is hereby given that the City Council of the city of Harrisonburg, Virginia (the “Council”) will hold a public hearing on the proposed issuance by the City of Harrisonburg, Virginia (the “City”), without a referendum, of general obligation bonds in a principal amount not to exceed \$1,400,000 (the “Bonds”), the proceeds of which will be used to finance a chiller for the City’s resource recovery facility and related costs, as well as pay the costs of issuance of the Bonds.

The public hearing, which may be continued or adjourned, will be held at 7:00 p.m. on Tuesday July 8, 2008, before the Council at a regularly scheduled meeting in the Council Chambers at 409 South Main Street in Harrisonburg, Virginia 22801. Any person interested in the issuance of the Bonds and the purposes for which the Bonds are being issued may appear at the hearing and present his or her views.

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

Mayor Eagle called on anyone desiring to speak for or against authorizing the issuance of this general obligation debt. There being no one desiring to be heard, the public hearing was declared closed at 7:02 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the issuance of this general obligation debt not to exceed \$1.4 million. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from the City of Harrisonburg to close 8,722 sq. ft. of a paved alley located perpendicular to Ott Street. The alley is approximately 20-feet wide and 455-feet long, located adjacent to tax map parcels 26-A-1, 9, 10, 11, 16, 18, & 22. Mrs. Turner reviewed the surrounding uses in the area. The Muhlenberg Lutheran Church has stated their main reason for wanting to take ownership of the alley is to prohibit traffic, which could increase due to the Urban Exchange development. They hope by closing this alley that a more pedestrian safe environment would be created. The Harrisonburg Electric Commission will need an easement for the section behind Blakemore's Flower Shop for facilities they will be installing in association with the Urban Exchange development. The City may also need an access easement to allow the Sanitation Division accessibility to the rear portion of these buildings to pick up trash and recycling. Also, an adjacent property owner may need an access easement to his property. Planning Commission recommended approving the alley closing.

At 7:09 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 Saturday, June 28, and Saturday, July 5, 2008.

**NOTICE OF INTENTION TO VACATE
A VARIABLE WIDTH ALLEY LOCATED
BETWEEN EAST MARKET STREET AND EAST WATER STREET
FROM OTT STREET WEST TO A PREVIOUSLY CLOSED ALLEY**

**IN THE CITY OF HARRISONBURG
City Council Chambers
409 South Main Street
Harrisonburg, VA 22801
Tuesday, July 8, 2008
7:00 P.M.**

The Harrisonburg City Council will hold a public hearing on Tuesday, July 8, 2008, 7:00 P.M., at City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider a proposed motion by the City Council to vacate and close a variable width alley that lies between East Market Street and East Water Street from Ott Street west to a previously closed alley, in the City of Harrisonburg, Virginia.

A copy of the plat showing the alley to be vacated and the recommendation of the City's Planning Commission are available in the City Community Development office, 409 South Main Street, Monday through Friday.

All persons interested will have an opportunity to express their views at this public hearing.

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

Mayor Eagle called on anyone desiring to speak for or against closing the alley.

Mark Byerly, co-chair of the building committee for Muhlenberg Lutheran Church, spoke in favor of the alley closing and granting access easements to adjoining property owners.

Bob Rivera, an adjoining property owner, said he would need access to his garage, which sits in the rear of his property, if this alley is closed. There being no others desiring to be heard, the public hearing was declared closed at 7:15 p.m., and the regular session reconvened. Council Member Chenault offered a motion to close the alley in its entirety and easements be granted to the Harrisonburg Electric Commission and the City's Sanitation Division to be established at a location to be determined between them and the City Attorney. The motion also included that an access easement be reserved to Bob Rivera's property from Ott Street to the rear of the property line and also that the same access easement be reserved for the piano building from Ott Street west to its property line. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from RMC Corporation for a special use permit to allow a religious use at 1054 South High Street. The property is currently zoned M-1, General Industrial District classification and can be found on tax map 19-D & 16A. The applicant is requesting a special use permit to use this building for religious purposes within the M-1, General Industrial Zoning District classification. Mrs. Turner reviewed the surrounding uses in the area. This property has access rights to the east, across the adjoining RMC Corporation property, and out to South Avenue. It is suggested that the applicants make the entrance off South High Street one-way, then exit out onto South Avenue or restrict parking along the southern side of the building allowing for two-way traffic to enter and exit South High Street. The applicant has stated that the building will seat up to seventy-five (75) members. Based on that number, fifteen (15) on-site parking spaces would be required. The applicant has been informed by staff that if they receive approval of the request, they would need to apply for a change of use permit from the Building Division. The Comprehensive Plan recognizes this area along South High Street as Commercial and although zoned M-1, the industrial uses found along this corridor are not intensive enough that a church at this location would not be in concert with the surrounding uses. Planning Commission recommended approving the special use permit with two conditions: 1) Entrance only off of South High Street (onto the property). 2) Limit the special use permit to the current building only.

At 7:23 p.m., Mayor Eagle closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 23, and Monday, June 30, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, July 8, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Special Use Permit – 1054 South High Street (Lion of Judah Ministries)

Public hearing to consider a request from RMC Corporation, with representative Gary Green for a special use permit per Section 10-3-97 (9) of the Zoning Ordinance to allow a religious use within the M-1, General Industrial District. The property is located at 1054 South High Street and can be found on tax maps 19-D-15 & 16A.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

**CITY OF HARRISONBURG
Kurt D. Hodgen**

City Manager

Mayor Eagle called on anyone desiring to speak for or against this special use permit.

Jeanne Carter, associate minister for Lion of Judah Ministries, said they currently have 22 active members consisting of four families. Part of the reason they are looking for a space of their own is for growth, and this building would accommodate approximately 70 people comfortably. They plan to have a one way entrance off of South High Street and to exit out the back of the property. In addition, they plan on making the side parking spaces parallel to provide more access. There being no others desiring to be heard, the public hearing was declared closed at 7:26 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this special use permit request. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Randal Johnson to rezone one, 4,940 +/- square foot parcel from B-2, General Business District to R-2, Residential District. The property is located at 1050 and 1058 Park Road and can be found on tax map 48-D-39. Situated on the parcel is a duplex and multiple parking spaces. The purpose of this rezoning is to secure permanent financing for the property. This property came into the City through annexation in 1983 with a business classification. That designation most closely correlated with the City's B-2, General Business District and was brought into the City under this designation. The Comprehensive Plan designates this area as Neighborhood Residential. Mrs. Turner reviewed the surrounding uses in the area. Planning Commission recommended approval of the rezoning request.

At 7:32 p.m., Mayor Eagle closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 23, and Monday, June 30, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, July 8, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Rezoning – 1050 & 1058 Park Road (Randall Johnson)

Public hearing to consider a request from Randall Johnson to rezone one, 4,940 +/- sq. ft. lot from B-2, General Business District to R-2, Residential District. The property is addressed at 1050 & 1058 Park Road and can be found on tax map 48-D-39.

The Comprehensive Plan designates this area as Neighborhood Residential. This designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older neighborhoods, which can be characterized by large housing units on small lots.

The Zoning Ordinance states that the B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District. The R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft/unit.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG
Kurt D. Hodgen
City Manager

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

Randy Johnson, owner of the property, said the property was purchased in October 2007. He would like to obtain conventional financing because of the B-2 zoning of the property. There being no others desiring to be heard, the public hearing was declared closed at 7:33 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the rezoning request. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Cosner Development, LC to rezone three lots totaling 4.5 +/- acres from R-2, Residential District and R-3, Multiple Dwelling Residential District to R-3C, Multiple Dwelling Residential District Conditional. The property is located at 1720 Pear Street and can be found on tax map 9-E-1, 2, & 3. The applicant is requesting to rezone three lots, two of which are zoned R-2, Residential

District and one that is zoned R-3, Multiple Dwelling Residential District to R-3C, Multiple Dwelling Residential District Conditional. The Comprehensive Plan designates the majority of this property as Medium-Density Residential. Mrs. Turner reviewed the surrounding uses in the area. The submitted plan of development has been proffered. The design would include two, 12-unit apartment buildings, an additional three unit apartment building, and seven duplex structures (14 units). In addition, the existing single family home will either remain or could be removed and another duplex building would be constructed on that lot for a total of 42 or 43 units. A 6-foot high privacy fence with landscaping bordering will be provided adjacent to the railroad tracks. Staff had several concerns regarding street design variance technical alignment, site distance easements, and variance requests for safety modifications. There are complicated transportation issues related to this request. Due to the location of the subject property, the road alignment of Pear Street with South High Street, and the added complication that the nearby intersection also has a railroad crossing, staff is not only concerned about the long term development at this location but also the short term construction and the safety issues related to ingress and egress from this property. The first phase of the Erickson Avenue/Stone Spring Road project included the improvements planned for the railroad trestle bridge at the junction of South High Street, Erickson Avenue, and Pear Street. These improvements are scheduled to begin by October of this year. Staff has made clear to the applicant that any rezoning does not suggest that they will be able to get an entrance permit during the construction period or that they will be able to reroute traffic in order to start development of this property. At this time, staff is content with the proffered public street design to bring Pear Street to a "T" intersection with the new cul-de-sac street and believes this could help alleviate some of the concerns. If this layout is approved, staff would make the new cul-de-sac street the "through" movement for traffic. The Public Works Department is very concerned about the timing of this potential development and how it would impact the control of traffic. The applicant has shown on their proffered plan an area where they would dedicate future right-of-way to allow for a realignment of Pear Street. The applicant has proffered the following: 1) The concept plan prepared by Hamrick Engineering, P.C. dated June 10, 2008, is proffered except for the location of street trees which may vary due to necessary sight distance easements. 2) Occupancy will be limited to two unrelated people or a single family. 3) Each duplex unit will have three parking spaces - one in the garage and two in the driveway. Planning Commission recommended approval of the rezoning request with the proffers.

At 7:48 p.m., Mayor Eagle closed the regular session temporarily and called the evening's fifth public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 23, and Monday, June 30, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, July 8, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Rezoning – Cosner Development, LC (1720 Pear Street)

Public hearing to consider a request from Cosner Development, LC, with representative Hamrick Engineering to rezone three lots totaling 4.5 +/- acres from R-2, Residential District and R-3, Multiple Dwelling Residential District to R-3C, Multiple Dwelling Residential District Conditional. The properties are located at 1720 Pear Street and can be found on tax maps 9-E-1, 2, & 3.

The Comprehensive Plan designates this area as Medium-Density Residential. This designation states that these areas are near major thoroughfares or commercial areas. They contain a variety of housing types such as single-family, duplex, and two or three story apartments and densities can range from 1 to 15 units per acre.

The Zoning Ordinance states that the R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft/unit. The R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft/unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

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

Mayor Eagle called on anyone desiring to speak for or against this rezoning request. Brasil Hamrick representing Hamrick Engineering in Verona said he was available to answer any questions. They have had several meetings with City Staff and have enjoyed working out most of the issues on this project. There being no others desiring to be heard, the public hearing was declared closed at 7:50 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve the rezoning request as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault

Mayor Eagle

Absent – None

A scheduled public hearing rezoning request from WRock Street, LLC has been withdrawn.

A scheduled public hearing rezoning request from W. Kelly Straughen has been withdrawn.

Planning and Community Development Director Turner introduced for Council consideration amending Article B. Plats Generally, Section 10-2-23 (14) of the Subdivision Ordinance; amending Article U. Amendments and Changes Section 10-3-118, and Article C. Site Plan Review, Section 10-3-16 (d) of the Zoning Ordinance. Mrs. Turner said these amendments will reflect new Traffic Impact Analysis (TIA) review fees for preliminary plats, comprehensive site plan reviews, and rezoning. In 2006, the General Assembly passed legislation requiring developments occurring within 3,000 feet of a state maintained road to submit a Traffic Impact Analysis (TIA) to be reviewed by the Virginia Department of Transportation (VDOT). If the parcel is located within VDOT's area of review, then the state would receive the review fees. If the parcel is not located within VDOT's area of review, then only the City would evaluate the TIA and would collect \$1,000 for the analysis. Planning Commission recommended approval of the proposed ordinance amendments to reflect fees associated with Traffic Impact Analysis review with preliminary plat applications submissions.

At 7:56 p.m., Mayor Eagle closed the regular session temporarily and called the evening's sixth public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 23, and Monday, June 30, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, July 8, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Ordinance Amendment – Subdivision Ordinance Section 10-2-23 (14)

Public hearing to consider amending Article B. Plats Generally, Section 10-2-23 (14) of the Subdivision Ordinance to reflect fees associated with Traffic Impact Analysis reviews with preliminary plat application submissions.

Ordinance Amendment – Zoning Ordinance Section 10-3-16 (d)

Public hearing to consider amending Article C. Site Plan Review, Section 10-3-16 (d) of the Zoning Ordinance to reflect fees associated with Traffic Impact Analysis reviews with site plan application submissions.

Ordinance Amendment – Zoning Ordinance Section 10-3-118

Public hearing to consider amending Article U. Amendments and Changes, Section 10-3-118 of the Zoning Ordinance to reflect fees associated with Traffic Impact Analysis reviews with rezoning application submissions.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Kurt D. Hodgen

City Manager

Mayor Eagle called on anyone desiring to speak for or against amending these ordinances. There being no one desiring to be heard, the public hearing was declared closed at 7:57 p.m., and the regular session reconvened. Council Member Byrd offered a motion to approve amending these ordinances as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

City Attorney Thumma presented for Council's consideration amending and re-enacting Article B of Title 4, Chapter 1 of the Harrisonburg City Code. Mr. Thumma reviewed the amendments for consideration including prohibiting the Treasurer from cashing checks, adding an administrative fee for "bad checks", and regarding certain departmental collections being deposited directly to the bank when the Treasurer's Office is not open during its regular office hours. Council Member Chenault offered a motion to approve these ordinances 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 - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

City Attorney Thumma presented for Council's consideration enacting Section 4-1-75 of the Harrisonburg City Code. Mr. Thumma said this ordinance transfers responsibility for

investment of City funds from the Treasurer's Office to the Director of Finance. Council Member Chenault offered a motion to approve these ordinances for a first reading. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. This money was received through a block grant to purchase equipment for the department. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$15,000.00 chge. to: 1000-31010 Amount from fund balance

\$15,000.00 approp. to: 1000-310331-48211 Machinery & Equipment

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

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. This money was placed in the department budget to equip a Crisis Negotiator vehicle. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$2,639.00 chge. to: 1000-31010 Amount from Fund Balance

\$2,639.00 approp. to: 1000-310131-48257 Crisis Negotiator vehicle

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

Vote: Yes - Vice-Mayor Pace
Council Member Frank

Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Council Member Chenault offered a motion to not charge the Salvation Army, a non-profit or 501(c)(3) organizations, for vacating a street closing. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

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

Abstained - Council Member Byrd

Absent – None

Council Member Chenault gave a brief overview of a School Liaison Committee meeting. The School Board has asked to retain \$600,000 or 1% in reserve funds. Additionally, they have asked to retain \$400,000, which has been retained from various bond capital issues. They would like to use these funds for school capital improvements. Also, they have projected that another \$800,000 in funds, which is over and above the \$600,000 in reserve funds be designated for construction of a new school office complex.

Council Member Chenault offered a motion to give back to the Rockingham Union Lodge a portion of an alley between Newman Avenue and E. Water Street. This alley was donated to the City many years ago at no charge. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Council Member Chenault offered a motion that Brian Shull be appointed to a term on the Massanutten Regional Library Board of Trustees to expire on July 1, 2011. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank

Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Council Member Chenault offered a motion to authorize the Finance Department to release \$500,000 in reserve funds effective June 30, 2008, from the Virginia Municipal League Insurance and place the money back into the General Fund. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

At 8:10 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration of personnel, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia; consultation with legal counsel requiring the provision of legal advice of such legal counsel, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(7) of the Code of Virginia; and discussion and consideration of the use of real estate to be used for public purposes, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

At 9:30 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

At 9:31 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR