



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, August 8, 2023

6:00 PM

Council Chambers

Work Session (6:00 p. m.)

1. Roll Call

Meeting went into Recess

Meeting reconvened

Present: 5 - Mayor Deanna R. Reed, Vice-Mayor Laura Dent, Council Member Christopher B. Jones, Council Member Dany Fleming and Council Member Monica Robinson

Also Present: 6 - City Manager Ande Banks, City Attorney Chris Brown, City Clerk Pam Ulmer, Police Chief Kelley Warner, Chief Matthew Tobia and Acting Deputy City Manager Amy Snider

2. Regular Items

- 2.a.** Consider approving the City to be a host venue for First Fridays of the Valley to feature City employee artists and musicians

Amy Snider, Acting Deputy City Manager, presented a request to be a host venue for First Fridays of the Valley in 2024 which would allow city employees to feature their art or music in the Atrium and be open to the public. She reviewed what First Fridays of the Valley is and noted there are over 20 host venues in the downtown area of the city. She reviewed the requirements to be a part of this event.

Council Member Jones asked if there are any other events that might need the space on a first Friday of the month. Pam Ulmer, city clerk, stated the space is not available for any public events due to staffing issues. Ande Banks, city manager, stated the employees who would be participating in the First Friday's would be volunteering their time to man the space so no additional staffing would be required. Ms. Snider stated CeCe Dodd, Program Support Specialist Senior, Harrisonburg Police Department, who is leading this effort, has stated she would be present at all of the First Friday events.

Council Member Jones and Council Member Robinson spoke on how it may be perceived that the space can be used by City Employees but not outside entities because of staffing issues.

- 2.b.** Explore More Discovery Museum Public Art Proposal

Kelly Snow, development director, Explore More Discover Museum, presented a project for consideration called the Downtown Ducklings. She reviewed the history of this project, the project itself and suggested locations for the bronze ducklings throughout downtown. She stated the vision is to have a complimentary children's story book that would tell the story about the ducklings and their adventures while creating a scavenger hunt for the kids to follow. She stated there are eight public locations and two businesses, the Massanutten Regional Library and Klines, where the ducks will be installed.

Mayor Reed asked if there was any other locality in Virginia doing something similar. Ms. Snow stated all of the research she did took her outside of the state, so she is not 100% sure.

Discussion took place about other possible locations for more ducklings, the desired radius of these ducklings to make sure they are walkable locations, and the tourism value to the city.

2.c. Update on American Rescue Plan Act (ARPA) Program and Projects

Luke Morgan, Grants and Programs Analyst, provided an update on the ARPA projects from the previous meeting. He stated under the Housing Development Fund the Notice of Funding Opportunity has just been posted and by using a competitive application process a wider net can be casted for affordable housing project proposals. He stated the plan is to award long term low interest loans as much as possible and the fund will support residential development including new construction as well as rehab projects and adaptive reuse. He reviewed the application requirements and process and the anticipated timeline.

Council Member Fleming stated the Housing Development Fund is probably the most vulnerable as far as expending and open to the disruption of markets and supply chains. He stated he thinks that if by a certain date the funds aren't used an alternative will have already been set up to use the funds before the ARPA deadlines.

Vice Mayor Dent stated the Central Shenandoah Planning District Commission's (CSPDC) housing fund readiness was a key consideration in their model to use the funds they received.

Mr. Morgan stated under the Child Care Fund, a competitive procurement process has been started for the Business Support Services and Licensing Support Services, and contracts have now been awarded for those services. He provided information on the awarded service providers and what the anticipated services will include.

Council Member Robinson asked if staff is working directly with Department of Social Services (DSS) childcare program as most of them are currently unlicensed. Mr. Morgan stated he knows there are benefits available through DSS that requiring

licensing and staff hopes they use the Child Care Fund to obtain their licensing. Mr. Morgan reviewed the requirements of licensed versus registered childcare.

Mr. Morgan stated under the Westover Skate Park project the scope changed during the July 25th meeting, staff is no longer replacing the skate park obstacles with metal obstacles and a new skate park will now be designed and constructed, informed by community engagement with multiple material options. Mr. Banks stated Brian Mancini, director of Parks and Recreation, and his staff, have been in communication with the #2 and #3 company that provides design and construction services for skate parks, they've been asked to provide some budget conceptual design and construction opportunities, etc., and we hope to have more in the very near future. Chris Brown, city attorney, stated if we move forward based on research that our Finance Department has done with our auditors, it has been determined that if we have to pay any money to American Ramp Company, the estimated \$60,000 will not be able to be paid out of ARPA funds. Council Member Robinson asked if there is any way to negotiate with American Ramp Company. Mr. Brown stated we are in discussions about that, but if we do ultimately have to pay out for the cancellation of the contract, it would have to be out of general funds. Council Member Fleming stated the options would be if we chose company #2 or #3, we would most likely have to pull the contract cancellation fee from general funds or we use the full ARPA funds and absorb the cost of the contract cancellation. Mr. Banks stated city staff is currently trying to get more information and the answers to Council's questions, and we anticipate a better update in the near future.

Recess

At 6:38 p.m., Mayor Reed called the meeting into recess.

At 7:00 p.m., Mayor Reed called the meeting back into session.

Regular Session (7:00 p. m.)

1. Invocation

Mayor Reed offered the invocation

2. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

3. Special Recognition

4. **Consent Agenda (any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of Council, otherwise all items will be voted on with one (1) motion)**

A motion was made by Vice Mayor Dent, seconded by Council Member Fleming, to approve the consent agenda as presented. The motion carried with a recorded vote as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

4.a. Minutes from the July 25, 2023 City Council Meeting

These minutes were approved on the consent agenda

4.b. Consider the special event application request for the Shenandoah Valley Pride Celebration on Saturday, September 16, 2023.

This special event application request was approved on the consent agenda

4.c. Consider the special event application request for Eastern Mennonite University's Royals Go Downtown on Thursday, September 28, 2023, from 5-8pm.

This special event application request was approved on the consent agenda

5. Public Hearings

5.a. Consider a request from Blue Stone Designs LLC to rezone three parcels at 201, 203, 205, and 207 Broad Street, and 264 and 266 East Wolfe Street

Adam Fletcher, director of Community Development, presented a rezoning request for property located at 201, 203, 205, & 207 Broad Street and 264 & 266 E. Wolfe Street from R-2 to B-1C. He reviewed the surrounding land use, the property, the location for parking, and the submitted proffers. Mr. Fletcher stated this property was not in compliance with zoning regulations and this request will bring it into compliance.

He stated staff and Planning Commission (7-0) recommended approval of this request.

Discussion took place regarding the parking, the alley, and sidewalks.

At 7:17 p.m., Mayor Reed closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Monday, July 24, 2023, and Monday, July 31, 2023.

Brian Wilfong, applicant, stated he is all for walkability and has plans for providing an easement for sidewalks, but wanted to wait until this request was approved and he looked into purchasing or vacating the alley first. Council Member Robinson stated it is hard to trust someone that was not in compliance. Mr. Wilfong stated he was not aware a building permit on top of the permits for the electric, plumbing, etc. was needed nor that the property was in zoning noncompliance, he has since applied for the building permit and this request is to bring into zoning compliance.

Domonic, 1524 Country Club Road, spoke on how much of Harrisonburg was built before building codes and zoning, and that is why it is so beautiful, people made it that way voluntarily, but if we obtain beauty and charm by brute force by asking a citizen to give the city something in order to receive approval to do something, we need to reflect on that at every planning meeting. Do we want to achieve a society by force or by persuasion.

Panayotis "Poti" Giannakouros, stated this item allows us an opportunity to reflect on our zoning and how we do things. He spoke on the need for housing, this property provides that, we need to provide confidence in the city that in participating with the city doesn't always lead to an inspection and dire consequences.

At 7:35 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Jones stated we need to always make sure we make it easy to do business in the city, we are not here to be of any impediment to doing so, but there are only a few ways to make money to do the other things we want to do and one of those things is being pro economic development as possible.

Council Member Robinson stated even if we don't get everything we want, we have to weigh it in terms of what these renovations do for our housing crisis. She stated she has seen people come and go in these homes but now people can come and go in homes that are renovated, nice, and updated and it improves the look of the neighborhood which she is thankful for.

Vice Mayor Dent stated she was somewhat tempted in Planning Commission considering voting against this request because we really want the sidewalks, but ultimately came around to seeing that above all we need the housing. She stated this is an excellent renovation project for affordable housing and she wanted to be sure that we had it on the table for them not to preclude sidewalks in the future. She referenced a comment made by Commissioner Dr. Alsindi about costs and value. She stated that is a balance we need to keep in mind, keeping housing affordable to build creates a home affordable to rent, however, what value do we place on the sidewalk to make it a requirement. If these buildings were torn down, kept in the B-1 district and rebuilt sidewalks would be required. She stated she is reassured after hearing the applicant say they are willing to have the conversations about sidewalk installation.

Mayor Reed stated these renovations have improved that section of the neighborhood, it has not been good there for a long time, and she stated what the applicant has done has added value to the neighborhood and made it safer.

Council Member Fleming stated it is good to see the renovations taking place, as we

want to have local small developers take the lead as much as possible in affordable housing, having to go back to the drawing board for sidewalks would be time and money for the developer.

A motion was made by Council Member Jones, seconded by Council Member Fleming to approve the rezoning request as presented. The motion carried with a recorded vote as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

5.b. Consider a request from Lowell H. Miller Trustee to rezone two parcels at 1621 and 1641 Smithland Road

Adam Fletcher, director of Community Development, presented a rezoning request for property located on 1621 & 1641 Smithland Road from R-1 to R-8C. He reviewed the property, surrounding designated zoning, long term plans for the area and the proffers offered. He noted the existing single family home will remain and be renovated and plans for seven duplex structures to be built. He stated there are plans to widen Smithland Road in this area with plans to have a shared use path on the east side and a sidewalk on the west side, however, it is not sure how much width will be needed, and it has been requested the applicant dedicate a right of way which they will do.

He stated staff and Planning Commission (7-0) recommended approval of this rezoning request.

Council Member Fleming stated he is happy to see the house is going to be renovated. He stated he assumes the traffic on Smithland Road will increase over time, he is glad to see the entrances have been reduced based on staff concerns.

At 7:49 p.m., Mayor Reed closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Monday, July 24, 2023, and Monday, July 31, 2023.

Domonic, 1524 Country Club Road, stated he owns property around this property, he doesn't know what the future of the area is, he welcomes whatever this applicant wants to do on this parcel, he wasn't aware that Smithland was going to be expanded, but welcomes whatever his neighbors want to do.

Emily Harris Henry, applicant, stated she will be purchasing the property and is happy to answer any questions. Council Member Fleming asked what the age is of the existing house. Ms. Henry stated the house was hand built by the father of the current owner, and promised the current owners the house would remain and be renovated.

At 7:52 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Fleming stated he believes this is the largest undeveloped parcel in the city, this may provide motivation to continue to work in that area.

Vice Mayor Dent stated Commissioner Baugh stated the same as Council Member Fleming and asked for clarification of the right of way dedication and connector streets. Mr. Fletcher stated the right of way dedication is along Smithland Road, the connections are private access provided by the applicant to the adjoining property owners. Vice Mayor Dent asked if this would keep it open for development of the larger tract for the future. Mr. Fletcher stated it has a master plan developed and there are a number of street networks planned by the current property owner.

A motion was made by Vice Mayor Dent, seconded by Council Member Robinson, to approve the rezoning request as presented. The motion carried with a recorded vote as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

5.c. Consider a request from Katherine S. Moran and Marcie E. Harris to rezone 361 Franklin Street

Adam Fletcher, director of Community Development, presented a rezoning request for property located at 361 Franklin Street from R-1 to R-8. He reviewed the surrounding properties and their zoning designations, long term plans for the area, a conceptual plan of the potential build, and the submitted proffers.

Mr. Fletcher stated staff and Planning Commission (7-0) recommended approval of the rezoning requests.

At 7:59 pm p.m., Mayor Reed closed the regular session and called the third public hearing to order. A notice appeared in the Daily News-Record on Monday, July 24, 2023, and Monday, July 31, 2023.

Matthew Robertson, owner of Strafford Companies, representative for the applicant, stated the goal is to design and build a sensitive and thoughtful single family detached home which respects and reflects the existing development patterns and character of the neighborhood. He reviewed additional characteristics of the proposed home and noted they have heard the concerns of some neighbors and staff associated with density and set-back problems and have responded to these concerns with the proffers offered.

Panayotis "Poti" Giannakouros, stated it would do us all some good to think about what the origins of the restrictions are, setbacks in particular, and shared his thoughts on the origins and how they relate to segregation. He spoke on tree planting, natural habitats, housing problems,

At 8:06 p.m., Mayor Reed closed the public hearing and the regular session

reconvened.

Vice Mayor Dent stated she likes the adaptation of putting a single story home for accessibility, and if that takes adjusting the setbacks so be it. She stated she is still perplexed by the shoe horning into a bizarre zoning as in zone it for higher density to provide the set-backs and then proffer out the density, she hopes this is something that can be addressed in the zoning rewrite to have maybe a special sub-zoning low density conditional with reduced setbacks to address these special cases without such a weird misfit of the zoning itself because it raises misconceptions.

A motion was made by Council Member Jones, seconded by Council Member Fleming, to approve the rezoning request as presented. The motion carried with a roll call vote as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

5.d. Consider a request from Box Nine LLC to rezone 231, 251. and 261 South Liberty Street

Adam Fletcher, director of Community Development, presented items 5d and 5e together, a rezoning request and a special use permit request for property located at 231, 251 & 261 S. Liberty from M-1 to B-1. He shared the history of the property, reviewed the surrounding properties, long term plans for the area, the submitted proffers, and how it fits in the 2040 Downtown Master Plan.

Mr. Fletcher stated staff and Planning Commission (7-0) recommended approval of the rezoning and special use permit with the following conditions:

1. The special use permit shall only be applicable for a bicycle assembly operation or a substantially similar operation.
2. The special use permit shall be restricted to no greater than 8,000 square feet of gross floor area.
3. If in the opinion of Planning Commission or City Council, the use becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

Vice Mayor Dent asked what business would classify as “substantially similar” in condition #1. Mr. Fletcher stated in years passed staff has learned to not make a condition for a specific business, this way it’s open to interpretation by the zoning administrator.

At 8:20 pm p.m., Mayor Reed closed the regular session and called the fourth and fifth public hearing to order. A notice appeared in the Daily News-Record on Monday, July 24, 2023, and Monday, July 31, 2023.

Mike Hendricksen, applicant, stated when the request was previously presented to

Council he had no idea as to what the future of the property would be, it has now become very clear, and are very comfortable with the proffers provided. He stated this property is now ready for other uses than from the past, and hopes if approved, other businesses will be able to use this building.

Panayotis "Poti" Giannakouros, stated this item is a test for the city, of consistent reasoning, we saw something similar to this at an illegal operation that was revealed because of an aesthetic nuisance violation (food truck and car repair). He reviewed the decision on that item, spoke on the Bluestone Town Center, and how there is no consistent decisions by Council.

At 8:26 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

A motion was made by Council Member Jones, seconded by Vice Mayor Dent, to approve the rezoning request as presented. The motion carried with a roll call vote as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

- 5.e.** Consider a request from Box Nine LLC for a special use permit to allow manufacturing, processing, and assembly operations at 231, 251, and 261 South Liberty Street

presented with agenda item 5d

A motion was made by Council Member Jones, seconded by Vice Mayor Dent, to approve the special use permit request with conditions as presented. The motion carried with a roll call vote as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

- 5.f.** Consider a request from Ceasar LLC for a special use permit to allow religious, educational, charitable, or benevolent institutional uses at 1151 and 1157 South High Street

Adam Fletcher, director of Community Development, presented a special use permit request for property locate at 1153 S. High Street for religious, educational, charitable or benevolent institution uses in the M-1 district. He reviewed the property, surrounding land use, long term plan for the area, and staff concerns about traffic ingress and egress, and noted the use would be to share a space to multiple tenants that provide access to shared facilities and equipment to support business ventures and will be called the Manufactory Collective.

He stated staff and Planning Commission (7-0) recommended approval with the following conditions:

1. The special use permit shall only be applicable for the educational uses as presented in the application or a substantially similar operation.
2. Before the operations pertaining to the special use permit begin, signs indicating one-way entrances and exits shall be installed along South High Street in appropriate locations.
3. If in the opinion of the Planning Commission or City Council, the use becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

At 8:35 pm p.m., Mayor Reed closed the regular session and called the sixth public hearing to order. A notice appeared in the Daily News-Record on Monday, July 24, 2023, and Monday, July 31, 2023.

Debbie Erwin, applicant, stated she was available for any questions.

Ros O'Brien, founder of Friendly City Clay & Art Center, stated she is hoping to open inside the Manufactory Collective, offering classes and memberships to use equipment. She stated this has been an unfilled need in the community for some time, they have community support, classes would only be around 6-10 students, this location would be perfect.

At 8:37 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Vice Mayor Dent stated she is excited about this project, it fills a huge hole in the community, and combines the arts and maker space manufactory getting business off the ground.

Council Member Jones stated it is exciting to see all the female representation around all the economic development tonight.

Mayor Reed stated this is a very innovative project and wonders if any other localities have this.

Council Member Fleming stated this special use permit provides flexibility that would not normally be there otherwise.

A motion was made by Vice Mayor Dent, seconded by Council Member Robinson, to approve the special use permit request as presented. The motion carried with a roll call vote as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

6. Regular Items

6.a. Consideration and Action for Items From Work Session

Mayor Reed stated we need to act on items 2a and 2b of the work session.

A motion was made by Council Member Robinson, seconded by Council Member Jones, to approve the First Friday of the Valley Host Venue featuring city employee artists and musicians as presented. The motion carried with a roll call vote as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

A motion was made by Council Member Jones, seconded by Council Member Fleming, to approve the Explore More Discovery Museum Public Art Proposal, provided a written license agreement is reviewed and signed by the City Manager and City Attorney, as presented. The motion carried with a roll call vote as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

7. Other Matters

7.a. Comments from the public, limited to five minutes, on matters not on the regular agenda. (Name and address are required)

Panayotis "Poti" Giannakouros, as the secretary for the Martin Luther King, Jr. Way Coalition, stated ten years ago on August 13, 2013, the 50th anniversary of the March on Washington for jobs and freedom, the city renamed a street, Cantrell Avenue, to Dr. Martin Luther King, Jr. and it brought forward hidden history and joined the historic economic vision of Dr. King with modern monetary theory that showed to the country how the people could implement Dr. King's economic vision with the dollars created from nothing through the power of their vote. He stated each year the coalition has celebrated that renaming and known as People's Day. He spoke on the meaning of that celebration and how the participation is increasing. He stated the city is filled with diversity and while we still face crisis rooted in inequities, structurally wrought by those who came to this land accustomed to commanding others, and while true freedom is still far off, the sacrifice of those who went before us means that struggle has moved away from the bullet toward the ballot.

7.b. City Council and Staff

Council Member Jones stated the city is hiring, it is a great place to work, the benefits are great, so make sure you check out the city's website.

Vice Mayor Dent stated she attended the Resilient Virginia Conference in Charlottesville, she has mostly been focused on the energy and decarbonization, how to prevent the worst of climate change from happening, resiliency is more about the

effect rather than the cause, how do we adapt to the fact that climate change is here and what it is doing to us. She stated we heard some very sobering presentations from Virginia Beach who is battling sea level rise and all the costs associated with that. She was excited to come back and talk with the city attorney about CPACE - Commercial Property Assessed Clean Energy, and he was already several steps ahead on working that out. She stated CPACE works as sort of like a second mortgage for businesses to be able to do solar and energy efficiency. Chris Brown, city attorney, stated Brian Shull, director of Economic Development and Peirce Macgill, deputy director of Economic Development, initiated it and we have been working on it for a couple of months now. Vice Mayor Dent stated she loves to hear that there is a momentum building for the understanding that climate action makes business sense. She stated Friday, August 11, 2023, is the deadline for applications for Citizens Academy, both her and Council Member Robinson attended this, the more people can learn about the how the city operates the more they can function as an informed citizen, as potential volunteers for some of the boards and commissions and to be in training to be a Council Member if they so choose. She urged people to apply through the city's website.

Council Member Robinson stated she was very happy to attend the Citizens Academy, Michael Parks, director of Communications, is very knowledgeable and she learned a lot. She stated she attended the Hispanic Festival August 12, 2023, she was immersed in the traditions, learned so much about her neighbors, she got a true picture of the struggle that newcomers must have when they come here trying to fit in not knowing the language. She stated she attended National Night Out and rode on the bus, and really got to talk to a lot of residents, it was really beneficial, it was nice to connect to all of the folks she knew, and she wants to make an effort to connect to those that she doesn't know to build a bridge. She stated she will be attending the Harrisonburg City Public School new staff luncheon. She urged everyone to obey the 25mph speed limit on Market Street.

Council Member Fleming stated Liz Webb, housing coordinator, and himself will participate in a follow up with Virginia First Cities, including what housing issues cities are facing, and obstacles that may be at the legislative level, he has been in communication with Virginia Municipal League about how to coordinate efforts between those two groups. He stated the Shenandoah Valley is one of the identified resilient areas in the country, as climate change continues, there are only a handful of locations like this, it will make us a destination for climate migrants, this is something to be cognoscente of. He stated the annual ritual of opening our school doors will commence, K-12 and college students, it will be interesting to see what the East Market Street numbers look like for speeding warnings/violations with the new students.

Mayor Reed stated National Night Out is always a great event, one we all attend. She

stated the day of the Hispanic Festival, she had a Sorority Retreat at the Simms Center, the Hispanic Festival organizers were so gracious and blocked off parking for the participants of the retreat and helped direct participants to the Simms Center. She stated her participants went to the Hispanic Festival after the retreat, and it was wonderful to see how city residents work together as a community, it was a great gesture, and her sorority sisters were over the moon about it and enjoyed being in the city. She stated on August 10, 2023, the Harrisonburg Police Department will be doing the Cookout with a Cop at the Ralph Sampson Park from 3:30 - 6:00 pm. She stated she has a neat opportunity to be a judge at the Barbie and Ken costume contest at Funky's Skating Rink on August 12, 2023. She stated she will also be attending the HCPS's new teacher luncheon.

8. Closed Session

- 8.a. Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: Subsection 29 for a discussion of an award of a public contract involving the expenditure of public funds where the discussion in an open session would adversely affect the bargaining position or negotiating position of the public body.

At 9:08 p.m., a motion was made by Council Member Jones, seconded by Council Member Robinson, to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: Subsection 29 for a discussion of an award of a public contract involving the expenditure of public funds where the discussion in an open session would adversely affect the bargaining position or negotiating position of the public body. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

9. Adjournment

At 9:19 p.m. the closed session ended and the regular session reconvened. City Attorney Brown read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify that to the best of my knowledge (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37 of Title 2.2 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 meeting was convened were heard, discussed or considered in the closed meeting by the City Council.

At 9:19 p.m. there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR