



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, April 23, 2019

7:00 PM

Council Chambers

1. Roll Call

Present: 5 - Mayor Deanna R. Reed, Vice-Mayor Sal Romero, Council Member Richard Baugh, Council Member Christopher B. Jones and Council Member George Hirschmann

Also Present: 4 - City Manager Eric Campbell, City Clerk Pam Ulmer, City Attorney Chris Brown and Police Chief Eric English

2. Recess

Council Member Baugh asked for a brief moment of silence in memory of Emily Dingledine, the first women to serve on Harrisonburg City Council, he then offered the invocation.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

4. Special Recognition

5. 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 Council Member Baugh, seconded by Council Member Hirschman, to approve the minutes as presented. The motion carried with a recorded roll call vote taken as follows:

5.a. Minutes from the April 9, 2019 City Council meeting

This Minutes was approved on the Consent Agenda.

5.b. Consider a supplemental appropriation in the amount of \$950,000 for tax revenue to be paid to the JMU Foundation pursuant to the Shenandoah Valley Conference Center agreement

This Supplemental Appropriation was approved on the Consent Agenda.

6. Public Hearings

- 6.a. Consider personal property tax exemption status for Way to Go Inc., real estate tax exemption and personal property tax exemption status for Harrisonburg Gift and Thrift Store Inc, personal property tax exemption status for Madison Automotive Apprentices Inc. and real estate tax exemption status for Center for Health and Human Development

Karen Rose, Commissioner of the Revenue, reviewed the process required for any non-profit organizations to file for personal property and/or real estate tax exemptions. She stated there are currently sixteen 501(c)(3) organizations that receive personal property tax exemptions and the total amount exempted in FY19 was \$19,005.00 and there are ten 501(c)(3) organizations that receive real estate tax exemption for a total amount exempted in FY19 was \$91,302.00.

She reviewed the applications received for tax exemption requests, reviewed what each non-profit organization provided for the community and its residents, and the amount of each tax exemption request.

She stated the following organizations applied for personal property tax exemption: Way to Go, Inc., Gift and Thrift and Madison Automotive Apprentices, Inc. (MAAP). The following are applying for real estate tax exemption: Gift and Thrift and Center for Health and Human Development (CHHD).

She stated the committee recommended approval of Way to Go and Gift and Thrift's requests. The committee recommended denial of CHHD's request due to Section 4-2-17(a)(3) that states property cannot be used as a dwelling and Section 4-2-17(c)(iii) cannot be delinquent of city taxes, which it is.

She stated the committee recommended that Madison Automotive Apprentices be denied as per Section 4-2-17(b)(7), as MAAPS provides a narrow set of services that the committee did not feel provided for the common good of the local citizens.

At 7:15 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 Wednesday, April 17, 2019.

Sam Nichols, 340 Maryland Ave, volunteer director for CHHD, stated CHHD and the New Community project are two local non-profits that serve low income persons. He stated these organizations hope the Council will approve the exemption requests for two properties which operate for the purpose of preventing homelessness by providing affordable housing to persons with special needs. He stated it is not clear that the intention of the code referred to is for a property to not occupied or used by any person as a dwelling or for other personal use, but rather the intention is to ensure that no private persons from the organizations or those without charitable need are benefiting from tax exemption. He stated they agree with that intent and noted many programs are exempted from this provision such as halfway houses, shelters, transitional programs, etc. He stated his program houses 15 people who would otherwise end up homeless or in extreme financial hardship. He stated the organization does not benefit in any way from these housing programs. In fact, they contribute many volunteer hours to help maintain the programs, recruit other volunteers, and involve the housing residents with requirements to participate in chores, cooking, etc. He stated those that are unable to pay the rent of \$300 can trade volunteer work hours for some of their rent payment, which prevents several of our

community members from becoming homeless again. He stated these programs help reduce the homeless population and steer people away from depending on government and shelter programs for support. He stated all funding is provided by outside donors and volunteers who also provide all the maintenance, repairs and other needs. He stated the intent of their request is to keep rental costs as low as possible, so the residents will not return to homelessness. He respectfully requested the application for tax exemption from real estate taxes be approved based on the charitable nature and beneficial outcomes of the program.

Benjamin Craig, executive director of Way to Go, thanked Ms. Rose for her presentation, and stated the request is for those donor vehicles that have not yet been transferred to the new owners and the organization did receive tax exemption in Rockingham County prior to moving to the city.

At 7:20 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Baugh asked the city attorney regarding the recommendation by the committee of denial of CHHD, if he has a legal opinion to the purpose of these homes since halfway houses have been granted exemption in the past, perhaps we need to change the ordinance. Mr. Brown stated he believes the purpose is as stated by the applicant however the ordinance says what it says. He stated the request can be tabled for that particular request in order to review the state law and see if there is any discretion the locality may have to change the language in the ordinance for later review by Council. Vice Mayor Romero stated he would be in support of that as he is familiar with the projects the organizations do and the residents in the houses and would hate to see this impact create a hardship for them. He stated he would like to see what leniency we could have. Council Member Baugh stated this doesn't address the issue that they must be caught up on their taxes.

A motion was made by Council Member Baugh, seconded by Council Member Jones to approve the requests from Way to Go, Inc. and Harrisonburg Gift and Thrift Store, Inc.

The motion carried with a recorded roll call vote taken as follows:

Consider personal property tax exemption status for Way to Go Inc., real estate tax exemption and personal property tax exemption status for Harrisonburg Gift and Thrift Store Inc, personal property tax exemption status for Madison Automotive Apprentices Inc. and real estate tax exemption status for Center for Health and Human Development

see agenda item 6a (ID 19-086)

A motion was made by Council Member Baugh, seconded by Council Member Jones to deny the request from Madison Automotive Apprentices, Inc. (MAAP). Development (CHHD). The motion carried with a recorded roll call vote taken as follows:

No: 5 - Mayor Reed, Vice-Mayor Romero, Council Member Baugh, Council Member Jones and Council Member Hirschmann

Consider personal property tax exemption status for Way to Go Inc., real estate tax exemption and personal property tax exemption status for Harrisonburg Gift and Thrift Store Inc, personal property tax exemption status for Madison Automotive Apprentices Inc. and real estate tax exemption status for Center for Health and Human Development

see agenda item 6a (ID 19-086)

A motion was made by Council Member Baugh, seconded by Council Member Jones to table the request from the Center for Health and Human Development (CHHD). The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Romero, Council Member Baugh, Council Member Jones and Council Member Hirschmann

No: 0

- 6.b.** Consider a request from Emily and Dan Fudala and Gretchen Nyce to close a total of +/- 1,200 sq. ft. of an undeveloped approximately 10-ft. wide public alley located perpendicular to Myrtle Street.

Adam Fletcher, director of Planning and Community Development, presented a request to close a portion of an undeveloped alley way containing 1,200 square feet, more or less, running parallel of East Rock and E Wolfe. He reviewed the surrounding properties and noted there is a portion of the alley that is non-traversable. He stated there are no public water or sewer lines that run through the alley but there is a 24" clay pipe storm sewer that was constructed in 1939 and the depth is unknown but estimated to be 49". He stated there were questions brought up during the Planning Commission meeting regarding the maintenance, repairs, ownership and responsibility of this storm sewer line and if cost sharing was available if a private stormwater easement was provided. He stated Public Works reviewed and determined if the alley is closed with or without a drainage easement the new owner would be responsible with no cost share available. He stated it was determined that if the pipe gets clogged the property owner would take ownership of the pipe and be responsible. He stated if any backup caused flooding onto a public street, Public Works would only clear enough to make sure city streets are clear and the cleanup would be responsibility of property owner.

He stated Public Works does not have any current plans for sanitary sewer construction but may be of use in the future, therefore, a public water line easement should be done if this closure is approved. He stated a Stormwater easement and private drainage easement should be done as well.

He stated the northeast neighborhood is a traditional neighborhood development (TND), which allows for extreme flexibility in transportation such as bike paths, alley ways, etc. He stated staff feels this was an ideal set up and should be preserved and recommends denial of the request and Planning Commission recommended denial with a 5-2 vote. He stated if Council approves the request it is recommended by

Planning Commission to obtain the two easements as part of the requirements.

Mayor Reed stated that although the alleyway is used the portion in that is being reviewed is not traversable. She asked for confirmation that only the small portion referenced is what can be closed, not the entire alleyway. Mr. Fletcher confirmed as it is only a request for a 1,200 sq. ft. section. Mayor Reed asked if the city owns the alley currently why has it not been cleaned up. Mr. Fletcher stated the city only maintains the downtown alleyways, the city has not ever constructed the alley's they are created by developers. Mayor Reed stated there are a lot of alleys in this neighborhood. Vice Mayor Romero stated there are over 400 alleys in the city. Mr. Fletcher stated historically alleys have been maintained by the property owners that adjoin them.

Some discussion took place regarding an alley way closure many years ago.

Gretchen Nyce, 374 E Wolfe Street, applicant, stated she has lived there for nine years, the alley ways looks like people's yards, very few are graveled and has never seen a pedestrian or vehicles go through. She stated she is not sure how to compete with the idea that perhaps there is a grand plan of the alley ways in the neighborhood development but right now all these bits of alleys are part of someone's yard. Council Member Jones stated this is their neighborhood and they have control of what is to be done in the future.

Dan Fudela, 384 East Wolfe St, applicant, referenced Chapter 6 of the City's Comprehensive Plan that explains the what the principal of a TND means, and it is a great theory. He stated the Bicycle Pedestrian Committee assessed the alleyways in the city, and this alley way was highlighted as recommended for purchase rather than for a bike/pedestrian plan. He stated he is hoping to possibly increase the value of the property by extending the property back through the alley, which, in the future, may allow others in the community to be able to do the same. He stated during the Planning Commission meeting one of the commissioners stated if the city is going to build up TND we should determine what that looks like before any alley way closures are denied. He stated another commissioner noted that if these alley ways are to be used for connectivity then the city should maintain them and keep them cleared so they can be traversed. He stated he is having the trees on his property looked at and there are some in the alley that should be removed, however he feels he should not be the one to pay for it unless this property is his.

At 7:51 p.m., Mayor Reed closed the regular session and called the 2nd public hearing to order. A notice appeared in the Daily News-Record on Monday, April 8, 2019 and Monday, April 15, 2019.

Pamayotis "Poti" Giannakaouros, stated in regard to closing paper alleys the idea was to close all and have property owners maintain. He stated he is inclined to say at this time in the city's development this may not be the best time to disrupt the

traditional neighborhood development until the Environmental Performance Standards Advisory Committee (EPSAC) can review. He stated he agrees with staff's recommendation to deny this request. He repeated a comment the applicant had said during the Planning Commission meeting.

At 7:54 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Jones asked Vice Mayor Romero how he voted on the Planning Commission. Vice Mayor Romero stated he voted against this request because he didn't see a comprehensive approach in regard to alleys and it would land lock some of the neighbors. He stated he inspected the property but feels we must have a more comprehensive approach on how to deal with the 400+ alleys in the city. He stated he is not in opposition of approving now but wants to look at how this fits our future plans in keeping the city more connected. He stated he would not feel comfortable approving without a clear plan for additional applicants.

Council Member Baugh stated the rationale to keep it is as simple as once it's gone you can't get it back. He stated the alley has been there a long time, there are no current plans, but there may be in the future. He feels we have been a little more consistent on alley closings than what it may initially appear, but this property does not fall in the lines of typical alley closing request as it is unknown if we may have use for it in the future. Mayor Reed stated if we want to keep the alley open then we need to do something with it or at least clean it out. Council Member Hirschmann asked if there wasn't a stormwater pipe down the alley would it make a difference in the decision. Council Member Baugh stated historically in that situation easements would be obtained if the alley was closed.

Council Member Jones asked the applicant if he had any plans to build on the portion of alley. Mr. Fudela stated no, they just wanting more space. Council Member Jones stated that sometimes standards are set that may not have immediate or near distant future benefits for residents, but the fact that you have invested to buy a home in the city and want to make it better, it is hard for him to be in favor of keeping the land for a "just in case" possibility.

Mayor Reed stated she feels she always has to fight for this neighborhood, but if we keep the alley it we need to have a plan to clean up.

Further discussion took place on why we should or should not keep the alley way and connectivity to neighborhoods.

Vice Mayor Romero asked that a plan to address alley ways in the future and a plan to maintain be discussed.

A motion was made by Vice Mayor Romero, seconded by Council Member Baugh to deny the requests as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Mayor Reed, Vice-Mayor Romero, Council Member Baugh and Council Member Hirschmann

No: 1 - Council Member Jones

6.c. Consider adopting an ordinance granting a franchise to provide cable service within the City of Harrisonburg

Chris Brown, city attorney, stated he received a bid from Shentel Cable Television, LLC to use city streets, sidewalks and other public property for a video cable television system and noted Shentel already has an existing fiber optic franchise in the city and this would allow them to also provide cable television, internet and phone services.

At 8:15 p.m., Mayor Reed closed the regular session and called the 3rd public hearing to order. A notice appeared in the Daily News-Record on Wednesday, April 17, 2019 and Monday, April 22, 2019.

Mayor Reeds asked if there are any bids at this time. Seeing none.

James "Bucky" Berry, stated in the early 1980's cable was \$20 now it is \$125, and feels this would be good to have a second cable company and recommends not to renew Comcast's franchise agreement as we need more competitors for lower rates.

Chris Kyle, vice president Industry Affairs and Regulatory for Shentel, stated Shentel is a 116-year old company, the 6th largest wireless provider in the country and has over 5,700 miles of fiber optic cable installed. He stated this fiber connectivity used is traditionally used for very large education institutions and enterprises and is the best technology out there and is only happening in the larger cities in the US, called a "gigabit city" which is what they want Harrisonburg to be. He reviewed the initial service areas in the city that will be included as well as areas for future expansions and the timeline of the project.

Council Member Hirschmann asked how long the project will take. Mr. Kyle stated they hope to have construction started as soon as possible and plan to have this wrapped up by year end 2020.

Vice Mayor Romero asked what he can share regarding the affordability of the services and how they compare to current service providers. Mr. Kyle stated they are still in the business planning stage, but they recognize the competitors and know they must compete in pricing.

Sam Nichols, 340 Maryland Avenue, stated he was an NTelos customer with really good rates and excellent service. However, after Shentel bought that company he had to switch to another carrier. He stated he doesn't think large companies like this are out to benefit us as their bottom line is what generally guides them. He urged Council to take steps along the process to take steps along the process to ensure

that Shentel and other companies are providing services throughout the city including low income areas and make it affordable for all.

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

Mr. Brown stated staff recommends acceptance of the Franchise Agreement and wanted to highlight to Council that there is not a complete build out requirement in this agreement, but that is the ultimate intent of Shentel.

A motion was made by Council Member Baugh, seconded by Council Member Jones to accept the agreement as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Romero, Council Member Baugh, Council Member Jones and Council Member Hirschmann

No: 0

6.d. Consider adopting a resolution enacting Section 16-6-61 Restriction of Pedestrians Within Public Rights of Way at Designated Locations to the Harrisonburg City Code

Chris Brown, city attorney, presented a resolution approving an ordinance as referenced as Section 16-6-61 of the City Code regarding keeping pedestrians out of the median strips in the city. He reviewed the recommended ordinance and noted the purpose of the ordinance is to decrease the risk of pedestrian/vehicle collision and minimize public safety hazards. He stated the ordinance contains a prohibition that no person shall stand, sit, squat or lay between motor vehicle traffic lanes on public rights of way including on any raised median or other barrier between the lanes or within 300 feet of one the seven intersections in the city.

He stated this does not address the purpose of a person being in the median and it does not address sidewalks. He reviewed the penalties for violation of the ordinance. He stated up until 3 years ago the city had an ordinance which generally prohibited handing out leaflets, handbills, soliciting funds or transacting business with anyone in a vehicle on the roadway over the entire city, which was based on Virginia Code Section 46.2-931. However, in 2014-15 there were court cases where ordinances of this nature were challenged on first amendment grounds and were deemed unconstitutional. He reviewed a few cases and their outcomes. He stated based on those outcomes, he approached council to repeal the city's ordinance. He stated since then there has been an increase in pedestrians in the medians and traffic safety and pedestrian safety is of a governmental interest. He stated we cannot define any particular type of speech, and that the ordinance must be content neutral and must be narrowly tailored. He stated it was determined the seven intersections included in the ordinance follow those guidelines. He stated staff worked with the police department who stated traffic violations are not enough. He stated to determine the intersections of greatest safety hazards the following criteria had to be met: more than five accidents a year, four lanes of traffic and contain a median strip. He stated that after reviewing statistics for the past three years it was determined to include the following

seven intersections: South Main Street/Martin Luther King, Jr. Way with 22 traffic accidents with 10 requiring repair/replacement of signs; East Market Street/Carlton Street with 33 accidents with 2 requiring repair/replacement of signs; East Market Street/Linda Lane/Burgess Road with 48 accidents and one requiring the repair/replacement of sign, numerous tire marks on median strips; South High Street/Martin Luther King Jr. Way with 20 accidents with 7 requiring the repair/replacement of signs; South Main Street/Stone Spring Road with 26 accidents and three required repair/replacement of signs; South Main Street/Pleasant Valley Road with 25 accidents with nine requiring repair/replacement of signs; West Market Street/High Street with 21 accidents and 4 requiring repair/replacement of signs.

He stated these may not be the areas in the city with the most accidents, but these intersections meet the criteria with the median and four lanes. He stated we are not saying pedestrians in the medians cause accidents, but the concern is when it is a danger to the pedestrian on the median as well as the safety of the drivers of the vehicles, and pedestrians in the median may contribute to driver distraction. He stated this ordinance is an attempt to eliminate the interaction between pedestrians and automobiles at these intersections, police officers and staff of public works believes it is extremely dangerous for pedestrians to be on the median strips in these busy intersections. He stated the medians are not designed for people to stand on, they are designed to separate motor vehicle traffic.

At 8:41 p.m., Mayor Reed closed the regular session and called the fourth public hearing to order. A notice appeared in the Daily News-Record on Saturday, April 20, 2019.

Eric Olsen Getty, 376 E Gay St., shared a letter signed by five directors of local social service agencies, Our Community Place, Open Doors, Health Care for the Homeless Suitcase Clinic, Bridge of Hope and First Step, stating they request council reject the proposed ordinance as they believe it does not serve the public good for the following reasons: the ordinance appears to be an attempt to suppress panhandling activity; the city has not furnished proof that the presence of pedestrians or panhandlers at the intersections constitute a traffic hazard or the cause of any accidents; the prohibition of panhandling is a violation of individual rights of free speech; the suppression of panhandling may serve to render homeless people invisible but it does not remedy the problem of homelessness or its underlying causes; the closure of these designated intersection will result in an increased panhandling activity in the downtown area. He stated the letter asks city council and other city officials to resist the pressure to scapegoat those experiencing homelessness or sweep people under the rug. He stated they ask council to lead with compassion and seek understanding and work with community leaders to expand affordable and supportive housing, provide year round low barrier emergency shelter space, develop supportive employment opportunities, and improve access to mental and physical health resources. He asked all in attendance opposed to this ordinance to stand.

Kaylene Seigle, 1137 Mountainview Dr., stated she witnessed a pedestrian standing in the median at the intersection of East Market/Linda Lane/Burgess Road, when a car, two lanes from the median, was holding out something for the pedestrian, who then proceeded to walk across the two traffic lanes to the car stopped. She stated her concern is the safety for the pedestrians as it is a very busy intersection.

Resident, 1447 Springside, stated it sounds like what Mr. Brown stated about what ordinance the city had was illegal, that the city threw that out and then changed the words to make it sound legal. She stated the data she reviewed did not seem relevant, the intersections in the ordinance are not the ones with the most accidents, and it does not make sense. She stated she feels the main distraction is cell phones, she stated the city is the friendly city/welcoming city, however are we welcoming just those with funds and cars or are we welcoming everyone.

Steel Dunn, stated anyone that has researched the proposed ordinance know that it has nothing to do with traffic safety, and there is no data to show that pedestrians cause these accidents. He stated this is clearly about punishing homeless for existing in public. He stated we are punishing these homeless people with a fine they will never be able to pay and they will end up joining the incarcerated population in the most prison addicted country on the planet. He asked council to show political courage to not only reject the proposed ordinance but also do whatever it takes to house homeless people, even if it includes seizing empty residential properties owned by wealthy investors and bankers so that instead of sitting empty we take care of the people who are in our community.

Robert Perry, currently homeless, stated even though Mr. Brown stated the ordinance was not regarding panhandlers he hinted that it was. He stated the sidewalks are just as dangerous, there are accidents all over, it is part of life. He stated panhandling is technically our right, you can't take our freedom of speech away.

Nevin Zehr, 147 West Grattan Street, stated the ordinance is not about public safety, it is about criminalizing homeless people, it's about cops giving homeless people fines and putting them in jail. He stated if it was an issue of public safety, money that goes to the golf course could go into shelters. He stated it will cost the city more money by having cops criminalize poor people. This ordinance is to drive homeless off the streets so that real estate prices can go up so that Harrisonburg can get gentrified.

Sam Nichols, Maryland Avenue, stated Mr. Brown's statement was helpful with historical information, however he did not present statistics related to the main issue, which is people in medians and pedestrians. He stated he reviewed a news article from 2017 regarding the top 15 causes of accidents, and pedestrians and panhandlers are not mentioned. He stated too often we have punished people for being poor. He stated people who are panhandling should not be treated like criminals, and people who are poor and looking for cash who are not stealing should

not be fined. He stated fining is a punishment that hurts poor people more than others. He stated if the council decides to approve a new ordinance, even for the purpose of safety, he suggests an amendment that prevents criminalization of panhandling and free speech activities. He stated all officers could be instructed to ask people to leave the median the first time they are there, and on a second offense the officer could take them to a place that provides free meals and assistance to those in need, or to another street corner where panhandling is legal. He stated it reduces the time the officer would have to spend transporting people to jail and booking them. He stated it would help to address the real needs of people asking for money. He stated it allows people in need and police officers to treat each other with dignity and compassion. He asked council to please not fine poor people

Cecile, 471 Pheasant Run Circle, JMU student, stated she has been working with the homeless population for over two years and feels council should not approve the ordinance, she knows too many people that will be affected. She stated she is curious if any council members have experienced homelessness. She stated there are very few places on Sundays that offer a free meal. She stated panhandling is sometime ones only source of income, and criminalizing it is unacceptable. She stated if there is a true concern for safety, ban drinking and driving and texting and driving. She stated this goes against all that was said at the 10-year plan to end homelessness meeting.

Chase Stein, stated if this ordinance is about public safety, which everyone is concerned about, but questioned which public. He stated it is known from FOIA requests that our police department does target marginalized communities more than other privileged identities, we do not have statistics on if the police target houseless individuals, but this ordinance would increase the contact between the police and houseless individuals, which could lead to violence amongst police officers, which is still another public safety issue.

Hailey Springer, 34 West Gay Street, stated she agrees with most speakers this evening. She stated this law is not going to be effective and is at its core a mean-spirited attempt to criminalize poverty. She stated that because here is no language in the ordinance specifically targeting panhandlers it is not somehow a neutral statement, because the only people in the medians are panhandlers.

Jim Atwood, stated he loves the city because it is so kind. He stated he was impressed when there were demonstrations in the support for the Islamic community, and he is impressed with the kindness of this community. He asked council to be gentle, kind and do justice as Council Member Baugh's.

Robert Perry, stated if Mr. Brown is speaking about the median and the safety issues then he should also take people off the sidewalks as well, which is not possible.

Kurt, resident, stated what we need to do is take our blinders off, he sits on a public

bench and watches traffic and feels the major problem are cell phones. He stated signs are all over the city and signs are not the problem. He stated we need to open our eyes and see what reality is, cell phones while driving are the problem.

Michael Snelleikema, 1174 Westmoreland Drive, stated he is not sure how this ordinance came about, but the Oklahoma ACLU received internal documents from the government to find out how the anti-panhandling ordinance had come to be. He stated it started with complaints regarding the value of personal property or businesses, the government realized they needed to change their language as not to get sued and focused on public safety. He stated this is likely the history of these types of ordinances and suggests Council starts over and table this agenda item.

Bruce Lundeen, stated the ordinance has hidden costs: HPD arrests, administration costs, fines, community service etc. He stated we need a navigation center to provide direction to those that are homeless, to find counseling, food, shelter, restrooms, etc. He asked why we don't have women and children panhandling, perhaps that is something that needs to be researched. We should work with other cities around us, so we can all provide services that doesn't bring homelessness to any one place as a magnet, and we need bathrooms.

Liance Govongo, 1329 Goldfinch Drive, stated he has been homeless, has walked the road of having and not having, getting a Master's Degree and still not being hired because of his race. He stated he has been misjudged and misunderstand, the homeless are judged, and now the city wants to charge them because they are standing. He stated we are all endowed with unalienable rights and he wants Council to feel what he feels.

Brenda Diaz, 152 W. Wolfe Street, stated she thinks the big reason why people don't like to see panhandlers or homeless is because it makes them come to face with our privilege and we see there is a lot of poverty in the friendly city and sometimes we are not very friendly. She stated if we really cared about public safety we should focus on helping the homeless community with housing, mental health care, food and jobs.

Katina, panhandler, stated the people standing on medians asking for money are not harming the community, and only want something to eat at night, be able to buy food, and to be a part of the community. She stated the money she gets is not leaving the city, but it is coming back to the city and business is profiting from us panhandling. She stated she was almost hit by a woman in a car on a cell phone. She stated not all of us are bad and if we can't a bite to eat or a dollar hamburger how do you expect us to be able to pay a fine, ticket, etc. She stated we can't help that we are homeless, and it is society that is making us this way. She applied for public housing and keeps getting denied, and there is nothing but Open Doors to keep warm during the winter. She asked Council to please reconsider, as she just wants to survive and we are not violent.

Resident of 152 W. Wolfe Street, asks if this is a question of public safety she would urge council to reconsider what they consider the “public”. She stated if it was genuinely a question of public safety it would include everyone. She stated she feels the real answer to this issue of preventing panhandling and making traffic safer would be to give more accessible options to removing people from situations in which they have to panhandle by increasing ability to get jobs, increasing rehabilitation programs, and increase public housing.

Pamayotis “Poti” Giannakaouros, stated he doesn’t have a lot to add to the comments, but Council should review what has created the rejuvenation of our community that manifested as decreasing incarceration rates, and feels this should be considered when Council decides to vote on this issue. He stated he feels if council votes against, the many people in attendance will feel they have a voice, and he encouraged Council to vote against and to encourage better data driven policy making.

Julia Davis, stated she has been fortunate to be a part of several local community groups doing work related to criminalization and mass incarceration locally. She stated this evening Council has the ability to vote for or against the criminalization and incarceration of residents of the city, not only through their vote on the ordinance which would criminalize residents who are experiencing poverty, but also in considering Councils three-year priorities, a vision statement and a budget. She stated all of those seek to improve access, expand engagement, and make Harrisonburg a place where residents can be successful in their work, education, finances and housing. She stated after seeing some of Council at attendance at local events highlighting the concerns and knowing their commitment to making Harrisonburg a friendly home for those of all nationalities and backgrounds she was surprised at Councils consideration of the proposed ordinance. She stated Council has failed to address and passively support some of the greatest obstacles to a thriving life in the city. She referenced an incident that involved ICE and deportation. She asked Council to vote against this ordinance and do not approve three-year priorities and a vision statement which do not include provisions for reducing incarceration levels by at least 30% in the next three years, preventing criminalization and family separation, or protecting the labor rights of poultry workers and requests Council decline any city budget item which includes funding for the incarceration of immigrant youth at the Shenandoah Valley Juvenile Detention Center.

James “Bucky” Berry, 30 West Washington Street, stated most people go to bed every night and really aren’t aware of what is going on in the city. He stated he gets up early and rides around, he knows what is going on and we don’t have enough officers now much less adding the extra work of fining panhandlers. He stated he went to bed many nights hungry and wants to help the community with his food drives, many homeless people get that food, you don’t want to kick a man down when he is down, there are not a lot of services available in the city and he sees many eating out of dumpsters.

Louis Delapana, stated he holds out a sign, hands out food to other people, and shared his sign. He stated his sign is not a distraction, it's the people on cell phones that are dangerous.

Yogo Odowell, recited a biblical verse and stated it is an audacity to punish people when you open with a prayer. She stated if this had to do with public safety, Council would be addressing the JMU students who are getting drunk and falling off the sidewalks, which is a huge distraction and traffic safety issue. She stated she has never been distracted or had any issues with the individuals in the medians, this has nothing to do with public safety, it is a failed attempt to disguise this as public safety.

Tiffany Jackson, stated she has seen a lot of things in the city, and it is apparent there are many concerns that aren't not addressed, she shared a quote, and stated it is important to consider what has been said, it is important that we begin to see each other and to see past the masks and the things that separate us and work together.

At 9:38 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Vice Mayor Romero stated he has taken a lot of time to listen to people in the community that are interested in this topic, whether in favor or not, he has spent the night at Open Doors, spoken with the homeless and groups such as Occupy Harrisonburg, and people assume that Council has always been privileged, that we haven't gone through anything like homelessness. He stated people need to reconsider that, no one knows he story behind everyone on Council. He stated the biggest reason he is not in support of this ordinance is because the data doesn't support it. He stated he sees kids walk from Skyline Middle School to the Spotswood Trailer Park after school activities and is concerned every day because there is no sidewalk. He stated he sees people walking every day from Mosby Court to Sharp Shopper, from Holly Court to Walmart, from the trailer park to Aldi's, TJ Maxx, etc., the examples are infinite across the city, and that is the concern he has when it comes to public safety. He stated he doesn't believe council would be able to accomplish a whole lot substantially with this ordinance and we need to look at a more comprehensive approach to really eradicate homelessness. He stated his background is in sports medicine and a large part of his job was to prevent injuries, and he knows if, God forbid, an accident occurred resulting in a fatality, he would feel horrible and prays that doesn't happen, but he could also walk away feeling guilty if he supported an ordinance that is not helping us address a very important issue in our city.

Mayor Reed stated she thought a lot of the people understood her compassion and concern towards the people in need in the city. She stated sometimes it is hard to be on this side of the dais, she is aware this is a complex much deeper issue, we need a housing plan, and more affordable housing to relieve the pressure and Council is

committed to this. She stated it is frustrating to hear some of the comments because council is portrayed in a different way than what they really are. She stated there are things she would like to see moving forward as a community, one can be passionate, but you don't have to attack Council, this is the most diverse Council ever and we have made progress.

Council Member Jones stated he felt Council was insulted but Council can handle it. He stated when people have comments about the jail, the jail is not ours, we are not in charge of this, and if you were a part of any criminal justice issues you would know of that. He stated in regard to the ordinance, we are all taught to not stand in the middle of the street, it has nothing to do with criminalizing anyone. He stated the budget will be discussed later, and earlier a letter was read from different community organizations, however none of them asked for a holistic plan, none offered solutions and none requested community contributions. He stated it is a slap in the face when, out of the millions of dollars that Harrisonburg and Rockingham County have given through philanthropy and the \$1.7M offered by the city each year to help people that comes from tax payers, we are told we don't care. He stated more money to help people is always needed, but we also need more money for the school, clean water, and all the other city services offered. He stated he has not seen any research that show that shelters reduce homelessness, we supply all sorts of data to anyone that asks, but we can never seem to get data from anyone else that feels our data is inaccurate. He stated for those individuals in the median of the seven intersections, nothing is stopping you from crossing the street to the sidewalk, we have not taken your rights away to panhandle, just asking you to stay out of the median. He stated he is compassionate to all the underlying causes of why one would panhandle but it is insulting to say that city government and our city as a whole isn't focused on that because we spend so much time and energy towards that. He stated we need to find a way to help and fund the organizations, the organizations need to provide the data to let us know if we are properly funding and how to help them, but most importantly we need to learn how to take the energy and separate the conversations. He stated he is not ready to cast a vote, but he is not in favor of people standing in the median.

Council Member Hirschmann stated the agenda states we are considering the adoption of a resolution, and that is what we are doing. He stated in the process of doing that we have had a lot of participation giving us many different angles to the situation and raising a different situation. He stated we don't need people standing in the medians, it is creating a problem, but there are other problems that were raised tonight that might not have been considered when we drafted the ordinance. He stated after listening to everyone, we should go with something to alleviate the situation such as the traffic, but it also opened doors to discuss other things. He stated he feels this item should be tabled, discussed further and perhaps solve other problems. He thanked the attendees for participating.

Council Member Baugh stated he challenges himself on any issue that comes to Council, he asks himself what he would need to hear or see that would change his

initial decision and try to work together to come up with the best decision for the community. He stated out of all the decisions he has made over the past 11 years on Council, none have kept him up at night, but on this issue the thing that troubles him the most is if he is against this ordinance, and a driver loses control and hurts someone on the median, the excuse of not approving because of bigger issues doesn't help. He stated this one will keep him up at night. He stated he has no interest in driving individuals who are destitute and in need of help off the streets and if that was the case this ordinance would be a very weak attempt of that. He stated the comment made about this would just drive people downtown, that's fine, we aren't trying to keep anyone from downtown. He stated doing what we can to deal with homelessness and poverty is a must. He stated having dialogue and exchange information and points of view help him do his job better. He stated we aren't prepared to do anything other than table this item, but whatever we do with this doesn't change anything about the larger needs that were expressed.

Council Member Jones thanked Council Member Baugh for all he said, and noted we are open for all suggestions on how to address these issues.

This PH-Ordinance was tabled.

Recess

At 10:17 p.m., Mayor Reed called the meeting into recess.

At 10:23 p.m., Mayor Reed called the meeting back into session.

6.e. Public hearing regarding the Fiscal Year 2019-2020 budget

At 10:30 p.m., Mayor Reed closed the regular session and called the 5th public hearing to order. A notice appeared in the Daily News-Record on Saturday, April 13, 2019.

Beth Bland, senior services director for the Valley Program for Aging Services (VPAS), stated they have been privileged to be supported by funding from city for the past number of years, and this year's request is for \$26,190.00. She reviewed VPAS's mission and area of services. She stated in FY17-18 VPAS served 458 unduplicated city residents, delivered 15,294 meals on wheels for 1,156 homebound older adults, which reflects an 8% increase over the previous years. She stated VPAS has trained staff on the Virtual Dementia Tour, which is a simulation of what it is like to live with moderate cognitive decline, and their goal is to create a dementia friendly valley. She asked that when Council makes budget decisions for the upcoming year VPAS's request for funding is given serious consideration.

Tonya Price, 2386 Austin Circle, stated as a 4H Alumni she learned persistence and perseverance, and that is why she is back once again in hopes to bring 4H Program to the city through the financial support of a full time 4H Extension agent. She stated she strongly believes in the 4H program and all that it has to offer, as she truly

believes she would not be where she is today had it not been for her experience and life skills learned through the 4H Program. She stated last year there were over 217,000 members enrolled in the 4H Program statewide and 108 county and city extension offices throughout the Commonwealth. She reviewed statistics of how the 4H Program impacts our youth and stated she hopes Council will approve funding for a full time Harrisonburg City Extension Agent.

Paris Swift, undergraduate student at JMU, stated she is a proud 4H'er, and shared her 4H journey which began when she was eight years old at the Jamestown 4H Educational Center, how she was able to travel, and become more grounded and well rounded. She stated she feels local youth that live in the city will receive a positive outlet to release energy, challenge the status quo and become active participants in a city they will eventually be in charge of if Council provides funding for a full time Harrisonburg City Extension Agent.

Nevin Zehr, 147 West Grattan Street, stated previous budgets show funding going to the jail in the amount of \$5M, Shenandoah Valley Juvenile Center in the amount of \$322,000, to the golf course in the amount of \$706,000, and the First Tee program in the amount \$70,000, but the largest homeless shelter that receives funding is the Salvation Army only gets about \$25,000. He stated the revenue of the Golf Course is approximately \$739,000 and the municipal government is using sales taxes and payroll taxes to fund wealthy white men golfing.

Jean Shafer, 651 New York Avenue, shared her history and how being a 4H'er has contributed to every aspect of her life. She stated 4H got its start in the early 1900's when it was a farm program for disadvantaged farm kids and today 4H is still for disadvantaged kids and everyone else as well and the 4H Program works hand in hand with local schools.

Andrea Nolley, shared her history of being an urban 4H'er and noted the domestic skills she learned are still important to her and her family members. She stated 4H was a tremendous resource for her as a teacher and having an Extension Agent to tap into all the resources around us would be such a benefit. She stated she hopes Council considers supporting this request.

Howard Taylor, 2396 Breckinridge Court, shared his history of being in the 4H Program beginning at the age of eight and how it has prepared him for success. He asks Council to bring the 4H Program to the city this upcoming fiscal year.

Juan Pablo Berrizbeitia, chief executive officer for the Blue Ridge CASA, stated they are requesting to be included in the community contributions funding for FY 19-20 for the first time for the amount of \$15,000. He reviewed the mission of Blue Ridge CASA that focuses on children in foster care and noted that national studies show the Blue Ridge CASA model participants receive more services while in the foster care system with, volunteer staff advocating for them through the court system. He stated

children who have a CASA volunteer do much better in economic, health and safety outcomes which has an impact as it decreases public expenditure in issues such as law enforcement, health care, foster care, homeless shelters, drug programs, etc. He stated CASA is the only agency that can advocate for foster care children. He asked that Council consider their application for funding.

Diane McCarthy, member of the Board of Directors for the Harrisonburg Rockingham Child Day Care Center, stated this is the first time this non-profit organization is requesting funding from the city. She stated they have been serving the community for 47 years, licensed for children ages 2-12 and serve about 100 children every year between the ages of 2-5. She stated they have a curriculum-based program, offer a sliding fee scale, and are open year-round 6am-6pm.

Isabel Castillo, city resident, stated in the Council's Vision Statement that we are a city that allows all people to feel safe and valued and she appreciates that statement. She stated our community has expressed the desire to reduce incarceration numbers and is urging Council to not adopt a budget that is funding a jail that is collaborating with immigration and customs enforcement. She stated our immigrant community does not feel safe when our jail is collaborating with ICE. She stated she understands we don't run the jail, but we fund it. She urged Council to not include funding to the jail or the Verona Juvenile Detention Center.

Pat Lintner, interim superintendent for Harrisonburg City Public Schools, thanked Council for accepting the school budget and for supporting it for all these years. He stated this year has been a particular interest for him, he is acutely aware this is tax payer money and funds need to be spent wisely. He stated the budget was centered around staff who have the closest contact with the kids. He thanked Mr. Campbell for being such a great collaborator and to Mr. Propst for working with Tracy so well, he appreciates all they do.

At 11:09 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

7. Regular Items

7.a. Planning Commission's 2018 Annual Report

Adam Fletcher, director of Planning and Community Development, presented the 2018 Planning Commission Report. He stated they held 12 regular meetings, updated and approved the Comprehensive Plan, updated its bylaws, received a presentation of the Stormwater Improvement Plan from Public Works, received the ALICE Report from United Way and received presentation from James Madison University of their Master Plan. He reviewed the types of applications Planning Commission reviewed during the year and noted there were five applications where there was some type of disagreement between staff, Planning Commission and/or Council and briefly reviewed three of those applications.

No action necessary.

This Report was received and filed.

- 7.b.** Consider approving an amendment to Section 15-2-24 - Fowl, chickens and other domestic birds, of the Harrisonburg City Code

Chris Brown, city attorney, stated in September 2017 Council addressed a proposed ordinance that was designed to allow a particular school in the city to have chickens. He stated before the second reading it was determined that the school was too close to a poultry facility and has been on the table since then. However, in connection with that ordinance, residents had requested that the city increase the number of chickens permitted in the city to six as they are normally sold in lots of six. He stated that part of the amended ordinance as not controversial, and therefore is now requesting Council to approve that amendment of the ordinance to allow six chickens.

Vice Mayor Romero asked if roosters were prohibited. Council confirmed no roosters are allowed.

A motion was made by Council Member Baugh, seconded by Council Member Jones to approve the proposed amendment as presented. The motion carried with a recorded roll call vote taken as follows:

- 7.c.** Consider nominations for the 2019 VML Policy Committees

Eric Campbell, city manager, stated the Virginia Municipal League (VML) has released its call for Policy Committee Nominations due on April 25, 2019. He stated traditionally if Council Members are interested in serving on any of the committees, members must be nominated. Council discussed and determined who would serve on which committees

No action required

This Action Item was received and filed.

- 7.d.** Nominate one member to the Executive Committee of the Central Shenandoah Planning District Commission (CSPDC)

Eric Campbell, city manager, stated the Virginia Municipal League (VML) has released its call for Policy Committee Nominations due on April 25, 2019. He stated traditionally if Council Members are interested in serving on any of the committees, members must be nominated. Council discussed and determined who would serve on which committees.

No action required

7.e. Consider adoption of City Council 2039 Vision and 2022 Priorities

Eric Campbell, city manager, stated in February 2019 Council Members participated in a three-day Council Retreat where Council worked on aspirational goals for a twenty-year plan of what the city should look like in 20 years. He stated as a result of the vision, Council also worked on a potential three-year work plan to jump start the vision. He stated city staff has gone through the vision and work plan and the final document is ready for Council to approve. He stated ultimately the vision will be published and distributed to the public.

A motion was made by Council Member Jones, seconded by Council Member Baugh to adopt the 2039 City Council Vision and the 2022 Priorities to implement that vision as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Romero, Council Member Baugh, Council Member Jones and Council Member Hirschmann

No: 0

8. Special Event Application Requests

8.a. Consider the Special Event application request for Farm to City on Saturday, June 22, 2019

Erin Smith, events manager for Harrisonburg Downtown Renaissance (HDR), presented a Special Events application request for the 5th Annual Farm to City to be held on Saturday, June 22, 2019 from 9:30 am to 1:00 pm. She stated the organizer, Explore More Discovery Museum, is requesting closure of Newman Avenue, between Main Street and Federal Street, and the use of the Newman Avenue parking lot. She stated 500 people are expected to attend, support from Harrisonburg Police Department, Harrisonburg Fire Department and Public Works is requested, and the total cost of the event is estimated between \$640 - \$740.

A motion was made by Council Member Jones, seconded by Council Member Hirschmann, to approve the request as presented. The motion carried with a unanimous voice vote.

8.b. Consider the Special Event application request for the Hispanic Festival on Sunday, August 11, 2019

Erin Smith, events manager for Harrisonburg Downtown Renaissance (HDR), presented a Special Events application request for the 9th Annual Hispanic Festival to be held on Sunday, August 11, 2019 from 9:00 am to 5:00 pm. The event organizer, The Salvadorian Committee, is requesting the use of Smithland Elementary and Skyline Middle School parking lots, 2,000 people are expected to attend, the support of the Harrisonburg Police Department and Public Works is requested, Community Development will work with the organizer for permits on inflatable devices, and the Harrisonburg Fire Department will inspect tents. She stated the total cost of the event is estimated between \$1,270 and \$1,930 and the organizer is responsible for half of the payments to off-duty officers.

A motion was made by Council Member Jones, seconded by Council Member Hirschmann, to approve the request as presented. The motion carried with a unanimous voice vote.

- 8.c.** Consider the Special Event application request for the Youth Try-Athlon on Saturday, August 10, 2019.

Erin Smith, events manager for Harrisonburg Downtown Renaissance (HDR), presented a Special Events application request for the 7th Youth Try-Athlon to be held on Saturday, August 10, 2019, the organizer, Harrisonburg Parks and Recreation Department, is requesting the closure of sections of South Dogwood and South Willow, the event is capped at 100 participants, the support of the Harrisonburg Police Department, Public Works and Harrisonburg Department of Public Transportation is requested, and estimated the total cost to be \$612.00.

A motion was made by Council Member Jones, seconded by Council Member Hirschmann, to approve the request as presented. The motion carried with a unanimous voice vote.

- 8.d.** Consider the Special Event application request for the Rocktown Turkey Trot on Thursday, November 28, 2019

Erin Smith, events manager for Harrisonburg Downtown Renaissance (HDR), presented a Special Events application request for the 6th Annual Rocktown Turkey Trot to be held on Thursday, November 28, 2019, from 8:00 am to 11:00 am and the event organizer, Virginia Momentum, is requesting street closures downtown. She stated the route is a grandfathered in modified downtown course, 1,700 participants and spectators are expected, support of the Harrisonburg Police Department and Public Works is requested and staff volunteering for this event will receive holiday pay. She stated if not enough staff volunteers by October 15th, 2019 the event organizer will reach out to third-party contractors and JMU Police. She stated the total cost of the event is estimated between \$2,530 and \$2,675 and the event organizer is responsible for all payments to officers, public works support and third-party contractor support.

A motion was made by Council Member Jones, seconded by Council Member Hirschmann, to approve the request as presented. The motion carried with a unanimous voice vote.

- 8.e.** Consider the Special Event application request for the NYE Glow Run on Tuesday, December 31, 2019.

Erin Smith, events manager for Harrisonburg Downtown Renaissance (HDR), presented a Special Events application request for the 18th Annual NYE Glow Run 5K to be held on Tuesday, December 31, 2019, the organizer, Virginia Momentum is requesting the closure of Chesapeake Avenue and Grace Street from High Street to Walnut Street and JMU police have approved the use of sections of JMU's campus. She stated 700 participants are expected, support from Harrisonburg Police Department, Public Works and Harrisonburg Department of Public Transportation is requests, and the estimated total cost of the event is estimated between \$380 and \$540.

A motion was made by Council Member Jones, seconded by Council Member Hirschmann,

to approve the request as presented. The motion carried with a unanimous voice vote.

10. Other Matters

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

Ramona Sanders, 355 Hartman Drive, stated she is involved in two initiatives: one is to stop the single use plastic and holding an event on the 50th anniversary of Earth Day 2020. She stated the first meeting on this event will be held on Friday, May 3 at 11:00 am and at 5:30pm at the Trinity Presbyterian Church; the other initiative she is involved in the Living Wage Campaign, and on April 24, 2019 at 2:00 pm, at the Muhlenberg Lutheran Church, they will be listening to Kim Bobo regarding what the Virginia Interfaith Center for Public Policy achieved during the legislative session and then she will speak at the Trinity Presbyterian Church at 6:00 pm regarding using their tool kit for a living wage in Harrisonburg Virginia.

Taylor Guderman, Devon Lane, stated he is doing a project in class related to single-use plastics and wanted to know if he could get an answer from Council on how we could encourage individuals to phase out single-use plastic as mentioned in an article written by Susie Patrick , in DowntownHarrisonburg.org about how some of the bars and restaurants have trimmed use of single-use plastics.

10.b. City Council and Staff

Council Member Jones he would like to see a Sustainability Coordinator in the budget and would like to see increase funding for community contributions or just revise the program completely. He stated April 25, 2019 is the first meeting regarding the Community Remembrance Project of Charlotte Harris and he will not be able to attend. Mayor Reed stated Vice Mayor Romero will attend.

Council Member Hirschmann stated the meeting was interesting this evening, he appreciates the participation from the community, and we have a shot to look at other things in the city.

Eric Campbell, city manager, introduced and welcomed the new director of communications, Michael Parks.

Mayor Reed stated she hopes Council considers holding a work session on the budget that focuses on the community contributions program. She stated the city clerk is in need of interested applicants for the Towing Advisory Board and for the Economic Development Authority. Please visit the website for the application and additional information; National Police Week is from May 11th through the 18th, 2019, with the opening ceremony on May 11 at 9:00 am at the Turner Pavilion. Participate in one of the many Coffee or Cone with a Cop being held throughout the week and join the community in showing your support for "The Blue" by decorating storefronts,

window displays, etc. with blue ribbons, wreaths and lights! Please visit our website for more information and schedule of events; Reminder that State Income Taxes are due May 1, 2019; The ribbon cutting for the re-opening of Westover Pool will be on May 20th at 6pm, after which it will officially be open for use.

Mr. Campbell it seems to be a consensus that Council would like to schedule a work session on the budget, he suggests May 7, 2019 or whatever works best for Council. Council stated they will contact the city manager with dates available.

11. Boards and Commissions

11.a. Economic Development Authority

A motion was made by Council Member Baugh, seconded by Council Member Jones, to reappoint Chris Pipkin to the Economic Development Authority. The motion carried with a unanimous voice vote.

12. Closed Session

12.a. Virginia Code Section 2.2-3711(A), under: Subsection 7 for consultation of legal counsel regarding specific legal matters requiring the provision of legal advice for such counsel, namely the negotiation of a potential contract.

Vice Mayor Baugh stated the Virginia State and Local Conflict of Interest Act requires that he make the following disclosure to be recorded in the city records on any matter from which he is prohibited by law from participating: The transaction involved is one of the item that will be taken up on tonight's agenda item 12, a closed session for consultation with legal counsel; his personal interest in the transaction relates to the ethical requirements to which he must adhere as a licensed member of the Virginia State Bar; he affirms he will not vote or any manner act on behalf of City Council on this matter.

At 11:35 p.m. a motion was made by Vice Mayor Baugh, seconded by Council Member Jones to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: Subsection 3 for the discussion and of disposition of publicly held real estate and under Subsection 7 for consultation of legal counsel regarding specific legal matters requiring the provision of legal advice for such Council, namely the negotiation of a potential contract. The motion carried with a recorded roll call vote taken as follows:

13. Adjournment

At 12:06 a.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.

CITY CLERK

MAYOR