



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Mayor Christopher B. Jones
Vice-Mayor Richard Baugh
Council Member Ted Byrd
Council Member Kai Degner
Council Member Abe Shearer

Tuesday, August 11, 2015

7:00 PM

Council Chambers

1. Roll Call

Present: 5 - Mayor Christopher B. Jones, Vice-Mayor Richard Baugh, Council Member Ted Byrd, Council Member Kai Degner and Council Member Abe Shearer

Also Present: 5 - City Manager Kurt Hodgen, Assistant City Manager Anne Lewis, City Clerk Erica Kann, City Attorney Chris Brown and Police Chief Stephen Monticelli

2. Invocation

Mayor Jones offered the invocation.

3. Pledge of Allegiance

Mayor Jones led the Pledge of Allegiance.

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

Jim Orndorff, 2 North Main Street, stated decades ago politicians got elected by being tough on crime. Mr. Orndorff noted Mark Earley, former State Senator, was one of those politicians, but now he is an active member of Right on Crime to reform the criminal justice system. Mr. Orndorff noted he will be speaking on October 20, 2015 at Eastern Mennonite University (EMU). Mr. Orndorff noted all those who were supporting the event and asked council members to attend and add their name to the list of sponsors.

Quiet T. Please, Harrisonburg resident, stated he believes children should be in the workforce alongside their mother.

JoAnne Benjamin, 1031 Toplin Boulevard, wanted to extend her gratitude towards council for their support for the Shenandoah Pride Festival. Ms. Benjamin stated there were close to 3,000 in attendance and an impromptu wedding took place during the festival. Ms. Benjamin noted a few protestors, the elders within the community were surprised by the attendance and thanked Council Member Degner for reading the proclamation. Ms. Benjamin presented bow ties to all council members and announced next year's event would take place on July 23, 2016.

Mayor Jones noted the wedding taking place at a neighboring church went smoothly even with the festival on Court Square, but next year we need to be aware of those types of events.

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 Degner, seconded by Council Member Shearer, that this be approved. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

5.a. Minutes

These Minutes were approved on the Consent Agenda.

5.b. Consider a supplemental appropriation for the Police Department in the amount of \$12,610.13

This Supplemental Appropriation was approved on the Consent Agenda.

6. Public Hearings

6.a. Consider closing and vacating an undeveloped portion of Grove Street containing approximately 13,462 square feet - Postponed

Mayor Jones announced that agenda 6.a. has been postponed to the August 25, 2015 meeting.

6.b. Consider a request from Campbell and Main, LLC with representative Rodney L. Eagle to rezone a 18,901 +/- square foot parcel zoned B-2C, General Business District Conditional to B-1C, Central Business District Conditional

Stacy Turner, Director of Community Development, provided the history of the property located at 412 South Main Street, also known as the Joshua Wilton House. Mrs. Turner stated the setback violations were discovered when the new owners came in to request a rezoning for the property. Mrs. Turner reviewed the options the applicant had to resolve the setback violation. Mrs. Turner stated the applicant has chosen to rezone the property with the following proffers: the subject property shall only be used for inn, transient lodging, restaurant and related activities such as weddings, meetings, civic and other special events. Catering activities for off-premises purposes shall also be permitted; the restaurant operation shall not be open to the public between the hours of 1:00 a.m. to 11:00 a.m. on Sundays. Limited food service to in-house inn guests from the kitchen may be provided during these hours; the property shall maintain the existing off-street parking area enclosed by the existing vinyl fencing on the north side of the property adjacent to Campbell Street. Portions of the property, not restricting the Campbell Street entrance, may also be used for non-permanent outdoor storage

of landscaping, construction or similar materials, with outdoor storage at no time to take up more than 20% of the fenced-in area; and, the property shall maintain a thirty-foot (30') setback along South Main Street and a twenty foot (20') setback along Campbell Street for permanent structures. Fences, patios or other non-enclosed and uncovered structures shall not be subject to this restriction. Mrs. Turner stated there have been similar setbacks approved within the area, the property is located just outside the boundary of the Mixed Use Development Area (MUDA) and both Planning Commission and staff have recommended approval.

At 7:20 p.m., Mayor Jones closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Monday, August 3, 2015 and Monday, August 10, 2015.

There being no one desiring to be heard, Mayor Jones closed the public hearing at 7:21 p.m., and the regular session reconvened.

Council Member Byrd feels that notes need to be taken when doing the Comprehensive Plan regarding the growth of this area and to plan for additional properties. Council Member Degner stated he agreed.

A motion was made by Council Member Shearer, seconded by Vice-Mayor Baugh, to rezone the parcel from B2-C to B1-C as presented on first reading. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

- 6.c.** Consider a request from Chatham Land Co.; 126 Belmont, LLC; Nancy Lantz; Delbert and Lela Snyder, Trustees; and Tonya Taylor Price to rezone 37 lots comprising of 7.6 +/- acres of property zoned R-6, Low Density Mixed Residential Planned Community District by amending the development's master plan

Mrs. Turner reviewed the surrounding properties and provided the history of the Chatham Square development. Mrs. Turner noted all properties, except two, are requesting to rezone most of the Chatham Square community by amending the 2006 approved R-6, Low Density Mixed Residential Planned Community District master plan. Mrs. Turner stated the rezoning request is to reduce the total number of master planned lots from 38 to 26 single-family home lots and make amendments to the allowable area and dimensional regulations of the community. The proposed changes maintain the original layout, the planned look of the single-family homes, the planned brick wall surrounding the community and the walking path and gazebo. As proposed, along with reducing the number of allowable single-family homes, the amendment process is allowing them to clarify how matters normally regulated by the Zoning Ordinance's Article T will be governed within the community (i.e. accessory buildings and allowable heights of walls and fences) and to more clearly specify minimum lot dimensions and permissible parcel square footages. In the end, the proposed amendments provide more flexibility for the development and do not change the original intent of

Chatham Square. If approved, the desired changes to the lot configurations do not need to be approved by Planning Commission or City Council. Rather, these changes can be accommodated via an administrative minor subdivision process. Reducing the number of parcels will probably impact water and sewer service connections. Mrs. Turner noted that 38 water and sewer services were installed for the planned units/lots, some services may be required to be removed while new service connections may be required to be installed and/or new easements dedicated to reach the new lots. This impact will be evaluated during the subdivision process. The applicants should be aware a revised comprehensive site plan sheet will likely be needed to accommodate the changes. Staff and Planning Commission believes the changes proposed are in the best interest of the community and the city and recommends approving the rezoning to amend the governing regulations of the Chatham Square master plan, except 2394 and 2378 Alston Circle.

At 7:27 p.m., Mayor Jones closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Monday, August 3, 2015 and Monday, August 10, 2015.

Dick Blackwell, Blackwell Engineering, noted it is an unusual request to reduce the number of lots and made himself available for any questions.

At 7:28 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

Vice-Mayor Baugh stated the development had tried marketing for eight years with more lots and the new request is in compliance with the Comprehensive Plan.

A motion was made by Vice-Mayor Baugh, seconded by Council Member Shearer, to approve the rezoning as requested on first reading. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

- 6.d.** Consider a request from Rawley Enterprises, LC with representative Dennis W. Rawley for a special use permit per Section 10-3-97 (2) of the Zoning Ordinance to allow for a convenience store on a 8,750+/- square foot property

Mrs. Turner noted the owner of the store uses 206 Charles Street and 210 might be the address of the owner who is adjacent to the parcel and staff will make sure addresses are correct. Mrs. Turner reviewed the surrounding property and noted the parking spaces that are adjacent to Charles Street. Mrs. Turner noted the special use permit (SUP) came in after staff became aware of the convenience store at this location last fall when the adjacent property to the east received a SUP to operate as a church. Mrs. Turner addressed the parking issue with the spots in front of the store and safety concerns, but noted there are other parking opportunities located around the property. Mrs. Turner stated after consulting with

the City Attorney, staff and Planning Commission recommended the following condition: any off-street parking spaces, existing or future spaces, on the subject property shall comply with Section 10-3-25(5). Mrs. Turner stated after much discussion at Planning Commission, staff will work with the property owner to discuss options and come up with the best solution.

At 7:36 p.m., Mayor Jones closed the regular session and called the third public hearing to order. A notice appeared in the Daily News-Record on Monday, August 3, 2015 and Monday, August 10, 2015.

Heidi Thomas, speaking on behalf of Jasmine, stated the convenience store wants to be in compliance and made themselves available for questions.

At 7:37 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

A motion was made by Vice-Mayor Baugh, seconded by Council Member Degner, that this Special Use Permit be approved. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

- 6.e.** Consider a request from Aneta and Christopher Smialek for a special use permit per Section 10-3-34 (6) of the Zoning Ordinance, to allow for a major family day home on a 15,452+/- square foot property

Mrs. Turner stated the applicant received approval for the same SUP at the subject property on Blue Ridge Drive, which then was voided when the applicant opened a day care center at another location. Mrs. Turner noted that the Virginia Department of Social Services (VDSS) regulates licensing standard of family day homes to ensure that the facility and the operation of the major family day homes (MFDH) are favorable to the welfare of the children in care. However, VDSS won't issue the license for the MFDH until the applicant receives approval from council. Mrs. Turner reviewed the surrounding properties and stated staff had recommended against the request in 2009 due to traffic safety concerns. Mrs. Turner noted since 2009, Public Works has improved the area, but staff still feels there are concerns. Mrs. Turner stated Planning Commission asked about traffic counts along the road and she reported the following: 4,658 going east bound on Country Club Road, 4,994 west bound and 4,400 on Blue Ridge Drive. Mrs. Turner noted that 2012 counts had increased, done at a slightly different location and completed while JMU was in session. Mrs. Turner noted that no concerns were heard when the applicant had the SUP previously for this location. Mrs. Turner stated the request was recommended for approval by Planning Commission with the following conditions: vehicles shall not be permitted to exit the property onto Country Club Road. All vehicles shall exit onto Blue Ridge Drive; the existing island area created by the connecting portions of the driveway, near the southwestern property corner, shall remain open space for improved sight

distance. All planting within this area shall be low-lying and/or ground covering vegetation; the connecting portions of the driveway shall remain open at all times to allow parents/guardians to maneuver on and off of the property without utilizing the public right-of-way. Therefore, parking is prohibited on these portions of the driveway; and, if City Council finds traffic conditions warrant re-evaluation of the major family day home, they may require the applicant to return to Planning Commission to re-examine the use of the property. It shall be at the discretion of Planning Commission and/or City Council to determine if the re-evaluation shall necessitate a public hearing. Such re-evaluation may result in additional conditions being placed on the use or revocation of the special use permit.

The following discussion took place regarding traffic concerns: if complaints were received, staff could go out and monitor and could result in revoking the SUP; traffic barriers are inserted at commercial locations and we don't tell those applicants it is their responsibility; an ecomment was received about the applicant moving their driveway; Social Services reviews the property, but not the roads; statewide agency, traffic counts would be irrelevant to the request; approved by Planning Commission; sentiment from mothers is that they want the daycare at the location and will comply with conditions; discussion was held at Planning Commission about traffic concerns, better to have the conversation regarding the matter; and, can't recall if a condition like this has been placed on a SUP in the past.

At 7:59 p.m., Mayor Jones closed the regular session and called the fourth public hearing to order. A notice appeared in the Daily News-Record on Monday, August 3, 2015 and August 10, 2015.

Aneta Smialek, 521 Blue Ridge Drive, stated she wanted to downsize her business again and stated she operated with the SUP for 11 months prior to expanding her business. Ms. Smialek stated parents are instructed on how to enter and exit the property and she has a surveillance camera on the property.

Council Member Shearer asked if this condition would be put into the application. Ms. Smialek noted that she would put it in and noted Social Services does look outside the property, but for outdoor play areas. Ms. Smialek noted she would let a client go prior to her business shutting down. Vice-Mayor Baugh asked about the time frame of children getting picked up and dropped off. Ms. Smialek noted children arrive as early as 4:30 a.m., when there isn't much traffic.

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

A motion was made by Vice-Mayor Baugh to approve the request as approved by Planning Commission. The motion failed due to a lack of a second.

The following discussion took place: concerns about the traffic, which could have also applied to the previous agenda request; little opposition to the request and the 2009 request, which is rare; has received a prior SUP with no complaints being received; supporter of in-home day cares; and, the need for quality child care

outweigh the traffic concern.

A motion was made by Vice-Mayor Baugh, seconded by Council Member Byrd, to approve the request as approved by Planning Commission without the right turn requirement. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

- 6.f.** Consider amending the Zoning Ordinance by modifying the existing definitions of “minor family day home” and “major family day home.”

Mrs. Turner stated in April 2015 several changes were made to the Code of Virginia related to Family Day Homes. Mrs. Turner stated changes impacted the city’s existing Zoning Ordinance definitions for “minor family day homes” and “major family day homes.” Mrs. Turner stated the changes proposed by staff are to modify those definitions to align with the recent changes to the Code of Virginia, which she then reviewed. Mrs. Turner stated both staff and Planning Commission both recommended approval.

At 8:14 p.m., Mayor Jones closed the regular session and called the fifth public hearing to order. A notice appeared in the Daily News-Record on Monday, August 3, 2015 and Monday, August 10, 2015.

There being no one desiring to be heard, Mayor Jones closed the public hearing at 8:15 p.m., and the regular session reconvened.

A motion was made by Council Member Byrd, seconded by Vice-Mayor Baugh, that this Zoning Ordinance be approved on first reading. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

- 6.g.** Consider the reappropriation of encumbrances requested by department heads and the School Board that were outstanding at the end of Fiscal Year 2015

City Manager Hodgen stated at the end of the fiscal year 2015 there were some outstanding encumbrances for purchase orders which were issued prior to June 30, 2015. These purchase orders were carried forward to the fiscal year 2016 budget; however, the budgeted funds lapsed as of June 30, 2015. The purchase orders were for goods and/or services which were contracted for but not received prior to June 30, 2015. City Manager Hodgen stated approval of this request will increase the fiscal year 2016 budget by \$3,423,374.32, which increases the budget over 1% of the total city budget and requires a public hearing for these budget amendments. City Manager Hodgen noted that no new funds are being presented.

At 8:17 p.m., Mayor Jones closed the regular session and called the sixth public

hearing to order. A notice appeared in the Daily News-Record on Monday, August 3, 2015 and August 10, 2015.

There being no one desiring to be heard, Mayor Jones closed the public hearing at 8:18 p.m., and the regular session reconvened.

A motion was made by Council Member Byrd, seconded by Council Member Shearer, to approve the reappropriation of the encumbrances as presented on first reading. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

7. Regular Items

7.a. Consider modifications to the Mutual Aid Agreement with James Madison University and Rockingham County regarding sexual assault on campus

City Attorney Brown stated the city has had a mutual agreement with Rockingham County Sheriff's office and the JMU Board of Visitors. City Attorney Brown noted the only amendments being made to this agreement are being mandated by the General Assembly. City Attorney Brown noted the addition of the following: felony, criminal, sexual assault, medically unattended death that occurs on JMU's campus or a non-campus building occupied by JMU must be reported to the Commonwealth's Attorney within 48 hours. City Attorney Brown also noted he corrected outdated code sections within the agreement.

Council Member Byrd asked about the difference in the handling of misdemeanors and felony's by JMU officers on campus. Chief Monticelli stated on campus misdemeanors can be handled by JMU officers internally or externally and felonies need to be reported within 48 hours. Chief Monticelli noted if the Harrisonburg Police Department would write a misdemeanor on campus, it would be filed with the court while working with the school. Council Member Shearer stated this agreement is to help items from being thrown out from court. City Attorney Brown noted he felt this change was driven by the attention on-campus sexual assault has been receiving lately and is unrelated to the city's concurrent jurisdiction agreement with JMU. The new legal requirement is to ensure that every felony sexual assault investigation is submitted to the Commonwealth's Attorney as another layer of review. Vice-Mayor Baugh stated this new requirement means that colleges and universities don't have the option to handle felonies internally without notifying the Commonwealth's Attorney.

Mayor Jones stated the same thing should be reviewed by the Virginia Department of Alcoholic Beverage Control (ABC), which he stated he plans to bring up during a future meeting.

A motion was made by Council Member Shearer, seconded by Council Member Degner, to approve the revisions of the stated modifications to the mutual aid agreement with James Madison University and Rockingham County regarding sexual assault on-campus. The

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

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

8. Special Event Application Requests**8.a.** Consider the Block Party in the Burg for a special event request

Katie Yount, Harrisonburg Downtown Renaissance Events Director, stated the Block Party in the 'Burg will be held on Saturday, August 29th from 6:00 p.m. to 9:00 p.m. in downtown Harrisonburg. Ms. Yount noted this event is in coordination with James Madison University's (JMU) orientation. A brief discussion took place regarding the great event and the hopes of no rain.

A motion was made by Vice-Mayor Baugh, seconded by Council Member Degner, to approve the Special Event Application request. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

8.b. Consider the Brothers Craft Brewing Three Miler for a special event request

Ms. Yount stated the Brothers Craft Brewing Three Miler will be held on Saturday, August 29th from 9:00 a.m. to 11:00 a.m. on East Washington Street from North Main Street to Northfield Court. Ms. Yount stated there were some questions departments had for the applicant and with the applicant's response all departments have signed off on the event request.

A motion was made by Council Member Degner, seconded by Vice-Mayor Baugh, to approve the Special Event Application request. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

9. Other Matters**9.a.** Consider extending the Hotel and Conference Center Agreement with James Madison University

City Manager Hodgen stated on Friday an e-mail was received from the Hotel Conference Center developer requesting a 60-day extension to the pre-development agreement. City Manager Hodgen noted there have been some changes that have altered engineering and architectural work. City Manager Hodgen informed council that communication has caused positive impact on the project and feels there is not a negative impact to approve the request. City

Manager Hodgen stated it doesn't change the cost of the project and staff recommends approval.

A motion was made by Vice-Mayor Baugh, seconded by Council Member Degner, to grant the 60-day extension as recommended by the City Manager. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

Other Matters Continued

City Manager Hodgen announced the move date into City Hall will be September 11 through September 13, 2015 and the second City Council Meeting would be held in new Council Chambers on the fourth Tuesday of September.

City Manager Hodgen announced the Virginia Department of Behavioral Health and Development Services (DBHDS) had awarded new state funding to open a Crisis Intervention Team (CIT) Assessment Center. City Manager Hodgen stated this will expand mental health services in collaboration with Sentara/RMH, Community Services Board and Rockingham County. City Manager Hodgen noted that the CIT Assessment Center will be located within the Sentara RMH Medical Center and the initial grant is for two years. City Manager Hodgen stated this is one of the tools being used to reduce the number of inmates.

City Manager Hodgen informed council that Harrisonburg was ranked 32nd for the Best Small Places for Business and Careers by Forbes. Vice-Mayor Baugh noted that we were second in the State of Virginia with the City of Winchester being number one. It was also noted we were ranked 12th in Cost of Doing Business.

Council Member Byrd noted that City Attorney Brown and staff are reviewing the parking ordinance to allow at least a guest parking pass for residents who are prohibited to have on-street parking.

9.b. Update from the Finance Committee

Council Member Byrd stated the Finance Committee met last week and reported FY2015 ended with a \$3M cash balance. That balance came from the following: \$1.7M in more revenues budgeted and \$1.3M in less than budgeted expenditures. He stated taking the \$3M and adding it to our current unappropriated fund balance, less the encumbrances addressed tonight, the Finance Committee is proposing to set aside approximately \$18.4M for an 18% fund balance reserve fund. Council Member Byrd reported \$748,000 taken from the Emergency Communication Center (ECC) project was used to balance current year budget. Council Member Byrd stated the following has been recommended: set aside \$1.2M for the schools architectural and engineering services; set aside \$520,000 reserved for State Contingencies; \$150,000 for the hotel and conference center preliminary as mentioned in the design work; and, \$200,000 reserved for the Four

For Life program. Council Member Byrd stated with the amounts being recommended, an excess of \$1.4M to the 18% fund balance reserve fund which would be held in a cash balance due to the unknown. It was noted last year we had approximately \$1.2M of unknowns. Council Member Byrd noted that \$600,000 should be received from the school's fiscal year end, which is recommended to set aside in the furniture, fixture and equipment fund for the new school. It was noted action can be taken up during a future meeting. Council Member Byrd also stated the Finance Committee also seeks direction towards revisiting the current year's budget to see if any changes could be made, such as lowering the real estate tax rate as published. The following discussion was held: look favorable towards the recommendation; numbers are now available to review; open to conversation over the next few weeks; could this be a way to reevaluate our baseline from where they were to where they should be; and, this will be done with staff.

This was brought up during the August 11, 2015 council meeting during other matters.

Other Matters Continued

Council Member Degner announced that the Community Criminal Justice Board (CCJB) will hold a meeting on September 24, 2015 at 4:00 p.m., with a location and an agenda to be established. Council Member Degner shared that he informed them of what council had discussed to be on the agenda.

Council Member Shearer highlighted the program City Manager Hodgen noted and stated there are people and listening and working to get programs to help mental health issues and such, but it isn't always a fast process. Council Member Shearer stated there are a lot of things taking place behind scenes and everything has to be done in collaboration. Vice-Mayor Baugh stated that one of the functions of the CCJB could be to get information out about what is being done within the community.

Mayor Jones asked about where in the process the SPCA is with hiring a consultant. City Manager Hodgen stated the group wanted to see studies the consultant had done in other localities, want other questions answered and the board hadn't taken action. City Manager Hodgen stated we met with the board to receive their input about conducting a study. City Manager Hodgen stated we are trying to be as cooperative as possible because the SPCA doesn't have to do anything with the study. Council Member Byrd questioned the actions that could be taken by council with some being more directed at Rockingham County. City Manager Hodgen stated the following items were mentioned such as, licensing cats, handle cats like dogs and expanding the Animal Control Officer's hours. It was noted the study isn't that expensive compared to other studies, but the recommendations out of the study could and would like to get more insight from an independent source.

Mayor Jones reported the Hispanic Festival was a great event, very well organized by COSPU and well attended.

Mayor Jones also reported that the National Night Out event was a great success as well.

10. Boards and Commissions

No action taken.

11. Closed Session

At 8:51 p.m., a motion was made by Council Member Shearer, seconded by Council Member Byrd, 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 discussion of acquisition of real estate for public purpose; Subsection 7, for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel; and, Subsection 33, for discussion or consideration of confidential proprietary records and trade secrets related to a unsolicited proposal submitted under the Public Private Education Facility Infrastructure Act. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

11.a. 2.2-3711(A)(3) Discussion of acquisition real estate for public purpose

This Closed Session Item was approved.

11.b. 2.2-3711(A)(7) Consultation with legal counsel and briefings by staff members or consultants pertaining to specific contractual matters

This Closed Session Item was approved.

11.c. 2.2-3711 (A)(33) Discussion or consideration of confidential proprietary records and trade secrets related to a non solicited proposal submitted under the Public Private Education Facility Infrastructure Act

This Closed Session Item was approved.

12. Adjournment

At 9:52 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 9:53 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR