



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Mayor Deanna R. Reed
Vice-Mayor Richard A. Baugh
Council Member Ted Byrd
Council Member George Hirschmann
Council Member Christopher B. Jones

Tuesday, July 10, 2018

7:00 PM

Council Chambers

1. Roll Call

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

Also Present: 3 - City Manager Eric Campbell, City Attorney Chris Brown and City Clerk Ande Banks.

2. Invocation

Council Member Byrd 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 Byrd, seconded by Vice Mayor Baugh, to approve the consent agenda as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

5.a. Minutes from June 26, 2018 City Council Meeting

These minutes were approved on the Consent Agenda.

6. Public Hearings

- 6.a.** Consider a request from Campbell and Main, LLC, with representative Rodney L. Eagle, to rezone 412 South Main Street by amending proffers on property zoned B-1C, Central Business District Conditional.

Adam Fletcher, director of Planning and Community Development, presented a rezoning request for property located at 412 South Main Street commonly known as the Joshua Wilton House. He stated the request is to amend the existing proffers on the property which is zoned B-1C and noted it was rezoned in 1987 from R-3 to B-2C, and then amended in 2015 to B-1C. The request is to remove one existing proffer and to amend one existing proffer. He reviewed the property boundaries and surrounding properties and zonings and reviewed the current proffers. He stated the request is to amend Proffer #1 to allow one non-transient dwelling unit occupied by family or two unrelated persons and remove Proffer # 2 due to change in activity in the area.

He stated staff and the Planning Commission recommended unanimously 7-0 to approve the request with the stated proffer amendment.

At 7:10 p.m., Mayor Reed closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Monday, June 25, 2018 and Monday, July 2, 2018.

Jeff Hill, managing partner of Campbell and Main, LLC, applicant, stated the managing partners were present to answer any questions.

At 7:10 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

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

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

No: 0

- 6.b.** Consider a request from Lantz-Eby Enterprises, with representative Tim Reamer, to rezone 19+/- acres identified as 1550 & 1650 North Liberty Street and 451 Acorn Drive from B-2C, General Business District Conditional to M-1C, General Industrial District Conditional.

Adam Fletcher, director of Planning and Community Development, presented a request for rezoning of property located off Acorn Drive. He stated this request is to rezone a split zoned parcel that is currently zoned M-1 and B-2C to eliminate the B-2C zoning and change to an M-1, with proffers associated with right of way dedications. He reviewed the property, referring to the 19-acre portion of a 39-acre parcel. He stated this property was originally rezoned in 1998, for a cultural center to highlight the Mennonite and Brethren faith, and the proffers were very specific limiting

the uses. The applicant would like to revert back to the M-1 zoning so they can utilize the property that has been undeveloped since its existence in the city. He reviewed the surrounding properties and the Land Use Guide for the parcel and surrounding area, reflecting industrial use, and the parcel is currently used as non-conforming agricultural operations.

He stated the applicant hopes to split the entire 39-acre tract into three different parcels, and this type of subdivision would be permitted outside of the regulatory control of the city subdivision regulations due to the size of the parcel and the tracts.

He reviewed the submitted proffer that includes three parts of which are associated with right-of-way dedication and regardless if the waited to submit the proffer until development occurs on site, the right-of-way dedications would have been required at the time of site plan submittal. He stated the application is offering proffers anyway to show they are ready and willing to work with the city and noted it is in line with the Comprehensive Plan, designated general industrial and would be reverting back to M-1 to allow all operations establishment.

He stated staff and the Planning Commission recommended unanimously 7-0 to approve the request to rezone the property.

At 7:16 p.m., Mayor Reed closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Monday, June 25, 2018 and Monday, July 2, 2018.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:16 p.m., and the regular session reconvened.

A motion was made by Vice Mayor Baugh, seconded by Council Member Hirschmann, to approve the rezoning request as presented. The motion carried with a recorded roll call vote taken as follows

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

No: 0

- 6.c.** Consider a request from C. Glenn Loucks, with representative Matthew W. Brackens, to rezone a 17,600 +/- square feet portion of a 1.0 +/- acre parcel, addressed as 915, 917, 919, and 921 North Main Street, from R-2, Residential District to B-2C, General Business District Conditional. The parcel is currently split-zoned and if the request is approved, the parcel would remain split-zoned with the front portion zoned B-2 and the rear portion zoned B-2C

Adam Fletcher, director of Planning and Community Development, presented a rezoning request on a 17,600-square foot portion of a 1 acre split zoned parcel with an address of 915, 917, 919, and 921 North Main Street, to be rezoned from R2 to B-2C. He reviewed the parcel and surrounding properties and noted the Comprehensive Plan has this designated as commercial. He reviewed the subject

site, zoning of the surrounding properties, and noted the existing structure has three non-conforming residential dwelling units on the second floor and the first floor, previously used as professional office space, which is currently vacant. He stated the current property owner is looking to sell the property with a plan to operate the entire site as an automotive sales business. He stated since the rear of the property is zoned residentially it is an odd configuration for someone who is wishing to have a total operation on the entire parcel. He stated if approved the property would remain split-zoned as the front of the property would be B-2 and the rear would be B-2C with a submitted proffer associated with a six-foot solid opaque fence over the entire portion of the northwest boundary line.

He stated staff and the Planning Commission recommended unanimously 7-0 to approve the rezoning request

At 7:21 p.m., Mayor Reed closed the regular session and called the third public hearing to order. A notice appeared in the Daily News-Record on Monday, June 25, 2018 and Monday, July 2, 2018.

Matthew Brackens, owner's representative, stated he was available for any questions.

At 7:22 p.m., Mayor Reed closed the public hearing and the regular session reconvened

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

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

No: 0

- 6.d.** Consider a supplemental appropriation for the purchase of land for a new school in the amount of \$5,025,000

Larry Propst, finance director, presented a request for a supplemental appropriation in the amount of \$5M to purchase the land for the new high school and stated the funding will come from the general funds balance until permanent financing is in place.

At 7:23 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 Tuesday, July 3, 2018

James "Bucky" Berry, 30 West Washington Street stated from day one he knew where the school was going to be built, and asked how do we know if we are getting a true deal for \$5M. He asked if the property had been appraised and how much did the current owner pay for the property and feels a lot more money will need to go into the land to make it suitable for a school. He asked what the rush was to purchase since the school won't start construction for two or three years. He stated he has

some concerns about the immigrants in the city with the new legislation recently enforced, we may lose a lot of students due to it.

Paloma Saucedo, 1447 Springside Drive, asked council to reconsider the purchase because she would like to see full transparency from the School Board first to make sure a second high school will be built that will offer all the exact same programs to all the students, so that all have an opportunity to succeed regardless of which school they attend or where they live. She stated she is happy that council is moving forward, but would like council to make sure that a specialized school is not constructed.

Cathy Copeland, 1153 Nelson Drive, stated in order to promote conversation and encourage our elected officials, local concerned citizens formed 4HHS2, and stated the future is the second high school. She stated on behalf of 4HHS2 she is happy that council is moving forward with the land acquisition and stated the group will continue to post information and asked council to move quickly to relieve the current overcrowding. She stated by 2022 more than half of the high school population will have been educated in trailers outside of the current school. She stated she encourages citizens to connect with 4HHS2 and to get involved in the planning process with the School Board. She stated she hopes council approves the land acquisition.

Calvin Phillips, 435 Virginia Avenue, stated he has seen a lot of dirt and land prices are steadily going up, and is curious to know how many acres are involved in the \$5M purchase.

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

Council Member Byrd stated council does not have a say of what the School Board does, however, he will continue to have the conversation with the current board and others.

Vice Mayor Baugh stated that all representations to date have been consistent with what residents would like to see. He stated we are purchasing 60 acres, it is already off the tax rolls. Council Member Jones stated it is State land coming back to the city, we are not losing land that could be taxed or built for residential or commercial uses. Council Member Jones stated programmatically, it was brought up during the Space Study Committee meetings and we want to make sure we don't have a school of haves and have-nots. He stated he understands the cost would be too high to mirror the existing school.

Council Member Byrd stated the conversations being had are between the School Liaison Committee and asked council members that are on the board if these types of questions were brought up at the meetings and if the majority of the School Board is comfortable with the location chosen and having a new school built versus an

annex.

Mayor Reed stated these conversations have been had and they have been very transparent, eight sites were evaluated, and this was the best site that was agreed on. She stated personally we must all be aware and careful of language used regarding our residents that are immigrants, as those same things were spoken about black people. Council Member Jones stated none of us are really from here, we were all immigrants at one point.

Mayor Reed stated this needs to be done, the overcrowding of the current high school has been an issue for years, she is at the school regularly and sees the kids sitting on the floor eating lunch. She stated this decision was not made overnight, many meetings, conversations and evaluations took place to get to this point.

Vice Mayor Baugh stated since we are buying the property from the State, it has been part of the process as well, and many behind the scenes rituals because it is State property, it included appraisals that were required and the price is what the price is, it was a formal process to get to this price.

Council Member Jones stated the conversations he had were because he was a part of the Space Committee, and everything was challenged for feedback and resident input, and all was open to the public. He stated this was the best decision and they have been transparent throughout the whole process.

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

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

No: 0

7. Regular Items

- 7.a.** Consider a request from Partners Development, LLC per section 7-2-4 of the City Code for the City to provide water service for a single family residential development located on Walnut Creek Drive within Rockingham County.

Adam Fletcher, director of Planning and Community Development, presented a public utility application request per Section 7-2-4 of the City Code, which requires for all uses other than residential uses involving fewer than ten units that are requesting to be connected to the city's water and sewer must be reviewed by the Planning Commission and reviewed/approved by City Council. He stated the request is to connect up to 50 residential dwelling lots in the new extension of the Belmont subdivision. He stated there are conditions attached to the rezoning that was done in 2005 with Rockingham County and some additional conditions placed upon it by recommendation from the city's Public Utilities department. He reviewed the property, surrounding area, where the current water and sewer lines are and where

the hydrant is. He stated the property is currently zoned R-2C which is Rockingham County's medium density residential conditional zoning classification, and the condition placed upon this property in 2005 was no more than 25 lots can be sold prior to developing a secondary entrance into the property. He stated this is very similar to the recommendation offered by the city's Public Utilities department, no more than 25 lots could be sold unless a second feed pipe for water services connected to Silver Lake Road or Erikson Avenue.

He stated the city has provided water to the entire Belmont Estates Subdivision as far back as the 1960's when the development began construction, and this is an extension of that, with the most recent extension being done in 2005 for 23 lots.

He stated staff and Public Utilities offered a favorable recommendation and the Planning Commission recommended unanimously 7-0 to approve the request for the waterline extension.

A motion was made by Vice Mayor Baugh, seconded by Council Member Hirschmann, to approve the request for water services as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

- 7.b.** Consider a request from Brookland Properties, with representative John Neff, to authorize the owners of a building located at 205 South Willow Street to encroach on an undeveloped public street right-of-way per Section 15.2-2011 of the Code of Virginia.

Adam Fletcher, director of Planning and Community Development, presented a resolution to grant a license of an encroachment of a structure in the public street right-of-way. He stated this request doesn't come about very often, and this particular situation has been a discussion with staff and property owner to figure out how to find a resolution to be able to sell the property. He stated the property owner had requested the right-of-way be closed, which is an undeveloped portion of West Bruce Street right-of-way reaching back into the 1970's, and ever since that time there have been concerns from city staff to not release this right-of-way because of plans for utilization of different things in the area such as stormwater management and bicycle and pedestrian facilities. He stated city staff recommended that the applicant investigate the Code of Virginia Section 15-2-2011, which he read to council, and essentially what the applicant is requesting is that council act on a resolution that grants them the license for their encroachment to remain as is. He stated issues that would come up would be when someone applies for a building permit for improvements or to sell the property, title issues arise. He reviewed the property, surrounding properties, the Sandborn map from 1930, a 2016 survey reflecting the encroachment.

He stated staff is recommending approval of Council's consideration to execute the

resolution.

John Neff, manager of Brookland Properties, LLC, stated he appreciates the Community Development department and the city attorney and their cooperative spirit, and is grateful on behalf of Brookland Properties, LLC for the good work they received from staff.

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

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

No: 0

- 7.c.** Consider a Resolution requesting the addition of 1.40 lane miles of Principal/Minor Arterial Streets be incorporated into VDOT's Urban Maintenance Program. The additional lane miles represent the recently completed Reservoir Street Improvement Project

Tom Hartman, assistant director of Public Works, presented a resolution for additional lane miles to be added to our VDOT inventory system which coincide with the recent completion of the Reservoir Street project adding 1.4 lane mile of primary arterial roadways to our network. He stated the process is we present the resolution, if supported it is sent to VDOT and it gets added to our next fiscal year maintenance payments, which equals approximately \$30,000 in additional maintenance funding per year.

A motion was made by Council Member Byrd, seconded by Council Member Hirschmann, to approve the request as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

- 7.d.** Consider authorizing City Manager to enter into a Comprehensive Agreement for the Northend Greenway Shared Use Path with Blacks Run Stream Restoration Project

Tom Hartman, assistant director of Public Works, presented a request to consider the Comprehensive Agreement for the Northend Greenway Shared Use Path and Blacks Run Stream Restoration Project from Momentum Earthworks, LLC. He reviewed the project timeline which began in 2011, project descriptions, and project renderings. He reviewed the documents included in the Comprehensive Agreement documents, which include a Nutrient Credit Purchase, which includes \$20,550 per pound of total phosphorous, Sales Agreement, general conditions of the Design Build Contract and noted there is a guaranteed maximum price (GMP) for the construction of the shared use path at \$911,510 which is within the city's budgeted funds received from local funds and state revenue sharing dollars.

Council Member Byrd stated the nutrient credit purchase reflects approximately \$2.7M total for 131 pounds of phosphorous, and currently a temporary credit can be purchased for \$8.00 per pound. Mr. Hartman stated temporary credits are only good for one year and the need for our credits are escalating and based on projections from the Harrisonburg Rockingham Regional Sewer Authority (HRRSA), the available quantity of temporary credits is declining. He stated we have an agreement with HRRSA for temporary credits, which is part of the portfolio for our stormwater utility program, this project brings a myriad of other benefits to the city; it allows us to construct a shared use path, it provides a nice park-like setting, as well as improving the waters throughout the city and stabilizing the stream. Council Member Byrd stated for 2,562 years we could buy temporary credits at \$8 per pound. Mr. Hartman stated only if temporary credits are available for that length of time.

Mr. Hartman stated the construction is expected to be completed by Spring of 2019 if this agreement is approved.

Council Member Byrd asked the city attorney if the city is required to buy the credits under the presented Comprehensive Agreement. Mr. Brown stated it is as stated in the agreement.

Further discussion took place amongst council members, city manager and Mr. Hartman regarding both permanent and temporary credits and the possibility of the program requirements will change in the future.

Mr. Hartman stated staff feels the cost are in line with what a stream restoration and these types of credits would cost the city to enter into, understanding there is an opportunity for the city to purchase temporary credits, work on an RFP for permanent credit purchase and this is one of the projects they are currently developing along with the Mountainview Drive Stream Restoration Project and the Thomas Harrison Middle School BMP Retrofit Project. He stated he hopes there are changes in the rules and regulations as far as extending out the time frame to get the pollutant removals achieved as we are currently at the 35% bulk of the permit and once we get to 2023 we will be tackling 60% of the diet, which gets more challenging, and we will have to get more aggressive, but we do have our insurance policy in place with the temporary credits with HRRSA, so we won't have a wave of fee increases. Vice Mayor stated this is how we get the path and a stream restoration project.

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

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

No: 1 - Council Member Byrd

- 7.e.** Consider a resolution for submittal of a grant application to the Department of Conservation and Recreation

Luciana Santangelo, director of Parks and Recreation, presented a request for council to execute a resolution for support in submitting a grant application to the Department of Conservation and Recreation for a Recreational Trails Grant for the construction of the Cale trail, and as part of the resolution it also is an agreement to provide a 20% match that would not exceed \$93,000 dollars. She stated the Cale trail is located in Westover Park, and will connect to Thomas Harrison Middle School and to the Garbers Church Shared Use Path.

A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to approve the resolution and grant application as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

- 7.f.** Consider approval of a resolution for ratification of the Agreement to purchase approximately 60 acres from James Madison University for \$5,000,000 for a site for the new high school and directs the City Manager to execute a deed accepting the conveyance of the Property from the Visitors of James Madison University in accordance with the Agreement, together with any necessary closing documents, and to take all other actions necessary to consummate the purchase of the Property.

Chris Brown, city attorney, stated in January 2018 council voted to fund the new high school and authorize the city manager and city attorney to negotiate and execute a contract to purchase real estate necessary for the new school. He stated the Purchase Agreement is for 60 acres owned by James Madison University at the purchase price of \$5M, with expected closing costs just under \$10,000 and another potentially \$15,000 worth of studies. He stated based on the great amount of data received from JMU from their previous studies, the number may be significantly lower. He stated closing will be on August 22, 2018, if approved. He stated the purchase agreement also includes a study period to make sure it is suitable for use as a school. He stated a request for council to sign a resolution authorizing the city manager to sign all closing documents is included with this agenda item.

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

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

No: 0

- 7.g.** Consider a resolution for the reimbursement of expenditures made by the city from future debt proceeds associated with the purchase of land for a new school

Chris Brown, city attorney, stated the \$5,025,000 will be out of general funds at the appropriate time when the construction is getting near the city will borrow the money

for the construction, and presented a resolution which permits the city to reimburse itself for the cost of the land purchase from the proceeds of the bond.

A motion was made by Council Member Byrd, seconded by Council Member Hirschmann, to approve the resolution as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

8. Supplementals

9. Other Matters

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

James "Bucky" Berry, 30 West Washington Street, complimented Chief Sellers for the work he has done, he has heard nothing but good things about him. He stated he feels it will take the new chief of police three years to turn things around. He stated the pay scale for police officers in Charlottesville start at \$46,000 compared to the city at \$30,000+ and noted many of our police officers work two or three jobs. He stated the radio system is not working properly, and is concerned about safety. He hopes the new chief will have an open-door policy, request more pay for the officers and hire more officers.

Pamayotis "Poti" Giannakaouros, stated he is still working on jail data, and presented incarceration data in draft form, that is disaggregated as it has never been seen before. He reviewed previous data provided regard the Middle River Regional Jail (MRRJ). He reviewed data on the local jail reflecting a high incarceration rate in 2015 and a steady decline in what mirrors an increase incarceration at MRRJ. However, after that time-period, another sharp drop in the local jail incarcerations was observed and over the last five years a 25% decrease in incarceration rates have been detected. He stated surrounding localities did not see this decrease. He provided actual numbers of

individuals, broken down by inmates from Rockingham County versus the city. He stated there has been a decrease in crime rate in the city and are at a ten-year low, which means we are doing something right. City attorney Brown asked if the difference between the figures of Rockingham County and the city is based on the residence of the individual rather than where the crime is committed. Mr. Giannakaouros stated the reports suggests it is based on where the arrest took place. He reminded council and staff these figures are still in draft form and he will continue to work on this project.

9.b. City Council and Staff

Council Member Jones stated the Criminal Justice Board meeting will be held on September 24th, 2018 at Memorial Hall, in the evening, time to be announced, and the drop in crime in the city will be discussed.

Vice Mayor Baugh stated there will be three Special Use Permit requests, two rezoning requests, a public utility application and continued discussion on short term rentals at the Planning Commission meeting to be held on July 11, 2018 at 6:00 pm, and it is a good chance the first council meeting in August will have a fair amount of these items to review.

Council Member Byrd asked what the status was of the sign ordinance. Vice Mayor Baugh stated that item is on the list of things to do, but other items are taking precedence. City attorney Brown stated Community Development has been working very hard on that ordinance and hopes to have something to the Planning Commission within the next 30-60 days.

Mayor Reed stated she and other council members and staff went on a tour last week of the Shenandoah Valley Juvenile Detention Center (SVJDC) and found it very informative. She stated it is still under investigation but they were very open to questions and we are still involved with what is going on there. She stated council and staff are still actively looking for a Police Chief and is sure the city manager will make a good choice. She stated July 11, 2018 is the Harrisonburg Fire Departments Annual Pizza Night and Smoke Alarm Test, this is a great event and anyone wishing to participate can call CiCi's Pizza between the hours of 4:00 pm and 8:00 pm; reminder that bulk and yard debris along with recyclables can be brought to the Recycling Convenience Center located on Beery Road; city staff will host a presentation on July 25, 2018 from 5:30 to 7:30 at the Community Activities Center to discuss a project regarding the city's Urban Tree Canopy and it's roll in stormwater management; July is National Park and Recreation Month and events will be held throughout the month to celebrate, be sure to check out the website for more details.

10. Closed Session

- 10.a. Virginia Code Section 2.2-3711(A), Subsection 5 Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the community.

At 8:42 p.m. a motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: Subsection 5 for discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the community. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

11. Adjournment

At 8:47 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 8:48 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR