



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, April 9, 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. Invocation

Council Member Hirschmann offered the invocation.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

4. Special Recognition

4.a. Resolution commending the Central Shenandoah Planning District Commission on its 50th Anniversary

Mayor congratulated the University of Virginia for winning the Men's College Basketball National Championship.

Mayor Reed presented a resolution commending the Central Shenandoah Planning District Commission on its 50th Anniversary.

A motion was made by Council Member Baugh, seconded by Council Member Hirschman, to approve the resolution as presented. The motion carried with a unanimous voice vote.

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 consent agenda 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

5.a. Minutes from the March 26th, 2019 City Council meeting

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:

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

No: 0

6. Public Hearings

7. Regular Items

7.a. Proclamation recognizing April 2019 as Census Awareness Month and presentation of the upcoming 2020 Census

Mayor Reed presented a proclamation recognizing April 2019 as Census Awareness Month.

Kathy O'Connell, Partnership Specialist U.S. Census Bureau, Central Virginia, thanked council for the proclamation and for making time on the agenda to share information on the 2020 Census. She stated the bureau is gearing up for the 2020 Census, they have been all around the Commonwealth encouraging collaboration and helping communities organize for the 2020 Census. She reviewed what the Census mission is, how often it is done, and how it is used as a guide of more than \$675 billion in the distribution of federal dollars annually. She reviewed how the data obtained is used and the federal programs that use the data for federal funding. She stated the success of the Census depends on everyone's participation and reviewed the different ways the census can be collected (i.e. Website, telephone, or hard copy questionnaire). She stated confidentiality is their top priority and the Census responses are safe, secure and protected. She noted the data obtained can only be used for statistical purposes and cannot be shared with anyone or any other government agency. She stated Census Day is April 1, 2020, and their strategy is to count everyone once, only once, and in the right place. She stated college students living in Harrisonburg will report as living in the city rather than their hometown. She reviewed the Census operational overview, the challenges to a complete count, and plans to optimize self-response. She provided the Census Timeline and noted that all notices of the upcoming Census will be sent via the US Mail Service. She reviewed how they identify low response areas and the hard to count groups. She presented a map that showed the low response areas within the city. One area was primarily a student populated area and the other was primarily below poverty level population and high percentage of foreign born individuals. She noted the latter was most likely due to language barriers. She stated the last census was done in 2010 and reflected a population of 48,914 in the city. She reviewed how the cost of an undercount on the

census could affect the city's federal funding. She reviewed how their partnership program increases awareness and motivates participation in the Census through education, encouragement and engagement. She stated one of their strategies is Complete Count Committees throughout the Commonwealth which incorporates individuals from those hard to count groups, local elected officials, community leaders, university staff and public-school system to think of strategies on how to motivate people to respond to the Census. She stated they are asking council to participate in such a committee for the area.

She stated they are also recruiting locally to fill temporary positions throughout the Census process, the pay would be \$15 per hour with flexible hours and paid training. She reviewed the action steps to ensure everyone is counted which would include forming the Complete Count Committee, plan 2020 Census Awareness events, share 2020 Census messages on social media and newsletters and encourage people to apply for Census jobs.

Mayor Reed thanked Ms. O'Connell for the presentation.

Council Member Hirschmann stated one of the last things he did before becoming a resident of the city was in 2010 in Los Angeles as a Census taker, knocking on doors.

A motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to approve the proclamation 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

7.b. Consider adopting the Neighborhood Traffic Calming Program for the Sunset Heights Neighborhood

Erin Yancey, planning manager with Public Works, presented a Traffic Calming Plan for the Sunset Heights neighborhood. She reviewed the neighborhood area located in the southwest quadrant of the city, bounded by West Market Street, South Avenue, South Dogwood Drive and South High Street. She stated the neighborhood is comprised of mainly single-family homes with some apartments, duplexes and townhomes, the presence of JMU's Memorial Hall has some impact on Grace Street but the location of the Community Activities Center in Westover Park has the most impact on traffic. She reviewed the timeframe of steps taken beginning March 2015 to date.

She reviewed the phases of the Traffic Calming Plan: Phase 1 would include a turn lane reconfiguration at the intersection of West Market Street and South High Street, installation of a digital speed radar sign on Maryland Avenue, a leading pedestrian phase at the intersection of South High Street and Maryland Avenue, and stop bars at all stop signs within the neighborhood; Phase 2 includes modification of the typical

section for South Dogwood with adjustments for parking and a bicycle lane. She noted initially Phase 2 included a speed table on Maryland Avenue, however, the speed table is no longer being considered due to concerns from the Harrisonburg Fire Department about response time and wear and tear on vehicles. Phase 3 would include two mini round-a-bouts at the intersections of Dogwood Drive and Maryland Avenue and at Chestnut Drive, Willow Street and Grace Street. She reviewed the next steps and noted implementation would begin in Spring 2019. She stated there was quite a bit of public input on this plan.

Council Member Jones asked how many digital speed radar signs are being installed. Ms. Yancey stated one will be located on Maryland Avenue. Council Member Jones asked if they did not see a need for one on Dogwood Drive. Ms. Yancey stated they are proposing enough changes on Dogwood Drive to start out with but will continue to study for possible additional strategies if needed.

Vice Mayor Romero asked what the data collection process looks like for each phase. Ms. Yancey stated after each phase speeds and traffic volume data will be collected and if the problems are substantially reduced then no further phases would be needed.

Council Member Jones asked if the Fire Chief is ok with the round-a-bouts. Chief Bennett stated the round-a-bouts are fine on their equipment and response time.

Council Member Jones thanked Mr. Tim Lapira and his family for the initial request and leadership that was provided as well as all the other individuals that helped.

A motion was made by Council Member Jones, seconded by Council Member Hirschmann, to accept the Neighborhood Traffic Calming 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

7.c. Solid Waste and Recycling Update Report

Tom Hartman, director of Public Works, stated the Solid Waste and Recycling Program has been ever changing since 2018 and provided a history of our processing of such materials starting in 2014. He stated due to the change in what was being accepted by China, our recycling program had to change in 2018, and the Recycling Convenience Center was created. He stated since then over 500 tons of recyclables have been collected at the center and the center had to be expanded. He stated a mobile recycling unit has also been created that has been deployed to the Farmers Market on Tuesdays and Saturdays with good results and participation from residents. He stated the challenges in moving forward stem from China which has affected the global recycling market. He stated they no longer are accepting certain items causing recycle vendors to spend more money, time, and energy to meet

China's requirements, which is causing many to go out of business or not take certain materials. He stated staff reached out to Rockingham County and James Madison University to increase the volume of recyclable material so that a vendor may find it financially feasible to process. He stated staff has contacted several possible vendors to no avail, but staff is still searching. He stated in the beginning of May 2019 plans are in place to start rolling out the mobile recycling units to different parts of the city on a rotating schedule to better serve the neighborhoods. He stated public works and parks and recreation staff worked on locating sites within publicly owned land to place these units and the schedule. He stated the new locations will be at the Lucy Simms Center, Westover Park, Park View Shops, and Purcell Park, with continued location at the Farmers Market and a possible additional location at the Dream Come True Park. He stated we want to offer as much to our residents as we can and meet their needs.

Mayor Reed asked that once this program is up and running in May what is the city's way of communicating to the communities of this program. Mr. Hartman stated through our new director of Communications outreach will be done, press releases, media releases, update social media etc.

Council Member Jones asked how the sites will be kept clean. Mr. Hartman stated there is very little debris and the crews will have all the clean-up tools needed should there be anything to clean.

Council Member Jones asked if there will be any set up of the mobile unit on the east end of town, such as Blue Stone Hills, the Mall, etc. Mr. Hartman stated the Dream Come True Park may be the best location for that area.

Further discussion took place regarding placement of the mobile unit to ensure minimal traffic and parking impact.

Vice Mayor Romero if it would be possible to take the mobile unit to large events such as the International Festival. Mr. Hartman stated it was set up at the International Festival last year, but there wasn't a lot of participation and feels that for smaller events it may be more of a cost and burden factor. He stated staff has been working with Harrisonburg Downtown Renaissance to possibly coordinate with the larger events, but it must be worthwhile. Vice Mayor Romero asked if Mr. Hartman had an idea of how much this program will reduce in solid waste that is transferred to the landfill. Mr. Hartman stated over 500 tons collected at the convenience center compared to 10,000 tons transferred to the landfill over the past year. He stated if we could collect 1,000 tons of recyclables it would be amazing.

Further discussion took place regarding the percentage of participation in recycling throughout the different programs over the years.

Eric Campbell, city manager, thanked the Public Works staff as this has been a moving target but we are committed to maintain a recycling program and are trying to be a step ahead of any changes to maintain it.

This Report was received and filed.

7.d. Consider approving a contract change order for the Annual Sidewalk, Curb & Gutter Replacement Services

Chris Brown, city attorney, presented a request for a contract change order on a contract with Partners Excavating, dated August 14, 2017, for the city's annual sidewalk and curb and gutter replacement services. He stated after the contract was signed Public Works received approval for a project on East Market Street between Mason Street and Main Street, which increased the cost of the contract with Partners Excavating by \$73,000. He stated this change order requires council's approval as it exceeds the \$50,000 threshold.

Council Member Jones stated he spoke with many of the building owners and residents in the area and they are particularly excited about the changes. He thanked Mr. Collins, director of Public Utilities, Ande Banks, deputy city manager, and Tom Hartman, director of Public Works for answering all of emails and questions.

Mr. Hartman stated on April 15, 2019 a preconstruction meeting will take place in City Hall to share with the public and downtown business owners what the projects are for the streetscape and the East Market Street project.

A motion was made by Council Member Baugh, seconded by Council Member Jones, to approve the request 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

7.e. Garbers Church Road - Shared Use Path Project Update

Tom Hartman, director of Public Works, stated this is a project that has been in the works for a while. He provided the project time line beginning in 2016 and noted construction is planned to begin in 2020. He reviewed the Garbers Church Road Shared Use Path's alignment segments from the High School, Bluestone Elementary, through private property (pending easements), the golf course, Hillandale Park, Wyndham Woods Circle to Thomas Harrison Middle School. He stated the path will connect to the Cale Trail, which has already been approved but not yet constructed to Westover Park and the Community Center. He stated the Cale Trail construction will be built at the same time as the shared use path.

He stated the revenue sharing funds from VDOT require that the project must be built linear, it must have continuity, and independent utility. He stated staff feels confident segment one will be built as the easements required from property owners should not be a problem. He stated if for some reason easements cannot be obtained for segment two, the project must stop and segment 3 could not be built. He stated staff is working very hard on obtaining all easements needed.

Council Member Jones stated the neighbors are appreciative of Public Works trying to work around use of private land as much as possible. He stated he heard from the Bicycle Coalition who is also very excited about this project.

Vice Mayor Romero asked for more information on the Revenue Sharing Grant with VDOT. Mr. Hartman stated it is a state funded grant in which the city competes for every two years, and with that grant there is a 50% contribution from the city and 50% from VDOT. Vice Mayor Romero asked if there was a breakdown of costs for each segment. Mr. Hartman stated the goal is to build all at one time, so the estimates for construction are around \$6M for the entire project, which is \$3M from the city and \$3M from VDOT. Council Member Baugh stated the lion share of this funding is contained in the budget for FY 2019-20. Mr. Hartman stated the project build should start and end in 2020.

This Report was received and filed.

7.f. Consider the selection of the city's external auditor

Larry Propst, finance director, stated pursuant to the City Charter Council appoints the city's external auditor. He stated the most recent contract expired for our FY2018 audit. He stated in February an RFP was issued and three proposals were received. He stated a three-member review team, consisting of himself, the city's accounting manager, and the schools finance director, reviewed the proposals and recommend retaining Brown Edwards and Company and to enter into a three-year contract with two one-year renewals.

A motion was made by Council Member Baugh, seconded by Vice Mayor Romero, to the recommendation 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

Recess

At 8:26 p.m., Mayor Reed called the meeting into recess.

At 8:32 p.m., Mayor Reed called the meeting back into session.

7.g. Presentation of the proposed FY 2019-2020 Budget

Eric Campbell, city manager, presented the proposed city budget for FY 2019-2020. He stated the recommended spending plan offers investments in the city's top priorities and maintains service levels to the residents of the city of Harrisonburg. He stated it provides for general government administration, community development and planning, community safety, public education, public transportation services, infrastructure investment and fulfills the financial agreements that the city has with its community partners. He stated a key challenge in any financial planning is to prioritize numerous needs with finite resources without compromising city delivery of services. He stated we faced that challenge as we developed this year's budget. He reviewed the budget highlights and noted the reflected 3% increase in real estate tax revenue quickly disappeared due to prior commitments made in the budget. He reviewed the population estimates and current tax rate comparables for the city and other localities, future population projections for the city, the tax and utility fees recommendations and noted this is the third and final year of the schedule water increases. He reviewed a snapshot of the city funds and the FY19-20 operating budget totals \$274M which is a 5.6% increase from the adopted budget of FY18-19. He stated the largest funds are the General Fund and the School Funds. He reviewed the General Fund revenues and expenditures and the year over year General Fund revenues and expenditures for comparisons. He stated the proposed FY19-20 budget fully funds the request of the Harrisonburg City Public Schools which equals \$1.385M which is a 4% increase over the prior year and noted the school administration has agreed to return to the city any funding that it receives from the state above its city allocation. He stated the proposed budget also includes an additional \$425,000 of debt service payments as a result of the purchase of the land for the new high school and reviewed the history of school appropriations.

Mr. Campbell stated during the Council Retreat a key issue discussed was taking a closer look at the section of the budget related to community contributions. He stated what is proposed in this year's budget are three options for council to review and provide guidance to the city manager for current and future contribution processes.

He reviewed the cost drivers beyond the FY 19-20 which include items such as the new high school, completion of the Eastern Water Line, Fire Station 5 and renovations to the Municipal Building, to name a few.

Mr. Campbell reviewed the FY19-20 primary items of impact which include 3% salary increase, increase in debt service for the new high school and six new positions.

He reviewed the proposed schedule for budget consideration and notified council there is room for work sessions if needed. He stated if there is a change to the proposed tax rate there is a 30-day advertised public notice requirement and the Charter requires the budget be passed by May 31, 2019.

Mayor Reed asked if work sessions must be done prior to May 31, 2019. Mr. Campbell stated that is correct and time is built in for work sessions if needed.

Further discussion took place regarding the schedule and deadlines.

Mr. Campbell thanked the Finance Committee, the Executive Leadership Team, the staff at Finance, as it has been a challenging budget and a lot of things had to be balanced, but he feels the budget presented maintains the services to the citizens of Harrisonburg and in some cases enhances what we have.

Council Member Baugh stated the presentation was very good and asked that the PowerPoint presentation be forwarded to council for further review.

Mr. Campbell stated all the information will be available on the city's website at the conclusion of the meeting.

The City Manager will present the draft FY 19-20 budget and upon concurrence of Council, a public hearing will occur at the April 23rd , 2019 meeting.

8. Supplementals

- 8.a. 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

Larry Propst, director of Finance, presented a supplemental appropriation request in regard to the Hotel Madison and Shenandoah Valley Conference Center agreement. He stated the agreement stipulates that all tax revenue generated from the hotel and conference center be transferred back to the James Madison University Foundation on a fiscal year basis to help pay off their loan. He stated we have until December 31, 2019 to transfer those funds, but staff feels the funds should be transferred more often and will pay off the agreement sooner. He stated the appropriation is in the amount of \$55,000.

Council Member Baugh stated this was discussed in the Finance Committee meeting and appreciates the city manager's frustration to see the money coming in but having to transfer it back out. He stated we must keep in mind that this is funding that if the facility didn't exist the revenue wouldn't exist.

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

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)

Eric Olson-Getty, staff member at Our Community Place, stated the organization works with the homeless and low-income population of the city and he is concerned

about the proposed ordinance, 16-6-61 regarding the restriction of pedestrian within public rights-of-way. He stated while the language of the ordinance doesn't specifically refer to panhandling or the presence of panhandlers, it seems to those of us who are familiar with the needs of the homeless community who rely on asking for help, that the intersections are significant spots where people want to go and panhandle. He stated he hasn't seen any evidence or truth yet that the presence of pedestrians in those intersections constitutes a traffic safety threat. He stated this leads him to believe the ordinance really is about panhandling and not about traffic safety, which raises much concern. He stated he has received a lot of feedback regarding the ordinance, and if the issue really is traffic safety then stopping those using their cell phones while driving should be the first thing to take care of. He stated the deeper issue is that as a society we have a decision on how to respond to people who need help: we can lead with compassion, understanding, and address why we have homelessness; or we could lead with contempt and put fear in those needing help. He stated he hopes the city of Harrisonburg can be able to see people and not make them invisible. He stated most are panhandling to be able to get a hotel room, something to eat or to keep their cell phones on for job interviews or contact with family, and these are real needs that will not go away by us ignoring it.

Nicole Raab, Rachel Hosig, Megan Herman, Kaylin Serrell, JMU students, stated the fear of being racially profiled is real in the city. Nicole said it was apparent that many of her friends in the Harrisonburg High school were afraid to ask for medical assistance due to stigmas that exist throughout the country. When Rachel moved to the city she fell in love with the diversity of the city, with the presence of many cultural groups and festivals, and stated that according to the New Bridges Immigrant Resources Center as of 2017, 16.7% of residents were born outside of the United States and 35% of children are English language learners. Megan stated an Asylum or Sanctuary City provides undocumented immigrants with protection from being targeted by law enforcement officials for minor offenses to bring about larger sentences or deportation. It also promotes better health in these cities as undocumented immigrants feel secure in seeking out public health services. It is important to promote the well-being of our fellow Harrisonburg residents who have made up a rich part of Harrisonburg's culture since the 1950's. Kaylin stated they feel it is important to protect our fellow neighbors as well as giving peace of mind that they can live normally and use public services without the fear of unjust detainment or deportation. A petition was generated to make Harrisonburg an Asylum City that has received 200 signatures from JMU students, and they feel our neighbors deserve the right to feel respected and safe as a community member of the city. Nicole thanked council for their support in making Harrisonburg the wonderful, friendly, and diverse community that she is proud to be from and we are all proud to currently live in.

Michael Snelfeilkema, 1174 Westmoreland Drive, stated he has done considerable research and there has been a tremendous increase in the amount of homeless and poverty across the nation. He stated it is natural to look at other cities to see what they are doing but one must be careful as some cities aren't doing the right thing. He

stated some have tried to make the problem disappear by anti-panhandling laws, but that doesn't solve the problems. He stated these laws don't hold up in court and he interprets the ordinance the city is proposing as an attempt to create an anti-panhandling ordinance that will pass in court. He stated this can cause a financial risk for the city and a moral risk involved in violating the spirit of the First Amendment. He stated the panhandlers are telling us something about a society that is the wealthiest country in the world, but it is having an increasing number of people who cannot afford a place to live and are barely squeaking by in surviving. He stated in Harrisonburg we have that issue, we have people that are Asset Limited Income Constrained, Employed (ALICE) and those that are in poverty, which equals 67% of the population of Harrisonburg, and they are primarily invisible to many people, but the destitution that is expressed by the panhandlers in the intersections is visible, and we must investigate the causes. He urges council to take the high road and investigate the real causes of the problem and address it.

Bruce Lundeen, 279 Newman Avenue, stated in January 2019 he addressed the issues with the homeless, and provided information on a meeting followed the Mayor's forum on homelessness in August 2018. He stated the ten-year plan, dispelling myths, outreach and next steps were good and part of a plan, but the need is for some action. He stated as of April 7, 2019 Open Doors stopped their services, and all those individuals that used those services are now on the streets full time. He stated it is disturbing that there is an ordinance that will continue to criminalize poverty and those people asking for help using their First Amendment right. He challenged council to find something to alleviate the problems of no public restrooms available for everyone, including the homeless and asked council if they have an answer.

Jim Orndoff, 22 East Market Street, commended the mayor on her forum on mental health, conversations need to continue, and intersect with the issues of the homeless. He stated he agrees with Mr. Lundeen regarding the need for public restrooms and shared an instance he witnessed with public urination. He challenged council to find ways to solve the problem.

9.b.. City Council and Staff

Mayor Reed stated the council's photograph was taken and she was excited about taking the photo because when you compare past council photos and the current council, we have the most diverse council the city has ever had. She stated she knows the hearts of council and her colleagues and they know there is a crisis and she has made homelessness her platform. She stated it frustrates her when council is being accused of criminalizing homelessness as that is not where council's heart is, we have made it known that we want to hear from the citizens and that is why there is a public hearing in two weeks about the proposed ordinance. She asked everyone to please don't think that council is not concerned because we are, there is just a lot more to the issue, and they are working behind the scenes to get things done. She

asked everyone to be sensitive to that and understand that council knows, cares and hears the concerns. She stated the crisis of affordable housing, mental health, the homelessness and panhandling were discussed at the Council Retreat in February 2019, for three days, and we are working on it still.

Council Member Jones thanked the Mayor for making those comments and Council Member Baugh concurred.

Council Member Hirschmann stated it is a very complex situation and involves a lot of different people, there isn't an easy answer but we are working on it.

City Manager Campbell stated the new Director of Communications, Michael Parks, will be starting with the city on April 15, 2019 and we are looking forward to having him join the team.

City Manager Brown stated the small parking lot between Clementine's and Jimmy Madison's is owned by the library. He stated the city had paved it and still maintains it and the original agreement with the library and the city stated the city would demolish a building and parking meters would be installed and further states when the meters generated enough to pay the city back for removing the original building the library would take over the lot. He stated the meters have been gone for many years and a representative of the library reached out to him and stated they don't want the liability of the parking lot anymore and would like to convey the property back to the city. He stated there will be no apparent differences and the city code authorizes the city manager to accept the conveyance but wanted to check with council to see if there were any strong objections.

10. Boards and Commissions

10.a. Central Shenandoah Planning District Commission

A motion was made by Council Member Baugh, seconded by Council Member Jones, to re-appoint Vice Mayor Romero, Council Member Hirschmann and Adam Fletcher to the CSPDC. The motion carried with a unanimous voice vote.

11. Closed Session

Virginia Code Section 2.2-3711(A), under: subsection 3 for a discussion of the disposition of two parcels of publicly held real estate for discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body and 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 franchise agreement

A motion was made by Council Member 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 a discussion of the disposition of two parcels of publicly held real estate for discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body and 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 franchise agreement. 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

12. Adjournment

At 9:46 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 9:46 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR