

REGULAR MEETING

February 26, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Police Chief Harper.

Mayor Eagle gave the invocation and led everyone in the Pledge of Allegiance.

Mayor Eagle read a proclamation recognizing March as “Youth Art Month” and announced that Harrisonburg student art exhibits are displayed in the City Municipal Building and Rockingham Memorial Hospital.

The next item of business was a request from the Harrisonburg City School Board. School Superintendent Dr. Donald Ford asked Council to provide funding in the amount of \$2.5 million for the construction of a new central office building for the city school system. Dr. Ford reviewed documentation related to the request.

Following further discussion and comments, Vice-Mayor Pace offered a motion to authorize the School Board to begin with an architectural drawing for a new central office complex. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes, the second reading of an appropriation for the School Board and a rezoning request from Harman Realty, Inc. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

The next item of business was holding a public hearing to consider an annual grant application for the Public Transportation Operating & Capital Funds for FY 08-09. Transportation Director Smith explained that this is an annual application for operating funds through state formula assistance and capital assistance funds. Mr. Smith said that the proposed budget is approximately \$2.5 million of which the City should receive \$780,000 in Federal operating assistance and approximately \$550,000 in formula funds from the state. Some of the funds will be used to purchase bike racks, replacement buses, bus shelters, and to begin an engineering design on a new maintenance administrative facility.

At 7:34 p.m., Mayor Eagle closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Saturday, February 9, and Saturday, February 16, 2008.

NOTICE OF PUBLIC HEARING

The City of Harrisonburg is currently preparing the annual grant application for Operating and Capital Funds for FY 09. This application is for Federal and State funds under the Federal Transit Administration 49USC Section 5307.

A public hearing for this application will be held on Tuesday, February 26, 2008, at the City Council meeting. This meeting will be held in Council Chambers next to Community Development (409 S. Main Street) at 7:30 p.m. All interested citizens are encouraged to attend.

Comments and suggestions for the Transit System are encouraged and welcomed. Please contact Reggie Smith or Vickie Conley before February 22, 2008 at 540-432-0492, or mail comments to Harrisonburg Public Transit, 475 East Washington Street, Harrisonburg, VA 22802.

Mayor Eagle called on anyone desiring to speak for or against this grant application. There being no one desiring to be heard, the public hearing was declared closed at 7:35 p.m., and the regular session reconvened. Following further discussion and comments, Vice-Mayor Pace offered a motion to approve the application as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

The next item of business was holding a public hearing to consider closing an alley to vehicular traffic. City Manager Hodgen said the City has been asked to close a downtown alley to vehicular traffic, but leave it open as a pedestrian walkway. The alley is between South Main

Street and Federal Street and is located to the south of the Jess' Quick Lunch parking lot. Closure of the alley to vehicular traffic will also help facilitate the development of a new downtown business. As a pedestrian walkway, it will be incorporated into the downtown Streetscape program.

At 7:36 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Saturday, February 16, and Saturday, February 23, 2008.

**NOTICE OF INTENTION TO
CLOSE TO VEHICULAR TRAFFIC**

**A TEN (10) FOOT WIDE ALLEY LOCATED
BETWEEN SOUTH MAIN STREET AND FEDERAL STREET
IN THE CITY OF HARRISONBURG**

City Council Chambers

409 South Main Street

Harrisonburg, VA 22802

Tuesday, February 26, 2008 7:00 PM

The Harrisonburg City Council will hold a public hearing on Tuesday, February 26, 2008, 7:00 p.m., at City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider a request by the City staff to close to vehicular traffic a ten (10) foot wide alley located between South Main Street and Federal Street and adjacent to the Jess's Quick Lunch Parking lot on the south in the City of Harrisonburg, Virginia.

A copy of the plat showing the alley to be closed to vehicular traffic is available in the City Community Development office, 409 South Main Street, Monday through Friday.

All persons interested will have an opportunity to express their views at this public hearing.

CITY OF HARRISONBURG

Kurt D. Hodgen,

City Manager

Mayor Eagle called on anyone desiring to speak for or against this request.

Tammy Brown said that as owner of a new restaurant called Pennybackers, she and her husband Ted were excited about being part of downtown revitalization.

John Sallah said he supported closing the alley to vehicular traffic.

Gus Flores did not oppose closing the alley to vehicular traffic. There being no others desiring to be heard, the public hearing was declared closed at 7:39 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to close the alley to vehicular traffic. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Kristen McCombe, Grants Compliance Officer, presented an overview of Amendments to the FY 2005, FY 2006, and FY 2007 Action Plans. There is a total of \$117,658.08 to be redistributed from the 2005, 2006, and 2007 CDBG grant cycles. Mrs. McCombe recommended that \$99,655.60 from a Harrison Heights Project be applied toward a new Downtown Streetscape Revitalization project, \$13,700.80 from the Bright Smiles Program be applied toward the Harrisonburg-Rockingham Dental Clinic Program, and \$4,301.68 be rolled over into the 2009 CDBG entitlement program. Additionally, \$18,000 from the Bike Paths project would be applied toward lighted street signs at Cantrell Avenue and South Main Street, and South Main Street and Port Republic Road, and \$15,872.01 from a facade improvement project would be applied toward a Wayfinding Sign System Project. Following further discussion and comments, Council Member Chenault offered a motion to adopt the CDBG Amendments as presented. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Kristen McCombe, Grants Compliance Officer, presented a request to transfer CDBG funds. Mrs. McCombe said that originally \$139,223 was allocated for Public Works sidewalk improvements. This originally included four projects. Of the original four projects, only one will require use of this funding (approximately \$45,000 to \$50,000). Two have been postponed and the need for one of them will be met by the Streetscape project. Staff requests that Council put the remaining funding towards replacing/improving the traffic light at the intersection of East Market Street and Mason Street and to make some sidewalk improvements in the area. The exact amount of funding to be transferred shall not be known until completion of the sidewalk project (East Water Street from South Main Street to Mason Street), but will likely be between \$89,000 and \$95,000. Staff requests that Council hold a Public Hearing on this item. This Public Hearing will mark the opening of the 30-day Public Comment period. After the required 30-day public comment period, staff will request final approval at the April 8, 2008 Council meeting.

At 7:51 p.m., Mayor Eagle closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Wednesday, February 13, 2008.

**PUBLIC HEARING NOTICE
CITY OF HARRISONBURG
AMENDMENT TO 2008 ACTION PLAN
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

PUBLIC HEARING - The City of Harrisonburg will hold a public hearing on Tuesday, February 26, 2008 at 7:00 p.m. in the City Council Chambers, 409 South Main Street, in order to receive citizen input regarding an Amendments to the 2008 Action Plan for the Community Development Block Grant (CDBG) Program. This Action Plan serves as the City's guide for addressing overall community development and housing needs that will utilize the City's annual entitlement of CDBG funding available from HUD to meet those needs. The Amendment to be considered at this Public Hearing is as follows:

- **Funding that remains from the Public Works Sidewalks Project will be put towards replacing/improving the traffic lights at the intersection of E. Market St. & Mason Street due to an emergency situation. The exact amount of funding to be transferred shall not be known until completion of the sidewalk project, but will likely be between \$89,000 and \$95,000.**

Following the Public Hearing, there will be a 30 day Public Comment Period. All citizens and organizations are invited to attend the public hearing to comment orally or in writing on funding needs and priorities. Questions regarding the grant program are also encouraged. The City of Harrisonburg will make reasonable accommodations and services necessary for sensory-impaired and disabled citizens at the public meeting. Additionally, translation services may be offered upon request and availability. Persons requiring such accommodations/services shall contact the City at least three working days in advance of the meeting.

Please contact Kimberly Alexander, at kim@ci.harrisonburg.va.us or 540-432-8923 with questions. Written comments may also be mailed to Kimberly Alexander, Director of Special Projects, Office of the City Manager, 345 South Main Street, Harrisonburg, VA 22801. All comments must be received by 5:00 p.m. on March 27, 2008.

Mayor Eagle called on anyone desiring to speak for or against these CDBG amendments. There being no one desiring to be heard, the public hearing was declared closed at 7:52 p.m., and the regular session reconvened.

At 7:56 p.m., Council Member Chenault recused himself from the Council meeting and exited the room to avoid a potential conflict of interest.

City Manager Hodgen presented the following resolution for Council's consideration of approval:

**RESOLUTION APPROVING THE ISSUANCE BY THE HARRISONBURG
REDEVELOPMENT AND HOUSING AUTHORITY OF ITS TAX-EXEMPT
MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION
AND REHABILITATION OF THE APPROXIMATELY 197 UNIT
WOODMAN WEST APARTMENTS MULTIFAMILY RESIDENTIAL RENTAL
HOUSING PROJECT LOCATED IN HENRICO COUNTY, VIRGINIA**

WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the “Authority”) is authorized to advertise and hold public hearings relative to the issuance of private activity bonds; and,

WHEREAS, the Authority previously considered and approved the request of Woodman West Preservation, L.P., a Delaware limited partnership, (the “Company”), whose address is c/o Related Apartment Preservation, LLC, a Delaware limited liability company, 60 Columbus Circle, New York, New York 10023, for the issuance by the Authority of its tax-exempt multifamily housing revenue bonds in the maximum principal amount not to exceed \$11,500,000, upon the terms and conditions to be mutually agreed upon between the Authority and the Company (the “Bonds”), to finance a portion of the cost of acquiring and rehabilitating an approximately 197 unit multifamily residential rental housing apartment project known as Woodman West Apartments (the “Project”), located in Henrico County, Virginia at 1812 Blackburn Road, Glen Allen, Virginia 23060 (the “County”); and,

WHEREAS, pursuant to Section 36-23 of the Code of Virginia of 1950, as amended (the “Virginia Code”), the Authority may exercise its powers in the territorial boundaries of the County by issuing the Bonds (as hereinafter defined) for the Project provided the governing body of the County adopts a resolution (the “Section 36-23 Resolution”) declaring there is a need for the Authority to exercise its powers within the County; and,

WHEREAS, the Company has requested, and the County has begun the process necessary for, the adoption of a Section 36-23 Resolution authorizing the Authority to exercise its powers in the County with respect to the Project; and

WHEREAS, on February 20, 2008, the Authority conducted a public hearing on the issuance of the Bonds and, by adoption of a resolution (the “Inducement Resolution”), declared its official intent to issue the Bonds to finance the Project, and recommended that the City Council of the City of Harrisonburg (the “City Council”) approve the issuance of the Bonds; and,

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), provides that the applicable elected representatives of the governmental unit issuing private activity bonds and the applicable representatives of the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located, shall approve the issuance of such bonds; and,

WHEREAS, the Authority, as the issuing governmental unit with respect to the Bonds, has no applicable elected representative and the City Council is the next highest governmental unit with such a representative; and,

WHEREAS, the members of the City Council constitute the applicable elected representatives of the City of Harrisonburg (the “City”); and,

WHEREAS, Chapter 514 of the 1983 Acts of the General Assembly of Virginia requires that any government entity established by or pursuant to an Act of the General Assembly that proposes to issue bonds that are industrial development bonds within the meaning of Section 103(b) of the Internal Revenue Code of 1954, as amended, shall, with respect to such bonds, comply with the procedures set forth in Virginia Code Sections 15.2-4906 and 15.2-4907; and,

WHEREAS, Section 15.2-4906 of the Virginia Code requires that, within sixty (60) calendar days after the public hearing, the City Council either approve or disapprove the financing of any facility recommended by the Authority; and,

WHEREAS, the Authority has adopted the Inducement Resolution recommending that the City Council approve the issuance of the Bonds and a copy of such Inducement Resolution, a reasonably detailed summary of the comments, if any, expressed at the public hearing described in the foregoing Recitals and the Fiscal Impact Statement required by Virginia Code Section 15.2-4907, have been filed with the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia, that:

- 1. the City Council approves the foregoing recitals, which are incorporated in, and deemed a part of, this Resolution as if fully set forth herein.**
- 2. The City Council approves the issuance of the Bonds by the Authority in an amount not to exceed \$11,500,000 for the benefit of the Company and approves the Authority’s taking all actions necessary in the discretion of the Authority to the extent of and as required by Section 147(f) of the Code, Chapter 514 of the 1983 Acts of the Virginia General Assembly and Virginia Code Sections 15.2-4906 and 15.2-4907 to permit the Authority to assist in the financing of the Project.**
- 3. The approval of the issuance of the Bonds as required by Section 147(f) of the Code, Chapter 514 of the 1983 Acts of the Virginia General Assembly, and Virginia Code Sections 15.2-4906 and 15.2-4907, does not constitute an endorsement to the prospective owners of the Bonds of the creditworthiness of the Project or the Company and the Bonds shall provide that neither the City nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged thereto, and that neither the faith and credit nor the taxing power of the City or the Authority is pledged to the payment of the principal of the Bonds or the interest thereon or other costs incident thereto.**

4. In approving this resolution, the City, including its elected representatives, officers, employees and agents, shall not be liable, and hereby disclaims all liability for any damages to any person, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.

5. The approvals evidenced by this Resolution are contingent upon the satisfaction of all legal requirements applicable to the issuance of the Bonds, including the adoption by the Board of Supervisors of the County of the Section 36-23 Resolution and the Company obtaining any other approvals, including but not limited to obtaining any required approval of any housing authority that has currently outstanding bonds in the County as required by Section 36-23 of the Virginia Code.

6. This resolution shall take effect immediately upon its adoption.

READ AND ADOPTED: February 26, 2008

CERTIFICATE

Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon reading on a resolution titled "RESOLUTION APPROVING THE ISSUANCE BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY OF ITS TAX-EXEMPT MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION AND REHABILITATION OF THE APPROXIMATELY 197 UNIT WOODMAN WEST APARTMENTS MULTIFAMILY RESIDENTIAL RENTAL HOUSING PROJECT LOCATED IN HENRICO COUNTY, VIRGINIA," taken at a regular meeting of the City Council held on February 26, 2008:

	AYE	NAY	ABSTAIN	ABSENT
Rodney L. Eagle, Mayor	X			
George W. Pace, Vice-Mayor	X			
Carolyn W. Frank	X			
Charles R. Chenault			X	
Ted Byrd	X			

Dated: February 26, 2008

[SEAL]

Mayor, City of Harrisonburg, Virginia

ATTEST: _____
Clerk, City Council of City of
Harrisonburg, Virginia

Harrisonburg Redevelopment and Housing Authority Director Michael Wong explained that this financing would be through the Redevelopment and Housing Authority authorizing the sale of tax exempt bonds for a project in Henrico County. The HRHA Executive Board has held

a public hearing, reviewed and approved the resolution. The bonds will not be a debt or obligation of the City. Council Member Byrd offered a motion to approve this resolution. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Recused - Council Member Chenault

Absent – None

At 8:02 p.m., Council Member Chenault returned to the Council meeting.

Elizabeth Haworth, Executive Director of First Night, gave a brief overview of the First Night 2008 program and preliminary plans for First Night 2009. Although First Night 2008 attendance was down, it still was a success with a lot of people roaming the streets and watching the fireworks display. Ms. Haworth reviewed many planned activities for First Night 2009.

The next item of business was a report on a proposed Arbor Day Project. Parks and Recreation Director Lee Foerster said a proposed Arbor Day project at Purcell Park will greatly benefit the City of Harrisonburg. Hal DuBois of the Shenandoah Valley Builders Association, Chad Layman of Fine Earth Landscaping, and Troy Lucas, chairman of the Arbor Day Committee, reviewed and discussed the Shenandoah Valley Builder's Association contribution to the project. The five year project includes multi-tree planting and re-greening developed areas of the community.

The next item of business was a brief update on Blacks Run. Stream Health Coordinator Jared Stoltzfus announced that the City has received a \$29,100 grant from the Department of Conservation and Recreation. The purpose of the grant is to remove retaining walls and slope the bank back along Blacks Run. The vegetation planted on the bank will prevent erosion, slow down the water, and help filter out pollutants. In addition to the water quality benefits it will provide, it will beautify the stream, and provide shade for the parking lot and a habitat for native birds. Mr. Stoltzfus announced that the 11th annual Blacks Run Clean-Up Day will be held on April 12th.

The next item of business was a report on the Design and Construction Standards Manual. Public Works Superintendent Drew Williams said the 2007 General Assembly adopted legislation pertaining to land use and requirements for localities. Developers will now be required to submit traffic impact analyses in site plan reviews, rezoning requests, special use permits, and subdivision requests. This legislation was supposed to begin January 1, 2008 with the full regulation becoming effective July 1, 2008. Staff requests that the full ordinance be reviewed in June prior to adoption July 1, 2008.

Public Works Superintendent Drew Williams presented the following resolution for Council's consideration of approval.

**A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR
VDOT REVENUE SHARING PROGRAM FUNDS**

At a regularly scheduled meeting of the City Council of Harrisonburg, held on February 26, 2008, on a motion by Council Member Ted Byrd, seconded by Vice-Mayor George Pace, the following resolution was adopted by a vote of 5 to 0.

WHEREAS, the Council of the CITY OF HARRISONBURG desires to submit an application for an allocation of funds of up to \$1,000,000 through the Virginia Department of Transportation Fiscal Year 2008-2009, Revenue Sharing Program; and

WHEREAS, \$1,000,000 of these funds are requested to fund right of way and construction costs for Stone Spring Road/Erickson Avenue East-West Connector which includes:

UPC 88543 (western terminus: box Wal-Mart Entrance to eastern terminus: relocated Pear Street)

NOW, THEREFORE BE IT RESOLVED THAT: the Council of Harrisonburg hereby support this application for an allocation of \$1,000,000 through the Virginia Department of Transportation Revenue Sharing Program.

Adopted this 26th day of February, 2008.

**BY: _____
Rodney L. Eagle, Mayor**

**ATTEST: _____
Yvonne H. Ryan, MMC, City Clerk**

VDOT is requesting applications for the Revenue Sharing Program for FY 2009. This program is a competitive process by which localities apply for additional funds for an established transportation project. The City of Harrisonburg is again applying for the maximum amount in order to be applied toward the first construction phase of the Stone Spring Road/Erickson Avenue project. Council Member Byrd offered a motion to approve this resolution as presented. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

The next item of business was distribution of animal friendly license plates funds received from the Department of Motor Vehicles. Funds in the amount of (\$778.45) will be distributed between the Harrisonburg/Rockingham SPCA and Cats Cradle. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$778.45 chge. to: 1000-32207 Animal Friendly license plate sale proceeds

\$389.23 approp. to: 1000-350131-45657 Harrisonburg/Rockingham SPCA

389.22 approp. to: 1000-910411-45893 Cats Cradle

The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

City Manager Hodgen presented a request to establish a capital projects account for the Water Street Pedestrian Walkway Project. These funds will be used to pay invoices and track the financial activities of the project. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$300,000 chge. to: 1000-31010 Amount from fund balance

300,000 chge. to: 1310-34210 Transfer from General Fund

\$300,000 approp. to: 1000-990111-49216 Transfer to Capital Projects Fund

300,000 approp. to: 1310-910411-48715 Water Street Pedestrian Bridge

The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for the Fire Department. These funds were received from the Commonwealth Fire Program Fund and the “4 for Life” allocation fund. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$4,789.99 chge. to: 1000-32514 “4 for Life”
8,517.00 chge. to: 1000-32512 Fire Programs Fund

\$8,517.00 chge. to: 1000-320232-48203 Fire Programs Funds
4,789.00 chge. to: 1000-350532-46155 “4 for Life”

The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds will be used to purchase in-car video cameras and stop sticks. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$7,685.00 chge. to: 1000-31010 State asset seizure

\$7,685.00 approp. to: 1000-310231-48111 Machinery and equipment

The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Council Member Frank offered a motion to re-appoint Mayor Rodney Eagle to the Executive Committee of the Central Shenandoah Planning District Commission. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council.

At 8:45 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration of personnel and prospective candidates to be appointed to boards and commissions, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, and discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

At 10:15 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 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 session was convened, were heard, discussed, or considered in the closed session by the City Council.

At 10:16 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR