

The Franklin City Council held a work session on Monday, September 8, 2008 at 5:30 p.m. in Council Chambers, 207 W. Second Avenue.

Council members in attendance: James P. Councill, III, Mayor, Barry Cheatham, Benny Burgess, Rosa Lawrence and Mary Hilliard. ABSENT: Vice Mayor Raystine Johnson and Mark Fetherolf.

Staff in attendance: June Fleming, Interim City Manager, H. Taylor Williams, IV, City Attorney, Carolyn Joyner, Personnel Manager, and Erin Turner, Executive Assistant.

Discussion on Process of Hiring a New City Manager

June Fleming, Interim City Manager, addressed Council with the details relating to the position of City Manager. Resumes for the position closed on August 18, 2008 and there were a total of 42 applicants. The applications have been reviewed by both Mrs. Fleming and Carolyn Joyner, Personnel Manager. During the review, the applicants were divided into two categories, qualified and not qualified. Council held discussion with regard to public input during the selection process. Mrs. Fleming requested that Council communicate with the applicants.

Closed Session

On motion made by Mrs. Lawrence and seconded by Mr. Cheatham it was unanimously RESOLVED that Council meet in closed session to discuss and consider prospective candidates for employment as permitted by Virginia Code Section 2.2-3711(A)(1). The vote on this motion was as follows: AYE: Mr. Cheatham, Mr. Burgess, Mrs. Lawrence, Mrs. Hilliard and Mr. Councill. ABSENT: Ms. Johnson and Mr. Fetherolf.

Certification

On motion made by Mr. Fetherolf and seconded by Mr. Cheatham, it was unanimously RESOLVED that City Council hereby certifies that to the best of the knowledge of each member only public business matters identified in the motion which the closed meeting was convened were discussed, heard or considered. The vote on this motion was as follows: AYE: Mr. Cheatham, Mr. Burgess, Mrs. Lawrence, Mrs. Hilliard, Mr. Fetherolf and Mr. Councill. ABSENT: Ms. Johnson.

Regular Meeting

The Franklin City Council held a regular meeting on Monday, September 8, 2008 at 7:00 p.m. in Council Chambers, 207 W. Second Avenue.

Council members in attendance: James P. Councill, III, Mayor, Barry Cheatham, Benny Burgess, Rosa Lawrence, Mary Hilliard and Mark Fetherolf. ABSENT: Vice Mayor Raystine Johnson.

Staff in attendance: June Fleming, Interim City Manager, H. Taylor Williams, IV, City Attorney, Andy Rose, Director of Finance, Phil Hardison, Chief of Police, Carolyn Joyner, Personnel Manager, Russ Pace, Director of Public Works, Mark Carr, Deputy Director of Emergency Services, Beth Reavis, Director of Social Services, Amanda Jarratt, City Planner, Dexter Trump, Director of Power & Light, Andy Ritter, IT Manager and Erin Turner, Executive Assistant.

Others in attendance: Dan Howe, Downtown Franklin Association Director, Sheryl Frazier, Director of FRHA and Brenda Rickman, Commissioner of the Revenue.

Invocation

Mayor Council offered the invocation.

Introduction of New Employees

Beth Reavis introduced Terry Rose, the newest employee to the Department of Social Services.

Citizens' Time

Charles Vaughan. Mr. Vaughan stated that he was grateful to have Mrs. Fleming serving as City Manager. He would like the City to create a list of key indicators as to what the City is doing. Mr. Vaughan would further like the City to post all meeting minutes on the website.

Approval of Minutes of the August 25, 2008

On motion made by Mr. Burgess and seconded by Mr. Cheatham, it was RESOLVED that the minutes for the August 25, 2008 meeting were approved with the correction that it was a regular meeting and not a work session. The vote on this motion was as follows: AYE: Mr. Cheatham, Mr. Burgess, Mrs. Lawrence, Mrs. Hilliard, Mr. Fetherolf and Mr. Council. ABSENT: Ms. Johnson.

Financial Matters

1. July Financial Report.

GENERAL FUND

REVENUE:	2008-2009 BUDGET	ACTUAL AS 7/31/2008	BUDGET PERCENT
Taxes; Licenses	\$ 13,835,834	\$ 529,817	3.83%
Permits, Fees, Fines	\$ 160,840	\$ 8,017	4.98%
Use of Money & Property	\$ 272,106	\$ 54,814	20.14%
Service Charges	\$ 2,195,568	\$ 171,647	7.82%
Misc & Recovered Costs	\$ 286,442	\$ 15,464	5.40%

Isle of Wight Rev. Sharing	\$	1,120,000	\$	312,507	27.90%
Loan Proceeds	\$	-	\$	-	0.00%
State Aid	\$	2,052,122	\$	37,284	1.82%
Federal Aid	\$	101,080	\$	-	0.00%
Subtotal - Current Revenue	\$	20,023,992	\$	1,129,550	5.64%
Transfers from Unappropriated	\$	-	\$	-	0.00%
Transfers from Other Funds	\$	1,709,891	\$	142,491	8.33%
Transfer from Prior Years	\$	-	\$	-	0.00%
Total General Fund Revenue	\$	21,733,883	\$	1,272,041	5.85%

EXPENDITURES:

Operating Expense:					
Legislative, General & Financial	\$	2,315,309	\$	160,165	6.92%
Elections, Courts, Sheriff	\$	484,460	\$	9,801	2.02%
Law Enforcement	\$	3,185,906	\$	213,456	6.70%
Fire and Rescue	\$	1,275,897	\$	104,901	8.22%
Community Development	\$	405,783	\$	28,430	7.01%
Streets	\$	2,173,453	\$	86,596	3.98%
Garage	\$	230,107	\$	16,738	7.27%
Refuse Collection & Disposal	\$	1,156,018	\$	27,803	2.41%
Buildings and Grounds	\$	983,167	\$	68,724	6.99%
Health	\$	281,309	\$	-	0.00%
Parks and Recreation	\$	653,677	\$	67,157	10.27%
Library	\$	290,477	\$	66,219	22.80%
Planning and Beautification	\$	106,665	\$	21,309	19.98%
Economic Dev and Tourism	\$	-	\$	-	0.00%
Downtown Development	\$	97,083	\$	4,062	4.18%
Payments to Southampton Co.	\$	610,000	\$	-	0.00%
Non-Departmental					
Miscellaneous	\$	23,000	\$	1,356	5.90%
Pass through Contributions	\$	-	\$	-	0.00%
Non-Departmental Capital	\$	334,137	\$	-	0.00%
Total Operating Expense	\$	14,606,448	\$	876,717	6.00%

GENERAL FUND CONT'D

		2008-2009		ACTUAL AS	BUDGET
TRANSFERS:		BUDGET		7/31/2008	PERCENT
To General Debt	\$	958,098	\$	139,503	14.56%
To School Debt	\$	393,708	\$	-	0.00%
To Airport Fund	\$	90,000	\$	-	0.00%
To Education Fund	\$	4,837,395	\$	403,116	8.33%
To Education - Capital	\$	50,000	\$	-	0.00%

To Social Services Fund	\$	535,821	\$	44,652	8.33%
To Social Services - CSA	\$	51,940	\$	-	0.00%
To Economic Dev Incubator	\$	60,473	\$	-	0.00%
To Economic Dev Joint Fund	\$	150,000	\$	-	0.00%
Subtotal - Current Revenue	\$	7,127,435	\$	587,271	8.24%
Debt Service	\$	-	\$	-	0.00%
Total General Fund Expenditures	\$	21,733,883	\$	1,463,988	6.74%

GENERAL FUND CONT'D

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ELECTRIC FUND

		2008-2009 BUDGET		ACTUAL AS 7/31/2008	BUDGET PERCENT
REVENUE:					
Sale of Energy	\$	12,507,324	\$	1,246,089	9.96%
Other Revenue	\$	301,000	\$	17,055	5.67%
Proceeds Loan/Bonds	\$	2,420,000	\$	-	0.00%

Transfer from Unappropriated	\$	-	\$	-	0.00%
Transfer from Prior Year	\$	-	\$	-	0.00%

Total Electric Fund Revenue	\$	15,228,324	\$	1,263,144	8.29%
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EXPENDITURES:

Operating Expense:	\$	10,089,908	\$	1,056,929	10.48%
Capital Outlay	\$	2,850,000	\$	4,860	0.17%
Transfer to Other Funds	\$	2,065,487	\$	172,124	8.33%
Debt Service	\$	222,929	\$	31,009	13.91%

Total Electric Expenditures	\$	15,228,324	\$	1,264,921	8.31%
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AIRPORT FUND

REVENUE:

Fuel Sales	\$	200,000	\$	13,670	6.83%
Other Revenue	\$	78,700	\$	3,973	5.05%
State Grants	\$	10,800	\$	-	0.00%
Federal Grants	\$	76,000	\$	-	0.00%
Transfer from Other Funds	\$	90,000	\$	-	0.00%
Transfer Prior Year	\$	-	\$	-	0.00%

Total Airport Fund Revenue	\$	455,500	\$	17,643	3.87%
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EXPENDITURES:

Operating Expense:	\$	337,514	\$	10,478	3.10%
Capital Outlay	\$	114,113	\$	-	0.00%
Transfer to Other Funds	\$	2,020	\$	168	8.34%
Debt Service	\$	1,853	\$	154	8.33%

Total Airport Fund Expenditures	\$	455,500	\$	10,801	2.37%
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CASH BALANCES AS OF JULY 31, 2008 - OPERATING FUNDS

General Fund	\$	1,259,596
Water and Sewer Fund	\$	570,304

Electric Fund	\$	1,370,967
Airport Fund	\$	(67,099)
TOTAL	\$	3,133,769

Consent Agenda

PROCLAMATION FOR CONSTITUTION WEEK 2008

WHEREAS, September 17, 2008, marks the two hundred twenty-first anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, James P. Council, III by virtue of the authority vested in me as Mayor of the City of Franklin, Virginia do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Franklin to be affixed this 8th day of September, 2008.

On motion made by Mr. Cheatham and seconded by Mrs. Lawrence, the Proclamation for Constitution Week 2008 was approved by Council. The vote on this motion was as follows: AYE: Mr. Cheatham, Mr. Burgess, Mrs. Lawrence, Mrs. Hilliard, Mr. Fetherolf and Mr. Council. ABSENT: Ms. Johnson.

Mayor Council presented a signed copy of the Proclamation to Beryl Roblin of the Daughters of American Revolution.

Action Plan Updates

Council held discussion with regard to the various topics addressed in the City's Action Plan. Staff was present to answer questions of the Council and provide information on future plans.

Ellis Crum. Mr. Crum stated that he would like to see Council invite the YMCA, faith community and the Boys and Girls Club to the Retreat.

Greg McLemore. Mr. McLemore stated that he would like Council to consider more "green" changes to the City to become more energy efficient. He would also like Council to put more consideration into the reduction of utility bills and eliminating City decals.

Mayor Councill explained that the City was participating in a "Go Green" Challenge with the Virginia Municipal League and the departments have made numerous changes in order to conserve.

Mr. McLemore requested that the City look at more ways to conserve by speaking with other localities.

Quiet Zone

June Fleming, Interim City Manager, stated that the staff had reviewed Council's policy regarding the Quiet Zone. Staff had prepared a memorandum outlining the steps and funds necessary to apply for a Quiet Zone. Mrs. Fleming's recommendation was to not change the policy due to the length of time involved in the application process and the cost to implement the safety features required by the Federal Railroad Administration.

Greg McLemore stated that he had spoken with someone from the railroad several years ago regarding the installation of a sound barrier wall that would decrease the train noise and protect the City in the event of a derailment. He also questioned why the application would require \$300,000.

Erin Turner, Executive Assistant, addressed Council with her report on the Quiet Zone. The Federal Railroad Administration requires that a locality determine their safety rating before applying for the Quiet Zone. The safety rating is determined by several factors and is submitted by the railroad company, which in this case is CSX. In order for the City to lower our safety rating, we would have to consider installing a median in the middle of College Drive, High Street and Main Street. There is not enough right-of-way to implement that measure. The next option would be to install a 4-quadrant gate, which is estimated to cost \$100,000. The City would need to contact CSX and seek their permission to install the gates, but the City would have to cover the cost. Since that gate would need to be installed at all three crossings, the City would have to spend \$300,000.

VRS Contributions

RESOLUTION

Affirmation of Authorization to Pick-Up the Employee's Contribution to

VRS for CITY OF FRANKLIN, 55232
Under § 414 (h) of the Internal Revenue Code

WHEREAS, the CITY OF FRANKLIN provides its employees with tax deferral pursuant to § 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (referred to as VRS) by picking up member contributions to VRS; and

WHEREAS, VRS keeps track of such picked up member contributions, and treats such contributions for all purposes of VRS;

WHEREAS, the Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009.

WHEREAS, in order to avail itself of the protection given under Notice 2006-43, the CITY OF FRANKLIN desires to affirm its intention to establish and maintain a pick-up arrangement through formal action by its governing body.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the existing member contribution pick-up arrangement is hereby affirmed as it relates to salary reduction elections in effect prior to the date of this Resolution, and it is further

RESOLVED that effective the first pay day on or after November 15, 2001, the City of Franklin shall pick up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the CITY OF FRANKLIN in lieu of member contributions; and it is further

RESOLVED that member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and it is further

RESOLVED that member contributions made by the CITY OF FRANKLIN under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the CITY OF FRANKLIN directly instead of having them paid to VRS; and it is further

RESOLVED that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of the CITY OF FRANKLIN shall be pick

up either through a reduction in the current salary of such employee or as an offset against future salary increases of such employee or as a combination of both at the option of the employer by the CITY OF FRANKLIN on behalf of such employee pursuant to the foregoing resolutions.

RESOLUTION
Affirmation of Authorization to Pick-Up the Employee's Contribution to
VRS for CITY OF FRANKLIN, 55232
For Past Service Credit under § 414 (h) of the
Internal Revenue Code

WHEREAS, the CITY OF FRANKLIN provides its employees with tax deferral pursuant to § 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (referred to as VRS) for the permissible purchase of past service credit by picking up member contributions to the VRS; and

WHEREAS, the pick up is authorized under Virginia Code Sections 51.1-142.2; as such Code has been or may be amended from time to time;

WHEREAS, the VRS keeps track of such picked up member contributions, and treats such contributions as employee contributions for all purposes of VRS;

WHEREAS, the Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009.

WHEREAS, in order to avail itself of the protection given under Notice 2006-43, the CITY OF FRANKLIN desires to affirm its intention to establish and maintain a pick-up arrangement through formal action by its governing body.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the existing member contribution pick-up arrangement is hereby affirmed as it relates to salary reduction elections in effect prior to the date of this Resolution, and it is further

RESOLVED that effective the first pay day on or after the later of November 15, 2001, or the date the member executes a binding and irrevocable salary reduction election relating to the past service permitted to be purchased, the City of Franklin shall pick up all or a portion of the member contributions of its employees to VRS based on the terms of the salary reduction election, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and it is further

RESOLVED, the binding salary reduction election to be executed by the member shall include the following: (1) the beginning and ending date of the election, (2) the amount of

the salary reduction on a pay period by pay period basis, (3) the total amount of contribution expected to be involved, (4) a statement that the member may not receive the contributed amounts instead of having them paid by the CITY OF FRANKLIN to the VRS, and (5) an agreement that the member will not purchase the service credit through a lump sum payment during the period in which the salary reduction election is in effect, and it is further

RESOLVED, the member may revoke the salary reduction election only in the event of an unforeseeable emergency as that phrase is used and defined in IRC Section 457 and Treasury Regulation Section 1.457-2(h)(4) and if such a revocation is made, the member may not make a new salary reduction election during his period of employment, and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the CITY OF FRANKLIN in lieu of member contributions; and it is further

RESOLVED that member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and it is further

RESOLVED that member contributions made by the CITY OF FRANKLIN under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the CITY OF FRANKLIN directly instead of having them paid to VRS; and it is further

RESOLVED that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the CITY OF FRANKLIN shall be reduced by the amount of member contributions picked up by the CITY OF FRANKLIN on behalf of such employee pursuant to the foregoing resolutions.

On motion made by Mr. Burgess and seconded by Mr. Cheatham, the above Virginia Retirement System Resolutions were approved by Council. The vote on this motion was as follows: AYE: Mr. Cheatham, Mr. Burgess, Mrs. Lawrence, Mrs. Hilliard, Mr. Fetherolf and Mr. Council. ABSENT: Ms. Johnson.

City Council Retreat

Council held discussion about the annual retreat. It was determined that Council would like to discuss issues relating to education, CIP, gang control, housing needs, Parks and Recreation's future, the Hayden Project, youth idleness and incorporate faith-based and various community organizations and the schools.

Charles Vaughan asked Council to consider more ordinances regarding trees and energy requirements.

Amanda Jarratt stated that ordinances involving trees were included in the Zoning Ordinances.

Council determined that November 14th beginning at 3:00 p.m. and November 15th beginning at 8:00 a.m. worked best for their schedules. They also determined that they would like to continue with the previous facilitator, Tyler St. Clair for this year's retreat.

Greg McLemore questioned the need for a facilitator.

Ellis Crum commended the City on hiring a facilitator because he thought that it would be good to gain an outside, neutral opinion on City issues.

The Incubator was determined by Council to be their first choice of location with the Workforce Development Center their second choice.

April 1, 2008 Minutes

Taylor Williams, City Attorney, presented minutes from the City Council meeting held on April 1, 2008 for the School Board nominee interviews.

Vice Mayor Johnson arrived at 8:20 p.m.

Ellis Crum asked that Council wait until the Attorney General renders his opinion on the matter prior to voting to adopt the minutes.

City Attorney Williams explained that the minutes needed to be approved or the City would be in violation of the Freedom of Information Act.

Mr. Fetherolf made a motion to adopt the minutes of the April 1, 2008 meeting, but it failed due to lack of a second. (Councilman Cheatham and Councilman Burgess were unable to vote or second the motion due to the fact that they were not serving on Council during the April 1, 2008 meeting in question.)

Old/New Business

Mayor Council announced that the Western Tidewater Smart Beginnings Program was awarded a grant in the amount of \$500,000 from the Virginia Education Foundation.

**DECLARATION OF LOCAL EMERGENCY
ON SEPTEMBER 5, 2008
BY
THE CITY OF FRANKLIN, VIRGINIA
DIRECTOR OF EMERGENCY SERVICES**

WHEREAS, the National Weather Service located in Wakefield, Virginia, forecasts that Hurricane/Tropical Storm Hanna will pass to the east of the City of Franklin by only a few miles beginning in the late evening of Friday, September 5, 2008 and in to the day of Saturday, September 6, 2008, with rain predictions of 4-6 inches and sustained winds of 35 to 40 mph with wind gusts up to 55 miles per hour; and

WHEREAS, this storm with these predicted rain amounts and winds may cause flooding, downed trees, power outages and other dangers to the citizens of the City of Franklin; and

WHEREAS, the Governor of the State of Virginia declared a State of Emergency on Thursday, September 4, 2008, as a result of concerns for the health and safety of citizens of Virginia posed by this storm, and

WHEREAS, it is not practical to call a meeting of City Council at this time to request that it declare a State of Emergency for the City of Franklin to provide services to protect the health, safety and welfare of the citizens of the City of Franklin; now,

THEREFORE, June D. Fleming, City Manager for the City of Franklin, and as Director of Emergency Services, does hereby declare a State of Emergency effective immediately for the City of Franklin pursuant to statutory authority and as provided in the City's Emergency Operations Plan.

FURTHERMORE, that as a result of this extreme peril, the declaration of the existence of an emergency is necessary to permit the full powers of the City government to deal with this condition of peril; and,

FURTHERMORE, that during the existence of this emergency, the powers, functions and duties of the Director of Emergency Services (the City Manager), the Coordinator of Emergency Services (the Chief of the Department of Emergency Services – Fire and Rescue), the Deputy Chief of Emergency Services (the Deputy Chief of Emergency Services – Fire and Rescue) emergency services organizations and City departments would be those prescribed by the laws of the Commonwealth of Virginia and the ordinances, resolutions and emergency operations plan of the City of Franklin, Virginia in order to mitigate the effects of such emergency; and

FURTHERMORE, that the City Manager, the Director of Finance and their designees, are hereby authorized to expend funds from the City's unappropriated fund balances to cover the reasonable operational costs of emergency services as would be deemed necessary to cover the expected scope of the emergency, subject to subsequent ratification of such expenditures by City Council.

**RESOLUTION TO DISSOLVE THE STATE OF EMERGENCY DECLARED BY
THE CITY OF FRANKLIN ON SEPTEMBER 5, 2008**

WHEREAS, in the absence of the ability to convene City Council for a called meeting, June D. Fleming, City Manager and Director of Emergency Services, declared a State of Emergency in the City of Franklin, Virginia, on Friday, September 5, 2008, in the face of tropical storm Hanna; and,

WHEREAS, tropical storm Hanna has now passed, thankfully without major damage occurring in the City of Franklin, Virginia; now, therefore,

BE IT RESOLVED, that the declaration of a State of Emergency in the City of Franklin, Virginia made on Friday, September 5, 2008, is hereby confirmed; and, furthermore,

BE IT RESOLVED, that it no longer seeming necessary that a State of Emergency exist in the City of Franklin, Virginia, it is hereby dissolved.

On a motion made by Mr. Burgess and seconded by Ms. Johnson, the Declaration of a State of Emergency and the Resolution to Dissolve the State of Emergency were unanimously approved by Council. The vote on this motion was as follows: AYE: Mr. Cheatham, Mr. Burgess, Mrs. Lawrence, Ms. Johnson, Mrs. Hilliard, Mr. Fetherolf and Mr. Council.

Interim City Manager, June Fleming, advised Council that she authorized Public Works to assist citizens with debris clean-up following Tropical Storm Hanna.

Councilman Cheatham provided Council with an update on SPSA and stated that he will continue to keep Council and the citizens current on all of the organization's activities.

Interim City Manager, June Fleming, wanted Council to be aware that she had provided the City's 2009 Request for Funds from the Camp Foundations in the agenda packet.

Closed Session

On motion made by Mr. Burgess and seconded by Mr. Cheatham it was unanimously RESOLVED that Council meet in closed session to discuss (1) consultation with legal counsel pertaining to possible litigation where consultation or briefing in open meeting would adversely affect the negotiating/litigating posture of Council and (2) the evaluation and performance of an employee as permitted by Virginia Code Section 2.2-3711(A)(7) and (1). The vote on this motion was as follows: AYE: Mr. Cheatham, Mr. Burgess, Mrs. Lawrence, Ms. Johnson, Mrs. Hilliard, Mr. Fetherolf and Mr. Council.

Certification

On motion made by Mr. Fetherolf and seconded by Ms. Johnson, it was unanimously RESOLVED that City Council hereby certifies that to the best of the knowledge of each member only public business matters identified in the motion which the closed meeting was convened were discussed, heard or considered.

Joint Flow Control Ordinance Defense, Enforcement and Payment Agreement

On motion made by Mr. Burgess and seconded by Mr. Cheatham, Council unanimously authorized Interim City Manager, June Fleming, to execute the Joint Flow Control Ordinance Defense, Enforcement and Payment Agreement. The vote on this motion was as follows: AYE: Mr. Cheatham, Mr. Burgess, Mrs. Lawrence, Ms. Johnson, Mrs. Hilliard, Mr. Fetherolf and Mr. Council.

Adjournment

There being no further business, on motion duly made, seconded and unanimously adopted the meeting was adjourned at 10:30 P.M. The vote on this motion was as follows: AYE: Mr. Cheatham, Mr. Burgess, Mrs. Lawrence, Ms. Johnson, Mrs. Hilliard, Mr. Fetherolf and Mr. Council.

Mayor

Clerk to City Council