

June 17, 2013

A Regular Meeting of the Council of the City of Manassas, Virginia was held in Council Chambers, City Hall, on the above date with the following present: Mayor Harry J. Parrish II, Vice Mayor Andrew L. Harrover, Council Members Marc T. Aveni, Ian T. Lovejoy, J. Steven Randolph, Jonathan L. Way and Mark D. Wolfe; Interim City Manager Lawrence D. Hughes, City Attorney Martin R. Crim, Deputy City Attorney Michael Vanderpool, Deputy City Clerk Antoinette M. Elgart, Fire and Rescue Chief Brett R. Bowman, Community Development Director Elizabeth S. Via-Gossman, Chief of Police Douglas W. Keen, Senior Planner Morgan Brim, Assistant Public Works Director Patrick Moore, Deputy Director of Public Works Gene Jennings, Fire Marshal Frank Teevan, Human Resources Manager Darla Hicks and Acting Finance and Administration Director Diane Bergeron.

Mayor Parrish called the meeting to order at 5:30 p.m. giving the invocation and leading those present in the Pledge of Allegiance to the flag.

City Attorney Report.

The City Attorney reported on the following items:

1. Mr. Crim reported that the Feaganes house has been purchased by Mr. Ickrath, that work is underway and that Mr. Ickrath has been informed of the deadlines required by the building official.

2. Mr. Crim reported that there has been no action from Federal Court to dismiss the matter regarding the alleged police brutality case.

3. Mr. Crim stated that he has received a notice from Falls Church and Fairfax County regarding a boundary line adjustment between the two jurisdictions. Falls Church and Fairfax County are required to send notice to anyone they share service with but felt it didn't have any impact on Manassas.

4. Mr. Crim stated that the City's notice of right of first refusal on the Journal Messenger building and parking lot on which the city has a long-term lease expires tomorrow and that he is not aware of any action on behalf of the City. The Mayor reported he was unaware of any Council action regarding right of first refusal.

5. Mr. Crim announced that he has been in contact with Mr. Bendall and that Mr. Bendall has informed him that he will be fully retiring at the end of the month. The Mayor requested Mr. Crim to convey the City's thanks to Mr. Bendall for his years of service to the City.

City Manager Report.

The City Manager reported on the following items:

1. Mr. Hughes reported that the Wine and Jazz Festival held in the City on Sunday was a success and that the event has outgrown the Pavilion and is now being held on the Museum Lawn. He stated that 23 wineries were represented at the Festival.

2. Mr. Hughes reported that the City has won an award for its website redesign and that the City was among 5600

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competitors. He thanked Patty Prince and Linda Hawley for all their hard work on the redesign.

Chief of Police Report.

The Chief of Police reported on the following item:

1. Chief Keen reported that the only item to report was that Mr. Foster has been successfully located without any major medical problems and thanked the Prince William County Police Department, the State Police that provided a search dog, U.S. Customs that provided helicopter support and the many volunteers and the boy scouts who helped search the woods and streambeds for Mr. Foster.

Council Time.

Mr. Randolph welcomed Mr. Hughes back to the City and reported that he attended a fund raising dinner last weekend for the Boys and Girls Club to help raise funds for summer camp.

Mr. Way reported that even though one budget season is over, another one is already beginning. He reported that the Virginia Railway Express (VRE) budget is going to be defined later this week emphasizing operational maintenance and capacity control. He also reported that the Transportation Planning Board of the Council of Governments (COG) was also beginning budget plans with a new financially constrained long-range transportation plan and has a \$220 billion wish list. He also thanked Patrick Moore for all his work on the Manassas Bypass project that goes from Godwin Drive to I-66 that will help alleviate traffic on Route 28.

Mr. Wolfe thanked HMI and others involved for a successful Wine and Jazz Festival this weekend that brought thousands of people to Manassas.

Mr. Lovejoy reported that he serves as co-chair of the regional Walk to End Alzheimer's and that it is sponsoring a charity car show at Jukebox Restaurant across from the Hospital this Saturday from 10-3 p.m. and invited everyone to attend.

Mayor Time.

Mayor Parrish distributed a handout from the Northern Virginia Transportation Authority's Organizational Working Group and requested that Council review the last page concerning transportation funds. He reported that the NVRTA would be looking to local jurisdictions for new financing for administration and management, including the City of Manassas. Mayor Parrish stated that there would be a meeting on Thursday at the Fairfax County Government Center beginning at 5:30 p.m.

Mayor Parrish stated that he received an email from Springsted, the firm recruiting for the City Manager position, and that it has wrapped up the recruit cycle and is beginning to interview candidates. Springsted reports that it received 60 responses and expects to have a report to the City soon.

Mayor Parrish reported that he would enjoy hearing Council's next steps on how Manassas Park's efforts might relate to the City regarding the library system.

Consent Agenda

Item 1 of the Agenda: Approve Minutes of Regular Meetings of May 13 and 20, 2013 and Special Meeting of May 15, 2013.

COUNCIL MEMBER WOLFE MOVED that the minutes of the Regular Meetings of May 13 and 20, 2013 and Special Meeting of May 15, 2013 be approved. Seconded by Council Member Aveni. Roll call vote: AYES - Council Member Aveni, Harrover, Lovejoy, Randolph, Way and Wolfe. **MOTION CARRIED.**

Item 2 of the Agenda: Consideration of Release of Performance and/or Erosion Control Bond for The Courts of Historic Manassas, SP#06-09 and Revision SP#08-08, in Accordance with the Certificate of Compliance Dated May 30, 2013.

COUNCIL MEMBER WOLFE MOVED that the performance and/or erosion control bond for The Courts of Historic Manassas, SP#06-09 and Revision SP#08-08 in accordance with the Certificate of compliance dated May 30, 2013 be released. Seconded by Council Member Aveni. Roll call vote: AYES - Council Member Aveni, Harrover, Lovejoy, Randolph, Way and Wolfe. **MOTION CARRIED.**

Item 3 of the Agenda: First Reading of Ordinance #O-2013-17 Amending and Reenacting the Code of Ordinances, City of Manassas, Virginia (2002), as Amended, by Adding in Chapter 78 Article IV, a Section Numbered 78-103 Relating to the Reimbursement of Expenses Incurred in Responding to Terrorism Hoax Incidents, and by Adding in Chapter 78 Article III a Section Numbered 78-82, Relating to Reimbursement for Expenses Incurred from Methamphetamine Lab Cleanup.

COUNCIL MEMBER WOLFE MOVED that the First Reading of Ordinance #O-2013-17 Amending and Reenacting the Code of Ordinances, City of Manassas, Virginia (2002), as Amended, by Adding in Chapter 78 Article IV, a Section Numbered 78-103 Relating to the Reimbursement of Expenses Incurred in Responding to Terrorism Hoax Incidents, and by Adding in Chapter 78 Article III a Section Numbered 78-82, Relating to Reimbursement for Expenses Incurred from Methamphetamine Lab Cleanup be removed from the Consent Agenda for separate consideration and placed on the Agenda as Item 8. Seconded by Council Member Aveni. Roll call vote: AYES - Council Member Aveni, Harrover, Lovejoy, Randolph, Way and Wolfe. **MOTION CARRIED.**

Item 4 of the Agenda: Item 4 was reserved for changes to the consent agenda.

Item 5 of the Agenda: Consideration of Resolution 2013-53-R Amending the FY 2013 Budget by Transferring \$25,000 from General Fund Contingency for an Industrial Zoning Study.

Ms. Via-Gossman reported that this item failed on May 20, 2013 and is being brought back before Council. Staff recommends approval of Resolution 2013-53-R.

Ms. Via-Gossman stated that the matter evolved because of a request in July 2012 from the Manassas Muslim Association regarding the purchase of a piece of land on Euclid Avenue currently zoned I-1 that does not permit religious institutions. This study would review the uses in the I-1 and I-2 zones to determine appropriate uses for industrial land in the City of Manassas.

Ms. Via-Gossman stated that her Department has contacted several local jurisdictions regarding cost of a complete review of zoning ordinances and that the cost varies from \$85,000 to \$250,000 for a city the size of Norfolk and that she would provide Council with a listing of costs for a comprehensive study from local jurisdictions.

COUNCIL MEMBER WOLFE MOVED that Resolution 2013-53-R amending the FY 2013 budget by transferring \$25,000 from General Fund Contingency for an industrial zoning study be approved. Seconded by Council Member Randolph. Roll call vote: AYES - Council Member Harrover, Randolph, Way and Wolfe. NAYES - Council Members Aveni and Lovejoy. **MOTION CARRIED.**

Item 6 of the Agenda: Consideration of Resolution #R-2013-57 Regarding Official Intent to Reimburse Expenditures with Proceeds of a Borrowing.

Consideration of Resolution 2013-58-R Amending the FY 2013 Budget by Budgeting and Appropriating \$950,000 of Bond Proceeds for the Main Street Streetscape Capital Project.

Mr. Moore is requesting the budget appropriation of \$950,000 in advance to continue the Main Street Streetscape project. He reported that the project will widen sidewalks, enhance brick crosswalks, add 19 trees to the streetscape, reduce the parking spaces from 33 to 10 and mirrors the Battle Street project with the exception that traffic will remain two-way. The project will be done in a block-by-block approach closing only one block at a time. Phase 1 will be from Norfolk Southern to Center Street; Phase 2 will be Center to Church Street and Phase 3 will be Church to Quarry Street with the first block being completed by the end of August, the second by the end of September and the third block by the end of October. He stated that the City was doing its best to minimize impact on the business owners in that area and that he expects bids to come in under the \$950,000 figure.

COUNCIL MEMBER HARROVER MOVED that Resolution #R-2013-57 regarding official intent to reimburse expenditures with proceeds of a borrowing be approved. Seconded by Council Member Randolph. Roll call vote: AYES - Council Member Harrover, Lovejoy, Randolph, Way and Wolfe. NAYES - Council Member Aveni. **MOTION CARRIED.**

COUNCIL MEMBER HARROVER MOVED that Resolution 2013-58-R amending the FY 2013 budget by budgeting and appropriating \$950,000 of bond proceeds for the Main Street Streetscape Capital Project be approved. Seconded by Council Member Randolph. Roll call vote: AYES - Council Member Harrover, Lovejoy, Randolph, Way and Wolfe. NAYES - Council Member Aveni. **MOTION CARRIED.**

Item 7 of the Agenda: First Reading of Ordinance #O-2013-12 Approving the Columbia Gas Franchise.

Mr. Jennings stated that Public Works and the City Attorney have been working to update several expired franchises with various utility companies primarily Columbia Gas and Verizon and that this item was approved by the Utility Commission on May 9, 2013. He stated that the prior franchise with Columbia Gas expired in 2002, but Columbia Gas has continued to provide service to the City on a holdover basis under Virginia law. Mr. Jennings reported that Columbia Gas

had originally proposed a 40-year franchise but the franchise under consideration is for 13 years with 1 year automatic renewals up to 40 years.

Mr. Bob Ennis, Director of Communications and Community Relations for Columbia Gas, reaffirmed that if relocations were not performed in a timely manner by Columbia Gas, the City could perform the relocations and place a hold on all non-emergency permits for gas company work including the relocation. Mr. Ellis stated that Columbia Gas tries to be as non-evasive as possible, does some of its own work but also contracts out work to other companies. He stated that he would hope Columbia Gas be viewed as the utility company that does repair to the condition it was or better when Columbia Gas leaves.

COUNCIL MEMBER AVENI MOVED that Ordinance #0-2013-12 approving the Columbia Gas Franchise be approved on first reading. Seconded by Council Member Wolfe. Roll call vote: AYES - Council Member Aveni, Harrover, Lovejoy, Randolph, Way and Wolfe. **MOTION CARRIED.**

Item 8 of the Agenda: (Consent Agenda Item 3) First Reading of Ordinance #0-2013-17 Amending and Reenacting the Code of Ordinances, City of Manassas, Virginia (2002), as Amended, by Adding in Chapter 78 Article IV, a Section Numbered 78-103 Relating to the Reimbursement of Expenses Incurred in Responding to Terrorism Hoax Incidents, and by Adding in Chapter 78 Article III a Section Numbered 78-82, Relating to Reimbursement for Expenses Incurred from Methamphetamine Lab Cleanup.

Mr. Crim stated that this item was initiated by the Finance Committee. He stated that this item covers reimbursement for various kinds of misdemeanor response costs. Mr. Crim reported that meth labs are generally cleaned up by the State Police because it is an expensive proposition and the sites are treated as hazard waste sites. By adoption of this ordinance the City will be able to recover costs from the perpetrator for terrorism hoax incidents as well as any expenses incurred from meth lab cleanup. This item was actually suggested by a citizen.

COUNCIL MEMBER AVENI MOVED that Ordinance #0-2013-17 amending and reenacting the Code of Ordinances, City of Manassas, Virginia (2002), as amended, by adding in Chapter 78 Article IV, a section numbered 78-103 relating to the reimbursement of expenses incurred in responding to terrorism hoax incidents, and by adding in Chapter 78 Article III a section numbered 78-82, relating to reimbursement for expenses incurred from methamphetamine lab cleanup be approved on first reading. Seconded by Council Member Wolfe. Roll call vote: AYES - Council Member Aveni, Harrover, Lovejoy, Randolph, Way and Wolfe. **MOTION CARRIED.**

Item 9 of the Agenda: Item 9 was reserved for changes to the consent agenda.

Item 10 of the Agenda: Item 10 was reserved for changes to the consent agenda.

Item 11 of the Agenda: Consideration of Position Description/Classification Change of the Deputy Emergency Management Coordinator Position to Emergency Management

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Planner and Discussion of Additional Duties Encumbered by the Fire Marshal.

Ms. Hicks reported that at the request of Council Personnel Committee, she and Chief Bowman are briefing Council on some changes to the positions dealing with fire and rescue emergency management. Chief Bowman stated that the vacant Deputy Emergency Management Coordinator is funded by an urban area initiative grant. While working on grant paperwork, it was discovered that the job description contained items significantly outside the scope of the grant. The proposed new job description falls in line with the grant requirements. Some changes include a drop in pay grade from 18 to 15, from a Deputy Management Coordinator Planner to an Emergency Management Planner title. The Council Personnel Committee unanimously approved the changes. Some job duties previously done in the position have been dispersed to other Department members and Ms. Hicks is working with the consultant regarding job descriptions because of the increased duties. Chief Bowman stated that the Fire Marshal will be doing more day-to-day management.

COUNCIL MEMBER HARROVER MOVED that the position description/classification change of the Deputy Emergency Management Coordinator position to Emergency Management Planner and discussion of additional duties encumbered by the Fire Marshall be approved. Seconded by Council Member Wolfe. Roll call vote: AYES - Council Member Aveni, Harrover, Lovejoy, Randolph, Way and Wolfe. **MOTION CARRIED.**

Item 12 of the Agenda: Consideration of Non-Profit Donation Committee Recommendations for the FY 2014 Budget.

Ms. Bergeron stated that Council adopted a policy regarding funding of non-profit organizations in December and appointed the City Manager and his designated staff to the Non-Profit Donations Committee to review submitted applications and make recommendations for funding. The committee consisted of the former City Manager, Ms. Bergeron, the Communications Coordinator and the Budget Technician. The committee received 20 applications, ultimately recommending funding 16. Total dollar amount requested was \$267,000; but only \$136,000 is available for appropriation. Ms. Bergeron described the method used to determine funding amounts.

Ms. Bergeron stated that, based on its score, \$2,000 was designated to the Hylton Performing Arts for Operations and is separate from the monies given for Debt Services. The Manassas Ballet Theater was designated an increase of \$5,000 due to the score it received.

Council Member Aveni noted that Council Member Wolfe serves as the Executive Director of the Manassas Ballet Theatre Company. Council Member Wolfe acknowledged that he is serving as its Executive Director.

COUNCIL MEMBER RANDOLPH MOVED that the Non-Profit Donation Committee recommendations for the FY 2014 budget be approved. Seconded by Council Member Harrover. Roll call vote: AYES - Council Member Harrover, Randolph, Way and Wolfe. NAYES - council Member Aveni and Lovejoy. **MOTION CARRIED.**

Item 13 of the Agenda: Item 13 was reserved for changes to the Consent Agenda.

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Mayor Parrish called for a recess at 6:40 p.m.  
Mayor Parrish reconvened the meeting at 7:35 p.m.

Item 14 of the Agenda: Item 14 was reserved for changes to the Consent Agenda.

Item 15 of the Agenda: Citizens' Time.

Lianne Best, a resident of the City of Manassas, congratulated Dr. Magouyrk and the School Board for the excellent job they have done this past year. She spoke about the positive aspects of a small school system and how Dr. Magouyrk has worked diligently to accomplish her goals. She stated that the City has terrific schools and that this year's graduates will be attending such schools as Johns Hopkins, Virginia Tech, University of Virginia, and Carnegie Mellon.

Nancy Walker, a resident of the City of Manassas, reported on the damage done to her home recently when the city sewer system backed up into her basement. She passed out photos to Council of the damage and commended two city employees, Bill Knight and Kevin Selby, who were extremely helpful in assisting her with the matter. She reported that Gary Holt from the City reported to her that the sewer backup was not the City's problem but rather the responsibility of a business in the area. Ms. Walker stated that she cannot use her basement and that the smell has permeated her entire house. She reported how the raw sewage began coming up through her shower stall and listed the damage done. She requested that the City accept responsibility for the sewer backup. Mayor Parrish told Ms. Walker to contact Mr. Hughes tomorrow and that he would see if staff could work with her on a solution.

Maureen Wood, a resident of the City of Manassas, spoke regarding Ms. Walker's damage. She is currently residing at the Walker residence and reported that the condition is unbearable, that the house is unsafe and inhabitable and requested that the City assume responsibility.

Item 16 of the Agenda: Public Hearing on Comprehensive Plan Amendment (CPA) #2013-01: Manassas City Comprehensive Plan 2013 Update.

Mayor Parrish read an affidavit of publication that was before him signed by an authorized agent of the Prince William Times newspaper certifying that the public hearing listed on the evening's agenda was published in conformance with Virginia law and City ordinances.

Mr. Russell stated that he was presenting the Planning Commission's recommended Comprehensive Plan for public hearing. He reported that the Comprehensive Plan provides a broad range of topics, covers a long-term time horizon and is continually updated to meet the needs of the community. At its meeting on February 6, 2013 the Planning Commission unanimously voted to recommend that City Council adopt the Comprehensive Plan as drafted by the Planning Commission. Mr. Russell stated that the process for updating the Comprehensive Plan began in 2007. The current Comprehensive Plan was last adopted in 2003. Mr. Russell stated that the Comprehensive Plan will be amended and supplemented over time. The Planning Commission has recommended that chapters on schools and parks and recreation be added as such study processes are completed.

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Mr. Russell discussed the use of character areas that would allow the entertainment of projects such as townhouses and higher quality housing and how the Comprehensive Plan is a vision and not a zoning code or mandate. He said one of the beauties of character areas is that it gives the City the opportunity to address the needs of a character area as proposals come forward.

Discussion ensued regarding lower density higher end housing and how the City lags behind other local jurisdictions in executive housing and ways to modify the proposed Comprehensive Plan to include references to the long term health of the City including executive housing and redevelopment of aging neighborhoods. Council stated that its goals have been straightforward in promoting higher end housing. Discussion also referenced the Mathis Avenue and Downtown Sector Plan and the Sudley Road Hospital Corridor Plan. Council stated that although the Comprehensive Plan is a set of guidelines, it needs to be done right since it is often referenced in planning. Mr. Russell also reported that referenced in the proposed Comprehensive Plan is suggestion that there be an amendment within two years of its approval a plan for the long term improvement of the school system.

Mr. Russell stated that given the changes that have been discussed, Staff is recommending that the public hearing be closed but that this item be carried over to the July 8 meeting for action with the changes that have been discussed. He stated that if the Planning Commission determines that the changes are outside the scope of this public hearing another public hearing would be advertised. Some issues to be considered were the use of the correct name for the parkway or changing the name to a use of road descriptions instead, more references to low-density high-end housing, and generalizing names of performing arts companies.

Mayor Parrish opened the Public Hearing.

Mayor Parrish invited anyone who wished to do so address Council in favor of or in opposition to the Special Use Permit.

Harry Clark, Chairman of the Planning Commission and a resident of the City of Manassas, stated that the proposed Comprehensive Plan is a very complex, comprehensive document, in the works for several years. He stated it was a total rewrite of what was previously published as the Comprehensive Plan and includes input from citizens as well as local jurisdictions. He stated that the Comprehensive Plan was not a zoning plan but a vision for the city's future that should guide us, that it was not a restrictive document but rather an inclusive document. Taking the comments this evening into consideration, he stated that adjustments to the document can be made and asked Council to adopt the plan.

Lianne Best, a resident of the City of Manassas, requested that the City Council restrict high density development and stated that there were enough condos already in the City. She approved of executive housing but felt that the City really needs more business to bring in additional income and taxes. She is pleased the proposed Comprehensive Plan is not a restrictive document but an inclusive document. She feels the Comprehensive Plan should restrict any more affordable high density housing. She also stated that the



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school system assessment is already in process and that another two years for that project is not needed.

Raymond Beverage, a resident of the City of Manassas, stated that he concurs with the staff recommendation to approve the Comprehensive Plan with the caveat that any editorial items be done to avoid further delays. He stated that he had recommended changes at the meetings and many have been incorporated in the document. Mr. Beverage added several other editorial changes for consideration.

COUNCIL MEMBER HARROVER MOVED to close the public hearing. Seconded by Council Member Aveni and **CARRIED UNANIMOUSLY.**

The Public Hearing was closed at 8:25 p.m.

Item 17 of the Agenda: Consideration of a Motion Authorizing a Closed Meeting on Subjects in Accordance with the Amended Freedom of Information Act.

COUNCIL MEMBER RANDOLPH MOVED that the Council convene in closed session to discuss appointments to Boards, Committees and Commissions and personnel matters relating to filling the vacancy of Commissioner of the Revenue and to salaries for elected officials and appointed staff, as permitted by Virginia Code § 2.2-3711 Paragraph A (1), for which the Virginia Freedom of Information Act permits discussion in closed session. Seconded by Council Member Aveni. Roll call vote: AYES - Council Member Aveni, Harrover, Lovejoy, Randolph, Way and Wolfe. **MOTION CARRIED.**

Mayor Parrish announced that the Mayor, City Council, Interim City Manager, City Attorney and Assistant City Attorney and would be included in the closed meeting discussion.

The Council retired to the closed meeting at 6:40 p.m.

Item 18 of the Agenda: Consideration of a Motion Certifying That the Closed Meeting was Conducted in Conformity with Virginia Law.

Council returned from the closed meeting at 7:35 p.m.

COUNCIL MEMBER RANDOLPH MOVED that the Council certify that, in the closed session just concluded, nothing was discussed except the matter (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. Seconded by Council Member Aveni. Roll call vote: AYES - Council Member Aveni, Harrover, Lovejoy, Randolph, Way and Wolfe. **MOTION CARRIED.**

Item 19 of the Agenda: (ADDED) Consideration of Appointments to Boards, Committees and Commissions.

COUNCIL MEMBER RANDOLPH MOVED that Lawrence D. Hughes be appointed: to the Fire and Rescue Systems Appeal Committee to serve at the Pleasure of Council; to the George Mason University/Prince William County Recreation Center Advisory Board to serve at the Pleasure of Council; to the Gang Response Intervention Team Steering Board (GRIT) to serve at the Pleasure of Council; to the Hylton Performing Arts Center Executive Board to fill an unexpired term ending June 30, 2015; and to the

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Potomac and Rappahannock Transportation Commission as Alternate to Serve at the Pleasure of Council. Seconded by Council Member Wolfe. Roll call vote: AYES - Council Member Aveni, Harrover, Lovejoy, Randolph, Way and Wolfe. **MOTION CARRIED.**

Item 20 of the Agenda: (ADDED) Consideration of the Salaries of the Mayor, City Council, the Treasurer and the City Clerk.

COUNCIL MEMBER RANDOLPH MOVED that effective July 1, 2013, the Mayor's salary be increased to \$17,452; the City Council's salary be increased to \$13,085; the Treasurer's salary be increased to \$117,537 and the City Clerk's salary be increased to \$84,609. Seconded by Council Member Way. Roll call vote: AYES - Council Member Aveni, Harrover, Lovejoy, Randolph, Way and Wolfe. **MOTION CARRIED.**

Motion was duly made, seconded and **CARRIED UNANIMOUSLY** to adjourn the meeting.

Mayor Parrish declared the meeting adjourned at 8:35 p.m.

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MAYOR

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DEPUTY CITY CLERK

\_\_\_\_\_  
DATE APPROVED