



**WINCHESTER COMMON COUNCIL  
IN REGULAR MEETING  
AUGUST 9, 2016**

A Regular Meeting of the Winchester City Council was held on Tuesday, August 09, 2016 in the Council Chambers, Rouss City Hall. President John A. Willingham called the meeting to order at 6:00 PM.

**CALL TO ORDER AND ROLL CALL**

**PRESENT:** Councilor Clark, Councilor Hill, Mayor Minor, Councilor Sullivan, Vice Mayor Veach, Vice President Wiley, President Willingham  
**ABSENT:** Councilor McInturff, Councilor McKannan

**MOMENT OF SILENCE**

President Willingham led the citizens and councilors in a Moment of Silence.

**PLEDGE OF ALLEGIANCE**

Mayor Minor led the citizens and councilors in the Pledge of Allegiance.

**APPROVAL OF MINUTES**

1. City Council - Regular Meeting - Jul 26, 2016 6:00 PM

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Bill Wiley, Vice President
<b>SECONDER:</b>	Les Veach, Vice Mayor
<b>AYES:</b>	Clark, Hill, Minor, Sullivan, Veach, Wiley, Willingham
<b>ABSENT:</b>	McInturff, McKannan

2. City Council - Work Session - Jul 26, 2016 6:01 PM

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Bill Wiley, Vice President
<b>SECONDER:</b>	Les Veach, Vice Mayor
<b>AYES:</b>	Clark, Hill, Minor, Sullivan, Veach, Wiley, Willingham
<b>ABSENT:</b>	McInturff, McKannan

**REPORT OF THE MAYOR**

Mayor Minor announced while attending a meeting at the Discovery Museum yesterday, she met a mother and two children from Fairfax who visit the museum

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frequently and love it. She also reported the Discovery Museum had 72,000 visitors last year. She stated everyone should be proud and pleased that the museum is located in downtown Winchester.

## REPORT OF THE CITY MANAGER

Eden Freeman announced that Handley Boulevard and Valley Avenue were reopened last week. She stated a few minor projects remain but there should be no disruptions while crews make the final touch ups. The annual Farmers Market Appreciation Day is this Saturday from 10 am to 2 pm. There will be plenty of fun activities for everyone in the family to enjoy as well as live music and vendor specials. Also, happening this Saturday, is the final Classic Movie. The popular James Bond film, From Russia with Love, will be shown at the Taylor Pavilion Saturday night at dusk. She announced the Winchester Parks and Recreation's fall program guide is now available online or for pick up at various locations in the city. She stated the City recently launched a new online application process for all Council-appointed boards and commissions. This online program can be accessed via the City's Boards and Commissions webpage under the Government tab at the top of winchesterva.gov. Paper applications are still accepted. Finally, after ten years in the making, the radio communications project implementation project is progressing well and the anticipated cutover date, barring any unforeseen delays, is scheduled for September 7. Winchester Public Schools began using the system officially yesterday with the first day of school.

## REPORT OF THE CITY ATTORNEY

Anthony Williams stated he did not have a report to present.

### 1. PUBLIC HEARINGS

### 2. PUBLIC COMMENTS

President Willingham asked if there was anyone wishing to address Council. Seeing none, he closed the public comments at 6:04 p.m.

### 3. CONSENT AGENDA

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bill Wiley, Vice President
<b>SECONDER:</b>	Les Veach, Vice Mayor
<b>AYES:</b>	Clark, Hill, Minor, Sullivan, Veach, Wiley, Willingham
<b>ABSENT:</b>	McInturff, McKannan

**3.1.O-2016-20:** First Reading - AN ORDINANCE GRANTING AN EASEMENT TO SHENANDOAH TELEPHONE COMPANY ON THE PROPERTY LOCATED AT 1726 WOODSTOCK LANE

### 4. AGENDA

**4.1.O-2016-23:** First Reading - AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS REQUIRED TO SELL THE CITY-OWNED 200 AND 214 N. CAMERON STREET TO THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF WINCHESTER

Tyler Schenck, Program Manager, stated that on July 12, 2016, Council adopted a resolution authorizing the City Manager to execute a Letter of Intent with the Economic Development Authority (EDA) for the purpose of selling 200 and 214 North Cameron Street to the EDA. Mr. Schenck reviewed the agreed upon terms incorporated in the Purchase and Sale Agreement and stated it is coming back to Council to adopt an ordinance for the disposition of the City-owned property. He asked Council to amend the ordinance to authorize the City Manager to execute any documentation needed to sell 200 and 214 N. Cameron to the EDA or a legal entity created by and under their direct control. In this circumstance, he believed the entity would be Towers Hotel Property LLC which is owned and directed by the EDA.

Councilor Sullivan asked if the settlement will still be complete in 90 days. Ms. Freeman stated the EDA has received proposals and are planning to make a decision on how they would like to move forward at their next meeting. Mr. Schenck stated a September 14, 2016 closing date for the property is anticipated. The EDA will evaluate the proposals that have been received and will enter into a negotiating period to hammer out the final details with a development partner.

Councilor Sullivan asked how many proposals were received. Mr. Schenck stated three were received.

Vice President Wiley moved to amend the ordinance to authorize the City Manager to execute any documentation needed to sell 200 and 214 N. Cameron to the EDA or a legal entity created by and under the direct control of the EDA in accordance to the previously executed Letter of Intent.

<b>RESULT:</b>	<b>APPROVED TO FORWARD [6 TO 0]</b>	<b>Next: 8/23/2016 6:00 PM</b>
<b>MOVER:</b>	Bill Wiley, Vice President	
<b>SECONDER:</b>	Les Veach, Vice Mayor	
<b>AYES:</b>	Clark, Hill, Minor, Sullivan, Veach, Wiley	
<b>ABSTAIN:</b>	Willingham	
<b>ABSENT:</b>	McInturff, McKannan	

**4.2.R-2016-38:** Resolution Approving the Removal of Existing Traffic Signals

Perry Eisenach, Public Services Director, stated the resolution before Council is to remove five existing traffic signals that were discussed at the July 26, 2016 work session. Since the meeting, staff has looked at the intersection of South Loudoun and Whitlock very closely due to the concerns that were raised during the work session. In addition to removing the signal and installing stop signs on Whitlock, staff is recommending installing flashing pedestrian signs at the intersection. The

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lights would flash when the pedestrian pushes the button to cross the intersection. Staff is also recommending the installation of two flashing school signs on both directions of South Loudoun Street in advance of the school to make drivers more aware of the school zone. Mr. Eisenach stated pedestrian counts were taken in May of 2015 at Whitlock/South Loudoun and during the time of 6:45 a.m. to 5:00 p.m., there were 11 pedestrians who crossed South Loudoun Street.

Vice President Wiley asked if the school signs will flash during the morning and afternoon school hours. Mr. Eisenach stated that is correct. The times will be set by School Administration.

Vice Mayor Veach asked how high the button is going to be. Mr. Eisenach stated it will be set so the students will be able to reach it. The height will also have to meet the Americans with Disability Act requirements.

Councilor Hill asked if both of the signs will be on Whitlock. Mr. Eisenach stated the stop signs will be installed on Whitlock and the flashing pedestrian signs will be installed on South Loudoun Street.

President Willingham asked if the speed limit could be set to 25 mph for the school zone instead of 35 mph. Mr. Eisenach stated that section of South Loudoun Street is already 25 mph. The 35 mph speed limit begins a couple of blocks south of the area.

Councilor Sullivan asked when the timeline will be for installing the signs. Mr. Eisenach stated staff will wait until there is a break in the school schedule so drivers can become accustomed to it while school is out. The other three signals will be removed this fall.

Councilor Hill asked if another pedestrian count will be done. Mr. Eisenach stated he did not plan to do another count.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bill Wiley, Vice President
<b>SECONDER:</b>	Elizabeth Minor, Mayor
<b>AYES:</b>	Clark, Hill, Minor, Sullivan, Veach, Wiley, Willingham
<b>ABSENT:</b>	McInturff, McKannan

## 5. EXECUTIVE SESSION

**5.1. PURSUANT TO §2.2-3711(A)(3) FOR THE PURPOSE OF DISCUSSION OR CONSIDERATION OF THE ACQUISITION OF REAL PROPERTY FOR A PUBLIC PURPOSE AND THE DISPOSITION OF PUBLICLY HELD REAL PROPERTY WHERE DISCUSSION IN AN OPEN MEETING WOULD ADVERSELY AFFECT THE BARGAINING POSITION OR NEGOTIATING STRATEGY OF THE PUBLIC BODY. Specifically Including But Not Limited to the Acquisition and Disposition of Property Associated with a Public Project.**

## 5.2. Motion to convene into Executive Session

Vice President Wiley moved to convene into Executive Session at 6:15 p.m.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bill Wiley, Vice President
<b>SECONDER:</b>	Elizabeth Minor, Mayor
<b>AYES:</b>	Clark, Hill, Minor, Sullivan, Veach, Wiley, Willingham
<b>ABSENT:</b>	McInturff, McKannan

## 5.3. Motion to reconvene in open session

Vice President Wiley moved to reconvene in open session at 6:42 p.m.

Upon returning, each member certified that only public business matter lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bill Wiley, Vice President
<b>SECONDER:</b>	John Hill, Councilor
<b>AYES:</b>	Clark, Hill, Minor, Sullivan, Veach, Wiley, Willingham
<b>ABSENT:</b>	McInturff, McKannan

## 5.4. O-2016-22: First Reading - ORDINANCE TO AUTHORIZE THE CONVEYANCE OF TEMPORARY AND PERMANENT EASEMENTS DESCRIBED IN THE LAND CONTRIBUTION AND DEVELOPMENT RIGHTS AGREEMENT BETWEEN THE CITY OF WINCHESTER AND TIMOTHY MELLON FOR THE GREEN CIRCLE TRAIL PUBLIC IMPROVEMENT PROJECT

## 5.5. R-2016-39: Resolution to Authorize the City Manager to Execute the Land Contribution and Development Rights Agreement Between the City of Winchester and Timothy Mellon for the Green Circle Trail Public Improvement Project and Perform All Acts Necessary to Effectuate the Transaction (Presented by Perry Eisenach, Public Services Director)

Mr. Eisenach presented a brief history on the Green Circle Trail and when each segment was completed. He stated a majority of the current section of the trail that runs along Town Run from Pall Mall Street to Cecil Street/Kent Street is complete except for the installation of one light and the paving. To date, \$3,318,000 has been spent on the trail with the City paying \$873,000 of that amount. In 2008, a site plan for the property at 220 East Pall Mall Street was approved. A 20-foot wide easement for the Green Circle Trail was clearly marked on the site plan. In 2012, the City acquired property from the Moose Lodge with a majority of the property located in the floodplain. In 2014, a sub-consultant and VDOT performed an

environmental assessment for this phase of the project that included 220 East Pall Mall Street. No environmental hazards were found and the City was given the approval to proceed. Construction on this phase of the trail began in April of 2015. In June of 2015, Mr. Timothy Mellon purchased the property at 220 East Pall Mall Street. Mr. Mellon was made aware of the easement on the property for the Green Circle Trail in February of 2015 by the Planning Director and was also aware that construction for the trail on this property was taking place when he purchased the property. In September of 2015, an underground tank was discovered during the construction just north of Pall Mall Street. Mr. Mellon was notified about the tank on September 11, 2015 through an email from the Planning Director. Mr. Mellon met with staff on site on October 19, 2015 to look at the tank. On October 21<sup>st</sup>, he requested the City restrict access to keep the public off of his property and subsequently, installed a fence to restrict access onto the property. Negotiations between the City and Mr. Mellon have been on-going since October of 2015 regarding the tank and the easement for the trail. A request made during this time to conduct an additional environmental assessment regarding the tank was denied by Mr. Mellon.

Mr. Eisenach stated staff has looked at four options for continuing the trail to Pall Mall Street. The only feasible and cost effective alternatives are to construct the trail across Mr. Mellon's property as originally designed or by diverting the trail around the tank. A proposed agreement has been reached with Mr. Mellon. In the agreement, a portion of 220 E. Pall Mall Street will be conveyed to the City to complete the Green Circle Trail. Mr. Mellon will construct a park at his expense on the remaining portion and retain naming rights of the park which he indicates will be the "Patsy Cline Memorial Park." Upon completion of the park, the remaining property will be conveyed to the City to use as a public park, which the City would maintain. Mr. Mellon also owns two parcels on Kent Street which will also be converted to park space and conveyed to the City with the same restrictions. However, Mr. Mellon retains the right to lease the building on this property. If Mr. Mellon decides to abandon the project in the first three years, the City may have to pay "Supplemental Consideration" which would be the appraised value or per square foot purchase price of the property.

Mr. Eisenach stated the tank lid was less than two feet below the ground surface and was hit while excavating for the new lights along the trail. It is made of concrete and is approximately 20'x40'x5'. There are no records of the tank but it is estimated that it is 80-100 years old. The tank is full of a black, oily liquid with solids that have settled to the bottom. There is no visible damage to the tank and no visible evidence that it is leaking. A steel plate was placed over the tank opening and it was covered with soil. If the City acquires the property where the tank is located, a new lid will be placed on the tank that will be encased in concrete. Replacing the lid and knowing the exact location of the tank will reduce the risks posed by the tank. However, the sides and bottom of the tank have never been inspected so the structural integrity is unknown and there is no guarantee there will not be leaks in the future. The City would be proactive in pursuing grant

funding to remove the tank which is estimated at \$350,000. Based on the information received and no evidence of leaks, the DEQ has indicated that no immediate cleanup is required. Now that the tank has been discovered and the property owner is aware of it, any future leaks could cause significant liabilities or penalties for the property owner as the owner is liable for the tank. If 220 East Pall Mall Street is acquired for the completion of Green Circle Trail, the construction on this segment will be complete in approximately 30 days.

President Willingham asked how many miles have been completed in the trail today and what the total number of miles is in the trail. Mr. Eisenach stated the total number is approximately 6.2 miles. The remaining section along Jubal Early is over a mile and a half so the trail is over three quarters of the way complete.

Mr. Williams stated Council has been given a copy of the agreement that was signed today by Mr. Mellon with a copy of his notarized signature. The positive elements of the agreement is that the City avoids condemnation, a public park is gained with no or minimal development or engineering costs, there is no court battle over the immediate and certain acquisition, and any acquisition costs are spelled out in the agreement. The negative elements to consider are that the City may have to pay the cost that Mr. Mellon paid for the property or the appraised value of the property. The City will receive more land than needed to complete the trail and will no longer receive \$1,878.24 in annual real property taxes. The memorial park must be maintained in perpetuity with an annual maintenance cost to the City of \$10,000-\$15,000 once the property is conveyed. Mr. Mellon has the naming rights of the property; however, the City can decline any illegal name or anything that is vulgar or crude. Mr. Mellon has indicated it will be named the "Patsy Cline Memorial Park" and has agreed to include an indemnification to hold harmless in regards to his exercising the naming rights. Mr. Mellon also has broad discretion over what amenities will be included in the park as he will be paying for them out of pocket. If any of the triggering events occur within the first three years, Mr. Mellon can walk away from the project and the City is required to pay the Supplemental Consideration which will be the actual cost Mr. Mellon paid for the property or the appraised value. Mr. Mellon purchased the properties in aggregate for \$404,000 and the assessed value in aggregate is \$206,400.

Councilor Sullivan asked if the City will end up with the tank in each of the scenarios. Mr. Eisenach stated if the City acquires the property, it takes over the liability and responsibility for the tank. Mr. Williams stated if the property is acquired, the City, as owners, will be responsible for the tank. If an easement is gained through condemnation, it could be a shared or no responsibility. In terms of a fee simple acquisition as is contemplated under the agreement, the City would assume complete responsibility.

Councilor Hill asked if the property is acquired, would staff pursue some type of grant funding to remove the tank. Mr. Eisenach stated there is one grant program through the EPA that this qualifies for. It is a nationwide, competitive grant with a

matching share of some of the costs. However, it could be two years before any funding would be received. Councilor Hill asked to confirm that there has been no indication of damage to the tank and steps are being taken to protect it from damage. Mr. Eisenach stated that is correct. Councilor Hill stated he wanted to have a confirmation on what was said so the citizens know that staff is still looking at the safety issue and are not just leaving the tank as it is. Mr. Eisenach stated the City wants to be proactive on the situation.

Vice Mayor Veach asked to confirm that the City will own the land and have the responsibility of the tank if the City goes with the agreement. Mr. Williams stated that is correct. Vice Mayor Veach asked to confirm that the City would not have any responsibility for the tank or it could be shared if the City goes with the condemnation. Mr. Williams stated the DEQ regulations read that the property owner is responsible, so his recommendation would be to consider a perpetual easement across the property in which case Mr. Mellon would remain the owner of the property. Then, if there were any liability on the part of the City for any environmental mitigation, it would be at best shared with the property owner under a condemnation scenario. Vice Mayor Veach asked if the condemnation would be for an easement and not a land ownership condemnation. Mr. Williams stated that is correct.

Vice Mayor Veach stated he is struggling with the park since there is no clear picture of what the park will be and Mr. Mellon has complete discretion over what it will be. Mr. Williams stated staff has received a general conception of what the park will look like but in broad terms, Mr. Mellon has great discretion in what amenities will appear in the park. Vice Mayor Veach asked if Mr. Mellon has a written agreement for the use of "Patsy Cline" in the development. Mr. Williams stated he did not know but there is an indemnification to hold harmless for the City. The Patsy Cline Park was a not a City contemplative project but an idea and request by Mr. Mellon and so he would have to make that decision on his own to facilitate it. Vice Mayor Veach asked if Mr. Mellon still has control over what the park is and the name of it. Mr. Williams stated that is correct.

Vice Mayor Veach asked if the condemnation was only for the easement, could Mr. Mellon develop his land as he chooses. Mr. Williams stated there would be nothing to hinder Mr. Mellon from developing the parcels if the City were to do the perpetual easement. The City would not have to accept the parcels as a public park as Mr. Mellon would like but there is that option.

Vice Mayor Veach asked to confirm that if the agreement is done and Mr. Mellon has full discretion, he has three years to decide if he wants to do the development or not and the City will have to buy it from him. Mr. Williams stated if Mr. Mellon decides the development is not feasible in the first three years or park development period, he has the right to abandon it and the City will be required to purchase it for Supplemental Consideration. The amount that Mr. Mellon would spend developing the amenities during that time period would not be included in

the purchase price. It is only the cost of the land and would be the higher of the appraised value at that time or the purchase price that he paid at the time he acquired it. Vice Mayor Veach stated the land would not just be for the Green Circle Trail and asked if it included parcel X and the two lots on Kent Street. Mr. Williams stated that is correct.

Vice Mayor Veach stated in the agreement, if the City has to buy it back for a minimum of \$404,000 and has to spend \$350,000 to clean up the tank, it is a possible total of almost \$800,000 but a condemnation on the easement is paying only for the easement. Mr. Williams stated he would envision that there could be a claim of damage to a residual which could increase that amount some, but the effort to acquire would only be to acquire the conveyance area which is the minimal course needed to complete the Green Circle Trail.

Vice Mayor Veach asked when going into a project like this, would one expect to never have to explore condemnation for the whole 6.2 miles of the Green Circle Trail. Mr. Eisenach stated whenever you are dealing with property owners, it is challenging. It basically comes down to how much the City wants to construct and how big the need is but that is the decision that Council makes. You never want to do condemnation but the potential always does exist on these types of projects.

Vice President Wiley stated based on the agreement, he is having a hard time accepting the fact that the citizens have to take on the responsibility of the tank. There are a lot of unknowns based on this agreement and the performance of Mr. Mellon's attorney throughout the negotiations of this process. He commended the City Attorney, City Manager and staff on working continuously for months on this negotiation. He stated he finds it disappointing that Mr. Mellon and his attorney state that the City is not being forthright and accommodating for this trail. He disagrees with that and stated for what Mr. Mellon is asking for in this agreement, he is getting the better end of the deal. The City is taking on a lot more risk. He is not a fan of condemnation but based on what Mr. Veach was asking, he thinks it is the only avenue to make this work for the benefit of the City to eliminate the risk. He will not be voting in favor of this agreement. Vice President Wiley challenged Mr. Mellon's attorney to have Mr. Mellon follow through on the park because from what has been seen so far of Mr. Mellon's actions, he does not see it happening.

Councilor Sullivan stated this aspect of the project is in the Third Ward which he represents. He has been traveling under the railroad bridge practically his whole life and can say the trail coming through Ward 3 has been a huge boost to the neighborhood. The quality of life is improving there and people are on the trail every single day. There is not a good option for what should be done. He thanked staff for all of the time and effort they put into this. This area has been neglected for various reasons for decades and has been one of the worst parts of the city by far. This is not perfect but it does give the City a chance, if Mr. Mellon follows through on his intentions, to do something that will benefit the city for a long time. There will always be risks. Councilor Sullivan stated he will support this and

challenged Mr. Mellon to follow through with what he thinks will be something that will be really good for the city.

President Willingham stated the City had an agreement with the previous land owner, Mr. Craun, with a site plan subject to the Green Circle Trail. He asked what will be done in the future to make sure there are formalized agreements going forward when dealing with someone who does not live up to the spirit of an agreement. Ms. Freeman stated in the FY17 budget, a new position was added in Public Services whose sole responsibility is to make sure there are the appropriate deeds and easements in place for any public improvement project. Staff will also be working over the next few years to obtain easements for Town Run on portions that have been used because of historical access but there is nothing in writing. There is a good bit of cleanup that staff will be doing too.

President Willingham stated he does not like the agreement as well. Mr. Veach and Mr. Wiley provide selling points as to why it should not be accepted. A condemnation would just be for an easement but it is still taking a property owner's right. He would be more inclined to support condemnation if there was not an agreement that is somewhat appropriate. He thinks condemnation will create a whole other fiasco. The City has been working on this project for almost a year and is finally getting an opportunity to bring some resolution to it. He does not like accepting the environmental responsibility or portions of the park conditions. When he looks at not doing it, he sees future litigation and increased legal expense. There is also the potential to forfeit future VDOT funds for the Green Circle Trail and the potential need to repay some of those funds. When you put all of the dollars on the table, it probably brings it back to some near equitable consideration that needs to be made. He does not want to do this but thinks the Green Circle Trail needs to be completed. It has been an important aspect of what the City has been trying to do for a long time. He fears the risk of losing those funds by not going forward with this but he agrees with his colleagues about forcing the provisions of the park. He does see some upside to having a park and green space even if the land reverts back to the City for ownership. If the worst of it, outside of the environmental, is not having the naming rights, he cannot support condemnation. With this agreement, the project can move forward. The worst case would be that the City owns a park and has to deal with some potential environmental liability. He is going to support the agreement as it stands not because he wants to but because he is forced to when he looks at the options. It is not a good position but he thinks it is the best that can be maneuvered. He thanked Ms. Freeman, Mr. Williams, Mr. Eisenach and staff for the work that has been done and stated he thinks a decision needs to be made tonight.

Mr. Williams stated Council has a copy of a notarized agreement from Mr. Mellon before them tonight and Mr. Mellon's attorney is supposed to be mailing the original agreement to him immediately. He recommended making a text amendment to authorize the City Manager to execute the agreement upon receipt of the original document from Mr. Mellon.

Councilor Hill moved to amend the resolution to authorize the City Manager to execute the agreement upon receipt of the original document from Mr. Mellon and to approve the resolution. The motion was seconded by Councilor Clark.

Vice Mayor Veach stated he is not going to support the resolution. He thinks Mr. Mellon knew what he was doing from the beginning. He waited until the City started construction and then purchased the land probably knowing there were no recorded easements. Mr. Mellon's acts have demonstrated this through the negotiations and the contract is one-sided. Mr. Mellon has an out and the City ends up buying land it doesn't need whenever he chooses to get out. The City will own two parcels on Kent Street that it does not need. Mr. Mellon knows he can develop the park anytime he wants if the easement was condemned. Vice Mayor Veach stated he hates to put it this way but he thinks the City is getting played so he cannot support it.

<b>RESULT:</b>	<b>APPROVED [5 TO 2]</b>
<b>MOVER:</b>	John Hill, Councilor
<b>SECONDER:</b>	Evan H. Clark, Councilor
<b>AYES:</b>	Clark, Hill, Minor, Sullivan, Willingham
<b>NAYS:</b>	Veach, Wiley
<b>ABSENT:</b>	McInturff, McKannan

**6. ADJOURNMENT**

**6.1. Motion to adjourn**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bill Wiley, Vice President
<b>SECONDER:</b>	Elizabeth Minor, Mayor
<b>AYES:</b>	Clark, Hill, Minor, Sullivan, Veach, Wiley, Willingham
<b>ABSENT:</b>	McInturff, McKannan

The meeting was adjourned at 7:39 PM.

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Kari J. Van Diest, CMC  
Deputy Clerk of Council

Minutes Acceptance: Minutes of Aug 9, 2016 6:00 PM (APPROVAL OF MINUTES)