



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, June 28, 2022

7:00 PM

Council Chambers

1. Roll Call

Wesley Russ and Capt. Kidd also present

Present: 5 - Mayor Deanna R. Reed, Vice Mayor Sal Romero, Council Member Christopher B. Jones, Council Member Laura Dent and Council Member Richard Baugh

Also Present: 2 - Deputy City Manager Ande Banks and City Clerk Pam Ulmer

2. Invocation

Mayor Reed offered invocation

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

4. Special Recognition

5. Consent Agenda (any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of Council, otherwise all items will be voted on with one (1) motion)

A motion was made by Council Member Baugh, seconded by Council Member Dent, to approve the consent agenda as presented. The motion carried with a recorded vote as follows:

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

No: 0

5.a. Minutes from the June 12, 2022 City Council meeting

These minutes were approved on the consent agenda.

5.b. Consider a request from Nikolay and Augusta Bondaruk to rezone 1064 South High Street

This rezoning request was approved on second reading

5.c. Consider a supplemental appropriation for various departments in the amount of \$551,753.66

This supplemental was approved on second reading

- 5.d. Consider a supplemental appropriation in the amount of \$1,375,928.10 from lease agreements

This supplemental was approved on second reading

- 5.e. Consider approving an ordinance amendment to Section 7-4-1 of the Harrisonburg City Code increasing water and sewer/authority rates

This ordinance amendment was approved on second reading

6. Public Hearings

- 6.a. Consider personal property and real estate tax exemption status for Harrisonburg Community Health Centers, Inc and The Community Foundation of Harrisonburg and Rockingham and personal property tax exemption status for Anicira Veterinary Center and Harrisonburg Gift and Thrift Shop, Inc.

Karen Rose, Commissioner of the Revenue, presented applications requesting real estate and/or personal property tax exemption for 2022. She reviewed the process in determining the eligibility for tax exemptions to be presented to Council. She stated currently there are 13 501(c) organizations that are receiving personal property tax exemptions for a total in FY 2022 of \$20,425 and 11 receiving real estate tax exemptions for a total of \$95,186. She reviewed the current organizations requesting exemptions are as follows:

Anicira Veterinary Center, currently receiving tax exemption for both real estate and personal property, is asking for additional personal property tax exemption on a van used for transporting animals. She stated the tax exemption would be in the amount of \$1,377

Harrisonburg Gift and Thrift Shop Inc. currently receiving tax exemption for real estate and personal property, is asking for additional exemption for a truck. She stated the tax exemption would be in the amount of \$163.00.

The Community Foundation of Harrisonburg and Rockingham County (TCF) has requested exemption on real estate taxes and personal property taxes for 25 W Water St. (Tax Map 026 B 10T). This property was owned by The Free Clinic and in 2021 everything was gifted to TCF Holdings LC which is 100% owned by The Community Foundation of Harrisonburg and Rockingham. TCF was charged with finding another nonprofit to use the property to benefit the underserved health care needs of our community. TCF Holdings LC has paid \$1,372.75 in personal property taxes for 2021 and \$ 13,922.10 in real estate taxes for 2021. The 2022 assessment for real estate is \$ 1,642,400 and at the FY 23 real estate tax rate of .93¢ per hundred would generate \$ 15,274.32 in FY 23. The 2022 assessment for personal property is \$ 23,080 and at the FY 23 personal property tax rate of \$2.12 per \$100 is \$ 489.30.

She noted that just prior to this Council meeting, the property had been gifted to Sentara.

Harrisonburg Community Health Center, currently receiving tax exemption for both real estate and personal property, is asking for additional exemption for the pharmacy. She stated the tax exemption would be for real estate taxes in the amount of \$5,858.07 and personal property taxes in the amount of \$5,716.98.

Mrs. Rose stated it is recommended to grant all the aforementioned requests.

Vice Mayor Romero asked if there was ever a maximum of exemptions allowed per year. Mrs. Rose stated there has never been any considerations as to setting maximums. Council Member Baugh reviewed the history on these exemptions, originally dating back to the 1970's.

Council Member Dent asked if these exemptions are standing once approved. Mrs. Rose stated they must recertify for exemptions every three years.

Vice Mayor Romero asked how other organizations, who are not aware of this program and that may benefit from tax exemptions, know how to apply. Mrs. Rose stated many find out when they try to apply for a business license, and they are a 501-3(c) organization.

At 7:18 p.m., Mayor Reed closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Wednesday, June 22, 2022

Melissa Gilligan, hospital administrator, Anicura Veterinary Center, thanked Council for their consideration and provided the mission and progress of Anicura.

At 7:19 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

A motion was made by Council Member Baugh, seconded by Vice Mayor Romero, to approve the requests as presented. The motion carried with a recorded vote as follows:

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

No: 0

7. Regular Items

- 7.a. Engaging Harrisonburg - Results of a six month public input process for allocating ARPA funds

Dr. Rob Alexander, director of the Institute for Constructive Advocacy and Dialogue (ICAD), Dr. Lori Britt, co-director of ICAD, Dr. Kara Dillard, co-director ICAD, presented the results of six month public input process about allocating ARPA funds to create a stronger more equitable and resilient city in the future. He stated ICAD is an independent institute at JMU that provides consulting, training, research and direct facilitation service provisions, and build capacity for having difficult but productive conversations. He stated he stated they are housed at JMU but not directed by JMU. He stated there have been over 3,000 individuals engaged in this process to answer the question as to what the priority community needs resulting from the pandemic are. He stated priority needs will be shared this evening, there is project level data that Mr. Luke Morgan, ARPA coordinator, City of Harrisonburg, has been working on, and it is strongly recommended that a work session be scheduled to get that additional information to make decisions on the allocations of the ARPA Funds.

ICAD reviewed the following:

1. Best Practices of Public Input
2. Our Public Input Approach
3. Who Engaged? Who Provided Input?
4. Key Findings
 - a. Pandemic Impacts
 - b. Priority Needs of the Whole Group
 - c. Priority Needs of Low Income Households
 - d. Priority Needs by Race and Ethnicity
5. Summary
6. Suggested Next Steps

ICAD thanked all that were involved in the community engagements.

Mayor Reed stated she agrees that a work session or two is needed in order to process all this information and make decisions.

Vice Mayor Romero thanked everyone for the work put into this and asked if they felt there may have been areas that were not capitalized on to make the report stronger with more input in certain areas. Dr. Britt stated they have already identified a few things they would do differently with the types of questions they were asking, pilots were done with Harrisonburg High School students and would do that again, but perhaps tighten up the questions a bit more. She stated obviously it would have been better to have more time for the second survey session, but overall, the data collected is a good representation.

Mayor Reed asked if there were any groups that reached out to ICAD past the deadline they may not have gotten a chance to speak with. Dr. Britt stated every single group that made a request was reached.

Council Member Dent stated she has an appreciation due to the challenges going

from qualitative data to quantitative data and ICAD has done an excellent job with that.

Mayor Reed thanked ICAD for all the work and reiterated that work sessions are needed.

Council Member Jones stated we should get the updated copies of the presentation and then schedule a work session.

This Presentation was received and filed.

- 7.b.** Consider adopting a Resolution approving issuance by Harrisonburg Redevelopment and Housing Authority of Revenue Bonds for the acquisition and construction of Brookland Park Apartments located in the City of Richmond.

Wesley Russ, assistant city attorney, stated the resolution is to approve issuance of revenue bonds by the Harrisonburg Redevelopment and Housing Authority (HRHA) as required by state law. He stated this has no financial impact or liability to the city and is for a project in Richmond called the Brooklyn Park Apartments that will generate revenue for HRHA. He stated staff recommends approval of the Resolution.

A motion was made by Council Member Baugh seconded by Vice Mayor Romero, to adopt the resolution as presented. The motion carried with a recorded vote as follows:

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

No: 0

- 7.c.** Consider Approval of Amendment to the 2021 CDBG Action Plan

Ande Banks, interim city manager, stated on May 24, 2022, a 30-day public comment period was opened for an amendment to the 2021 CDBG Action Plan that would allow for funding to be used for a public art project at the convergence of Liberty St. and North Main Street. He stated no comments had been received from the public. He reviewed the amendment that will provide \$50,000 to the new North Liberty Gateway Public Art project. He stated with Council's approval it will allow the next steps in working with Harrisonburg Downtown Renaissance and The Arts Council of the Valley in developing themes, requests for qualifications of artists, and hopefully in the near future bring a brand new piece of public art next spring to welcome folks to the north-end gateway to downtown.

Council Member Dent asked how the process of developing themes work. Mr. Banks stated an online survey will be sent out that asks specific questions to try and identify specific themes that can then be brought to Council to create a selection committee of staff, partner representatives, and Council representative, to look through the data and bring back recommendations to City Council for approval of the final theme.

Council Member Baugh stated he is surprised to see funds moved from CDBG Administration. Mr. Banks stated the maximum amount allowed under the regulations

for the Administration category is allocated, and then every 3-5 years a significant planning process is done to meet requirements by HUD, which allows the ability to see what is not needed in Administration that can be allocated over to other projects.

Vice Mayor Romero stated as this process will start in the summer when school is not in session he would hate to miss the opportunity to get the bright minds of the students who often have incredible ideas, thoughts and visions and he encourages staff to consider finding ways to engage the youth of the city. Mr. Banks stated there is flexibility to the schedule and plan on trying to culminate the public engagement process end of July beginning of August but can push it out to accommodate school scheduling to incorporate the students.

Council Member Jones stated he would like to serve on the selection committee as he has been talking about this for several years.

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

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

No: 0

- 7.d.** Consider adopting a resolution authorizing the City Manager to execute a Real Estate Purchase Agreement between the Shenandoah Presbytery Corporation and the City of Harrisonburg, VA.

Vice Mayor Baugh stated the Virginia State and Local Conflict of Interest Act requires that he make the following disclosure to be recorded in the city records on any matter from which he is prohibited by law from participating:

1. The transaction involved is agenda item 7(d), a Resolution authorizing the city manager to execute a Real Estate Purchase Agreement;
2. His personal interest in the transaction relates to the ethical requirements to which he must adhere as a licensed member of the Virginia State Bar;
3. He affirms he will not vote or any manner act on behalf of city council on this matter

Wesley Russ, assistant city attorney, stated this is a request to authorize the interim city manager to ratify the Purchase Agreement of a 3.684 acre property from the Shenandoah Presbytery Corporation for the intent to use the property as a low-barrier shelter for people experiencing homelessness at a purchase price of \$700,000. He stated the city attorney has completed a thorough legal review and recommends adoption of the resolution.

Mayor Reed thanked her colleagues for supporting her in the desire to get this project underway. Council Member Jones stated this is something that was not only important to the Mayor but the many non-profit leaders in the community and the city to put our best foot forward for a solution.

A motion was made by Council Member Dent, seconded by Council Member Jones, to adopt the resolution as presented. The motion carried with a recorded vote as follows: Baugh abstained

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

No: 0

8. Reallocations

- 8.a.** Consider a reallocation of budgeted funds for the Harrisonburg City School division in the amount of \$1,600,000

Larry Propst, director of Finance, stated the reallocation request is from Harrisonburg City Public Schools to reallocate funds between their functional areas as they match up their actual spending and planned spending with their budget numbers. He stated this is not unusual for this time of year, they typically have this same request every year.

Council Member Dent stated she is thrilled to see the allocation for the solar panels on the central office. She stated if the roof at Keister Elementary School is slated for a complete roof replacement it would be an ideal time to put solar panels there but may require a separate set of funding.

A motion was made by Council Member Jones, seconded by Council Member Dent, to approve the reallocation request as presented. The motion carried with a unanimous voice vote:

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

No: 0

- 8.b.** Consider a reallocation of funds for the Public Utilities Department in the amount of \$200,000

Larry Propst, director of Finance, stated the reallocation request is for the Public Utilities Department Water Capital Project Fund to reallocate funds in the amount of \$200,000 that were budgeted in the water main upgrades account into transmission-distribution project line item to support Public Utilities' project activities.

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

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

No: 0

9. Other Matters

9.a. Comments from the public, limited to five minutes, on matters not on the regular agenda. (Name and address are required)

Phoebe Solo-Sakss, Frederick Road, stated in 2019 Harrisonburg City acted quickly to make us a Sanctuary City for our 2nd Amendment rights, and she was happy to know that she was part of a community that cared so much about local laws. She stated she urges Council to respond with the same urgency that surrounds the overturn of Roe v. Wade. She asked Council to consider making an ordinance to prevent city employees and local law enforcement from investigating and prosecuting people who have sought out, performed, or aided in the process of abortion. She asked we give the women in our area a chance to decide whether they able to go through pregnancy, they have the resources to carry and raise a child, or for medical reasons. She asked if the city is prepared to take on more foster children, to hand out more financial aide to mothers, prepared to arrest and prosecute rapists, or to help children carry other children.

Steven Thomas, stated he is advocating on behalf of the northeast neighborhood, the Northeast Neighborhood Association (NENA) and in particular to the historic Dallard-Newman House Museum. He stated many residents have approached Council Members to ask for support in a project that has been in motion for over 5 years and an investment in no less than \$1M in the project is only right. He stated NENA is the only organization focused specifically on addressing, redressing, and reconciling the legacy of slavery in the city. He stated if we want to have a community that really stands for what it proclaims to stand for, City Council has the responsibility to the acknowledgment of the legacy of slavery and its continued impact in the city. He stated Mayor Reed has publicly supported this project and he wants to know when he will be able to comment on the allocations of the ARPA funding previously presented.

Panayotis "Poti" Giannakouros, clarified and commented on several items that came up at the last City Council meeting, and asked that public comment be respected by the elected representatives. He asked Council to have no tolerance for sitting public officials influencing and speaking against people for expressing their political rights and furthermore because someone didn't like them.

9.b. City Council and Staff

Vice Mayor Romero stated over 50 migrants were found dead in a tractor trailer in San Antonio, Texas, and that, as an immigrant himself, brings a lot of emotions. He stated he wants to make sure that the city continues to thank and appreciate people who risk their lives coming across the border that want to come to the United States to do the best they can to continue to improve our community. He recognizes those in the city and those around the country who come and do what they can to make our communities better. He stated the journey and risks he had to take are not even close to the risks that immigrants are taking nowadays. He feels blessed to be living in the best nation in the world, but he can't stop thinking about the families that were

impacted by this tragedy.

Mayor Reed stated she attended the Parks and Recreation Committee (PRAC) meeting last night and heard a great presentation about the Heritage Oaks Golf Course. She stated things are turning around there, we should be proud of the direction it is going, staff has done a lot to get it to the point where it will be in the black. She stated overall it was a great meeting.

Council Member Jones stated the city lost Pastor Marin, he was a great giant of a man, a leader of a family and church, a leader in our organization and an overall great person. He was a gentle giant with a really loud good soul. He will be missed and provided condolences to the family and his congregation.

Mayor Reed stated there will be a march on Saturday, July 2, 2022, at Liberty Square at 1pm.

10. Boards and Commissions

10.a. Planning Commission

A motion was made by Council Member Jones, seconded by Council Member Dent, to appoint Valerie Washington to the Planning Commission to an unexpired term to expire on December 31, 2023. The motion carried with a unanimous vote.

10.b. Shenandoah Valley Workforce Development Board (SVWDB)

A motion was made by Council Member Baugh, seconded by Council Member Jones, to reappoint Mary Staubus and Roy Norville to the Shenandoah Valley Workforce Development Board to a second term and first term respectively, to expire June 30, 2027. The motion carried with a unanimous vote.

10.c. Environmental Performance Standards Advisory Committee (EPSAC)

This Boards and Commissions was tabled.

10.d. Community Services Board

A motion was made by Council Member Jones, seconded by Council Member Dent, to appoint Jessica Conway to the Community Services Board for a term to expire on June 30, 2025. The motion carried with a unanimous vote.

10.e. Harrisonburg Redevelopment and Housing Authority (HRHA)

This Boards and Commissions was tabled.

11. Closed Session

12. Adjournment

At 8:54 p.m., there being no further business and on motion adopted, the meeting

was adjourned.

CITY CLERK

MAYOR