



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, May 12, 2020

7:00 PM

Council Chambers

1. Roll Call

Note: All Council Members were present via virtual Go-To Meeting.

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

Also Present: 3 - City Manager Eric Campbell, City Clerk Pam Ulmer and City Attorney Chris Brown

2. Invocation

Council Member Baugh recognized the passing of Dr. Walter Green, III, who served on City Council for 24 years, eight of which were as Mayor, and was known as "the Mayor". He stated he left a long lasting legacy, he will be missed, his loss is mourned and we send condolences to the family and friend. Council Member Baugh asked for a few moments of silence in his honor and then offered the invocation.

4. 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 Hirschmann, to approve the consent agenda as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

4.a. Minutes from the April 21, 2020 City Council Budget Work Session

These minutes were approved on the consent agenda

4.b. Minutes from the April 28, 2020 City Council Meeting

These minutes were approved on the consent agenda

4.c. Minutes from the May 5, 2020 City Council Budget Work Session

These minutes were approved on the consent agenda

5. Public Hearings

5.a. Amendment to the CDBG Citizen Participation Plan, Amendment to the 2017-2021 Consolidated Plan, and 2020 CDBG Annual Action Plan

Ande Banks, deputy city manager, stated this time of year staff normally presents the Community Development Block Grant (CDBG) Annual Action Plan for Councils approval of the spending recommendations on the following years CDBG Action Plan. He stated this year, however, because of the pandemic, there are two additional issues for Council's consideration directly related to additional funding from the United States Department of Housing and Urban Development (HUD): an amendment to the Five-Year Consolidated Plan and an amendment to the Citizen Participation Plan.

He reviewed how the CDBG is funded, its history and the how the funds can be used. He stated for the first time in a number of years the final allocation amounts have been announced prior to our public comment period and the city will be receiving \$534,269. Additionally, staff has decided to roll \$88,124 in previously unspent CDBG funding into the "pot" for this year which brings the amount of CDBG funding to be allocated to a total of \$622,393. He stated the city has received an additional CDBG-CV allocation in the amount of \$314,293 and this funding must be used for COVID-19 related prevention and response. He stated the total amount of funding available is \$936,686. He reviewed the allocations of these funds to the five categories: Housing and Property Improvements, Community and Public Facilities, Planning and Administration, Public Services, and CDBG-CV Funding.

He stated as previously discussed, in light of the increasing severity of the COVID-19 pandemic, the City of Harrisonburg is interested in making CDBG funding available to program eligible projects and activities and to assist in providing public facilities, special economic development assistance to businesses, public services and/or planning that could enhance our community's response to the impact of the pandemic, our community will place a high priority on providing facilities and services in support of a coordinated pandemic response. He stated this is a new priority need that was not previously included in our city's five-year plan and is required for us to list as a priority need in our plan so that we can effectively utilize the CDBG-CV funding.

He reviewed the amendment to the Citizen Participation Plan, which serves as a document to direct the city in its procedures regarding public input into the development of CDBG plans and reports. Due to the COVID-19 pandemic, HUD has relaxed the regulations in regard to how jurisdictions communicate CDBG information to the public. This temporary change allows for the timely use of CDBG funding to assist the individuals and businesses in our community that need it most. He reviewed the updated sections of the plan.

He provided the remaining schedule for the 2020 Annual Action Plan, the 2017-2021 Consolidated Plan Amendment and the Citizen Participation Plan amendment, noting

the eight-day public comment periods are scheduled to begin this evening.

Vice Mayor Romero asked if he would be able to find more information regarding the Covid-19 funding, the recommendations of the usage of the funding, and how other communities are using these funds. Mr. Banks stated the guidance HUD gave the city was in four categories: buildings and improvements, including public facilities, specifically for treating Covid-19 patients; assistance to businesses including special economic development assistance (the business loan program); provisions of new or quantifiably increased public services (Suitcase Clinic, Meals on Wheels etc.); and a portion could have been used for planning and administration, however staff chose to use the full amount for the programs and projects mentioned previously. He stated he will get the information on what other communities are doing. He stated this information will be provided prior to the final approval at the May 26, 2020 City Council.

At 7:20 pm Mayor Reed closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Monday, May 4, 2020.

James "Bucky" Berry, 30 W. Washington St., stated he would like to see some of these funds be placed on reserve for when the shelter closes, and housing is needed for the homeless.

At 7:23 pm Mayor Reed closed the public hearing and the regular session reconvened

This Public Hearing - No Action was received and filed.

6. Regular Items

6.a. Consider adopting a resolution updating the VDOT Roadway Inventory Management System (RIMS) Additions and Deletions

Tom Hartman, director of Public Works, presented a resolution to amend to the VDOT Roadway Inventory Management System (RIMS). He stated due to VDOT changing systems for calculations of roadways from paper to GIS, they asked all localities to make sure all the roadways, etc. match up to the data they had. He stated after reviewing there were some discrepancies and this resolution will correct those discrepancies and bring the inventory up to what it should be. He stated the arterial road mileage will increase by 4.0 miles and the local collector roadways will increase by 6.5 miles. He stated this will increase the funds received from VDOT for maintenance. He stated the resolution also shows deletion of certain city streets, which is purely administrative.

A motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to approve the resolution as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

6.b. Consider amending and Re-Enacting Section 9-6-1 through 9-6-8 - Public Trees, of the City Code of Harrisonburg, Virginia

Tom Hartman, director of Public Works, stated this code has not been amended since 2004, and process have been changed. He reviewed the recommended amendments.

Mayor Reed asked if a tree is not on city property but on Housing Authority owned property, what can be done if the tree is not taken care of. Mr. Hartman stated this would not be considered a public tree, if not blocking sidewalks or traffic signals and signs this ordinance does not provide any type of ability to maintain or prune the tree. Further discussion took place regarding a specific tree located in the Myrtle and Johnson Street neighborhood that has caused damage to cars because of the dropping of walnuts. It was discussed how the Housing Authority is not taking care of this, even after several requests from the city. Eric Campbell, city manager, stated the city arborist has been sent out to that specific location to see what could be done, however, it is on private property and the city's ability to do anything is limited. It was suggested a letter be sent to the supervisor of the director of the Harrisonburg Redevelopment Housing Authority (HRHA), as well as local elected officials requesting something be done.

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

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

No: 0

6.c. Consider adopting the Fiscal Year 2020-2021 budget and approving the Appropriation Ordinance on its First Reading

Larry Propst, director of Finance, presented the proposed amended budget for fiscal year 2020-2021. He reviewed the reductions to the proposed budget in both revenue and expenses. He stated the reduction in expenses reflects reduction on the Heritage Oaks Golf Course as requested by Council.

Mayor Reed read the following disclosure:

Pursuant to Sections 2.2-3112(B)(1) and 2.2-3115(H) of the Conflict of Interest Act of Virginia, I am declaring for the minutes of this meeting that as a result of my

employment with the On the Road Collaborative, which has a contract with the Harrisonburg City Public Schools, I have a personal interest in the transaction of the City's budget as a member of a business, profession, occupation, or group of three or more person the members of which are affected by the transaction. I further affirm that I am able to participate in this Council's consideration of the City's budget fairly, objectively, and in the public interest.

Vice Mayor Romero read the following disclosure:

Pursuant to Sections 2.2-3112(B)(1) and 2.2-3115(H) of the Conflict of Interest Act of Virginia, I am declaring for the minutes of this meeting that as a result of my employment with the Harrisonburg City Public Schools I have a personal interest in the transaction of the City's budget as a member of a business, profession, occupation, or group of three or more person the members of which are affected by the transaction. I further affirm that I am able to participate in this Council's consideration of the City's budget fairly, objectively, and in the public interest.

Council Member Jones asked for a copy of the worksheet for the amended proposed budget reflecting the reductions in revenue and expenditures. It was confirmed a copy will be sent to Council immediately following the meeting.

Council Member Baugh stated Council still has time to discuss further before the final reading on May 26, 2020.

Council member Hirschmann stated he is curious as to why the golf course is still closed. Mr. Campbell stated when the Governor issued his stay at home order, the city's revised policies for employees due to the Covid-19 response reduced the staff at the golf course.

Council member Jones thanked Luanne Santangelo, director of Parks and Recreation, for working so hard on and reducing the budget for the golf course so quickly.

Vice Mayor Romero asked if any changes will take place at the golf course after Phase One presented by the Governor starts. Mr. Campbell stated Phase One does not affect our current status as a city government. He stated the plan is to create a committee to help us transition to reopening of government facilities. He stated we need to be very strategic and deliberate in reopening considering the number of cases in the city.

Mayor Reed thanked Mr. Campbell for his statement and asked if there is anything that the city can do differently than what the Governor orders when it comes to opening Harrisonburg. Mr. Campbell stated we can only do what the state allows us to do directly, we have been going directly by the Governors executive orders. Chris

Brown, city attorney, stated we have the authority to only make decisions on city facilities, but as far as private businesses and individuals we must follow what the Governor orders.

Council Member Jones stated he has concerns about the "no trespassing" signs at the golf course. Discussion took place in regard to those signs and whether staff will be able to cover up these during the golf course closure to allow individuals to walk/bike etc.

A motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to approve the proposed amended budget for fiscal year 2020-2021 as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

6.d. Consider nominations for the 2020 VML Policy Committees

Pam Ulmer, city clerk, explained the changes to the annual VML Policy Committees nominations. She reviewed the current members and their committees and stated unless any changes are requested by Council the members will continue to serve on their respective committees.

Mr. Campbell stated the Mayor is also on the Legislative Committee, the city clerk will check on that, Vice Mayor Baugh stated he believes legislative committees are elected differently.

A motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to maintain the current memberships to the policy committees as presented. The motion carried with a unanimous voice vote.

7. Supplementals

7.a. Consider a supplemental appropriation for the School Capital Projects Fund in the amount of \$2,500,000

Larry Propst, director of Finance, presented a supplemental appropriation related to Change Order #4 of the Harrisonburg City School Board's Comprehensive Public-Private Education and Infrastructure Act Agreement related to the new high school.

A motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to approve the supplemental appropriation as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

8. Other Matters

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

Vicky Heitch, Laurel St., stated she has been watching the numbers of Covid-19 cases rise in the city, she stated according to the Virginia Department of Health Harrisonburg has the highest per 100,000 rate out of the entire state and she is hoping Council has some influence with the Governor and requests a stay on reopening the city for a bit longer

James "Bucky" Berry, 30 W Washington St., stated the new CAD system put in is not what it is supposed to be, the company could go under. He stated the city has over 500 cases of Covid-19 cases, he feels the Harrisonburg Police Department should start giving out citations for not abiding by the law.

Pamayotis "Poti" Giannakaouros, stated the city of Appleton Wisconsin is celebrating "No Mow May", so the residents can enjoy pollinator habitats, and he encourages Council to consider this as well. He stated Rochester, Minnesota, has suspended enforcing their tall grass and weed ordinance as well. He stated if Council is not persuaded that these are positive or compelling things to consider for our city please consider the anxiety many of us are having over the recent Governors plans to start reopening. He stated he feels the numbers may potentially become even more intense as our poultry plants become involved. He stated non-essential workers need to be able to stay home, landscaping employees are non-essential, shouldn't the city help with keeping these people home as well. He stated the harm that might come with relaxing the city's tall grass and weed ordinance enforcement, it has already been removed from paper alleys and stormwater BMP's that has not caused any problems. He stated Council should be cautious as to who's taste are more appropriate than others. He asks Council to consider relaxing or suspending enforcement of tall grass and weeds.

Kai Degner, 1484 Hillside Ave, congratulated Mayor Reed on her recent birthday, thanked the Mayor and Vice Mayor for the public messaging and the fine example they are setting at a time where we can't rely on our leaders for public safety. He stated it is nice to see city staff and council getting out the message in so many different languages. He stated he appreciated Council for taking public input seriously, in particular about the golf course. He thanked Council and told them to keep up the good work.

Electronic Public Comments

All electronically received comments are on file

This Report was received and filed.

8.b. City Council and Staff

Michael Parks, director of Communications, stated there will be free testing for Covid-19 done at two locations in the city on Saturday, May 16, 2020 from 2pm to 6pm at Skyline Middle School and Spotswood Elementary. It is open to any resident of the city, interpreters will be present and encourages anyone who would like to be tested take advantage of this.

Mayor Reed stated as we continue to get more testing in the city the more our numbers will increase, but if we can help the people that are infected and to educate more people, we must continue to do more testing. She stated staff and Council are working with the Health Equity Task Force, we are getting more supplies in the city, there has been a call out for masks that will go out to our most vulnerable neighborhoods which are diverse neighborhoods. She stated we need to take care of each other and take responsibility for each other by following the guidelines: wear a mask, maintain social distancing, washing hands. She stated anyone needing a mask should call her, she will get them one.

Vice Mayor Romero stated his continued concern is that many in the community are not taking this seriously. He has seen many not wearing masks in public places, he understands we do not have the authority to mandate masks, but perhaps a letter to businesses can be sent to encourage the use of masks. Mayor Reed stated we need to call it to the attention of the managers, and if letters help, she is all for that.

Council Member Hirschmann stated he is dumbfounded by the front liners, doctors, lawyers, police, teachers, mailmen, garbage people, everyone is chipping in to do as much as they can possibly to help us get through this, he is so proud.

Council Member Baugh stated following the guidelines is our best bet, if you can stay at home you should stay, for those that must work use face masks and wash hands regularly. He stated remember you are wearing the masks for others not yourself.

Council Member Jones stated the ALICE audience are already vulnerable when it comes to health care, many work in factory and large group settings, child care is hard for them, they usually live in close proximity of each other, tight knit groups, and it is extremely important as we recover from this, we can translate those concerns into helping people as much as we can, to help them move up the economic scale. He stated his heart goes out to those that have family in the facilities that are at high risk.

Mayor Reed stated we often hear the negatives, but Mr. Parks and staff are sending out post after post on the Covid-19 constantly, one can always go to our website for updated information, she stated she commends Mr. Parks for all his efforts in the

matter. She stated the Covid-19 is attacking our most vulnerable residents, who happen to be the most diverse, and we will keep working on getting more testing done in the city.

Vice Mayor Romero stated the research originally asked during the CDBG conversation is because we have a lot in the community who have Covid-19 but don't qualify for unemployment, therefore they will continue to work sick. He stated it will take many years for some people to get out of this hole, and he hopes there will be support for those individuals as well. He remains concerned about the number of cases in the city and still hopes for more transparency from the Poultry Federation.

Council Member Jones stated he agrees to helping out people, but that needs to be remembered when we vote on the budget. He asked those with the means to continue to support the businesses in the city and the non-profit organizations, everyone needs to try and stay as positive as possible and pay attention to the information given out by the Governor.

Mr. Campbell stated at the next Council meeting on May 26, 2020 there will also be a public hearing to set the tax rate for the fiscal year 2020-2021.

9. Closed Session

- 9.a. Closed meeting as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under:
Subsection 1 for the discussion of the performance of specific city employees.

At 8:44 p.m., a motion was made by Council Member Baugh, seconded by Council Member Jones, to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: Subsection 1 for the discussion of the performance of specific city employees. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

10. Adjournment

At 9:52 p.m., the closed session ended, and the regular session reconvened. City Attorney Brown read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify that to the best of my knowledge (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37 of Title 2.2 of the Code, of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting by the City Council.

At 9:52 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR