



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Final City Council

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Tuesday, October 25, 2022

7:00 PM

Council Chambers

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### 1. Roll Call

**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:** 5 - Deputy City Manager Ande Banks, City Attorney Chris Brown, City Clerk Pam Ulmer, Police Chief Kelley Warner and Mayor Matthew Tobia

### 2. Invocation

Council Member Baugh offered the invocation

### 3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

### 4. Special Recognition

#### 4.a. Proclamation recognizing November 1, 2022 as Extra Mile Day

Mayor Reed read a proclamation recognizing November 1, 2022 as Extra Mile Day.

#### 7.c. Update on search for City Manager

Mayor Reed requested agenda item 7c be heard first.

Mayor Reed stated it has been a long process in the search for a City Manager. She stated Council is ready to announce that the new city manager will be Alexander Banks VI (Ande Banks). She stated this was well deserved, Council was looking for someone who could lead Harrisonburg, who was committed, loyal and dedicated to the city but to the work and staff.

Council Member Jones stated he is sure that Mr. Banks will lead us into a prosperous great future as he is more than capable.

Vice Mayor Romero stated Mr. Banks was the best candidate and with the work that he has accomplished over the years, he was the best choice. He looks forward to working with Mr. Banks' leadership to lead our city into the next chapter.

Council Member Baugh congratulated Mr. Banks, and stated he was easily the best candidate out of the field.

Mayor Reed stated Mr. Banks has grown so much and she is so proud of him, but

what makes him so unique and special is his heart, he has a heart of service, he is a servant leader, and he loves the community and the city. She stated she is so excited as he is exactly what the city needs. She stated he deserves this position.

Council Member Dent stated Mr. Banks deserves this position, she appreciates that he has respect for the service that Council gives as elected leaders and at the same time he has the backbone to stand up to Council when it is needed. She stated he has the unflagging loyalty of all of staff and he runs the city as a wonderful community to be in as well as the greater community. She stated he earned this position.

Council Member Jones stated he has always been a fan of Mr. Banks and the overwhelming tone of the city residents and business leaders is that he is trusted. He stated Council trusts him to lead and guide Council to help continue to develop the staff, to help represent the city on a local, state, national and global level. He stated it is apparent that Mr. Banks has the desire and he thanked Mr. Banks' family for sharing him with the city.

Mayor Reed invited Mr. Banks' family to join Mr. Banks for the vote and for photographs.

Mr. Banks thanked Council for the faith and responsibility they are investing in him. He stated he pledges to Council that he recommits himself to the service of this position to the organization, to Council, to the executive leadership team, to the employees, and most importantly, to the residents of Harrisonburg. He stated this is a great honor and he pledges that every day he will recommit himself to try to exceed the faith and responsibility Council has invested in him. He stated he wouldn't be here if it wasn't for his mom and dad, who, at an early age, acknowledged what service and duty meant; to his wife who is his partner and best friend, Jenny; to his amazingly talented daughter Brigid; and to one of the strongest people he knows, his son Al.

**A motion was made by Council Member Jones, seconded by Council Member Dent, to appoint Ande Banks as city manager. The motion carried with a roll call vote as follows:**

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

**No:** 0

**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 Vice Mayor Romero, to approve the consent agenda as presented. The motion carried with a recorded roll call vote taken 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 October 11, 2022 City Council Meeting

**These minutes were approved on the consent agenda.**

**5.b.** Minutes from the October 13, 2022 City Council Special Meeting

**These minutes were approved on the consent agenda.**

**5.c.** Consider a supplemental appropriation in the amount of \$954,441 for the Harrisonburg City Public Schools

**This supplemental appropriation was approved on second reading.**

**5.d.** Consider a supplemental appropriation in the amount of \$150,000

**This supplemental appropriation was approved on second reading.**

**6. Public Hearings**

**6.a.** Consider a request from Katerin Mejia-Centeno for a special use permit to allow a major family day home at 922 Jefferson Street

Adam Fletcher, director of Community Development, presented a special use permit for property located at 922 Jefferson Street to allow a major family day home care. He reviewed the differences between minor day home care and major day home care, the surrounding properties and the zoning of the area.

Mr. Fletcher stated staff and Planning Commission (7-0) recommended approval.

Vice Mayor Romero asked if there were any concerns on the traffic for drop off and pick up and what are the ages of the children allowed.

Mr. Fletcher stated there were no concerns with the traffic and he believes the ages would be 13 and under.

Mayor Reed stated she would like to know the ages of the children attending. She stated she would also like to know how many children would be allowed.

Vice Mayor Romero asked if there were other special use permits for this same use approved in the past. Mr. Fletcher stated there have been quite a few over the years. Council Member Jones stated he recalls many approved in the past.

At 7:23 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 Monday, October 10, 2022, and Monday, October 17, 2022

Katerin Yuly Mejia Centeno, applicant, stated the age range would be from 1-4 years old and for up to 10 kids

At 7:25 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Jones stated we need more childcare in the city and he likes to see more black and brown businesses owned by females, this is all the things he likes to see.

Vice Mayor Romero stated he agrees with Council Member Jones, and hopefully more bilingual day care.

Council Member Baugh stated he has never voted against this type of request and there is a need for the smaller home day cares.

Council Member Dent stated she loves this model because it is in the neighborhood, and it takes a village model. She stated we need childcare and even more so right where the people are living. She stated there is a fairly difficult licensing process and would like to see classes offered through the community college to help others through that process.

Mayor Reed stated she likes the age range of 1-4 years old as that is what is needed.

**A motion was made by Council Member Jones, seconded by Council Member Dent, 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. Update on New Policies Pursuant to Va. Code Ann. § 15.2-1804.1

Keith Thomas, sustainability and environment manager, Public Works, reviewed the timeline starting with the 2012 Virginia High Performance Building Act and the 2021 Amendments. He reviewed the applicability, the Standard, the exceptions, the certification options, the scope of the LEED certification, the scope of Green Globes certification, scope of VEES Certifications, Zero Emissions Vehicles infrastructure requirements, building management software for all utilities, resilience and distributed energy features, solar, exemptions to compliance of the Standard, more stringent provision creation, and the cost analysis model.

Council Member Dent stated she was excited when the city attorney handed her the Virginia law especially the opening at the end that localities can include more

stringent regulations. She stated the requirement to compare the cost over the life cycle of the project is a wonderful opening because it starts to show the return on investment to massive solar installation pays for itself in 12-15 years and gives out of a \$600,000 investment a million dollars payback. She stated in the previous case it is retrofitting on an existing roof, do we know if that includes energy efficiency measures too? Mr. Thomas stated that is just modeling the solar system but some of the site constraints of an existing building is you are building around what is on the roof which can limit the capacity of what can be put up there. Council Member Dent stated what this also shows is the need to include energy efficiency and renewable energy together because, if they did the energy efficiency retrofits before putting the solar on the top it could well have had a much higher return on investment. She stated that is what the Virginia State law gets at, with the green certification plus distributed energy. She stated solar can be put anywhere towards the sun, geothermal doesn't work everywhere and many types of renewable energy are dependent upon the topography. She stated the process for exception would require a resolution if cost were a factor comparing over the life cycle. She stated she liked what Council Member Baugh stated that it pays for itself is not really the reason to do solar, it is good if it does, but it is still worthwhile to do it. She stated if we get massive federal funds for infrastructure, energy efficiency and renewable energy then that gets factored into the whole equation of return on investment which is an even better scenario.

**This Report was received and filed.**

**7.b. Consider adopting a Resolution on High Performance Standards and Solar Requirements for City Owned Buildings**

Chris Brown, city attorney, presented a resolution for Council's review, pertaining to high performance standards and solar requirements for city owned buildings. He stated since this did not get on the agenda until the day of the meeting, it isn't expected that Council adopts the resolution before having a chance to review it. He reviewed the proposed resolution.

Council Member Dent stated she enthusiastic of this and clarified that the two key distinctions of the city resolution versus the State Law are the timing, effective January 1, 2023, and the specific inclusion of solar. She stated this would apply going forward to the buildings we have in mind or in process now such as the Public Works building, the homeless shelter, the Fire Station, etc. Mr. Brown clarified it would apply to any building in which planning has already started.

Council Member Baugh stated he was pleased in communications with staff and it shows that the city is doing something. He stated it is unusual for the state to grant this opening to allow localities to make more stringent requirements. The Virginia law will go into effect July 1, 2023, and our staff is not just sitting around waiting, they are being proactive.

Council Member Jones thanked Mr. Thomas for his hard work on this, he is glad his

position is in existence, and looks forward to other items he produces and helps us through this new law.

no action taken

**This Resolution was received and filed.**

## 8. Special Event Application Requests

- 8.a. Consider the special event application request for the Veterans Parade on Sunday, November 6, 2022.

Matt Little, recreation and special events manager, Parks and Recreation, presented a special event application request for the Veterans Parade on Sunday, November 6, 2022, from 2:00 - 3:00 pm, hosted by Harrisonburg Downtown Renaissance. He stated the assistance of Public Works and Harrisonburg Police Department are requested, the estimated cost will be approximately \$5,300, and the event organizer is responsible for payment of applicable charges.

**A motion was made by Council Member Jones, seconded by Council Member Baugh, 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)

Karen Thomas, founding president of the Northeast Neighborhood Association (NENA), reviewed the goals and initiatives of NENA. She stated the Newtown area has been dismissed by the city and hasn't seen any new improvements in a long time. She stated the city has been recognized for planting trees there haven't been any planted in the northeast neighborhood except for some landscaping at Lucy Simms school. She referenced the need for safe and walkable streets and the neglect from the city. She stated she feels requests have gone unanswered, and stated this Council has the obligation to make rights from historical wrongs in the neighborhood and she hopes they chose to do that. She shared pictures of road repairs needed and signatures from the residents of the neighborhood. She spoke on B-cubed and stated funding needs to go into the Northeast Neighborhood, the black and brown neighborhood, that has been neglected for so long.

Jim Jenkins, 166 Franklin Street, spoke on the increase of real estate taxes, the impact on many because of the increases, Council's pay increase, and he feels it isn't right.

Earl Martin, provided the following joint statement from local organizations: 50 / 25

Clean Energy For All, Climate Action Alliance of the Valley Vine and Fig, Shenandoah Valley Earth and Climate, Shenandoah Group of the Sierra Club and the Voluntary Gas Tax group.

"Our organizations commend and thank City Council for the steps you have taken to address the City's need to reduce its greenhouse gas (GHG) emissions: Creating EPSAC, approving the Environmental Action Plan, issuing the 100% Clean Energy Resolution, and achieving Sol Smart Bronze designation. We also commend and thank HEC for increasing the net metering cap, making the Acorn Drive Solar Farm happen, collaborating on Community Housing Partners' energy efficiency project, and funding solar on Bluestone Elementary School. Now let's build on this great foundation. It is abundantly clear from the science that we are in a climate crisis, and we must reduce emissions faster than we are now doing. Harrisonburg's Greenhouse Gas Inventory shows that electricity, diesel, gasoline, and natural gas now collectively produce 88% of our total emissions. With increased electrification of buildings and transportation, most gasoline, diesel, and natural gas will be shifted into electricity demand. Our municipal grid will expand greatly, and it needs to be supplied to a much greater extent by clean energy. Success requires us all to work together-the City, HEC, residents, businesses, faith communities, universities, and other organizations. The transition must be fair to all stakeholders. Fortunately, the City owns a well-run municipal utility. HEC operates according to City Code, but the Code, unchanged since 1973, greatly limits what the City can ask its own utility to do. While the Code requires HEC to provide the City a percentage of its gross revenues, it says nothing about operating in keeping with City goals, particularly environmental ones. HEC is required to buy 100% of its energy from Dominion until 2031. Dominion's compliance with the Virginia Clean Economy Act is welcome, but not in line with City goals, the IPCC's 1.5°C target, or the US commitment in the Paris accords. 2031 is a long time to wait. If the next contract is again 20 years long, it will take us far past the IPCC deadlines for complete decarbonization of electricity. We must have a 2 better contract next time around to help us reach our greenhouse gas emission goals. Our utility cannot again be blocked by another contract from deploying locally owned, fairly priced renewable resources. We also need a competitive bidding process for awarding that contract, to ensure that we receive competitively priced clean energy, and the freedom for HEC to produce locally owned renewable energy as well. We ask City Council to provide the appropriate direction to HEC to pursue sustainability goals and assist in emission reductions; the time has come. City Council also needs to work with community members on opportunities for action. We must be thoughtful and deliberate, but we must begin now. We have a once in a generation opportunity for the City, HEC, and the community to act on the City's clean energy goals, as spelled out in the Clean Energy Resolution and the Environmental Action Plan. Because HEC is constrained by contract until 2031, the City and the community must step up in the interim. The City can start solarizing all municipal buildings. HEC can eliminate the net metering cap. Of course, our actions must keep HEC financially strong, benefit the entire community, and not place additional financial burdens on HEC customers. There are numerous approaches we can consider, consistent with those outlined in

the EAP. We stand ready to work with you to develop plans and actions and look forward to doing so. Our coalition has joined together to send you this urgent message. The time to act is now. We request that this statement be entered into the minutes of this meeting."

Panayotis "Poti" Giannakouros, ERROR IN SYSTEM AUDIO - NO AUDIO RECORDED

#### **9.b. City Council and Staff**

Council Member Jones stated that in 2015 and 2016 he went to community members in the northeast neighborhood and had conversations because there was a rare moment when the city had a surplus in funds. He stated he asked residents if they wanted sidewalks and was told, for various reasons, they did not want sidewalks. He stated he asked residents about repairs to the cemetery and at Thomas Harrison Middle School, and repairs were done to the school and the cemetery was paved and recently lighting was provided. He stated if anyone wants to make Harrisonburg better, he isn't going to be against that, he asked residents, there shouldn't be a disconnect and it is not either/or. He stated the concept that we would say let's beautify the neighborhood versus helping black and brown businesses is not accurate. He stated CARES Act funding were used to help a ton of businesses, the ARPA funding allows to directly give money to help black and brown businesses. This doesn't mean we don't do other things; we don't have to compete against each other, we all live here. He stated there is a place where we can live in civility and harmony or we can create a divide, and it seems like it is easier for some to go to the divide place versus having a conversation and figuring out what they can do to work together. He spoke on what a great man Mr. Carlton Banks was, who recently passed away. He acknowledged the passing of Mayor Reed's aunt as well.

Council Member Dent stated each Council Member agreed to send in their list of priorities of the ARPA Funding, and in those priorities includes improvements in underserved neighborhoods. Council Member Dent praised Keith Thomas for his work on the presentation for the Virginia law. She reviewed the difference between a resolution and an ordinance. She thanked city staff for drafting the resolution presented earlier. She thanked Mr. Martin and the organizations with the environmental statement. She stated she attended the Virginia Clean Energy Summit, it had really interesting presentations and interactions and stated a conversation on how we address the needs of those who are most in need, the rate payers, was discussed. She stated the topic of moving too slow, too fast or just right, with mixed discussions. She stated there will be an EPSAC meeting on October 26, 2022, that will discuss a proposed draft of recommendations that echo some of the request of the organizations that were represented earlier. She stated there is a slightly different role in that EPSAC is an advisory committee, they can only recommend to City Council and staff. She quoted from a conference in Sweden "everybody is looking for the easy solution, but there is no easy solution, you have to



have difficult conversations". She stated we are having those difficult conversations.

Council Member Baugh stated the Massanutten Regional Library has gotten a new director, Zachary Alder, and they are excited about him coming on board.

Vice Mayor Romero stated he has had multiple people come to him with concern regarding the understaffing of first responders. He asked staff to compile the data so he has the accurate information of vacancies in the First Responder positions. He stated with recent crime in the city people are not feeling as safe, and the data will help him answer questions from our constituents.

Mayor Reed thanked Parks and Recreation and city staff for participating in Lights on After School, several buildings were lit up throughout the city. She stated we have an opportunity with ARPA funding, we all have submitted our priorities to staff, and her priorities are the northeast neighborhood: a splash pad park at Simms Center, paving of streets, sidewalks, crosswalks, flooding of the cemetery, and curb repair. She stated her other priorities are childcare funding, housing incentives for affordable housing, Kids Castle, skate park, and Smithland field improvements. She stated staff is vetting the priorities submitted. She stated it has been a tough couple of weeks in our community, people are feeling unsafe at times, we need to really see what is happening in our city. She stated as per Council Member Jones, we did lose a very important member of our community and city staff, Carlton Banks. She stated she would like to send some love to her father as he lost his sister.

Ande Banks, city manager, stated city staff and Luke Morgan, ARPA coordinator, has been vetting all the different specific priorities identified by Council for eligibility requirements and meeting all the federal parameters. He stated he suggests another work session for Council to dig into some of the projects and understand some of the eligibility requirements. He stated he met Carlton Banks the first time when at a very young age, and he had the opportunity to present Mr. Banks' 20 year service certificate with the City of Harrisonburg which crowned an already distinguished career in the United States Army. He stated it was an honor to serve along side Carlton, he is sorely missed.

**10. Adjournment**

At 8:47 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR