



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, September 26, 2023

7:00 PM

Council Chambers

1. Roll Call

Present: 5 - Mayor Deanna R. Reed, Vice-Mayor Laura Dent, Council Member Christopher B. Jones, Council Member Dany Fleming and Council Member Monica Robinson

Also Present: 5 - City Manager Ande Banks, Acting Deputy City Manager Amy Snider, City Attorney Chris Brown, Deputy City Clerk Ande Banks. and Chief Matthew Tobia

2. Invocation

Vice Mayor Dent offered the invocation.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

4. Special Recognition

4.a. Proclamation recognizing Employee Appreciation Week

Mayor Reed read a proclamation recognizing Employee Appreciation Week and asked all city employees present to stand in the front of Council Chambers as she read the proclamation.

This Report was received and filed.

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 Jones, seconded by Vice Mayor Dent, to approve the consent agenda as presented. The motion carried with a recorded vote as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

5.a. Minutes from the September 12, 2023 City Council Work Session and Regular Meeting

These minutes were approved on the consent agenda.

5.b. Consider a supplemental appropriation in the amount of \$800,000 for the Emergency

Communications Center (ECC)

This supplemental appropriation was approved on second reading.

- 5.c.** Consider a request from Mark Daniel Williams and Andrea Jane Williams to rezone 1205 Hillcrest Drive

This rezoning was approved on second reading.

- 5.d.** Consider a request from Harrisonburg Redevelopment and Housing Authority to rezone 11, 21, 31 Elon Rhodes Lane, 241 Commerce Drive, and 298 East Washington Street.

This rezoning was approved on second reading.

- 5.e.** Consider a request from Daniel W. and Nancy R. Brubaker Trustees and Bluestone Land Company; D&N LLC to rezone 210, 280, and 290 West Mosby Road.

This rezoning was approved on second reading.

- 5.f.** Consider the special event application request for The Rocktown Turkey Trot on Thursday, November 23, 2023.

This special event application was approved on the consent agenda

- 5.g.** Consider the special event application request for HDR's Winter Wonderfest & Harrisonburg's Holiday Parade on Saturday, December 2, 2023.

This special event application was approved on the consent agenda

6. Public Hearings

- 6.a.** Consider a supplemental appropriation for the reappropriation of outstanding prior year encumbrances and unexpended prior year grants, and for the School Capital Projects Fund, in the amount of \$25.9 million.

Larry Propst, director of Finance, presented a request for a supplemental appropriation in the amount of \$25.9M. He stated it includes \$13.3M for the annual outstanding encumbrances from last fiscal year; \$11.7M for unexpended grants from last fiscal year; and \$424,000 for the replacement of a boiler at Spotswood Elementary School.

At 7:09 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, September 18, 2023.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:10 p.m., and the regular session reconvened.

Council Member Fleming noted the boiler that is being replaced was installed in 1995.

A motion was made by Council Member Fleming, seconded by Council Member Robinson, to approve the supplemental appropriation as presented. The motion carried with a recorded vote as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

6.b. Resolution for VDOT Transportation Alternative Program Grant - Northend Greenway Connection

Agenda items 6b, 6c, and 6d were presented together.

Tom Hartman, director of Public Works, reviewed what the Transportation Alternative Program Grants are, and require a 20% local match. He reviewed each grant application and the projects associated with each: Portion of the Northend Greenway, a Safe Routes to School Coordinator position, and sidewalk work at Waterman Elementary School and Keister Elementary School.

At 7:18 p.m., Mayor Reed closed the regular session and called the second, third and fourth public hearing to order. A notice appeared in the Daily News-Record on Tuesday, September 19, 2023

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:18 p.m., and the regular session reconvened.

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

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

6.c. Resolution for VDOT Transportation Alternative Program Grant - Safe Routes to School (SRTS) Coordinator

presented with agenda item 6b

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

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

6.d. Resolution for VDOT Transportation Alternative Program Grant - SRTS Sidewalks at Multiple Schools

presented with agenda item 6b

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

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

7. Regular Items

7.a. Consider adopting a Resolution of Support for an African American Civil Rights (AACR) Grant application - Lucy F. Simms Center Rehabilitation and Preservation Project

Luke Morgan, grants and programs analyst, stated in June of 2023 he spoke on the application for the History of Equal Rights Grant Program that the city applied to for repair of the rust damage to the Lucy F. Simms Center windows. He stated there were other federal grant programs available as well, which he will be presenting this evening. He reviewed the African American Civil Rights (AACR) Grants Program is administered by the National Park Service and funded by the Historical Preservation Fund (HPF). He reviewed what types of projects are funded through the HPF, and noted several sites in the city would meet the eligibility criteria for the AACR grant, one notable site being the Lucy F. Simms Center. He reviewed the history of the Lucy F. Simms Center, the needed repairs and rehabilitation of the Center, and how the grant funds would be used if awarded.

Mayor Reed stated this is the second grant the city is applying for that will be used towards the Lucy F. Simms Center and asked what happens if both grants are awarded. Mr. Morgan stated these grants work together and we would only get one grant.

Discussion took place regarding the replacement/repair of the doors at the Center and thanked Mr. Morgan and the Parks and Recreation Department for finding grants to apply for.

A motion was made by Council Member Robinson, seconded by Council Member Jones, to adopt the resolution as presented. The motion carried with a roll call vote as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

7.b. Consider approving a modification to the holiday schedule for the City of Harrisonburg

Ande Banks, city manager, presented a request to approve the 2024 Holiday Calendar that reflects some changes. He stated as the city launched into the Classification and Compensation Study employees had requests for changes in benefits and rewards. He stated as part of that review the city holidays were reviewed and compared to the State holidays. He stated the Human Resources Staff proposed two and a half new holidays: Indigenous Peoples Day, Election Day, and half a day prior to the Thanksgiving Holiday.

Mayor Reed stated this is great, not only have we increased pay we are now looking at benefits and taking good care of our employees.

Council Member Jones asked if these can also be added to the 2023 calendar year. Council Member Fleming stated there is a lot of research that points to additional time off relating to better productivity by staff. Further discussion took place about the convenience of having Election Day off.

Mr. Banks stated if that is the consensus of Council it can be done.

A motion was made by Council Member Jones, seconded by Council Member Robinson, to approve the modification to the Holiday Schedule as presented with an amendment to include Election Day and the half day before Thanksgiving granted for calendar year 2023. The motion carried with a roll call vote as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

7.c. Consider adopting a resolution appointing Evan Winkler as Zoning Administrator

Chris Brown, city attorney, stated after a long search by Mr. Fletcher, director of Community Development, and Ms. Clem, director of Human Resources, a new zoning administrator has been found and hired, Mr. Evan Winkler. He reviewed his employment and education history. He stated it is required that City Council designate a zoning administrator.

Vice Mayor Dent stated this is fantastic to open the log jam to get the zoning rewrite back on track. She stated Ms. Dang stated Mr. Winkler will need a bit of time to get up to speed before the rewrite is relaunched but should be happening soon.

A motion was made by Vice Mayor Dent, seconded by Council Member Fleming, to adopt the resolution as presented. The motion carried with a roll call vote as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

7.d. Consider adopting a resolution approving issuance by Harrisonburg Redevelopment and Housing Authority of Revenue Bonds for the acquisition, construction, and

equipping of an approximately 186 Unit multifamily residential rental housing project known as Helios (the "Project") in the County of Henrico, Virginia.

Chris Brown, city attorney, presented a resolution approving issuance by Harrisonburg Redevelopment and Housing Authority (HRHA) of revenue bonds for the acquisition, construction, and equipping of a 186 unit multi-family residential rental housing project known as Helio in the County of Henrico, Virginia. He stated although the City Council has to approve the issuance, HRHA doesn't actually loan the funding to the developer, they are a pass through for the funds, and provides lower interest rates to the holder of the bond, there is no financial liability to the city, it's officers or elected officials.

A motion was made by Council Member Fleming, seconded by Vice Mayor Dent, to adopt the resolution as presented. The motion carried with a roll call vote as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

- 7.e.** Consider amending and reenacting Sec. 7-1-4. - Bills for water and sewer service generally; when payment required; Sec. 7-1-7. - Procedure for payment of bills; disposition of receipts; Sec. 7-1-8. Discontinuance of service generally; Sec. 7-1-9. Discontinuance of service for delinquency in payment of utility bills; generally; Sec. 7-1-10. Report of discontinuance of service; Sec. 7-1-11. Re-establishment of utility service in another name; Sec. 7-1-12. Complaint as to bill not ground for nonpayment; Sec. 7-1-13. Water and sewer pipes to be laid directly from street or main; Sec. 7-1-14. Waiver of control over stop boxes and stopcocks; Sec. 7-1-15. Deposit prerequisite to service-Required; Sec. 7-1-17. Same-Refund; Sec. 7-1-18. Same-To be reported to city auditor; Sec. 7-1-19. Same-Receipts; Sec. 7-1-20. Same-Deposit and withdrawal; Sec. 7-1-21. Transfer of account; deposits and balances; Sec. 7-4-1. Schedule of rates and charges generally; Sec. 7-4-3. Utility accounts-When bills due and payable; penalty for delinquent payment; Sec. 7-4-5. Same-Lists of delinquent accounts; Sec. 7-4-6. Same-Adjustment of erroneous accounts; Sec. 7-4-8. Installation and rental charges for fire plugs; Sec. 7-4-9. Adjustments for excessively high consumption; Sec. 7-2-16. Permitting water to run wastefully; Sec. 7-2-18. Repairing leaking fixtures, of the Harrisonburg City Code

Chris Brown, city attorney, reviewed the recommended ordinance amendments related to the city's water and sewer billing that needed updating and cleaning up. Mike Collins, director of Public Utilities addressed questions raised by Council Members. Mr. Brown stated since a redlined version of the ordinance amendment is not posted on the agenda, Council may table the decision on this until the next meeting and a redlined version is available for everyone to view.

Discussion took place regarding the base line for consumption, how many people may be under the base line, alternatives to figuring out base rate, reduction of minimum consumption, conservation, the revenue shift that may cause, burden on the system, etc.

A motion was made by Council Member Jones, seconded by Council Member Robinson, to table the ordinance amendment as presented to the October 10, 10, 2023 City Council meeting. The motion carried with a roll call vote as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

- 7.f.** Consider a VML Conference Voting Delegate and an Alternate Voting Delegate for both the Urban Section and the Annual Business Meeting at the upcoming VML Conference October 2023

A motion was made by Council Member Jones, seconded by Vice Mayor Dent, to appoint Mayor Reed as voting delegate, and Council Member Fleming, as her alternate, for both the Urban Section and the Annual Business Meeting of the Virginia Municipal League. The motion carried with a unanimous voice vote.

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

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)

Panayotis "Poti" Giannakouros, as the secretary for the Martin Luther King, Jr. Way Coalition, stated the coalition has now been through a summer of festivals and had a meeting with numerous leaders who organized those festivals. He listed the festivals that took place and approximate attendance. He spoke about Peoples Day. He shared statistics on car thefts throughout the nation, license plate readers, hate fliers in the city, repealing of tall grass and weeds ordinances, intolerance, and street renaming.

8.b. City Council and Staff

Council Member Fleming stated he attended the Virginia First Cities Access to Housing meeting; the goal was to develop some legislation that would be favorable to each of the cities moving forward. He stated one of the things that has come out of this was in regard to delinquent properties, how to provide more tools to cities to address and deal with those. He stated he also was part of an innovation and collaboration forum put on by the National League of Cities, he shared what he found interesting from that forum. He stated the final Levitt concert was held on Wednesday, September 20, 2023, it was the largest gathering at this event to date, it's been a great effort and he is excited to see that move forward each year. He stated he attended a Virginia Chamber forum in Richmond and many people talked about infrastructure in Virginia. He stated he went there to specifically talk about the Smart Scale with people there. He stated Strength in Peers is having a Champions of Change event this week, recognizing their champions.

Council member Robinson stated she attended the 7th Annual Our Community Place Gala on September 23, 2023, her and her grandson volunteered at the registration table, and she enjoyed talking to so many people there and hearing about how happy people were about the homeless shelter being built. She stated she is excited about going to her first official Virginia Municipal League (VML) Conference in October. She stated she attended breakfast with Senator Kaine. She reminded everyone that if they have children attending Spotswood Elementary School and need before and/or after school care there are openings for free at Second Home in Harrisonburg.

Vice Mayor Dent stated she watched a presentation at the Planning Commission meeting on September 19th, 2023, by Ross Weaver of Wetlands Watch, who talked mostly about the climate change effects on sea level rise and encroachment into saltwater marsh lands and farmlands, and how some of the climate effects to us. She stated one of the things that sparked her attention for the zoning rewrite was an idea of having an environmental score that a developer would have to meet, since we can't require any of those things, we could set up due diligence with reviewing the scoring. She stated she participated in the Stroll to the Polls on the opening day of voting season. She asked everyone to exercise their rights and responsibilities and vote. She stated she attended Senator Kaine's presentation at James Madison University, where he emphasized the importance of citizen engagement. She stated she did an interview on the Smart Scale letter that was sent and some of the surrounding issues with a reporter. She stated she is looking forward to attending the VML Conference as well.

Council Member Jones stated that since we no longer have a vote on the Harrisonburg Rockingham Chamber of Commerce Board, we need to reevaluate how the Community Contribution funds are provided to the Chamber and we should get full maximum benefit from the Chamber on a sponsorship level instead of just providing a donation. He stated he would like to see the city become a member of the Virginia Black Chamber of Commerce, which is very new, and will be learning more about it at the VML Conference. He hopes that if we join in its infancy, we will have the opportunity to lead and lead to help some of our most vulnerable people, as we have shown we care about Black and Brown entrepreneurship. He shared a personal story about his son Seth, and asked people to say a little prayer.

Mayor Reed stated she did a welcome at the Commissioner of the Revenue Conference that is being held at Hotel Madison, and noted they had the highest attendance they have ever had, which is great for the city. She stated September 29th, 2023, is the 2nd annual Royals Go Downtown, (EMU's block party). She stated she will be attending VML Conference as well. She stated the PBS show View Point with Dennis Quaid will be in Harrisonburg on October 24, 2023, doing a segment on EMU and their DEI initiatives, there will be a big watch party for that.

Council Member Fleming stated he attended a fundraiser at Adagio House who provides support for people with disabilities as well as their caretakers. He stated he is impressed with how the organization has grown and the work they are doing.

9. Closed Session

10. Adjournment

At 8:41 pm p.m. there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR