



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Draft City Council

Tuesday, September 8, 2020

7:00 PM

Council Chambers

1. Roll Call

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 Jones offered the invocation

3. Pledge of Allegiance

4. Special Recognition/Presentation

4.a. Update on the Covid-19 data and response

Paul Helmuth, administrative officer for Harrisonburg Fire Department, provided an update on Harrisonburg's COVID-19 cumulative cases, weekly counts, monthly totals and breakdown by age. He presented hospital and death counts since August 17, 2020 in the Central Shenandoah Health District and Health District comparisons.

Mayor Reed stated we have a tendency to compare our city with other localities, but it seems as though the cases at James Madison University (JMU) are higher than some of the other larger colleges. Mr. Helmuth stated it's hard to compare from the slides and data provided, there may be a difference in size of health districts, how one college figures out cases versus another, how often they report, it is not always apples to apples. He stated you can see spikes in all of the universities in the same age group, so JMU is not the only one.

Mayor Reed asked if there have been reports of increase in students being hospitalized locally. Mr. Helmuth stated there hasn't been an increase.

Mayor Reed stated there has been an increase in calls to the Harrisonburg Police Department regarding large gatherings. She asked if Mr. Helmuth is aware of what JMU is doing to address the gathering issues and social gatherings. Mr. Helmuth stated police presence within college areas in the beginning of the school year was done, to make face to face contact with the students, introduce themselves, and providing health guidelines for the health and safety of the community. He stated he

has heard of smaller gatherings taking place with the exception of one that was over 50 individuals but JMU addressed that one and JMU has stated they have approximately 110 students going through judicial processes for not following their guidelines.

Vice Mayor Romero stated a lot of the JMU students are locals and asked out of the 1,065 positive cases at JMU how many of those are local students. He stated there is a concern that those students are going back to their families and churches, etc. Mr. Helmuth stated he does not have that information, but he knows those that have been exposed or have COVID-19 are given instructions to isolate in quarantine.

Council Member Baugh stated if we wanted to ask JMU to break out data based on enrollees they should be able to.

Mr. Helmuth stated whether the students are from here or not, they still will have impact. He stated we need to continue to encourage all the health precautions. Mayor Reed asked how JMU got the testing on campus. Mr. Helmuth stated the Virginia Department of Health (VDH) provided the tests for approximately 300. Mayor Reed asked if we could get back to the free tests again to include non-symptomatic individuals. Mr. Helmuth stated the tests for non-symptomatic individuals is not recommended by the CDC, as it bogs down the testing. He stated we are trying to bring resources in to increase some of the testing. She stated she believes the next testing will be at Hillendale Park. Mr. Helmuth stated he is still trying to finalize the dates and times of testing.

Vice Mayor Romero stated CVS has been doing testing but has heard that if one doesn't have a Virginia identification they will not test. Mr. Helmuth stated he was not aware of that but will check on it and get back with the answer and stated the Virginia Department of Health has a call-in line that should be able to help with locations of testing.

This Presentation 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 Baugh, seconded by Council Member Jones, to approve the consent Agenda as presented.

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

No: 0

5.a. Minutes from August 18, 2020 City Council Work Session

These minutes were approved on the consent agenda

- 5.b.** Minutes from the August 25, 2020 City Council Meeting

These minutes were approved on the consent agenda

- 5.c.** Consider a request from Richard L. and Betty L. Sampson with representatives Edilza M. Alfaro Diaz and Carlos Madrid to rezone seven parcels addressed as 143, 145, 149, and 153 Charles Street and five parcels with no street address that have frontage along Clinton Street

This rezoning request was approved on the consent agenda

- 5.d.** Consider amending the Zoning Ordinance by creating a new use called "homestay" and to amend regulations that apply to short-term rentals.

These ordinance amendments were approved on the consent agenda

- 5.e.** Consider a supplemental appropriation for the Police Department in the amount of \$4,689.55

This supplemental appropriation was approved on the consent agenda

- 5.f.** Consider a supplemental appropriation for various departments in the amount of \$996,423.61

This supplemental appropriation was approved on the consent agenda

- 5.g.** Consider a supplemental appropriation for the Fire Department in the amount of \$340,807.39

This supplemental appropriation was approved on the consent agenda

- 5.h.** Consider a supplemental appropriation for various departments in the amount of \$361,054

This supplemental appropriation was approved on the consent agenda

6. Public Hearings

- 6.a.** Consider Amendment to the 2020 CDBG Action Plan

Ande Banks, deputy city manager, stated funds in the amount of \$250,000 of Community Development Block Grant - COVID (CDBG-CV) funding that was allocated to the Small Business Loan and Grant project will be reallocated to the new Mercy House rental Assistance Project. This item required a seven-day public comment period which started on August 28, 2020 at the City Council meeting. He stated one comment was received by phone during the meeting and no other comments were received.

Council Member Jones asked if the amount going towards the Small Business Loan

and Grant project is being reduced. Mr. Banks stated the original plan had changed when we received funding through the CARES Act with fewer requirements for business assistance. He stated it was then decided to use the CARES Act funding for the small business and use the CDBG funds elsewhere.

Council Member Jones asked if we would be in a position to provide more funding to the small businesses. Mr. Banks stated that would be a question for the CARES Act Advisory Task Force. Further discussion took place regarding funding to small businesses.

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, Romero, Council Member Baugh, Council Member Jones and Council Member Hirschmann

No: 0

6.b. Consider a request from C-Side LC to rezone 225 and 245 Old South High Street

Vice Mayor Richard Baugh stated for reasons related to legal professional ethics he recused himself from Agenda items 6c.

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:

The transaction involved is agenda item 6(b) and 6(c), a request for a rezoning and a request to approve a special use permit; 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; he affirms he will not vote or any manner act on behalf of city council on this matter

Adam Fletcher, director of Community Development, presented a rezoning request for property located at 25 and 245 Old South High Street from M-1 to B-1C. He reviewed the property, long term plans for the area, and noted the plan for this property is to construct 19 multi-family units. He reviewed the surrounding properties and the submitted proffers. He reviewed a proposed site plan and stated staff and Planning Commission (6-0) recommended approval.

Council Member Jones asked if a traffic impact analysis was done for the entrance off of 42. Mr. Fletcher stated there was no need for a traffic impact analysis, but it was discussed with the Public Works Department and the Harrisonburg Fire Department about the entrances. He stated any entrance off of S. High Street (42) will be a right in and right out only. Council Member Jones asked if it was discussed to put the parking on Old South High Street rather than 42. Mr. Fletcher stated they are trying to use the existing structures on site, maintaining the historical buildings, so moving the parking is not feasible.

At 7:58 p.m., Mayor Reed closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Monday, August 24, 2020 and Monday, August 31, 2020.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 8:00 p.m., and the regular session reconvened.

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

Yes: 4 - Mayor Reed, Romero, Council Member Jones and Council Member Hirschmann

No: 0

Abstain: 1 - Council Member Baugh

6.c. Consider a request from GC LLC for a special use permit to allow business and professional offices at 110 West Grace Street

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Adam Fletcher, director of Community Development, presented a special use permit request for property located at 110 W. Grace Street zoned as M-1). He reviewed the property, the long-term plan for the area and noted the applicant would like to lease the property to James Madison University to allow space for their Art and Art History college. He reviewed some of the zoning history of the property, the surrounding properties and noted staff and Planning Commission (6-0) recommended approval.

At 8:06 p.m., Mayor Reed closed the regular session and called the third public hearing to order. A notice appeared in the Daily News-Record on Monday, August 24, 2020 and Monday, August 31, 2020.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 8:08 p.m., and the regular session reconvened.

A motion was made by Council Member Jones, seconded by Council Member Hirschmann, to approve the special use permit request as presented. The motion carried with a recorded

vote as follows:

Yes: 4 - Mayor Reed, Romero, Council Member Jones and Council Member Hirschmann

No: 0

Abstain: 1 - Council Member Baugh

7. Regular Items**7.a. Presentation from the Harrisonburg Redevelopment and Housing Authority (HRHA)**

John Hall, Chair for the Harrisonburg Redevelopment and Housing Authority Board (HRHA), stated HRHA's purpose, how the function of HRHA is carried out and noted funding sources. He reviewed the programs offered through HRHA, HRHA's budget, Housing history, HRHA's redevelopment history, required inspections by the Department of Housing and Urban Development (HUD) and by HRHA, how complaints are handled, and the HRHA Board's functions.

Mr. Hall addressed the specific allegations made towards HRHA regarding the Lineweaver apartments including the pest inspections and remediation, history of evictions and violations, exterior conditions of housing units and grounds and schedule of maintenance.

He stated the HRHA board would welcome a city/board liaison committee and agrees communication between tenants and the board should be made possible.

Council Member Jones stated he shares with the board members' concerns and the problems with waiting lists for housing. He stated there is so much that goes into why 4,000 individuals need housing and we are trying to work on that in a variety of ways. He stated the HRHA board is the authority appointed by Council, and we need you to exercise as such. He spoke about how the large items trash storage needs to be resolved rather than just hidden, it's not appropriate nor acceptable. Mayor Reed strongly agreed! Further discussion took place regarding how the properties are not kept up as the rest of the houses in the neighborhoods and it all should be taken care of by HRHA.

Mayor Reed stated her concerns are about the people, making sure they are being heard, provided an opportunity and space to voice their concerns and they are taken care of. She stated that is her main reason as to want to engage with the HRHA and make sure the people's needs are met. She stated when complaints like this reach City Council it's an indication that people are frustrated and have no other recourse, and then City Council has to take action. She stated we just want HRHA to see the people who live there, understand their concerns, and take responsibility and do something about it. She stated that is the role of the Board, to make sure this is done, but does feel the board needs more members and a more diverse group.

Vice Mayor Romero stated he wants to reinforce the tenant needs, there are housing best practices that should be looked at when it comes down to engaging tenants. He stated he thinks often times what happens is that we don't find out until there is a problem. He stated is there a path towards reporting issues to the board and handled in order of priority. He stated it is critical to have tenant engagement so they feel their concerns are heard and something will be done. Further discussion took place regarding harassment of tenants by other tenants.

No action required

This Presentation was received and filed.

7.b. Consider conceptual phase acceptance of an unsolicited PPEA proposal for a stream restoration project along Black Run

Tom Hartman, director of Public Works, presented information on an unsolicited PPEA proposal for Blacks Run stream restoration. He reviewed the project area, why stream restorations are important, and the city's pollution reduction requirements.

Brian Shull, director of Economic Development, stated he suggested we accept this proposal at its conceptual phase for consideration which allows us to give public notice of the proposal seeking competing proposals for at least 45 days. He stated we can then compare and review all proposals received and come back to Council with a recommendation.

Council Member Baugh stated it seems like a very promising project.

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

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

No: 0

7.c. Consider confirming, readopting, and continuing the Emergency Ordinance adopted on April 6, 2020 and the associated temporary changes in deadlines and modifications to public meeting and public hearing practices and procedures to address continuity of operations associated with COVID-19.

Chris Brown, city attorney, presented an ordinance that renews the Emergency COVID 10 ordinance Council adopted in April of 2020. He stated this will renew the ordinance which allows Council and other bodies to meet electronically by video, telephone or in person if possible.

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

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

No: 0

7.d. Consider adopting a resolution establishing and appointing members to the CARES Act Advisory Task Force

Chris Brown, city attorney, presented a resolution establishing the CARES Act Advisory Task Force and appoint members to it. He stated since the task force has already met once and has a very tight timeframe, staff's recommendation is the task force continue on with the members as set forth in the resolution as two recommended members withdrew due to prior engagements.

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

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

No: 0

7.e. Consider adopting a resolution conveying additional land and authorizing the City Manager to execute a Deed conveying real estate to Kavanaugh, LLC

Chris Brown, city attorney, stated in May 2020 Council approved a resolution authorizing the sale of 1,300 square feet of property to Kavanaugh LLC in connection with the renovation of the Kavanaugh Building. He stated after a survey was done it was determined they needed another 50 square feet, more or less, and the purchaser will pay for this additional property.

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 vote as follows:

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

No: 0

7.f. Consider approving a resolution setting the percentage of Personal Property Tax Relief to Tax Year 2020

Chris Brown, city attorney, stated each year Council, based on the recommendation from the Commissioner of the Revenue, sets a percentage of tax relief based on the Virginia Personal Property Tax Relief Act of 1998. He stated the city receives \$1,522,000 and the Commissioner of the Revenue and the director of Finance spreads that amount over all the assessed value of non-commercial vehicles in the city under 10,000 pounds. He reviewed the net effects based on the assessed value of the vehicle and noted this year the tax relief is 24.4%.

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 vote 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)

Pamayotis "Poti" Giannakaouros, stated Virginia's House of Delegates passed a resolution repealing sovereign immunity for police officers today. He stated this was a step in the direction of residents being able to hold their public servants accountable, it is something that is significant and needed throughout Virginia, and is a standard to set for all appointed public servants for all city and county staff. He hopes we can set high standards for our own city staff and spoke further on the renaming policy. He stated at the last city council meeting he requested city staff prepare a report of how many members of city staff are not city residents and how much money goes to the salaries of those employees, which he has not received. He requested the information again.

James "Bucky" Berry stated the Governor has the authority to shut JMU down and he is requesting that City Council contact the Governor to shut it down. He stated we are paying overtime to the officers over the weekend for extra patrols, JMU students are not going to listen, and JMU is putting a burden on the city. He spoke about the homeless, the cost of the new high school, vaccines, and water rates.

Karen Thomas, Northeast Neighborhood Association, stated their mission is to work to make the neighborhood a secure, attractive and strong community. She stated they strive to enhance the beauty and direct beautification efforts to include the appearance of the neighborhood. She stated they have attempted to work with the HRHA for over 10 years and have been ignored. She thanked Councilman Jones and Mayor Reed for the comments made this evening and hopefully the Board and Mr. Wong will take heed as to what was said.

8.b. City Council and Staff

Council Member Jones thanked Ande Banks, deputy manager, and Amy Snider, assistant to the city manager, for their leadership with the task force, it is a stellar group that should be considered in the future for other input. He stated there is a certain brewery that we tend to get noise complaints on when the college students are in town. He asked Mr. Brown, city attorney, could check into this property to see if there is anything we can do. Council Member Baugh stated this has been an ongoing issue since 2014/2015. Further discussion took place regarding this property and the noise complaints.

Council Member Baugh stated the one of the times we changed the noise ordinance was mainly because of this particular property and where it is located, but in our future planning we call for expansion of our B-1 areas so we could see other issues like this arise. He stated wear your masks, we can debate on it, but we do know you can have COVID and be infectious without symptoms, so it's the right thing to do for your friends and neighbors.

Council Member Hirschmann stated we will have a solution for what we have been going through but until then you have to continue with the rules so wear your masks, keep your distance, stay in small crowds and see it out to make it work, which it will.

Vice Mayor Romero stated he mentioned this multiple times about the significant inequities we have in accessing the internet in the city. He stated school started and it is heartbreaking to know that we have had a lot of problems with everyone getting online to participate in their education. He stated we knew this was going to happen and it is upon us to do something about it otherwise our kids are getting behind every day, and this will continue to widen the gaps of achievements and will ultimately impact their future. He stated there has to be a greater collaboration as we are not even covering the service with what we are doing now. He stated he is willing to do whatever he can on his end and a solution must be found. Further discussion took place regarding internet access.

Mayor Reed stated we need to be responsible for each other during this time, there is a lot of stress and anxiety out there, JMU's numbers, but it is everyone's responsibility, so wear your mask, social distance and wash your hands. She stated we will get through this and she appreciates all the work that city staff has done to help us get through this.

9. Closed Session

10. Adjournment

At 9:46 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR