



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, August 24, 2021

7:00 PM

Council Chambers

1. Roll Call

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

Also Present: 4 - City Attorney Chris Brown, City Clerk Pam Ulmer, Deputy City Manager Ande Banks and Police Chief Kelley Warner

2. Invocation

Vice Mayor Romero offered the invocation

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

4. Special Recognition

4.a. Recognition of Sergeant Kevin Fowler, Harrisonburg Police Department, with the Circle of Excellence Award from Strength In Peers

Ragan McManus, director of Operations, Strength in Peers, shared the purpose of the non-profit organization and stated they have had the privilege of being trained in Crisis Intervention Team Training offered by the City and County and have met many Harrisonburg Police Department officers during that training. She stated one of those officers, Sgt. Kevin Fowler, continued to connect individuals to Strength in Peers to find recovery. She stated these were individuals that were primarily homeless and seeking help. She stated he is an example of the CIT practices and a committed member of this community. She presented their first ever Circle of Excellence Award to Sgt. Fowler for his community contributions.

Mayor Reed and Council Members applauded Sgt Fowler for his accomplishments and commitment.

4.b. Proclamation honoring Lois W. Jones for her service at the Massanutten Regional Library.

Mayor Reed presented the proclamation to Ms. Lois Jones for her service at the Massanutten Regional Library.

Ms. Jones stated the library is open for everyone to call for questions and research and thanked Council for the 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 Vice Mayor Romero, seconded by Council Member Hirschmann, to approve the consent agenda as presented. The motion carried with a recorded vote as follows:

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

No: 0

5.a. Minutes from the August 10, 2021 City Council Meeting

These minutes were approved as amended on the consent agenda.

5.b. Consider approving amendments to Title 7, Chapter 3 of the City Code, "Sewer System," at the request of the Harrisonburg-Rockingham Regional Sewer Authority

The ordinance amendments were approved on second reading

5.c. Consider adopting an ordinance to vacate certain easements associated with the Virginia Mennonite Retirement Community (VMRC)

The ordinance amendments were approved on second reading

5.d. Consider a supplemental appropriation for the Fire Department in the amount of \$366,284.07

This supplemental appropriation was approved on second reading.

5.e. Consider a supplemental appropriation for various departments in the amount of \$193,988.06

This supplemental appropriation was approved on second reading.

6. Public Hearings

6.a. Consider CDBG 2020-2021 Consolidated Annual Performance Evaluation Report (CAPER)

Ande Banks, deputy city manager, presented the Community Development Block Grant (CDBG) Consolidated annual Performance and Evaluation Report (CAPER) for the 2020-2021 Program year. He reviewed the CDBG projects and grant amount and noted the 15-day public comment period ends September 9, 2021. He stated the remaining balances available are due to COVID-19 and the delay it caused in completing the projects.

At 7:13 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, August 2,

2021.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:14 p.m., and the regular session reconvened.

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

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

No: 0

- 6.b.** Consider the reappropriation of encumbrances that were outstanding at the end of Fiscal Year 2021 in the amount of \$8,310,801.30

Ande Banks, deputy city manager, presented a reappropriation request to close the previous fiscal year encumbrances. He stated this request is higher than normal due to the delay in projects due to COVID-19 and budget conservations. He reviewed some of the projects involved in these encumbrances.

Vice Mayor Romero asked how long projects will be delayed. Mr. Banks stated it depends on the project.

At 7:17 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, August 16, 2021.

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 Hirschmann, to approve the request as presented. The motion carried with a recorded vote as follows:

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

No: 0

7. Regular Items

- 7.a.** Consider a refund for a portion of the 2021 Business Professional and Occupational License (BPOL) tax for one business.

Chris Brown, city attorney, stated this request is for a refund of a portion of 2021 Business, Professional, and Occupational License (BPOL) taxes paid for a business that was sold on May 28, 2021. He stated the Commissioner of the Revenue prorated the amount paid and the amount of the refund due is \$18,885.77. He stated since this was a business that was purchased, the new owner of the business has already filed their BPOL tax for 2021.

Council Member Dent asked what the time lag is between the refund and the new business owner paid. Mr. Brown stated it has already been paid, so no lag.

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

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

No: 0

7.b. Consider adopting a resolution authorizing the use of credit cards for payment of any type of City bill or fee

Chris Brown, city attorney, stated this resolution is to authorize the use of credit cards for payment of any type of city bill or fee. He stated the city accepts credit card payments online for taxes and other mandatory fees and as part of that transaction the city assesses a convenience fee that is paid to the credit card company. He stated these fees are collected directly from the payor. This request will allow anyone to pay a bill or fee in person with a credit card rather than just online. He stated VISA is requiring this resolution in order to allow the city to accept credit cards in person.

Vice Mayor Romero asked if the fee is greater than \$2. Mr. Brown stated he believes it is set at \$4.50 for real estate and personal property tax, but it has been negotiated down to \$2.25 per transaction and for parking fees it is a \$1.00 fee.

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

7.c. Consider repealing Title 15, Chapter 5, Article B - Produce Market at Municipal Parking Lot

Chris Brown, city attorney, stated this request is to repeal a series of ordinances that is outdated. He stated it refers to a produce market in the municipal parking lot and gives the chief of Police complete authority and administrative power over the market. He stated we know have a written Memorandum of Understanding with the Farmers Market which takes care of everything.

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

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

No: 0

7.d. Consider repealing Sections 13-2-1 through 13-2-6 Bicycle Regulations of the City Code of Harrisonburg

Chris Brown, city attorney, stated this request is to repeal a series of ordinance sections regarding bicycles that are no longer applicable. He reviewed the current ordinance and the current practices and noted a variation of this ordinance will be coming back to Council that would require dealers to report any used bikes to the Harrisonburg Police Department. He stated staff is also working on setting up a voluntary registration system for anyone who purchases a bike. He noted pawn shops are already required to report any bikes received to HPD.

Vice Mayor Romero asked how old these ordinances are. Mr. Brown stated they date back to at least 1973 but probably older.

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

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

No: 0

- 7.e.** 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 2021

Pamela Ulmer, city clerk, stated VML is seeking appointments for the upcoming Virginia Municipal League Conference for voting at the regular business meeting and for the Urban Section. She stated they are seeking on appointee and an alternate for each. She stated historically it has been the Mayor and Vice Mayor, but it is not yet determined if the Vice Mayor will be attending.

A motion was made by Council Member Jones, seconded by Council Member Dent, to nominate Mayor Reed for both events. The motion carried with a unanimous voice vote

A motion was made by Council Member Dent, seconded by Council Member Hirschmann, to nominate Council Member Jones as alternate for both events. The motion carried with a unanimous voice vote.

- 7.f.** Discussion on the Shenandoah Valley Collective Action Pact (SVCAP)

Council Member Jones stated we all try to stay in our lanes which has been successful. He stated he attended the Shenandoah Valley Collective Action Pact (SVCAP) unveiling at the Regional Economic Summit that James Madison University held on August 17, 2021. He reviewed the purpose of the SVCAP and stated he spoke with Brian Shull, director of Economic Development for the city, Chris Quinn, director of the Harrisonburg Rockingham Chamber of Commerce. He stated he would like Council to commit to this pact and would be willing to take lead in attending the meetings, etc., as well as anyone else on Council if they desire.

Mr. Quinn stated it would be better if Council as a whole committed to this pact as well as the Chamber of Commerce and any other organizations interested in this pact, it would be a more formal way to get together and collaborate.

Council Member Dent asked if there are any legal implications to Council signing as a public body. Mr. Brown stated it is just an expression of support at this time so there should be no legal implications.

Vice Mayor Romero asked how often this group meets. Council Member Jones stated this was the unveiling of the SVCAP, so no further information is available yet.

Mr. Brown stated if there was ever any specific request such as funding Council would still have to approve.

A motion was made by Council Member Jones, seconded by Council Member Hirschmann, for Council as a whole to join and affirm the SVCAP. The motion carried with a unanimous voice vote.

8. Special Event Application Requests

- 8.a.** Consider the special event application request for the Block Party in the Burg on Saturday, August 28, 2021.

Matt Little, recreation and events manager, Harrisonburg Parks and Recreation, presented a special event application from Harrisonburg Downtown Renaissance (HDR) for the annual Block Party in the Burg on August 28, 2021, from 2:30-4:30 p.m. He noted the request includes the closure of Court Square and Main Street from Martin Luther King Jr. Way to Rock Street and support from Public Works, Harrisonburg Police Department, Harrisonburg Fire Department, and Harrisonburg Department of Public Transportation is requested. He stated the total estimated cost is \$4,500.

Council Member Dent asked what precautions are being taken due to the pandemic. Mr. Little stated HDR is communicating with James Madison University but not sure if masks will be required but this can be made a requirement.

Mayor Reed stated there is no mandate for masks by the Governor. Mr. Brown stated the recent CDC guidelines are not recommending masks outside if the six feet distance is adhered to, but there is no legal issue with approval but is at the Council's discretion. Mayor Reed stated JMU has made it public that 81% of their students are vaccinated but it is up to Council to decide what they want to do.

Council Member Hirschmann stated individuals should wear a mask at their own risk.

Vice Mayor Romero asked when the decision was made by the special events staff to approve this request. Mr. Little stated it was at their July 1, 2021, meeting. Vice Mayor Romero stated there is an escalation of COVID-19 cases from then to now and wondered if their decision would have been different if reviewed at a later date and at what point does Council intervene for future events.

Council Member Jones stated he does not anticipate a vote that was more far reaching than the Governor or Federal Government as it could cause a political divide and debate that is probably not necessary. He stated he doesn't want to tell people to wear a mask outside if the CDC, the State, and the Federal Government don't mandate.

Mayor Reed stated she feels the same way, our positivity rate is at 7.5% which is high, however, we need to push the vaccination as that is what is going to help and save people. She stated the city is at 65% vaccinated, EMU is at 90%, JMU is at 81%, all pretty great numbers, but if people feel uncomfortable in social outdoor settings, they should wear a mask.

Council Member Jones stated he hopes that the downtown businesses are prepared for the influx of business as he has some reservations of the Delta Variant.

Vice Mayor Romero stated his concern is that this is a city sponsored event, we are bringing people together in collaboration with JMU and HDR, he is not against this event, he is just concerned because we are supporting in and are responsible for the outcome.

Further discussion took place regarding masks, COVID-19, vaccinations, etc. and it was suggested that information be pushed to the public prior to the event to wear masks, social distance, etc.

A motion was made by Council Member Jones, seconded by Council Member Hirschmann, to approve all event requests as presented. The motion carried with a unanimous voice vote.

- 8.b.** Consider the special event application request for the Best.Weekend.Ever on Saturday, September 4, 2021.

Matt Little, recreation and events manager, Harrisonburg Parks and Recreation, presented a special event application from Harrisonburg Downtown Renaissance (HDR) for the Best Weekend Ever on September 4, 2021, ending with fireworks from Westover Park. He noted the request includes the closure of Court Square, Main Street from Franklin Street to Rock Street, and North Liberty Street from Rock Street to Gay Street. He stated support from Public Works, Harrisonburg Police Department, and Harrisonburg Fire Department is requested. He stated HDR will also be providing private security to assist HPD in the ABC enforcement. He stated the total estimated cost is between \$5,000 and \$6,000 and HDR will make applicable payments to off duty officers.

Council discussed their concerns regarding COVID-19, masks, social distance, etc. and possible restrictions such as cap on number of attendees, signage etc.

A motion was made by Council Member Jones, seconded by Council Member Hirschmann,

to approve all event requests as presented. The motion carried with a unanimous voice vote.

- 8.c. Consider the special event application request for Eastern Mennonite University's Homecoming celebration on Saturday, October 16, 2021.

Matt Little, recreation and events manager, Harrisonburg Parks and Recreation, presented a special event application for the Eastern Mennonite University's Homecoming celebration on Saturday, October 16, 2021, from 2-7pm. He noted the request includes the closure of Park Road from Mt. Clinton Pike to Parkwood Drive. He stated support from Public Works, Harrisonburg Police Department, and Community Development is requested. He stated the total estimated cost is between \$5,000 and \$800.00 and EMU will make applicable payments to off duty officers.

Council Member Hirschmann stated he is more comfortable with this event as it is on a much smaller scale and over a month away.

A motion was made by Council Member Jones, seconded by Council Member Hirschmann, to approve all event requests as presented. The motion carried with a unanimous voice vote.

9. Reallocations

- 9.a. Consider a reallocation of funds within the Stormwater Capital Projects Fund in the amount of \$493,115.52

Ande Banks, deputy city manager, presented a request to reallocate funds within the Stormwater Capital Projects fund in the amount of \$493,115.52 from a previously planned BMP Retrofit project behind Thomas Harrison Middle School but now it is requested the funds be reallocated to the Stream Restoration Project (Blacks Run).

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

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

No: 0

10. Other Matters

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

Charles Conner, 728 Chase Court, chairperson of the JMU Student Government Legislative Affairs Committee, stated they are proposing establishing absentee ballot boxes on JMU campus on October 18 - 20, 2021 and October 27 and 28, 2021 from noon to 3:00 pm and 5:00 pm to 8:00 pm.

Leigh Survell, 1033 Lois Lane, vice president, JMU College Democrats, stated they

support ballot drop off ballot boxes on campus. She stated students often face barriers in the voting process such as lack of knowledge of the process of voting, finding time to vote and the need to vote early. She stated ballot drop-off boxes should be located at dining halls due to the high student traffic in those areas.

Pamayotis "Poti" Giannakaouros, secretary of Martin Luther King Jr. Coalition, spoke on the 50th anniversary of the March on Washington for jobs and freedom, August 13, 2013, when Harrisonburg renamed Cantrell Avenue to Martin Luther King Jr. Way. He spoke on the atmosphere at that time and the history that led up to the renaming. He spoke on COVID-19, virtual Peoples Day 2021, vaccinations, and the tall grass and weeds ordinance.

Bucky Berry, 30 West Washington Street, spoke on the new Toter program and fines associated with them and issues with the homeless.

10.b. City Council and Staff

Council Member Jones stated everyone should get vaccinated and make things much easier for everyone and wear a mask the correct way if you aren't vaccinated. He stated it will crush our school system and economic development if people aren't vaccinated and mitigating the circumstances. He pleaded for everyone to get vaccinated, this is our peak season for visitors we must take care of home. Our ALICE population can be hurt the most but if we can do things to mitigate and stop the spread, we need to do that.

Mayor Reed stated she gets frustrated when we try to place blame on who is spreading the virus, but the universities are doing a great job at making sure the students are vaccinated. She stated we all need to take responsibility for ourselves, the vaccine gives us the layer of protection we need, we also still need to do the basics; wear a mask, maintain social distances, and wash your hands.

Council Member Dent stated she hopes the people who were waiting for the FDA approval of the COVID-19 Vaccine now have the go ahead if that was the hesitation. She stated absolutely get vaccinated because the Delta variant is so much scarier, for those who don't get vaccinated should stay home and if you must go out follow the general guidelines of masks, distancing, and hygiene. She stated she attended the ribbon cutting of the Afton Express Bus last week which will save a lot of traffic and safety issues on that mountain road. She stated it is free to ride the entire month of September. She stated she saw Senator Warner speaking on the Infrastructure Bill and he pointed to the Route 33 bridge that was built in 1960 and needs to be repaired. She stated she thanked him for his work on the infrastructure policies for renewable energy and electric vehicle transport. She stated internal discussions with

staff have been ongoing about bringing more electric vehicle chargers and perhaps electric busses sometime into the city. She stated she will be attending the Citizens Academy and hopes to learn a lot.

Vice Mayor Romero stated he wants to make sure we recognize all our teachers and faculty at the city schools across the community, 6,400 plus students were brought back to schools in the city and it is amazing to walk into a school again and see our students back in the buildings. He stated it is amazing to see kids as young as five years old keeping their masks on the entire day, the educators teaching with their masks on, all the preparation work and safety measures that goes into this warrants the recognition. He stated he is a bit concerned that things will get worse, kids need to be in school, and we need to keep it going.

Council Member Hirschmann stated for whatever reason you haven't gotten vaccinated get with the program and get it done. He stated everyone should still wear their masks and enjoy the next two weekends downtown.

Mayor Reed asked about the annual Council pictures. Ms. Ulmer, city clerk, stated she has been working on it and hopes to have it on the schedule within the next two weeks. Mayor Reed stated we have not highlighted the fact that our bond rating went up from AA to AA+, that is phenomenal, especially since we have been through a pandemic. She recognized staff for all their work and accomplishments in making this happen. Council Member Jones stated those that were against the school often said our bond rating would decrease. Mayor Reed stated she attended the visit from Senator Warner and hopes the bridge Council Member Dent mentioned will be repaired. She stated Council needs to think about Council's priorities of what they would like to accomplish over the next year and a half, funding will be coming down the pipeline and we should be able to get some things done. She stated on Friday, August 27, 2021, at 11:00 am, there will be a remembrance service event for the families who have lost someone to COVID-19, it will be outside in front of Court Square, there will be speakers and music and suggests people come out to participate.

11. Boards and Commissions

11.a. Harrisonburg Redevelopment and Housing Authority (HRHA)

A motion was made by Vice Mayor Romero, seconded by Council Member Jones, to appoint Shonda Green to the Harrisonburg Redevelopment and Housing Authority to a first term to expire on August 24, 2025. The motion carried with a unanimous voice vote.

11.b. Community Services Board

A motion was made by Council Member Hirschmann, seconded by Council Member Dent, to reappoint John Monger, IV to the Community Services Board to a second term to expire on July 1, 2024. The motion carried with a unanimous voice vote

11.c. Shenandoah Valley Workforce Development Board (SVWDB)

A motion was made by Council Member Jones, seconded by Vice Mayor Romero, to appoint Cindy Bolan to the Shenandoah Valley Workforce Development Board to a first term to expire on August 24, 2025. The motion carried with a unanimous voice vote

11.d. Social Services Board

A motion was made by Council Member Jones, seconded by Vice Mayor Romero, to appoint Xochitl Martinez to the Social Services Advisory Board to a first term to expire on August 24, 2025. The motion carried with a unanimous voice vote

13. Adjournment

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

CITY CLERK

MAYOR