



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Draft City Council

Tuesday, November 22, 2022

5:30 PM

Council Chambers

Work Session (5:30 pm) and Regular Meeting (7:00 pm)

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: 4 - City Manager Ande Banks, City Attorney Chris Brown, City Clerk Pam Ulmer and Chief Matthew Tobia

2. Round Three of ARPA Discussions

2.a. ARPA Funding Work Session 3: Making choices about Funding Pandemic-Related Needs

Amy Snider, assistant to the city manager, stated staff is ready with an editable spreadsheet to help Council make the decisions as to where and how much funding will be decided upon and in which bucket those funds will come from. She stated the auditors have reviewed the way staff calculated revenue loss and increased the revenue loss to \$20M, which is the bucket the fund usages are most flexible.

Mayor Reed started the discussion on the Parks and Recreation funding:

- Priority 5 - Enhanced Community Spaces:
 - Council Member Jones spoke on the need of lighting and restrooms at Smithland Athletic Complex and stated he would like to see all of the items listed under Section 5 but scale back the funding for the Smithland Complex B side to a place where at least a pad can be put in and put to use.
 - Vice Mayor Romero spoke on the Smithland Athletic Complex and the needs there, and how the B side is the side that needs the most improvement. He stated if funding can't be put towards side B of the complex then he would like to see extra funding towards additional Futsol courts in the city.
 - Brian Mancini, director of Public works, spoke on the work required and costs involved at the Smithland Athletic Complex, how earthwork is needed, among other things. He provided Council with the phases of completion for the complex. Further discussion took place regarding costs with the complex improvements. Vice Mayor Romero voiced his strong opinion that the restrooms need to be built on Side B with funds

from ARPA.

- Mayor Reed stated what expenditures she is good with under this category similar to Council Member Jones.
- Council Member Dent stated she would like to see the funding for the Splash Pad and Kids Castle replacement be passed
- Council Member Baugh stated he agrees with Mayor Reed

Further discussion took place on the needs at the complex and how to get them done if not with ARPA funding

- Priority 2 - Improve Neighborhoods
 - Mayor Reed stated she wants to see the street paving projects in the Northeast Neighborhood funded. Tom Hartman, director of Public Works, stated these projects are based on next years paving costs.
 - Council Member Dent stated she thinks the Suter Street drainage project may be able to fall under the Infrastructure Act funds. Mr. Hartman stated possibly, but we would have to compete and would get done much quicker if funded by ARPA Funds.

- Priority 3 - Increase in Affordable and Accessible Childcare
 - Mayor Reed asked if everyone agreed to create a fund for childcare providers.
 - Amy Snider stated staff researched how other communities were supporting investments in childcare, there is opportunity for capital investments (for profit or non-profit providers), a grant program could be structured for expansion of facilities, and/or to increase capacity for new in-home childcare providers.
 - Council Member Jones stated he would like to see technical assistance under the capital investments as well.
 - Council Member Dent asked if training through community colleges be included in this funding for childcare operators. Ms. Snider stated it could be included in a competitive RFP to see what community partners would want to partner with the city.

- Priority 4 - Expand Accessible, Affordable Housing
 - Luke Morgan, ARPA Coordinator reviewed what can be done with loans for affordable housing. Council Member Dent stated that may be the opening to fund the housing trust.
 - Council Member Dent asked if funds in the housing trust could be in the forms of loans and grants. Liz Webb, Housing Coordinator, stated she has seen it done both ways. Council Member Dent stated she is pushing for the Permanent Supportive Housing for \$3.4M since it is a path up and out of homelessness. Ms. Webb discussed all the ways the funds can be used.

- Mayor Reed stated we don't have the \$5.1M as originally stated for this priority.
- Council Member Dent asked to move funds from Priority 5 to Priority 4 as this is our highest priority.
- Council Member Jones stated let's move funds from Priority 3 as we know Priority 2 and 5 are things that have been identified with hard evidence and are in our CIP.
- Priority 1 - Invest in Community Mental Health Improvements
 - Mayor Reed asked what are we trying to do with funds for this priority.
 - Council Member Jones stated there has been funding already approved through a grant for positions through the Community Paramedicine Program. Mr. Banks, city manager, stated those positions will be people responding to people in crisis.
 - Council Member Dent stated the \$400,000 is a minimal amount to put into such a high priority and is structured as a fund for competitive proposals for services.
 - Further discussion took place as to the use of the funds under this priority.
- Priority 6 - Other
 - Council Member Jones stated he would like \$250,000 go to Small Business Assistance Program.

Further discussion took place moving funds, how to best categorize them, how to best use them and the annual community contributions in the budget. Mr. Banks stated Ms. Snider will be presenting an item during the regular meeting regarding the costs of operations of the homeless shelter and the component to recommend community contributions be reduced to set aside \$100,000 for the service providers to operate the shelter, annually. Council Member Dent asked if there are ARPA funds that could cover startup costs for the first year or so. Mr. Morgan stated ARPA funds could be used for that.

Council Member Dent stated it bothers her that the funds for Priority 4 have been reduced from \$5M to \$2M as that is our highest priority and biggest need. Vice Mayor Romero stated the priorities are based on feedback and our experience and knowledge of the community, but there are so many people out there that who aren't able to share their needs, housing is a huge need and needs to be addressed, but there are other needs as well that aren't even being addressed, we can't address everything. Mayor Reed stated there is so much that we have to tackle that she feels \$5M in a housing trust fund is a lot. Council Woman Dent stated she feels Priority 5 is receiving a disproportionate amount of funding (\$6.9M). Council Member Jones stated those projects will be used by 99% of the residents of the city. Further

discussion took place on that priority.

Council Member Jones stated he could see the remaining funds available shifted to Priority 3 - childcare, Priority 5 - Smithland Athletic Complex Side B, but he strongly thinks Council should consider what Mr. Banks proposed about the funding for the operational costs of the homeless shelter. He stated he is not comfortable with the reduction of the Community Contributions. Mayor Reed stated she would like to see the community contributions not change as well. Council Member Baugh stated he always thought the community contributions was a slippery slope and he feels this funding would be best used for operational expenses on the homeless shelter. Further discussion took place as to where to spend the remaining funds. Council Member Jones stressed that we should use the funds for operational costs at the homeless shelter as much as possible to delay annual increased costs to the budget. Vice Mayor Romero asked about funding being available to provide assistance to the community as they navigate applications etc. associated with the potential projects from the ARPA funding. Mr. Banks stated he could see a non-profit organization applying for funds to super charge a program to assist those with language barriers and enhance the city's language access plan. Council Member Jones was adamant that any additional funding goes into the homeless shelter. Council Member Dent suggested \$500,000 additional into the housing fund and \$200,000 into the non-profit organizations. Council Member Jones stated if \$10M isn't enough for the homeless shelter and fire station maybe we should save all the ARPA funding until these projects are done. Mayor Reed stated she is frustrated, as all this time was spent to decide where the funding should go. Vice Mayor Romero stated he would be more than glad to have another work session to decide.

3. Recess

At 6:59 p.m., Mayor Reed called the meeting into recess.

At 7:10 p.m., Mayor Reed called the meeting back into session.

1. Regular Session

2. Invocation

Mayor Reed offered the invocation

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

4. Special 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 Council Member Baugh, seconded by Vice Mayor Romero, to approve the consent agenda 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

5.a. Minutes from the November 9, 2022 City Council Meeting

These minutes were approved on the consent agenda

5.b. Consider amending and re-enacting Title 5 Chapter 3 Section 5-3-1 and 5-3-2 - Office of Emergency Services, of the City Code.

This ordinance amendment was approved on second reading

6. Public Hearings

6.a. Consider amending and reenacting Section 7-4-1(a3) (e) (f3) (f5) (f6), Schedule of rates and charges generally and Section 7-1-9, Discontinuance of service for delinquency in payment of utility bills; generally, of the Harrisonburg City Code.

Chris Brown, city attorney, presented on behalf of the Department of Public Utilities. He reviewed the ordinance amendments to increase fees and administrative processes of the disconnection of water and sewer. He noted there has not been an increase in fees in over twenty years.

At 7:19 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 31, 20 and Monday, November 7, 2022

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:19 p.m., and the regular session reconvened.

Council Member Jones stated the Department of Public Utilities did a great job during COVID helping people with their delinquent accounts.

A motion was made by Council Member Baugh, seconded by Council Member Dent, to approve the ordinance amendment 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

- 6.b.** Consider a request from Mosby Opportunity Fund LLC to rezone parcels addressed as 2492, 2494, 2496, and 2498 Millwood Loop

Adam Fletcher, director of Community Development, presented items 6b and 6c together, stating this is a rezoning and special use permit request to allow for the Millwood Loop development to finish the construction from R-3C to R-8 and allow for townhomes but will not increase density. He reviewed the surrounding properties, current zoning districts, and the history of the development.

He stated staff and Planning Commission (7-0) recommend approval for both rezoning and special use permit

At 7:26 p.m., Mayor Reed closed the regular session and called the second and third public hearing to order. A notice appeared in the Daily News-Record on Monday, October 24, 2022 and Monday, October 31, 2022.

Quinton Callahan, attorney for developer, stated all other avenues were sought to acquire the additional piece of property, which was not possible. He stated this is the least restrictive method to go forward and has been platted the same all along.

At 7:27 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Dent stated this was an easy decision for Planning Commission so they can build five units instead of four and more housing is a good thing.

A motion was made by Council Member Dent, seconded by Council Member Baugh, to approve the rezoning request 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

- 6.c.** Consider a request from Mosby Opportunity Fund LLC for a special use permit to allow townhomes at 2492, 2494, 2496 and 2498 Millwood Loop

Presented with agenda item 6b

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

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

No: 0

- 6.d.** Consider a request from Gary L. Beatty for a special use permit to allow manufacturing, processing and assembly at 26 Pleasant Hill Road

Adam Fletcher, director of Community Development, presented items 6d and 6e together. He stated this is for two special use permits to allow a manufacturing/processing assembly operation and to allow for reduction of required parking area in a B-2 zoning district on Pleasant Hill Road. He reviewed the surrounding properties, the subject property, the uses and zoning for the area, the history of uses, and the suggested conditions recommended by Planning Commission.

He stated staff and Planning Commission (7-0) recommended approve with suggested conditions.

At 7:38 p.m., Mayor Reed closed the regular session and called the fourth and fifth public hearing to order. A notice appeared in the Daily News-Record on Monday, October 24, 2022 and Monday, October 31, 2022.

Gary Beatty, owner, requests approval for his request, these are two excellent businesses for this location, neither has any environmental issues, no heavy machinery or equipment that may create loud noises, no traffic issues, and minimal trash.

Panayotis "Poti" Giannakouros, stated he is pleased to have listened to the Department of Community Development in making recommendations on the basis of safety, and he is pleased to hear that the applicant is putting on the top of their list the considerations of the environment.

At 7:42 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

A motion was made by Council Member Dent, seconded by Council Member Baugh, to approve the request 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

- 6.e.** Consider a request from Gary L. Beatty for a special use permit request to allow reducing required parking areas at 26 Pleasant Hill Road

Presented with agenda item 6e

A motion was made by Council Member Dent, seconded by Council Member Baugh, to approve the request 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

- 6.f. Consider a request from Robert E. Alford II and Havilah Alford for a special use permit to allow short-term rental at 375 Broad Street

Adam Fletcher, director of Community Development, presented a special use permit for a short term rental (STR) of an unsubdivided duplex on 375 Broad Street in the R-2 zoning district. He reviewed the property, the surrounding properties, the surrounding zoning designations, and noted the applicant's son will live in the upstairs unit and be the operator and the STR in the lower unit. He reviewed the difference between short term rentals and homestays. He stated the applicant is requesting to provide three accommodations spaces, up to six guests, and off-street parking is sufficient for up to five vehicles in the rear of the property.

He reviewed the history of the short term rental ordinance amendments requested several months ago that has not yet been approved. If the ordinance amendments were to be approved, this short term rental would have not been allowed.

He stated due to this staff and Planning Commission (7-0) recommended denial of this request. He stated that if there is desire by Council to approve this request it is recommended to be approved with the following recommendations

- a. All STR accommodations shall only be permitted within the first-floor dwelling unit of the existing principal structure.
- b. No more than three STR guest rooms or accommodation space.
- c. The number of STR guests at one time shall be limited to six.
- d. Submit a completed Short-Term Rental Pre-Operation Form and maintain compliance with the items identified in the form.
- e. Minimum off-street parking spaces may be reduced to two and do not need to be delineated and can be accommodated utilizing the existing parking areas to the rear of the property or other areas of the property.
- f. If in the opinion of Planning Commission or City Council, the use becomes a nuisance, the SUP can be recalled for further review, where additional conditions, restrictions, or the revocation of the permit could occur.

Discussion took place regarding the ordinance amendment that will be presented to Council at a later date.

Council Member Dent stated she voted against this on Planning Commission because it would take a housing unit off the market.

Council Member Jones stated he understands the idea of taking a unit off the market, but it takes the affordability out of the hands of the applicant and his son and there really isn't a lot of these short term rentals that would really impact housing stock. Council Member Dent stated we need to be careful of setting a precedent

At 8:02 p.m., Mayor Reed closed the regular session and called the sixth public hearing to order. A notice appeared in the Daily News-Record on Monday, October 24, 2022 and Monday, October 31, 2022.

Panayotis “Poti” Giannakouros, stated he objects invoking the intent of Planning Commission, the intent doesn’t matter, they are an advisory body, their advice is what is important. He asked what housing model the Planning Commission is working with and what expertise do they have. He spoke on the business model, the short term rental policy, and governance based on trends in social media.

At 8:07 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Vice Mayor Romero stated Council had a discussion on this before, and he would hate to not allow someone to be able to live in a house and engage in this entrepreneurship.

Council Member Baugh stated we want people to maximize what people can do with their property, but there is no end to that, and he recommends going with Planning Commissions recommendations. Further discussion took place for and against this item.

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

Yes: 3 - Council Member Dent, Council Member Baugh and Mayor Reed

No: 2 - Council Member Jones and Vice Mayor Romero

7. Regular Items

7.a. Update on Homeless Services Center Project

Amy Snider, assistant to the City Manager, provided an update on the status of the Homeless Services Center project. She reviewed the following:

- Design Team and Project Team
- Project History
- The Site and surrounding area
- Project overview
- Preliminary programming
- Phased Construction and opening timeline
- Proposed Operations approach
- Operations concept
- City’s operational role
- Proposed funding source

Council Member Jones asked if security will be provided by the operator that wins the

bid to operate. Ms. Snider stated she doesn't believe any shelters locally currently provide security.

Council Member Dent asked for clarification on the point system through the CDBG program. Mr. Banks clarified the process.

Council Member Dent stated she was impressed with the community engagement process for this project, especially the concept of trauma informed design and a good sense of respect being included in how the guests would be treated.

Mayor Reed asked if the existing building will be used for office space. Ms. Snider stated they are still in the planning stages with the architect, but it lends itself naturally to the use as office space. Further discussion took place regarding the existing building.

Vice Mayor Romero shared his experience spending the night in one of the shelters after he was elected, and how individuals often said they hoped to be out of homelessness within a year. He stated he assumes when proposals for operators are reviewed, they use best practices in transitioning people out of homelessness. Ms. Snider stated we will want to set some expectations of the operators.

No action required.

This Report was received and filed.

7.b. Consider adopting a resolution Of The City Council Regarding The Local Combined Plan With The County Of Rockingham For The Virginia Juvenile Community Crime Control Act Funds

Chris Brown, city attorney, presented a request for an updated resolution to participate in the Virginia Juvenile Community Crime Control Act. He stated we passed the same resolution in 2002 agreeing to participate. He stated this act is administered by the Virginia Department of Juvenile Justice and they will give funds to localities such as the city to assist with juvenile offenders, providing services and programs to try and get the juvenile offenders out of the criminal justice system and hopefully help keep them out. This updated resolution shows the city's interest in continuing to participate in this program and acknowledge that the city and the county have a combined plan.

Vice Mayor Romero asked if this is something that we have been presented with before. Mr. Chris stated yes, every 20 years. Vice Mayor Romero would like to see the effectiveness of this program.

A motion was made by Council Member Baugh, seconded by Council Member Dent, to adopt the resolution 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

8. Supplemental

8.a. Consider a supplemental appropriation in the amount of \$1.9 million for the Public Works Department

Larry Propst, director of Finance, presented a supplemental appropriation in the amount of \$1.9M for the elevator modernization project at the Public Safety building and for the increase in costs for the new Public Works building.

Tom Hartman, director of Public Works, presented a rendering of what the new Public Works Administration Building will look like and explained where the increase in the project cost is coming from.

Council Member Dent stated since we just went through the Local Energy Efficiency and Solar Ordinance, that although not required it would be nice to see the return of investment over time. Mr. Hartman stated based on preliminary numbers seen on the design proposals we were able to do that for the solar panels and we are at 30+ years for return of investment. Council Member Dent stated she remembers someone saying we were voluntarily building to LEEDS Silver Standard but going with the VEES application. Mr. Hartman stated that was anticipated but after further review the cost was too much.

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

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)

Jo Benjamin, stated she moved to Bridgewater, but misses the excitement and transparency that takes place at City Council meetings. She stated she heard Vice Mayor Romero speak at the Hispanic Conference at JMU and she did not realize she was in the presence of greatness and the soccer legacy that happens locally and thanked him for all he does. She applauded Council for scheduling another work session and she appreciates the amount of thought and heart that Council is putting in to how to spend the ARPA funding and the community involvement was absolutely the thing that keeps Council elected. She spoke on what the ARPA Funds were intended for, priority 2 ended up being only 42% of the total amount to be spend. She stated she feels a lot of those projects under Priority 2 could fall under Infrastructure Act funds and perhaps more digging should be done on those. She stated she feels Priority 5 is still pretty heavy considering it is the 5th priority. She spoke further on

where the ARPA spending is proposed. She stated she feels more should go into the first two priorities.

Panayotis "Poti" Giannakouros, stated he agrees with the funding for childcare and to undo the structural damage of COVID and to do so strategically with a few principals in mind: language services need to be part of the city, solutions to homelessness is systemic not market oriented, replace the non-profit industrial complex and the donor class with genuine public participation, and the new Council will be taking credit for the work, don't let them erase the work and legacy of the people the current Council embodies.

9..b. City Council and Staff

Council Member Jones stated there was no final determination during the work session, as it was just that, a work session, and there is still work to be done to reach the final decision. He stated he had applied for the city to be a part of the National League of Cities (NLC) Race Equity and Leadership (REAL) Institute, we were selected to participate, staff and himself attended the NLC City Summit Conference in Kansas City and worked on race, equity and leadership and it was phenomenal, with goals to move Harrisonburg forward in a more equitable way of providing services. He stated at the end of the day he thinks people forget that our job is to provide services, there are a lot of things that people look for government to solve but on the local level it starts with the provision of services and then we can slowly creep into creature comforts and social remedies. He stated that is extremely important for us to always be able to go back to equitable services. He stated he worked with the city manager and Economic Development team to join the National League of Cities a City Inclusive Entrepreneurship Network. He stated they brought back so much information from the NLC Conference about opportunities and ways we can look at housing, energy, environment, natural resources, economic development, building partnerships around the country, and to be able to continue to provide high quality services for the residents and businesses of the city. He hopes everyone has a happy Thanksgiving.

Council Member Dent stated she appreciates Ms. Benjamins comments and echo's her concern of the priorities related to the recovery of the pandemic. She stated she attended the NLC Conference as well, and it was a whirlwind of information on affordable housing, workforce development, sustainability, and her work on the Energy, Environment, and Natural Resources Committee, they were greatly relieved when the policy and resolution statement just sailed through. She said kudos to the NLC staff legislative aide who worked through the concerns and addressed the needs of coal country, such as workforce development retraining for jobs that are no longer existing, and how to mitigate the harm done by fossil fuels as we transform to a more clean economy. She stated she joined the EPSAC Green House Gas Inventory

meeting, where Dr. McGinnis of Virginia Tech provided an update, there were specific questions asked about calculations of methane gas emissions, etc., and her big question at the end was now what. She stated Dr. McGinnis recommended we have a local plan, in which we have a lot of momentum towards that with our Environmental Action Plan, so we will be looking at those twin municipal targets and community goals to figure out how to enlist the participation of our whole community. She expressed her appreciation to Council Member Baugh and his thorough institutional knowledge.

Council Member Baugh stated he had his last Library Board meeting and they are looking forward to working with the new director there. He stated one of the things he latched onto when he first ran for office was trying to articulate what it is Council does and what he thinks should be done. He stated he came up with we want to provide a high quality small urban living option for people living in the Shenandoah Valley. He stated that statement covers a lot, so much of the time when we are talking about so many things, tonight's work session was exactly that, and they all intern connect. He hopes everyone is looking forward to a great Thanksgiving and his thoughts and prayers go out to everyone for better times. He thanked Council for giving him the opportunity to come back and serve a little bit more on Council.

Ande Banks, city manager, shared that he has appointed Amy Snider as the acting deputy city manager, she has been serving the city manager's office in an ever increasing role and responsibilities, she has managed projects and programs as well as significant policy initiatives such as our affordable housing, homelessness, CARES Act and ARPA funding, in addition to her responsibilities as our assistant to the city manager. He stated Ms. Snider has proven herself to be extremely capable, responsive in communications and relations with staff, the community and City Council. He thanked Ms. Snider for her work and officially appoint her until recruitment can move forward. He stated a few months ago the folks with Build Our Park raised some questions for Council to answer, the answers and input provided by Council were relayed back, and they have now put together a business plan and have asked to be on the December 13 agenda or a future agenda to present the business plan.

Mayor Reed stated we will be having further discussion on December 13, 2022, for ARPA funding at a work session.

10. Boards and Commissions

10.a. Harrisonburg Electric Commission

Council Member Dent stated she spoke with all the applicants and was most impressed with Mr. Callahan, he understands what is at stake with the transformation of our energy system and what his role would be on the board of HEC.

A motion was made by Council Member Jones, seconded by Council Member Dent, to appoint Quinton Callahan to the Harrisonburg Electric Commission to a first term to expire December 31, 2025. 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

Resignation of Council Member Jones

Chris Brown, city attorney, stated we have a situation that can only arise in a locality that has at large voting. He stated two weeks ago there was an election for three seats for City Council, two regular seats and one special election to fill Council Member Hirschmann's seat from his resignation. He stated Council Member Jones won the election for the special election and under state law he must take his seat within 30 days of the election. He stated he is also not allowed to hold two seats simultaneously. He stated tonight he will need to resign his current seat on City Council and then within the next few days take the oath of office at the Circuit Clerk's office to qualify to take the position to fill the seat of Council Member Hirschmann. He stated the two candidates that won the regular election for City Council will take their seats the first of January 2023.

Council Member Jones stated as Council is aware he was successfully elected at the special election held to fill the seat vacated by the resignation of Council Member Hirschmann and under Virginia Law he must take his oath of office within 30 days of the special election and also under Virginia Law he cannot hold two elected offices at the same time. Therefore, effective immediately he hereby resigns his current seat at the Harrisonburg City Council and submit his written resignation to the City Clerk in the next several days. He stated in the next several days he will take his oath of office to fill the unexpired term for the office of City Council previously held by Council Member George Hirschmann.

Mayor Reed thanked Council Member Baugh as he is now relieved of his duties and thanked him for coming back as interim Council Member, he was the steadiness they needed, and it is appreciated.

Vice Mayor Romero stated he really has enjoyed working with Council Member Baugh, listening to his institutional knowledge, his intellect and he will miss all of that and their conversations about soccer and the World Cup.

Council Member Dent shared a memory of a conversation with Council Member Baugh about Patti Smith, the punk rocker.

Council Member Jones stated Council Member Baugh is the best, he knows a lot, he gives a lot, and he keeps giving it. He stated he greatly appreciates everything Council Member Baugh has done; the city wouldn't be the same without him. He

stated we need to keep Council Member Baugh around in some capacity or form.

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

Yes: 4 - Mayor Reed, Vice Mayor Romero, Council Member Dent and Council Member Baugh

No: 0

11. Closed Session

12. Adjournment

At 9:21 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR