



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Final City Council

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Tuesday, May 23, 2023

7:00 PM

Council Chambers

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### 1. Roll Call

**Present:** 4 - Vice-Mayor Laura Dent, Council Member Christopher B. Jones, Council Member Dany Fleming and Council Member Monica Robinson

**Absent:** 1 - Mayor Deanna R. Reed

**Also Present:** 6 - City Manager Ande Banks, City Attorney Chris Brown, Deputy City Clerk Ande Banks., Police Chief Kelley Warner, Chief Matthew Tobia and Acting Deputy City Manager Amy Snider

### 2. Invocation

Vice Mayor Dent offered the invocation.

### 3. Pledge of Allegiance

Vice Mayor Dent led the Pledge of Allegiance

### 4. Special Recognition

#### 4.a. 2023 Service Learning Program presentation

Ande Banks, city manager, stated this is either the seventh year the City has joined up with the honors government class at Harrisonburg High School in a Service Learning Program in which they condense their regular curriculum and then in the fall focus on visiting the 18 different city departments and learning about what they do. He stated then in the spring they work on projects along side city staff and tonight is the culmination of that work. Mr. Jay Hook, Honors Government Teacher, HHS, stated we have a great group of young people to present some really fine projects and hopefully they are learning how to be the future leaders of our community because that is why we created this program.

Grace Myo, Mia Beauzieux, Huda Al-Bandar, and Ivan Cigarroa Ruiz presented the project: An Exploration of Rocktown Trails which involved an awareness campaign for the trails at Hillandale Park.

Cole Purnhagen, Ricky Rodriguez Real, Quetzalli Arteaga-Vazquez, and Nadiel Ayala-Gallo presented the project: Stop the Bleed which involved raising awareness to the National Stop The Bleed Campaign and how to use the Stop the Bleed kits.

Toby Corriston, Zhir Azeez, Joseph Adams, and Adam Vanwyk presented the project: Outdoor Fitness Facilities which involved a proposal of this type of facility at one of the parks and different suggested designs.

Shyanna Davis, Yelianiz Gonzales-Rivera, Samantha Syharath, and Gali Santiago Henriquez presented the project: Creation of a Strategic Outreach Program, which sole purpose would be to challenge and engage teens between the ages of 13-19 at the Community Activity Center, Lucy Simms continuing education building, and parks throughout the city.

Mr. Hook commended the students for the work they did and thanked city staff for their guidance.

Council Member Fleming stated there was a 2008 census report that looked at where 16-year olds lived ten years later (2018), and in our region 65% of the 16-year olds were still living in the same region. He stated knowing that our students are getting these types of opportunities and possibly become future leaders, this work done in our schools is invaluable and thanked Mr. Hook for these types of programs.

Council Member Jones stated Mr. Hook led an excellent program for so many years. He stated one of the projects presented from previous years is the new Fire Station, which is now in progress. Mr. Banks stated there have been a few projects presented that were implemented.

Vice Mayor Dent stated we appreciate the youth of our city being engaged in community participation and thanked the students and Mr. Hook for present and future leadership.

**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 Fleming seconded by Council Member Robinson to approve the consent agenda as presented. The motion carried with a recorded vote as follows:**

**Yes:** 4 - Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

**No:** 0

**Absent:** 1 - Mayor Reed

**5.a. Minutes from the May 9, 2023 City Council Meeting**

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

- 5.b. Consider the special event application request for the 2023 Bike Virginia Tour taking place at Hillandale Park from Sunday, June 25 to Thursday, June 29.

**This special event application was approved on the consent agenda**

- 5.c. Consider the special event application request for the 2023 July 1st Fireworks display on Saturday, July 1, 2023.

**This special event application was approved on the consent agenda**

## 6. Public Hearings

- 6.a. Public hearing regarding the real estate tax rate for Fiscal Year 2023-2024 to be set at \$0.96 per \$100 of assessed value

Larry Propst, director of Finance, presented a request to set the Real Estate Tax rate for Fiscal Year 2023/2024. He stated State Code requires a public hearing is held when real property assessments are projected to increase 1%, and noted this increase is for 13.7%. he stated the advertised rate was at \$0.96 per \$100. Mr. Banks stated there was a 30-day public comment period that began the end of April. Vice Mayor Dent asked if any comments were received. Mr. Propst stated no comments were received.

At 7:41 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 Tuesday, April 18, 2023.

Panayotis "Poti" Giannakouros, stated on May 16, 2023, WHSV made a Facebook post entitled "What advice would you give someone who is buying a home for the first time?", and of the 358 responses to that post 106 included financial terms, 58 included housing inspection, and 22 realtors. He reviewed a post made on NextDoor regarding needing someone to fix a lawn mower. He stated it is required to cut your grass and many can't afford a lawn mower or afford to fix the one they have. He stated putting all this together the picture he sees is that housing stressed residents are neglecting maintenance inside the house while using their scarce time and money on appearances to fend off the threat of tall grass and weed complaints. He spoke further on maintenance of homes, fiscally stressed residents, and the Bluestone Town Center.

Nora McGuire White, 1051 Wyndham Drive, stated she has been in the city for 19 years, she is a JMU alumni, both her and her husband have helped coach and directed youth sports in the community, and parents of four boys of color. She stated the current and immediate problem specific to Council is our middle school football program, which was always ran by the city's Parks and Recreation Department, was transferred to the Harrisonburg High School Athletic Program. She stated they were advised last year that the middle school football program had been cut due to the

High School Athletic Program choosing to no longer support/sponsor the program. She stated the Harrisonburg Parks and Recreation Department took over the majority of the responsibility for the program last year and was told the school Athletic Program would take it back for this year. She stated that program had been cut from the schools proposed budget for this year and she asked Council that the middle school football program be reconsidered as a budget item. She shared her thoughts on the impact this would have, it could be devastating and the end to football as a sport in our community. She spoke on the Sports Academy model. She asked Council to reconsider putting the middle school football program back into the budget.

At 7:52 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Jones stated he appreciates Ms. White's comment, he noted that although Council cannot control the line item budget for the City Schools, he hopes this discussion was heard and continuing conversations can be had.

Council Member Fleming stated one of the first things Council did in January was pass a measure that would extend real estate tax relief to seniors, and hopefully that will continue to help those on fixed income with this increase. He stated we need to make sure we connect with the folks who can benefit from that program.

Vice Mayor Dent stated this is the third of three tax increases we had planned to fund the new high school; we had originally planned to increase by \$.04 but was able to reduce the increase to \$.03. Mr. Banks reviewed the original plan to fund the high school and noted that in working with the School Board the total amount of borrowing was reduced as well as some injection of ARPA funding that came to the schools that went directly into that project.

Council Member Fleming stated it is helpful to know what some of the other comparable cities are doing: Roanoke is at \$1.22, Manassas is at \$1.40, Manassas Park is at \$1.45, Danville is at \$0.89. He stated generally Harrisonburg maintains a tax rate compared to the other 37 or so cities that is generally favorable.

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

**Yes:** 4 - Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

**No:** 0

**Absent:** 1 - Mayor Reed

**6.b.** Consider approving an easement from the City to 49 West Water Street Investments, LLC

Chris Brown, city attorney, stated the request is from 49 West Water Street

Investments, LLC for a waterline easement to serve a water suppression/ sprinkler system to the property. He stated the waterline is normally ran to the property line by the city, the owner of the building on W. Water Street is wanting to operate an escape room and the Building Official and Fire Marshal advised them that they would need a sprinkler system. He stated the water line is across the street however right in front of the building there is a limestone stormwater facility that was built in the 1800's and they would have to bore through that to get to the waterline for service. He stated the next closest waterline is on Main Street, and the request is to have an easement so they can run the waterline through the parking lot owned by the city, through the alleyway and to the property. He stated since this will be on city property an easement must be granted by City Council.

At 8:02 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, May 15, 2023, and Monday, May 22, 2023.

Hunter Woodard, member of 49 West Water Street Investments, LLC, stated they looked at every possible way to get the water to the property for the sprinkler system, and understands the inconvenience to the neighbors this may cause but they will try to minimize it as much as possible. He stated they will have to dig into S. Main Street and asked if there was any way the dig on S. Main Street could be done during the evening so as to not cause issues with traffic. Mr. Brown stated that would be handled through the public access permit process and the director of Public Works, and it should be able to be worked out.

At 8:06 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

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

**Yes:** 4 - Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

**No:** 0

**Absent:** 1 - Mayor Reed

## 7. Regular Items

### 7.a. North End Gateway Public Art Installation Update

Vice Mayor Dent stated there is a request to postpone item 7a as Mayor Reed is absent. Council Member Fleming stated we will need to reconnect with the artist for his availability. Chris Brown, city attorney, stated with a motion to postpone indefinitely it is up to Council to bring it back, but he recommends Council ask the city manager to try to get a new date where everyone can present together as soon as possible. Mr. Fleming asked if everyone is ready to present tonight. Mr. Brown

stated Ms. McCombe is but not sure if the artist has joined virtually. Ms. McCombe stated the artist is in Sweden teaching a class and is no longer online virtually. She stated she does have the presentation ready and could possibly reach out to him to get him back online. Mr. Brown stated there may be other parties that are interested in this that may not be present.

**A motion was made by Council Member Robinson, seconded by Council Member Fleming, to table this item indefinitely. The motion carried with a roll call vote as follows:**

**Yes:** 4 - Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

**No:** 0

**Absent:** 1 - Mayor Reed

**7.b.** Presentation of the Harrisonburg City Public School's 2023/2024 Budget

See supplemental page for minutes on this item.

**7.c.** Consider adopting the Fiscal Year 2023-2024 budget and approving the Appropriation Ordinance

Ande Banks, city manager, stated the proposed budget, Budget-in-Brief, and PowerPoint presentation, were attached to the agenda item and staff is available for any questions. He stated this item includes the request to adopt the appropriation ordinance for the 2024 Budget.

Vice Mayor Dent stated we have already had vote on this item and is sort of considered a second reading. Chris Brown, city attorney, stated traditionally we have had the public hearing and then a full vote for the second reading. Council Member Fleming stated he appreciates this being on the agenda again as he was absent at the last meeting for the second vote.

Council Member Fleming stated he appreciated that Mr. Banks really focused in on the compensation piece of this for our staff, recognizing that this is an organization that he runs, many folks often think of city services and may not think of this as an organization that needs to be taken care of, and we need to find growth and opportunities for our staff. He stated the compensation study showed we were far behind with many salaries, when you want to invest in the future there are a lot of things we can invest into, but our most valuable asset are the employees that work for the city. We want to make this a destination point for people to come work in municipal government.

Vice Mayor Dent stated we really appreciate the Classification and Compensation Study and implementing that to appropriately reward and retain valued employees.

Mr. Banks stated he appreciates Council's support, he pointed out the importance of

his leadership team, the department directors, who worked hard for months putting together their draft budgets, Mr. Propst, who is one of the best Finance Directors in the Commonwealth, our acting deputy city manager, Amy Snider, and all of the employees. He stated our organization provides services, we don't make products, and it's people that make those services happen.

Council Member Jones stated many people forget we are in the service delivery business, it is our number one job, if we deliver bad services the people won't be here to complain about other issues in the city such as teacher pay, because they won't live here.

Vice Mayor Dent stated as we aspire to be the capital of the Shenandoah Valley, we are motivated to pay accordingly so people will be attracted to the city.

**A motion was made by Council Member Fleming, seconded by Council Member Robinson, to adopt the FY 2024 Budget and the appropriation ordinance as presented. The motion carried with a roll call vote as follows:**

**Yes:** 4 - Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

**No:** 0

**Absent:** 1 - Mayor Reed

**7.d.** Consider adopting Section 13-1-27 - Use of photo speed monitoring devices in highway work zones and school crossing zones.

Tom Hartman, director of Public Works, presented the request to allow for speed cameras in construction zones and school zones. He stated it became apparent the need for these during the current road construction on Route 33 for bridge replacement. He stated it has been a safety issue with vehicles not obeying the posted 25mph speed limit. He reviewed statistics statewide on incidents in work zone areas and stated staff at Public Works and Harrisonburg Police Department have been working on ways to reduce the speeding. He stated a study was done with a third party consultant, reviewed the data obtained from that study, and noted it became apparent that speeding was definitely an issue in this work zone area. He stated something needed to be done to protect VDOT workers, contractors, city staff, and the public for the next three years of this project.

Kelley Warner, chief of Harrisonburg Police Department, stated the ultimate reason for this request is to address the safety issues in that corridor and others in the city. She stated the national approach on how to reduce fatalities across the United States is by using the United States Department of Transportation's Safe Systems Approach. She shared what this approach involves, and noted being able to staff the area with patrol personnel and vehicles is not possible due to staffing shortages. She reviewed Speed Safety Cameras, the process of how they work and how citations

are issued, implementation timeframe, and the goal for these cameras.

Council Member Fleming asked if the 60-day warning period will miss the incoming college students. Chief Warner stated information will be shared by JMU with the incoming students upon coming back to the city, and signs will be posted. Council Member Fleming stated a lot of this request makes sense, safety is an issue, many localities have cameras for these specific reasons. He stated the only concern he has heard is regarding privacy through vendors, selling information, etc., but it does seem that there is legislation to protect this. Chief Warner stated Bridgewater recently installed cameras in their school zone, initially had 23 violators but that has been reduced to four now, so it does work. Council Member Fleming spoke on reports provided to the General Assembly on violations obtained by these cameras. Further discussion took place about the statistics for these cameras and enforcement.

Council Member Robinson asked if the cameras are on all the time. Mr. Hartman stated they are only turned on when there is active work being done in the work zone. Council Member Robinson asked how the drivers will know if the cameras are on or not. Mr. Hartman stated we want drivers to obey the speed limit 24/7 regardless of if work is being done or not.

Vice Mayor Dent stated this model is capturing violations and giving citations is punishing people after the fact, the signs and such could help preventing them from violating. She asked if there were alternative methods reviewed like flashing signs if they are going to fast, which gives real time feedback instead of a citation in the mail. She stated she thinks that could be more immediately helpful to slow people down. Chief Warner stated that is an option, but she is not sure if that would be as effective in this particular work zone area as it is not a two-lane roadway, she thinks this ordinance would be more effective. She stated she would rather inform the public, on a large scale, of what is coming. Further discussion took place of location of signage.

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

**Yes:** 4 - Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

**No:** 0

**Absent:** 1 - Mayor Reed

**7.e.** Consider approving an Encroachment License Agreement for 60 W Market Street

Chris Brown, city attorney, stated this is a request to allow a sign that would encroach over a public sidewalk located at 60 W. Market Street from RMCO, LLC. He stated the owner will indemnify the city and provide insurance and will remove promptly if the



city needs it moved.

Vice Mayor Dent asked how far the sign is off the ground. Mr. Brown stated it will be at least 128 inches.

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

**Yes:** 4 - Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

**No:** 0

**Absent:** 1 - Mayor Reed

## 8. Supplementals

- 8.a.** Consider a supplemental appropriation for the Harrisonburg City Public School division in the amount of \$2.5 million

Larry Propst, director of Finance, presented a supplemental request from Harrisonburg City Public Schools for funds received that were unexpected (grants, donations etc.), and from the School Nutrition Reserve fund to the Capital Improvement fund for cafeteria equipment at Rocktown High School.

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

**Yes:** 4 - Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

**No:** 0

**Absent:** 1 - Mayor Reed

- 8.b.** Consider a supplemental appropriation for various departments in the amount of \$761,375.85

Larry Propst, director of Finance, presented a supplemental request from City Departments for funds received that were unexpected (grants, donations etc.), to the respective department and project budgets.

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

**Yes:** 4 - Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

**No:** 0

**Absent:** 1 - Mayor Reed

## 9. Reallocations

- 9.a. Consider the reallocation of funds in the General Capital Projects Fund in the amount of \$672,356.88

Larry Propst, director of Finance, presented a reallocation request from the Martin Luther King, Jr. Way Bridge project that is now complete into the new Public Works Building project.

Mr. Banks stated Mr. Hartman provided a list of specifics for the increase in funding needed for this project as follows:

- Existing soils were found to be less than optimal which required additional engineering.
- Upsize the generator to provide 100% back-up power.
- Escalation of building material costs
- Changes in security and fire alarm component changes and increases.

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

**Yes:** 4 - Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

**No:** 0

**Absent:** 1 - Mayor Reed

## 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)**

Stacy Mayfield, 1131 Sharpes Drive, spoke on the importance of teacher's compensation and support of athletics in the schools.

Rachel Patterson, 1809 Putter Court, stated she feels the Public Comment period at the end of the agenda seems like an equity issue, people cannot always stay late. She recommended the public comment period be moved up to earlier in the agenda to make more possible for people to attend.

Nora McGuire White, 1051 Wyndham Drive, stated the teacher compensation and support of athletics in school go very much hand in hand. She spoke on the need for the athletic programs, encouragement from coaches and teachers, culture that connects the dots, and the need to find a way to support the students.

Paul Somers, 622 E. Wolfe Street, spoke on the skate park to keep the conversation going, the diversity of people that use the skate park, and the petition they have about the skate park that includes 1300 signatures, 13,000 views and 700 shares. He spoke on the worries the skateboard community has about getting a metal skate park instead of what is desired.

Panayotis "Poti" Giannakouros, stated the speakers tonight may not realize how much courage it takes for them to stand up and say the things they said but they have his

undying gratitude and admiration. He spoke about how people who don't comply with the tall grass and weeds ordinance don't apply for stormwater credits, homelessness, Council Member Fleming and Vice Mayor Dent.

**10.b. City Council and Staff**

Council Member Jones stated we used to have the public comment period at the beginning of the meetings, and they were even longer then, and he has noticed that we have longer agenda items, even though we always want more people to attend our meetings we have an active and engaged public. He stated we have done public comment in the beginning, public comment at the end, sign in sheets, no sign in sheets, it doesn't make a difference. Mr. Brown stated there was a period where at least one group, maybe more, intentionally abused the process, they would bring as many people as possible to comment during public comment with the objective to try to drag out public comment and delay City Council getting to other items on the agenda in order to pressure Council to do certain things. He stated that was when Council decided to move the public comment period to the end of the meeting. Council Member Jones stated he is aware that Brian Mancini, director of Parks and Recreation, has been working with the schools on Parks and Recreation programs such as football.

Council Member Robinson stated that sometimes she feels she gets more comments from the public via email than actually in person. She stated it is always good to see people attend the meetings and bring up issues that are important. She stated many don't utilize the call in option. Council Member Jones stated we need to remember that there are many residents that cannot watch the meetings from home due to lack of internet or cable tv.

Council Member Fleming stated the Long Range Transportation Plan for the area has been passed and it goes to 2045, not much public visibility of this project or the work that goes on towards this, but in our area, we have 55 projects that are getting funded, 30 of which are fully funded. He stated the Stormwater Advisor Committee (SWAC), just celebrated the 10-year completion of the Mountain View Restoration Project, the Levitt Foundation Concert Series, through the Harrisonburg Downtown Renaissance, will begin on July 12, 2023.

Vice Mayor Dent stated on addendum to the Long Range Transportation Plan that was passed by the Harrisonburg Rockingham Metropolitan Planning Organization, was the one change we made based on public comment that the bike lane proposed for Stone Spring to Erickson Avenue stating a narrow bike lane on the road of that speed was still dangerous. She stated the result was that it was removed from the currently funded plans and put it towards a study for what would be the better option of safety for the bicyclists, be it a shared use path or protected bike lanes. She stated this is one example of how public comment works. She stated Thursday, May 25,

2023, is the Valley Tech Con, in which she will be attending, there are spaces still available for anyone that would like to attend.

**11. Closed Session**

**11.a.** Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: Subsection 7 for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel

**At 10:22 p.m., a motion was made by Council Member Jones, seconded by Council Member Fleming, to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: Subsection 7 for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 4 - Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

**No:** 0

**Absent:** 1 - Mayor Reed

**12. Adjournment**

At 11:14 p.m., the closed session ended and the regular session reconvened. City Attorney Brown read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify that to the best of my knowledge (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37 of Title 2.2 of the Code, of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting by the City Council.

At 11:14 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR