



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, January 24, 2023

7:00 PM

Council Chambers

1. Roll Call

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

Also Present: 6 - City Manager Ande Banks, City Attorney Chris Brown, City Clerk Pam Ulmer, 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

Mayor Reed led the Pledge of Allegiance

4. Special Recognition

4.a. Harrisonburg High School Fine Arts Department Winter Musical - Newsies

Phil Saunders, director of HHS production of Disney's Newsies. He stated they are excited to present a small snippet of the production that will begin on Wednesday February 8, through Sunday, February 12, 2023, at Harrisonburg High School. He stated it is a family friendly production, the music and dancing is incredible, over 100 students are involved in this production, he thanked the city school staff and students for all their hard work. He referenced the website where tickets can be purchased. The students performed.

4.b. Introduction and Recognitions of Harrisonburg Police Department officers

Kelley Warner, Chief of Harrisonburg City Police, stated the city's K-9 Unit has been in existence since 1996 with at least 18 canines that served the department, is a premier unit known throughout the valley and are committed to their assignments. She reviewed the training required and noted they are all certified on narcotics and patrol functions such as article searches, tracking, and apprehension. She introduced the newest canine handler MPO Chandler Thomas and K-9 Riggs. She stated Chandler is a 12 year veteran of law enforcement and reviewed his background. MPO Thomas reviewed the selection process and training requirements for canine training, noting training never stops.

Chief Warner, introduced Sgt. Brooke Wetherell and reviewed her background and experience. She stated Sgt. Wetherell broke open and solved one of the most horrific crimes that has occurred in our community, the arrest of a serial killer, and she received the award of Homicide Detective of the Year in Virginia. Sgt. Wetherell introduced her family that was present. Council congratulated Sgt. Wetherell.

5. Consent Agenda (any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of Council, otherwise all items will be voted on with one (1) motion)

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

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

No: 0

5.a. Minutes from the January 3, 2023 City Council Reorganization Meeting

These minutes were approved on the consent agenda.

5.b. Minutes from the January 10, 2023 City Council Meeting

These minutes were approved on the consent agenda.

5.c. Minutes from the December 13, 2020 City Council Work Session and Regular Session

These minutes were approved on the consent agenda.

5.d. Minutes from the December 27, 2022 City Council Meeting

These minutes were approved on the consent agenda.

5.e. Consider a request from Maria Sonia Trejo to rezone 793 North Liberty St

This rezoning request was approved on second reading.

5.f. Consider a request from Van Delay LLC & Michael L. Marston to rezone 178 & 188 South Mason St

This rezoning request was approved on second reading.

5.g. Consider a request to amend the Zoning and Subdivision Ordinances to modify the required information placed on public notice signs posted on properties

This ordinance amendment was approved on second reading.

6. Public Hearings

- 6.a. Consider amending and re-enacting Section 4-2-124, Section 4-2-23 and Section 4-2-25 of the City Code of Harrisonburg, in regard to personal property and real estate tax relief

Karen Rose, Commissioner of the Revenue, reviewed the tax relief for the Elderly and Disabled Program, the total tax relief for real estate and personal property amount from fiscal year 2020 to date, considerations that go into the tax relief, and the proposed amendments.

Council Member Fleming stated he is excited about this program, he knows the need is there by talking to the residents during his campaign, and is wondering how much can the city absorb to help the seniors that are really struggling. He stated he is wondering how we can bring more people into this.

Mayor Reed stated we should keep with the formula we have now and see how many we capture, and if needs adjustment we can look at it next year.

Ms. Rose stated there are many ways we reach the public to inform them of the tax relief program but is always open to other ideas for outreach.

Vice Mayor Dent stated she agrees with the Mayor.

At 7:28 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, January 17, 2023, and Monday, January 23, 2023.

Panayotis "Poti" Giannakouros, stated increase the relief is something we need and need to bring to the foreground, it is time to think of where we can make up for short falls, this is an increasing issue, we can do something now that has no impact on our budget, that is repeal our aesthetic nuisance ordinance, to lower the cost of maintaining their property. This will make our entire city more resilient, more friendly.

At 7:32 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 Friday, December 23, 2022, and Friday, December 30, 2022

A motion was made by Council Member Jones, seconded by Vice Mayor Dent, to approve the ordinance amendment as presented. The motion carried with a roll call vote as follows:

7. Regular Items

- 7.a. The Build Our Park board of directors respectfully seeks the support of Harrisonburg

City Council for their authorization of City staff to collaborate with Build Our Park to plan for the future construction of a public urban park in downtown Harrisonburg.

Erin Bishop, Vice-President, Build our Park Board, reviewed the boards mission, named the members of the board, and stated there is a strong desire to have a park downtown. She reviewed the history of the project, the partnerships created, the use of the grassy lot next to the Turner Pavilion, the Harrisonburg Downtown Master Plan's suggested use for a downtown park, and the design elements and amenities.

She reviewed the intended park footprint, intentional collaboration planning with city staff, planned community engagement and stakeholder engagement. She stated the board affirms their commitment to privately fund the park.

She stated Build our Park is seeking support of Council to authorize collaboration with city staff to plan for the future construction of a public park in downtown Harrisonburg, to include park design, amenities, phasing strategies, construction, maintenance, programing costs, funding and income. She stated after this process the Build Our Park organization would come back to Council with an up to date report containing a detailed proposal and plans for approval. She stated the board affirms their commitment to privately fund the park.

Council Member Jones stated at some point there will have to be a public hearing to approve the park because land is involved, he encourages staff to make sure we are looking at this project through an equity lens with public assets.

Vice Mayor Dent stated she had a ton of questions when this first started and those questions are the same questions the Build Our Park Organization has and plans on getting the answers with this process.

Council Member Robinson stated this is a wonderful plan, but moving forward she hopes the committee pushes equity in the forefront of their minds, her concern is that we have, as a city, separated into our individual neighborhood parks, and she doesn't want this to be another separator, she would like to look at this park as a means to draw folks to common ground. She stated we have to place equity very intentionally above all other things.

Council Member Jones asked if we have gotten any better in regard to maintenance staffing in our Parks and Recreation Department. Mr. Banks stated we have had some discussions, but knowing more about the design etc. of this project would better inform us to have a discussion about maintenance costs etc.

Brian Mancini, director, Harrisonburg Parks and Recreation, stated our full time staffing is in good condition, part-time staff is still short, it's the emergency situations that need to be discussed.

Mayor Reed stated this is exactly why the committee needs to collaborate with our

staff, she thinks this project is a good idea, but we also have other existing parks that need to be upgraded and maintained. Ms. Bishop stated if they tried to plan a park without the city they would be planning a private park, but that is not the goal or the vision of the committee. Further discussion took place regarding making this park available for all.

A motion was made by Council Member Jones, seconded by Vice Mayor Dent, that Build Our Park Organization receives authorization to engage with the Executive Leadership Team and city staff in order to discuss the idea of a public park in the downtown area. The motion carried with a recorded vote as follows:

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

No: 0

7.b. Presentation from the Arc of Harrisonburg and Rockingham (The Arc) and Arts Council of the Valley (ACV) are collaborating on a public art project

Heather Denham, executive director, the Arc, presented a project in collaboration with the Arts Council of the Valley. She provided a program overview of the project called Opening Doors - The Art of Inclusion, provided some samples from other localities of similar projects, reviewed community involvement and benefits, and the community partnerships involved in this project. She stated the doors will be auctioned off after the end of the project.

Jenny Burden, executive director for The Arts Council of the Valley, reviewed the application process for the artists, noted 20 artists were selected, and reviewed the timeline for the project. She stated the request of Council is to seek approval to place some of the art project doors in public places owned by the city. Ms. Denman stated the group in Richmond worked with Miss Utility and had metal rods that went into the ground to support the doors. She stated they had an engineer design the footers for the doors for safety purposes but would be willing to have Public Works look at them to see if something better could be done to secure the doors. She stated there would not be any invasion of turf with the ones put on city property.

Council Member Fleming stated a good place to install on of the doors might be on the Lucy F. Simms Center property.

Council Member Jones stated he likes the idea and suggested these doors should be secured to the ground and as safe as possible.

Mayor Reed stated we have to be sensitive to the fact that if these doors are placed on city property and someone gets hurt the city will be liable. Chris Brown, city attorney, stated we would need to review with Public Works to make sure these are safe exhibits and the city would not be responsible for the maintenance. He stated Mr. Hartman already expressed his desire to check to see how these doors would be installed and secured.

Ms. Burden stated they are more than happy to work with Public Works to make sure these are installed in the safest manner.

Council Member Fleming asked if we could approve the request provided approval by city attorney and Public Works of safe installation.

Council Member Robinson asked if there is a plan in place in case of vandalism. Ms. Burden stated the doors will be covered with a clear paint for easy cleaning and will be monitoring all the doors regularly.

Council Member Fleming stated there is a history of these types of projects, Chicago and the Cows, Blacksburg with the turkey, etc. He likes the idea of this project.

Mayor Reed asked if they are aware of what will be put on these doors already. Ms. Burden stated inclusive statements were provided by each artist along with sketches and covers a multitude of topics.

A Motion was made by Council Member Jones, seconded by Council Member Robinson, to approve the art project in public places after legal advice and proper planning with city staff.

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

No: 0

- 7.c.** Consider adopting two resolutions approving issuance by Harrisonburg Redevelopment and Housing Authority of Revenue Bonds for the acquisition, construction, renovation, rehabilitation, and equipping of (1) 78 Unit John Early Apartments Multifamily Housing Facility in the Town of Bedford, Virginia and (2) 150 Unit Wesley Apartments Multifamily Housing Facility in the City of Lynchburg, Virginia.

Chris Brown, city attorney, presented two resolutions authorizing the Harrisonburg Redevelopment and Housing Authority involving issuance of revenue bonds for the acquisition, construction, renovation, rehabilitation, and equipping of (1) 78 Unit John Early Apartments Multifamily Housing Facility in the Town of Bedford, Virginia and (2) 150 Unit Wesley Apartments Multifamily Housing Facility in the City of Lynchburg, Virginia. He stated Council routinely does this for the Authority and the city assumes no financial liability for this, nor does the Authority.

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

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

No: 0

- 7.d.** Consider approving an amendment and re-enactment of Section 4-2-14, General retail sales tax, of the Harrisonburg City Code

Chris Brown, City Attorney, presented an ordinance amendment related to retail sales tax. He stated the city has a general retail sales tax of one percent that applies across the board. He stated in 2000 Council decided to exempt that sales tax for heating fuel, including propane, oil, firewood, and coal for residential purposes. He stated it was done by resolution but never made as an ordinance amendment. He stated this request is to make sure it is reflected in the city ordinances.

A motion was made by Vice Mayor Dent, seconded by Council Member Fleming, to approve the ordinance amendment as presented. The motion carried with a recorded vote as follows:

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

No: 0

- 7.e.** Update on COVID-19

Paul Helmuth, administrative officer, Harrisonburg Fire Department presented an update on COVID-19 numbers. He reviewed the number of cases to date for the past year, past 13 weeks, past 26 weeks, and all time. He reviewed the total number of cases and total death rate, community level risks, current models in the area, Sentara RHM inpatient rates, and Sentara Western Region inpatient rates, chart showing influenza-like illness reported to VDH, and expected growth trajectories in Virginia by districts.

This Report was received and filed.

- 7.f.** Consider approving the proposed Towing Policies and Fee Schedule from the Towing Board/ Harrisonburg Police Department

Chris Brown, city attorney, reviewed the history of the Tow Board, its purpose, the recommended policies and fee schedule of the Towing Board, and reason for the need of this policy.

Sgt. Wayne Westfall, Harrisonburg Police Department, stated the fees are set at a maximum but does not mean the tow boards have to or will charge that much.

Council Member Fleming asked if there is a complaint process for vehicle damage etc. Sgt. Westfall stated there is a process for complaints and a preliminary vehicle inspection/damage report done prior to the tow.

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

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

No: 0

8. Supplementals

- 8.a.** Consider a supplemental appropriation in the amount of \$2.3 million for the General Capital Projects Fund

Larry Propst, director of Finance, presented a supplemental appropriation in the amount of \$2.3M for the Public Works department that consists of grants and state funding received from VDOT to be used for the Northend Greenway project, Country Club Road pedestrian improvements, University Blvd. realignment project, and paving.

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

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

No: 0

9. Reallocations

- 9.a.** Consider a reallocation of budgeted funds for the General Capital Projects and Emergency Communications Center Funds in the amount of \$2.4 million.

Larry Propst, director of Finance, presented a reallocation request for Public Works from projects that are inactive and closed to projects that are currently active, as well as VDOT Revenue Sharing funds leftover from the Friendly City Trail Project. He stated in addition the reallocation request is for the Emergency Communications Center from the CAD project into the radio system project.

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

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

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)

Barbara Pilot, S. Dogwood Drive, shared her observations and concerns from the latest Planning Commission meeting, questions were brought up at the meeting and were not answered. She stated she hopes Council provides answers for those questions and explains the “why” on the decision they make on February 14th, 2023.

She stated a decision to move forward with the Blue Stone Town Center project without seriously considering the questions potentially harms the whole community. She stated it is a challenge to find affordable housing in the city in addition to having to compete with JMU students for available housing. She stated we did not get here overnight and it will not be solved with one massive project, legitimate concerns have been raised including stormwater, flooding, increased traffic, increased air pollution, proximity of houses to an active poultry operation, destruction of 40 acres of urban forest, vague commitments from HRHA and Equity Plus as to the amount and location of green space, value of the manufactured homes, tax repercussions, and increase in population of schools. She stated these are not trivial concerns and they deserve to be discussed openly. She spoke on points made by the local committee chair of the Sierra Club. She stated every development brings change, everyone feels the affects. She spoke further on her concerns of the project and requests Council to listen to all community concerns and allow time to make the best decision for the whole community.

Elizabeth Jerlinski, 880 Garbers Church Road, stated they have always known they would get neighbors and welcomed that thought, but they never expected a city within a city next to them. She stated she believes more conversation needs to be had before City Council makes any decision regarding the rezoning of the proposed property for the Blue Stone Town Center. She said it was clear at the Planning Commission meeting that they had already planned on approving the request without any further discussion or questions. She stated residents have had very little time to understand all the information about this experimental project, we need more community involvement and input before Council approves this rezoning that would allow this massive, experimental, project. She stated if the rezoning request is denied, most likely 500 homes will still be built, which surely is more than enough to accommodate the housing needs. She spoke further on her concerns and asked that Council not be rushed into making this decision.

Panayotis "Poti" Giannakouros, stated the compelling comments from previous individuals points to a process issue in our city. He stated he favors more public input and engagement, but things are not always as they seem. He stated we haven't heard from the people who are working and living in our work force housing, we should hear their voices. He stated we need to look at how we are staffing our public advisory bodies and encourage those that are seriously interested in this issue to look at the Building Better Communities website. He spoke on the last Planning Commission meeting, the success of this year's Peoples Day, Martin Luther King, Jr., and Stan Maclin.

10.b. City Council and Staff

Council Member Fleming stated he attended the Virginia Municipal League (VML) Government Day in Richmond and received an update from VML about legislation that could help the city such as funding capital projects schools.

Council Member Robinson stated she was happy to be at this meeting in person, she is starting to get involved with the boards and commissions she was appointed to and look forward to bringing back information.

Vice Mayor Dent stated she just had weatherization done on her home by the Community Housing Partners (CHP) Energy Solutions Program and it made a huge difference. It was fully federally/state funded, they insulated the attics, sealed the basement, weather stripping on the doors and the house felt immediately felt warmer. She stated there are programs available through Harrisonburg Electric Company (HEC) as well and the CHP can moderate through all the various funding available. She encourages anyone to contact CHP to determine eligibility.

Council Member Jones stated our city needs to have bigger conversations, we have a lot of big asks and requests in front of us and it is important that we start to have conversations about parks and housing and how that looks on our schools, budget and infrastructure. He stated it is a continuous conversation and we need to have conversations on a holistic level or we won't get anywhere. He stated he attended the National Day of Prayer through the National League of Cities Race Equity and Leadership program, it was a great time and he brought back a lot of information and got to meet a lot of people.

Mayor Reed stated there were great Martin Luther King, Jr. celebrations in the city, she attended several and she spoke at an event at EMU on the memoir that was written by her Aunt Doris who passed. She stated she attended the VML Government Day as well, and then attended the Virginia Transit Associations' Legislative Day. She stated her first board meeting with Social Services is coming up as well as a Parks and Recreation Advisory Committee meeting.

12. Closed Session

City Attorney Brown stated after a conversation with the Mayor it was determined that the appointments to Boards and Commissions are critical to the operation of the city and it is very important that the applicants be fully and fairly discussed and considered by City Council. He stated that is sometimes difficult to do in open session, and he advised the Mayor that the Virginia Freedom of Information Act does permit Council to go into Closed Session to consider appointees of Boards and Commissions, and this Council did this routinely prior to early 2000s. He stated the official appointment motions would be made when Closed Session is ended and regular session reconvenes.

- 12.a.** Closed meeting as authorized by the Virginia Freedom of Information Act, Virginia Code Section 22.2-3711(A)

Under Subsection (3) for a discussion of the acquisition of real estate for a public purpose and the disposition of publicly held real estate where the discussion in an open meeting would adversely affect the bargaining position of the public body;

And

Under Subsection (8) for consultation with legal counsel employed by the City regarding a specific legal matter requiring the provision of legal advice by such counsel.

At 8:41 p.m., a motion was made by Council Member Robinson, seconded by Council Member Jones to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under:

Subsection (1) for a discussion and consideration of potential appointees by City Council to Boards and Commissions, including the Parks and Recreation Commission, the Harrisonburg Redevelopment Housing Authority, the Board of Equalization, the Environmental Performance Standards Advisory Committee, and Planning Commission;

And

Subsection (3) for a discussion of the acquisition of real estate for a public purpose and the disposition of publicly held real estate where the discussion in an open meeting would adversely affect the bargaining position of the public body;

And

Subsection (8) for consultation with legal counsel employed by the City regarding a specific legal matter requiring the provision of legal advice by such counsel. The motion carried with a recorded roll call vote taken as follows:

This Closed Session Item was approved.

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

No: 0

11. Boards and Commissions

At 10:22 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.

11.a. Parks and Recreation Commission (PRAC)

A motion was made by Council Member Fleming, seconded by Council Member Robinson, to appoint James Honeycutt Sr to the Parks and Recreation Advisory Committee for an unexpired term to expire on December 31, 2023. TThe motion carried with a unanimous voice vote.

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

A motion was made by Council Member Robinson, seconded by Council Member Fleming, to table the appointments to HRHA until further notice. The motion carried with a unanimous voice vote.

11.c. Board of Equalization (BOE)

A motion was made by Vice Mayor Dent, seconded by Council Member Robinson, to appoint Laurinda Peters as a full member and Michael Boland as an alternate to the Board of Equalization. The motion carried with a unanimous voice vote.

11.d. Environmental Performance Standards Advisory Committee (EPSAC)

A motion was made by Council Member Jones, seconded by Council Member Robinson, to table the appointments to EPSAC until further notice. The motion carried with a unanimous voice vote.

11.e. Planning Commission

A motion was made by Council Member Fleming, seconded by Vice Mayor Dent, to appoint Richard Baugh to the Planning Commission for an unexpired term to expire on December 21, 2024. The motion carried with a unanimous voice vote.

13. Adjournment

At 10:35 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR