



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Draft City Council

Tuesday, December 13, 2022

5:30 PM

Council Chambers

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

1. Roll Call

Meeting went into Recess

Meeting reconvened

Present: 4 - Mayor Deanna R. Reed, Vice Mayor Sal Romero, Council Member Christopher B. Jones and Council Member Laura Dent

Also Present: 5 - City Manager Ande Banks, City Attorney Chris Brown, City Clerk Pam Ulmer, Police Chief Kelley Warner and Chief Matthew Tobia

2. Round Four of ARPA Discussions

2.a. ARPA Funding Work Session 4: Making choices about Funding Pandemic-Related Needs

Ande Banks, city manager, reviewed the funding distributed for the CARES Act funding in 2022. And noted that under the CARES Act funding was passed through funding to the community and ARPA funding can be used for municipalities that lost revenue due to the pandemic. He reviewed the over 30 organizations that received funding from CARES Act.

Mayor Reed stated she asked Mr. Morgan to look at other localities to see what they have done with their ARPA funding and reviewed the results. Council Member Jones thanked the Mayor for obtaining that information and out of the cities he has been able to interact with no other city had a robust community engagement process on the ARPA funding as we have. He stated it is imperative that this body to make sure our service delivery is strengthened due to revenue loss and loss of people power due to the pandemic.

Vice Mayor Romero stated the process we followed is something to be proud of, each of us represent the entire city but are interconnected with constituencies that aren't always comfortable engaging with government. He stated those voices have now been heard.

Council Member Dent stated we had a robust process, and we should pay attention to the very clear priorities from the community. She stated the report provided by ICAD shows the top clear priorities are housing, mental health and

working families.

Discussion took place regarding the housing projects already approved by Council that shows housing is Council's priority.

Luke Morgan, ARPA Coordinator, reviewed the most recent spending plan concluded at the last Council meeting.

Council Member Dent reviewed her proposed spending plan, which includes permanent supportive housing at \$2 million for Commerce Village HRHA project and an additional \$1M for a housing trust fund, \$800K for mental health, all street/sidewalk projects, \$1M for childcare, and the kids castle and splash pad Parks and Recreation projects only. She stated she can't in good conscience support a plan that has more in recreation (bottom priority) than in housing, mental and childcare combined. Mr. Morgan reminded Councilmember Dent that the city should follow all competitive processes when possible. She reviewed her reasoning for this proposed spending plan. Further discussion took place regarding this request.

Council Member Jones reviewed his proposed spending plan, 1.4M to side B of the sports complex, fulfill all of the Parks and Rec projects, all of the street paving and sidewalk projects, create funding to the business of childcare in addition to the funding already allocated to childcare for a total of \$590K, no funding to mental health, \$200K to the small business community and \$2M to housing. He discussed his reasoning behind his requests. Further discussion took place regarding this request.

Mayor Reed stated she agreed with Council Member Jones, this list incorporates as many projects as possible, the fire station, the homeless shelter, the mental health, improvements to neighborhoods, outdoor spaces, and housing.

Vice Mayor Romero stated everyone has sound arguments as to how the funding should be allocated, he agrees for the most part with Council Member Jones with the improvements to the Parks and Recreation spaces, the need for funding for childcare, \$400K towards mental health, and shared his reasons why.

Discussion took place regarding funding from the Infrastructure Act, how the funding is competitive and specific project based.

Discussion took place regarding the importance of parks and recreation in the city. Council Member Dent restated her statement that although she realizes the importance of parks and recreation in the city, she cannot support funding for all of the projects when there is a greater need for mental health, housing and childcare.

Discussion took place regarding reviewing the building processes to find out why

some of the housing units that were approved have not been built yet.

Mr. Morgan reviewed the most recent spending plan as recommended by Council Member Jones as follows:

\$5M Fire station 5, \$5M Homelessness Center, \$125K for ARPA Coordinator compensation, \$2,032,000 for employee retention payments, \$400K mental health fund, \$90K street paving Kelly St, \$85 street paving for Myrtle, \$25K street paving on Simms and \$80K for Sterling, \$566K Sterling Street sidewalk, \$557,800 for childcare fund, \$38,200 for SBDC Business of Childcare program, \$2M Housing fund, \$2.650,000 for Kids Castle replacement, \$2.2M for Ralph Sampson splash pad, \$875K Smithland lights, \$435K Smithland A side restrooms, \$1M Smithland B side , \$475K Westover skate park, and \$200K for small business assistance program.

Council Member Dent stated the key changes from above she is recommending is as follows:

\$800K for mental health, \$1M for childcare fund and SBDC Business of Childcare program combined, \$3M for housing fund and supportive housing combined, and only funding for the Kids Castle and Splash Pad for parks and recreation projects.

Discussion took place regarding the wishes of each Council Member and for the good of the community.

A motion was made by Council Member Jones, seconded by Vice Mayor Romero to adopt the plan submitted by Council Member Jones, as presented by staff. The motion carried with the following roll call vote:

Yes: 3 - Mayor Reed, Vice Mayor Romero and Council Member Jones

No: 1 - Council Member Dent

3. Recess

At 6:40 p.m., Mayor Reed called the meeting into recess.

At 7:00 p.m., Mayor Reed called the regular meeting to order and back into session.

1. Regular Meeting Call to Order

Present: 4 - Mayor Deanna R. Reed, Vice Mayor Sal Romero, Council Member Christopher B. Jones and Council Member Laura Dent

Also Present: 5 - City Manager Ande Banks, City Attorney Chris Brown, City Clerk Pam Ulmer, Police Chief Kelley Warner and Chief Matthew Tobia

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 the 2022 Citizens Academy Graduates

Michael Parks, director of Communications, presented the graduates of the 2022 Citizens Academy, he reviewed what the Citizens Academy is, the importance of the engagement of the directors of each department and reviewed some of the comments made by the academy participants.

4.b. Introduction of six new officers to the Harrisonburg Police Department

Kelley Warner, chief of Harrisonburg Police introduced the five new officers to the Harrisonburg Police Department and their backgrounds: Jamal M. Copeland, Allison M. Arp, Jordan L. Miller, Senon J. Valencia, III, and Zachary W. Scull. She recognized their families present. Council congratulated them all and welcomed them to the Harrisonburg Police Department

Ande Banks, City Manager, stated he was happy to see and additional eight new recruits to the police department at the employee orientation earlier today.

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 Dent, to approve the consent agenda as presented. The motion carried with a recorded vote as follows:

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

No: 0

5.a. Minutes for November 22, 2022 City Council Work Session and Regular Meeting

These minutes were approved on the consent agenda.

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

The rezoning request was approved on second reading

5.c. 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.

The ordinance amendments were approved on second reading

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

The supplemental appropriation was approved on second reading

6. Public Hearings

- 6.a. Consider a request from Martha Ann Miller to rezone 1051, 1067, 1069 Smith Avenue

6a and 6b were presented together.

Adam Fletcher, director of Community Development, presented a rezoning from R-2 to R-3C and special use permit for property located at 1051, 1067, and 1069 Smith Avenue. He reviewed the property, surrounding zoning designations, and noted they are currently non-conforming. He reviewed the proffers offered, and the required parking. He reviewed the zoning ordinance Section 10-3-48.6(e) and the suggested Special Use Permit conditions.

He stated staff and Planning Commission (7-0) recommend approval with suggested conditions.

At 7:21 pm Mayor Reed closed the regular session and called the first and second public hearing to order. A notice appeared in the Daily News-Record on Monday, November 28, 2022, and Monday, December 5, 2022.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:21pm and the regular session reconvened.

Vice Mayor Romero asked Council Member Dent if Planning Commission heard from neighbors with concerns of this request. Council Member Dent stated there was some concern about parking and increased traffic. She stated Planning Commission didn't have any concerns and was pleased that this request brings the property into compliance.

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

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

No: 0

- 6.b. Consider a request from Martha Ann Miller for a special use permit to allow multi-family dwellings at 1051, 1067, and 1069 Smith Avenue

presented with Agenda item 6a

A motion was made by Council Member Dent, seconded by Vice Mayor Romero, to approve the special use permit request with suggested conditions as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

- 6.c.** Consider a request from Greendale Road LLC to rezone six parcels addressed as 2744, 2752, 2758, 2762, 2766, and 2770 Dorval Road

Adam Fletcher, director of Community Development, presented a rezoning request from R-2C to R-8C for property located on Dorval Road. He reviewed the property, the surrounding zoning designations, the history of the property, the previous proffers offered in 2007, and the current submitted proffers.

Council Woman Dent stated there is a very steep drop off behind the lots.

He stated staff and Planning Commission (7-0) recommended approval.

At 7:29 pm Mayor Reed closed the regular session and called the third public hearing to order. A notice appeared in the Daily News-Record on Monday, November 28, 2022, and Monday, December 5, 2022.

Panayotis "Poti" Giannakouros, stated if this request is granted, these lots back yards would be exempt from the tall grass and weeds ordinance in the R-8 zoning designations. He hopes we can find ways to minimize the loss of the trees in that area.

At 7:31 pm Mayor Reed closed the public hearing and the regular session reconvened.

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

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

No: 0

- 6.d.** Consider a request from Margaret P. Morris for a special use permit to allow for short-term rental at 140 Ott Street

Adam Fletcher, director of Community Development, presented a request for a short-term rental located at 140 Ott Street. He reviewed the property, the surrounding zoning designation, and noted the following conditions recommended:

1. All STR accommodations shall be within the principal building;

2. There shall be no more than four STR guest rooms or accommodation spaces;
3. The number of STR guest at one time shall be limited to eight;
4. Prior to operations, the operator shall submit to City staff a completed Short-Term Rental Pre-Operations Form. Furthermore, the operator shall maintain compliance with the items identified in the Pre-Operation Form what short-term rental guests are present;
5. Minimum off-street parking spaces do not need to be delineated and can be accommodated utilizing the driveway or other areas on the property;
6. If in the opinion of Planning Commission or City Council, the short-term rental becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

He stated Staff and Planning Commission (5-2) recommended approval with the recommended conditions.

At 7:36 pm Mayor Reed closed the regular session and called the fourth public hearing to order. A notice appeared in the Daily News-Record on Monday, November 28, 2022, and Monday, December 5, 2022.

Margaret Morris, owner/applicant, stated she lived in the house as a primary residence since 2009, she started as a by-right home stay and has turned out to be an enjoyable experience, the guests are bringing business to downtown, the neighbors are all on board, and she hopes the use can be expanded by this request.

Council Member Dent stated she appreciated that Ms. Morris tried it out as a homestay first, that she involved her neighbors in the process and that she is focusing on renting to related groups rather than individuals.

At 7:39 pm Mayor Reed closed the public hearing and the regular session reconvened

Council Member Dent reviewed the discussion at the Planning Commission on this request and noted that this special use permit request goes with the property, not specifically with the owner of the property. She reviewed the objections of the two Planning Commission Members.

Vice Mayor Romero asked if there is any data that shows these STR's impact competing businesses. Council Member Jones stated this would be a question for the Economic Development department.

Mayor Reed stated it is nice to hear that her neighbors support the applicant, and it is bringing business to the city.

Council Member Jones stated staff has not received any complaints on any of the STR special use permits granted to date.

A motion was made by Council Member Dent, seconded by Vice Mayor Romero, to approve the Special Use Permit with suggested conditions as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

6.e. Consider a request from the William Allen Weech Revocable Trust for a special use permit to allow short-term rental at 1335 Wine Drive

Adam Fletcher, director of Community Development, presented a request for a short-term rental for property located at 1335 Wine Drive. He reviewed the property, the surrounding zoning designations, and noted the following suggested conditions:

1. All STR accommodations shall be within the principal building;
2. There shall be no more than two STR guest rooms or accommodation spaces;
3. The number of STR guest at one time shall be limited to six;
4. Prior to operations, the operator shall submit to City staff a completed Short-Term Rental Pre-Operations Form. Furthermore, the operator shall maintain compliance with the items identified in the Pre-Operation Form what short-term rental guests are present;
5. Minimum off-street parking spaces do not need to be delineated and can be accommodated utilizing the driveway or other areas on the property;
6. If in the opinion of Planning Commission or City Council, the short-term rental becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

Staff and Planning Commission (5-2) to approve the request with the suggested conditions.

At 7:49 pm Mayor Reed closed the regular session and called the fifth public hearing to order. A notice appeared in the Daily News-Record on Monday, November 28, 2022, and Monday, December 5, 2022.

William Weech, applicant, stated it is important to be a good neighbor, and his neighbors have not shared any concerns. He stated he would like to have the ability to rent the space out during peak weekends to pay his expenses.

Panayotis "Poti" Giannakouros, stated this application has great features as to why STR's are good, and he appreciates the quality of conversation lately on STR's.

At 7:55 pm Mayor Reed closed the public hearing and the regular session reconvened

Council Member Dent commented on the distinction between an accessory building and an accessory dwelling, basically if it has a stove, it is a dwelling.

Vice Mayor Romero asked if there is anything in the code that speaks about requirements for access to the accessory building. Mr. Fletcher stated there is nothing in the zoning ordinances.

A motion was made by Council Member Dent, seconded by Vice Mayor Romero, to approved the special use permit request with suggested conditions as presented by staff . The motion carried with a recorded roll call vote taken as follows:

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

No: 0

6.f. Consider a request from Sherrill K. Glanzer for a special use permit to allow for a short-term rental at 964 Smith Avenue

Adam Fletcher, director of Community Development, presented a short term rental request for property located at 964 Smith Avenue. He reviewed the property, noting it is one unit of a duplex unit, he reviewed the surrounding designated zoning, and noted the following suggested conditions:

1. All STR accommodations shall be within the principal building;
2. There shall be no more than two STR guest rooms or accommodation spaces;
3. The number of STR guest at one time shall be limited to four;
4. Prior to operations, the operator shall submit to City staff a completed Short-Term Rental Pre-Operations Form. Furthermore, the operator shall maintain compliance with the items identified in the Pre-Operation Form what short-term rental guests are present;
5. Minimum off-street parking spaces do not need to be delineated and can be accommodated utilizing the driveway or other areas on the property;
6. If in the opinion of Planning Commission or City Council, the short-term rental becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

He stated staff and Planning Commission (5-2) recommended approval with suggested conditions.

At 8:03 pm Mayor Reed closed the regular session and called the sixth public hearing to order. A notice appeared in the Daily News-Record on Monday, November 28, 2022, and Monday, December 5, 2022.

Sherrill Glanzer, applicant, stated she has already placed a sidewalk and stairs to the rear of the unit for access. She stated she will be at the property full time and has contacted all the neighbors.

At 8:05 pm Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Dent stated even though this is a duplex, this request is for a unit within the applicant's duplex unit.

A motion was made by Council Member Dent, seconded by Vice Mayor Romero, to approved the Special Use Permit with suggested conditions as presented by staff. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

- 6.g.** Consider a request from Northside LLC and Joseph H. and Linda H. Moore to rezone 36, 40, 44, 75, 81 Wilson Avenue, 25, 35, 45, and 55 Mount Clinton Pike, and portions of 1411, 1421, 1431, and 1441 North Main Street
6g, 6h, 6i and 6j presented together

Adam Fletcher, director of Community Development, presented a rezoning from R-2 to R-8C and from R-2 and M-1 to R-5C and two special use permits and a closure of a portion of Wilson Avenue. He reviewed the property, the surrounding zoning designations, the site plan, the submitted proffers, the requested density, and the required parking. He noted the applicant is requesting the special use permit construction be commenced and diligently pursued within 36 months.

He stated staff shared concerns from not maximizing potential density in this area of the city, the scale, design and type of units proposed for this site, and what happens to the non-residential sections of this corridor if this is approved. He reviewed those concerns in greater detail and staff's vision for this area. He reviewed the recent Post-Housing Study of planned residential developments. He reviewed the recent Post-Housing Study of planned residential developments.

Discussion took place regarding the Post-Housing Study.

Vice Mayor Romero asked what staff envisioned when it comes to density in that area. Mr. Fletcher reviewed the density vision in that area. Council Member Jones stated the only people responsible for the housing, schools, public safety etc. is City Council, and the density of areas needs to be reviewed when looking at all the other projects currently online.

He stated staff recommended denial of these requests, Planning Commission (3-3) to approve the requests.

At 8:47 pm Mayor Reed closed the regular session and called the seventh, eighth, ninth and tenth public hearings to order. A notice appeared in the Daily News-Record on Monday, November 28, 2022, and Monday, December 5, 2022.

Quinton Callahan, applicant's representative, stated they spent a lot of time with staff to address concerns, revising plans to get to a point we could all support, the density was one of the clearest concerns of staff, our project is about home ownership, we believe this is housing towards workforce development, we spoke to all the neighbors regarding their future plans along N. Mt. Clinton Pike, with no objections. He stated the CSB is there, Holtzman gas station and other retail will be there, this is the housing piece, walkability and bike-ability is incorporated with the shared use path, sidewalks will be put in to connect businesses with the housing. He stated when looking at the density concerns, we are at 18 units per acre and staff's vision is 24 units per acre, we are very close and that is the biggest argument against this project. He stated we want his project to get started as soon as possible and willing to reduce the commencement of construction to 24 months.

Gil Coleman, engineer, stated reviewing the plan takes about 12 months, then the need for financing etc. takes time, hence the request for the 36 months to allow some buffer room. He spoke on the density concerns, space for green space,

Council Member Dent asked about EV chargers in the townhomes. Mr. Callahan stated as we get into the site development charging stations may be added. Council Member Jones stated there may be funds available through the state so the charging stations could be built into the project. Council Member Dent stated she would like to see the trickle chargers or overnight chargers in this project.

Council Member Jones stated we have had so many trees destroyed due to the ash borer, and his passion is to increase trees with each project, he is surprised it isn't in the proffers for this project. Mr. Callahan stated they have already talked with staff about what type of trees etc. would be desired for this project.

Panayotis "Poti" Giannakouros, stated he has long advocated in regard to housing is to be more stable where they live, creating amenities, the argument by staff against this project regarding what they would like to see around this area, may not always be accurate. He spoke on the mix of housing and income compatibility, services needed, and water preservation.

At 9:03 pm Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Dent stated she supports this project, she hears staffs concerns but doesn't necessarily understand or agree with them, the thought of waiting for something better may never come along, and she is not convinced that the type of housing staff is visioning out there may not fit with the surroundings. She stated

she likes the site plan for this project, its walkable, its more a community, and is more open to homeownership.

Vice Mayor Romero stated townhomes tend to be not only starter homes but also investor purchases, we are building for everyone, but if the housing crisis continues to be the way it is we will have investors purchase many of these units. Council Member Dent stated that could actually increase our rental inventory which is not a bad thing either. Council Member Jones agreed with Council Member Dent. Vice Mayor Romero asked staff what would be missing if we approve this project. He stated this property has been vacant for over 30 years, he is not sure we have the time to wait for the perfect project. Mayor Reed stated she loves when our local developers do projects as they understand what the city wants and needs.

Mr. Fletcher stated much of staff's position is that Planning Commission agreed for the most part with them, this isn't the first time this property has been discussed with staff, originally a Walmart was going to go out there, but he does recall a conversation with Commissioner Washington that not everyone wants to own and it's ok to rent. He spoke on the timeline for the project and when the clock starts ticking and spoke on trees in easement areas.

Council Member Jones stated typically builders want more density to make more money, the fact that this builder is building to what Council often desires says a lot. He spoke on a previous project for a church that was not approved

A motion was made by Council Member Jones, seconded by Vice Mayor Romero, to approved the rezoning requests as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

- 6.h.** Consider a request from Northside LLC and Joseph H. and Linda H. Moore for a special use permit to allow attached townhomes of not more than eight units at 36, 44, 75, and 81 Wilson Avenue, 45 and 55 Mount Clinton Pike, and 1411 and 1421 North Main Street

Presented with Agenda Item 6g

A motion was made by Council Member Jones, seconded by Council Member Dent, to approved the Special Use Permit request with conditions as proposed by staff and with a 24 months to begin construction condition. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

- 6.i.** Consider a request from Northside LLC and Joseph H. and Linda H. Moore for a

special use permit to allow multiple-family dwellings of more than twelve (12) units per building at 36, 40, & 44 Wilson Avenue, 25, 35, 45, and 55 Mount Clinton Pike, and 1421, 1431, and 1441 North Main Street

Presented with Agenda Item 6g

A motion was made by Council Member Jones, seconded by Council Member Dent, that the Special Use Permit request be approved as presented and with a 24 months to begin construction condition. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

6.j. Consider a request from Northside LLC to close a portion of Wilson Avenue

Presented with Agenda Item 6g

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

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

No: 0

Recess

At 9:20 p.m., Mayor Reed called the meeting into recess.

At 9:30 p.m., Mayor Reed called the meeting back into session.

6.k. Consider a supplemental appropriation in the amount of \$22.9 million

Larry Propst, director of Finance, presented the supplemental appropriation that is a culmination of the past year of ARPA funding discussions, \$22.9M for ARPA funding and \$2M for school renovations. He stated this reflects the decision on ARPA funding at the work session earlier. He reviewed the breakdown of the supplemental appropriation for both the ARPA Funding and the renovations to the current high school.

At 9:36 pm Mayor Reed closed the regular session and called the eleventh public hearings to order. A notice appeared in the Daily News-Record on Tuesday, December 6, 2022.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 9:37 pm and the regular session reconvened.

A motion was made by Council Member Jones, seconded by Vice Mayor Romero, to approved the supplemental appropriation as presented. The motion carried with a recorded

roll call vote taken as follows:

Yes: 3 - Mayor Reed, Vice Mayor Romero and Council Member Jones

No: 1 - Council Member Dent

- 6.i.** Consider adopting a resolution approving the transfer of real estate property owned by the City to Pheasant Run, LLC.

Chris Brown, city attorney, presented a resolution approving the transfer of real estate owned by the city. He stated Pheasant Run, LLC is a developer that developed Willow Ridge, and back in 2004 when staff was planning on the construction of Erickson Avenue, an agreement was made with the developer to transfer real estate for the construction of the road, and if there was a certain amount of acreage that was no longer needed it would be transferred back to Pheasant Run, LLC for a total of 0.9 acres.

At 9:41 pm Mayor Reed closed the regular session and called the twelfth public hearings to order. A notice appeared in the Daily News-Record on Tuesday, December 6, 2022

There being no one desiring to be heard, Mayor Reed closed the public hearing at 9:42 pm and the regular session reconvened.

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

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

No: 0

7. Regular Items

- 7.a.** Consider approving a donation to the Parks and Recreation Department from the Harrisonburg Little League Association

Brian Mancini, director of Parks and Recreation, stated a proposed donation was received in the amount of \$52K from the Harrisonburg Little League for a fencing project at Purcell Park. He reviewed the project this donation would complete. Amy Snider, interim deputy city manager, reviewed the new donation policy and stated this would be a legacy donation, no official action is needed by Council, but confirmation to staff of Councils approval is requested.

A motion was made by Council Member Jones, seconded by Vice Mayor Romero, approved the request as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

7.b. Report on crime statistics in Harrisonburg from 2018 - 2022

Kelley Warner, chief of Harrisonburg Police Department, presented crime statistics and noted that the crime statistics really haven't changed over the past few years. She stated unfortunately when a high profile crime occurs concern from the community rises. She reiterated that the statistics haven't changed over the past few years. Discussion took place regarding crimes of domestic violence; Chief Warner shared the website address as to where these statistics can be found at all times. Vice Mayor Romero stated he would like to see these statistics broken down further as to demographics. Council Member Jones asked if there have been problems with getting police reports for incidents. Chief Kelley stated staff is working on a new guide as to how to obtain a police report because it became apparent that they are not simple to obtain.

This Report was received and filed.

7.c. Presentation of the City's Fiscal Year 2022 Annual Comprehensive Financial Report (ACFR)

Carrie Sowder, Brown and Edwards Company, thanked City Council and staff for the opportunity to serve the city of Harrisonburg. She stated the Finance Department staff was amazing during the auditing process, the city is one of their best clients, always prepared and willing to assist. She reviewed the financial statements and audit review letters, noting an unmodified clean opinion was given, which is the best one can receive.

This Presentation was received and filed.

7.d. Consider approving an amended and restated ordinance for the Joint Exercise of Powers for the operation of an Emergency Communication Center

Chris Brown, city attorney, stated this ordinance is related to the partnership between the city and county that governs our Emergency Communications Center. He shared the history of the ECC. He stated in 2019 James Madison University came on board to use part of the ECC and made a large contribution, therefore the police chief for JMU is a member of the advisory board. He stated this ordinance is to update reflecting more current information on the ECC.

A motion was made by Council Member Dent, seconded by Vice Mayor Romero, to approved the amended ordinance as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

7.e. Consider establishing funding categories for the Civic and Community Organization Grant

Council Member Jones asked to table this item.

Ande Banks, city manager, stated Ms. Snider, interim deputy city manager, needs to send out applications for the Community Contributions before the end of December, and needs Council's guidance as to categories to be included in the application. Ms. Snider stated it would be more advantageous to have the categories listed in advance and allow the organizations to self-select what category their services or their mission falls in to. Council member Dent asked for quick descriptions of Option A and Option B. Ms. Snider stated the funding categories in Option A would cluster applications by the community need(s) the program/services that would be funded by the grant aim to address. The community need list is based on the public input received during the ARPA public engagement process. She stated the funding categories in Option B would cluster applications by the general type of services/program that would be funded by the grant.

Council Member Jones stated he doesn't see race, equity, or veteran status in this list, and he would hope there are community organizations that fall in those categories. Council Member Dent stated Option B has inclusive and welcoming as one of the categories (social, racial and diversity). Ms. Snider stated she believes Council Member Jones was referencing Option C which was an option to cluster applications by the population group the organization would primarily benefit. Council Member Jones stated he doesn't want to vote because if he would be afraid to miss other groups of interest. Council Member Dent stated if we don't have this conversation tonight then what happens. Vice Mayor stated the applications need to go out before the next Council Meeting. Mr. Banks stated per city code applications for Community Contributions are required by January 30, 2023.

Mayor Reed stated if no decision is made tonight the applications will go out as is. Council Member Jones stated if everyone is fine to vote just add language, race, equity and veteran status to Option C. Council Member Dent stated she preferred Option A, which means a further conversation needs to be had. Ms. Snider stated we could have both of Option A and C categories.

Further discussion took place regarding the options, categories, and accountability of the organizations.

No action taken

This Action Item was received and filed.

8. Other Matters

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

Joe Benjamin, United Way, commended Council on the process they have gone through with the ARPA funding, it speaks to the City Council and how the community voice is to them. She stated she is aware of Smart Scale grants that could fund some of the projects that did not make the ARPA Funding list and the city is not the only ones that need to shoulder the burden of all the issues identified in the ARPA community engagement process. She stated United Way is so grateful that the Homeless Services Center is being built. She spoke on the need for permanent supportive housing, comparing ARPA funding with other localities, CARES Act funds, other organizations that has received funding to help those impacted by the pandemic.

Quinton Callahan, stated the disconnect when talking about Community Development, projects, and development of real estate, between staff and Council, needs to be aligned. He stated he hears regularly from other on how difficult it is to get through the process in the city, how long it takes, how much time, money and energy is spent before it gets to Planning Commission and then City Council. He stated he doesn't want people to not consider the city because of how long it takes to get through the regulations when it comes to community development and business development, it's a great place to live and work. He stated this is something that he wanted Council to be aware of and hopefully in 2023 procedures can be cleaned up and things go smoother.

Panayotis "Poti" Giannakouros, commended the Police Chief on the interpretation of the crime statistics data, the city is safe and the credit is Councils for building a resilient community that gives people a voice. He spoke on School Board meetings, repealing the tall grass and weed ordinance, invited Council to join online for Peoples Day, and the new law to protect same sex couples and interracial couples.

8.b. City Council and Staff

Council Member stated it has been fun working with Vice Mayor Romero, it has been so good to work with him. He stated he appreciates Vice Mayor Romero to stand up for people that may not always be present, and he is never conflicted with his occupation and his dedication to the city.

Council Member Dent stated she appreciates Vice Mayor Romero's representation of the Latino community and his advocacy for language accessibility during the pandemic, his very thorough, methodical and conscientious process, and his overall support and level-headedness, he will be missed.

9. Boards and Commissions

9.a. Board of Equalization (BOE)

This action item was tabled.

9.b. Harrisonburg Redevelopment and Housing Authority

This action item was tabled.

9.c. Parks and Recreation Commission (PRAC)

This action item was tabled.

11. Adjournment

At 10:53 p.m. there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR