



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, April 26, 2022

7:00 PM

Council Chambers

1. Roll Call

Present: 6 - Mayor Deanna R. Reed, Vice Mayor Sal Romero, Council Member Christopher B. Jones, Council Member George Hirschmann, Council Member Laura Dent and City Clerk Pam Ulmer

Also Present: 4 - Deputy City Manager Ande Banks, City Attorney Chris Brown, Police Chief Kelley Warner and Mayor Matthew Tobia

2. Invocation

Vice Mayor Romero offered the invocation.

Council 3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

4. Special Recognition

4.a. Recognition ceremony for the promotion of three officers of the Harrisonburg Police Department and recognition of one new hire of the Harrisonburg Police Department

Kelley Warner, chief of Harrisonburg Police Department (HPD), introduced the newest member of HPD, Officer Samuel Good, and the promotion of two officers, Sgt. John Hancock, and Lt. Michael Gulino. Chief Warner provided the officer's backgrounds, and the officers introduced their families in attendance. Mayor Reed congratulated the officers.

This Presentation was received and filed.

4.b. Presentation of Master Deputy Certificate to Marla Whitley

Karen Rose, Commissioner of the Revenue, presented Ms. Marla Whitley with a Master Deputy Clerk Certificate. She reviewed all the things Ms. Whitley accomplished to obtain the certificate. Ms. Whitley introduced her family in attendance. Mayor Reed congratulated Ms. Whitley.

This Presentation was received and filed.

4.c. Introduction of the new Housing Coordinator for the City of Harrisonburg

Ande Banks, interim city manager, introduced the city's first Housing Coordinator, Liz Webb, and reviewed her background. Ms. Webb stated she is excited to be part of

the team and that the city is prioritizing the issue of housing. She stated she is ready to get to work and looks forward to collaborating with Council and staff.

4.d. Proclamation recognizing the 53rd Annual Professional Municipal Clerks Week May 1 - May 7, 2022

Mayor Reed presented a proclamation recognizing May 1 through May 7, 2022, as the 53rd Annual Professional Municipal Clerks Week to Pamela Ulmer, city clerk.

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: 5 - Mayor Reed, Vice Mayor Romero, Council Member Jones, Council Member Hirschmann, Council Member Dent and City Clerk Ulmer

No: 0

5.a. Minutes from the April 12, 2022 City Council meeting

These minutes were approved on the consent agenda.

5.b. Consider a supplemental appropriation in the amount of \$2,189,601

The Supplemental Appropriation was approved on second reading

6. Public Hearings

6.a. Public hearing regarding the Fiscal Year 2022-2023 budget

Mayor Reed stated this is the public hearing for the FY 2022-2023 Budget.

At 7:16 p.m., Mayor Reed closed the regular session and called the first public hearings to order. A notice appeared in the Daily News-Record on Saturday, April 16, 2022

Panayotis "Poti" Giannakouros, spoke on the 35% increase in the zoning enforcement staff as he is not sure what they do other than enforce aesthetic nuisance violations. He spoke on the Western Raw Water Line with two items totaling almost \$1M, there isn't much information provided to the public on this project. He stated what has been heard is that it will be for pristine water from Rawley Springs that directly feed a poultry plant.

Bucky Berry, spoke on the increase, he stated public works staff should get 5% and then more to first responders.

At 7:22 p.m., Mayor Reed closed the public hearing and the regular session

reconvened.

Mayor Reed and Vice Mayor Romero incorporated the Conflicts of Interest statements read at the April 12, 2022, City Council meeting.

Mayor Reed stated a work session should be scheduled to discuss the Community Contributions and any other items on the budget needing discussion. Council Member Jones stated he did not see enough changes needed on the budget to warrant a work session. Mayor Reed stated a conversation needs to be had in a work session on Community Contributions. Council Member Dent stated if there are any questions for staff a deadline should be set so that staff had time to respond prior to the work session. She stated she proposes scheduling a work session for May 3, 2022. Further discussion took place on scheduling a work session, the need for a work session and the timeline of when budget needs to be finalized and approved. It was discussed to send out a Doodle poll to determine best date and time for all Council Members.

The proposed Fiscal Year 2022-2023 budget was presented to City Council at its April 12, 2022 meeting. A public hearing must be held prior to adoption by City Council.

7. Regular Items

7.a. Presentation on the Handle With Care program

Travis Karicofe, EMS Officer, Harrisonburg Fire Department, provided information on the Handle With Care program and the collaboration between the Harrisonburg Fire Department, Harrisonburg Police Department, the Emergency Communications Center the public school system, certain city staff, the HR Crisis Intervention Program, and the Community Services Board. He stated this program was the result of high school senior's ideas through the city's Service-Learning Project in 2019. He reviewed the events that could initiate the Handle With Care protocol, adverse childhood experiences, the goals of the Handle With Care program, the project overview and implementation plan, the steps on how this program works, long term effects of the program, and noted over 400 Handle With Care notifications have been done to date.

Council Member Jones thanked Mr. Karicofe for his presentation, this is a fantastic program. Council Member Dent stated this is a wonderful program and wondered what the training is so that a teacher knows what to do. Mr. Karicofe stated there is training so the teacher is able to match the student up with the services available. Vice Mayor Romero stated he has seen the benefit of this program and appreciates all the efforts and work that go into this program, it is lifesaving.

7.b. Consider a request from Northside LLC with representative Holtzman Oil Corporation to rezone four parcels at 1441, 1451, and 1477 North Main Street

Adam Fletcher, director of Community Development, reminded Council and the public

this is a rezoning request from Northside LLC of four parcels from M-1 to B-2C, staff recommended denial and Planning Commission tied for recommendation. He stated this item was reviewed at the April 12, 2022, meeting and Council tabled the vote.

Council Member Jones stated this is a welcome addition to the area of the city. Vice Mayor Romero stated he is in favor of this request but is concerned of safety for pedestrians in that area, and we must commit as a community to make our streets walkable. Council Member Dent stated she struggled on Planning Commission because it is for a gas station, she would love to say no new fossil fuels allowed, but we are not there yet, and she has come to see this is a viable transition with the EV chargers offered.

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

- 7.c.** Consider a request from Turkey Properties LLC to rezone a +/- 2.32-acre portion of 797 Chicago Avenue

Adam Fletcher, director of Community Development, reminded Council and the public this is for items 7c and 7d, to rezone a portion of a parcel from B-2 and B-2 to R-5C and a special use permit to allow multiple family dwellings of more than 12 units per building, located at 797 Chicago Avenue. He stated staff and Planning Commission recommended approval and noted in general staff does not have concerns with the revised layout provided at the last Council meeting on April 12, 2022.

Council Member Jones asked the applicant what type of proffer for buffer is offered for the neighbors. Fred Bosserman, APR Associates PC, representative for applicant, stated they are intending on a fence and trees as buffers between the building and the neighbors. Council Member Jones asked the applicant if he spoke to the neighbors on 3rd Street. Mr. Rodriguez, applicant, stated he did, and the tree buffers should satisfy their concerns.

Council Member Dent stated she appreciated the applicant engaging with the community and responding to their needs.

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

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

No: 1 - Council Member Hirschmann

- 7.d.** Consider a request from Turkey Properties LLC to for a special use permit to allow multi-family dwellings of more than twelve units per building

presented with agenda item 7c

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

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

No: 1 - Council Member Hirschmann

7.e. Consider nominations for the 2022 VML Policy Committees

Mayor Reed reviewed the Virginia Municipal League's request for policy committee member nominations and appoint the following:

- Community & Economic Development - Council Member Jones
- Environmental Quality - Council Member Dent
- Finance - Vice Mayor Romero
- General Laws - Chris Brown, city attorney
- Human Development & Education - Mayor Reed
- Transportation - Council Member Hirschmann

A motion was made by Council Member Dent, seconded by Council Member Hirschmann, to approve the nominations as stated. The motion carried with a unanimous voice vote.

7.f. Consider approving a substantial rewrite of the city's ordinance regulating Taxicabs - Title 14, Chapter 1 as amended

Chris Brown, city attorney, stated this is the second reading of the substantial rewrite of the taxi ordinance with amendments as per requested by taxi operators in the city. He reviewed the recommended amendments.

Council Member Dent asked about the original section about identification lights on the roof of a taxi. Mr. Brown stated that was deleted several years ago and was in this draft accidentally. Council Member Dent asked about the special event fares, as it is a great way to delineate, is it a flat special event fee. Mr. Brown stated it would be, depending on what the cab companies want to charge, it would be considered a surcharge.

Vice Mayor Romero asked if there were any requests from the taxi operators that the staff did not support. Mr. Brown stated parking in fire lane request was not granted, the insurance requirements as they are set by state law and the inspection requirements by the city.

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

Yes: 5 - Mayor Reed, Vice Mayor Romero, Council Member Jones, Council Member Hirschmann, Council Member Dent and City Clerk Ulmer

No: 0

8. Special Event Application Requests

- 8.a. Consider the special event application request for the Downtown Dinner Party on Saturday, May 21, 2022.

Matt Little, recreation and special events manager, Parks and Recreation, presented a special event application request for Harrisonburg Downtown Renaissance's Annual Downtown Dinner Party on Saturday, May 21, 2022. He stated the applicant is requesting the closure of Warren Street and the use of Turner Pavilion from 2:00 p.m. to 11:00 p.m. He stated the assistance of Public Works, and the Harrisonburg Police Department is requested, the estimated cost is \$1,000, and the event organizer is responsible for payment of applicable charges.

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

- 8.b. Consider the special event application request for the Valley 4th Run on Monday, July 4, 2022.

Matt Little, recreation and special events manager, Parks and Recreation, presented a special event application request for the Valley Fourth Run sponsored by Virginia Momentum, on Monday, July 4, 2022. He stated the applicant is requesting the closure of downtown course A (Main Street from Martin Luther King Jr., Way to Gay Street and the east lane on Liberty Street from Grattan Street to Gay Street) from 7:00 am to 11:00 am. He stated the assistance of Public Works, the Harrisonburg Police Department and the Harrisonburg Fire Department is requested, the estimated cost is between \$4,500 to \$5,000, and the event organizer is responsible for payment of applicable charges.

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

9. Other Matters

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

Dennis DaPonte, spoke on the trafficking of Fentanyl and opioids and the 40% increase in opioid deaths in Virginia, with the hardest hit demographics of the Black community and the Native American community. He stated the trafficking of these drugs not only brings the devastating impacts on life to our community it brings crime and shared a recent incident in the city involving a cartel member. He spoke on the Chief Magistrate, Monica Martin, who created a toxic relationship with law enforcement and the denial of valuable, necessary, and valid search warrants. He stated the release of individuals from custody within hours of arrest for whom are known for drug charges is uncalled for. He stated other residents of the community with lesser charges have been held without bond and prejudice by this Magistrate. He seeks the necessary avenue to correct these situations as this is not restorative

justice but obstruction of justice. He stated he would like to know where Council stands on these issues and what is the next recourse to deal with investigating these issues.

James "Bucky" Berry, stated he is very appreciative of the community involvement of rebuilding Mr. Pringle's home, and the Brent Berry Food Drive will provide one month of food to Mr. Pringle. He stated police officers working two jobs to put food on the table for their families is unacceptable. He stated the salary is not enough to keep officers in the city and after so many officers left the city our forces are pitiful.

9.b. City Council and Staff

Council Member Jones stated our police department is far from pitiful and our Chief of Police is doing an outstanding job. He stated the efforts for retention, recruitment and reclamation are going well and Harrisonburg is an extremely safe and productive city. He stated he refuses to stand by and hear certain comments made about people that put their life on the line 24/7/365 to make sure Harrisonburg is a great place.

Council Member Dent echoed what Council Member Jones stated and added that a compensation study will achieve the equity and parity so that we are adjusting the pay to where we feel it should be. She stated we authorized an emergency across the board raise as the first step already. She stated she will be attending a 3-day conference in Richmond, the Virginia Solar Summit and will be attending the quarterly EPSAC meeting at which the timeline for EPSAC to propose greenhouse gas emissions reduction targets to City Council will be discussed.

Vice Mayor Romero commended Council Member Hirschmann for attending the meeting as he has not been feeling well, he appreciates his commitment as a Council Member.

Council Member Hirschmann stated it feels good to be back, it has been a long night, but he will come around slowly and looks forward to getting back to normal. He thanked Council for all the acknowledgements over the past few weeks.

Mayor Reed stated she attended some good meetings recently, one with Council Member Dent at Simms Center with some EPSAC Committee members talking about ways to look into improving Simms Center in a more energy efficient way. She attended meetings with the Arts Council and childcare organizations and spoke about their concerns. Discussion took place as to who owns Court Square Theater.

Ande Banks, interim city manager, stated a few weeks ago Council requested an update on the Shenandoah Valley Juvenile Center (SVJC). He stated Mr. Showalter, executive director of SVJC reached out and offered an update and tour of the facility to City Council. Mr. Banks asked Council to let him know and he will coordinate.

10. Adjournment

At 8:34 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR