



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, June 14, 2022

7:00 PM

Council Chambers

1. Roll Call

Present: 5 - Mayor Deanna R. Reed, Vice Mayor Sal Romero, Council Member Christopher B. Jones, Council Member Laura Dent and Council Member Richard Baugh

Also Present: 4 - Deputy City Manager Ande Banks, City Attorney Chris Brown, City Clerk Pam Ulmer and Police Chief Kelley Warner

2. Invocation

Council Member Dent offered the invocation.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

4. Special Recognition

4.a. Oath of Office - Richard Baugh

Chaz Haywood, Rockingham County Circuit Court Clerk, swore in Richard Baugh to City Council as interim City Council Member

4.b. World Refugee Day 2022

Mayor Reed read a proclamation recognizing June 20, 2022, as World Refugee Day to Rodrigue Makelele, Jacques Mushagasha, Fera Barzanji, Heja Al Sindi, Aissam Karimi, Marwan Alsadoon and Ali Alkhudhir. They thanked Council for the recognition, it is a very important day for their communities and the many refugees in the area. They invited Council to attend the celebration on June 18, 2022 at the Turner Pavilion from 3-6 pm.

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, that this be approved. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

- 5.a. Minutes from the June 2, 2022 City Council Special Meeting

These minutes were approved on the consent agenda.

- 5.b. Minutes from the May 24, 2022 City Council Meeting

These minutes were approved on the consent agenda.

- 5.c. Consider a supplemental appropriation in the amount of \$36.4 million

This supplemental appropriation was approved on the consent agenda.

- 5.d. Public hearing regarding the real estate tax rate for Fiscal Year 2022-2023 to be set at \$0.93 per \$100 of assessed value

This request was approved on second reading

6. Public Hearings

- 6.a. Consider a request from Nikolay and Augusta Bondaruk to rezone 1064 South High Street

Thanh Dang, assistant director of Community Development, presented a rezoning request for property located at 1064 S. High Street from M-1 general industrial district to B-2C general business district conditional. She reviewed the property, the land use for the area, the surrounding properties, and noted the rezoning would allow the vacant part of the existing building more marketable for tenants and uses. She reviewed the submitted proffer that was made in response to staff's concern of generating a significant amount of vehicular traffic that would negatively affect the safety of adjacent public streets.

She stated staff and Planning Commission (7-0) recommend approval.

At 7:10 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, April 25, 2022, and Monday, May 2, 2022.

Daniel Bondaruk, son of applicant, stated he was available for any questions. Vice Mayor Romero stated it looks as if the intention of this rezoning is to make the property more marketable and asked if there were tenants in place now and what are the future plans of the property. Mr. Bondaruk stated there are tenants in place but had three people inquire about renting the space but were unable to due to the zoning. He stated this rezoning will make it available to more types of businesses in the future if needed.

At 7:12 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

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

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

No: 0

6.b. Consider amendments to Chapter 12, Transportation of the 2018 Comprehensive Plan

Tom Hartman, director of Public Works, presented an amendment to the Comprehensive Plan to Chapter 12 Transportation. He reviewed the following:

- Amended Project List:
 - Shared Use Path extension
 - Port Republic Road projects
 - S. Main Street improvements - Rocktown High School
 - Exit 243 Improvement Project
 - S. Main Street improvements - S. Mosby to Erickson
 - University Blvd Relocation project
 - Mt. Clinton Pike / Acorn Drive Round-about project
- New Projects:
 - Mt. Clinton Pike Road reconfiguration
 - S. Main Street connector project
- Clarification of Street Improvement Plan purpose as a "Major Streets" plan

Vice Mayor Romero stated regarding the Acorn Drive and Mt. Clinton Pike reconfiguration he was thinking of the project recently approved for the gas station and convenience store as well as the Shenandoah Valley Organic's new plant, and he asked how that will play over time if they continue to expand, how much more users we will have and will we possibly need to go back to the way things are now. Mr. Hartman stated that our busiest segment is from N. Acorn to N. Main Street, and when staff grew out the trips to 2040 the MPO's traffic demand model was used that takes in the growth expected, so staff feels that when we get to 2040 it accounts for that whole area being completely developed including any growth in the area in Rockingham County.

Council Member Jones stated he is pretty sure that it was the pleasure of most of Council that the gas station/convenience store was approved and there was hope to see a plan from Harris Gardens to N. Main Street in regard to being pedestrian heavy in that area. He asked if that was part of the planning. Mr. Hartman stated staff submitted a CDBG grant for sidewalks from N. Main Street along Vine Street to Harris Gardens.

Council Member Dent stated in Planning Commission it was discussed that the long

strip along S. Main Street near the new high school is to help the traffic mitigation and the pedestrian friendliness of that area. Mr. Hartman stated the Smart Scale Project that will be brought to Council next month not only installs the median but sidewalks on both sides as well.

At 7:24p.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, April 25, 2022, and Monday, May 2, 2022.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:25 p.m., and the regular session reconvened.

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

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

No: 0

6.c. Consider approving an ordinance amendment to Section 7-4-1 of the Harrisonburg City Code increasing water and sewer/authority rates

Chris Brown, city attorney, presented an ordinance amendment on behalf of the Public Utilities Department to increase water and sewer rates for the FY 22-23. He stated Mike Collins, director of Public Works, presented his reasoning for this increase request at the City Council meeting on May 24, 2022. Mr. Brown reviewed the increases.

At 7:27 p.m., Mayor Reed closed the regular session and called the third public hearing to order. A notice appeared in the Daily News-Record on Monday, April 25, 2022, and Monday, May 2, 2022.

Panayotis "Poti" Giannakouros, asked Council to clarify the reasoning behind the increases. He stated Harrisonburg inherited a regressive water rate structure that gave an advantage to large scale users that was routed in efforts to attract the poultry industry, he asked if the proposed changes reverse this so that we take the burden off residents and put it on the big industrial users who are exporting our precious pristine drinking water. He stated Mr. Collins presented a resolution seeking congressional funding for the Western Raw Water Line and he has asked for detailed info as to what the Western Raw Water Line included to no avail. He asked if this includes the pristine water from Rawley Springs directly to poultry plants and is this rate increase a part of providing our pristine water to industrial users.

At 7:30 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

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

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

No: 0

7. Regular Items

- 7.a. Consider a request to grant Harrisonburg Downtown Renaissance (HDR) permission to use the grass lot behind City Hall to host a 10-12 week, free public concert series from July to September in 2023, 2024, 2025

Andrea Dono, executive director of Harrisonburg Downtown Renaissance (HDR), stated HDR is hoping to apply for a grant with Council's permission and approval. She stated the grant is called the Levitt Amp Your City Grant that would provide \$90,000 to use towards a 3-year music series for 10-weeks in a row each year. She stated they would plan on running this series on Wednesdays at 6pm so families and after work crowd could attend and fill in the gap of visitation downtown from mid-June to September. She stated this grant has been around since 2018, they have supported approximately 40 small to mid-size communities, it is meant to transform underutilized public spaces to create thriving community destinations and could start as early as next year if granted. She stated the Levitt Foundation and part of what they like to do with their grant programs is to make sure they can bring people together build that sense of community, inclusive of all ages, backgrounds, and abilities. She stated the plan would be to hold the series in the grassy lot behind City Hall and a rain location of the Turner Pavilion. She stated what is really special about this grant is that they require a match, they want it to be a big program so that it is a high quality and high caliber event, so musicians from outside the area, national touring musicians would be obtained. She stated the match would be to provide a professional sound and stage crew, a temporary stage would need to be built out and stay there for the whole 10-weeks, portable bathrooms must be provided and would be always locked except during the event. She stated per Mr. Hartman, there are things that can be done to mitigate the damage to the grassy area. She stated this aligns perfectly with the Downtown Master Plan process, and the hope is to bring people together and provide a diversity of genres and artists on the stage. She stated there is a lot of public interest in this. She asked for permission to use the lot and pavilion and to leave the stage and portable restrooms at those locations for the entire season.

Mayor Reed asked for an estimate of attendance numbers and how many portable restrooms would be needed. Ms. Dono stated given the size of the grassy lot and pavilion the capacity is approximately 350 people each, which is pretty good for a weekday concert and city regulations would establish the requirement for the portable restrooms. Mayor Reed asked if other localities have done this already. Ms. Dono stated this has been done in other localities ranging in different population. Mayor Reed stated music brings people together from all over and this could be a great opportunity for everyone to have a reason to come downtown.

Council Member Jones asked if people with varying physical abilities be able to have access to the concert. Ms. Dono stated yes, they will work with the city's Special Events Committee to plan out the event to accommodate everyone. Council Member Jones suggested they look into musicians coming from Greensboro, NC as they usually head north and can stop here. He stated this fits the Council's vision as to a city for all and music is the easiest way to bring people together.

Council Member Dent stated she is curious as to how this interacts with the longer term plan for the Build Our Park. Ms. Dono stated they are not sure where Build Our Park stands at this time, substantial funding is still needed for that project, and she doesn't think that could happen over the next three years. Council Member Dent stated this matches what was discussed at the Build Our Park Board meeting, start small and build the momentum so that people might be more amenable to a larger scale park, this might work well as we build towards a longer term plan. Ms. Dono stated she feels this would work really well for the advocacy of the park.

Vice Mayor Romero stated he really likes the vision and the goal of the grant, to bring the community together and diversify the options and opportunities and he is excited to see this happen. He stated he highly encourages HDR to reach out to everyone in the city and reach groups such as the many refugees in the city etc.

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

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

No: 0

7.b. Consider authorizing City staff to install and enforce "No Thru Traffic" signs in the Portland East Neighborhood due to the Traffic Calming Program study

Tom Hartman, director of Public Works, presented requested proposed changes and actions in the Portland East neighborhood's traffic calming. He reviewed the timeline on the Traffic Calming Plan for this area and noted all phases have been completed and noted that the traffic calming measures have not notably discouraged cut-through traffic. He reviewed the proposed actions which include the installation of "No Thru Traffic" signs, enforcement and communication on Waze and Google maps to show this change. He reviewed the next steps which include the following:

- Summer 2022 - Implement "No Thru Traffic" restriction, communicate restriction to Google Maps and Waze, and begin enforcement
- Fall 2022 - Ensure adequate enforcement and education to discourage university students from using this route
- Fall 2022 - Conduct traffic study and evaluate results

Vice Mayor Romero stated if this measure doesn't make the improvements needed what could be done next.

Council Member Jones stated if this doesn't work then we can put a barrier up. Further discussion took place regarding the current traffic and remedies.

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

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

No: 0

7.c. Consider adopting an amendment to the Environmental Action Plan - Focus Area 4 Sustainable Transportation

Andrew Payton, chair of the Environmental Performance Standards and Advisory Committee, stated the targets that are going to be presented represent an acceleration towards Municipal vehicle electrification and bike/ped infrastructure in the city, which is a necessary direction. He stated there was concern in EPSAC that these targets alone are not enough to decarbonize transportation in the city at the pace we know is necessary, and according to the Intergovernmental Panel on Climate Change, if we mitigate the worst of the climate induced disasters and disruption we need to reduce greenhouse gases by 45% from 2010 levels by the year 2030, which is a lot, and globally in the US and in Virginia we are not on target yet. He thanked staff to put these targets together and for the sustainability efforts that we see throughout the city and encourages everyone to continue to pursue whatever possible to advance climate resiliency and lesson our impact as a city on this crisis.

Tom Hartman, director of Public Works, presented a first amendment to the Environmental Action Plan (EAP) that was originally adopted January 2021. He stated in regard to Sustainable Transportation, Focus Area Four, there are six goals, and he reviewed each goal, and the strategies, metrics, and target for each goal.

Council Member Dent thanked everyone for all the work towards establishing these transportation targets and she appreciates Mr. Payton's comments because we have this perpetual tension between what is reasonably feasible to do and what we must do. She was disappointed to see only 20% reduction in goal one so let's hope we can find other ways and build momentum more towards what we must do. She stated the other shortcoming of this approach is that it sets only municipal targets, she understands that that is all we have control over, but municipal greenhouse gas emissions are only 3% of the total, so how do we marshal the resources of the community to meet the goals for the overall emissions for the other 97%. She stated that taps into EPSAC's combined role of community outreach and education also for things like the public use EV chargers to help give people the confidence they will be able to charge their EV's which in turn promotes purchases. She stated even if we can't set targets for the private usage, she thinks we should track the trends to enlist participation. She asked how we enlist the businesses and industrial uses that may be harder to crack because they are so based in fossil fuel, it is a complex problem, and she appreciates all the effort that goes into helping to address it.

Vice Mayor Romero stated as we try to mitigate some of these concerns as a community, as we continue to grow and I-81 continues to be a main connector, how do we look to work with others at the state level to mitigate. He stated at the end of the day we could be doing a great job in the city, but we have a lot coming into the city that impacts the goals we want to achieve. Mr. Hartman stated it is difficult, as you look at the green house gas inventory on the community side, 45% of the vehicle trips in the city are on the interstate and they never stop. He stated we must collect the carbon as a city emission so there is not much we can do. He stated one way is keeping our network open to multi-modes, VDOT has visions to work towards having EV chargers at the rest areas and within a mile of an exit so they can promote the use of electric vehicles.

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

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

No: 0

- 7.d.** Consider adopting a resolution approving Harrisonburg Electric Company (HEC) to purchase 1.88 acres, more or less, on Reservoir Street, Harrisonburg, VA for an electric substation

Chris Brown, city attorney, presented a resolution approving the purchase by Harrisonburg Electric Commission of a 1.8 acres lot off Reservoir Street for a substation to serve that part of town. He stated HEC did a long search and long negotiations to purchase this property and now have a contract to purchase. He stated City Council must approve the purchase.

Council Member Dent stated she spoke with Mr. O'Dell and she reviewed where the property was and noticed the tax assessed value was \$980,000, she asked Mr. O'Dell why the cost of this parcel is double that. Mr. O'Dell stated the market appraisal was much higher, and to avoid the process of eminent domain they offered a bit more than market value. She stated she received clarification as to what an electric substation is, it is to take higher level power and reducing to lower level power to be distributed to neighborhoods.

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

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

No: 0

- 7.e.** Presentation on the American Rescue Plan Act State and Local Fiscal Recovery Funds Final Rule

Luke Morgan, ARPA Coordinator, provided information on the American Rescue

Plan Act (ARPA) and the State and Local Fiscal Recovery Funds, the final rule from the U.S. Department of Treasury that enforces the use of ARPA funds, the general restrictions of use, impact-based restrictions, impacted populations and disproportionately impacted populations, low-income areas and qualified census tracts in the city, and identifying other eligible populations. He reviewed the four expenditure “buckets” below, their definitions, the impacts, and eligible projects.

- Revenue Loss
- Public Health and Negative Economic Impacts
- Premium Pay
- Water, Sewer, and Broadband

Council Member Jones stated he is very appreciative of the assistance in the process and making it so diverse, inclusive, and robust. He asked if anyone has done a press release or notification to promote what City Council, JMU and the Harrisonburg-Rockingham Chamber of Commerce has done to date regarding this. Ande Banks, interim city manager, stated Institute for Constructive Dialogue and Advocacy (ICAD) will be coming to Council on June 28, 2022, to present all the data obtained through the public engagement process and he is sure that ICAD will offer City Council the opportunity to have a work session with them to marry the funding parameters with the data obtained to hopefully come up with a spending plan. He stated Mr. Mike Parks, director of Communications, will continue to put information out into the community.

Council Member Dent thanked Mr. Morgan and stated he did an impressive job and provided clear and thoughtful explanations.

Vice Mayor Romero asked if Mr. Morgan is keeping an eye on other localities and what they are doing with ARPA funding. Mr. Morgan stated he has looked at other localities but hasn't seen a lot that have engaged in community engagement process as we are doing through ICAD.

This Presentation was received and filed.

8. Special Event Application Requests

- 8.a.** Consider the special event application request for the Best.Weekend.Ever on Saturday, June 18, 2022.

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 Magpie's Juneteenth Celebration on Sunday June 19, 2022, from 3-9pm.

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.c. Consider the special event application request for the 2022 July 2nd Fireworks display on Saturday, July 2, 2022.

Vice Mayor Romero stated the fireworks used to be set off downtown, but now it will be done out of Westover Park. Council Member Jones stated the fireworks have been bigger so setting up at Westover is a better option, but people can still see them from downtown.

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:

9. Supplementals

- 9.a. Consider a supplemental appropriation for various departments in the amount of \$551,753.66

Larry Propst, director of Finance, presented a supplemental appropriation for grants and reimbursements the departments have received in the amount of \$551,753 across the city departments.

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

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

No: 0

- 9.b. Consider a supplemental appropriation in the amount of \$1,375,928.10 from lease agreements

Larry Propst, director of Finance, presented a supplemental appropriation request in the amount of \$1,375,928.10 due to a new financial reporting standard that the city is required to implement in this fiscal year. He stated the standard states any lease agreements or lease-like agreements that the city enters into must be treated as if it was a purchase and financed it. He stated although we are not actually purchasing the asset we are purchasing the right to use the asset.

Vice Mayor Romero asked for the threshold amount that needed to be reported under this new reporting standard. Mr. Propst stated that has not yet been established.

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

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

No: 0

11. Other Matters

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

Panayotis "Poti" Giannakouros, congratulated Mr. Baugh for his seat on Council and noted they previously agreed on the need to appeal the tall grass and weeds ordinance. He stated he feels this ordinance is evidently targeted from exclusive neighborhoods, many are fearful to even grow gardens in their front yard due to this ordinance, it is aimed at refugees and immigrants who may not understand our regulations. He spoke on the city attorney and residency requirement for city staff.

11.b. City Council and Staff

Council Member Jones recommended that everyone attends the Best.Weekend.Ever and Juneteenth celebrations downtown, it is a great time to be a part of Harrisonburg and looks forward to seeing everyone there. He is excited to see what is happening downtown and what is happening with our refugee community, and he implicitly trusts our interim city manager, Ande Banks and our city attorney, Chris Brown, he would never let anyone call them to question their ability or their integrity.

Council Member Dent seconded Council Member Jones statement of trust. She stated that there are now two vacancies on our boards and commissions: Planning Commission and EPSAC and urges residents to apply.

Council Member Baugh stated he is glad to be back.

Vice Mayor Romero stated the World Refugee Day will be held on Saturday, June 18, 2022, from 3-6 pm at the Turner Pavilion in which he plans to attend. He stated it is important to our community to have representation and invites everyone in the community to come out and celebrate.

Mayor Reed stated this is going to be an exciting weekend and encourages all to attend. She congratulated Harrisonburg High School 450 graduates and one of them was Council Member Jones' daughter. She stated we always provide an opportunity for whoever receives acknowledgements or proclamations to leave after they are recognized if they so wish.

12. Boards and Commissions

12.a. Appoint Council Members as Council Representatives to Boards and Commissions positions previously held by former Council Member George Hirschmann

Council Member Baugh stated he would serve on all the Boards and Commissions that former Council Member Hirschmann served on.

A motion was made by Council Member Jones, seconded by Council Member Dent, to appoint Council Member Baugh, to all the boards held by former Council Member Hirschmann. The motion carried with a unanimous vote.

13. Closed Session

- 13.a. Closed Session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under:

Subsection 3 for a discussion of the acquisition of publicly held real estate and Subsection 1 for a discussion of personnel matters

At 9:01 p.m., a motion was made by Council Member Baugh, 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 discussion of personnel matters and under Subsection 3 for a discussion of the acquisition of real estate for a public purpose. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

14. Adjournment

At 9:41 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 9:41 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR