



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, May 28, 2024

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

2. Invocation

Mayor Reed offered the invocation

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

4. Special Recognition

4.a. Police Promotional Ceremony

Kelley Warner, chief of Harrisonburg Police Department, presented three promotions and shared each individuals experience and training as follows:

- Career Officer Rusty Driver to rank of Sergeant;
- Sergeant John Hancock to rank of Lieutenant;
- Sergeant Brooke Wetherell to rank of Lieutenant.

Chaz Haywood, Clerk of the Circuit Court of Rockingham County, swore the officers in.

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

A motion was made by Council Member Fleming, seconded by Vice Mayor Dent, to approve the consent agenda as presented. The motion carried with a roll call 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 May 14, 2024 City Council Meeting

These minutes were approved on the consent agenda

- 5.b.** Consider a request from Elba A. Herrer De Dildy and Jose Martir Guterrez Hernandez to rezone 35 Monroe Street

This rezoning request was approved on second reading

- 5.c.** Consider a request from Hurstwenger Properties LLC to rezone portions of 1011, 1019, 1021, and 1023 West Market Street

This rezoning request was approved on second reading

- 5.d.** Consider the special event application request for the African American Festival on Saturday, September 14, 2024.

This special event was approved on the consent agenda

- 5.e.** Consider the special event application request for Eastern Mennonite University's Royals Go Downtown on Thursday, September 26, 2024, from 5-8pm.

This special event was approved on the consent agenda

- 5.f.** Consider the special event application request for the Harrisonburg International Festival on Saturday, September 28, 2024.

This special event was approved on the consent agenda

6. Public Hearings

- 6.a.** Public hearing regarding the real estate tax rate for Fiscal Year 2024-2025 to be set at \$1.04 per \$100 of assessed value

Ande Banks, city manager, stated the proposed real estate tax rate increase was advertised prior to Council holding its Budget Work Session on May 14, 2025, at a rate of \$1.04 per \$100 of assessed value. He stated at the work session Council decided to reduce the proposed tax rate increase.

At 7:13 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, April 26, 2024.

Bill Call stated he doesn't know what the new proposed rate will be but thanked Council for raising his rent.

Edward Garrison, spoke on the increase in assessment since he has owned his home as it has increased over \$100,000 over the past three years, this tax increase is making housing unaffordable in the city including his home he has owned since 1997.

Karen Thomas, stated she is in opposition to the real estate tax increase and asked Council to reconsider the increase.

Ramona Sanders, 355 Hartman Drive, spoke on how this increase will affect affordable housing and those on Social Security and spoke on the vultures in her back yard.

Kay Acker, spoke on the trickle down effect of raising the real estate tax rate, how it affects everyone, including affordable housing.

Diane Perry, spoke on properties not being maintained, nothing is enforced, problems with students and parties, the lack of concern or responsiveness from City Council, and asked what the benefits are to the residents of this tax increase.

At 7:26 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Discussion took place regarding whether Council needed to vote on this item now or wait until the second reading.

Council Member Fleming stated to keep up with the services of our new high school we have to increase our taxes. He spoke on how this may cause a significant burden on many, but also includes services offered to ease some of those burdens. He stated this budget shows that we value education, it consists of maintaining city services and infrastructure, supports our transportation needs, and helps with childcare and housing needs; this is an investment of our future, and he supports this increase.

Vice Mayor Dent spoke on how rare it is that a city our size has the need to build a second high school and how this new high school fits in with the investment of our future. She spoke on how the new high school is phenomenal, on how it is designed for the future and the need for the new high school.

Council Member Robinson stated the city manager did a fabulous job on the budget, and although the tax rate increase is not as low as she would have liked it to be, she understands the compromise made in weighing the revenue with services needed. She spoke on how being a refugee resettlement city and encouraging people to move here brings more children and the need for space for education. She stated we need this as an investment in the future of our city.

Mayor Reed stated the original real estate tax increase discussions actually started at a twelve cent increase, a lot of work was done by Council and staff to reduce that as much as possible without affecting the services the city provides. She spoke on the comment made during public comment on being an unresponsive Council.

Council Member Jones spoke on the comment made during public comment on being an unresponsive Council and the actions that have been taken behind the scenes. He stated there is truth that the tax rate increase has a trickledown effect.

He spoke on the history of why and how the new high school was built and urged everyone to be more involved in city decision making before decisions are made that could affect the community.

A motion was made by Council Member Fleming, seconded by Vice Mayor Dent, to adopt the Real Estate Tax Rate to \$1.01 per \$100 of assessed value. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

6.b. Consider a request from Liberty Street Investments LLC to rezone 162 West Elizabeth Street

Adam Fletcher, director of Community Development, presented a request to rezone from M-1 to B-1C for property located at 162 W Elizabeth Street. He reviewed the surrounding area, long term plans for the area, the property, the anticipated use, the proffers submitted and a conceptual plan.

He stated staff and Planning Commission (5-0) recommend approval.

At 7:58 p.m., Mayor Reed closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Wednesday, May 15, 2024 and Wednesday, May 22, 2024.

Todd Rhea, applicant, spoke on how downtown has changed since the pandemic, the availability of groceries in the area, the delivery of foods and goods, and the less need for owning or using a vehicle. He described the proposed development, stating it will be marketed for those who don't have or need a car. He spoke on how this development matches the 2024 Downtown Master Plan.

Council Member Fleming asked the applicant if there had been conversations with other property owners that own the parking lots in the area if those spots could be used for parking of the residents of this development if needed. Mr. Rhea stated there had been some conversations.

Council Member Robinson stated she loves the idea of marketing the development for those that are pedestrian/bicycle friendly.

KC Kettler, 242 E. Water Street, spoke in favor of the proposal.

At 8:08 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council spoke on what a creative development this request is, and a great way to develop the space.

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

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

No: 0

6.c. Consider a request from David L. Snyder to rezone tax map parcel 34-C-2 (415 North Liberty Street)

Adam Fletcher, director of Community Development, presented a request to rezone from M-1 to B-1C for property located at 415 N. Liberty Street. He reviewed the surrounding area, long term plans for the area, the property, the anticipated use for the property (loft apartments and retail), and the proffers submitted.

He stated staff and Planning Commission (5-0) recommend approval.

Vice Mayor Dent spoke on the location of refuse containers. Mr. Fletcher stated the container could be accessed by the alley therefore placed behind the property.

Council Member Fleming asked if there had been any concerns about activity generated by the retail spaces. Mr. Fletcher stated there were no concerns.

At 8:21 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 Wednesday, May 15, 2024 and Wednesday, May 22, 2024.

Dave Snyder, applicant, and Blake Martin, Cottonwood Realty, representative for the applicant, provided a rendering of what the development will look like to Council; they spoke on anticipated use for the retail space.

KC Kettler, 242 E. Water Street, spoke in favor of this request and provided reasons why.

At 8:30 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

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

7. Regular Items

7.a. Presentation of the ADA Transition Plan for Public Right of Way

Tom Hartman, director of Public Works, presented the ADA Transition Plan for the Public Right-of-Ways. He reviewed the following:

- Background of the plan,
- Transition Plan infrastructure types,
- Required elements of the Plan,
- Self-evaluation done by Public Works JMU interns,
- Removing the barriers
- Public involvement

Council Member Fleming stated since our city is older making our city more accessible and usable by all is important.

This Report was received and filed.

7.b. Consider amending and reenacting the Proposed Municipal Separate Storm Sewer System (MS4) Ordinance Amendment Section 7-6-5 of the City Code

Tom Hartman, director of Public Works, presented an ordinance amendment related to Municipal Separate Storm Sewer System (MS4) to bring it in alignment with current DEQ regulations. He reviewed the amendments.

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

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

No: 0

7.c. Consider amending and reenacting Sec. 7-1-9.- Discontinuance of service for delinquency in payment of utility bills; generally.

Chris Brown, city attorney, stated staff have been going through various legislation passed by the General Assembly and approved by the Governor, and updating the city ordinances as required, this is the first of one of those changes. He presented an ordinance amendment related to discontinuance of service for delinquency in payment of utility bills. He reviewed the amendments.

A motion was made by Council Member Fleming, seconded by Council Member Robinson, 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.d. Presentation and consider approval of the Traffic Cabinet Art Wrap Project

Jenny Burden, executive director for the Arts Council of the Valley, and member of the Traffic Cabinet Art Wrap Project Committee, reviewed the project proposal that was previously approved by Council, the timeline of the project, the selected art and the location of each art wrap.

A motion was made by Council Member Jones, 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

7.e. Presentation of the City of Harrisonburg's Cybersecurity Program

Bud Ritchie, cyber security specialist, Information Technology Department, presented information on the city's Cybersecurity Program. He reviewed the following:

- The Question: When not if
- Cyber Security Terms
- Cyber Threat Intelligence
- Cyber Program Accomplishments
- Human Risk Management Program
- Internal Penetration Test
- Cyber Asset Attack Surface Management Program
- Policy Updates
- Security Tools
- Additional Achievements
- Goals and takeaways.

Vice Mayor Dent stated there was a joint meeting held between the National League of Cities (NLC) Energy, Environment, and Natural Resources Committee and the NLC Information Technologies Committee, that talked specifically on potential attacks on utility facilities like water and how to protect against that. Mr. Ritchie stated it is one of the biggest threats for local governments now.

This Presentation was received and filed.

7.f. Consider approving a resolution consenting to the Middle River Regional Jail to issue refinancing bonds

Larry Propst, director of Finance, presented a resolution for the Middle River Regional Jail Authority to issue refinancing bonds. He stated the city would not be responsible or liable for these bonds.

A motion was made by Council Member Fleming, seconded by Council Member Robinson, to adopt the resolution 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.g. Consider adopting a resolution ratifying Council's prior action on collective bargaining and establishing a Workplace Enhancement Committee and consider

approving Workplace Enhancement Committee and Routine Office Hours Procedures

Ande Banks, city manager, stated at the February 27, 2024, City Council meeting, Council declined to adopt an ordinance permitting collective bargaining by employees of the city. He stated they further instructed and authorized the city manager to create one or more committees to enhance communication and collaboration between Council, the city manager's office and city employees. He presented a resolution and procedures memorandum to do just that. He reviewed the resolution and memorandum.

Council Member Fleming thanked Mr. Banks for putting this together and suggested included with this plan there should also be a process improvement plan, so employees have the ability to provide feedback on how the process is working. Mr. Banks stated he always has an open door policy and lets employees know and plans on setting up regular office hours so employees can sign up and speak with him.

Further discussions took place regarding the memorandum and the future plans of the committees.

A motion was made by Council Member Jones seconded by Council Member Robinson, to adopt the resolution and accept the procedures memorandum 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.h. Consider adopting the Fiscal Year 2024-2025 budget and approving the Appropriation Ordinance

Ande Banks, city manager, presented the amended appropriation ordinance for the FY 24/25 Budget, which reflects the requests made by Council at the May 14, 2024, City Council Budget Work Session, which included reducing the Real Estate Tax Rate increase from eight cents to five cents.

Discussion took place regarding what budget items were reduced, how priorities were addressed, how Council worked together with staff, the great job Mr. Banks did to pull all this together, the quality work done by city staff, the premium quality of services, and the recognition of the city's accomplishments by other localities.

A motion was made by Council Member Fleming, seconded by Vice-Mayor Dent, that this Ordinance be approved on first reading. The motion carried with a recorded roll call vote taken 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 for the construction of Fire Station 5

Larry Propst, director of Finance, presented a supplemental appropriation for the construction of Fire Station 5 in the amount of \$2.7M, noting the funding came from \$1.6M interest earnings and \$1.1M from speed camera revenue.

A motion was made by Council Member Jones, seconded by Council Member Robinson, to approve the supplemental appropriation 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.b. Consider a supplemental appropriation for various departments

Larry Propst, director of Finance, presented a supplemental appropriation related to grant funding, donations and other sources of revenue that were not budgeted.

A motion was made by Council Member Robinson, seconded by Vice Mayor Dent, to approve the supplemental appropriation 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

9. Reallocations**9.a.** Consider the reallocation of ARPA funds in the General Capital Projects Fund

Larry Propst, director of Finance presented a reallocation request from ARPA Funds for Parks and Recreation Department, related to the Smithland Athletic Complex lights that came under budget and is requesting those funds be reallocated as follows: \$40,000 be allocated to Thomas Harrison and \$60,000 to the skate park project.

A motion was made by Council Member Robinson, seconded by Council Member Fleming, to approve the reallocation 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

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)

none

10.b. City Council and Staff

Council Member Fleming spoke on the recent Childcare Resource Forum and there was a good turnout and great speakers; Church World Service Awards Banquet; the upcoming International Town and Gown Association Conference (ITGA); the upcoming Summer Leadership Conference with National League of Cities (NLC).

Council Member Robinson spoke on the June 19, 2024, NAACP Juneteenth celebration; requests everyone check in on their neighbors during the heat.

Vice Mayor Dent spoke on the Virginia Transit Associations Conference (VTA), it's great to see the electric vehicle transition happening and the transit plan increasing and improving service over time; upcoming United Way Day of Action on May 31, 2024; upcoming Summer Leadership Conference with NLC;

Mayor Reed spoke on the VTA Conference and her re-election as president to that Association; the Childcare Resource Forum and what an excellent job Amy Snider, deputy city manager, did at this forum; upcoming Juneteenth Celebration on June 16, 2024, hosted by Council Member Jones, Sentara, Pale Fire, and herself.

11. Adjournment

At 9:49 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR