



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Draft City Council

Tuesday, February 23, 2021

7:00 PM

Council Chambers

1. Roll Call

Note: All Council Members were present via virtual Go-To Meeting.

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

Also Present: 3 - City Manager Eric Campbell, City Attorney Chris Brown and City Clerk Pam Ulmer

2. Invocation

Council Member Jones offered the invocation

3. Pledge of Allegiance

4. Special Recognition

4.a. Proclamation recognizing February 23, 2021 as Rockingham Cooperative Day in honor of its 100th Anniversary.

Mayor Reed presented the proclamation to Adam Ford, Marketing / Social Media Specialist for Rockingham Cooperative, honoring its 100th anniversary.

Mr. Ford thanked Council on behalf of over 5,000 partners across the service area, for the support the city has shown.

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

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

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

No: 0

5.a. Consider a request from Bluestone of Harrisonburg LLC to rezone parcels addressed as 3485, 3491, 3585, and 3611 South Main Street

This rezoning request was approved on second reading

- 5.b. Consider an ordinance regarding late fees charged for late payments of utility bills (water, sewer and solid waste disposal)

This ordinance was approved on second reading.

6. Public Hearings

7. Regular Items

- 7.a. Consider write-off of delinquent utility billing accounts

Chris Brown, city attorney, provided the annual write-off of delinquent utility billing accounts that range from 01/2019 to 12/31/209 in the amount of \$24,064.57. He stated collection efforts will continue on these accounts and many will get paid.

Vice Mayor Romero stated he reviewed the list of those that are being written off and asked if it can be determined if any of these were due to the pandemic. Mr. Brown stated there is no way to tell but these are from 2019 - pre-pandemic.

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

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

No: 0

- 7.b. Consider a refund for 2016, 2017, 2018 and 2019 Machinery and Tool (M&T) tax for one Manufacturer

Chris Brown, city attorney, presented a refund request for Machinery and Tool tax for one manufacturer. He stated the manufacturing company submitted the M&T tax return and included too much of their materials due to a quirk in the Code of Virginia which defines certain types of tangible personal property as intangible property. He stated the Commissioner of Revenue department went out and did an audit on site and confirmed what was due. He stated there are refunds due for 2016 in the amount of \$75,651.87, 2017 in the amount of \$45,925.75, 2018 in the amount of \$14,049 and 2019 in the amount of \$7,738.83.

Vice Mayor Romero stated it seems this goes back to 2016 so why wasn't this asked for earlier. Mr. Brown stated it was found in a timely manner and the Commissioner of the Revenue has been working on this for quite a while.

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

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

No: 0

7.c. Consider adopting a resolution supporting creation of an affordable housing fund

Eric Campbell, city manager, stated the Comprehensive Housing Assessment and Market Study was completed in January 2021 with recommendations provided by data driven understanding of our local housing issues and needs. He stated at the request of Council Member Hirschmann city staff developed for consideration a resolution based on the study's findings and recommended policy actions. He stated this resolution directs the city manager and city attorney to research and report back to Council of the steps necessary to establish a Housing Fund by ordinance and by the Code of Virginia which may fund the production or preservation of affordable housing. He stated it also directs the city manager to develop an implementation strategy for the study and report back to Council on how to present those strategies.

Council Member Hirschmann stated this is a good measure and will benefit the city a great deal and there are a lot of people that are very optimistic it will change a few things in the city and make it easier for those who have trouble finding affordable housing.

Council Member Jones stated he is ready to vote if staff is comfortable with this resolution and it is based on the housing study information and recommendations.

Mayor Reed stated this is something we stated, there was never a question that this Council did not want to explore a housing trust fund, in fact, we clearly have that in our vision, but the challenges are that we are in the middle of a pandemic, and the logistics of putting it in place. She stated we had the study done in order to get the data to be used to make strategic decisions for the city. She stated we tend to look at other localities to see what they are doing and how they do things, but we actually used the same firm for the study that Charlottesville used.

Council Member Dent stated that establishing a Housing Trust Fund is a critical priority but will take time to capitalize that fund. She stated just because it is number 15 on the study recommendations doesn't mean we don't start working on it and launch the resolution.

Council Member Hirschmann stated the people involved in this understand this will take time. He stated we just all need to realize it is not a sprint.

Vice Mayor Romero stated at this point the city manager and staff are working on developing a plan moving forward that will provide the road map of how to implement the recommendations of the study.

A motion was made by Council Member Hirschmann, seconded by Council Member Dent to adopt the resolution as presented. The motion carried with a recorded vote as follows:

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

No: 0

7.d. Report on Black and Brown Owned Business Growth Program (B³, or B-Cubed)

Council Member Jones in 2018 he created the Business Diversity Council through the Chamber of Commerce. He stated over the course of the past few years with his work to educate and promote diversity of the protected classes and conversations with Brian Shull, director of Economic Development on what can be done on an economic development standpoint to help people of color. He stated B-cubed was formed, which stands for Black and Brown Businesses, due to those conversations and collaboration with others. He spoke about meetings and collaborations with other Council Members and community leaders and noted Molson Coors wanted to invest in the community. He listed all those businesses that have contributed to B-cubed. He thanked Brian Shull and Peirce Macgill for expanding economic development in the city and to keep us moving forward.

Brian Shull, director of Economic Development, stated all the information on the program and how to sign up for B-cubed is on the Chamber of Commerce's website, today is the official launch of the program.

Council Member Jones stated there are funds out there for entrepreneurships, women owned businesses, veteran owned businesses etc, except when it comes to people of color.

Mayor Reed stated this is incredible for this to come to fruition.

No action required.

This Report was received and filed.

7.e. Consider confirming, readopting, and continuing the Emergency Ordinance adopted on April 6, 2020 and the associated temporary changes in deadlines and modifications to public meeting and public hearing practices and procedures to address continuity of operations associated with COVID-19.

Chris Brown, city attorney, stated this emergency ordinance was initially adopted April 6, 2020, and at that point Council did not expect to need to renew after six months, however it had been on September 8, 2020. He stated he hopes this is the last time it needs to be renewed but it is necessary to continue virtual meetings.

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

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

No: 0

- 7.f. Consider enacting Section 13-1-61.02 - Removal Of Street From Zone, amend and reenact Section 13-1-62 - Conditions To Issuance Of Residential Parking Permits; Fee; Expiration and amend and reenact Section 13-1-69 - Parking Of Commercial Vehicles Near Residences of the Code of Ordinances, City of Harrisonburg, Virginia

Chris Brown, city attorney, stated these ordinances amendments are at the request of the Harrisonburg Police Department (HPD), trying to clean up some things with the parking ordinances. He stated a new proposed Section 13-1-61.02 is because some permit parking zones on streets are surrounded by parking lots and parking decks and there is no need to have permit parking spaces. He reviewed the other ordinance amendments:

- Users of guest cards in permit parking zones currently must park within 500 feet of the property line of the residence or business to which the guest card was issued.
- The amendment to Section 13-1-62 would apply this same requirement to users of permit parking decals as well to address permit holders parking on the far end of a permit parking zone and walking elsewhere, rather than parking near their residence. Amendment to Section 13-1-62 would also raise the fee for a parking permit from \$3 to \$5.
- Amendment to Section 13-1-69 allows dumpsters and portable storage containers to be parked in front of a residential property for up to 72 hours.

Council Member Dent asked how Section 13-1-62 would be enforced. Mr. Brown stated the parking officers have become very adept to that and the permits are attached to a particular residence.

Vice Mayor Romero asked about how 18-wheelers and larger trucks would be affected by Section 13-1-69. Mr. Brown stated it would not affect any of those types of vehicles other than what the current ordinance reflects regarding them.

A motion was made by Council Member Jones, seconded by Vice Mayor Romero to enact, amend, and reenact the ordinances as presented. The motion carried with a recorded vote as follows:

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

No: 0

- 7.g. Consider amending and re-enacting Section 13-1-73 - Parking spaces reserved for handicapped persons, of the Code of Ordinances, City of Harrisonburg, Virginia

Chris Brown, city attorney, stated this is an update to the parking spaces reserved for persons with disabilities in line with State Code.

Council Member Jones asked Mr. Brown to double check the terminology in the ordinance as he believes it should be "varying abilities" instead of "persons with disabilities".

Mr. Brown stated he will review and go to the States' Code to see how it is shown and may come up with something non-offensive before second reading. Mr. Brown also spoke on the violation fine and suggested it be increased from \$100 to \$200 rather than \$500 unless it becomes a problem and can then be readdressed.

Vice Mayor Romero asked if there is any data as to how many violations were issued in these parking spaces. Mr. Brown stated he could check with Officer Westfall to get those figures.

No action taken until ordinance is brought back to Council with recommended amendments.

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)

No public comments

8.b. City Council and Staff

Council Member Jones stated he hopes everyone will take the time to learn something during Black History Month before it is over.

Council Member Dent stated she has her first Community Criminal Justice Board meeting on March 1, 2021.

Vice Mayor Romero stated he hopes things continue to improve in the right direction regarding COVID-19 so we can hopefully meet in person again.

Mayor Reed stated her and Council Member Hirschmann attended Colonel Harper's Memorial Service, it was a beautiful service, our condolences to his family, his wife and his children, he was a jewel to the community and he set the bar for Police Chief. She stated she had the honor to unveil the Lucy S. Simms exhibit at the Harrisonburg High School. She stated she had the honor to serve on a panel about the COVID-19 vaccine in the Black African community with Dr. Janice Underwood and a few others and facilitated by Rockingham Memorial Hospital / Sentara. She stated there were no new cases of COVID-19 in the city today.

9. Closed Session

9.a. Closed Session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A)(7) for consultation with legal counsel and staff pertaining to actual or probable litigation related to the Shenandoah Valley Juvenile Center.

Closed Session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A)(5) for discussion concerning a prospective business or industry where no previous announcement has been made of the business' or

industry’s interest in locating its facilities in the community.

At 8:05 p.m., a motion was made by Council Member Jones, seconded by Council Member Hirschmann, to enter into Closed Session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A)(5) for discussion concerning a prospective business or industry where no previous announcement has been made of the business’ or industry’s interest in locating its facilities in the community and Section 2.2-3711(A)(7) for consultation with legal counsel and staff pertaining to actual or probable litigation related to the Shenandoah Valley Juvenile Center.

The motion carried with a recorded roll call vote taken as follows:

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

No: 0

10. Adjournment

At 8:38 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR