



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Final City Council

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Tuesday, March 24, 2020

7:00 PM

Council Chambers

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### 1. Roll Call

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

**Also Present:** 4 - City Manager Eric Campbell, City Clerk Pam Ulmer, City Attorney Chris Brown and Police Chief Eric English

### 2. Invocation

Vice Mayor Romero offered the invocation.

### 3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

### 4. Special Recognition

### 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 Baugh, seconded by Council Member Hirschmann, to approve the consent agenda as presented. The motion carried with a recorded roll call vote taken as follows:

#### 5.a. Minutes from the March 10, 2020 City Council meeting

These minutes were approved on the consent agenda.

#### 5.b. Consider a request from Harrisonburg Cohousing, LLC to rezone 650 Keezletown Road from R-1, Single Family Residential District to R-7, Medium Density Mixed Residential Planned Community District.

This rezoning request was approved on the consent agenda

### 6. Public Hearings

### 7. Regular Items

Mayor Reed stated at this time this is our new normal, we have to take a different approach to our way of life and city Council meetings. She stated this evening we have limited people in the audience per the guidelines of the CDC, so if we reach 10

individuals in the Council chambers, we have provided an overflow space downstairs in Room 11 & 12. She stated if anyone enters the overflow and still wants to speak during the public comment period, they may come to Council Chambers to be heard. She stated we are streaming via Facebook Live, our government channel and individuals can call in during the public comment period and it will be heard. She stated as we continue on as a community, we encourage everyone to follow the guidelines set by CDC, stay at home, practice social distancing, washing hands, etc. so we can all be safe for one another. She asked everyone to please visit the small local businesses that are still operating and struggling to help them thru this. She stated we will get through this as one community together.

- 7.a.** Consider enacting an ordinance confirming the City Manager's Declaration of a Local Emergency due to the imminent threat of disaster posed by the Coronavirus (Covid-19) Pandemic.

Chris Brown, city attorney, presented a request to adopt an ordinance confirming the City Manager's declaration of a local emergency. He stated under state law Council has to ratify or confirm the city manager's declaration within 45 days of the Governor's declaration, and this allows the city manager to move resources around efficiently, avoid some of the usual procurement rules to secure aid and resources, and puts into place the city's emergency plan.

Council Member Baugh stated the city manager had reached out to Council regarding this request in advance and he is in favor of adopting this ordinance.

**A motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to adopt the ordinance as presented. The motion carried with a recorded roll call vote taken as follows:**

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

**No:** 0

- 7.b.** Consider adopting a policy for participation by City Council members in City Council meetings through electronic communications

Chris Brown, city attorney, presented a proposed policy on electronic communications during public meetings that was allowed by the Commonwealth even before the pandemic was in effect, which will allow any Council member who is out of town or unable to attend due to a personal matter or medical emergency to have the ability to call in and participate in a Council meeting electronically if necessary. He stated the restrictions to this are Council will have to approve the absent Council members' participation via electronic communications and everyone in the room must be able to hear the Council member during a meeting. He stated there could be a situation where a Council member had to go into self-isolation/quarantine but still want to participate in the meeting electronically.

Council Member Baugh stated this amplifies state statute that a locality could adopt a

policy like this.

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

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

**No:** 0

**7.c. Harrisonburg City Public School Board Budget Presentation**

Dr. Michael Richards, superintendent of Harrisonburg City Public Schools, presented the proposed operational and school nutrition budgets for FY 2021 based on the school board's guiding principles. He reviewed the guiding principles, key points, future challenges, mission critical priorities for 2020-2021, enrollment growth and projections, revenue projections, total revenue by source, budgeted city appropriation, history of local funding, salary and benefits, and proposed new positions (37).

Council Member Jones stated the student counselor ratio is one of the reasons why he was in favor of the new school. He stated he doesn't see any new positions for counselors, will we be able to transition our students into future education with the current staffing. Dr. Richards stated the counselors are doing a great job and meeting their Standards of Quality (SOQ), but we could do more. He stated both campuses will have counselors available.

Mayor Reed asked if it their intent that these 37 new positions would move to the new high school once open. Dr. Richards stated in theory all of the new positions will be in the new high school upon completion, the actual staff member is not yet decided.

Dr. Richards reviewed the summary of non-personnel enhancements, total expenditures by function, local appropriation and per-pupil expenditures which reflect county participation.

He reviewed the proposed school nutrition budget, revenues by source and expenditure by function.

Dr. Richards stated the Tracey Shaver, chief financial officer Harrisonburg City Public Schools, is present for any questions.

No action required.

**This Presentation was received and filed.**

**7.d. Consider approval of a Purchase and Sale Agreement for 151.51 acres more or less in Rockingham County for \$1,450,000**

Mike Collins, director of Public Utilities, stated the city is currently in the middle of the

\$40M South Fork Shenandoah River Project. He presented a project land purchase for land in Rockingham County in the amount of \$1.4M, in order to change the location of the proposed water line. He stated the water line is currently proposed to go along the western portion of the property and staff has encountered an expensive and disruptive situation as it reaches Port Road and goes across seven parcels. He stated it is suggested the proposed waterline be rerouted through the property recommended for purchase to save \$75,000 along with eliminating long term risk. He reviewed the expense perspective and is requesting fund balance be used to purchase this property. He stated once the water line is in place the city can sell the property and replace the fund balance used. He feels this proposal is the way to go. He stated the property has places to dump rock and spoil, as well as storage for pipe to be used for the rest of the project and the construction would be completed by early fall 2020.

Council Member Hirschmann asked what the probability was that the city would not be able to resell the property. Mr. Collins stated property is going fairly quickly in that section of Rockingham County, but there is always a bit of a risk.

Vice Mayor Romero asked how much maintenance would need to be done on this pipeline. Mr. Collins stated most pipes have a 70-year life span, but they are wrapping them with poly wrap which extends the life to 150-200 years. He stated if it is placed in the original route it has possibilities for higher maintenance requirements than the proposed relocation,

Council Member Jones stated he believes this was talked about when he first got elected.

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

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

**No:** 0

## **8. Supplementals**

### **8.a.** Consider a supplemental appropriation in the amount of \$1,456,000 for the Water Capital Projects Fund

Larry Propst, director of Finance, presented the supplemental appropriations to purchase the property mentioned in agenda item 7d in the amount of \$1.456M.

Council Member Baugh stated we are just moving funding; the funds are already in the fund balance.

**A motion was made by Council Member Baugh, seconded by Council Member Jones, to**

approve the refund request as presented. The motion carried with a unanimous voice vote.

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

**No:** 0

## 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)

Bucky Berry, 30 W Washington Street, stated he is disappointed in Council's presence at the recent 12th anniversary food drive as only Council member George Hirschmann showed up; he would like to see the school project stopped for 12-15 months in order for us to see where we are with the economy and the budget; he hopes any federal funding received be put towards keeping the businesses going; he was at Jess's lunch and there were 33 people in there and the Health Department nor the Police Department could do anything about it; he wants clarity as to who enforces the law and he thinks the military should be called in to help enforce.

Steele Dunn, with Shenandoah Mutual Aid, stated he has been out helping the community and many residents don't know how they are going to make rent or get food. He stated people are being evicted and evictions must stop now as we are putting people at risk. He hopes Council looks into this and help those that have been laid off and stop evictions or people will die.

Jay Crew, with Shenandoah Mutual Aid, requested immediate access to emergency shelter for the homeless community, the golf course should be shut down and those funds should be used to provide sheltering. He stated the Salvation Army has one person that has been tested for the virus, Mercy House has churches dropping out of sheltering facilities, and Our Community Place (OCP) cannot allow sheltering per code. He stated people are being left on the street to die in the middle of a crisis. He stated it is a crime to evict people during this time, rent should be frozen, the city needs to provide answers, people are desperate and freaking out.

The following individuals spoke on stopping evictions, emergency housing for the homeless, suspension of rent, utilities and mortgages, and/or bail outs for those that have lost their jobs, via the cities dedicated phone line:

- Grace Britt, 3385 Redbud Lane, Shenandoah Mutual Aid
- Luciano Benjamin, 217 S. Liberty Street
- Nevin Zehr, 147 W. Grattan Street
- Joseph Michael, 703 Augusta Avenue, Grottoes
- Austin Douglas, Vine Street, Shenandoah Mutual Aid
- Patrick Ressler, 7347 Buttonwood Court

Vicky Heitsch, 32 Laurel Street, stated she appreciates the comments from the public and wondered if Council or staff plan on addressing the public via social media or newspaper urging people to stay home and providing direction.

Tim Earhart, 87 Earhart Lane, concerned about getting exercise if the golf course and all Parks and Recreation facilities are closed. He stated he doesn't agree with Governor Northam telling people to stay home, if they can't go to the golf course, they can't get exercise.

Eric Olsen-Getty, 376 East Gay Street, Our Community Place, provided an update on how things have changed at OCP, stated there are not enough structures that allow for the social distances required, is worried of an outbreak in the streets as OCP only has one room for isolation and the city provided a voucher for one person who needed to be isolated for a hotel room for isolation. He stated we need a facility that would enable to keep people safe and provide food and supplies and health care monitoring, Open Doors is running out of sites to house the homeless overnight, the Middle River Regional Jail is releasing some inmates, and Staunton's Valley Shelter is closing which could increase our homeless population by 200+. He stated it is a terrifying thought to have an outbreak in the streets.

Michael Snell-Feikema, 1174 Westmoreland Drive, stated the previous speaker was talking from a direct and detailed knowledge of the homeless community, we are in an emergency situation, and feels Council should act on the premise that the cost of dealing with this pandemic and meeting human needs will be forthcoming from the federal government. He stated we must make it possible for the homeless to protect themselves. He feels shelter must be found for the homeless and if that can't be done then provide washing stations and toilet facilities for them.

## **Recess**

At 8:22 p.m., Mayor Reed called the meeting into recess.

At 8:27 p.m., Mayor Reed called the meeting back into session.

### **9.b. City Council and Staff**

Mayor Reed spoke on the concerns about the homeless population. She believes the community knows that Council and staff are looking into other options, Council is aware of the concerns and continue to work with the executive directors of the shelters and are well aware of what is going on and are looking at options. She stated it may seem like the city isn't doing anything, but that is not the case, it just takes a process, and we are working on it daily with the stakeholders and looking at options. She stated she thinks Council and staff have done a good job communicating and letting the community know of what is going on through Facebook posts, videos, and community outreach, but things do change minute by minute. She stated to hear that

no one knows what is going on the Citizen and Daily News Record are doing a great job of putting the information out there.

Council Member Jones thanked everyone for watching and staying engaged, he stated his goal is to represent those individuals and it makes it easier when he hears those comments, emails and feedback. He stated in times of uncertainty and difficulty it is his personal belief that it is healthy to pause and work on being grateful, he is extremely grateful to God, the healthcare workers at Sentara RMH, the community service personnel and we have been blessed to not have a death due to Covid 19. He wants to encourage individuals to shelter in place but continue to give to religious, non-profit organizations and our local economy to keep those businesses going. He stated we are missing the revenue from tourism, so the more people can do to keep business going in the city the more the city can help and continue to operate the city by keeping the economy growing. He stated he is curious, not afraid, of how we will come out on the other side of this, we need to continue to help each other but in a healthy, clean, and safe way.

Council Member Baugh stated he observed individuals outside working that made him focus and recognized in a world where we are distancing ourselves and we are telling employees in healthcare, for pharmacies, suppliers and grocery stores they need to work. If individuals can keep their distance the more this will work, spending time at home is a blessing and those staying at home are making a big contribution by just doing that.

Council Member Hirschmann stated these are interesting times in our lives, a lot of concerns especially for the homeless and if anyone has access/ownership of facilities that could be used to help please contact city staff. He stated he doesn't feel we are in a position to do anything about evictions, but if there is anything, we can do it might help alleviate the situation a bit. He stated the long-term effect to our economy will take longer to overcome while people get back on their feet, monies that the city won't have to accomplish a lot of things that have been discussed, and we might have to put off for a while. He stated we all just need to hang on and help out.

Council Member Romero stated this is the greatest challenge any of us have had to face, he is aware there are things in the process for the homeless, the schools are closed for the remainder of the year and they may be able to house the homeless for short term. He stated the schools are doing all they can to get the education to the kids at home, but also need everyone's support as well. He stated food is being delivered to those students at home, but the emotional support needs to increase. He stated many families are suffering from lack of income, is there something that can be done for child care for those that can go to work but unable because the students are home. He stated we need to continue to work at getting the communications out to as many people as we can, in all languages, and as many avenues as possible. He stated staff is doing a good job, but we need to look at ways to reach more people. He stated some of these issues we could spend hours, days, months talking about a

way to resolve, we just need to stay in the loop of different ways Council can be involved in solving some of the larger issues it would be great.

Chris Brown, city attorney, stated there are several issues brought up he would like to address: He stated guidance from the Attorney General regarding electronic meetings was obtained and with that he would like to finish up a Continuity of Government ordinance that can be adopted by Council at an emergency meeting via telephone, after public notice has been advertised. He stated this ordinance allows for a hold on non-critical items such as rezoning requests, and also allows for Council and boards to address critical governmental issues and issues dealing with the emergency declared via electronic communications barring public attendance as long as it allows ways the public can provide input etc. via phone lines; this could also apply to planning commission and other boards.

He stated the city has no authority to act on rent freezes, eviction and foreclosure moratoriums, the state legislation must provide authority for city level. He stated the Virginia Supreme Court issued a judicial order for courts to hear only essential critical cases, which normally don't involve landlord/tenant issues, which in turn, creates an infacto moratorium where someone can file but it won't be heard for at least a month, probably more. He stated the Harrisonburg Police Department (HPD) does not carry out evictions, it is done by the Sherriff's department, the HPD is only called if there is a disturbance. He stated those mortgage loans that are backed by the federal government (Fannie Mae, they have declared a 60-day moratorium on foreclosures.

He stated water and sewer utility cut offs will not be done at this point, however the monthly late fee of 10% must be charged and no repayment options available due to a city ordinance. He stated he hopes the late fee can be waived and allow repayments which would require an ordinance change which he would need consensus from Council to proceed with those amendments. Council agreed to proceed with ordinance amendment.

He stated there have been requests to remove the 10% penalty and 10% interest on the meals and lodging tax, which is a critical part of city revenue, staff has some concerns as meals tax is accepted in addition to the bill, if the restaurant were to use for personal or operational expenses, they could receive a criminal liability. We don't want anything that encourages restaurants in using those funds for anything other than submitting as meals tax. He asked if Council wishes to move forward, Council asked staff to explore and bring it back at the next Council meeting.

He stated there have been inquiries about delaying payment of the June 5, 2020 real estate taxes, staff suggests it too early to talk about it, and it would have financial ramifications. He stated there have been inquiries about refunds of the Business Professional and Occupational License (BPOL) tax, he is not sure if the city has the authority to refund these taxes once paid to only specific groups and staff recommends no refund of BPOL. He asked for Council direction. Council Member



Jones asked if staff can look at additional grant opportunities and loan opportunities for small businesses. Mr. Brown stated the Economic Development department has been working very hard with the business community trying to get feedback from what the business community needs as well as anticipate what might come along in the future.

Eric Campbell, city manager, reiterated that the Harrisonburg Police Department did not participate in the Harris Gardens eviction today. He stated we will be restricting public access to all city facilities beginning March 26, 2020, all staff will still be working, and services will remain unchanged. He stated many services are available online, drop boxes are available at City Hall and the Department of Utilities, this will only impact the ability of residents to visit the municipal buildings.

He stated we are actively involved in our bond rating, the financial advisors have informed staff that the public municipal bond market has experienced significant rate volatility over the last two weeks between the virus, production disputes, investor liquidity demands and the Federal Reserve actions. He stated taxable and tax-exempt rates have moved significantly up and down, and the market is just so volatile we don't know where we are going to be with the bond market, so as of right now most public bond markets are just holding still trying to figure out what the future holds and how to move forward.

He stated the budget process had challenges already prior to the current crisis and we are treading in unknown waters on our financial situation at this point. He stated reduction in our sales, hotel and meals tax will have a devastating impact on our budget not only for this fiscal year but also next fiscal year. He stated the proposed budget is not yet balanced, but still plans on presenting to Council as scheduled. He stated he began working on the budget with a set of assumptions based on Council direction, but the economy has changed. He stated he is looking for guidance from Council their expectations on moving forward based on those original assumptions, in hopes he can present a balanced budget to Council on April 14, 2020. He stated if he has not heard anything of a significant change of direction from Council, he will present a budget that is not balanced.

Vice Mayor Romero stated he is pleased to hear there is a plan to move forward with relieving the burden of sewer/water utilities but has anything been done with electric bills. Do we know about electric? Council Member Jones stated he believes there is something mandated throughout the state that electric cannot be disconnected, but asked staff to confirm. Mr. Brown stated the State Corporation Commission issued an order for state regulated electric companies to not terminate services, but they do not regulate HEC, so he will follow up with them. Vice Mayor Romero stated we have the luxury of owning HEC, and we should have more flexibility.

Mayor Reed stated we must keep in mind we the 2020 Census still need to be completed, especially since everyone is home. Amy Snider stated multiple reminders

are being sent by the U.S. Census Bureau to get as much participation as possible and if someone didn't get one in the mail, they can still call the Census hotline and submit info or go on line to 2020Census.gov.

Mayor Reed issued a challenge, Harrisonburg is currently at 24.6% response rate and Rockingham has 29%, we want to beat county and needs everyone to go online to complete the census. Everyone needs to be counted.

**10. Closed Session**

**11. Adjournment**

At 9:13 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR