



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Draft City Council

Tuesday, October 26, 2021

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 George Hirschmann and Council Member Laura Dent

Also Present: 5 - City Manager Eric Campbell, City Attorney Chris Brown, City Clerk Pam Ulmer, Police Chief Kelley Warner and Mayor 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. Proclamation recognizing November 1, 2021 as Extra Mile Day

Mayor Reed read the Proclamation recognizing November 1, 2021 as Extra Mile Day.

4.b. Presentation from Dr. Laura Kornegay, MD, MPH, Health Director, Central Shenandoah Health District

Dr. Laura Kornegay, Health Director, Central Shenandoah Health District, stated she wanted to take the opportunity to recognize the efforts of all community partners during the pandemic, the city has been an integral part of their public health efforts and it is clear that the Central Shenandoah Health District couldn't perform everything they needed in response to the pandemic by itself. She stated they now have a great community relationship with all the area health partners, and she hopes to be able to leverage those partnerships after the pandemic for future health projects. She stated over 42,000 cases of COVID-19 were investigated and over 171,000 vaccines were distributed, it has been a team effort across multiple community members. She stated the backbones of the response to the pandemic was from the emergency managers within the districts, and the city has a gem of one, Paul Helmuth. She stated from the beginning he was without a doubt the first emergency manager amongst the 10 localities that delved deep into the Pandemic and really understood what was needed to forge a response. She stated Paul was deep into research and learning as much as he could about this novel pathogen and how to pull together

everyone to respond and protect the health of our community. She presented a Certificate of Appreciation from the Health District and stated this is really a small token given the endless and tireless work he has done for the past year and a half.

Mayor Reed thanked Dr. Kornegay and stated we could not have gotten through this pandemic, and still fighting it, without Mr. Helmuth. She thanked Paul for his service and all he has done and continues to do.

A video was presented for Mr. Helmuth with accolades from staff and community members.

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 presented. The motion carried with a recorded vote as follows:

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

No: 0

5.a. Minutes from the October 12, 2021 City Council meeting

These minutes were approved on the consent agenda

5.b. Consider a request from Park Apartments LLC and Faith Community Free Methodist Church to rezone +/- 11.02-acres at 200-294 Rocco Avenue and 1690 South Main Street

The rezoning request was approved on second reading.

5.c. Consider a supplemental appropriation for the Children's Services Act (CSA) in the amount of \$293,973.33

The supplemental appropriation was approved on second reading

6. Public Hearings

7. Regular Items

7.a. Consider a Resolution adopting the City of Harrisonburg, County of Rockingham and James Madison University Joint Emergency Operations Plan, 2021

Paul Helmuth, administrative officer, Harrisonburg Fire Department, thanked Council for the previous recognition but he couldn't have done it alone, the help with the Council, the County, Dr. Kornegay and staff was greatly needed.

He presented an update to the Emergency Operations Plan (EOP), it is a document that helps guide the city through large disasters, as a reference manual, it is a joint

plan, with Rockingham County being added in 2013 and JMU in 2017. He stated Emergency Management in Virginia is governed by the Virginia Disaster and Emergency laws, which states what we, as a locality, are allowed to do. He stated within these government powers we, as a locality, are responsible for disaster mitigation, preparedness, response, and recovery and this EOP helps guide us. He stated the director of our Emergency Management is our city manager and this EOP must be updated every four years, to make sure it is refreshed and remembered it is on the shelf. He reviewed some of the items in the EOP:

- Declaring a local emergency
- The Office of Emergency Services
- The EOP Organization
- The Basic Plan of the EOP
- Appendices
- Chain of Command
- Emergency Support Functions
- The Support / Incident Annex

He stated once we do after action reviews on the pandemic he imagines changes will be made again to the EOP. He stated once this is approved it will be sent to the State and it helps the city maintain funds coming from the state department.

Mayor Reed stated she remembered during the explosion she received multiple calls to help, what should be done with those requests.

Mr. Helmuth stated when they did the after-action review for that incident it was apparent that a number should have been provided to the community to call to assist/volunteer and will be for any future incidents.

Vice Mayor Romero asked what the procedure is when refreshing/reviewing the EOP and if there are any major changes to the EOP that Council should be made aware of. Mr. Helmuth stated staff went through the document page by page and nothing major was added to it, they updated names of individuals within the Office of Emergency Services, removed extra items that didn't need to be in the document, added a few mandated items from state regulations, but no major changes. This document was also reviewed by Rockingham County and JMU. Council Member Dent recalls the day of the explosion and our Emergency Communications Center (ECC) had one of the hardest days they ever had with receiving calls. She asked how it could be triangulated so that information on any future incidents is received by the public. Mr. Helmuth stated the initial call into ECC prompted the dispatch of emergency services.

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

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

No: 0

- 7.b.** Consider approval of participation in the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the “MOU”) and proposed opioid litigation settlements - McKesson, Cardinal Health, AmerisourceBergen, and Janssen Pharmaceuticals, Inc.

Chris Brown, city attorney, stated he requests Council to table this resolution until the November 9, 2021, meeting. He reviewed the resolution and noted a settlement had occurred a week or so ago, reviewed the shares of the settlement, noted certain contingencies. He stated the reason to table this item is because a Resolution of Memorandum of Understanding needs to be added to this agenda item.

This Resolution was tabled.

- 7.c.** Consider approving amendments to Title 4 Chapter 2, Article 5, Sections 4-2-76.1 through 4-2-80, related Transient Occupancy Tax, of the Code of Ordinances, City of Harrisonburg

Karen Rose, Commissioner of the Revenue, stated this year Senate Bill 1398 was introduced to address the problem of online travel agencies not paying the full sales tax and transient occupancy tax on transactions, such as Expedia, VRBO, Kayak etc., and noted Airbnb is not included. She stated this was triggered by online travel agencies basing these taxes on the discounted rate agreed upon with the accommodations provider, rather than the full rate paid by the person booking the accommodations. She reviewed the changes to the ordinance, and noted these changes are required to comply with the new state law.

Council Member Dent asked why Airbnb is not included in these changes. Ms. Rose stated Airbnb stated the responsibility of collecting the correct taxes are on the host of the accommodations not the online platform. She stated it is a work in progress.

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

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

No: 0

- 7.d.** Presentation of the American Rescue Plan Act (ARPA)

Eric Campbell, city manager, presented an overview of the American Rescue Plan Act (ARPA) to include:

- Virginia ARPA Funds
- ARPA Coronavirus State and Local Fiscal Recovery Fund allocations and timeline

- ARPA Funding objectives
- Permitted Uses
- US Treasury Interim Final Rule: COVID-19 Response
- US Treasury Interim Final Rule: Essential Workers
- US Treasury Interim Final Rule: Government Services
- US Treasury Interim Final Rule: Water, Sewer and Broadband
- US Treasury Interim Final Rule: Disproportionately Impacted Groups
- Qualified Census Tracts in the City
- Reporting and Accountability

He stated the federal legislation created buckets of resources and funding, and as we address our local funding, we need to make sure we are not duplicating efforts because there are various other resources that are available directly from the federal government as well as from state government. He stated as we review the allocation for the city it is important to keep in mind that other groups may be identifying areas that we may feel are important and we must make sure we do not duplicate efforts.

Mayor Reed asked for the amount of funding the County received. Mr. Propst, finance director, stated it was less than the city got but exact amount can be provided to Council if needed.

He stated it is rare we get this level of funding from the federal government and with the required oversight he is recommending that a position for a full-time temporary grant funded in the finance department to administer the ARPA Grant for the city and serve as the expert on the area and compliance and reporting on the ARPA funding be created. He stated this position would also be responsible for preparing the periodic financial and non-financial data to ensure compliance with the US Treasury to make sure we stay in compliance but also research and review recommended opportunities for other external funding under all the ARPA categories and realms that are available. He stated other localities around the country have decided to use grant funding to fund positions because of the reporting requirements. He stated the position will exist as long as the funding is available, and the need is there.

He stated guidance will be needed from City Council on how it wishes to develop its own spending plan and highlighted some community engagement approaches. He stated it is the recommendation of City staff for City Council to:

- Schedule a work session to discuss ARPA in more detail and review proposed City projects;
- Commit the first allocation of ARPA funds for City projects; and,
- Develop a community engagement process to help inform a spending plan for the second allocation toward eligible community-focused projects and programs.

Vice Mayor Romero asked for the amount of funding to be expected by the state. Mr.

Campbell stated the state funding is a totally different pot from the federal government funding, and they will be distributing the funds according to the Virginia ARPA Funds chart in the presentation, some will be distributed via grants in which a locality must apply for, some is through the budget process, the city as applied for different categories of funding, but we will not know a total amount of funding available to the city specifically.

Mayor Reed stated for Council to make clear strategic decisions about how these funds will be spent we will need to know what other departments are applying for to avoid duplication of efforts and funding requests. She asked if a clear idea of what others are getting and what they are using it for. Mr. Campbell stated the city has its own project list which will be shared with Council prior to any work sessions, but we are not sure when the Commonwealth will begin to release different aspects of the funding, but the list of priorities may be fluid if funding is found in other resources. Discussion took place regarding broadband and how the school system may be working on that with their funding.

Council Member Jones proposed work sessions be done on November 16 and November 30 and forego the November 23rd regular Council meeting. He stated the ARPA funding discussion and planning should get the attention it deserves, and two work sessions should be scheduled.

Vice Mayor Romero agreed with Council Member Jones and the second work session can always be cancelled if not needed. Council Member Hirschmann stated there is a virtual NLC Conference on the November 16, 2021. Council Member Jones stated the courses are during the day for that conference.

A motion was made by Council Member Jones, seconded by Vice Mayor Romero, to suspend the November 23, 2021, regularly scheduled meeting in lieu of two proposed work sessions on November 16, 2021, and November 30, 2021, at 7pm to discuss ARPA funding. The motion carried with a unanimous voice vote.

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

No: 0

8. Special Event Application Requests

- 8.a.** Consider the special event application request for The Rocktown Turkey Trot on Thursday, November 25, 2021.

Matt Little, recreation and special events manager, Parks and Recreation, thanked Mayor Reed for attending the official kick off of the Parks and Recreation Society, there was a great turn out and many stated they will be coming back to Harrisonburg to visit.

He presented a special event application request for the 7th Annual Rocktown Turkey Trot on November 25, 2021, and Main Street will be closed from Martin Luther King

Jr., Way to Gay Street, the southbound left lane on Liberty Street will be closed from Gay Street to Grattan Street and Court Square will be closed between 7:00 am and noon. He stated the assistance of Public Works, and the Harrisonburg Police Department is requested, the estimated cost will be between \$4,000.

Council Member Jones stated this was a well-managed event in 2020.

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)

Harvey Yoder, stated he has worked in the city most of his adult life and is now a resident of the city. He stated he has appreciated the time and interest Council has shown on the issue of reducing incarceration. He spoke on the old jail at 60 Graham Street that had about 70 beds in the 1960's, but by 1995 the facility became crowded, and the inmates were moved to the present jail. He stated today we are housing over 500 inmates at the local jail and at Middle River Regional Jail (MRRJ). He references best practices for healthcare done by the new hospital increasing in size but not in beds practicing more preventative care and more outpatient services and shorter hospital stays. He stated applying this practice to our criminal justice planning, we should be able to think of prevention, outpatient services and using jail and prison stays as only necessary for the well-being and safety of the community but keeping them connected to their families, the community, and jobs. He stated he would like to see this community be a model for other communities to follow.

Bucky Berry, spoke on the Harrisonburg Police Department, stated he is aware they are 12-13 officers down, one went to Bridgewater and his starting salary at \$50,000 plus, when the salary in the city is at \$38,000. He stated if our city police officers don't start getting paid more, we will lose more. He stated the talk of defunding the police puts a bad taste in police officer's mouths

Panayotis "Poti" Giannakouros, stated ministers and other heads of delegations from around the world met in China on the occasion of the United Nations Biodiversity Conference recalling the relevance of the 2050 vision for Biodiversity "Living in Harmony with Nature". He stated with our city's recent declarations this applies to us. He stated the resolution at the conference calls for many countries to protect and conserve 30% of land and sea areas through well connected systems of protected areas and other effective area-based conservation by 2030. He stated that would be our golf course which could be seated into Civilian Conservation Corp projects with ARPA funds connected throughout the city by naturalized yards. He reviewed other items on the conference resolution and related it to our Community Development department, the tall grass and weed ordinance and zoning rewrites. He spoke on the city's housing study and how it effects the community, spoke on the John Burch Society, the National Right to Work Committee, the city's bicycle ordinance and the

city attorney.

9.b. City Council and Staff

Council Member Jones stated the city received state recognition and funding from the 2022 Virginia Statewide Business District Resurgence Grant for two local initiatives, Bricks and Clicks and B-cubed. He stated B-Cubed program for black and brown business growth and started out as a response to the pandemic in collaboration with the city's Economic Development Department, the Harrisonburg-Rockingham Chamber of Commerce, and others because the recovery rate of black and brown owned businesses is three times less likely than most. He stated the Bricks and Clicks Program thru the Harrisonburg Downtown Renaissance (HDR) program helps downtown entrepreneurs. He stated there are resources now to help the businesses in the city and urges them to stay in touch with the Chamber of Commerce, HDR, Economic Development, the Small Business Development Center and himself. He stated JMU has been helping as well.

Council Member Jones asked Council to formerly ask staff to truly look at how we can change and upgrade our delivery system for video of meetings. He stated there have been too many technical errors, perhaps we can investigate better video quality, broadcast options, high-definition options, more accessibility, etc. Mayor Reed agreed and stated now there are more people watching from home via tv or online and she is always getting complaints on the quality. She stated there are more meetings streamed, not only City Council, but others such as the City School Liaison Committee. Council Member Jones stated he appreciates those watching from home, staying safe, avoiding transmission of COVID or flu or any illness. Eric Campbell, city manager, stated staff is working on the issues and contacted Comcast for a HD channel. Further discussion took place regarding making quality feeds via different avenues available, so it is accessible to all.

Council Member Dent stated she attended the virtual Virginia Clean Energy Summit and learned a lot through their workshops and made some good connections. She stated one session was called "The best of all possible worlds, what Virginia is doing well and What Virginia could do better", and through that she connected with a representative through the National League of Cities (NLC) who is working in the consortium to promote "SolSmart", there is a new program directed by Jennifer Granholm, secretary of the Department of Energy, to bring on 60 new communities as SolSmart designations in the next sixth months. She stated she met with Nick Kasza from the NLC about that program along with several from the EPSAC Energy committee and they are exploring how we might pursue the SolSmart designation, there are three levels, and we might already be classified in one of those levels with what we have done in the city. Mr. Kasza offered to look at our new zoning ordinance as we are in the process of rewriting it, to get credit from SolSmart from what we are already doing and perhaps get action steps to do next to broaden the access to

renewable energy in the community, especially since residential and commercial seems to be using most of the energy in the city. The SolSmart program can give us guidance on how to get broader acceptance. She stated she will be talking more on that at the EPSAC meeting on October 27, 2021, at 5pm. She stated she attended a webinar on electric school buses that the director of Transportation pointed her to, and there is great opportunity for funding she would like to explore with him. She stated the City Council Housing Summit was great and there will be a community housing summit hosted by JMU on October 30, 2021, from 10am to 3pm at the Madison Union with several panels to learn more on housing and provide input.

Council Member Hirschmann reminded everyone that this weekend is Halloween, there will be little people out trick or treating so please be careful while driving.

Vice Mayor Romero thanked staff for putting on a good housing summit, he learned a lot. He stated 3 years ago when he was elected a gentleman contacted him to start a campaign on driving with a cell phone in hand, now it is against the law, but still hasn't solved the issue, and perhaps Council can think further on this. He stated he is concerned about the lack of technology to access to public meetings, his sister was unable to watch it because she didn't have cable or internet. He stated the need for city wide broadband is there and perhaps with ARPA funding we can make that available to all.

Mayor Reed stated more people are watching, and if we are going to be a city for all we need to make sure everyone has remote access to the public meetings.

Mayor Reed stated COVID-19 booster shots are now available, she listed some of the locations and dates to obtain a booster. She stated on October 30th, 2021, at 10:00 am she will be doing the Mayor's Bike Ride with Kyle Lawrence and the Harrisonburg Fire Department's bike team, it will start at City Hall, and anyone who attends can dress in costume if desired. She announced that on October 28, 2021, a national event known as Lights on After School, which is an event to celebrate afterschool programs, will be recognized. She stated it will virtual, but some of the buildings in the city that house afterschool programs will be lit in blue at 7:00 pm.

10. Boards and Commissions

10.a. Harrisonburg Redevelopment and Housing Authority

A motion was made by Council Member Jones, seconded by Council Member Hirschmann, to reappoint Guillermo (Gill) Colman to a first full term to expire on 11/29/2025. The motion carried with a unanimous voice vote.

10.b. Economic Development Authority

Mayor Reed stated under advisement from the city attorney, this appointment will be tabled until the November 9, 2021, meeting. Council Member Jones asked if we will be conferring with the Economic Development department about getting additional

applicants. Chris Brown, city attorney, stated yes and that he did not realize until recently that the current applicant is a city employee and there may be conflicts of interest.

Council Member Jones stated he would like to talk to the Harrisonburg-Rockingham County Chamber of Commerce and the city’s Economic development team see if other applicants can be obtained that has the business acumen needed.

The Economic Development Authority has had a vacancy on the board for some time. The city clerk has received an application of interest, and if appointed will serve out an unexpired term to expire on July 23, 2023. No other applications are on file.

11. Closed Session

12. Adjournment

At 8:44 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR