



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, August 27, 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, Deputy City Manager Amy Snider, City Attorney Chris Brown, Chief Matthew Tobia and Deputy Police Chief Rod Pollard

2. Invocation

Council Member Robinson offered the invocation.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

4. Special Recognition

4.a. Recognition of Lt. Erin Stehle, for the Harrisonburg Fire Department's Pizza Night event,

Chief Tobia recognized Lt. Erin Stehle for her leadership of Pizza Night 2024 and its great success. Chief Tobia reviewed the data on the number of households positively impacted the the event. Chief Tobia shared about Lt. Stehle's significant role in community risk reduction, as well as inspiring young women through Camp L.I.T.

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 Council Member Robinson, that the consent agenda be approved. 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

5.a. Minutes from the August 13, 2024 City Council meeting.

These minutes were approved.

5.b. Consider a supplemental appropriation in the amount of \$200,000 for the General

Fund

This supplemental appropriation was approved on second reading.

This Supplemental Appropriation was approved on second reading.

- 5.c.** Consider a supplemental appropriation for the Harrisonburg City School Board.

This supplemental appropriation was approved on second reading.

This Supplemental Appropriation was approved on second reading.

- 5.d.** Consider combining provisions of existing ordinances into a Combined Erosion Control and Stormwater Management Ordinance

This ordinance was approved on second reading.

This Ordinance amendment was approved on second reading.

6. Public Hearings

7. Regular Items

- 7.a.** Amendments to the 2024 CDBG Action Plan

Kristin McCombe, Community Development Block Grant Program manager, presented the request to amend the 2024 Action Plan to reallocate funds from the Suitcase Clinic to the 2024 Homeless Services Center Medical Clinic project in the amount of \$10,000, and to the Homeless Services Center Guest Areas project in the amount of \$10,189. She stated the 30 day public comment period ended on August 26, 2024.

A motion was made by Vice-Mayor Dent, seconded by Council Member Fleming, that the amendments to the 2024 CDBG Action Plan be approved. 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.b.** Harrison House Project and Virginia 250 Preservation Fund Grant

Ande Banks, City Manager, provided background on the Harrison House project, the partnership with Asbury Methodist Church and the Margaret Grattan Weaver Foundation, and the archaeological and other research completed on the site that led to the discovery it was not the home of Thomas Harrison. He shared about the broader opportunities this discovery affords to education people about the larger history of the community and the African American community as part of this project. He shared there is a grant City staff was made aware of by Dr. Carole Nash, a James

Madison University professor who has been involved in this project. Tom Hartman and Luke Morgan then presented on the Harrison House project and a Virginia 250 Preservation Fund grant to support the project. Mr. Morgan reviewed the grants timeline, deadline, eligibility, grant conditions, measurable public benefit, and eligible costs. Mr. Hartman reviewed the architectural drawings for the Harrison House. He shared the City has been working with Frazier Associates to create a design to increase access to the outside of structure. He stated this would include a demolition of a small portion of the Hall House to add in a terrace area to be able to see all sides of the Harrison House. Mr. Hartman stated the grant funds have a 2025 expenditure deadline. Mr. Hartman stated we have \$500,000 of City funds, \$500,000 of Margaret Grattan Weaver Foundation funds, and would apply for \$3 million of Virginia 250 Preservation Funds.

Council Member Fleming asked about the match. Mr. Hartman said \$1 million is the needed match.

Council Member Jones asked Dr. Nash if she has found any additional information about the African American individuals who resided at the house. Dr. Nash stated the Hall family had enslaved African American individuals, and it was used as an Inn associated with the Valley turnpike and then later used as extension of the Hall House as housing for enslaved African American individuals. Council Member Jones asked whether there is a connection to the plantations in the Harrisonburg area. Dr. Nash said there were multiple African American communities, many of the downtown African Americans were emancipated when the Methodist Church was established, and a free black community was established on what is now High Street and West Market Street. Council Member Jones asked Dr. Nash about Bishop Love's family, and particularly his father who was a Methodist preacher, who may have been part of the generation alive during the Harrison House's occupancy.

Vice-Mayor Dent commented on liking the architectural design and how it tells the story.

No action required

This Presentation was received and filed.

7.c. Presentation from Our Community Place

Matt Tibbles, Executive Director of Our Community Place, presented on Our Community Place's mission and client data for June, July, and August 2024.

Council Members asked questions about the hours of operations and the number of people using the services who are from Harrisonburg.

This Presentation was received and filed.

7.d. Presentation on Developing Affordable Housing on City-Owned Land

Liz Webb, housing coordinator, presented on using City-owned land for affordable housing. She reviewed why City-owned land should be used for affordable housing, the definition of affordable housing, and what sites are being considered for affordable housing use. She shared the process to evaluate whether a site may be suitable for housing development. She reviewed the Neff Avenue site considered for use for affordable housing and proposed using a PPEA structure to solicit proposals for projects from housing developers.

Ms. Webb then reviewed the Central Avenue site considered for affordable housing use and shared staff's recommendation to further explore this site for a possible community land trust. Vice Mayor Dent asked about flooding on the Central Avenue site, and Ms. Webb shared the land at the rear of the property would not be developed.

Ms. Webb then shared about other smaller sites under consideration and a proposal for City staff to publicly advertise these properties and offer these at a discounted cost for sale of these properties if there is an affordable housing use.

Vice-Mayor Dent spoke on government funding having strings attached because of the policy decisions it is supporting.

City Council supported Ms. Webb proceeding with releasing a PPEA and exploring uses of other public land for affordable housing.

Vice Mayor Dent asked why Neff is prioritized before Central. Ms. Webb stated the land constraints on Neff and its ability to access LITHC makes it clearer what could be built there, whereas Central Avenue has many possibilities and City staff wants to evaluate all the options to present the best one to City Council. Council Member Jones shared about many builders coming to Council Members with interest in Central Avenue. Ms. Webb stated Central Avenue presents an opportunity to look at how best to fit a need in our market.

Council Member Fleming stated he supports the idea of soliciting proposals to see what possibilities there are and he spoke on an underfunded state program to support site development and the focus on this by Virginia First Cities. He stated affordable housing will not happen without public funding, and this is a good first step.

Chris Brown, City Attorney, informed City Council that City staff will be bringing a proposal to Council to sell some other smaller remnant properties not suitable for housing to get these back on the tax rolls and out of the City's ownership.

This Presentation was received and filed.

- 7.e. Consider approving the Harrisonburg Redevelopment & Housing Authority (HRHA)'s ARPA funded loan be converted to a grant.

Ms. Webb shared City staff's concerns that allowing HRHA to revise their requested funding structure after the competitive process could appear unfair to other applicants who were not given an opportunity for reconsideration. She then shared that if the City converts to a grant it will lose the opportunity to receive the loan interest proceeds of \$39,000 per year that was planned to be used for housing activities and serve as seed money for an ongoing housing fund. She stated that others investors in the project, like Virginia's Department of Housing and Community Development, are not converting their loans into grants. Ms. Webb stated these are the reasons City staff recommends maintaining the award as a loan.

Mayor Reed asked City Attorney Brown if there any legal concerns about changing of the award? Mr. Brown stated no, that under the ARPA rules, we're entitled to make a loan.

There was Council discussion about fairness to other applicants, about going back and looking at other funders who also may have had changed circumstances, and about the timeframe for use of ARPA funds.

Michael Wong, Executive Director of HRHA, spoke about the importance of Commerce Village to serve the most vulnerable in our community, sharing that eight of the units designated for veterans and the other eight units for those needing supportive services. He said HRHA has successfully received funding from the federal level through Congressionally Direct Spending and on the state level. He said this project is a partnership on the national state, and local level to address affordable housing. He stated due to reduced funding from the City and other sources that there is a \$500,000 funding gap, and that paying the City interest on its loan will cause HRHA to run a deficit which would require reduction in staffing or salaries or deferral of maintenance. For these reasons, he is requesting conversion of the loan to a grant and for the funding to be provided upfront, and this would allow the project to move forward. He said they are finalizing the environmental review and boundary adjustment and then can move forward with site work.

Mayor Reed asked him if this project will move forward without the conversion to a grant. Mr. Wong stated they will be challenged, but will figure out how to make it work.

There was discussion among Council about liking the project, but concerns about

fairness, about overriding a process created by City staff to solicit and evaluate applications, and about liking the loan interest payments as use for other affordable housing.

There was further discussion between City Council and the City Attorney about the feasibility of allowing a deferral of payments or a forgiveness of the loan at a later point.

Discussion continued about reasons City Council Members did and did not support a conversion.

After further discussion, City Council decided to not allow for the conversion of the loan to a grant.

No action required

This Action Item was received and filed.

- 7.f.** Consider referring to Planning Commission an amendment to Section 10-3-123 of the Harrisonburg City Code, to permit cash proffers

Chris Brown, city attorney, presented to City Council a proposal to refer to Planning Commissioners an ordinance to amend City Code Section 10-3-123 to allow for acceptance of cash proffers. Mr. Brown stated that State Code allows the City to do so, but current City Code prohibits it. Mr. Brown outlined that the proposed draft ordinance allows the City to accept cash proffers and to use the procedure set forth in Virginia Code Section 15.2303. Mr. Brown stated we are authorized under code Section 15.2-1898 and as of a few years ago were authorized to use 15.2303, and then there is another section of Virginia 15.2-2303.4, which applies to conditional zonings to any residential zoning in Virginia with strict standards as to when we can accept that. Mr. Brown advised that City Council can refer this to Planning Commission, allow them to examine it and provide a recommendation to City Council, at which time City Council can then accept or deny it.

Council Member Fleming stated this wouldn't require us to accept any, but would create the opportunity.

Mr. Brown stated any cash proffer acceptance would require an analysis to be performed.

City Council referred the item to Planning Commission.

A motion was made by Council Member Jones, seconded by Vice-Mayor Dent, that this Ordinance be referred to the Planning Commission. 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.g. Resolution to Name the City Facility at 1111 North Main Street, Harrisonburg, 'The Navigation Center'

Amy Snider, deputy city manager, presented a resolution to rename 1111 N. Main Street to The Navigation Center. She said a public comment period ended on August 24, 2024 at 9:00 a.m, and one comment was received in support of the name 'The Navigation Center,' one comment was received in opposition, and one comment was received suggesting it to be named 'Rivendell.' She invited the community to a public meeting on Saturday, August 30th at 9:45am to learn more about the operations of The Navigation Center.

There was discussion by City Council about its support for the project.

A motion was made by Council Member Jones, seconded by Council Member Robinson, that this Resolution be adopted. 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 Blacks Run Stream Restoration project

Ande Banks, city manager, presented a supplemental appropriation related to the Blacks Runs Stream Restoration project.

A motion was made by Vice-Mayor Dent, seconded by Council Member Robinson, that this Supplemental Appropriation be approved. 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

9. Reallocations

9.a. Consider a reallocation of funds in the ECC Capital Projects Fund

Ande Banks, city manager, presented a reallocation request in the FY 2025 budget ECC Capital Projects Fund from a currently closed project to a critical HVAC unit for ECC's floor of the Public Safety Building. This request will reallocate an additional \$50,000 to cover the estimated cost of this project.

A motion was made by Council Member Fleming, seconded by Council Member Robinson, that this Reallocation be approved. 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

9.b. Consider a reallocation of funds in the General Capital Projects Fund

Ande Banks, city manager, presented a reallocation request in the FY 2025 budget General Capital Projects Fund from a completed under budget project to the project to replace the restroom at Morrison Park. Funding in the amount of \$300,000 was provided in the adopted Fiscal Year 2025 budget for this project. This request will reallocate an additional \$20,000 to cover the estimated cost of this project.

A motion was made by Council Member Robinson, seconded by Vice Mayor Dent, that this Reallocation be approved. The motion carried with a recorded roll call vote taken as follows:

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)

Pat Hayden spoke about HRECC and concerns she has heard. Ms. Hayden said she does not know any details. She said it is her understanding HRECC is jointly managed by the City and the County, and she wanted to call it to the attention of City Council. She hopes the community will be told what will be done to resolve issues.

10.b. City Council and Staff

Councilman Jones shared about the barriers individuals face when seeking assistance with mental health and addiction and that he met with CARESolace about services they offer by contract to local governments to help residents to help connect with these services.

Councilwoman Robinson attended JMU Block Party and enjoyed being Downtown. She was on the radio show with Jim Britt and City Manager Ande Banks. She shared that people can come out to the African American Festival on September 14 to learn about the Community Connectors project at our booth.

Councilman Fleming attended Block Party. Councilman Fleming shared that he hopes we will continue to be able to secure Levitt AMP funding to sustain the concert series, and Harrisonburg was the #1 vote getter in the last process.

Mayor Reed attended Block Party. She also welcomed EMU orientation on Saturday. She spoke at the Women's Equality Day celebration in Richmond.

11. Boards and Commissions

11.a. Metropolitan Planning Organization Technical Advisory Committee (HRMPO/TAC)

Chris Brown, city attorney, shared that due to a resignation by Mr. Bill Blessing from TSAC, appointments were needed to fill his vacancy on HRMPO, and due to the retirement of Dan Rublee a replacement is needed for him on TAC.

A motion was made by Council Member Fleming, seconded by Council Member Jones, that Kyle Lawrence be appointed as the TSAC representative to the HRMPO and for James Polhamus, Transportation Planner with Public Works, to be appointed TAC alternate for Thanh Dang.. 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

12. Closed Session

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

Subsection 3 the discussion of the disposition of publicly held real estate; and
Subsection 7 for consultation with legal regarding specific legal matters requiring the provision of legal advice by such counsel

At 10:02 p.m., a motion was made by Council Member Jones, seconded by Council Member Fleming, to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: Subsection 3 the discussion of the disposition of publicly held real estate; and Subsection 7 for consultation with legal regarding specific legal matters requiring the provision of legal advice by such counsel. The motion carried with an unanimous voice vote.

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

No: 0

13. Adjournment

At 10:58 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 10:58 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR