



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Draft City Council

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Tuesday, September 28, 2021

7:00 PM

Council Chambers

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### 1. Roll Call

**Present:** 4 - Vice Mayor Sal Romero, Council Member Christopher B. Jones, Council Member George Hirschmann and Council Member Laura Dent

**Absent:** 1 - Mayor Deanna R. Reed

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

### 2. Invocation

Council Member Hirschmann offered the invocation.

### 3. Pledge of Allegiance

Vice Mayor Romero 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 Dent, seconded by Council Member Hirschmann, to approve the consent agenda as presented. The motion carried with a recorded vote as follows:

**Yes:** 4 - Vice Mayor Romero, Council Member Jones, Council Member Hirschmann and Council Member Dent

**No:** 0

**Absent:** 1 - Mayor Reed

#### 5.a. Minutes from the September 14, 2021 City Council meeting

These minutes were approved on the consent agenda

#### 5.b. Consider a request from PDY LLC to rezone a +/- 2.03-acre parcel located at the terminus of Suter Street

The rezoning request was approved on second reading

#### 5.c. Consider a request from Skylar & Talli, LLC for a rezoning to amend proffers for a +/-

5.44-acre property at 1051 & 1351 Peach Grove Avenue

**The rezoning request was approved on second reading**

- 5.d.** Consider a request from Cobbler's Valley Development Inc. to rezone a +/- 3.14-acre property at 601 Pear Street

**The rezoning request was approved on second reading**

- 5.e.** Consider amending and reenacting Section 10-3-30.1 Parking Lot Landscaping, of the Code of Ordinances, City of Harrisonburg, VA.

**The ordinance amendment and reenactment was approved on second reading**

- 5.f.** Consider approving an ordinance from Christopher and Susan Versen to close a portion of undeveloped right-of-way between Myers Avenue and Monticello Avenue

**The ordinance was approved on second reading.**

## **6. Public Hearings**

- 6.a.** Consider a supplemental appropriation for various purposes in the amount of \$179,049,945.20 for funds received from the Series 2021A&B General Obligation Bonds

Larry Propst, director of Finance, presented a supplemental appropriation in the amount of \$179M from the recent bond issue for the second high school and waterline project. He stated we had a successful bond sale on August 31, 2021, and part of this was a refinancing that was done. He stated this should be the last action to be made on this.

At 7:04 p.m., Vice Mayor Romero closed the regular session and called the first public hearings to order. A notice appeared in the Daily News-Record on Monday, September 20, 2021.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:05 p.m., and the regular session reconvened.

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

**Yes:** 3 - Vice Mayor Romero, Council Member Jones and Council Member Dent

**No:** 1 - Council Member Hirschmann

**Absent:** 1 - Mayor Reed

## **7. Regular Items**

- 7.a.** Presentation from Frank Sottaceti, Criminal Justice Planner

Frank Sottaceti, Criminal Justice Planner, stated the criminal justice system is made up of multiple prongs: enforcement, the judiciary, corrections, and all alternatives. He stated it is much more than just looking at the jail. He stated this presentation is in reference to crime and incarceration. He reviewed the 1986 to 2019 City and Rockingham County population growths, violent crime statistics, classification of charges of incarcerations, growth of incarcerations by jurisdiction from 2014 to 2021, and active inmates at Middle River Regional Jail (MRRJ) by locality. He noted the coding on conviction documents from the Courts determine the jurisdiction an incarceration is counted under and does not always accurately depict the correct jurisdiction between the City and Rockingham County.

Mr. Sottaceti addressed the issue with the Virginia Department of Corrections (DOC) not doing inmate transfers as required leading to overcrowding at MRRJ. He stated when this became public, the DOC transferred 33% of the DOC inmates in April and then another 6% on September 1st. He reviewed the breakdown of DOC inmates by jurisdiction that have been at MRRJ over 90 days and under 90 days and noted if the inmates housed at MRRJ over 90 days were transferred it would equate to an 11% decrease in population at MRRJ. He noted the cost associated with the DOC inmates to MRRJ versus what the state is paying. He reviewed the statistics on Marijuana/Cannabis citations and taken into custody from 2019 to current.

He stated a decision needs to be made as to what the tolerance of our community is for decriminalizing other offenses as that is where the fix is. He stated it will have to be done at the Commonwealth level, and there is work being done at the Crime Commission in Richmond.

Council Member Hirschmann stated Mr. Sottaceti seems encouraged by the crime statistics and asked what, besides reduction of severity of the crimes, can be done to facilitate the transfer of the DOC inmates. Mr. Sottaceti stated we need to advocate to the State level and compel them to follow the law and not the loophole in the budget language.

Council Member Dent stated that is exactly what was discussed at the Community Criminal Justice Board (CCJB) and the city attorney is working to create a strong resolution to make sure the loophole is closed and enforce the required transfers.

Chris Brown, city attorney, stated there is a loophole but it is important to remember the people that passed the law also passed the budget so in order to meet their legal obligations under the general law it could involve actually building another prison facility which funds may not be available. He stated we will still try to build some pressure on this.

Council Member Dent stated she has seen discussions in the news and social media about Mr. Sottaceti cherry picking the data and asked Mr. Sottaceti to respond. Mr. Sottaceti stated the data comes from systems that the city and county are required to

report to the federal authorities. He stated the data is from those systems and they are not from any analysis or study. He stated the labor shortages and pandemic do not affect these numbers.

Council Member Dent stated what she finds astounding is the comparison of the combination of the flat incarceration rate with the rise in violent crimes. She asked what the numbers are for the violent crime from 2014 to 2021. Mr. Sottaceti reviewed the statistics. Council Member Dent stated what she is extrapolating from this is that if violent crime is rising but the incarceration rate is flat, her interpretation would be that the diversion programs are working to keep people from incarceration. Mr. Sottaceti stated our community has a 3-1 ratio of people that are criminal justice involved that are not in jail, we have 21 alternative programs and are nationally recognized for our Crisis Intervention Team (CIT) programs. Council Member Dent stated we often look at other localities for what they are doing to solve any issues, maybe they should be looking at us on this issue. Further discussion took place regarding statistics nationwide.

Council Member Jones stated it is good for us to work on the resolution Council Member Dent and Mr. Brown mentioned, but there has yet to be a republican or a democrat who has come to get the folks that are incarcerated, and it's costing each and every one of us \$40 per day per person, and no politician can deny that. He stated a resolution may not be enough, but until we come together as a community, start picking up the phone, start sending emails, making the trips, and making a true ask nothing will change. He spoke further on the push to adhere to general law, the coincidence of DOC inmates being transferred after this issue became public, the loss of money every day due to the lack of transfers and tackle the issue with the expansion of MRRJ.

Vice Mayor Romero stated demographics are critical when receiving these statistics as it might help us understand why crime is growing, and he thinks we need to get to the bottom of why people are committing crimes. He stated he would like to learn more about the programs and resources we have available.

Council Member Dent asked members of the community to call their state representatives once the resolution has been passed by Council to back it up.

**This Presentation was received and filed.**

- 7.b.** Consider approval to resume utility disconnects November 1, 2021, allowing payment arrangement for utility arrears over a 9-month period.

Mike Collins, director of Public Utilities, stated during the pandemic the standard procedures for the billing department included significant strengths regarding outreach to our customers of their understanding and responsibilities of paying their bills, and the department has far exceeded any expectations in our ordinance and going above and beyond in trying to meet the city's expectations. Sherri Sherman, division director of utility billing, stated in March, 2020 Governor Northam place a

moratorium on disconnects of public utilities and lifted the moratorium in August, 2021. She reviewed the average annual arrears for 2019 through 2021, the funding received from the Virginia Department of Housing and Community Development, and noted 209 applications were received for use of these funds. She stated significant outreach was done by city departments. She reviewed the statistics of the payment arrangements made, complied to, and failed to comply. She reviewed the current ordinance, current procedures, and requested recommendations.

Council Member Jones asked if any funds from the American Rescues Plan Act (ARPA) might be used for these types of programs. Eric Campbell, city manager, stated they might but there also may be grants and funding from a state level as well.

Vice Mayor Romero asked if the people who aren't complying with payment arrangements are the same year after year. Ms. Sherman stated yes.

Council Member Jones stated this department has done a great job and thanked them for being so responsive.

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

**Yes:** 4 - Vice Mayor Romero, Council Member Jones, Council Member Hirschmann and Council Member Dent

**No:** 0

**Absent:** 1 - Mayor Reed

**7.c.** Consider approving an encroachment license agreement for 80 E Market St.

Chris Brown, city attorney, stated approximately 10 years ago the business located at 80 E. Market Street installed two awnings and under State Code permission and a building permit is required from the city. The owners were unaware of these requirements, they would like to clean up this issue and have applied for a building permit. He stated this encroachment agreement will allow them to maintain the awnings provided they carry insurance.

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

**Yes:** 4 - Vice Mayor Romero, Council Member Jones, Council Member Hirschmann and Council Member Dent

**No:** 0

**Absent:** 1 - Mayor Reed

**7.d.** Consider approval of State Performance Contract for Community Services Board

Chris Brown, city attorney, stated this is a contract between our Community Services Board (CSB) and the Virginia Department of Behavioral Health and Development

Services. He stated Ms. Ellen Harrison, executive director of CSB is present should anyone have any questions. He stated Council does this every two years, the state sends us funds to help fund the CSB along with the agreement.

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

**Yes:** 4 - Vice Mayor Romero, Council Member Jones, Council Member Hirschmann and Council Member Dent

**No:** 0

**Absent:** 1 - Mayor Reed

## 8. Reallocations

- 8.a. Consider a reallocation of funds for the Public Utilities Department in the amount of \$421,323

Larry Propst, director of Finance, stated when the budget was prepared this past spring the budget transferred \$800,000 into the Eastern Source Water Supply project with the intent to transfer funds back for the bond payment. He stated this is to reallocate \$421,323 from the Water Capital Projects Fund to the Water Fund.

**A motion was made by Council Member Hirschmann, seconded by Council Member Dent, to approve the request as presented. The motion carried with a unanimous voice vote.**

**Yes:** 4 - Vice Mayor Romero, Council Member Jones, Council Member Hirschmann and Council Member Dent

**No:** 0

**Absent:** 1 - Mayor Reed

## 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)**

Jisun Bae, Tiny Tang and Chunyan Wang presented information on the barbaric practice of forced organ harvesting of prisoners in China, including large numbers of Falun Gong practitioners. They stated the Chinese Communist Party (CCP) felt threatened by those practicing Falun Gong, although a non-political practice, and launched a massive persecution campaign that continues today. Ms. Chunyan Wang is a survivor of such persecution and during her incarceration, for a total of seven years, she endured physical and psychologic torture. They asked Council to adopt a resolution to educate residents and the medical community on the risks of traveling to China for organ transplant in light of state-sponsored organ harvesting from prisoners of conscience. They provided Council Members and the city manager with additional written information.

Rob Alexander, 977 S. Dogwood Drive, stated he wrote a letter to the Daily News-Record (DNR) about the Peach Grove development property decision, he stated it feels like and sounds like the planning and development decisions that are made that seem to contradict some of the plans such as the Comprehensive Plan, the Bicycle/Pedestrian Plan, paid consulting reports, advice and recommendations from some of the boards and committees for the city, and it is concerning. He stated he has two interpretations as a resident of the city: the interest in developers over the public forums, data, and evidence around the future of our community is troubling; the other is that there is an element of not fully reading or listening to the reports generated by commissions and staff, and a lack of strategic thinking by Council. He stated he is concerned regarding the sudden resignation of the city manager, it is a bad time to be without a city manager, we are still in a pandemic, and we have important services to deliver. He referenced Charlottesville and the change in city managers over the past four years, it takes a toll on the staff, creates a reputation that perhaps the Council is not friendly to city managers, and in our situation, our city manager came in with a strong reputation and hired as the best candidate, that there is a potential to be seen as another city that is not friendly to city managers.

Panayotis "Poti" Giannakouros, stated he received the results of the polls conducted by the consultants the city hired to study Heritage Oaks Golf Course. He stated these results were a mockery, he referenced the past warnings of vast costs for other projects. He reviewed his thoughts on the two studies done for the golf course, results of FOIA requests related to the golf course study, the polarized community, and how the studies seem so one sided.

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

Council Member Jones stated he appreciated the comments made by Mr. Alexander and stated this is not the forum to truly give a thorough answer and is willing to discuss on a more one on one.

Council Member Dent stated she is looking forward to discussing further with Mr. Alexander as well. She stated Saturday, October 2, 2021, the Rocktown Energy Festival will be held from 10:00 am to 3:30 pm, at the Turner Pavilion, and the Public Works Department will have a table as well as members of the Environmental Performance Standards Advisory Committee (EPSAC), for public information on the environment and renewable energy.

Eric Campbell, city manager, stated as Council is already aware, after careful thought and consideration, he determined the time has come to resign his position as city manager effective December 31, 2021. He stated facing the constant challenges in this position never posed the right time to make a leadership transition, however he is convinced that the Executive Leadership Team is poised and prepared to move this community forward during the transition. He stated collectively they exemplify professionalism and resilience in providing high quality services to the Harrisonburg

residents. He stated he extends a heart felt thank you to all the well wishes he has received from employees and community members since the official announcement. He stated it has been an honor to serve this wonderful community and work with the best public servants in the profession. He stated tonight is not goodbye, there is a lot of work to be done between now and his departure at the end of the year, he plans to face the next few months with the same passion and energy that he had when he accepted the position in January 2018. He stated this community has accomplished great things during his tenure as city manager, there is a Greek proverb which states "a society grows great when old men plants trees in whose shade they shall never sit", he will not see the full implementation of many things we started together but he is proud to have had the opportunity to be a part of them.

Vice Mayor Romero stated as Mr. Campbell stated, tonight is not goodbye, we still have three months of a lot of great things coming for the city and we will take an opportunity in a future Council meeting to express our gratitude to his professionalism and all the things he has helped accomplish in the city.

## 10. Boards and Commissions

### 10.a. Planning Commission

Council Member Jones stated since we have been very thorough how we appoint for the boards and commissions, he doesn't feel it would be fair to do it without the mayor in attendance, and requested this item be tabled.

**A motion was made by Council Member Jones, seconded by Council Member Hirschmann to table this item until the next City Council meeting. The motion carried with a recorded vote as follows:**

**Yes:** 4 - Vice Mayor Romero, Council Member Jones, Council Member Hirschmann and Council Member Dent

**No:** 0

**Absent:** 1 - Mayor Reed

## 11. Adjournment

At 8:40 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