



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, January 26, 2021

7:00 PM

Council Chambers/virtual

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. Presentation from Middle River Regional Jail

Jeffrey Newton, superintendent of Middle River Regional Jail, stated he will be covering the background of the Middle River Regional Jail (MRRJ), the administrative process for the expansion approval, the historical option view, the project scope, and the potential project. He reviewed the following:

1. Facility Overview, noting the current capacity is at 200%
2. Expansion Process Overview, which included a Needs Assessment and Planning Study, noting the needs assessment determined the need for 1,283 beds per day by 2029.
3. Next Steps, which included the Commonwealth's budget approval for expansion funding of 25%, approval of shape and size from the MRRJ Authority Board and guidance from the MRRJ Authority board of directors on financing
4. Options, noting the MRRJ Authority Board authorized submitting a Community Based Corrections Plan (CBCP) based on Option A, which was subsequently approved by the Board of Local and Regional Jails:
 - a. Option A - Renovations, Medical, Laundry, Warehouse/Maintenance, Mental Health beds and 400 new beds with the capacity for additional 400 beds in the future with limited construction at a cost of \$96,531,639
 - b. Option B- Renovation, Medical, Laundry, Warehouse/Maintenance,

Mental Health beds and 400 new beds with no capacity for additional 400 beds at a cost of \$58,441,761

- c. Option C - Renovation, Medical, Laundry, Warehouse/Maintenance, no Mental Health beds and 200 bed minimum custody beds and 200 community corrections beds with no capacity for additional 400 beds at a cost of \$40,033,233
5. Project Scope - Mr. Newton stated Moseley Architects and MRRJ staff revisited previously reviewed options with the MRRJA Board of Directors December 2, 2020 and after that meeting, it was clear that the original Option A submitted as part of the Community Based Corrections Plan was too large in scope. He stated MRRJ staff met with Moseley and changed how the potential project could be reduced in scope and the revised project options were presented to the MRRJA Finance Committee at a Special Meeting December 21, 2020. He stated a presentation of the revised project options was presented to the entire MRRJ Authority Board on January 7, 2021 focusing on key issues of renovations, community corrections, mental health, increase in minimum custody beds, warehouse, and maintenance.

Mr. Newton reviewed a schematic of the current facility, reviewed the recommended renovations which include a mental health unit, support services, community corrections, minimum custody beds, and warehouse space. He reviewed the costs assumptions, anticipated budget increase to the city and the proposed project schedule. He spoke on how criminal justice reform will be incorporated within this expansion.

Mayor Reed asked if MRRJ is housing inmates due to COVID-19. He stated some offenders are being housed, the agreement between MRRJ and local sheriff's and regional jail superintendents is that if a facility has a COVID-19 outbreak people are not moved. He stated this halted a lot of movement of offenders, the courts had been asked to delay the reporting of individuals that have been ordered to report to MRRJ's custody and not to move people back and forth for court, until the COVID-19 outbreak passed, however, the delay expires January 31, 2021. He stated this will only take out 10 or 15 offenders from MRRJ, the challenge is that one out of four offenders that need to the Department of Corrections (DOC), and they haven't been moving and reviewed the statistics of how many have moved to the DOC within the past year.

Council Member Dent asked who conducted the Needs Assessment Study. Mr. Newton stated Moseley Architects did the Needs Assessment Study. Council Member Dent stated those are the same people who won the bid to build the expansion. Mr. Newton stated Moseley Architects is the firm that was selected to do the Community Based Collections Plan, they may be retained as the architects for the project or they may not. LD stated it strikes her as a conflict of interest for an architect to do the Needs Study that wasn't a community based independent needs study of do

we really need this and what are the alternatives. She stated she would like to discuss that at a later date. She asked if one out of 4 offenders are due to transfer to DOC, does the Virginia Commonwealth cover the cost of the offenders destined for the DOC. Mr. Newton stated for a state responsible inmate MRRJ receives \$4 a day, when the individual qualifies for transfer to the DOC MRRJ gets \$12 a day, but it costs roughly \$56 a day to house an offender at MRRJ. LD stated that means we are paying approximately \$10,000 a day for people that should be moved to DOC, they are taking space we don't have and money we don't have. She asked if there are inmates that are unable to pay fees, child support or other miscellaneous fees. Mr. Newton stated if they are placed in MRRJ's custody by the court, yes. She stated the Supreme Court has ruled debtors' prisons unconstitutional and for those that are incarcerated for the inability to pay creates collateral damage. She stated work release would be a much better solution to those types of offenders. She stated to be fair she knows this is not Mr. Newton's fault, it's what the court places, the reform needs to go more upstream in the criminal justice system so that we are not incarcerating people to MRRJ but solving the problem upstream. DR stated that is a great point, if we are going to put money into something it should be putting it into our community so that we can invest our money into programs that do just that.

Council Member Jones stated he appreciated the presentation and thanked Mr. Newton. He stated roughly 14% of MRRJ's inmates are from the city but we are expected to pay 20% towards the new expansion so the struggle he has with the participation in this expansion for the city is that we aren't using our share of the 20% capacity and feels we should really be paying in at a discount. He asked if the MRRJ Authority Board would consider looking at this issue, and why aren't we petitioning the DOC and our governmental representatives aggressively for being responsible for the majority of overcrowding in the facility and to rectify that. He stated he doesn't understand why we are allowing law enforcement, the Magistrate, the Commonwealth Attorney's office, the Courts to keep filling up our jails when they say they are fiscally conservative. (*technical difficulty in audio feed*)... he stated he isn't hearing the push to our elected officials who work for us to say our communities can't afford this, it just doesn't add up. He stated people want and need the services and he isn't debating what needs to happen, but he does know a reduction of offenders housed in the jail would reduce the need for some of the reasons for the expansion. He asked what the operating capacity is at MRRJ. Mr. Newton stated they really don't have an operating capacity at MRRJ as we do not have the authority to say they are full and cannot take any more offenders. He stated COVID changed their reality, they are not able to isolate offenders for a long enough time when coming in to ensure or at least improve and lessen the likelihood of the virus entering into the facility. He stated the advocacy for movement of offenders to the DOC is not a new problem, this is a historic problem, the director of Corrections has absolute authority by budget language from the Commonwealth to determine who and when an offender enters state custody in the DOC. He stated we can advocate all we want, but in his

experience at two of the jails he has supervised there are usually 130 - 275 offenders always eligible for movement to the DOC, and across the Commonwealth today there are over 7,000 offenders waiting for movement to the DOC. He stated they have aggressively engaged the legislative delegation in correspondence and in phone calls advocating for their influence on the DOC. He stated he believes that is why MRRJ has been able to move 56 people, other regional jails have moved none in the last nine months. He agrees with Council Member Jones, we shouldn't be housing all these offenders in the local jail because they cannot get access to the programming they need. He stated this is a problem that has been around for years and no solution has been developed, it is impacting the inmates at MRRJ. He stated there has to be some statutory change that drives the DOC to move the offenders. Council Member Jones stated there should be more relief on both ends, in addition to what has all been done, more needs to be done. He stated we must talk to our local law enforcement, Magistrates office, the Commonwealth Attorney's office and the Counsel for the courts to find out why non-violent individuals are being locked up as well. Perhaps that would relieve pressures on both ends and we wouldn't have to go spend 1.2M in debt. He stated this could mean a three-cent increase to our taxpayers.

Vice Mayor Romero thanked Mr. Newton, and stated from what he understood of the presentation, there would not be enough beds by 2029 with the expansion. He stated he agrees fully with Council Members Dent and Jones, but it seems that the reality is that we are going to be increasing the need for spaces for people to be in jail. He stated it seems as if we accept the outcome, but are the current programs, structures and supports being effective, and if not, what is being done to increase the effectiveness. He asked what the rate of recidivism was, and he wants to know more deeply why we have the numbers of offenders we have. He stated there is a community outcry against this expansion. He stated he looks forward to hearing the presentation from the Criminal Justice Planner which will help us move forward with more creative, reasonable, kind and justice solutions.

Council Member Hirschmann, stated there is a lot of great observation, comments and concerns from the other council members, it bothers him through all this is that we need more space for future residents as opposed to space for rehabilitation, getting people back out into the workforce, which is critical. He stated Page County jail systems have systems in place strictly geared towards rehabilitation. He stated there is a lot to think about based on what we are spending and what we aren't getting and he thinks the more important thing to do would be to reach out to the state level to motivate them to make changes.

Mayor Reed stated she appreciates the presentation and thanked him for speaking to Council. Mr. Newton stated he likes talking about the issues and the challenges and the only way to solve problems is to engage in heartfelt discussion about the reality of

the criminal justice system and its failures. He stated much of the additional space is designed to create programming to get people back to work. He reviewed the past three-year capacity rates and stated they cannot continue to operate at such a high capacity and properly serve appropriately the citizens of the communities.

Mayor Reed stated we know we have a broken system and we need to invest in our community and programs, and perhaps that is where we can start instead of creating more beds in the regional jail.

This Presentation was received and filed.

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:

5.a. Minutes from the January 12, 2021 City Council Meeting

Council Member Dent asked for an amendment to the minutes - Agenda item 6d paragraph 3 should read as follows:

Council Member Dent questioned the 40-year provision, as Council passed the renewable energy resolution, and in closer reading of the resolution 100 % clean renewable energy within Harrisonburg's electricity sector by 2035 and by 2050 within all sectors including transportation and heating. If this fossil fuel franchise is approved for the 40 years, fossil fuel will have worn out its welcome by 11 years. Mr. Brown stated he can contact Columbia Gas to see if a shorter time frame of the agreement can be acceptable to Columbia Gas.

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

5.b. Consider a supplemental appropriation for the Police Department in the amount of \$12,645

This supplemental appropriation request was approved on second reading

6. Public Hearings

6.a. Public Hearing to Consider 2021-2022 CDBG Funding Priorities

Ande Banks, deputy city manager, stated this is one of two required public hearings and the first public is usually used to reacquaint City Council and the community with the Community Development Block Grant (CDBG). He stated the CDBG program is a flexible program that provides communities with resources to address a wide range

of unique community needs. He stated it provides annual grants on a formula basis to 1209 general units of local governments and states. He stated the funds must be used for activities that benefit low- and moderate-income persons and in addition, each activity must meet one of the following national objectives for the program:

- Benefits low- and moderate-income person
- Prevention or elimination of slums or blight
- Address community development needs having particular urgency because of existing conditions cause a serious immediate threat to the health or welfare of the community.

He stated this program is federal funded through the United States Department of Housing and Urban Development (HUD), and the city receives an annual allocation that is then distributed to eligible projects within the city. He reviewed the CDBG allocations received from HUD since 2013 and noted they anticipate similar funding amounts this year. He stated the city completed a five-year strategic plan in 2017 as required by HUD, and identified five-year goals that must be met as follows:

- Improve access to quality of housing
- Provide public services
- Improve public facilities and infrastructure
- Pursue improved utility and public transit
- Provide administration, training, investigation, and enforcement.

He reviewed the tentative schedule for the 2020-2021 CDBG Program, noting the grant application deadline is February 25, 2021. He noted comments and proposals may be submitted to Kristin McCombe, Harrisonburg CDBG Coordinator, and provided her contact information.

Council Member Dent invited all the community service organization to apply for these funds as federal grants helps bring resources into the community.

Vice Mayor Romero asked if the funds that come in will be the same amount as last year. Mr. Banks stated it is anticipated to be the same but will not know until the allocations are determined by Congress.

At 8:16 p.m., Mayor Reed closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Monday, Monday, January 11, 2021.

Pamayotis "Poti" Giannakaouros, stated he has repeatedly stated the requirements needed for the city to qualify for CDBG funds, and that requirement includes our city be making progress against segregation. He stated we have routinely failed at this and hopes the new HUD administration will be more proactive into looking at the impact and taking action to help localities come into compliance. He stated, we are very segregated at the neighborhood level than the required annual reports suggest. He stated it was even more apparent due to the morbidity rate due to COVID 19. He

stated we need to roll back exclusionary practices in land use, zoning, and ordinances. He stated these are easy to do, we claim we are fiscally conservative, yet we pay an entire set of staff, the enforcement staff in Planning and Zoning, to impose exclusionary practices. He stated in the midst of our COVID crisis they acted on nearly 100 complaints of petty ordinances. He stated this type of activity alienates a specific participation of our residents. He stated Council should follow the examples put in place by leaders of other localities, and the very simple one would be to rescind the tall grass and weed ordinance. He spoke further on credibility, alienation, and trust and asked Council to do it for the health of our community.

At 9:21 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

No action required

This Public Hearing - No Action was received and filed.

- 6.b.** Consider approving a lease for nine parking spaces between 50 North Main Street and 90 North Main Street to Longacre Investments, LLC.

Chris Brown, city attorney, stated since 2000 the city has leased nine parking spots to the owner of 90 North Main Street for use of the businesses in that location. He stated last year the building was sold and the purchaser is requesting a continuation of the lease. He reviewed the lease terms and stated staff recommends approval and the director of Economic Development.

Vice Mayor Romero asked if this was common practice and if there are more leases within the city. Mr. Brown stated there are a few lease agreements for parking within the city. Vice Mayor Romero asked if any of the surrounding businesses or organizations had any concerns. Mr. Brown stated there is one letter of concern but not sure if or how the resident is connected to this parking lot.

At 8:25 p.m., Mayor Reed closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Saturday, January 16, 2021

There being no one desiring to be heard, Mayor Reed closed the public hearing at 8:25 p.m., and the regular session reconvened.

A motion was made by Council Member Hirschmann, 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. Regular Items

7.a. Consider adopting an ordinance renewing Columbia Gas of Virginia, Inc.'s franchise

Chris Brown, city attorney, stated he revisited with Columbia Gas regarding Council's concerns and request at the last Council meeting on January 12, 2021 regarding limiting the term. He stated Columbia Gas is willing to limit the term of the franchise agreement to expire 2050. He stated hopefully before then we will have some clarity as to where the city, state and country are heading as far as energy use.

Council Member Dent thanked Mr. Brown for getting that revision and noted that if there is any legislation that forbids further construction of fossil fuel infrastructure it would override the lease.

A motion was made by Council Member Dent, seconded by Council Member Hirschmann, to adopt the amended 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.b. Consider adopting a resolution appointing Ms. Thanh Dang as the Interim Zoning Administrator for the City of Harrisonburg

Chris Brown, city attorney, stated the zoning administrator, Rachel Drescher, resigned, the Community Development director will start a search for a new zoning administrator, and in the meantime it is recommended that Thanh Dang be appointed as interim Zoning Administrator for the city.

A motion was made by Council Member Hirschmann, seconded by Council Member Dent, to approve 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

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)

Pamayotis "Poti" Giannakaouros, stated as secretary of the Martin Luther King, Jr. Way Coalition he wanted to say that Peoples Day was a success and a remembrance of Mr. Stan Maclin who initiated the street renaming. He spoke about comments that he was not able to make at the last Council meeting but that he had shared with Council Member Dent regarding the Columbia Gas franchise agreement regarding his suggestion to not trust the position of the city attorney, Chris Brown, on

this matter, as it sounded as if Mr. Brown was advocating for the applicant rather than the city at the January 12, 2021 meeting. He stated his suggestion was to put in the agreement that no new infrastructure be installed, he referred to other localities and their agreements, the exercise of free speech and the suppression of it.

Bucky Berry, 30 W Washington Street, stated the cost of supplies to build the new high school is increasing and will be a big tax burden on the tax payors. He spoke on the success of his recent food drive, the radio system for the police department, trash pick-up, the city debt, tax increases, COVID19, and public safety.

8.b. City Council and Staff

Council Member Jones stated it sounds as if all the Council Members stand united in when it comes to halting and questioning what is happening with the jail expansion project, and we all brought in different points, and he appreciated that. He stated today is the one-year anniversary of the passing of Kobe Bryant, and his death along with the pandemic seemed to trigger a lot of sad events throughout 2020 and asked everyone to spread something good, life is still going on and is tough. He thanked staff for all they have done through 2020 and continue to do

Council Member Dent stated the discussion amongst Council can be propagated throughout the other jurisdictions who are partners in MRRJ. She stated we can work together and mitigate the effects of overcrowding. She referenced a program Staunton has, the Criminal Justice Planner's presentation, the fact that Augusta County has a public defender and the city doesn't, and stated among all of us we should be able to mitigate the jail crowding problem by criminal justice reform and investing in our communities.

Council Member Hirschmann stated there is an agreement between us to find solutions to the problem and will try to find information on the system they are using in Page County that seem to be working so well.

Vice Mayor Romero stated there is still a lot of questions and concerns about the COVID 19 testing and vaccine. He stated he hopes more information will be provided and a possibly a presentation in the future on an update as to where the city is in the process and statistics. He stated many don't understand this is out of our hands, Council has no control over the testing and vaccines, however he hopes more information will be coming.

Discussion took place regarding the slow process of the vaccine. Mayor Reed stated until all this is over, we must continue to wear our masks, wash our hands, social distance, and stay home if you are sick. She stated the city has 5,203 cases as of today of which 41 are new cases today, the county has 5,400 cases total with 74 new cases today and a total of 126 deaths combined.

Eric Campbell, city manager, stated we don't know when the vaccine will be available in the community, it's all about supply at this point, we have done all the planning we can do at a local level, we won't know until one week prior of what the amount of the vaccine will be coming to the community.

9. Adjournment

At 8:50 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR