



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, April 25, 2023

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: 6 - City Manager Ande Banks, City Attorney Chris Brown, City Clerk Pam Ulmer, Police Chief Kelley Warner, Chief Matthew Tobia and Acting Deputy City Manager Amy Snider

2. Invocation

Council Member Jones offered the invocation.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

4. Special Recognition

4.a. Proclamation recognizing May 2023 as Jewish American Heritage Month

Mayor Reed presented a proclamation to Lez Mintzer, President of Congregation Beth El, Ron Ornstein, Trustee of Congregation of Beth El, Andy Kohen, member of Beth El and Liz Webb, member of Beth El and Housing Coordinator, City of Harrisonburg.

Mr. Mintzer stated Rabbi Kurtz-Lendner could not be present to accept this proclamation as he is the Chaplain for the Harrisonburg Police Department and had a previous engagement. He thanked the Mayor for the proclamation.

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)

6. Public Hearings

6.a. Consider a request from BISAPACA, LLC for a special use permit to allow occupancy of not more than 4 persons at 511 East Market Street

Adam Fletcher, director of Community Development, presented a request for a

special use permit for 511 E Market Street to allow not more than 4 persons per unit. He reviewed the site, long term plans for the city, and the surrounding properties.

He stated staff and Planning Commission (7-0) recommended approval with recommended conditions as follows:

1. Dwelling units may be occupied by a family or not more than three (3) persons.
2. If in the opinion of Planning Commission or City Council, the increased occupancy becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

Council Member Robinson asked if the property was being split into two dwelling units. Mr. Fletcher stated it is two units.

At 7:22 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, March 27, 2023, and Monday, April 3, 2023.

Paul Riner, applicant, stated he is willing to answer any questions Council may have.

Council Member Jones thanked the applicant for cleaning the property up.

Council Member Robinson asked if there are three bedrooms per unit. Mr. Riner stated there are three bedrooms and three bathrooms in each unit and the square footage of the units are more than enough space for three individuals each unit and the paved alleyway access that exists was paved by the applicant to improve the access to the adjoining property as well as the parking for this property. Council Member Robinson stated she truly appreciates having access to the "Block House". She thanked the applicant for the improvement to the property.

Panayotis "Poti" Giannakouros, stated this property is a good example of what natural occurring affordable housing looks like and something that he urged Council to look to instead of what is happening with the Bluestone Town Center (BTC). He spoke further on the rezoning rewrite to accommodate more of these types of housing, stormwater utility credit program, the iNaturalist Program, and the tall grass and weeds ordinance.

At 7:29 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

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

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

No: 0

6.b. Consider a request from Way Way Back LLC for a special use permit to allow business and professional offices at 909 and 919 Virginia Avenue

Adam Fletcher, director of Community Development, presented a special use permit for 909 and 919 Virginia Avenue to allow for business and professional office uses. He reviewed the surrounding land use, long term plans for the area, the surrounding properties, and the site.

He stated staff and Planning Commission (6-0) recommended approval with the stated conditions as follows:

1. Medical offices are prohibited.
2. If in the opinion of the Planning Commission or City Council, the use becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or revocation of the permit.

Council Member Fleming asked what is categorized as medical. Mr. Fletcher stated a conversation with the zoning administrator would be able to answer that question.

At 7:37 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 Monday, March 27, 2023, and Monday, April 3, 2023.

Corey McDonald and Ivan Huber, applicants, stated they are available for any questions the Council may have.

At 7:38 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Vice Mayor Dent stated it is wonderful to see a familiar business reused and refreshed for a new set of businesses.

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

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

No: 0

- 6.c.** Consider a request from Robert M. Reedy for a special use permit to allow building material sales and storage yards, contractors, equipment sales, and storage yards at 3520 South Main Street

Adam Fletcher, director of Community Development, presented a special use permit request for 3250 S Main Street to allow for storage of building materials, equipment sales, etc. He reviewed the surrounding land use, long term plans for the area, the surrounding properties and the site.

He stated staff and Planning Commission (7-0) recommended approval.

At 7:41 p.m., Mayor Reed closed the regular session and called the third public hearing to order. A notice appeared in the Daily News-Record on Monday, March 27, 2023, and Monday, April 3, 2023.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:42 p.m., and the regular session reconvened.

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

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

No: 0

- 6.d.** Consider a request from Greendale Road LLC to rezone 2720 Dorval Road

Adam Fletcher, director of Community Development, presented a rezoning request for 2720 Dorval Road from R-2C to R-8C. He reviewed the current proffers on the property, surrounding land use, long term plans for the city, surrounding properties, the site and proffers offered.

He stated staff and Planning Commission (7-0) recommended approval with proffers as submitted.

Vice Mayor Dent stated the key factor is the terrain, they requested the set back be decreased to be able to build closer to the road due to the steep drop off in the back yards.

Council Member Fleming asked about utilities. Mr. Fletcher stated they are on city utilities.

At 7:49 p.m., Mayor Reed closed the regular session and called the fourth public

hearing to order. A notice appeared in the Daily News-Record on Monday, March 27, 2023, and Monday, April 3, 2023.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:49 p.m., and the regular session reconvened.

A motion was made by Council Member Robinson, seconded by Vice-Mayor Dent, to approve the rezoning request as presented . 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

6.e. Consider a request from DH Land LLC to amend proffers for 1250 West Market Street

Presented agenda items 6e and 6f together.

Adam Fletcher, director of Community Development, presented a request to rezone and a special use permit for 1250 W Market Street to amend proffers and allow for warehousing and storage. He reviewed the surrounding land use, surrounding properties, long term plan for the area, the site, the history of the site, and the submitted proffers and special use conditions as follows:

- Limits use to warehousing and other storage facilities;
 1. Building Design
 - a. No more than 98,000 sf of interior self-storage
 - b. Exterior appearance like the rendering
 - c. No exterior entrances to individual storage units
 - d. Maximum building height 38-ft
 2. Landscaping and Aesthetics
 - a. No perimeter fencing
 - b. Landscaping buffer as shown on Concept Plan
 - c. Shielded exterior lighting
 - d. Sidewalks along West Market Street & portion of Brickstone Drive
 - e. Street trees
 3. Limits hours of operation

Council Member Fleming asked that since this property is across the street from a public school are there any prohibitions attached to being that close to a school. Mr. Fletcher stated there are no prohibitions.

Discussion took place as to the location of the parcel, setbacks, and access to the parcel.

He stated staff and Planning Commission (6-1) recommended denial and reviewed

reasons why as follows:

1. Future plans for the extension of Brickstone and should be developed as medium density residential;
2. The HEC Substation can coexist fine with residential areas;
3. There are other properties planned for commercial / industrial uses and are zoned for that. If there is a demand for storage facilities in that area of the city there are opportunities without having to rezone;
4. He stated they do not believe the property should be rezoned to allow for this use when there is need for more housing in the area that is walkable to a school, city park, multi-use trail and other commercial uses;

Council Member Jones asked if staff and Planning Commission are recommending to the applicant they find another location that already exists rather than convert raw land. Mr. Fletcher stated there are undeveloped B-2 parcels in the area, and there are significant parcels along Waterman Drive where they could build a storage facility by right. Council Member Jones questioned if most of the parcels on Waterman Drive are in a flood plain. Mr. Fletcher stated he would have to look.

Mayor Reed stated what worries her is what could pop up on that parcel, such as a vape shop. She stated something else could go on this parcel that we would not have any control over.

Council Member Fleming stated the amount of vape shops that are opening is because they are investing for the future of when legislative changes are made in Virginia. Council Member Robinson stated it is scary that they are being strategically placed throughout the city.

Council Member Robinson asked if the additional sidewalk being proposed by the applicant only gets constructed if more development is done behind the parcel. Mr. Fletcher clarified what sidewalk will be constructed if application is approved. Council Member Jones stated the extension of the sidewalk would be a great addition to that area and the pedestrian traffic from the residential development.

Vice Mayor Dent stated the majority of the discussion in Planning Commission was about wanting to have something near that is more interactive with the neighborhood, such as a restaurant, convenience store, etc. She stated the proffers that are now in place are very elaborate and detailed but there is a whole lot of leeway in that of B-2 by right uses, we can't impose a proffer, her concern is that the proposed improvements would be passive and inert and a giant monolithic building that just sits there and detracts from the neighborhood more than it adds to it.

At 8:23 p.m., Mayor Reed closed the regular session and called the fifth and sixth public hearing to order. A notice appeared in the Daily News-Record on Monday, March 27, 2023, and Monday, April 3, 2023.

Todd Rhea, representative for the applicant, stated the applicants are also available should the Council have any questions for them. He stated the applicant and city staff worked on this for over a year, it will not be a monolithic structure, the height has been limited to residential height, exterior materials that are residential in nature will be used, nice landscaping is planned, so that it will be intentionally compatible with the surrounding neighborhood. He stated this parcel has been zoned B-2 for the past 19 years, they are committing to a non-intensive commercial use which is geared toward providing high quality storage amenities to residential customers, and it will generate almost no traffic. Mayor Reed stated she lived in a neighborhood that had a storage unit right across the street and it was used by the residents of that neighborhood. She asked if there was any input from the neighbors. Mr. Rhea stated he thinks there is a demand there. He explained the reasoning why the proposed building is located on the parcel and noted it will be for residential use only. Council Member Fleming stated he assumes the design of the parking lot was based on the understanding of the demand and flow in and out of the facility, does the applicant have information about the expected usage of the facility. Mr. Rhea stated it goes into the ITE trip generation and based upon the use guide in the City's Design Standards Manual. Council Member Fleming asked if there was a peak time of the day that would generate the most traffic. Dain Hammond, applicant, stated Saturdays around 1:00 pm are typical peak times. Mr. Rhea stated they are trying to make a positive impact, it solves the problem with lack of sidewalks to the shopping center, this is a 21st century storage facility.

Panayotis "Poti" Giannakouros, stated the applicant has made some very good quantitative points, the densification of housing is creating a driving a demand for this, the revenue consideration is something that will increasingly weigh on our fiscally stressed city, he is surprised that Planning Commission is recommending denial given what they opened the door to in the past, and he feels this is a choice that our City Council majority has made, we should do the best we can as a consequence.

At 8:40 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Jones stated he feels the only negative he finds in this request is the possible change in what the lighting would do to surrounding properties that view that direction. He stated he feels it fits the character of the neighborhood, and he hasn't heard anything either for or against this project from anyone. He spoke on the flooding issues in the past on Waterman Drive.

Council Member Fleming stated there is a proffer on the lights for the facility. Mr. Fletcher stated that Council could put additional conditions for the special use permit if they desire.

Further discussion took place regarding the lighting at the proposed facility and at the school across the street.

Council Member Fleming stated for the neighbors of the area what are the options, he would think they would like the least obtrusive thing, he doubts this lot would be developed into housing anytime soon, it's been vacant for a long time, and he isn't sure what other viable options are out there. He stated he can't imagine someone building a convenience store there and he feels the applicant has done a thorough needs analysis.

Vice Mayor Dent stated during the Planning Commission meeting she had voiced her opinion that she would hold out for something better at this location, but now she is thinking through what Council Member Fleming said that it is hard to imagine something better actually being built there under the current zoning. She stated she is now leaning more towards this proposed project with all of the arguments, the root cause for the need for storage won't be solved by denying storage, and her thought of something more active on this parcel, well the neighbors may want something less disruptive.

Council Member Robinson stated she was thinking if this is a good use of land, especially since we are in the middle of a housing crisis, but she was reminded that generally where there is a school, housing developments start popping up, but never happened on this lot. She stated it says a lot that the neighboring housing developer didn't continue developing on this parcel, the vision of wanting something better on this parcel may not be feasible, the lot is still empty after all this time. The applicant seems to be concerned about the aesthetics of the building, they are making an effort to be suitable for that lot and fit in with the neighborhood.

Council Member Jones the only people saying all the things that could go there is reading from a hope manual, they don't even live near there. He stated it doesn't work to build two new schools around the corner but look for ways to turn down development around the other corner doesn't work. He stated voting on feeling or political belief doesn't match what we look for on economic development. He stated we cannot have the Planning Commission sending a signal to the business community that we are not open for business because we, the City Council, must continue to send a signal that we are open for business. He stated this is what keeps the rumor going that it is easier to do business in the County, that is not true, Harrisonburg is open for business, and we welcome business.

A motion was made by Council Member Robinson, seconded by Council Member Fleming, to approve the rezoning request as presented by staff. The motion carried with a recorded vote as follows:

- 6.f.** Consider a request from DH Land LLC for a special use permit to allow warehousing and other storage facilities at 1250 W Market St

Item presented with 6e

A motion was made by Council Member Robinson, seconded by Council Member Fleming, to approve the special use permit request with the conditions presented by staff. The motion carried with a recorded vote as follows:

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

No: 0

6.g. Public hearing regarding the Fiscal Year 2023-2024 budget

Ande Banks, stated the published FY 23/24 budget does not show the recommendations for community contributions, it will be added and updated on the city's website.

At 9:03 p.m., Mayor Reed closed the regular session and called the seventh public hearing to order. A notice appeared in the Daily News-Record on Monday, April 17, 2023.

Lindsay Douglas, executive director of Big Brothers Big Sisters (BBBS), thanked the Council for their continued support to the organization, they have been operating in the community for the past 45 years. She stated the current recommendations for Community Contributions showed a decrease in funding to BBBS, over the last 13 years the needs have increased, our depth of services have increased, decrease in funding equals a decrease in services, there is a large need for mentors, and she requests Council consider maintaining their funding level of \$25,000 or even increase to their funding request of \$30,000.

Diane McCarthy, Board member of the Harrisonburg-Rockingham Child Day Care Center, thanked Council for their support, she stated the funds would be used to support three full year tuition for 2 year olds, the organization has been around for 52 years, they are very invested in the community, and really appreciate the city's support, reliable affordable child care remains an issue for our community, and she requests their application amount be awarded.

James "Bucky" Berry, spoke on his concerns about the fencing going around the public safety building. He feels taxpayers' money should not go towards this project it should go to our officers. He stated he wants to know how much the fence costs and the motive behind it.

Panayotis "Poti" Giannakouros, stated going through the budget he sees a lot of things that we might want to raise some questions about given the new direction the city is taking for at least the next two years; 1/3rd of \$1M for zoning enforcement and a city planner, he suggests if we reshuffle how things are done in the Community Development Department we might be able to free up a little bit of money by taking out the aesthetic nuisance enforcement would free up at least 1 full time position, and

allow us to think reasonably and rationally about our zoning. He stated there are other positions as well such as the Criminal Justice Planner, what does that position do these days; He spoke on the drop of incarceration rates; He spoke on the position of Environmental Planner, EPSAC, Housing Coordinator, and streamlining and reorganizing positions.

At 9:41 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Vice Mayor Dent stated a discussion took place regarding the need for a work session or not. Council Member Jones stated he doesn't think we need one this time, we were able to save one cent increase in real estate tax, we have done a good job over the last three years with the Community Contributions, all the CARES Act and ARPA funds were put back into the community that were allowed, staff did a great job, the funding under Community Contributions has increased significantly over the past 7 years, and we have ARPA funding going to the Child Care Fund and Small Business Fund.

Mayor Reed stated the budget is extremely hard for Council, because we want to make sure everyone gets a fair share through Community Contributions, but this time people were asking almost double of what they asked for before, we had over \$880,000 in requests, there is absolutely no way that we can fund all of that, the evaluation committee did a phenomenal job using all the tools they had available, other localities don't even do this, we are a very kind community and we have done a lot, continue to do a lot and there are still other opportunities for money, and we are contributing over \$488,000. She stated she doesn't feel a work session would be needed, the Community Contributions list has always been the reason for a work session, and she feels comfortable with it this year.

Vice Mayor Dent stated when she looked at how thoroughly the evaluation committee reviewed the applications for Community Contribution funds, and the rationale and the rubric used, she didn't have anything to add. If Council started to mess with that we would have a hard time justifying moving funds from one to another. She stated she appreciates that staff sorted applications into categories this year, she would like to go ahead and solidify the categories using what staff worked up so that next year the applicant would check the box to say what category they are applying under.

Council Member Fleming stated perhaps a date could be set for staff to present the categories they would suggest for the next round and incorporate any suggestions from Council.

Further discussion took place regarding Community Contributions categories, direction to staff.

Council Member Jones stated the school's budget ask was higher than anticipated

and that conversation needs to be had at a Council Meeting. He spoke further on the reasonings of the need for that conversation.

Council Member Fleming stated he appreciates the aspirational nature of our school system, particularly in request for increase for instructional purposes, but he agrees even though there is potentially funding from the state, those are not guaranteed, and we should be prepared for that. He stated he if the funds do come in, we should try to minimize the impact of increases in the taxes and have that conversation with the school board. He stated he appreciates the immense amount of work that staff has put into the budget and the Community Contributions, it is about as an objective assessment as one can get. He stated he often talks about Harrisonburg and the comparing city's (Roanoke and Manassas Park) that are growing as we are, have pressures on the school systems and housing like we do, their tax rates are considerably higher, and he appreciates the work staff does to keep our tax increase to three cents. Council Member Jones stated not only was staff able to do that they were able to incorporate and implement the Class and Compensation study results.

Mayor Reed stated some of our questions for the school board could be addressed at a liaison meeting, but those Council Members that aren't on that committee might have questions as well, and therefore we should have Dr. Richards come to a Council meeting.

Council Member Robinson commended Ms. Douglas and Ms. McCarthy for coming up to speak and made comments about the Community Contributions funding, it is commendable that they came forth and it shows their dedication to the mission and how serious they take this funding. She stated she wishes the city was able to give to everyone what they asked for. She stated she doesn't see how a work session would accomplish anything; we would have to tweak the whole system. She suggested the applicants look at other funding sources as Council Member Jones mentioned.

Mr. Banks clarified that Council would like Dr. Richards to attend a Council meeting prior to the budget being approved. Council agreed.

Council Member Fleming asked who the Dark Fiber Lease is with. Mr. Banks stated it is with Shentel. Council Member Fleming stated he brings it up because he has always wanted the city to have its own fiber, although currently state restrictions stop us from doing that, it may change in the future, which he would love to see.

no action required

This Public Hearing - No Action was received and filed.

Recess

At 9:37 p.m., Mayor Reed called the meeting into recess.

At 9:43 p.m., Mayor Reed called the meeting back into session.

7. Regular Items

7.a. Update of the Water and Sewer Strategic Financial Planning Model for FY 2024 - 2035

Mike Collins, director of Public Utilities, presented the city's Water and Sewer Long Term Financial Model. He reviewed current residential monthly billing, comparisons to the state and West Virginia, inputs through 2035, water and sewer retirement and replacement challenges, water and sewer management strategy rates, water and sewer strategies for retirement and replacement, and anticipated water & sewer residential monthly bill in 2028/29.

Council Member Fleming asked if the risk has some geographical component as well, the older places would have the most risk, which means more of the downtown which is our economic center. He said one of our big problems is 33 West as it is some of the earliest installed, but it will affect downtown for sure, but we have a plan.

This Presentation was received and filed.

7.b. Update on Opioid Abatement Funds

Luke Morgan, Grants and Programs Analyst, presented an overview and requirements for the Opioid Settlement Funds. He reviewed the background, the settlements granted, additional national settlements, abatement authority, fund distributed to Virginia, funding available to the city, difference between direct distributions and Individual (OAA) Distributions, cooperative partnerships, planning grants for cooperative partnerships, rules and requirements for use of these funds, and staff's recommendations for use of the funds as follows:

Potential Projects:

1. Community Paramedic Program - requested \$40,000 annually
2. Opioid Abatement Through Early Identification - requested \$29,900 one-time
3. Crisis Stabilization Center (CITAC) - requested \$85,000 annually
4. Crisis Response Unit (CRU) - requested \$150,000 annually
5. Cross Systems Mapping - requested \$34,000 one-time

Recommendations:

1. Direct Distribution funds
 - a. Community Paramedic Program - up to \$40,000 annually
2. Individual Distribution (OAA) Funds
 - a. Crisis Response Unit (CRU) - \$39,264
 - b. Crisis Stabilization Center (CITAC) - \$19,632
3. Cooperative Partnership funds (competitive)
 - a. Crisis Response Unit (CRU)

- b. Crisis Stabilization Center (CITAC)
- 3. Planning Grants for Cooperative Partnership (competitive)
 - a. Cross Systems Mapping

Council Member Robinson asked if the Opioid Abatement Through Early Identification equipment will be in all police vehicles. Mr. Morgan stated it is only one unit, one piece of equipment.

Council Member Fleming stated the direct distribution covers almost all the funds we have between the two buckets for one year.

Mayor Reed asked how staff came up with these particular projects. Mr. Morgan stated they reached out to the Harrisonburg Police Department and the Harrisonburg Fire Department who provided us with the first two projects on the potential project list, and then we reach out to the County and spoke with them about the two partnership projects and the cross systems mapping project.

Vice Mayor Dent stated when we talked before about the opioid settlements, she understood the problem in our area and in the County is more methamphetamines use than opioids, but most of the programs could apply to someone with a substance abuse crisis, regardless of the drug used. She asked if there is a fine enough distinction that we would have problems funding some of our methamphetamine issues. Mr. Morgan stated the funds are designed to be use 100% for opioid abatement but there is some wiggle room on the application that if we are meeting the eligible uses such as justice, mental health, and first responder programs it is impossible to guarantee that everything they are going to be doing involves opioids, we just need to make that a focus of our programs.

Council Member Jones stated staff did a good job with the intersectionality piece, he asked if there will be a deeper dive into that regarding income and race. He stated he wants to make sure there will be a concerted effort to help those with lower incomes and those individuals that are black and brown, as they have higher propensities. Mr. Morgan stated some of that data is tracked and it might be available if want to look at it.

Council Member Fleming stated one of the things he saw was outcome data related to this, that may address some of what Council Member Jones is looking for.

Council Member Robinson stated one of the good things about this is that in a crisis situation we aren't standing there asking what drugs they are using, we will have a crisis intervention team that will work with you regardless.

Vice Mayor Dent asked if the partnership with the County has already been agreed upon. Mr. Morgan stated they are onboard and they already work with these programs so they have all the information to put together the applications.

7.c. Resolution Authorizing the Gold Standard Incentive from the Virginia Opioid Abatement Authority

Amy Snider, interim deputy city manager, presented a resolution authorizing the Gold Standard Incentive from the Virginia Opioid abatement Authority, related to the previous presentation.

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

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

No: 0

7.d. Consider Adopting a Resolution for Support and Authorization for Virginia Opioid Authority Cooperative Partnership Applications

Amy Snider, interim deputy city manager, presented a resolution for support and authorization for Virginia Opioid Authority Cooperative Partnership Applications related to the previous presentation.

A motion was made by Council Member Jones, seconded by Council Member Robinson, adopt the resolution as presented. The motion carried with a recorded vote as follows:

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

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)

Alex Litten, 520 W. Water Street, spoke on the ARPA funds that have been approved for the Westover Skate Park project, we have a very dedicated and passionate community that are invested in the design of the skate park, we are thrilled to have the funds to improve the park, but we are concerned about the company chosen (American Ramp Company) as the developer for the park. He stated they reviewed the company and found foundational flaws in their projects, less positive feedback from other municipalities that have used this company, and poor feedback from users of those facilities. He stated he suggests using a company called Artisan Skate Parks, who could do a fully concrete construction that is within the design parameters. He stated the lack of transparency with the Parks and Recreation department has been extremely frustrating and difficult, he would like to see strategic planning meetings with the constituents that will be using the park. He stated he hopes the contract can be reviewed and put on hold until other options are reviewed.

Paul Somers, 622 E. Wolfe Street, clarified the difference between a steel skate park and a concrete skate park, he stated he has a 1000 signatures on a petition against

using the current contracted developer, there are other pre-approved vendors found on the Sourcewell procurement site, there are many unknowns on how the current developer was chosen, it is possible to have a concrete skate park that would be within the budgetary confinements, and American Ramp Company has issues with safety, fraud, etc. He stated he would hope that Parks and Recreation would review multiple developers. He thanked Council for the funding and providing access to the community to an amazing new facility and he hopes it can be a state of the art facility that not only would draw the local community to use the facility but also draw others from outside the area.

Jessie Hammer, 51 Maplehurst Avenue, stated he agrees with Mr. Litten and Mr. Somers, and asks for help to review the situation, take a step back to what has already started, a skate park could be a huge asset to economic development, and it should be done right.

Mayor Reed stated the Parks and Recreation Advisory Committee met last week and the commissioners recommended this project be paused, so therefore the project is on hold until further review of the project can be done with staff.

Michael Jost, stated he is not a person who skates, never used the skate park, but he is a concerned citizen who is disappointed and embarrassed that Parks and Recreation Department went as far as they did without seeking any sort of input from the people who actually use the facility, willing to spend half a million dollars without actually engaging with the core stakeholders, it raises basic concerns about people running that department. He stated if staff got into a bad contract with a bad company, they need to take responsibility to get us out of it.

Panayotis "Poti" Giannakouros, stated we are not in a housing crisis relative to the state or the country, and we were pulling out in part because of a tight labor market. He stated the housing crisis we have now is that we are bringing in people for non-union jobs of the lowest tier that will have them housing stressed into a fiscally stressed city that is being expected to bear the cost of the infrastructure while raising amenities that were making life bearable without money for our current residents. He thanked Mr. Peirce Macgill for the data he provided and to Mr. Collins for the data they are gathering, we have so many competent staff who are devoted to doing great things for ordinary people of this city with the hand they are dealt. He stated Council Member Fleming has still not unblocked city media outlets or specified his credentials on the website. He stated at this time the JMU community is in pain over internal conflicts. He commended the skate boarders for engaging the city, to make the ARPA funds flow to common pool community resources, like the skate park, rather than putting people under supervision. He stated the Martin Luther King Jr., Coalition has become aware that the youth in this city are grieving and crying out over the impact of gun violence. He stated he wants to know that anyone grieving can reach out to the Coalition, it strikes the fundamentals of our life and things we should be

talking about.

8.b. City Council and Staff

Mayor Reed stated at the Parks and Recreation Advisory Committee (PRAC) meeting the skate community was there and voiced their concerns. She stated it was decided that there was enough concern coming from the community that the PRAC recommended for the project to be put on hold. She stated they asked for the director of Parks and Recreation, Brian Mancini, to speak with the attorney about the contract. She stated she hasn't been able to inform Council about this meeting as this was the first opportunity for her to speak on this project. She stated she plans on following up with PRAC.

Ande Banks, city manager, stated staff are inquiring with the developer on the contract and whether it can be cancelled or not, Mr. Mancini and his staff were first asked by City Council for the scope of the project to repair and replace the existing park, not to imagine a new skate park.

Council Member Fleming state he appreciates that the project has been stopped and a reintegration of stake holders, the park was unsafe, and he is excited about the idea that the city may be able to step into and create a destination place for skaters and bikers, etc. He stated this is a great example of community members stepping up, doing their homework and getting engaged. He stated he is hopeful that a solution will be made to satisfy the needs.

Council Member Jones stated when they were voting on the ARPA funding for the Parks and Recreation there wasn't an intent to make a good or bad skate park, it was to not have a broken one. He stated decisions were made at a 30 foot level, people need to show up when we make these types of decisions so we get deeper details of the needs, and we need to work on how we receive and communicate information. He stated he feels bad about how this has come about. Mayor Reed stated it is important to her to make sure everyone knows they are heard, a lot of funding went into parks and recreation, it is something that everyone in the community uses, we will figure out how to move forward with this project.

Council Member Robinson stated she is a firm believer that leadership starts with listening, and we do that first through community engagement, and if the community feels like we aren't listening or responding then this is the forum for the community to come and speak directly to us. She commended the skateboard community for doing that, that is how this is supposed to work, and she commends Mr. Mancini and PRAC for taking the time to listen and pause the project. She stated it seems the process worked with this project. She thanked the community members for speaking this evening and sharing their concerns.

Mayor Reed shared photographs of her invitation to Vice President Kamala Harris' house, through the African American Mayor's Association (AAMA) conference in DC. She stated she had a great time at the conference.

Council Member Jones asked the City Manager if he would inquire about updating and adding screens in Council Chambers, to improve the experience for Council and the community in Council Chambers.

Vice Mayor Dent stated she attended the Blacks Run Cleanup, she helped clean up the stream and planted a tree. She stated she attended the ribbon cutting of the new green houses where they are growing pollinators and trees from seed for all over the city. She stated she attended the Harrisonburg High School student led walkout to protest the shooting of one of their classmates and gun violence, which was sad and sobering. She stated it was both very moving and very disturbing to see the result of a tragedy in our midst. She stated she invites the community to the Long Range Transportation Plan Open House, Thursday, May 4, 2023, at 4:30 pm, at the Rockingham County office building on Gay Street, which will cover Harrisonburg and the urbanized areas of Rockingham County, and will tie in some of the local organizations goals for expanding transportation access.

Council Member Robinson stated she joined Mr. Banks on the monthly radio talk on WSVA, they spoke about the budget, transitioning to Council life, and priorities. She stated it was a great show. She stated there was a rally downtown for Calour Fields that was killed in the recent gun tragedy, people were upset because not all Council Members were present, but she wasn't sure if all Council Members were invited or were aware of this rally. She stated she is working with the group to redo this event and with proper notification people will show up in support of putting guns down and kids living. Mayor Reed stated that sometimes when Council Members show up at events like these the focus goes on them instead of the actual reason of the event, she wanted this group to have their moment and their time. Further discussion took place on this event, other similar events for this cause and the impact on the community.

Council Member Fleming stated he attended the Harrisonburg Rockingham Metropolitan Planning Commission (HRMPO) meeting, and Ann Cundy provided an orientation for the Vice Mayor and himself, running through all the funding streams and plans, and it was extremely helpful to get that information. He stated the Long Range Transportation Plan will be sent in June so there is still time for residents to have their input on that at the upcoming meeting Vice Mayor Dent mentioned. He stated one of the interesting things that did come out on the I-81 project are the potential sound walls, it's a pretty complex engineering project, but there will decisions that need to be made whether there will be sound walls, and this would be worth some further public

debate/comments on that. He stated he was recently appointed to the University Communities Council through the National League of Cities. He stated there was a fantastic state Clerk's conference that was organized in Harrisonburg at the Hotel Madison, and congratulated Pam Ulmer, city clerk, for pulling it off.

Mayor Reed stated she was appointed to the Virginia Municipal League's (VML) Legislative Committee as chair and a VML conference will be coming up.

9. Boards and Commissions

9.a. Harrisonburg Redevelopment and Housing Authority (HRHA)

A motion was made by Council Member Jones, seconded by Vice Mayor Dent, to appoint Janet Harvey to the HRHA to a full term to expire on April 25, 2027. The motion carried with a unanimous voice vote.

A motion was made by Council Member Jones, seconded by Council Member Robinson, to appoint Amanda Leech to the HRHA to fill a term to expire on October 13, 2024. The motion carried with a unanimous voice vote.

A motion was made by Vice Mayor Dent, seconded by Council Member Robinson, to appoint Kenneth Kettler to the HRHA to fill a unexpired term to expire on February 11, 2024. The motion carried with a unanimous voice vote.

9.b. Environmental Performance Standards Advisory Committee (EPSAC)

A motion was made by Council Member Jones, seconded by Vice Mayor Dent, to appoint Rob Alexander to EPSAC to a full term to expire on April 25, 2026. The motion carried with a unanimous voice vote.

Council Member Jones stated he does not agree with the reappointment of Jeff Heie. Vice Mayor Dent stated this is not the time to pull one of our chief experts out of the middle of the buildings and energy focus area that we have been working on intensely. He runs a solar company, he works with Habitat, he has gone to conferences, attends HEC meetings every month, he has an expertise on environmental justice, we need him on this board. Council Member Fleming stated Mr. Heie has taken the lead in raising funds for solarizing houses all over the state and has become an expert on how to do that for residents of lower to moderate income.

A motion was made by Vice Mayor Dent, seconded by Council Member Robinson, to re-appoint Jeff Heie to EPSAC to a 2nd term to expire on January 12, 2026. The motion carried with a majority voice vote.

Vice Mayor Dent state Ms. Loving has a very different expertise that is very powerful, she has been a legislative analyst, she knows the funding sources, she knows what other communities are doing in the environmental and renewable energy communities, we still need her continued support in the building and energy focus

area as well. Council Member Jones stated there seems to be real obvious limit to diversity, equity and inclusion when it comes to certain things, and I hope we recognize that when we make certain decisions. Vice Mayor Dent stated we have made a good faith effort to recruit diverse candidates and we have five openings for this board.

A motion was made by Vice Mayor Dent, seconded by Council Member Robinson, to re-appoint Joy Loving to EPSAC to a 2nd term to expire on January 12, 2026. The motion carried with a majority voice vote.

A motion was made by Vice Mayor Dent, seconded by Council Member Fleming, to appoint Deidre Smetlzer to EPSAC to an unexpired term to expire on January 12, 2024. The motion carried with a majority voice vote.

Vice Mayor Dent stated she spoke to the two candidates that she didn't know, Tony Pooley and Austin Shenk, and they are both impressive in their own way, but she resonated a lot with Mr. Pooley because he has extensive experience as an environmental consultant especially with corporate clients, and since we are looking at community goals one of her focuses is how to enlist the buy-in of the businesses and industrial community. Mr. Shenk is also impressive with primarily agriculture and food systems, and she would like to keep in mind for when we get to that in the queue of the focus area.

Council Member Fleming asked if this would exhaust all vacant positions on this board. Vice Mayor Dent stated yes. Council Member Fleming stated we need to look at how we move into this being a more diverse group, more outreach to the communities that are affected by all of these issues but don't have a way to get into these discussions, it is critical. Further discussion took place regarding the importance of making our boards and commission more diverse, reaching out to the community and recruiting members for these boards, getting high school STEM students on some of these boards, and the recommendation to hold off on filling the last seat,

A motion was made by Vice Mayor Dent, seconded by Council Member Robinson, to appoint Tony Pooley to EPSAC to a full term. Vice Mayor Dent retracted her motion.

10. Adjournment

At 11:33 p.m. There being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR