



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Draft City Council

Tuesday, May 11, 2021

7:00 PM

Council Chambers

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 Deputy City Manager Ande Banks

2. Invocation

Council Member Dent offered the invocation.

3. Pledge of Allegiance

4. Special Recognition

4.a. Presentation on Faces 4 Change by Dr. Thandi Hicks Harper

Dr. P. Thandi Hicks Harper provided an overview of the Youth Popular Culture Institute, its work in the City of Harrisonburg, and the Faces 4 Change program. She shared information on the funding for the program and its goals. She announced a conference to be held on May 13th and 14th.

Mayor Reed and Council Member Dent thanked Dr. P. Thandi Hicks Harper.

4.b. Proclamation recognizing May 15th, 2021 as Kids to Parks Day

Mayor Reed presented the proclamation recognizing May 15, 2021 as Kids to Parks Day.

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

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

No: 0

5.a. Minutes from the April 22, 2021 City Council Budget Work Session

These minutes were approved on the Consent Agenda.

5.b. Minutes from the April 27, 2021 City Council Meeting

These minutes were approved on the Consent Agenda.

5.c. Consider amending and reenacting Title 13 Motor Vehicles and Traffic, Chapter 1 Traffic and Parking Regulations, Division 2 Downtown Parking, Section 82 Time Limits for parking on city streets, lots, and parking facilities

This ordinance was approved on second reading.

6. Public Hearings

6.a. Public hearing regarding the real estate tax rate for Fiscal Year 2021-2022 to be set at \$0.86 per \$100 of assessed value

Chris Brown, city attorney, stated the city staff did not anticipate a tax increase when the notice for this public hearing was advertised as legally required in early April, since then city staff heard from City Council members, at the May 6 budget work session, about their interest in increasing real estate taxes up to four cents above the current rate, and city staff is taking the steps legally necessary for City Council to both adopt a budget and appropriation ordinance and a real estate tax rate increase by the end of May. He provided an overview of the legal requirements of the City Charter. He stated the current agenda item is required per Code of Virginia when there are increases in assessments, and if City Council wishes to keep the same real estate tax rate. He stated city staff's recommendation is to approve the agenda item as proposed. He provided an overview of the public notice requirements of the Code of Virginia that were legally required due to the assessment increase. He stated that after the 30 day notice requirement is met the tax rate can be increased with 7 days notice. He stated it is city staff's recommendation to include in a motion to approve instruction to city staff to advertise for a 4 cent tax increase. He stated if the tax rate is amended this evening he is concerned it would not be legally valid, would be challenged, and may result in the tax rate being rolled back in accordance with the Code of Virginia or it needing to be re-advertised with 30 days notice as required by the Code of Virginia.

Mayor Reed asked if there were any questions.

Vice-Mayor Romero stated he is in support of a 4 cent tax rate increase. He asked whether in order for City Council to approve a 4 cent tax increase by May 25th that City Council would first need to vote on this item and provide 7 day public notice. Mr. Brown stated this is correct. Vice-Mayor Romero stated he is not interested in denying this item and therefore moving the tax increase item into June.

Council Member Dent stated she had been in favor of amending it tonight, but now

understands the legal requirements and the ability to amend it with 7 days notice and if we did not pass it tonight or amended it tonight that it would require 30 days notice. Mr. Brown stated her understanding is correct. She stated she is in favor of the additional 4 cent tax rate increase. Mr. Brown stated city staff knows this and is working to get City Council to that goal.

Mayor Reed stated City Council members need to focus on the current item and there are amendments coming, including a possible tax increase, and Mr. Brown is trying to ensure we do what we need to legally. Mr. Brown stated city staff is assisting City Council with getting through this item and then will have others for the next City Council meeting in May.

Council Member Jones stated that we need to keep in mind assessments are increasing and residents will need to pay the assessment increase and any additional tax rate increase and will already have a higher bill. He stated we need to not only push for things we want but consider the impact of it on our residents.

Council Member Hirschmann had no comment.

At 7:27 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 Saturday, April 10, 2021.

Diane Foucar-Szocki, 109 Blue Stone Hills Drive, thanked City Council members, stated her support for the increase of the real estate tax rate by 4 cents, when they moved here the tax rate was 68 cents, over the last 31 years of living in the City of Harrisonburg other costs have risen, thinks assessment increases have been judicious, important to a well-run city, endorses increases in taxes to address needs of growing community and specifically HHS2.

Mayor Reed stated that the public hearing is to set the real estate tax rate at 86 cents.

There being no one else desiring to be heard, Mayor Reed closed the public hearing at 7:31 p.m., and the regular session reconvened.

A motion was made by Vice Mayor Romero, seconded by Council Member Dent, to approve the real estate tax rate for fiscal year 2021-2022 as presented and to instruct city staff to publish all required legal notices and schedule a public hearing for May 25th so that Council can consider amending the Fiscal Year 2021-2022 real estate tax rate to \$0.90 per \$100 of assessed value. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

6.b. Consider a request from Farhad Koyee, Bahar Mikael, and Akarr Koyee to rezone 907 North Main Street

Adam Fletcher, director of Community Development, stated the presentations for item 6.b. and 6.c. would be combined. He presented the request to rezone the parcel from B-2 to R-5C and a special use permit for property located at 907 North Main Street. He stated the

uses would be allowed under the current zoning designation but require a special use permit if re-zoned to R-5C. He stated the applicant intends to build a mixed-use building with one building on site. He reviewed the property, the surrounding properties and their zoning designations, the land use for the area, and the proffers offered.

He stated staff and Planning Commission (6-0) recommend approval of the rezoning and special use permit request.

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, April 26, 2021 and Monday, May 3, 2021.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:40 p.m., and the regular session reconvened.

Vice-Mayor Romero asked Council Member Dent, City Council representative to Planning Commission, if she had any comments to share about the discussion at the Planning Commission meeting and in particular regarding locating a residence next to a vehicle repair shop. Council Member Dent stated she talked with the applicant who explained his intended use of the property and the possible bedroom counts of the housing proposed for the site and that it seemed in line with the Comprehensive Housing Study and Market Assessment.

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

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

No: 0

- 6.c.** Consider a request from Farhad Koyee, Bahar Mikael, and Akarr Koyee for a special use permit to allow retail, convenience shops, personal service establishments, restaurants, and business and professional offices at 907 North Main Street

Adam Fletcher, director of Community Development, stated this request is for a special use permit at the property located at 907 North Main Street and is related to item 6.b. and was combined into the same presentation.

At 7:42 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, April 26, 2021 and Monday, May 3, 2021.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:43 p.m., and the regular session reconvened.

A motion was made by Council Member Dent, seconded by Council Member Hirschmann, to approve the special use permit request as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

6.d. Consider a request from Camp Darby LLC to close an undeveloped public alley located between parcels addressed as 245 and 285 East Washington Street

Adam Fletcher, director of Community Development, reviewed the request to close an undeveloped public alley located between parcels addressed as 245 and 285 East Washington Street. He stated the same property owner owns the parcels on either side of the undeveloped alley. He stated the applicant wishes to purchase the alley and construct a parking lot. He reviewed the property and surrounding properties. Mr. Fletcher stated it intersects with another undeveloped alley way. Mr. Fletcher noted the alley does have a sanitary sewer line and was determined no longer to be active which means an easement is not required and there are no other utilities. He stated another undeveloped alley near Myrtle Street was also closed and incorporated into the adjacent property.

Mr. Fletcher stated both staff and Planning Commission (6-0) recommended approval of the closing of the undeveloped public alley.

City Council had no questions for Mr. Fletcher.

At 7:48 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, April 26, 2021 and Monday, May 3, 2021.

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 Vice Mayor Romero, seconded by Council Member Dent, to approve the alley closing request. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

6.e. Consider a request from James K. Strawderman (Estate) to rezone 107 and 137 Vine Street

Adam Fletcher, director of Community Development, stated the presentations for item 6.e., 6.f. and 7.a. would be combined. He presented the request to rezone the parcel from B-2C to R-8C, a special use permit, and a preliminary subdivision for properties located at 107 and 137 Vine Street. He stated the variances requested are typical of recent requests for other townhome communities. He reviewed the property, the surrounding properties and their zoning designations, the land use for the area, and the proffer offered. He reviewed the preliminary plat with subdivision to 29-townhome parcels and one common area parcel and the requested variances. He stated staff thinks the request is in line with the comprehensive plan. He stated staff and Planning Commission (5-0) recommend approval

of the rezoning, special use permit request, and preliminary plat with variances.

City Council had no questions for city staff.

Mayor Reed announced that the public hearings for item 6.e. and 6.f. would be combined.

At 7:59 p.m., Mayor Reed closed the regular session and called the fifth public hearing to order. A notice appeared in the Daily News-Record on Monday, April 26, 2021 and Monday, May 3, 2021.

Ed Blackwell, applicant representative, called in to answer any questions from City Council. City Council members had no questions for Mr. Blackwell.

There being no one else desiring to be heard, Mayor Reed closed the public hearing at 8:00 p.m., and the regular session reconvened.

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

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

No: 0

6.f. Consider a request from James K. Strawderman (Estate) for a special use permit to allow townhomes at 107 and 137 Vine Street

The public hearing on this item was combined with the public hearing for item 6.e.

A motion was made by Council Member Jones, seconded by Council Member Hirschmann, to approve the special use permit as presented. The motion carried with a recorded roll call vote taken 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 a request from James K. Strawderman (Estate) to preliminarily subdivide 107 and 137 Vine Street

The presentation on this item was combined with items 6.e. and 6.f.

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 roll call vote taken as follows:

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

No: 0

7.b. Consider Approval of 2021 CDBG Annual Action Plan

Ande Banks, deputy city manager, provided an overview of the Community Development Block Grant (CDBG) program, the federal regulations, and the application and selection process. He stated there was a public hearing March 23, a 30-day public comment period has elapsed, and no comments were received other than those provided during the public hearing. He stated Harrisonburg has been allocated \$532,571 for the 2021 CDBG year. He reviewed the proposed allocations in the areas of housing and property improvements; community and public facilities; planning and administration, which is capped at 20%; and public services, which is capped at 15%.

Council Member Dent suggested reallocating the proposed CDBG funding in the public services categories to award funding to Open Doors since they did not receive funding through community contributions. Council Member Jones stated that if an organization does not apply for funding City Council should not shift funding around to provide them funding, this is an open and clear process, and CDBG is harder to qualify for than community contributions. Council Member Hirschmann concurred with Council Member Jones. Council Member Jones does not think we should shift funding in CDBG because Open Doors did not apply for community contributions. There was further discussion among City Council members about the application process for community contributions, how it has improved, and whether not applying for one should or should not influence CDBG.

Vice Mayor Romero asked Mr. Banks about the Simms Center educational center office relocation project that was not approved for funding. Mr. Banks stated that project proposed facility modifications that primarily would benefit Boys and Girls Club, and after talking with Department of Parks and Recreation staff and the HUD representative in Richmond it was determined the funds would be better utilized for the ADA sidewalk improvements at Ralph Sampson Park and the sidewalk along Commerce Dr and Washington Street. He stated there are competing priorities, limited funds, and Boys and Girls Club receives funds through other city funding sources. Council Member Hirschmann concurred with Mr. Banks on the reasoning of the evaluation committee.

Council Member Jones stated he remembered at one point the northeast neighborhood's income levels rose to a point that it did not qualify for CDBG funds, this caused a planned sidewalk project to no longer be eligible, he is glad to see sidewalk projects being eligible again in this neighborhood. He stated that this grant is one where City Council should follow city staff guidance, there are only a few projects that get funded, and staff is good at picking those projects that qualify so we can continue to qualify for future funding.

A motion was made by Council Member Jones, seconded by Council Member Hirschmann, to approve the 2021 CDBG Action Plan as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

7.c. Consider adopting the Fiscal Year 2021-2022 budget and approving the Appropriation Ordinance

Mayor Reed stated pursuant to Sections 2.2-3112(B)(1) and 2.2-3115(H) of the Conflict of Interest Act of Virginia, she declared for the minutes of this meeting that as a result of her employment with On the Road Collaborative, which has a contract with the Harrisonburg City Public Schools, she has a personal interest in the transaction of the City's budget as a member of a business, profession, occupation, or group of three or more person the members of which are affected by the transaction. She further affirmed that she is able to participate in this Council's consideration of the City's budget fairly, objectively, and in the public interest.

Vice-Mayor Romero stated pursuant to Sections 2.2-3112(B)(1) and 2.2-3115(H) of the Conflict of Interest Act of Virginia, he declared for the minutes of this meeting that as a result of his employment with the Harrisonburg City Public Schools he has a personal interest in the transaction of the City's budget as a member of a business, profession, occupation, or group of three or more person the members of which are affected by the transaction. He further affirmed that he is able to participate in this Council's consideration of the City's budget fairly, objectively, and in the public interest.

Eric Campbell, city manager, stated that based on the budget work session city staff knows that the budget item will change tonight to reflect City Council's finalization of community contributions and other amendments attached to the item. He stated there are two readings of the budget item. He stated staff recommends City Council approve the agenda item with amendments to it that City Council is aware of tonight, and then on the 25th have a second reading with amendments to include any tax increase or any other changes as desired by City Council.

Council Member Dent asked if this agenda item has the same notice requirements as a tax increase. Chris Brown, city attorney, stated it does not, this item can be adopted tonight and then changes can be made at the next meeting to reflect any further changes desired by City Council, such as a tax increase.

Council Member Jones asked if in previous years City Council had called special meetings to vote on the budget. Mr. Brown did not recall, Mr. Propst stated yes, this did occur due to the Commonwealth having issues finalizing their budget and therefore City Council needing additional time. Council Member Jones stated this is not new, it provides us time to decide the amount of any tax increase and review the city manager's recommendations. Vice-Mayor Romero asked if the budget was approved tonight, if amendments could be made on the City Council meeting on May 25th. He asked if City Council could not approve the budget tonight because they don't have to do it until May 25th. Mr. Brown stated the agenda item is not only the budget but also the appropriation ordinance, the appropriation ordinance requires two readings, and the budget and the appropriation ordinance can be amended between now and the City Council meeting on May 25th.

Mayor Reed asked City Council if it was clear what action was needed at this meeting. Council Members Jones and Hirschmann stated yes. Mayor Reed stated this is the first

reading, City Council will come back and make the amendments, city staff was going to bring amendments back based on the work session.

Council Member Dent asked if a reading required a vote. Council Member Jones stated yes, a vote is required, and voting on this item is necessary in order to get what City Council wants.

Mr. Brown stated the motion should include the updated list of community contributions. He stated Mayor Reed may vote on the community contributions amendment.

A motion was made by Council Member Jones, seconded by Council Member Hirschmann, to adopt the Fiscal Year 2021-2022 budget, the Appropriation Ordinance, the final revised Community Contributions funding recommendations and the "Changes to the Proposed Budget Worksheet" as presented. The motion carried with a recorded roll call vote taken as follows:

8. Special Event Application Requests

- 8.a. Consider the event application request for the Valley 4th Run on Saturday, July 3, 2021 from 8-11am

Ande Banks, deputy city manager, stated he is standing in for Matt Little. He stated VA Momentum is proposing a return of the Valley 4th Run and it is taking into consideration the current COVID-19 restrictions required for such an event. He stated the event would have runners staggered in waves. He stated the special events committee recommended approval.

Council Member Jones stated he appreciated the applicant ensuring they were planning within the COVID-19 guidelines while getting things opened up more.

Council Member Romero stated the applicant is learning about best practices for races and going to great lengths to make sure the participants will be safe and he looks forward to participating.

Council Member Hirschmann stated he thinks this is small step to returning to normal.

A motion was made by Council Member Hirschmann, seconded by Council Member Jones, to approve the special event application request. The motion carried by a unanimous voice vote.

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

No: 0

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)

Mayor Reed opened public comment at 8:31pm. There being no one desiring to be heard, she closed public comment at 8:32pm.

9.b. City Council and Staff

Council Member Hirschmann stated he was disappointed to not be able to attend the Police Week ceremony due to late notice. Mayor Reed stated she agreed.

Council Member Dent stated she observed drug court and was impressed by the judge who was both firm and encouraging. She stated she joined the alternatives committee of the Community Criminal Justice Board. She encouraged people to attend the Face 4 Change conference.

Council Member Jones wished Mayor Reed happy birthday, concurred that he regretted missing the Police Week ceremony, appreciates the police department, shared that Matt Little is absent tonight because he's at Little League and it shows the hard work of our employees, appreciates hard work of the executive team.

Vice-Mayor Romero stated he is receiving calls regarding youth having to wear masks on athletic fields, CDC guidelines have been relaxed, wants people to be safe playing sports but this is not in line with other communities or the public schools athletics, worried we are inconsistent and not in line with research on COVID-19.

Mayor Reed stated she met with the mayors of the five localities in partnership with Middle River Regional Jail to discuss the expansion, mayors came up with three objectives and each will bring it back to their respective governing bodies, the objectives are: looking at doing the renovations that need to be done, but not adding more beds; creating a commission to look into alternative programs to help support inmates; and continuing to pressure the Department of Corrections to move inmates at MRRJ that should be transferred to the Department of Corrections. She thanked everyone for the birthday wishes.

Eric Campbell, city manager, stated the city experienced the tragic loss on April 30th of a Parks and Recreation employee who passed away while serving the community, he expressed that the city continues thinking of his family and the employees of the Department of Parks and Recreation.

Chris Brown, city attorney, stated Rockingham County is requesting a boundary line adjustment due to Mulligan's Golf Center having its operations partially in the city and partially in the county, the house on the property would like to be removed and replaced by the owners, the county requests moving the two acres into the county, the tax revenue the city would be giving up would be minimal, the county is offering to make an adjustment to the boundary line of Smithland Park Complex so the entire property would be within the city, he asked if there were any objections, no approval tonight but would be indication of whether the owners of Mulligan's Golf Center and Rockingham County should move forward. Vice-Mayor Romero stated he is in support and has been in contact with the property owners. There were no objections from other City Council members.

10. Boards and Commissions

10.a. Rockingham - Harrisonburg Alcohol Safety Action Program Commission

Vice-Mayor Romero stated he knows Onesimo Baltazar Corona, he works for Futuro Latino, he is a leader of the community, and he supports him being appointed to this commission.

A motion was made by Vice Mayor Romero, seconded by Council Member Hirschmann, to appoint Onesimo Baltazar Corona to the Rockingham-Harrisonburg Alcohol Safety Action Program Commission. The motion carried with a unanimous voice vote.

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

No: 0

11. Adjournment

At 8:48 p.m., there being no further business and on motion adopted, the meeting was adjourned.

DEPUTY CITY CLERK

MAYOR