



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Draft City Council

Tuesday, June 9, 2020

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 Richard Baugh, Council Member Christopher B. Jones and Council Member George Hirschmann

Also Present: 3 - City Manager Eric Campbell, City Clerk Pam Ulmer and City Attorney Chris Brown

2. Invocation

Vice Mayor Romero offered the invocation.

4. 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)

Mayor Reed stated we are in a different place than we were a few weeks ago. She thanked everyone who has participated in the peaceful marches and rallies, especially Council Member Jones for the prayer last week. The last few weeks have been painful for the black community. She thanked everyone who has sent texts, emails and called and asked for what can be done.

She thanked everyone for being compassionate and supportive to the Northeast Neighborhood Association (NENA) for the fundraising and financial support. She stated the concerns regarding policy and policing and of the justice system will be talked about later in this meeting. She stated we hear the community and appreciate you for standing for justice, not only for Mr. Floyd but for the black community in the city and everywhere. She stated this is not new for the black community unfortunately, it will take all of us to come together.

Council Member Jones echoed her comments, thanked the community for those who reached out, showed love and compassion to the African American community, which has not been shown before in this community. He stated it has been since 1619 that we have been facing this level of murder, abuse, and discrimination and it is refreshing that so many people that are not African American have worked so hard over the past few weeks to help repair and rebuild the scars and brokenness. He thanked the Mayor for leading us through this.

A motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to approved the Consent Agenda as presented. The motion carried with a recorded vote as follows:

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

No: 0

4.a. Minutes from May 26, 2020 City Council Meeting

These minutes were approved on the consent agenda

4.b. Consider a supplemental appropriation for various departments in the amount of \$383,957

This supplemental appropriation was approved on second reading.

4.c. Consider a supplemental appropriation for the Water Capital Projects Fund in the amount of \$330,366.73

This supplemental appropriation was approved on second reading.

4.d. Consider a supplemental appropriation for the Business Loan Program Fund in the amount of \$5,000

This supplemental appropriation was approved on second reading.

4.e. Public hearing regarding the real estate tax rate for Fiscal Year 2020-2021 to be set at \$0.86 per \$100 of assessed value

The real estate tax rate for FY 2020/2021 was approved on second reading.

5. Public Hearings

6. Regular Items

6.a. Report on an interim plan for bicycle and pedestrian Improvements on Federal Street.

Tom Hartman, director of Public Works, presented plans for interim improvements for Bicycle and Pedestrian Improvements. He reviewed the Federal Street, Newman Street to Water Street, Water Street to East Market Street and Wolfe Street to Elizabeth Street plans.

Council Member Baugh stated he uses Federal Street quite often, both by foot and vehicle, and although it will be an adjustment to the change to bike/pedestrian use only, it is a great enhancement to downtown.

Council Member Jones stated he hopes it encourages individuals to park on Elizabeth Street and walk downtown.

No action required

This Report was received and filed.

6.b. Consider adopting a resolution for Solid Waste Management and Collection Fees

Tom Hartman, director of Public Works, presented a request to approve a resolution for Solid Waste Management and Collection Fees. He stated the last time these fees were reviewed was in 2015, he provided an update as to how the solid waste management has changed since then, and an update on current recycling facilities.

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

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

No: 0

6.c. Consider amendments to the Fiscal Year 2020-2021 budget

Eric Campbell, City Manager, reviewed the budget amendment challenges and noted there is a projected \$6M shortfall in revenues. He stated Virginia First Cities, which the city is a member of, put out an initial budget projection that was around \$10M shortfall, but they did not take into account the Governor's re-opening of certain activities within the Commonwealth, which allowed us to revise our projection and he feels the \$6M shortfall is more accurate. He stated the city did receive a one-time \$1.5M increase from HEC regarding the COVID-19 Pandemic which we were not anticipating. He stated even with the increase from HEC we still needed to make significant decreases in the capital outlay and project funding by \$2.7M, a decrease in the school transfer of \$1.1M, the 1.5% COLA adjustment scheduled for July 1 was removed, a \$267,000 decrease in other miscellaneous adjustments, and a \$1.1M decrease in the Stormwater Capital Projects Fund. He stated the Community Development Block Grant (CDBG) received an additional \$314,300 through the CARES Act Fund. He reviewed the primary General Fund Revenues reflecting a 4.1% decrease in revenues and the General Fund Expenditures reflecting the 4.1% amendments made to balance. He noted that funds originally approved for outside agencies and community contributions did not change. He reminded Council this is a projection of shortfall and the hope is to not have to come back to Council for additional amendments.

Council Member Jones asked if there will be another amendment or appropriation in regard to the funding from the CARES Act. Mr. Campbell stated a supplemental appropriation will be brought to Council for approval once the recommendations are ready. Council Member Jones stated Council would like to review the recommendations prior to the presentation of the supplemental in case there are suggestions for further amendments prior to the voting on the supplemental. Mr. Campbell stated an email was sent to all departments to find out what their needs are, those needs will be prioritized and then brought to council.

Mayor Reed read the following disclosure:

Pursuant to Sections 2.2-3112(B)(1) and 2.2-3115(H) of the Conflict of Interest Act of Virginia, I am declaring for the minutes of this meeting that as a result of my employment with the On the Road Collaborative, which has a contract with the Harrisonburg City Public Schools, I have 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. I further affirm that I am able to participate in this Council's consideration of the City's budget fairly, objectively, and in the public interest.

Vice Mayor Romero read the following disclosure:

Pursuant to Sections 2.2-3112(B)(1) and 2.2-3115(H) of the Conflict of Interest Act of Virginia, I am declaring for the minutes of this meeting that as a result of my employment with the On the Road Collaborative, which has a contract with the Harrisonburg City Public Schools, I have 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. I further affirm that I am able to participate in this Council's consideration of the City's budget fairly, objectively, and in the public interest.

A motion was made by Council Member Hirschmann, seconded by Council Member Jones, to adopt the amendments to the Fiscal Year 2020/2021 Budget as presented. The motion carried with a roll call vote as follows:

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

No: 0

7. Supplementals

- 7.a.** Consider a supplemental appropriation in the amount of \$2.3 million for the General Capital Projects Fund

Larry Propst, director of Finance, presented a supplemental appropriation regarding the purchase of the former Pano's property. He stated the city entered into a Real Estate Purchase Agreement as part of the new high school construction project and must close on this property prior to the end of June 2020. He stated staff felt it was in the best interest to pursue a bank loan versus using fund balance and they are being processed.

A motion was made by Council Member Baugh, seconded by Council Member Jones to approve the supplemental appropriation as presented. The motion carried with a roll call vote as follows:

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

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)

James "Bucky" Berry, 30 West Washington Street, stated he has seen racist cops in the city and all through the nation, and he thinks a review board appointed by Council should be formed to review any problems with officers and if terminated they should not be able to get a job in the same field at a different locality.

Jasmine Espinoza, 1330 Port Republic Road, stated her father works at one of the poultry plants tested positive for COVID-19 and he is scared to go back to work because there is no social distancing. She stated she hopes someone can help families by calling the Safety and Health Code Board to make sure safety measure are put into place.

Mary Gayne, 841 Old Furnace Road, stated the Shenandoah Valley Juvenile Center (SVJC) has benefitted from \$37.5M in grants secured from the Department of Health and Human Services (HHS) in exchange for beds that Immigration and Customs Enforcement have used to detain unaccompanied minors, most of whom cross the southern border. She stated after researching she found that the grants to SVJC will come to an end on June 30, 2020 and asked what this will mean in terms of the Harrisonburg budget in forthcoming years. She stated the center is made up of multiple municipalities (7), which share in the operational costs based on averaging bed usage. She stated the highest the city has ever been required to pay has been \$600,000. She reviewed the history of additional funding for the SVJC, and asked Council to confirm whether or not there are any additional HHS contracts that are anticipated and report back to the community. She asked if there are not additional contracts, she urges Council to be proactive.

Bruce Lundeen, 279 Newman Avenue, stated the eulogy for George Floyd was an amazing remembrance in Houston, Texas. He stated this is the time for change and he feels there will be a lasting impact across the country and the world. He stated his legacy has brought focus to safety and welfare of community members. He stated residents are looking for Council support of Governor Northam in his effort to create mandatory standards for all workers.

Michael Snell-Feikema, 1174 Westmoreland Drive, acknowledged the historic importance of what is going on in this country. He recited a prayer and stated we are seeing a resurrection in our people. He spoke on COVID-19 and noted there have been no inspections to verify companies claims of compliance or investigations of workers complaints of non-compliance. He stated we should not rely on the federal government alone in order to deal with a situation, he reviewed regulations and proposed standards in the state and within the Department of Labor and Industry and

Virginia Occupational Safety and Health Administration, which could help all workers. He asked Council to go to the Justice for Poultry Workers Facebook page for information on how to write and submit written comments on this issue.

Electronic Public Comments

8.b. City Council and Staff

Council Member Jones stated we need to continue to move forward as a city beyond the evils of racism, we need the help of our white brothers and sisters continuously. He stated they are still a greater populous of our city and the country. He stated he hopes that Harrisonburg can be a truly friendly and welcoming city to all. He stated he hopes we can figure out ways to use the funds from the CARES Act to help touch those that have been affected by systematic racism in the more vulnerable communities. He stated he would like to see the city manager and the police chief look at the law enforcement budget and figure out what we are doing when it comes to mental health and things that are outside of traditional police work that they are not experts in. He stated perhaps a new department or new vacancy can be created or work with other agencies that are already there to take certain roles away from the police department that aren't traditional police work duties.

Mayor Reed agreed with Council Member Jones and stated she would like to request Chief English attend the next Council meeting on June 23, 2020. She stated she has received numerous requests and questions about looking into a community justice review board. She stated there used to be a Restorative Justice Committee and wants to know who is on the committee, how many cases have gone through restorative justice, and if it is still functioning. She stated the Use of Force policy is on the Harrisonburg Police Departments website, she has reviewed, and asks the other Council Members to review as well. She stated the Chief of Police has been very open and very transparent and will be reviewing the different policies in place. She stated she was asked about the city's connection and the Turner Ashby Monument, and asked the city attorney to speak on that subject.

Chris Brown, city attorney, stated the city does not own the Turner Ashby Memorial and we have no control over it. It is privately owned by the United Daughters of the Confederacy Chapter 162, who maintain it, it is on private property, therefore we have no jurisdiction over it. He stated the city does own and maintain the access road that goes to the monument.

Mayor Reed stated there will be another testing for COVID-19 at James Madison University on June 11, 2020 from 2pm to 6pm in the parking lot next to Babcock Field, it is a mobile testing and will be open to anyone. She suggests everyone takes advantage of this. She thanked everyone for their donations to her mask drive, she was able to give out 3,400 masks, which provided more care kits delivered to the community. She stated there will be a mask giveaway at the Lucy F. Simms Center on June 10, 2020 from 10am to 2pm.

Vice Mayor Romero stated he is in the midst of working on a resolution for Council to review which urges the members of the Virginia Safety and Health Code Board to create emergency mandatory standards for all workers in the state of Virginia. He stated he wants to look at how we educate remotely, we know there are gaps in access of technology and internet, and he reached out to the city manager to see how other communities are doing to reach everyone. He stated it is a matter of access, technology hotspots, and we need to provide the ability for more access to Wi-Fi and internet.

Council Member Baugh stated his reaction to the killing of Mr. Floyd is that no matter how tough it was to watch, he has seen this before, his was a death in an all too long of a line. He stated it is up to us as a community, a state, a society, to decide what we are going to do about it. He stated the statement Chief English issued was moving and easy to support. He stated we will be doing some deep dives into rules, but it is not always about the rules, it is about a person making the right decisions at the right times. He reminded everyone to wear a mask, its about protecting others, not just yourselves.

Council Member Hirschmann stated a lot has been said, what we are witnessing is moving into a historical era, and he feels in the long run there will be a lot of good that will come out of this mess. He stated we have found through all of this that some people have the ability to have conversations about it as apposed of looting and burning, and things can be accomplished this way. He stated as we move into this time period it is our duty that in our little piece of the world, we keep the momentum going, contribute and improve our city.

Mayor Reed asked the city manager to have Chief English at the next meeting.

9. Boards and Commissions

9.a. Harrisonburg Rockingham Community Policy and Management Team (CPMT)

Mayor Reed stated the way we can make a difference is to make sure our Boards and Commissions are representing the voices in our community, if there is an opportunity for you to serve your community, apply for a position on one of the Boards and Commissions.

Council Member Jones stated many members of Council (past and present) worked on the Diversity Hiring Policies and if we could look at the various places the Human Resources Department uses to reach a greater diverse community and get the vacancies for Boards and Commissions through those resources as well. Mayor Reed stated it took a long time for our leadership and Council to be as diverse as it is now, and since many residents don't have the internet or access to the newspaper, we need to find other ways to reach them.

Vice Mayor Romero stated he agrees 100%, he was able to reach out to a diverse community when a vacancy was open on the Towing Board, but if he had not brought the information to the residents they would have not known. He asked if there was a place to go to look at the vacancies well in advance, or be told in advance, so he could bring the information to the residents. Council Member Jones stated the city clerk has that information and can help with the Vice Mayor's request. He stated the big thing is we need to get people to apply.

Pam Ulmer, city clerk, stated vacancies for any Board and Commission is posted on the city's website, social media and government channel. She stated information on the Boards and Commissions is also posted on the city's website, but she will reach out to the Human Resources Department for possible other avenues of advertising those vacancies.

A motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to reappoint Kara Newman to the Harrisonburg Rockingham Community Policy and Management Team for a third term to expire May 8, 2021. The motion carried with a unanimous voice vote.

10. Closed Session

11. Adjournment

At 8:32 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

NOTE TO THE PUBLIC:

In accordance with the Emergency Ordinance to effectuate temporary changes in certain deadlines and to modify public meeting and public hearing practices and procedures to address continuity of operations associated with pandemic disaster, adopted on April 6, 2020, the public will not be able to physically attend the City Council meeting.

However, a phone line will be live where residents will be allowed to call in and speak with City Council during the Public Hearings and the Public Comments portion of the night's meeting. We ask those that wish to speak during the public comment period to not call in until after all the public hearings and public comment on those have been heard. This will avoid anyone calling on any other item from holding up the queue and then being asked to call back at a later time.

The telephone number to call in is: (540) 437-2687

Residents also may provide comment prior to the meeting by visiting this page:
www.harrisonburgva.gov/agenda-comments.

Residents will be able to watch the meeting live on:

- The City's website, <https://www.harrisonburgva.gov/agendas>
- Public Education Government Channel 3