



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, May 26, 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

Mayor Reed offered the invocation

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)

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 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 Baugh, seconded by Council Member Jones, to approve the consent agenda as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

5.a. Minutes from the May 12, 2020 City Council Meeting

These minutes were approved on the consent agenda

5.b. Consider adopting the Fiscal Year 2020-2021 budget and approving the Appropriation Ordinance on its First Reading

The Fiscal Year 2020-2021 Budget and Appropriations Ordinance was approved on the consent agenda

5.c. Consider amending and Re-Enacting Section 9-6-1 through 9-6-8 - Public Trees, of the City Code of Harrisonburg, Virginia

This ordinance amendment was approved on the consent agenda

5.d. Consider a supplemental appropriation for the School Capital Projects Fund in the amount of \$2,500,000

This supplemental appropriation was approved on the consent agenda.

5.e. Consider adopting an 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

This ordinance was approved on the consent agenda

6. Public Hearings

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

Larry Propst, finance director, stated it is required to have a public hearing, per State Code, if assessments are estimated to increase by over one percent. He stated for the upcoming fiscal year 2020-2021 it is estimated to increase two and a half percent. He stated staff recommended maintaining the tax rate at \$0.86 per \$100 assessed value.

At 7:04 pm Mayor Reed closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Friday, April 24, 2020.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:06 p.m., and the regular session reconvened.

A motion was made by Council Member Jones, seconded by Council Member Hirschmann, to approve the real estate tax rate for fiscal year 2020-2021 as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

- 6.b.** Consider approval of the disposition of a portion of a parcel of real estate owned by the City of Harrisonburg located at 101 North Main Street, containing 1,310 square feet, more or less

Chris Brown, city attorney, stated the current owners of the Kavanaugh Building are in the process of renovating the property to improve the apartments and will remain residences for low-income individuals after the renovations have been completed. He stated the purchase price is approximately \$35,000, pending final survey, for 553 square feet on the back of building and 796 square feet on the side of the building and is required in order to comply with the United States Building Code. He stated the owner has agreed to find alternative housing for residents currently living in the Kavanaugh Building and, upon completion of the renovations to the Building, to allow those residents who have lived there for more than three years to resume their residency at the same rental rate for at least a year. He stated this is a good opportunity to have a historic building in the city's downtown area renovated and improve the living conditions of many of our low-income residents.

At 7:09 pm Mayor Reed closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Tuesday, May 19, 2020.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:11 p.m., and the regular session reconvened.

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

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

No: 0

7. Regular Items

- 7.a.** Consider Approval of the CDBG 2020 Annual Action Plan, 2017-2022 Consolidated Plan Amendment, and Amendment to the Citizen Participation Plan

Ande Banks, deputy city manager, stated since the Covid-19 epidemic hit, the city has received funds from the CDBG-CV CARES Act fund and the previously approved 2017-2021 CDBG Consolidated Plan and the Citizen Participation Plan had to be amended. He reviewed the total available for allocation in the amount of \$936,686 which includes the additional CDBG-CV CARES Act funding. He reviewed the allotments of funding in the following categories of: Housing & Property

Improvements; Community & Public Facilities; Planning and Administration; Public Services; and the recommended CDBG-CV funding usage. He stated the amendment to the 2017-2021 Consolidation Plan is to add a new priority of infectious disease response. He stated the amendments to the Citizen Participation Plan adds a new section for in the event of an emergency that include: Virtual public hearings, expedited display period for documents, one shortened public display period and changing the requirement of the RFP process.

Mr. Banks applauded Kristin McCombe, grants compliance officer, as she has been in the forefront during this epidemic as she has been proactive in finding the needs of the city so she would be prepared to communicate with HUD to get guidance on how to use the additional funding. He stated she researched other localities and found that Roanoke will be utilizing their CARES Act funding for supporting the homeless, workforce development, small business loans and grants, and food assistance; Charlottesville will also be providing public services and economic development; and Bristol will use it for administrative costs and public services.

Mayor Reed asked if the non-profits that are being supported will be asked to provide updates to Council and staff of how the funds are being used. Mr. Banks reviewed what the non-profit organizations do for the community and noted there are federal requirements that each organization must document every dollar used, how the funds are being used, and information on individuals it benefitted on a quarterly basis. He stated Ms. McCombe will receive the information and will be able to indicate if the organization is meeting, not meeting or exceeding expectations of how the funds are being used. He stated this information is collected across the United States through HUD reports to Congress.

Vice Mayor Romero thanked Mr. Banks for the other locality information, but he knows many of the community are financially struggling to pay rent, and he is wondering if there is a place in this funding that could be used to those individuals. He stated many of these individuals have not received any sort of stimulus funding and could use the help if available.

Council Member Jones stated he feels the organizations that staff has chosen to use the additional funding towards was excellent and should be commended for taking the time to think of not only housing, but transportation, needs, etc.

Council Member Baugh stated this program has been around for a long time and is heavily regulated and we have staff that can maintain compliance with this program.

Vice Mayor Romero asked if the city can anticipate any additional funding related to the Covid-19 either from federal or state level. Eric Campbell, city manager, stated based on the Federal CARES Act funding to local government the city was awarded

an additional \$4.6M, but it does come with requirements staff is working through to see how those funds can be maximized. He stated staff is looking to see if rental assistance qualifies for reimbursement, as well as other options, and will be brought to Council once the specifics are determined. He stated they are also lobbying to be able to use the funding to a wider use throughout the community. Further discussion took place as to what options are being reviewed and Mr. Campbell noted the funds received must be used by December 31, 2020.

A motion was made by Council Member Baugh, seconded by Council Member Jones, to approve the CDBG 2020 Annual Action Plan, the 2017-2021 Consolidated Plan amendment and the Citizen Participation Plan amendments as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

8. Special Event Application Requests

- 8.a.** Consider the special event application request for Block Party in the Burg on Saturday, August 29, 2020.

Erin Smith, special events coordinator for Harrisonburg Downtown Renaissance, stated the organizers of all the events are aware that mass gatherings may not be permitted at the time of the event and/or the recommendation outline in Governor Northam's Phase 2 and Phase 2 plans may not leave enough time to modify the events accordingly. She stated event organizers understand that any Council approvals this evening are not definite, and that Council reserves the right to revoke special event permits.

She stated the Friendly City Fourth festival has been cancelled and the board has made recommendations to Council regarding the fireworks for July 4, 2020 which will be discussed under Other Matters.

She presented Block Party in the Burg, Saturday, August 29, 2020, HDR and JMU Orientation cosponsors this event and estimated attendance is between 5,000-6,000 students, and the estimated cost is to be between \$4,320-\$5,060 with HDR paying a portion for transportation through Harrisonburg Department of Public Transportation. She stated they are in conversations of possible modifications to this event this year

A motion was made by Council Member Baugh seconded by Council Member Jones, to approve the special events application as presented. The motion carried with a recorded roll call vote taken as follows:

- 8.b.** Consider the Special Event application request for the Alpine Loop Gran Fondo on Sunday, September 27, 2020.

Erin Smith, special events coordinator for Harrisonburg Downtown Renaissance, presented the 9th Annual Alpine Loop Grand Fondo, Saturday, September 27, 2020,

estimated attendance is 1,000, and the estimated cost is to be between \$1,331 with the organizer paying \$735 of that cost. She stated the organizer is staying up to date with USA Cycling guidelines and is prepared to make major modifications if needed.

A motion was made by Council Member Baugh seconded by Council Member Jones, to approve the special events application as presented. The motion carried with a recorded roll call vote taken as follows:

- 8.c.** Consider the special event application request for the annual Veterans Parade on Sunday, November 8, 2020.

Erin Smith, special events coordinator for Harrisonburg Downtown Renaissance, presented the Annual Veterans Parade, Sunday, November 8, 2020, estimated attendance is between 800 to 1,000, and the estimated cost is \$4,600.

A motion was made by Council Member Baugh seconded by Council Member Jones, to approve the special events application as presented. The motion carried with a recorded roll call vote taken as follows:

- 8.d.** Consider the special event application request for the EMU Homecoming street closure on Saturday, October 17, 2020.

Erin Smith, special events coordinator for Harrisonburg Downtown Renaissance, presented the Eastern Mennonite University Homecoming Celebration, Saturday, October 17, 2020, estimated attendance is 1,500, and the estimated cost is \$270 for closure of Park Road.

A motion was made by Council Member Baugh seconded by Council Member Jones, to approve the special events application as presented. The motion carried with a recorded roll call vote taken as follows:

- 8.e.** Consider the special event application request for the annual Shenandoah Valley Pride Festival on Saturday, September 19, 2020.

Erin Smith, special events coordinator for Harrisonburg Downtown Renaissance, presented the Shenandoah Valley Pride Festival, Saturday, September 19, 2020, estimated attendance is approximately 3,000, and the estimated cost is \$2,700. She stated the organizer will pay for three off duty officers.

A motion was made by Council Member Baugh seconded by Council Member Jones, to approve the special events application as presented. The motion carried with a recorded roll call vote taken as follows:

- 8.f.** Consider the special event application request for the Arts Council of the Valley's Progressive Party on Saturday, September 19, 2020.

Erin Smith, special events coordinator for Harrisonburg Downtown Renaissance, presented the Arts Council of the Valley Progressive Party, Saturday, September 19, 2020, estimated attendance is 150, and the estimated cost is \$580. She stated the organizer is requesting the closure of a portion of North Liberty Street between the old Big L Tire building and Sage Bird Cider Works. She stated the organizer will be responsible for hiring and compensating off duty officers deemed necessary by the

Harrisonburg Police Department.

A motion was made by Council Member Baugh seconded by Council Member Jones, to approve the special events application as presented. The motion carried with a recorded roll call vote taken as follows:

- 8.g.** Consider the special event application request for the Girls on the Run 5k on Sunday, November 15, 2020.

Erin Smith, special events coordinator for Harrisonburg Downtown Renaissance, presented the Fall Girls on the Run 5K, Sunday, November 15, 2020, estimated attendance is between 200-300, and the estimated cost is between \$840 - \$1,080.

A motion was made by Council Member Baugh seconded by Council Member Jones, to approve the special events application as presented. The motion carried with a recorded roll call vote taken as follows:

9. Supplementals

- 9.a.** Consider a supplemental appropriation for various departments in the amount of \$383,957

Larry Propst, director of Finance, presented a supplemental regarding grants and donations that have been received throughout the year by the Police Department, Fire Department and Parks and Recreation Department that need to be appropriated in the amount of \$383,957.

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

- 9.b.** Consider a supplemental appropriation for the Water Capital Projects Fund in the amount of \$330,366.73

Larry Propst, director of Finance, presented a supplemental regarding interest received on proceeds of bonds within the Water Capital Projects Fund in the amount of \$330,366.73.

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

- 9.c.** Consider a supplemental appropriation for the Business Loan Program Fund in the amount of \$5,000

Larry Propst, director of Finance, presented a supplemental regarding the Disaster Impact Loan Program created by the Economic Development Department, in the amount of \$5,000.00.

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

10. Other Matters

10.a Comments from the public, limited to five minutes, on matters not on the regular agenda. (Name and address are required)

The following spoke to express their concerns of the current situation with Covid 19 in Poultry Plants, its employees and the need for testing:

- Connie Finks, member of Virginia Organizing
- Carol Snell-Feikema, 1174 Westmoreland Drive,
- Brenda Jess, 122 South Main Street
- Nevin Zehr, 147 West Grattan Street
- Bruce Lundeen, 279 Newman Ave, Community Solidarity with the Poultry Workers group
- Theresa Kubasak, 91 ½ Franklin Street
- Jake Crew, 101 Cedar Pointe, Shenandoah Socialist Collective
- Isabel Castillo, 1747 Buttonwood Court, spoke on behalf of friend Lisa Lanna
- Michael Snell-Feikema, 1174 Hillcrest Drive
- Nell Martin, Harrisonburg
- David Furlong, 386 Acme Company Street, Broadway
- Paloma Saucedo, 1447 Springside Drive

The following spoke to express their concerns regarding Phase 1 and the reopening of businesses in the city:

- Brenda Jess, 122 South Main Street
- Nevin Zehr, 147 West Grattan Street
- Hailey Springer, 34 West Gay Street, Shenandoah Socialist Collective
- Jake Crew, 101 Cedar Pointe, Shenandoah Socialist Collective
- Nell Martin, Harrisonburg
- Steele Dunn, 1203 Red Maple, Grottoes
- Paloma Saucedo, 1447 Springside Drive

James "Bucky" Berry spoke of his concerns of the tall grass in the city parks.

Steven Thomas stated the Rockingham County Board of Supervisors should be contacted regarding the concerns of the poultry workers. He criticized the people that called in saying Council wasn't doing enough, he feels Council is doing more for the residents of the city than any other Council.

10.a.1. Electronic Public Comments**10.b City Council and Staff**

Council Member Jones spoke on the anger shown behind some of the public comments and threats of consequences and noted he does not appreciate it towards anyone.

Mayor Reed stated Council hears so much of what they are not doing and very little on the things they are doing. She reviewed all the things that Vice Mayor Romero has done regarding trying to protect the workers of poultry plants, reaching out to public officials throughout the state and residents through social media. She stated she has been involved in the increase in testing's availability in the city, a Mayor's Mask drive, care kits delivered to the most at-risk neighborhoods, just to name a few. She stated we have a Council that has a connection to what is going on with all the residents of the city, no matter what race or religion or age, and we are doing everything we can. She stated she feels Council has done a tremendous job in keeping the city going throughout this pandemic.

Vice Mayor Romero stated he has learned over his term on Council that no matter what we do as elected officials there will always be someone or some groups of people that will be dissatisfied. He stated he has had Covid-19 hit his family, he has family members that work in the poultry plant, and when people say Council is in the luxury of their home or safe away from people, they really don't know what they are saying, they have no idea what is going on. He stated Council has been pushing for numbers specifically related to poultry plants and pushing for testing since this all began. He stated we have increased our messaging in several different languages all due to the vision of this Council in reaching out and providing access to everyone in the community.

Council Member Hirschmann stated Council and staff is doing a lot for the city and continue to do so, but he is sure there is always more that can be done. He suggested Council reaches out to the Governor and asking him to get involved in the condition at the poultry plants, making sure employees are getting tested, and put pressure on the executives of these plants to insure safety for all employees. He stated he doesn't have the answer as to how to get that all done, we should apply pressure in Richmond to confront the situation in the city.

Council Member Baugh stated the end of Executive Order 63 directs the commissioner of the Department of Labor and Industry to issue and place regulations. He stated people may not be happy with the pace of implementing these regulations, and they can let the Governor know, but the issues many spoke of this evening have been identified. He stated when he saw what a lock down meant and what Italy was

doing during the pandemic, he saw it was going to create groups of people who were either getting ordered to stay home or getting ordered to go to work. He stated he saw that the group of people who were going to be ordered to go to work and stay open were those that needed that next paycheck and struggling the most. He stated he was surprised it took us that long to actually see that, however, we still need to look at this from the big picture aspect. He stated he tries not to make judgement of other people, but people need to wear masks out of respect for other people not necessarily themselves.

Mayor Reed stated she encourages all those that called in this evening to go to or contact the Board of Supervisors for Rockingham County with the same spirit they showed to Council.

Council Member Jones stated he wants to make sure the restaurant owners in the city know that we are there for them, we are concerned for them, we know they are not slave drivers, they are doing the best they can for their employees and are making sure they are providing healthy environments for their employees.

July 4th, 2020 Fireworks

Council Member Jones stated there was a letter sent to Council from the Board of HDR regarding their recommendation for the 2020 July 4th fireworks. He stated HDR receives a Community Contributions disbursement to pay 50% of the cost of fireworks for this event, and although it would be a great, patriotic and celebratory to have the fireworks, it is also inviting a lot of traffic creating a heavy strain on public safety and neighborhoods.

He asked for Council's feedback as to whether the fireworks can be postponed until later on in the year or cancel it completely.

Eric Campbell, city manager, stated the recommendation from city staff based on conversations with the Harrisonburg Police Department and other city departments would be to postpone or cancel.

Vice Mayor Romero stated many other localities surrounding the city have cancelled all 4th of July events, which could attract more people into the city and put us at more risk.

Council Member Hirschmann stated the city really needs to come together, a little cohesive event to reunite everyone, but the 4th of July may be a little bit too early. He suggested we postpone to September or later if necessary.

A motion was made by Council Member Jones, seconded by Council Member Hirschmann, to postpone the 4th of July fireworks to a later date to be determined. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

10.b. City Council and Staff (continued)

Mr. Campbell stated with the adoption of the consent agenda Council formally approved the Fiscal Year 2020-2021 Budget and thanked Council, the Finance Committee, City staff, and Finance staff as this has been an unusual budget year. He stated as mentioned during the budget presentation there would have to be amendments due to revenue shortfalls, which will be brought to Council on June 9, 2020.

Mayor Reed stated Rockingham County will have 300 free drive-through Covid-19 testing's on May 27, 2020 at 6:30 pm at SRI International, 140 Research Drive; the city will have 250 free Covid-19 testing on May 28, 2020 at the parking lot of Faith Community Church, 1660 S. Main Street and another 250 test at EMU Commons, 1307 Park Avenue from 2-6pm.

11. Boards and Commissions

11.a. Board of Zoning Appeals

Chris Brown, city attorney, stated one of the applicants was not qualified to serve on the board as he does not reside in the city. Discussion took place regarding the applicant who is qualified and if Council should wait for any other applications to come in.

A motion was made by Vice Mayor Romero, seconded by Council Member Baugh, to appoint Patrick Ressler to the Board of Zoning Appeal for a five-year term to expire on 05/26/2025. The motion carried with a unanimous voice vote.

11.b. Towing Board

A motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to appoint Hunter Woodard and Luis Rodriguez Hernandez to the Towing Board. The motion carried with a unanimous voice vote.

12. Adjournment

At 9:14 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR