



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, July 27, 2021

7:00 PM

Council Chambers

1. Roll Call

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: 4 - City Attorney Chris Brown, City Clerk Pam Ulmer, Deputy City Manager Ande Banks and Police Chief Kelley Warner

2. Invocation

Council Member Dent offered the invocation

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

4. Special Recognition

5. Consent Agenda (any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of Council, otherwise all items will be voted on with one (1) motion)

A motion was made by Council Member Jones, seconded by Council Member Dent 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 July 9 and July 10, 2021 City Council Retreat

These minutes were approved on the consent agenda.

5.b. Minutes from the July 13, 2021 City Council Meeting

These minutes were approved on the consent agenda.

5.c. Consider adopting an ordinance ending the Local Emergency Declaration issued by the City Manager on March 15, 2020

This ordinance was approved on second reading.

6. Public Hearings

- 6.a.** Consider adopting a resolution and ordinance approving a boundary line adjustment between the City of Harrisonburg and Rockingham County.

Chris Brown, city attorney, stated this request is not an annexation but the Virginia Code permits localities by written agreement to alter boundary lines between localities and will need to be submitted to a court. He reviewed the boundary lines of the property in which Rockingham County will obtain and the reason for the request by the county. He noted this is strictly for real estate. He stated in exchange for this boundary line adjustment the city owns property along Smithland Road that is in the County and will be brought into the city via a boundary line adjustment. He reviewed the property and noted some survey work will need to be done to determine the exact boundary lines before this adjustment can be finalized.

Council Member Jones asked about sales tax for the adjustment to the County. Mr. Brown stated the business is already in Rockingham County, so no effect to the city in that regard.

At 7:13 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, July 19th and Monday, July 26th, 2021.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:14 p.m., and the regular session reconvened.

Vice Mayor Romero stated this is a project that he wants to support, he has been in conversations with the owners of the first parcel and it seems to be the best move and will allow the owners to live and operate their business from the same location. He thanked Council for the support.

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

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

No: 0

7. Regular Items

- 7.a.** Update from Middle River Regional Jail

Jeffrey Newton, Superintendent for Middle River Regional Jail (MRRJ), stated he understands Council has questions regarding the expansion/renovations of MRRJ. He stated at the June 1, 2021, the MRRJ Authority Board passed a motion to renovate and add some support service facilities to MRRJ, not to exceed \$14.5M which includes 30,000 sf of additional space, with the majority of additional space

being used for a new medical unit. He stated additional space would be used for administrative space as well as kitchen and warehouse expansion. The project also includes some much-needed renovation to mechanical systems. He stated they are waiting on the Board of Local and Regional Jails to let them know if the modified expansion still qualifies for the 25% reimbursement.

Mr. Newton stated regarding the phases of this project, the MRRJ Authority Board adopted a 1 phase project.

Council Member Jones asked for the breakdown of the square footage uses. Mr. Newton stated the following:

- 13,500 sq ft for medical unit
- 2,100 sq ft for inmate laundry
- 6,200 sq ft administrative space
- 3,100 sq ft food service
- 4,200 sq ft warehouse

Council Member Jones asked why such a large space is needed for administration. Mr. Newton stated the number of staff have increased and they have run out of office and training space.

Council Member Jones stated MRRJ is budgeting and anticipating for numbers that are ghost numbers, there are other facilities that the Department of Homeland Security has access to, and the incarcerated individuals decreased / and will continue to decrease at MRRJ because of the pending transfers to facilities throughout the Department of Corrections. Mr. Newton stated the numbers of incarcerated individuals at MRRJ fluctuate on a daily basis. Council Member Jones stated he does not see the force and energy of anyone going to Secretary Moran's office to get the individuals transferred that are putting an unnecessary burden on the localities that have a low crime rate who partner with MRRJ. He spoke about all the programs offered in the area for rehabilitation and restorative justice. He stated he agrees that the incarcerated individuals need to be taken care of and agrees with some of the expansions such as the medical unit but doesn't understand the need for a warehouse to store additional items for additional inmates that shouldn't be there in the first place, same could apply to staffing as well.

Council Member Dent stated that currently Harrisonburg has 37 inmates at MRRJ out of a total of 795 which equals 4.5% of the total population at MRRJ but yet the city is paying 14.8% of the cost share. She stated we have the lowest incarceration rate partly due to some of the successful programs we have like the Crisis Intervention Team and Drug Court. She stated we do not need additional space for incarceration, but she does agree that we need to take care of the people already at MRRJ. She stated she asked for blueprints before but was only provided conceptual drawings. She asked if the medical unit proposed is the same as part of the original larger expansion. Mr. Newton stated it is, but it is just a conceptual design at this point. She

stated she feels the warehouse space seems extensive, are there possible local businesses that have warehouse space that can be leased. She asked if there will be additional costs for relocating inmates when the renovations are going on. Mr. Newton stated there will be no need to relocate inmates during the renovations and mechanical repairs.

Council Member Jones stated he would like to see a breakdown of costs for the renovations. Mr. Newton stated he can provide that information to the city manager.

Vice Mayor Romero stated he agrees with Council Members Jones and Dent in some of their concerns. He stated he has had a very difficult time speaking to individuals in the community about their concerns, because there is so much different information out there, he can't answer questions without accurate information. He stated it would be extremely helpful if Council had all the same information in order to represent the community. Mr. Newton stated the MRRJ website provides an audit trail of every document presented to the public and he will provide a copy of it to the city manager. Further discussion took place as to what information is available.

Council Member Dent asked what will happen to the old medical unit once the new unit is up and running. Mr. Newton stated it will be repurposed for mental health offices, or possibly for new 'restrictive housing' units. Council Member Dent rephrased that to the popularly known term 'solitary confinement'. Council Member Jones asked if the number of physicians and mental health professionals will increase. Mr. Newton stated in MRRJ's annual budget for FY21 four new medical staff were added and in FY22 two new medical staff positions will be filled. He stated they currently have four full time mental health staff, two of which are covered under a grant, the Valley Community Service Board received approval for a grant that will have professionals available to transition individuals back into the community. Vice Mayor Romero asked if there are required ratios of staff to inmate set by the state. Mr. Newton stated there is no state mandated ratio for medical staff."

Mayor Reed stated Harrisonburg is being very careful with what is going to happen at MRRJ because we have great programs that are keeping our numbers low, it's unfortunate that we have a contract with MRRJ that isn't ideal. Further discussion took place on the history of how we got into the contract with MRRJ.

Council Member Hirschmann stated we just want to be able to justify the numbers so that the funds we contribute are well spent.

Mr. Newton stated the transferring of inmates to the Department of Corrections (DOC) is fundamentally flawed as it is controlled totally by the DOC. He stated the Statute requires an offender who is passed the 30 days from final sentencing to be transferred to the DOC within 60 days, but budget language overrides that and gives absolute authority to Director Clark to determine the transfer date. He stated MRRJ is working very closely with a lobbyist to develop legislation to address this. He stated it

is further complicated as during the Special Session last fall when the Legislature adopted Good Time change for incarcerated individuals and described what that plan entails and the problems that arise.

Council Member Dent stated it would do us well to be lobbying our state representatives to close the loophole to ensure the DOC gets inmates transferred. Mr. Newton stated he believes VML is involved and other associations will get on board. Further discussion took place regarding lobbying and reaching out to our state elected officials.

This Report was received and filed.

7.b. Presentation from United Way on the Asset Limited Income Constrained Employed (ALICE) population in Harrisonburg and Rockingham County

Jo Benjamin, Coordinator of Community Impact, United Way of Harrisonburg, and Rockingham County, presented updates on Asset Limited Income Constrained Employed (ALICE) population within the city. She reviewed the following:

- Priority Areas
- State Level Trends
- ALICE in our Community
- Consumer Price Index and ALICE Essentials Index
- COVID-19 Impact Survey
- Unite Virginia and Network Activity

Mayor Reed thanked Ms. Benjamin for her presentation and for all the work United Way does for the community. She asked what has United Way seen as the most need in the community. Ms. Benjamin stated housing is one of the biggest issues, United Way has a form online to assist in paying rent, finding housing, eviction prevention, home repairs and modifications. She stated United Way received funds from the city for preservation of existing housing stock over the past few years. Mayor Reed stated additional funding was provided for organizations as well as United Way this year. She asked what the funds were used for from the CARES Act funding provided by the city. Ms. Benjamin stated the funds were used towards utility assistance and used in the Unite Virginia program.

Council Member Dent stated she appreciates the awareness of the concept of an essential worker this pandemic exposed. She thanked United Way for all they do.

Vice Mayor Romero thanked United Way for the great services and support provided to our community. He asked what date the report was written. Ms. Benjamin stated the report came out the summer 2021 and based on 2018 data. Vice Mayor Romero stated he knows we aren't helping everyone, there are still a lot out there that are hurting, but he does know there has been a lot of support to the community and asked if there is a way to capture how support has been impactful and provided. Ms. Benjamin stated it would be up to each organization to track what support and

reasons for the support that was done and noted that language access is a priority.

Council Member Hirschmann stated the impending inflation is not going to help with the needs of our community.

Council Member Jones stated Ms. Benjamin is the best presenter and is always so prepared. He stated housing, transportation and childcare were the three points discussed during a recent Chamber of Commerce Board meeting. He stated he would like United Way to come up with a way to create greater synergy with the business community and the non-profit organizations, there has to be more action items to take care of the needs without it all falling on the city, or the non-profits or the business community, we all need to work together.

Further discussion took place regarding collaboration from everyone.

This Report was received and filed.

7.c. Council to Consider Approval of CDBG 2020 Action Plan Amendment

Ande Bank, deputy city manager, stated the public hearing for the CDBG Action Plan amendment ended on July 22, 2021. He stated when the CDBG Action Plan was put together the COVID related needs in the city were still evolving and available funding sources were unknown. He stated in the fall of 2020 a second round of CDBG COVID funding became available to the city in the amount of \$326,630.00. He stated staff recommended this funding be used for homeless services, and this amendment is structured in a way to allow the city the greatest amount of flexibility to address homelessness in our community. He stated this amendment gives us the ability to work in any form or fashion as our current relationships continue to evolve and we will be ready to act on what the main need is.

A motion was made by Council Member Jones, seconded by Council Member Dent, to approve the Action Plan amendment 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

Recess

At 8:29 p.m., Mayor Reed called the meeting into recess.

At 8:33 p.m., Mayor Reed called the meeting back into session.

7.d. Consider approving a resolution for the issuance of up to \$127.5 million in general obligation bonds for capital project purposes and for the issuance of up to \$62.5 million for the potential refinancing of existing bonds.

Larry Propst, director of Finance, presented a resolution for adoption to issue up to \$127.5 M of General Obligation Bonds to fund the new high school and for the Eastern Raw Water Line project. He stated an additional \$62.5M of this request will go to refinance existing bonds which could save the city \$5.5M over the next ten years.

Council Member Jones asked what happened to the Public Safety building project. Mr. Propst stated staff didn't work it into the real estate tax increase, the tax increase all went to the new high school. He stated ARPA (American Rescues Act Plan) funds may be able to be used for the Public Safety Building project.

Council Member Dent asked if ARPA funding could be used for the Eastern Raw Water Line project as well, since the federal government specifically called out water and sewer as part of the infrastructure being funded. Mr. Propst stated we still have time to work through some of that and potentially some of the ARPA funding could be used for the Raw Water Line project, but the Public Utilities department has a number of projects on the books the funds could be used for.

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

Yes: 4 - Mayor Reed, Romero, Council Member Jones and Council Member Dent

No: 1 - Council Member Hirschmann

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)

Panayotis "Poti" Giannakouros, spoke on the low incarceration rate in the city, the exclusionary tall grass and weed ordinance, redevelopment, zoning ordinance amendments, supply chains, clean water, and clean air.

Bucky Berry, spoke on Lt. Monahan of HPD regarding food drives, a backpack program, poverty, hunger, tax increases, and giving back to the community.

8.b. City Council and Staff

Council Member Jones thanked the city manager and city staff on all they have done in helping him respond to his constituents. He stated he appreciates the engagement of the community. He thanked Parks and Recreation for doing all they have done in keeping all the facilities safe and clean and doing a phenomenal job on everything.

Vice Mayor Romero stated he is super excited about the opening of the Futsal Courts at Ralph Sampson Park on July 28, 2021, at 7pm, people will enjoy the courts and there is a lot of excitement in the community. He stated the use of this facility should be amazing and we may need more in the city.

Council Member Dent stated she is wrapping up her project of representing to the Energy Committee of the National League of Cities creating resolutions that will be presented to the Federal Government. She met with the staff of Senator Warner and shared her requests to help supply localities with clean energy infrastructure, particularly electric vehicle charging stations. She stated it's been a great project and she hopes to move forward with it.

Council Member Hirschmann stated Central Shenandoah Planning District Commission (CSPDC) has received funding which will go towards affordable housing up and down the valley.

Mayor Reed stated Stephanie Howard, supervisor of the Lucy F Simms Educational Center, the Parks and Recreation Advisory Committee and the Northeast Neighborhood Association (NENA) all have been working on getting a historical marker in honor of Lucy F. Simms. She stated the unveiling of the Lucy F Simms Historical Marker will take place on August 13, 2021, at 11:00 am and she hopes to see everyone there. She asked Council to review their emails for VML Committee meetings.

Eric Campbell, city manager, commended and thanked Ms. Kristin McCombe, Community Development Block Grant Coordinator, as the CDBG Program was remotely monitored by HUD, and he is proud to say there were no findings or concerns and we are in full compliance. He stated the finance staff and consultants will be meeting with Moody's and Standard and Poor's to present our financial package to the grading agencies as we prepare to go out or financing for HHS2. He stated hopefully by the middle of September we will be prepared to go to market with bond sales.

9. Boards and Commissions

9.a. Harrisonburg Redevelopment Housing Authority

A motion was made by Council Member Hirschmann, seconded by Council Member Dent, to appoint Jody Johannessen to the Harrisonburg Redevelopment and Housing Authority for an unexpired term February 26, 2023. 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

9.b. Ordinance Advisory Committee (OAC)

A motion was made by Council Member Jones, seconded by Council Member Hirschmann, to appoint Barry Kelly to the Ordinance Advisory Committee. 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 8:58 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR