



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, February 13, 2024

7:00 PM

Council Chambers

1. Roll Call

Present: 5 - Mayor Deanna R. Reed, Vice-Mayor Laura Dent, Council Member Christopher B. Jones, Council Member Dany Fleming and Council Member Monica Robinson

Also Present: 5 - City Manager Ande Banks, City Attorney Chris Brown, City Clerk Pam Ulmer, Chief Matthew Tobia and Deputy Police Chief Rod Pollard

2. Invocation

Council Member Jones 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 Fleming, seconded by Vice Mayor Dent, to approve the consent agenda as presented. The motion carried with a roll call vote as follows:

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

No: 0

5.a. Minutes from the January 23, 2024 City Council Work Session and Regular Meeting

Presented By: Pamela Ulmer, City Clerk

These minutes were approved on the consent agenda

5.b. Consider a request from Cobblers Valley Development LLC to rezone 585 Pear Street

The rezoning request was approved on second reading

5.c. Consider a request from J&D Group LLC to rezone two parcels at 465 Pear Street and Pear Street

The rezoning request was approved on second reading

- 5.d. Consider approving a supplemental appropriation for the Edward Byrne Memorial Justice Assistance Grant

This supplemental appropriation was approved on second reading

6. Public Hearings

- 6.a. Consider a request from Harrisonburg Redevelopment & Housing Authority to rezone 715 North Main Street

Adam Fletcher, director of Community Development, presented a rezoning from M-1C to B-1 C for property located at 715 N Main Street. He reviewed the surrounding long term plan for the area, the property, the history of the zoning for this property and the submitted proffers.

He stated staff and Planning Commission (6-0) recommend approval of this request.

Council Member Fleming asked if the applicant would use the alley for access. Mr. Fletcher stated most likely.

At 7:11 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 Daily News-Record on Monday, February 5, 2024, and Monday, February 12, 2024

Michael Wong, executive director of HRHA, and Nicky Fadley, executive director of Strength in Peers, stated HRHA owns the property and Strength in Peers are the lessee, with a Lease-Purchase Agreement. Ms. Fadley stated this building is only two blocks from their main office and they are really committed to maintaining this property as a recovery residence.

Virginia Haverty, stated she wonders what will happen to the people that are using this property as temporary residence.

Panayotis "Poti" Giannakouros, stated he is sad to see that the food forest is gone on this property and that housing is gone.

At 7:15 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Fleming stated this is an immensely needed service. Mayor Reed agreed, this is something that Strength in Peers has been wanting to accomplish. Council Member Robinson stated this is a great opportunity and partnership and she is sure there is a plan in the works on how to house the current residents. Vice Mayor Dent stated she is saddened that Vine and Fig were no longer able to operate, but the good news is that it is being passed on to a very worthy organization.

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

7. Regular Items

7.a. Blue Ridge Community College annual update

Dr. John Downey, president of Blue Ridge Community College, presented an update for Blue Ridge Community College (BRCC). He stated he appreciates all the support from the city and nearly 32% of city college age residents attend BRCC. He stated he appreciates the partnerships with Harrisonburg City Schools and provided a packet of information on BRCC. He spoke on the partnerships with JMU, EMU and Bridgewater College as well as a few others in the valley. He informed the Council of the Workforce Training classes.

Council Member Fleming stated that statistics show that 70% of every high school graduate stay in the area or returns here within ten years. He stated BRCC provides a strong bridge for those students to enter directly into the workforce or continue their education. Dr. Downey spoke on the Grad Class Program.

Council Member Jones asked Dr. Downey how the city can help BRCC. Dr. Downey stated the biggest thing would be to help spread the word, there are still so many people who don't understand the range of options BRCC provides.

Mayor Reed stated she appreciates Dr. Downey updating Council every year, BRCC always allows kids to visit the college, and thanked Dr. Downey.

This Presentation was received and filed.

7.b. Consider a request from EP Harrisonburg Owner LLC to preliminarily subdivide three parcels totaling a +/- 62.5-acres addressed as 1010 Garbers Church Road and 1645 Erickson Avenue

Adam Fletcher, director of Community Development, presented a preliminary plat with variance requests related to Bluestone Town Center. He reviewed the long term plans of the area, the specifics of the preliminary plat and the variance requests.

He stated staff and Planning Commission (6-0) recommend approval of this request with the following condition:

Units 1-10 shall have their front façade facing the public street.

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

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

No: 0

7.c. Consider adopting a resolution designating the site for the proposed BJ Searles Development, a Revitalization Area.

Ande Banks, city manager, presented a resolution designating a portion of the city as a revitalization area for the Mosby Road Development Project, so that the developer can qualify for funding from Virginia Housing for low income housing tax credits.

Council Member Fleming stated this will provide the developer access to state funds and grants.

Vice Mayor Dent asked what changed with the previously qualified census tract. Mr. Banks stated the census tracts are a moving target at times depending on the demographics and income level.

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

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

No: 0

7.d. ARPA Pedestrian Project Update

Tom Hartman, director of Public Works, presented an update on the Pedestrian project. he reviewed the Sterling Street sidewalk project, noting an open house was done but there were some right of way acquisition challenges. He stated due to these challenges other projects in the same neighborhood were reviewed: Hill Street sidewalk gap, part of the Sterling Street sidewalk gap, Kelley Street to Ralph Sampson Park Connector Path, and Kelley Street sidewalk gap. He stated with the time constraints on the expenditure of ARPA funding the Kelley Street sidewalk gap would be difficult to obtain all the easements needed.

Council spoke on the desire to reinvest any additional ARPA funding initially set aside for improvements in the Northeast Neighborhood after these projects are completed back into the same neighborhood versus using any extra funds for capital improvement projects that will most likely need additional funding. They spoke on the positive impacts these projects will make on the neighborhood.

A motion was made by Council Member Robinson, seconded by Council Member Jones, to approve the Hill Street sidewalk gap, Sterling Street sidewalk gap, and Kelley Street to Ralph Sampson Park connector path projects as presented. The motion carried with a recorded vote as follows:

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

No: 0

7.e. Consider amending the Zoning Ordinance to amend the definition of “Family” and add “Recovery Residence” use

Chris Brown, city attorney, stated at a previous Council meeting, there were questions regarding change in ordinance of the definition of “family”, which would include allowing minor children of residents of Recovery Residences. He stated it has been deemed by many that it is an overall positive thing for the children and parents, and certainly better than most of the other options. He stated Recovery Residences are now certified by the Virginia Department of Behavioral Health and Developmental Services and to a large extent a lot of that oversight from that agency is checking to see if the Recovery Residences are credentialed by either Oxford House or the Virginia Association of Recovery Residences. He stated none of the Recovery Residences in the city, now or planned, allow children, there are actually very few in the state that do. He reviewed some of the requirements for credentialing regarding children. He stated he spoke to the director of the Office of Recovery Services and the director of Child Protective Services at the local Department of Social Services, who were in favor of children being with their parents in the recovery residences. He stated the Virginia State Code, and the Virginia Administrative Code includes definitions for Recovery Residences, so the language in the ordinance amendments reflect those definitions.

Council Member Fleming thanked Mr. Brown for this information and stated there may be federal requirements coming related to Recovery Residences. Mr. Brown stated under Federal Law individuals who have an addiction are considered to have a disability and cannot be discriminated against.

Vice Mayor Dent asked how it is determined if children are allowed. Mr. Brown stated it would be up to the credentialing agencies based on need, space, etc. Vice Mayor Dent stated it is reassuring to hear that the people who do child protective services are for this.

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

8. Special Event Application Requests

9. Supplementals

9.a. Consider a supplemental appropriation for the purchase of real estate

Ande Banks, city manager, presented a \$1.3 M Supplemental Appropriation request to purchase the property for the future Fire Station #5.

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

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

No: 0

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 requesting Council to support a resolution requesting cease fire in Gaza:

Michael Snell-Feikema, 1174 Westmoreland Drive,
Lori Marrow, 1539 Hillcrest Drive
Theresa Kubesak - 91 1/2 Franklin Street
Dahlia Dalla, Davis Mills Drive
Fernando
Avi Stein, 889 Port Republic Road
Dr. Daroon Jalil, 753 Carson Circle
Mr. Miller, 2951 Congers Creek Road
Ms. Rambu, 2951 Congers Creek Road
Carol Snell-Feikema, 1174 Westmoreland Drive
Will Blosser
Hasan Hamdan,
Lauren Amer, 1157 Springfield Drive
Eli Haywood, 1150 Devon Lane
Jade O., 1826 Putter Court
Abas Rohe,
Asham Ahmed, 4545 Shenlake
Spence Bichon, 1194 Dale Circle

Recess

At 9:50 p.m., Mayor Reed called the meeting into recess.

At 10:00 p.m., Mayor Reed called the meeting back into session.

Comments from the public (continued)

The following spoke requesting Council to support a resolution requesting cease fire in Gaza:

Dinel Rasha
Daniela Valdez Alvarez, South Avenue

Joselene Martinez, 1073 Lois Lane
Sheikh Altaf, 60 Easthampton Court
Rosie,
Virginia Haverty, 458 W. Wolfe Street

Panayotis "Poti" Giannakouros, spoke on Martin Luther King, Jr. Way, structural change, he urged people to apply for boards and commissions and come to Council meetings, No-Mow May, and repealing of tall grass and weeds ordinance.

10.b. City Council and Staff

Council Member Fleming thanked everyone for coming to the meeting, this is one of the most diverse audience since the Martin Luther King Jr. Way street renaming. He stated he has sent messages to our elected leaders to deliver humanitarian aid immediately. He spoke on the process of a group coming together to draft a resolution to present to Council, the power of symbolism, and the resolution presented to Council at this meeting.

Mayor Reed stated the resolution presented is not the same resolution as presented previously and spoke further on what she has been doing for this effort.

Council Member Robinson thanked everyone for coming out and stated there is no vow of silence from Council; she spoke on previous meetings with the community, the resolution presented and the confusion behind how and by whom it was prepared by; she stated it is African American Black History Month and two wonderful programs will be offered on Thursday, February 15, 2024 at Lucy Simms Center and the Shenandoah Valley Black Heritage Project will be presenting virtually on the life and letters of Bethany Veney.

Vice Mayor Dent stated this is what democracy looks like, we can't be silent and quoted Elie Wiesel; she stated she is not willing to vote on a resolution that she is just now seeing, she references a resolution from a city in North Carolina.

Council Member Jones stated he appreciates the time that people took for the meetings over the past couple months, he would like to know more about the state and federal efforts that individuals are making locally to see change; he hopes to see all this participation in the local process such as Boards and Commissions membership, voices are needed there too; he stated he hopes we can keep the dialogue going because it shouldn't be toxic or inflamed at something that none of us participated in;

Mayor Reed stated she is committed to the discussions and to taking action and this resolution will be considered; She stated she will use her platform to help the people she serves; she stated if we are going to be the Friendly City, Welcoming City, and a City for All, she cannot support a resolution that is divisive;

11. Boards and Commissions

11.a. Stormwater Advisory Committee (SWAC)

A motion was made by Vice Mayor Dent, seconded by Council Member Robinson, to appoint Daniel Stone to the unexpired term to expire on April 28, 2024, and Kurt Shick, Kent O'donohue and Chelsea Thomas to a full term to expire on February 13, 2027, to the Stormwater Advisory Committee. The motion carried with a unanimous voice vote.

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

A motion was made by Vice Mayor Dent, seconded by Council Member Fleming, to reappoint Doug Hendren to a 2nd term to expire on January 12, 2027 to EPSAC. The motion carried with a unanimous voice vote.

11.c. Harrisonburg Electric Commission (HEC)

A motion was made by Vice Mayor Dent, seconded by Council Member Fleming to appoint Michael Gochenour to the Harrisonburg Electric Commission to a 1st full term to expire on February 13, 2027. The motion carried with a unanimous voice vote.

11.d. Economic Development Authority

A motion was made by Council Member Fleming, seconded by Council Member Robinson, to re-appoint Marc Lemmond to the Economic Development Authority to a 2nd term to expire July 23, 2027. The motion carried with a unanimous voice vote.

11.e. Building Code Board of Appeals

A motion was made by Council Member Fleming, seconded by Council Member Robinson, to re-appoint Brian Koerner to the Building Code Board of Appeals to a 3rd term full term to expire on January 23, 2027. The motion carried with a unanimous voice vote.

12. Closed Session**12.a. Virginia Code Section 2.2-3711(A), under: Subsection 3 for a discussion of the acquisition of a real estate interest for a public purpose and for the discussion of the disposition of publicly held real estate;**

At 11:11 p.m., a motion was made by Council Member Fleming, seconded by Vice Mayor Dent, to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: under: Subsection 3 for a discussion of the acquisition of a real estate interest for a public purpose and for the discussion of the disposition of publicly held real estate; The motion carried with a recorded roll call vote taken as follows:

13. Adjournment

At 11:45 p.m. the closed session ended and the regular session reconvened. City Attorney Brown read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify that to the best of my knowledge (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37 of Title 2.2 of the Code, of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed meeting

was convened were heard, discussed or considered in the closed meeting by the City Council.

At 11:45 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR