



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Final City Council

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Tuesday, February 8, 2022

7:00 PM

Virtual

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### 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 - Deputy City Manager Ande Banks, City Attorney Chris Brown and City Clerk Pam Ulmer

### 2. Invocation

Vice Mayor Romero offered the invocation.

Mayor Reed asked for a moment of silence for our Bridgewater students, faculty, community and family of officers that gave their lives. She asked we keep our JMU family in our thoughts and prayers as well.

### 3. 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 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, Vice Mayor Romero, Council Member Jones, Council Member Hirschmann and Council Member Dent

**No:** 0

#### 5.a. Minutes from the January 11, 2022 City Council Meeting

These minutes were approved on the consent agenda

### 6. Public Hearings

#### 6.a. Consider a request from Heather and Bronson Griscom for a special use permit to allow a short-term rental at 217 Franklin Street

Adam Fletcher, director of Community Development, presented a special use request for a short-term rental located at 217 Franklin Street in the UR - open residential district. He reviewed the property, the surrounding properties, the surrounding zoning designations, and noted this is the applicant's primary residence. He noted the STR would not be in the principal home but would be in a detached structure behind the main residence. He reviewed the zoning history of the property,

1. Accommodations shall be within the principal structure.
2. No more than 1 accommodation space.
3. The number of STR guests at one time shall be limited to 4.
4. Submit a completed Short-Term Rental Pre-Operation Form and maintain compliance with the items identified in the form.
5. There shall be no more than 3 guest vehicles during a rental period.
6. Parking spaces do not have to be delineated.
7. If in the opinion of PC or CC, the use becomes a nuisance, the SUP can be recalled for further review, where additional conditions, restrictions, or the revocation of the permit could occur.

He stated staff recommended approval of the request however Planning Commission (4-3) recommended denial of this request. He stated the recommendation of denial was based on the concern of removing a long-term affordable housing unit off the market.

Vice Mayor Romero stated that there are a few STRs already in the neighborhood and the concern of losing a possible affordable housing unit would only be if the applicant was planning on renting the property out on a long-term basis, and it doesn't sound like they want to do that.

Council Member Dent agreed with Vice Mayor Romero, it is the owner's choice whether they rent it out long-term or not, and since that isn't what they want to do, she supports them in the option of the short-term rental.

Vice Mayor Romero asked if there were any comments from the neighbors regarding this request. Mr. Fletcher stated there were a few comments submitted, one about how traffic should be directed to the property and a couple about limited parking and noise.

Council Member Jones stated our voting records on STRs, and this is probably the easiest one for us to vote for. He stated we have property owners who agreed to be at home, has a by-right unit, there aren't very many in the area, it would be good for tourism and the extra income for the applicant, and sees this request as a win-win overall.

At 7:17 p.m., Mayor Reed closed the regular session and called the first and second

public hearings to order. A notice appeared in the Daily News-Record on Monday, January 24, 2022, and Monday, January 31, 2022

Bronson Griscom, applicant, thanked Council for the care they are taking in considering their request and noted they are happy to comply with all the conditions indicated by staff and they are willing to address all the concerns from the neighbors. He stated the reason for the request is more due to visitation and care of family members and this would allow more flexibility than renting the unit out as long-term.

At 7:22 p.m., Mayor Reed closed the regular session and called the first public hearings to order. A notice appeared in the Daily News-Record on Monday, January 3, 2022.

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

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

**No:** 0

- 6.b.** Consider a request from Vincenzo Luigi Dattolo with representatives Blue Ridge Marble, LLC for a special use permit to allow manufacturing, processing and assembly operations at 84 Pleasant Valley Road

Adam Fletcher, director of Community Development, presented a special use request for property located at 84 Pleasant Valley Road, to allow manufacturing, processing and assembly operations not employing more than 15 persons on a single shift in a B-2 General Business district. He stated the applicant provided that all storage and activities were conducted within a building. He reviewed the property, the surrounding properties, the surrounding zoning designations, and the long-term plan for the area. He stated if approved, the request is to allow a cultured marble sink and vanity manufacturing business and reviewed additional plans for the business. He stated staff and Planning Commission (7-0) recommended approval of this request with the following suggested conditions:

- The special use permit shall be limited to the processing of a matrix and production of marble sinks and vanities use as described in the applicant's letter, or to a substantially similar process.
- If in the opinion of Planning Commission or City Council, the use becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

Council Member Jones asked if anything was expressed about job creation. Mr. Fletcher stated it appears to be a modest operation with just 2 employees planned at this time.

Council Member Dent stated she raised the question that it seems excessive to require the 42 parking spaces when the existing retail is fine with just 18 spaces, and

we are only adding two employees. She stated this seems overly burdensome and asked Mr. Fletcher if there is a way to address that. Mr. Fletcher stated it is possible that they may have enough space already, they would just have to delineate the spaces required and if there are issues with not being able to provide all the required spaces staff would be willing to brainstorm with the applicant of different ways to accommodate.

At 7:28 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, January 24, 2022, and Monday, January 31, 2022

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:29 p.m., and the regular session reconvened.

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

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

**No:** 0

**6.c.** Consider a request from Our Community Place to rezone 50 and 52 Reservoir Street from R-2, Residential District to R-5C, High Density Residential District Conditional.

Adam Fletcher, director of Community Development, stated agenda items 6c and 6d will be presented together. He presented a request for property located at 50 and 52 Reservoir Street, to rezone from R-2 to R-5C and for a special use permit to reduce required four off street parking spaces. He reviewed the property, surrounding properties and noted that if approved the applicant would renovate the existing building to convert to an affordable 4-unit multifamily apartment building to very low-income individuals who are homeless and housing ready, and hopes to not provide any off-street parking as the intended residents won't have vehicles. He stated the applicant submitted a proffer that the dwelling units may be occupied by a family or not more than three unrelated persons. He stated there is plenty of off-street parking if needed, but the applicant would prefer to keep the initial costs low at this point.

Mr. Fletcher reviewed the recent housing study and how this addresses the lack of affordable one-bedroom units.

He stated staff and Planning Commission (7-0) recommended approval of the requests as presented.

Council Member Jones stated assuming that none of the tenants will ever have a car is a bit much and asked if the property would be in non-compliance if cars were parked in the rear of the property. Mr. Fletcher stated by approving the special use permit without the required parking does not prohibit them from parking in the grass area, and Council will have the ability to require delineated parking if it becomes a

nuisance. Council Member Jones stated does this Council want to put that on future Council members to put the pressure on the property owner if it becomes a nuisance or should this Council make that call now.

Council Member Hirschmann stated this is generally a good idea but has concerns that if the special use permit is approved it doesn't guarantee the rent will be or remain affordable. Mr. Fletcher stated the intent of the property owner is to keep the rents low, but no guarantee. Council Member Hirschmann stated there should be some stipulation that restricts them from renting at market rate to keep it affordable. Mr. Fletcher stated the city does not have that authority.

Council Member Dent stated Sam Nickels had some discussion with the property next door that owns a gravel lot and there has been a verbal agreement to share the parking lot. She stated it was recommended to get that in writing.

Further discussion took place regarding needing a parking agreement in writing.

At 7:48 p.m., Mayor Reed closed the regular session and called the third and fourth public hearing to order. A notice appeared in the Daily News-Record on Monday, January 24, 2022, and Monday, January 31, 2022

Tim Cummings, applicant, stated he met with the owner of the Friendly City Inn who also owns the adjacent properties of this property, and has obtained a written agreement that allows up to two spaces to be used by the tenants of the subject property. He stated if the grass lot becomes a nuisance, they will be willing to put gravel down if needed, but they are trying to save money at this point.

At 7:53 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

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

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

**No:** 0

**6.d.** Consider a request from Our Community Place for a special use permit to allow reducing required parking areas at 50 & 52 Reservoir Street

Presented with agenda item 6c

**A motion was made by Council Member Jones, seconded by Council Member Hirschmann, to approve the special use permit with a written parking agreement. The motion carried with a recorded vote as follows:**

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

No: 0

- 6.e.** Request from Armada Hoffer Properties to amend the Zoning Ordinance to allow multiple-family dwellings and/or mixed use buildings by special use permit in the B-2, General Business District.

Adam Fletcher, director of Community Development, stated the request is to amend ordinance Article Q related to B-2 General Business District Regulations and reviewed that ordinance and recommended amendments. He reviewed the zoning map of the city that reflected the B-2 zoned properties that could be affected by these amendments, the benefits if these amendments were to be approved and discussions that took place during Planning Commission.

He stated staff and Planning Commission (7-0) recommended approval of the zoning ordinance amendments.

At 8:15 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, January 24, 2022, and Monday, January 31, 2022

Nathan Miller, local counsel for the applicant, and Jennifer Harris, Vice President of Development for Armada Hoffer, stated they are available if Council has any questions.

Robert Shouey, owner of property located at 401 University Boulevard, stated the traffic is bad enough in that area, with multiple accidents, and he feels putting 250 apartments in this area with the potential to have 500 plus cars will complicate the situation. He stated this doesn't take into consideration guests of the tenants. He stated if the development is built, and not enough parking spaces are available, they will start parking on neighboring properties which will be an issue.

At 8:25 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

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

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

**No:** 0

- 6.f.** Consider a request from A/H Harrisonburg Regal LLC with representatives Armada Hoffer for a special use permit to allow multiple-family and/or mixed-use buildings at 381 University Boulevard

Adam Fletcher, director of Community Development, presented a special use permit for property located at 381 University Blvd., within the B-2 General Business District, to allow a 274-unit multi-family / mixed use building with frontage on Evelyn Byrd Avenue.

He reviewed the property, the surrounding properties, long term plan for the area, a rendering of the development that included a parking structure and site plan, the features of the development and the applicants self-imposed conditions. He reviewed the Traffic Impact Analysis (TIA) and noted the study concluded the proposed project would not result in significant nor adverse impacts in the surrounding roadway networks. He reviewed the housing study and how it relates to this development. He reviewed the current Smart Scale project for the roads in that area.

He stated staff and Planning Commission (6-1) recommended approval of the special use request with applicants self-imposed conditions.

Vice Mayor Romero asked if there were any other concerns, other than the caller in the previous agenda item, from the public regarding this project. Mr. Fletcher stated there were a few individuals that called that had concerns with additional traffic, sediment and erosion control, fire and rescue and rent prices of the units. Mr. Fletcher stated most of the demand for the property would be targeting those in the higher income bracket, and not targeted to student housing.

At 8:49 p.m., Mayor Reed closed the regular session and called the sixth public hearing to order. A notice appeared in the Daily News-Record on Monday, January 24, 2022, and Monday, January 31, 2022.

Jennifer Harris, Vice President of Development for Armada Hoffer, stated there probably will be students that live in the development, professors, teaching assistants, staff of the universities, etc., but it is not targeted as a student-housing development. The units will not be rented by the bedroom and no 4-bedroom units are proposed. She stated the target lessee will be from the higher-end demographic.

At 8:57 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Jones stated this will create nice bicycle/pedestrian traffic in the area and increase retail. He stated this development may be good for the universities to retain people, younger adults, graduate assistance, that would have a place to live.

Mayor Reed stated this is similar to the area in Charlottesville near Trader Joes, that has a movie theater, housing, and retail. Council Member Jones stated that development revitalized Route 29 for Charlottesville.

Vice Mayor Romero stated in our efforts to attract more younger professionals to work in our city schools we recognize the lack of housing in which they have a network and support.

Council Member Dent stated she loves that this project is repurposing dead empty parking lot space in a very creative way.

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

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

**No:** 0

## 7. Regular Items

- 7.a. Consider adopting a resolution approving a lease agreement with the Shenandoah Valley Juvenile Center Commission and authorizing the City Manager to sign and deliver the lease agreement

Chris Brown, city attorney, presented a resolution approving a lease between the city and the Shenandoah Valley Juvenile Detention Center (SVJDC). He stated it was established in 1967 by the city and some of the neighboring jurisdictions, over the years it has been expanded and now includes the cities of Harrisonburg, Staunton, Waynesboro and Lexington and the counties of Rockingham, Augusta, and Rockbridge. He stated the last lease was entered into in 1999 as part of the refinance when it moved to its current location, and this is a 10-year renewal under very similar terms as the old lease. He stated this is the only facility to which Harrisonburg sends its juveniles that have been charged or convicted of a crime, the local jail does not have facilities for juveniles. He reviewed how the percentage of use is determined. He stated the city's cost for 2022 is \$227,304 and it is estimated to be reduced this coming year to \$196,029 due to decrease of juveniles that have been sent to the facility due to the COVID-19 pandemic.

Vice Mayor Romero stated as long as he has been on Council, he has not seen a presentation from the SVJDC, he has visited the facility, but would like to have them come to Council and provide an overview and update. Mr. Brown and Mr. Banks stated they will follow up with the director to make that happen.

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

**No:** 0



## 8. Special Event Application Requests

- 8.a. Consider the special event application request for the Shenandoah Valley Autism 5k on Saturday, April 23, 2022.

Matt Little, recreation and special events manager, Parks and Recreation, presented a special event application request for the Annual Shenandoah Valley Autism 5k on Saturday, April 23, 2022, in the neighborhood near EMU. He stated the assistance of Public Works, Harrisonburg Police Department, the estimated cost will be between \$720, and the event organizer is responsible for payment of off duty officers.

A motion was made by Council Member Hirschmann, seconded by Vice Mayor Romero, to adopt the request as presented. The motion carried with a unanimous voice vote.

## 9. Supplementals

- 9.a. Consider a supplemental appropriation for the Economic Development Department in the amount of \$25,000 for funds received from the Virginia Agriculture and Forestry Industries Development (AFID) program

Ande Banks, interim city manager, stated the Harrisonburg Economic Development department successfully applied for a \$25,000 grant from the Virginia Department of Agriculture and Forestry to assist T&E Meats with necessary equipment purchases. He stated the city is matching the grant with \$12,500 of funds from the Economic Development department budget. He stated this request is to appropriate the state funds into the department's budget for disbursement.

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 vote as follows:

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

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)

None

10.b. City Council and Staff

City / Harrisonburg Redevelopment and Housing Authority Liaison Committee

Mayor Reed stated she would like to have Council decide on who will be on the new City / Harrisonburg Redevelopment and Housing Authority Liaison Committee as Council representatives. She stated the hopes of this committee is to help streamline

the communication between HRHA and Council, and she would like to serve on this board.

Council Member Jones stated he has fielded a lot of the complaints regarding the HRHA and would be interested in serving on this committee.

Vice Mayor Romero stated he is happy to support those serving on this committee, but he has some concern knowing there is currently friction between the two entities and urges the Council representatives to have restorative conversations with HRHA and start off on a more positive direction. Mayor Reed stated she appreciates the comments from Vice Mayor Romero, she is very open to speak with the director of HRHA. Council member Jones stated he plans to move forward in a positive direction.

Further discussion took place regarding the relationship between Council and HRHA.

**A motion was made by Council Member Jones, seconded by Council Member Dent, to appoint Mayor Reed to the Liaison Committee. The motion carried with a unanimous voice vote.**

**A motion was made by Council Member Hirschmann, seconded by Vice Mayor Romero, to appoint Council Member Jones to the Liaison Committee. The motion carried with a unanimous voice vote.**

### **City Council and Staff (continued)**

Council Member Dent stated we have all experienced grief, sorrow and gratitude for the officers that were killed in Bridgewater as well as sorrow for some of the incidents at JMU. She stated there will be a funeral / memorial at JMU for these officers on February 9, 2022. She stated it is very moving to see the community coming together in support and grief. She stated she was invited to join a panel representing the National League of Cities (NLC) to a listening session on February 9th, 2022, with the Department of Energy on the Infrastructure Act and stated from what she can tell, the guidelines for funding of the Infrastructure Act will be a lot more complicated than the ARPA funding, with a much more interlocking network of funds and grants that we will have to apply for competitively.

Council Member Jones stated he is wearing his Bridgewater shirt on in honor of the fallen officers, this incident affected everyone, healing will take time, we need to stay mentally, physically, and spiritually strong and stick together as a community. He stated let's keep our thoughts and prayers to the family of those that have lost family members.

Council Member Hirschmann stated it has been a difficult week, we should keep this in our memory, but take positive forward steps into the future.

Vice Mayor Romero stated others have talked with first responders in our community, he stated the fear and trauma amongst them is very real, we depend upon them for

public safety, and they are concerned about the workforce within law enforcement. He stated this is a problem, they feel as they are not appreciated and we, as a Council, should help figure out what can be done about it, not just for the emotional, trauma, fear aspect but also from the compensation aspect. He wanted everyone to know he hears the officers and first responders, and he believes we need to be very intentional sooner than later to address the concerns. Council Member Jones stated for years he has been trying to get more police officers hired, so that the officers aren't so overworked, but we have never been at 100% staffed. He stated having the right recruitment and retention in place, it will take bonuses and increase in pay overall, but we must be equitable as possible although we know what our public safety employees do is completely different than what other employees do. He stated it has been a goal of human resources and the executive leadership team to do an overhaul of where raises and recognition needs to happen everywhere, and hopes we can use ARPA funding for bonuses, and our HPD and HFD to the front of the line when it comes to increasing compensation. He stated we need to be ready to not only protect Harrisonburg but to help protect the surrounding counties. Mayor Reed stated this is something we need seriously act on as a Council, look at the HPD and HFD and the deficit of staff, it is scary, and because of what happened at Bridgewater we may lose more. She stated we really need to look at compensation, how can we increase the pay of our public safety employees. She stated she visited President Bushman at Bridgewater College, it was a very heavy visit as she watched students visit the memorial, crying, hugging each other, those two officers gave their lives to save the entire campus. She stated both colleges in the city have challenges as well, unfortunate incidents have happened, and they rely on our officers as well.

Mayor Reed stated she had the opportunity to go speak to several first graders at some of the city elementary schools and asked them what they would like to see in the city. She stated she has a folder full of letters from first graders and the number one thing they would like to see in the city is a Chuck-E-Cheese. The second was a water park in Harrisonburg and the third was a trampoline park.

Ande Banks, interim city manager, stated he appreciated Council's comments on compensation for our first responders and for the larger organization, and noted we are amid a Comprehensive Class and Compensation Study, as well as discussions with Chief Warner addressing the national issue of shortage of police officers. He stated there is an update from the Middle River Regional Jail (MRRJ) Authority and they have decided to not pursue the renovation / expansion project at this time, they will continue to monitor the "Good-Time" reform at the state level, and possibly revisit the project in 2023 after data from these reforms has been collected. He stated he is excited to announce that our Fire Department, specifically Travis Karicofe, has been awarded a substantial federal grant in the amount of \$600,000 over a three-year period to create a community paramedicine program and described what the entails. He stated regarding the tragic week our thoughts and prayers from city forces extend to the families and loved ones as well as the fatality we experienced from the residential fire in the city. He stated this is the first fire fatality in seven years, this only

instilled the importance of having functioning smoke alarms.

Mr. Banks stated Mr. Helmuth's recommendation due to the high level of community transmission of COVID-19 - specifically the Omicron variant, is that we maintain the State of Local Emergency allowing for virtually meetings at least through the first meeting in March, 2022. Mayor Reed stated we follow the lead of Mr. Helmuth, and if this is under his advisement then we should listen to it.

**12. Adjournment**

At 9:48 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR