



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Final City Council

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Tuesday, July 13, 2021

7:00 PM

Council Chambers

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### 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 Hirschmann offered invocation.

### 3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

### 4. Special Recognition

Chris Brown, city attorney presented rules and procedures for the order of public comments to be received in both Public Hearing matters and during the Public Comment period.

### 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)**

Chris Brown presented rules and procedures for PH's public comments and comments from the public.. order of speakers

SR/GH

**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 June 22, 2021 City Council Meeting

**These minutes were approved on the consent agenda.**

- 5.b.** Consider amending and reenacting Title 13 Motor Vehicles and Traffic, Chapter 1 Traffic and Parking Regulations, Article C Stopping, Standing and Parking Division 1 General Provisions, Section 13-1-60.01 Residential Permit Parking Zones

The ordinance was approved on second reading

## **6. Public Hearings**

- 6.a.** Consider a request from Harman Realty Inc. and Stone Spring Holdings LLC for a special use permit to allow multi-family dwellings of more than 12 units per building at 650 and 680 Stone Spring Road

Adam Fletcher, director of Community Development, presented a request for a special use permit for property located at 650 & 680 Stone Spring Road. He reviewed the history of the parcels, the surrounding properties and their zoning designations, the subject site, the density of the site, the requested units for the site, and the preliminary site plan.

Mr. Fletcher stated staff and Planning Commission (4-2) recommends approval of the request. He reviewed the minutes from the Planning Commission meeting as to why the two Commission Members did not recommend approving this request.

Council Member Dent stated she supported the greater density because it allows for more green space. She stated she has some concern regarding traffic as well. Mr. Fletcher stated this request does not increase density that is permitted by right, but to allow more units within any one individual building. She stated there is concern on the overall cap on the combined tracts. Mr. Fletcher stated no matter what parcel the owner will always be controlled by the density that is proffered.

Council Member Jones stated the applicant can put as many units as possible in a building that they could otherwise fit into the tract.

Vice Mayor Romero asked if the staff had any cap recommendations or discussions with the applicant. Mr. Fletcher stated if there were concerns from staff a recommendation would have been made, but there was no concern in this particular area. He stated there is still a height limitation that the applicant will need to abide by.

Further discussion took place regarding placing a cap on the number of buildings or the number of units.

At 7:20 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, June 28, 2021, and Tuesday, July 6, 2021.

Seth Roderick, Monteverde Engineering & Design Studio, representative for the applicant, stated the reason for this request is to open up more green space. He

referred to a development at Clemson University that is similar to what is planned for the subject site. He stated the units will be a mixture of 1 to 4 bedrooms and the height of buildings will be in compliance. Council Member Jones stated we need to be careful in creating more specifically geared student housing, although it creates some form of affordable housing it does not create quality housing as these units often turn to family housing as the units age.

Mayor Reed stated she is concerned because this is specifically geared to student housing and agrees with Council Member Jones.

Mr. Roderick stated the request has nothing to do with the use of the site as there is a by-right ability to build student housing, and without the approval of the special use permit request the back up plan would be to provide more of a multifamily units marketed to students. He stated this request creates a good mix of unit sizes which meets the market demand. He stated the only way to get affordable housing with todays costs is to open up existing developments.

Vice Mayor Romero agrees with Council Member Jones, but he understand the by-right use of the site, and he likes the concept of the project. He asked if there are any future plans for Lois Lane to connect to this site to alleviate the traffic concerns. Mr. Roderick stated at one time there was an easement preserved to connect the surrounding properties, but access was blocked of by the construction of a building so the access is no longer viable. He stated part of the city's Bicycle/Pedestrian Plan contains a plan for connectivity via shared use trail.

Mr. Fletcher stated the Comprehensive Plan has a planned road for that vicinity in the future. Further discussion took place regarding the plans for the site, the density permitted and the by-right uses.

At 7:41 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 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.** Amendment to the 2020 CDBG Action Plan

Ande Banks, Deputy City Manager, stated it is nice to be back in person. He stated the amendment reflects funds from CARES Act round three of CDBG-CV funds. He stated these funds were held until needs could be assessed, but due to HUD regulations these funds need to be obligated to a certain need. He stated staff is recommending these funds be obligated to address homelessness in the community towards a low barrier shelter in the city. He stated this can be amended further if

needed at a later date. He stated the public comment period ends at 9:00 am on July 22, 2021.

Council Member Jones asked in the event that a low barrier shelter is not welcomed what would happen to this funding. Mr. Banks stated our stated obligation is not specific to a project, location, building, etc. Mayor Reed stated the need is for the shelter. Vice Mayor Romero agreed with Mayor Reed that a long-term solution needs to happen, and the shelter would be a huge step in the right direction. Mayor Reed stated the increase in community contributions to those types of organizations that help the homeless was needed.

At 7:50 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 Tuesday, June 22, 2021.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:51 p.m., and the regular session reconvened.

No action required

**This Public Hearing - No Action was received and filed.**

## 7. Regular Items

Mayor Reed welcomed Chief Warner, Harrisonburg Police Department, to her first in-person City Council meeting.

### 7.a. Consider approving Change Order # 5 for the construction of the second High School (HHS2)

Craig D. Mackail, Chief Operating Officer, Harrisonburg City Public Schools, presented Change Order #5 for the restart of the construction of the second high school (HHS2), and it included an increase in the contract price of \$7.7M due to increase in costs since the suspension of this project. He stated the expected completion date has been changed from June 15, 2022, to December 31, 2023. He stated there is an option clause in the agreement that some material prices will be held until August 1, 2021, to see if the city is willing to move ahead with current pricing for those materials or wait to purchase those materials at a later time.

Council Member Dent stated she feels it is a highly risky proposition betting that the pricing decreases.

Further discussion took place regarding the option clause in the agreement.

**A motion was made by Council Member Jones, seconded by Council Member Dent, to approve the Change Order # 5 for HHS2 as presented. The motion carried with a recorded vote as follows:**

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

**No:** 1 - Council Member Hirschmann

**7.b.** Update on Covid-19

Paul Helmuth, administrative officer, Harrisonburg Fire Department, provided an update as to all that has transpired over the past 15 months relating to the COVID-19 Pandemic. He reviewed the following:

- Pandemic Planning (dating back to 1998)
- Responses to SARS-COV-2 COVID-19
  - January 26, 2020, City staff responses and begins plans
  - January 30, 2020, WHO declares Global Public Health Emergency
  - March 12, 2020, Staff enacts the High-Risk Isolation Protocol
  - March 14, 2020, City Manager declares a local emergency
- Active Case history to current
  - Outbreaks
  - Testing's
- Response to and from the Community and the homeless
- Plans Developed for City Departments for employees
- Translation Services to twelve different languages
- Vaccine Clinics - beginning on December 23, 2020.
- Vaccine numbers - current

Mr. Helmuth stated what all this doesn't show is:

- Countless hours of work
- Loss of jobs, loss of revenue
- Number of employees that suffered short and long-term effects
- Number of employees quarantined/isolated
- Number of community organizations we partnered with
- The loss of life, including one city employee

Mr. Helmuth stated the Delta Variant will cause the number of cases to increase. Mayor Reed asked if the majority of people not getting vaccinated ranges from ages 20-40. Mr. Helmuth confirmed.

Mr. Helmuth stated city services were never interrupted, collaborations with local organizations were ongoing, and staff worked tirelessly, but the pandemic is not over.

Mayor Reed stated Mr. Helmuth as the leader on this pandemic has been incredible and she does not think we could have gotten through this without him. She thanked Chief Tobia, the First Responders, Michael Parks, and city staff for all they have done.

Council Members thanked Mr. Helmuth for his excellent leadership and availability, and city staff for all they have done to keep the city in uninterrupted services to the community.

**This Report was received and filed.**

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

Chris Brown, city attorney, stated on March 14, 2020, City Council declared and ratified a local emergency, and since the state Declaration of Emergency ended on June 30, 2021, staff suggests City Council also follow suit and declare an end to the Local Emergency Declaration.

**A motion was made by Council Member Dent, seconded by Council Member Hirschmann, to approve the ordinance 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. Other Matters**

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

Amy Strunk, 913 Switchboard Road, stated she is a small business owner in the city, she is fully in favor of changing parking downtown to make it more accommodating to consumers, however the new permit parking is being forced upon the business owners and their employees. She stated this has been a really hard year for business owners and this additional burden to pay for permits makes things more difficult. She asked Council to consider offering permits to the businesses downtown for free.

Dennis Wise, representative of Recyclops, stated their company has over 100 residents in the area participating in their subscription service of curbside recycling pickup. He provided a description of how the business operates and the services it provides.

Hannah Wittmer, 382 E Elizabeth Street, stated she appreciated the ability to talk to many members of Council regarding the Middle River Regional Jail (MRRJ) and thanked Council for their strong and public statements in opposition of the expansion. She stated at the last MRRJ Board meeting the \$14.5M expansion was referred to as Phase 1. She stated when the Superintendent of MRRJ presented to Council in January of 2021, he outlined the different options under consideration, and it was noted that \$4M was included as needed renovations. She stated now it is at \$14.5M and 3,200 square feet being added and phrased as Phase 1, there is something going on. She encouraged Council to continue to oppose the current proposal.

Panayotis "Poti" Giannakouros, stated he saw more front yard gardens, meadows, and naturalized yards than he has ever seen in the city. He spoke on the psychological benefits of nature. He spoke on his initial conversation with Mr. Perez-Leon and how reasonable he seemed and then later his demeanor changed and FOIA requests for anonymous complaints for violations.

Bucky Berry, spoke on how Chief Warner visited his son in the hospital and how he feels she can help turn HPD around, the low salary for our police departments, the homeless and how shelter is needed.

**8.b. City Council and Staff**

Council Member Jones recognized Mr. Chris Quinn, chief executive officer, Harrisonburg/Rockingham Chamber of Commerce and stated he appreciates his new leadership and support.

Mr. Quinn stated he is excited to be here, he hopes to be able to sit down and chat with those Council Members he has yet to meet. He stated this is the friendliest and most welcoming place he has ever been.

Council Member Dent stated she will be participating through the National League of Cities on the Energy & Environmental Committee Hill Day exercise of lobbying Congress during the heated debates about the infrastructure bill on behalf of climate change for the Federal Government to take strong measures both to harden the grid nationally and support our efforts locally. She stated she will be supporting the NLC's push to have the Federal Government support electric vehicle charging stations in the cities and towns.

Council Member Hirschmann stated Council had a retreat last weekend, he thought it was very well run, there are a lot of ideas that came out of it, and suspects Council will be operating a bit smoother. He stated it as a good experience.

Vice Mayor Romero stated the Futsal facility will be opening on July 28, 2020, at 7:00 pm at Ralph Sampson Park, and it will be a really unique space that he believes the community will utilize fully. He thanked the interim director for Parks and Recreation, Brian Mancini, for all the work he put into this project.

Chief Warner stated she is thrilled to be in the city to serve the residents, but more so to serve the men and women of the police department. She stated she is excited about getting things going. She stated she is available for Council by just a phone call. She agreed with Mr. Quinn's statement about how friendly and welcoming everyone in the city has been.

Mayor Reed stated the Council Retreat was great, working out some kinks, bonding, working together. She stated the next MRRJ Board meeting is on August 3, 2021, and asked Council if they wanted to revisit any thoughts on the jail and/or should we

ask the Superintendent to come back to Council to present any updates. Council Member Dent stated she asked before to see blueprints of the expansion, but they were not available at that time. Perhaps we can obtain a copy of those. Vice Mayor Romero stated he requested that the superintendent does come back to disseminate information going around in the community versus the actual plan, and he would like to be updated with the latest information. Council Member Jones stated during the retreat not one Council member waived from the original stance of the jail expansion, other than just being able to provide humanitarian services. He stated there are things that do not match the city's priorities. Further discussion took place regarding the request for an updated presentation.

Ande Banks, deputy city manager, stated the deadline to submit the feedback on the Harrisonburg Department of Public Transportation Multi-Model Transit Center Feasibility Study is Friday, July 16, 2021, and the survey can be found on HDPT's Facebook page.

He stated there are several events to gain feedback for the Harrisonburg Downtown 2040 Master Plan at the following locations/dates/times:

PaleFire Brewing on Friday July 23, 2021, from 3:30 pm to 8:00 pm.

MagPie Diner on Saturday, July 24, 2021, from 8:30 am to 1:00 pm

Court Square on Sunday, July 25, 2021, from 10:00 am to 2:00 pm

He stated three out of every five home fire deaths had no working fire alarms, and the Harrisonburg Fire Department will once again be partnering with the community on July 14, 2021, for the annual Smoke Alarm and Free Pizza Night.

## 9. Boards and Commissions

### 9.a. Blue Ridge Community College Board of Trustees

A motion was made by Council Member Jones, seconded by Council Member Hirschmann, to appoint Sandra Hernandez to the Blue Ridge Community College Board of Trustees. The motion carried with a recorded vote as follows:

**A motion was made by Council Member Jones, seconded by Council Member Hirschmann, that this Boards and Commissions be approved. The motion carried by a voice vote.**

## 11. Adjournment

At 9:34 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