



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, January 9, 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: 6 - City Manager Ande Banks, Acting Deputy City Manager Amy Snider, City Attorney Chris Brown, City Clerk Pam Ulmer, Police Chief Kelley Warner and Chief Matthew Tobia

2. Invocation

Vice Mayor Dent offered the invocation.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

4. Special Recognition

4.a. Proclamation Honoring Delta Sigma Theta Sorority, Incorporated Founders Day

Council Member Jones presented a proclamation to Delta Sigma Theta Sorority Incorporated of which Mayor Reed is a part of, recognizing Founders Day.

Dr. Nsofwa Chanda, vice president of Delta Sigma Theta Sorority Inc., Charlottesville Alumnae Chapter, stated they are so honored and thankful for being recognized as they approach their 111th year as an organization. She stated the local chapter will be celebrating their 55th anniversary in June of 2024, and the local collegiate chapter recently celebrated over 50 years of service. She shared what Delta Sigma Theta Sorority Inc. is, who it includes, their mission, the services they have provided and their accomplishments. She thanked Council for their support.

Council Member Fleming thanked the sorority for all their service to Harrisonburg; recognition of their work isn't as widely known as it should be, so it was good to have them recognized tonight.

Council Member Jones stated we have ten colleges and universities in the Shenandoah Valley, and it is extremely important that the parents, business community, the students at those universities and everyone that engages in tourism, knows and recognizes this particular Chapter, and should be celebrated. He thanked

them for all of the things they have done including how this sorority taught him to read.

Council Member Robinson stated she is amazed to see all the beautiful shades of her, she is so very proud of each of their personal achievements, she has seen the struggle, hard work and dedication to others to help them achieve their wildest imagination and biggest dreams. She stated she respects the sorority and acknowledges they are dynamite, deliverable, and devastating in so many wonderful ways. She thanked them for all their work and accomplishments.

Vice Mayor Dent stated how inspiring and encouraging it is to see these powerful confident black women and the sisterhood that they embody, and now she sees more of where our wonderful Mayor comes from, the sisterhood that lifts each other up. She thanked them.

Mayor Reed thanked her sorority sisters for coming, she stated she has been a Delta Sigma Theta Sorority Inc., member for 39 years, and it was one of the best decisions she ever made, she has been a part of this particular chapter for approximately 27 years, she has been supported and we truly love each other, it's been an honor to serve with these women.

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 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 December 12, 2023 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 amendment was approved on second reading.

5.c. Consider a request from Mohammed Hewa to rezone 1149 Clay Street

This rezoning request was approved on second reading.

5.d. Consider a request from Patricia Valle-Alvarez to rezone 505 Northglen Lane

This rezoning request was approved on second reading.

- 5.e. Consider a supplemental appropriation in the amount of \$200,000 for the General Fund

This supplemental appropriation was approved on second reading.

6. Public Hearings

6.a. CDBG Funding Priorities

Kristin McCombe, Community Development Block Grant (CDBG) program manager, presented the first of two public hearings for citizen comments on the CDBG funding priorities for 2024-2025. She reviewed the CDBG program, what can be used for and by whom, historical funding to the city, the 2022 Strategic Plan, and the six goals, the tentative grant schedule and how citizens can comment.

At 7:24 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, December 22, 2023.

Panayotis "Poti" Giannakouros, stated ten years ago the Northeast Neighborhood came forward with a CDBG proposal that would have fallen today under the Federal Climate Pollution Reduction Grant which centers environmental justice and community lead community development and in the American Climate Corps which looks to provide sustained funding looking a lot like a job guarantee, all of which was envisioned in that CDBG application that was not funded a decade ago. He stated that should set an example of how we should think about the CDBG grant and federal funding in general. Had we done it a decade ago we would now be the model for the country that was envisioned by many residents of the city. He stated ten years ago the Shenandoah Valley Black Heritage Project was founded; we have lost many elders who were part of these visions.

At 7:27 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

No action required

This Public Hearing - No Action was received and filed.

- 6.b. Consider a request from Daniel R. and Naomi R. Shenk, Harrisonburg Cohousing LLC, and Brenda G. Castello & Ted A. Morris to amend the Comprehensive Plan's Land Use Guide map for properties addressed as 640, 650, 660, 670, 680, 690, 700, 710, 730 Keezletown Road.

Adam Fletcher, director of Community Development, stated items 6b, 6c and 6d will be presented together. He presented an amendment to the Comprehensive Plan, a rezoning from multiple zoning districts to R-5C and R-8C, and a special use permit to allow townhomes in the R-8 district, for property located on Country Club Road and

Keezletown Road. He reviewed the long term plans for the area, the change from low density residential to medium density residential for a portion of the property, a draft site plan, and all the proffers offered.

He stated staff and Planning Commission (7-0) recommend approval of all three requests with a condition as follows:

- The special use permit shall be established, or any construction authorized shall be commenced and diligently pursued within 24 months from the approval date of the special use permit.

Council Member Fleming asked what units would be for sale. Mr. Fletcher stated he would let the developer answer that question.

Council Member Robinson asked for clarification of mixed density residential versus low density residential use. Mr. Fletcher stated there is very little difference between the two, our Comprehensive Plan has multiple designations, when we state it is a mixed designation there is more emphasis on having more mixed-use, non-residential in those spaces, in the staff report it states there are still opportunities for non-residential uses to be in those spaces.

Council Member Jones asked what the price point would be for these units, for sale and rental. Mr. Fletcher stated he will let the developer answer that question.

At 7:43 p.m., Mayor Reed closed the regular session and called the second, third and fourth public hearing to order. A notice appeared in the Daily News-Record on Daily News-Record on Wednesday, December 27, 2023, and Wednesday, January 3, 2024.

Amar Gogia, a member of the development team for Tuscan Village, 3168 Preston Lake Blvd, introduced other members of the team: Scott Rogers, Courtney Leach, Gil Colman, and Jerry Scripture. Mr. Gogia reviewed a few developments they have done in the city, and noted there is a need for housing in the city and that is what they are trying to address. He stated the design is something you would see in Tuscany with stone and stucco, the theme will be throughout the community, they want to preserve the trees onsite, the townhomes will be for sale and the apartments on site will be managed by the team.

Scott Rogers, realtor, Funkhouser Real Estate Group, stated there will be 56 three-story townhouses with two-car garages, and will be offered for sale in the upper 200's to lower 300's, with a target market of first time buyers. He stated there will be 54 apartments, mostly one-bedroom units, with rental rate to be determined, and two single dwelling homes.

Courtney Leach reviewed a video of the rendering of what the development will look like, it will be pedestrian and bike friendly, solar ready, EV charger ready, with green

spaces and a playground.

Mr. Gogia stated everything will be locally sourced and they are ready to go. Mr. Rogers stated the market price for the for sale units will be based on options and upgrades chosen by the buyer.

Council Member Jones asked about the maintenance of the stucco units that are rentals. Mr. Gogia stated they will be maintained to keep as attractive as possible.

Mayor Reed stated the development team hit on many things Council would have normally asked, but she is pushing about what the rental price will be, as we need affordable housing.

Mr. Colman stated part of a quality of a development is to make it all feel like one community regardless of the type of housing units available, it will be as clean as possible with amenities that speak to quality of life.

Mr. Jerry Scripture, stated stone walls will be erected at the entrances as a presence, and they will need help naming the roads and units that reference a Tuscany feel.

Further discussion took place regarding aesthetics, the amenities of the development and the need for the one-bedroom units.

Panayotis "Poti" Giannakouros, stated this parcel was previously proposed for a co-housing development which he was in favor of as a visionary model of how housing could be looked at and for the retention of the large natural meadow. He spoke about the housing costs in the city, there isn't a housing cost problem there is a wage problem and spoke further on that.

Dawn Neal, 655 Keezletown Road, stated she is concerned about the traffic and noise that will increase due to this development, the increase in student population, and the environmental impacts due to losing the beautiful meadow.

Tony Matos, 384 W Bruce Street, stated he thinks bringing more housing is a great idea, he hopes the traffic studies done for this area will ease the traffic issues, and feels the sidewalk that was deleted from the plans be reinstated for easier access.

At 8:11 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Vice Mayor Dent corrected something that she said about traffic in the Planning Commission minutes; instead of "traffic is not a reason not to build something with a traffic impact analysis whether it is performed or not" change to "what the city would need to do to mitigate traffic issues" and Mr. Fletcher stated it was up to the developer to have to mitigate traffic issues. She spoke further on this topic. She

stated she also learned a new term from Mr. Colman, Micro Bioretention, that is a great way of addressing the environmental considerations that some have brought up, with terracing and landscaping, to control flooding and water retention.

Council Member Robinson asked when the traffic concerns are addressed. Mayor Reed stated this is the time. Council Member Robinson stated there has always been a traffic problem on Country Club Road, so once a development is built we will address it in the same way we do with traffic calming studies and analysis. Council Member Jones stated the idea is that the developer will do as much good as they can possibly do for their development and for economic development overall, and it is really great when it coincides with future plans the city already has. He spoke further on the poor planning of this area in the past.

Mayor Reed stated we don't have much land in the city and at some point development will happen in one's neighborhood, as the city grows we have to house families, we want people to come to the city, we want to be a vibrant, thriving, city where people want to come to live, work and play.

Council Member Fleming stated being an older city we don't have properties or developments that don't have challenges, is this one we deal with reasonably and solve the issues. He stated Country Club Road will have work done to ease the traffic congestion and this is a great addition to our housing stock.

Further discussion took place regarding the development of the city.

A motion was made by Council Member Jones, seconded by Vice Mayor Dent, to approve the amendment to the Comprehensive Plan Land Use Guide 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

- 6.c.** Consider a request from Daniel R. and Naomi R. Shenk, Harrisonburg Cohousing LLC, and Brenda G. Castello & Ted A. Morris to rezone 1816, 1820 Country Club Road, 640, 650, 660, 670, 680, 690, 700, 710, 730 Keezletown Road

A motion was made by Council Member Jones, seconded by Vice Mayor Dent, to approve the rezoning 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

- 6.d.** Consider a request from Daniel R. and Naomi R. Shenk, Harrisonburg Cohousing LLC, and Brenda G. Castello & Ted A. Morris for a special use permit to allow attached townhomes of not more than eight (8) units at 1816, 1820 Country Club

Road, 640, 650, 660, 670, 680, 690, 700, 710 & 730 Keezletown Road

A motion was made by Council Member Jones, seconded by Vice Mayor Dent, to approve the special use permit 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

6.e. Consider a request from Richard Germroth and Alexandra Vilela to rezone 1182 Nelson Drive

Adam Fletcher, director of Community Development, presented a rezoning request from R-1 to R-8C for two parcels located at 1182 Nelson Drive. He reviewed the history of the parcels, the surrounding area, future land use of the area, and submitted proffers.

He stated staff and Planning Commission (6-0) recommended approval of the request.

At 8:31 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 Wednesday, December 27, 2023 and Wednesday, January 3, 2024.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 8:32 p.m., and the regular session reconvened.

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

6.f. Consider a request from 865 East LLC to amend Section 10-3-91 (9) of the Zoning Ordinance's B-2, General Business District regulations

Adam Fletcher, director of Community Development, Adam Fletcher, director of Community Development, presented an ordinance amendment for section 10-3-91 (9) regarding rear and side yard setbacks in the B-2 zoning district, he reviewed the reasoning and the recommended amendments.

He stated staff and Planning Commission (7-0) recommend approval.

At 8:36 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 Wednesday, December 27, 2023, and Wednesday, January 3, 2024.

Todd Rhea, Clark and Bradshaw, representative for applicant, spoke about how this

issue has come up before and how these amendments will help.

Panayotis “Poti” Giannakouros, stated this application appears to be addressing the question of growth, the ability not to be lenient in setbacks in R-1 where it is exclusionary, but in B-2 so people can build density. He stated the question he asks is could the Mayor or anyone else tell him why Harrisonburg needs to grow. Can it grow in the knowledge and meaning dimension instead. He stated there is a fact of life which is that people like to stay in their customized business, so there is a pressure to grow in that sense, but what is imperative for Harrisonburg to grow beyond its water and green space, because when we grow this way, we become sprawl.

At 8:41 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

A motion was made by Council Member Fleming, seconded by Vice Mayor Dent, to approve the ordinance amendment 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

6.g. Consider a request from 865 East LLC to rezone 865 Port Republic Road

Adam Fletcher, director of Community Development, stated he will present agenda items 6g, 6h and 6i together. He presented a rezoning from R-5C to B-2C and two special use permit requests for property located on 865 Port Republic Road. He reviewed the surrounding zoning, the land use guide for the area, the intended uses for the property, the development plan, the submitted proffers, the applicants SUP self-imposed conditions submitted, and future land use plans for the area.

He stated staff and Planning Commission (7-0) recommended approval of all three requests, with the following conditions:

1. For the SUP to allow for multifamily/mixed use:
 - a. The condition to follow the “Owner/Developer Self Imposed Conditions.”
2. For the SUP to allow for the reduction in required side/rear yard setbacks:
 - a. The SUP shall be applicable only to the existing building and planned building addition in the location shown on the Development Plan with the ability to deviate up to 10 feet in any direction.

Vice Mayor Dent stated it appears that cars can travel underneath the building, but since so little parking is being used she questioned why the building isn’t going to be built to the ground, but that is up to the applicant. She asked if we are approving as presented and if any changes would need to be approved. Mr. Fletcher stated they will end up with more parking than is needed and they would have to get special

permission to build to the ground.

At 8:59 p.m., Mayor Reed closed the regular session and called the seventh, eighth and ninth public hearing to order. A notice appeared in the Daily News-Record on Daily News-Record on Wednesday, December 27, 2023, and Wednesday, January 3, 2024.

Todd Rhea, Clark and Bradshaw, representative for applicant, stated Ed Blackwell, AES Engineers and Dain Hammond, Hammond Asset Management are also present. He stated they are the same management team that presented the original 865 East for zoning approvals in 2007, they have worked hard on this project to make sure that staff and Council have all their questions and concerns answered. He reviewed the development and its amenities. He requested Council's approval of all three requests.

Panayotis "Poti" Giannakouros, stated he still has the growth question on his mind, is JMU planning to grow to accommodate more student housing, if not what student housing will be cast off to fill this new development. He spoke on the parking, carbon directions of the city, and what should the city attract people with.

At 9:08 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Fleming stated it is a good thing to build student housing close to the university along public transportation routes.

Vice Mayor Dent stated she likes the efficient use of space and reduction of parking while still maintaining mobility through the parking.

Council Member Jones stated there was a lot of asphalt parking not being used, this is a great fix for that.

Council Member Fleming stated he likes how the developers have learned how to use space adequately with the topography of the land.

A motion was made by Vice Mayor Dent, seconded by Council Member Fleming, to approve the rezoning 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

6.h. Consider a request from 865 East LLC for a special use permit to allow multiple-family and/or mixed use buildings at 865 Port Republic Road

A motion was made by Vice Mayor Dent, seconded by Council Member Robinson, to approve

the special use permit 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

- 6.i.** Consider a request from 865 East LLC for a special use permit to allow the reduction in required side and/or rear yard setback at 865 Port Republic Road

A motion was made by Vice Mayor Dent, seconded by Council Member Robinson, to approve the special use permit 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

- 6.j.** Consider a request from Craig D. Smith and Sue W. Smith for a special use permit to allow a boarding and rooming house at 660 Walnut Lane

Adam Fletcher, director of Community Development, presented a request for a special use permit for property located at 660 Walnut Lane to allow for a boarding house. He reviewed the definition of boarding houses, the zoning for the area, long term plans for the area, and surrounding properties. He reviewed the history of the property, ongoing issues with the property, the by-right use of the property, and noted that the property has been deemed unfit for habitation in August 2023, at which time staff determined property was over occupied, and the applicant was given options to bring the property into conformance. He noted that in September 2023 owner was given notice of zoning violations associated with operating a fraternity on the property, since then the violation has been rectified by the applicant.

He stated staff and Planning Commission (5-2) recommend denial and reasons why. However, if Council were to approve this request, they recommend adding the following condition:

- If in the opinion of Planning Commission or City Council, the boarding and rooming house use becomes a nuisance, the special use permit could be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

Council Member Fleming asked if any of the neighboring buildings received nuisance calls from Harrisonburg Police Department as this one did. Mr. Fletcher stated he did not know the answer to that.

At 9:23 p.m., Mayor Reed closed the regular session and called the seventh public hearing to order. A notice appeared in the Daily News-Record on Wednesday, December 27, 2023, and Wednesday, January 3, 2024.

Hunter Rush, Flora Pettit, representative of applicant, stated this property is located

directly behind Main Street, surrounded by student housing, close to JMU. He stated rooming and boarding houses used to be by-right without any special permissions needed and the applicant, Craig Smith, thought after having a conversation with a previous director of Community Development, he was good to go. He stated the inhabitability of the dwelling was due to tenants allowing friends to store furniture, clothing and personal belongings inside the dwelling over the summer and leaving food in the refrigerator, while Mr. and Mrs. Smith were out of the state. He stated in regard to nuisance calls, at no point was the property owner notified of these complaints. He stated once Mr. Smith was made aware of these issues he made amendments on any future leases to rectify and penalize any such behavior. He stated the owner only had ten leases, at no time was any additional rent money received for additional tenants, and the owner had done great diligence in trying to rectify any violations. He stated it is recommended that Council strongly consider what the best use of this property is. He reviewed why using this property as a duplex would be difficult.

Mayor Reed asked if this house used to be a fraternity house. Mr. Rush stated it was at one point. Council Member Fleming stated that it is still occupied by Sigma Nu fraternity members. Mr. Rush stated it may be that they are all with a fraternity, but they do not have any fraternity sponsored events on the property. Mayor Reed stated this is a sixteen bedroom house but only ten tenants, what are the uses of the other bedrooms. Mr. Rush stated a lot of the rooms can be used for storage, studying, etc. He stated it can be a condition to ensure only ten people are living in the house. Council Member Fleming stated it already is a condition for this property. Mr. Rush stated we can make sure the property is inspected on a regular basis by the property owner to ensure only ten individuals are residing in the property. Mayor Reed stated it is hard for her to believe that the owners are just now finding out that more than ten individuals reside in the house, how is the property not being checked already, not just for tenant numbers but for cleanliness etc. Mr. Rush stated Mr. and Mrs. Smith were out of the state during the summer, and that is when all this happened, but normally is at this property once a week. Council Member Fleming spoke about the debris around the property and how some of the neighbors are actually families. Council Member Jones stated he finds it hard to believe the owners thought only ten people were living in the house and were not aware of the condition of the house. Council Member Robinson stated if you put everything together that we heard it implies there is no oversight, not only were there more than ten people living there we also have consistent reports from over a year from the police department for various violations, then you have the condition of the house, it feels like there is lack of oversight from the owner. Further discussion to take place between Council and Mr. Rush. Vice Mayor referenced conversation during the Planning Commission meeting.

Sue Smith, 594 S. Main Street, stated this is so painful to sit here and listen to Council talk about her husband being a slum landlord. She stated her husband is a good man, he is good to his students, he has complied with everything that the Planning Commission and zoning department has asked him to do. She stated he

has been in the house working since all this came to light, Council is being punitive to someone who is one of the best student landlords in the city.

Craig Smith, 594 S. Main Street, stated he knew this would be a tough night, he has owned this property for 35 years, it has been rented out the entire time to ten students on the lease, he doesn't go by and check beds, and would not be surprised that if over different points of the 35 years certainly there was probably an extra student or so in the house, but he can assure Council that in the comments that have been shared earlier tonight regarding proof of 15, there was not. He stated he has never seen or been notified of any noise violations on this property. He stated he is prepared to put whatever number of students they are allowed to put in the house and held off on leases pending this meeting. He stated the home is being repainted, floors are being refinished, it's a beautiful home. He stated he was appalled and embarrassed when he received the notifications of violations, he has been a landlord for over 45 years, he stands behind everything he is doing with his rental properties. He spoke further on all the things he is doing and how he is trying to be compliant. Council Member Fleming spoke on a house Mr. Smith owns on the corner of Mason Street and Campbell Street.

Panayotis "Poti" Giannakouros, stated he is dismayed by the discussion, there is a real gap here, he shared what he heard about the property and the situation as to how the violations were found, he asked about how can we feel safe calling the police, the link between the police and Community Development department, how the course of actions caused people to lose their home, which has been seen time and time again. He invited everyone to People's Day on January 16, 2023,

Kathy Whitten, Old Town resident, stated sometimes the Smith's properties are not kept up as well as Council has been told, there is a house just up the street from Council Chambers and it is an eyesore and the students living there are unruly. She stated she doesn't have a lot of information about the house on Walnut Lane other than what she has heard at the public hearings, but she can say that boarding houses are one of the scourges and have been for the whole 30 plus years she has lived here, in our zoning, they are hard to manage, who lives there, and she would never be in favor of having a boarding house. She stated she is against this request.

At 10:13 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Fleming stated this is a building that could be used in ways that provide good housing close to JMU, he would love to see it used in accordance with our zoning ordinances.

Council Member Jones stated he doesn't think that Mr. Smith is a terrible person, but as humans we miss stuff sometimes, for the tenants to report 15 individuals residing in the house, it's a lot of extra people.

Council Member Robinson stated once the non-conforming is violated then it is lost.

Mayor Reed stated this is where tough conversations need to be had, she is out in the street when fraternity parties are happening, she has stopped a few, got yelled at, but still tries to stop them from doing things they shouldn't be doing. She stated it is tough that there are 16 bedrooms for ten people, it's almost too easy for college students to have those extra bedrooms and not keep them empty. She stated in order to get some type of control we will have to do something different with this property.

A motion was made by Vice Mayor Dent, seconded by Council Member Robinson, to deny the special use permit 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

Recess

At 10:20 p.m., Mayor Reed called the meeting into recess.

At 10:27 p.m., Mayor Reed called the meeting back into session.

6.k. Consider a request from Devon Lane LLC to rezone 716, 720, and 722 Foley Road

Adam Fletcher, director of Community Development, presented agenda items 6k and 7a together. He presented a rezoning and preliminary plat with a variance request for property located at 716, 720 & 722 Foley Road from R-3 to R-5C. He reviewed the surrounding zoning uses, long term plan for the area, the history of the property, and submitted proffers. He noted the apartments recently built on the property are affordable housing at the 60% AMI level.

He stated staff and Planning Commission (6-0) recommended approval of both requests.

At 10:33 p.m., Mayor Reed closed the regular session and called the eighth public hearing to order. A notice appeared in the Daily News-Record on Wednesday, December 27, 2023, and Wednesday, January 3, 2024

Frank Gordon, applicant, stated this request addresses the needs expressed in the housing study, if his requests are approved it would allow for three more efficiency or one bedroom units that are handicap accessible, there is support from long term residents on the street, and our efforts are improving the neighborhood.

At 10:35 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Mayor Reed stated the applicant has done a really nice job with developing to the need of our housing study.

Council Member Fleming stated one of the things we hope is that people can be creative and find ways to address housing in the city, Mr. Gordon is being creative and worked with Community Development to make that happen. He stated Mr. Gordon was previously awarded a grant from the Central Shenandoah Planning District to be able to build affordable housing units, and he hopes others will follow in the same direction.

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

7. Regular Items

- 7.a. Consider a request from Devon Lane LLC to preliminarily subdivide 716, 720, and 722 Foley Road

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

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

No: 0

9. Other Matters

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

Karen Thomas, representing the Northeast Neighborhood Association (NENA) and the neighborhood residents, stated she is requesting that the \$566,00 of ARPA funding allocated for the northeast neighborhood for the Sterling Street sidewalks stay in the northeast neighborhood. She stated NENA appealed to the city at the ARPA Funding Community Engagement meetings, to construct sidewalks on Myrtle, Harris and Kelly Streets and repair the broken sidewalks on all the streets in the neighborhood. She stated NENA has never asked for sidewalks on Sterling Street and she is particularly concerned about the sidewalks in the 600 block of Myrtle Street as that is where the Historic Dallard Newman House is located and \$250,000 has been put into repairing the foundation of that house by NENA. She stated there are no sidewalks, curbs, guttering, or drainage in that area causing the water just to stay in the road and in the yard of the Dallard Newman and will eventually erode the newly paved street and cause mold in the foundation of the house. She stated the city has said they would reallocate these ARPA funds and she hopes that those funds be reallocated to the neighborhood towards projects that are needed. She stated there are other areas that funding could be used as well such as the Community Connectors Program, preservation of history and culture, the Newtown Cemetery fencing and flooding remediation, micro-bioretenion, speed humps, landscaping,

lighting, and so much more.

Panayotis "Poti" Giannakouros, stated people can speak for themselves but people cannot speak in solidarity for themselves, so he speaks in solidarity with the Northeast Neighborhood Association and in conjunction he speaks on behalf of member of a recent immigrant household for the ARPA funding of adult soccer fields. He stated as the secretary of the Martin Luther King, Jr. Coalition he wanted to let everyone know that Monday, January 15, 2024, is People's Day, the 10th anniversary of the dedication of Martin Luther King, Jr. Way, he reviewed the events planned and the path of the march, and stated all are invited.

9.b. City Council and Staff

Council Member Jones wished everyone a happy New Year, we will be celebrating Martin Luther King, Jr. and the life that he led and the fruit we bear because of him. He stated there will be many upcoming meetings with Build our Park, JMU, etc.

Vice Mayor Dent stated on January 2, 2024 she came to city hall to celebrate with members of staff the designation of Harrisonburg as a SolSmart Silver community, so we leveled up, big thanks to staff for their hard work, so many were involved: Keith Thomas our sustainability and environmental manager, Luke Forbes for his grant work, members of Community Development for their letter stating solar is allowed on rooftops in all zones, just to name a few. She stated it celebrates our green initiatives.

Council Member Robinson stated she attended the Community Criminal Justice Board (CCJB) meeting, there are still two positions open, the Re-entry Coordinator and the Criminal Justice Planner. Mr. Banks stated one recruitment phase had happened, but he doesn't believe they were able to negotiate with the applicants. Council Member Robinson stated these are much needed positions. She stated this completes year one for Council Member Fleming and herself, she has been very appreciative and wanted to thank everyone for all the help and mentoring.

Council Member Fleming stated he feels the same as Council Member Robinson with all the help and mentoring, he thanked them all, and looks forward to another successful year. He stated in December 2023 he attended a Virginia First Cities webinar; it was full of information including information on the budget we will be facing from the State, revenue projections are down, and funding opportunities will be potentially down as well. He stated he participated in the National League of Cities University Communities Council and International Town and Gown Association, to develop a housing survey to go out all over the country, as an information gathering exercise for cities to look at and compare. He stated there was also a Short Term Rental summit with interesting information as to what other localities throughout the state are doing.

Mayor Reed stated there will be some announcements made later but she wants to acknowledge Council Member Fleming and Council Member Jones for their recent appointments through the National League of Cities. Council Member Fleming stated he was appointed as vice-chair to the University Communities Council. Council Member Jones stated he was appointed as co-chair to the Race Equity and Leadership Council (REAL), he is really excited about this, the city manager, director of Human Resources and himself were part of the initial cohort of REAL Institute and we were one of ten cities selected from thousands of cities that applied for that institute. He stated he was also appointed as Treasurer to the National Black Caucus through NLC. Council Member Fleming stated there are some really exciting and important conversations that are happening to make tangible real progress on issues. Mayor Reed stated we had already congratulated Vice Mayor Dent for being appointed. She stated it good to have three members of Council sitting on committees of a national organization.

Mayor Reed stated we have Martin Luther King, Jr. Day is coming up, it will be a busy day, there are a lot of exciting events going on, she will be at EMU at 2pm on that day, the Virginia Union University Gospel Choir will be EMU's guest and hopes everyone stops by. She stated JMU and Bridgewater College also will be having programs.

Ande Banks, city manager, stated binders were passed out to Council which is a culmination of the retreat that City Council did to identify their vision and set forth priorities. He stated the Executive Leadership Team then had a retreat in which they operationalized the priorities through tasks and implementation schedules for each priority. He stated a work session on January 23rd, 2024, will be held to dig into this with all the staff champions to answer any questions. He stated the work session will begin at 6pm and dinner will be provided at 5:30. Council agreed to the time.

10. Boards and Commissions

10.a. Harrisonburg Electric Commission (HEC)

Vice Mayor Dent stated Mr. Herschberger is a great addition to the HEC Board, someone with experience in the electric utility industry and renewable energy.

A motion was made by Vice Mayor Dent, seconded by Council Member Jones, to reappoint Andrew Herschberger to the Harrisonburg Electric Commission to a full 1st full term to expire on December 31, 2027. 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

11. Closed Session

11.a. Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: Subsection 7 for consultation with legal counsel regarding specific legal matters

requiring the provision of legal advice by such counsel

At 11:00 p.m., a motion was made by Council Member Jones, 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 7 for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

12. Adjournment

At 11:28 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 11:28 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR