



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, January 14, 2020

7:00 PM

Council Chambers

1. Roll Call

Present: 5 - Mayor Deanna R. Reed, Vice-Mayor Sal Romero, Council Member Richard Baugh, Council Member Christopher B. Jones and Council Member George Hirschmann

Also Present: 4 - City Manager Eric Campbell, City Clerk Pam Ulmer, City Attorney Chris Brown and Police Chief Eric English

2. Invocation

Vice Mayor Romero offered the invocation.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

Mayor Reed announced if Council Chambers reaches capacity, overflow seating and live video will be available in the lower level of City Hall, direction signage is posted and staff will be outside to direct. She stated for those present for the 2nd amendment item it is not a public hearing and there will be no opportunity this evening for the public to address City Council on this topic. She stated all public comment during the public comment portion must be limited to topics not listed on the agenda. She stated the Harrisonburg City Council aims to provide a high quality of service in a safe and secure environment and in order to achieve this please refrain from behavior which is disruptive and interferes with the process, functions and enjoyment of the meeting. She thanked everyone for taking the time to participate in our City Council meeting.

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 Baugh, seconded by Council Member Hirschmann, to approve the consent agenda as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

5.a. Minutes from the December 10, 2019 City Council Meeting

These minutes were approved on the consent agenda

5.b. Consider Sign Ordinance Comprehensive Update

This ordinance amendment was approved on the consent agenda

6. Public Hearings

6.a. Public Hearing to Consider 2020-2021 CDBG Funding Priorities

Ande Banks, deputy city manager, presented information on the 2020-2021 Community Development Block Grant (CDBG) Program. He reviewed the CDBG program schedule and what it is. He stated CDBG funds must be used for activities that benefit low- and moderate-income persons. In addition, each activity must meet one of the following national objectives for the program: benefit low- and moderate-income persons, prevention or elimination of slums or blight, or address community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community for which other funding is not available.

He reviewed the annual amount of funding the city has received since 2012 and noted although the funding has not been set yet for the 20-21 budget cycle, the City is basing its calculations on what was received last year, subject to change, which was \$576,573.00.

He reviewed the Five-Year Strategic Plan from 2017 and the five goals. He reviewed the tentative schedule for the 2020-2021 CDBG Program, noting there will be a training session for anyone wishing to apply on January 16, 2020 and the deadline for applications is noon February 13, 2020. He stated public comments and proposals can be submitted to Kristin McCombe at the Office of the City Manager.

At 7:11 pm 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 23, 2019.

Pamayotis "Poti" Giannakaouros, stated the CDBG, in addition to the things Mr. Banks described, has among its objective to reduce segregation. He stated he feels we are not in a good position to be able to meet the spirit of the grant. He stated per statistical data, at the neighborhood level, we are very segregated. He stated we have policies and procedures that explain why it might be hard for people who are not connected to get ahead and integrate into the rest of the community. He stated we have had people who have been bold enough to contact the media and describe how city staff ask people during off duty hours to present papers. He stated staff has been

known to not disclose names of complainants of violations. He stated when we have this type of behavior with staff and procedures, we will have a hard time breaking through and getting us on the right path. He stated he hopes Council will dig deeper and rectify some of these problems within city staff and among the city's policies and procedures.

Bettie Newell, Board Chair for Way to Go, stated they have been operating since 2002 and concentrates on low income working families. She stated this type of service is what the CDBG funding is designed to serve. She stated 600 services for over 200 people were done in 2019, helping individuals with vehicle repair costs, DMV fees, car payments, teaching people how to drive or helping them obtain a vehicle if needed. She stated they have helped over 43 families get vehicles in 2019. She stated Way to Go works closely with other agencies such as Social Services and local businesses. She stated according to studies, the number one barrier that keeps low income working families from full participation in the work force is lack of transportation. She thanked council for deciding to use CDBG funding for grants to nonprofits.

At 7:18 pm 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 supplemental appropriation in the amount of \$6.2 million for the General Capital Projects and School Capital Projects Funds.

Larry Propst, Finance Director, stated the supplemental appropriation request is for \$6.2M to provide interim funding for the second high school project. He stated Nielson invoices should be coming in near the end of January that will need to be paid. He stated this will get the School Board through until permanent financing is in place.

At 7:19 pm Mayor Reed closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Tuesday, January 7, 2020.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:19 p.m., and the regular session reconvened.

A motion was made by Council Member Jones, seconded by Vice Mayor Romero, to approve the supplemental appropriation as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

- 6.c. Consider amending and re-enacting Section 4-2-124, Section 4-2- Section 4-2-21, Section 4-22, Section 4-24 and Section 4-25 of the City Code of Harrisonburg, in regard to personal property and real estate tax relief

Karen Rose, Commissioner of the Revenue stated in June of 2019 a meeting was held to review the current Tax Relief for the Elderly and Disabled Program. She reviewed the current and proposed amendments to that program. She stated the proposed amendments would include an increase in Income by \$5,000 to \$35,000, the maximum real estate relief would be increased by \$500 to \$1,500. She reviewed the current and proposed tiers of income and percentage of relief for each. She stated in fiscal year 2019 they had 105 approved applications totaling \$74,086.40 in real estate tax relief and in fiscal year 2020 there were 103 approved applications totaling \$73,601.18 in real estate tax relief. She stated in fiscal year 2019 they had 152 approved applications totaling \$14,175.60 in personal property tax relief and in fiscal year 2020 there were 160 approved applications totaling \$16,598.78 in personal property tax relief.

Mayor Reed asked if the word is out and residents know about this program. Mrs. Rose stated the assessors do provide handouts, mail notices, advertise in the paper, social media etc., but staff is open to other avenues as well. Mayor Reed asked how many applications are usually received. Mrs. Rose stated there were only a few that were denied last year. She stated many residents know of the income levels and if they don't meet that level then they don't apply. She stated anyone that inquires about the program is put on a list to contact once the applications are available.

Vice Mayor Romero stated Charlottesville's income is around \$45,000, asked why ours is only \$35,000 and have other localities been looked at. Mrs. Rose state she believes Charlottesville is at \$50,000, she stated Rockingham County proposed \$40,000, Staunton is at \$30,000, Winchester and Augusta County are at \$40,000. She stated when staff met, the City Manager and Finance Director reviewed the current levels and felt this was a good level to go to, but also agreed this will be a policy that is reviewed annually.

Vice Mayor Romer asked how do we compare with other localities on the maximum credit allowed. Mrs. Rose stated some localities don't have that but Winchester is at \$1,500. He asked if we know the number of residents that would be impacted if the income was raised to \$40,000 or \$45,000. Mrs. Rose stated they would not know unless someone applies. She stated income information is not available to the public.

Council Member Jones asked if the Economic Development department could provide income figures. Eric Campbell, city manager, stated Economic Development can only provide median income. Council Member Jones stated there should be some source like what was used to figure income data in the ALICE report.

At 7:29 pm Mayor Reed closed the regular session and called the third public hearing to order. A notice appeared in the Daily News-Record on Monday, December 30, 2016 and Monday, January 6, 2019.

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

Council Member Baugh stated he is open to further conversations about increasing the income if needed, he understands the impulse to not take away revenue, but will support this amendment. He stated this has been sitting on the shelf for awhile and monitoring it and editing it on an annual basis is a step in the right direction. Mr. Campbell stated that was discussed during the staff discussions. He stated a lot of localities do not give relief for personal property and we do. Council Member Baugh stated we may be a bit behind on the real estate tax relief but do offer the personal property tax relief as well that will really affect more people.

Vice Mayor Romero stated we all recognize this is a very vulnerable group of residents and would be interested in finding a way to determine how many could benefit from increasing the income threshold. He asked if there was any way to figure out how many of the residents that fit in the income categories own real estate. Mrs. Rose stated if one applies for the real estate tax relief and is approved, they automatically get the relief on personal property tax, if one does not own real estate, they must apply for the personal property tax relief, they are separate applications. Vice Mayor Romero suggested the need to look at ways to get the information out in different languages, etc. Further conversation took place regarding the specific population affected.

Mrs. Rose stated the applications are due May 1, 2020.

Council Member Jones stated he feels we need to look at this closer to see if we are at the best income threshold for the residents. Council Member Hirschmann stated this is a good start, but we need to continually evaluate.

A motion was made by Council Member Baugh, seconded by Vice Mayor Romero, to approve the ordinance amendment as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

6.d. Consider a request from Peale Properties LLC with representative John Sallah to rezone 129 West Wolfe Street

Adam Fletcher, director of Community Development, presented a rezoning request at 129 W. Wolfe Street, from M-1 to B-1C. He reviewed the area's zoning classifications and surrounding property. He stated the applicant submitted proffers:

1. The applicant would retain all uses permitted by right in the B-1, Central Business District except for convenience shops, drive-through banks, fast food restaurants, shops that primarily serve coffee, donuts, bread or bagels, and marijuana dispensaries;
2. 10 parking spaces shall be located on the property; and
3. Should the lot ever be redeveloped in the future, no parking lot (including travel lanes and drive aisles) shall be located between W Wolfe Street and the closest building to W Wolfe Street.

He stated staff and Planning Commission (7-0) with the proffers offered.

At 7:47 pm Mayor Reed closed the regular session and called the fourth public hearing to order. A notice appeared in the Daily News-Record on Monday, December 30, 2019 and Monday, January 6, 2020

John Sallah, 387 Monticello Avenue, applicant, stated he plans to turn the building back into office space, and would be happy to answer any questions Council may have.

At 7:47 pm Mayor Reed closed the public hearing and the regular session reconvened.

A motion was made by Vice Mayor Romero seconded by Council Member Hirschmann, to approve the rezoning request as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

- 6.e.** Consider a request from Jeanie Marie Turner for a special use permit to allow short-term rental at 1045 Carriage Drive

Adam Fletcher, director of Community Development, presented a short-term rental (STR) request for property located at 1045 Carriage Drive. He reviewed the land use guide for the area, and then reviewed the surrounding properties and their zoning districts. He stated the plan is for one accommodation space for a total of up to two guests and the property has enough area for off-street parking with no delineation being required.

He stated staff and Planning Commission (7-0) recommended approval with the conditions:

- The site shall be the operator's primary residence;
- If the operator is not the property owner, then the operator shall be present on the site during the lodging period;
- All STR accommodations shall be within the principal structure;
- There shall be no more than one accommodation space;

- There shall be no more than two guests at one time;
- Prior to operation, the operator shall submit to City staff a completed Short-Term Rental Pre-Operation Form. The operator shall maintain compliance with the Pre-Operation Form when short-term rental guests are present;
- Minimum off-street parking spaces do not need to be delineated and can be accommodated utilizing the driveway or other areas on the property; and
- If in the opinion of Planning Commission or City Council the STR becomes a nuisance, the SUP can be recalled for further review, which could lead to the need for additional conditions restrictions, or revocation of the permit.

At 7:51 pm Mayor Reed closed the regular session and called the fifth public hearing to order. A notice appeared in the Daily News-Record on Monday, Monday, December 30, 2019 and Monday, January 6, 2020.

Jeanie Marie Turner, applicant stated she was available if Council had any questions.

At 7:52 pm Mayor Reed closed the public hearing and the regular session reconvened.

A motion was made by Vice Mayor Romero seconded by Council Member Hirschmann, to approve the special use permit request as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

- 6.f.** Consider a request from CFP Partners, LLC for a special use permit to allow businesses and professional offices at 1592 CF Pours Drive

Adam Fletcher, director of Community Development, presented a special use permit request to allow for business and professional offices in the M-1 zoning classification on property located at 1592 CF Pours Drive. He reviewed the surrounding properties, land use guide, and surrounding zoning classifications. He stated the applicant

He stated staff did not have any major concerns with the request but did have a concern on the nature of all the different types of business and professional office uses that are categorized in the M-1 zoning district. He stated due to possible traffic concerns, staff and Planning Commission (6-0) recommended medical and healthcare facilities not be allowed as a condition.

At 7:56 pm Mayor Reed closed the regular session and called the sixth public hearing to order. A notice appeared in the Daily News-Record on Monday, Monday, December 30, 2019 and Monday, January 6, 2020.

Wesley Siever and Michael Irwin, applicants, stated their firm has been within the city

since early 1980's and they are available for any questions.

At 7:57 pm Mayor Reed closed the public hearing and the regular session reconvened.

A motion was made by Vice Mayor Romero seconded by Council Member Hirschmann, to approve the special use permit request as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

- 6.g.** Consider a request from Soran, LLC for a special use permit to allow facilities designed for repair or storage of over the road tractors, their trailers, heavy equipment, industrialized buildings, or agricultural equipment at 3055 South Main Street

Adam Fletcher, director of Community Development, presented a special use permit request to allow for the repair and storage of over the road tractors, etc. in the B-2 zoning district for property located at 3055 S Main Street. He stated staff received an anonymous concern regarding the operation of the business and upon further investigation found the business was operating in nonconformance. He stated staff spoke with business operator to bring it into compliance. He stated this is permitted by right in M-1 but not B-2 without a special use permit. He reviewed the surrounding property, long term planning of the area

He reviewed City Code Sections 10-3-91(3) and 10-3-24 and noted any outside storage or repair shall be located within a designated area and screened and then reviewed the screening requirements.

He stated staff and Planning Commission (7-0) recommended approval with the conditions:

- The special use permit shall be limited only for the repair and storage of over the road tractors and their trailers.
- Outside storage or repair of over the road tractors and their trailers shall be restricted to the rear of the property behind the principal building.
- 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.

At 8:04 pm Mayor Reed closed the regular session and called the seventh public hearing to order. A notice appeared in the Daily News-Record on Monday, Monday, December 30, 2019 and Monday, January 6, 2020

Joel Francis, attorney for the applicant, stated the business operates from 8 am to

5pm, no more than three tractor trailers are worked on in a week, the volume of business is relatively low and has no major impact on traffic in the area. He stated the applicant doesn't have any objections to the conditions provided by staff and drivers are not allowed to stay on property overnight. He thanked council for their time.

At 8:06 pm Mayor Reed closed the public hearing and the regular session reconvened.

A motion was made by Council Member Baugh, seconded by Vice Mayor Romero, to approve the special use permit request with the stated conditions. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

6.h. Consider a request from Rockingham Properties, LLC with representative Matchbox Realty to rezone 231, 251, and 261 South Liberty Street

Mayor Reed stated items 6h and 6i will be discussed together.

Adam Fletcher, director of Community Development, presented a request to rezone from M-1 to B-1 and a special use permit request to allow manufacturing processing and assembly operations located at 231, 251, and 261 South Liberty Street.

He stated the applicant's short-term plans to maintain the operations of the Daily News Record but then open up the ability to open the rest of the building to be utilized for businesses and other types of operations in the building. He stated as M-1 zoning they could not rent out the space to other business uses unless a special use permit was obtained, however, the applicant is requesting to be rezoned to B-1 as it provides the most flexibility in their future year plans beyond the six to seven-year mark. He stated a Traffic Impact Analysis was not required. He reviewed the surrounding property, zoning and stated the long-term plans for the area are for mixed use.

He reviewed the current parking classifications but noted a Downtown Parking Study is in process. He stated the Comprehensive Plan notes that Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses. The downtown Mixed-Use area often has no maximum residential density, however, development should take into consideration the services and resources that are available (such as off-street parking) and plan accordingly. He stated if this property is rezoned to B-1 the applicant would not be required to provide off-street parking.

He reviewed the applicant's current requests and provided an additional option to do the same operation, which includes keeping the zoning as M-1 and provide a special use permit for business and professional offices and noted if it remained M-1 they would have a minimum off-street parking requirement.

He stated staff recommended denial of the rezoning request, however, Planning Commission (6-1) recommends approval. He stated with that in mind, Staff then recommended approval of the special use permit and Planning Commission (7-0) recommended approval as well, with the following conditions:

- The special use permit shall only be applicable for a newspaper production facility or a substantially similar operation.
- 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.

At 8:21 pm Mayor Reed closed the regular session and called the eighth and ninth public hearing to order. A notice appeared in the Daily News-Record on Monday, Monday, December 30, 2019 and Monday, January 6, 2020

Michael Jaffee, representative for the applicant, stated their views are in line with Planning Commission and the Comprehensive Plan for downtown. He hopes council will consider the request.

At 8:22 pm Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Jones asked Mr. Jaffee what his thoughts were if the zoning stayed as M-1. Mr. Jaffee stated he doesn't feel the M-1 fits into what the city is trying to achieve or consistent with what is wanted in that area. Council Member Jones asked if they would not be able to accomplish their goals if it was kept M-1. Mr. Jaffee stated they would not.

Council Member Jones asked Vice Mayor Romero how the meeting at Planning Commission went. Vice Mayor Romero stated the Planning Commission did recognize the concern of staff in regard to availability of parking, however, recognized that we are becoming a more walkable community. Council Member Baugh stated he likes walking but is inclined to go with staff's concerns. He stated rezoning would give the applicant a lot more flexibility than M-1 with special use permit, if we give them B-1 now, there is no taking it back and if we allow B-1 rezoning without additional parking requirements it will stay that way and parking will become a city issue. He stated we can grant the special use permit and let them develop their future plans further down the road.

Council Member Jones asked the applicant would keeping it M-1 stop them from doing what they want. Mr. Jaffee stated they are aware of the parking issues around the site, he doesn't think they could get away without providing off street parking on the lot, adequate for the needs of the building, but no proffers are being offered.

Council Member Jones asked how it would hurt business. Mr. Jaffee stated in the immediate future (2-5 years), the surface lot could be developed and remaining M-1 would not allow for building.

Council Member Jones asked Mr. Fletcher regarding the option of remaining M-1. Mr. Fletcher stated if the applicants short term plans are as presented, they could operate as planned after obtaining a special use permit under the M-1 zoning. He stated the concern at this time staff is not certain it is the right time to rezone without some solution put forth about the demand for parking in this area. He stated the city wants it to be mixed use, wants it to be walkable, other businesses have put in proffers for parking. He stated if this is rezoned to B-1 the applicant can do as they wish.

Eric Campbell, city manager, reminded council that the Downtown Parking study is in its final stages of a very in-depth study of the downtown area and staff is at the beginning of drafting the scope of the Downtown Master Plan. He asked Council to keep those in mind when looking at this request.

Council Member Baugh stated if we approve this as recommended by the Planning Commission, whatever discussion goes on down the road, the applicant would not have to participate or meet any requirements.

Council Member Hirschmann asked how long before the Downtown Parking Study is completed and presented to Council. Mr. Campbell stated it is at the final stages where the preliminary recommendations are being reviewed by staff and Mr. Fletcher stated the anticipated date would be in February. Council Member Hirschmann stated it might be prudent to wait until after the review of the parking study is done.

Vice Mayor Romero asked if the option provided was talked about among Planning Commission members. Mr. Fletcher stated it was discussed at Planning Commission as a possibility.

Council Member Jones stated we need the business, he would like to do whatever they need but suggests the need to wait until council has time to review the parking study before a decision is made.

Council Member Baugh asked if we table the request does Council have to act on this within a certain time frame. City Attorney Brown stated Council will have 180 days to act and failure to act would be an automatic denial of the request.

A motion was made by Vice Mayor Romero, seconded by Council Member Baugh, to approve the rezoning and special use permit request with the stated conditions. The motion carried with a recorded roll call vote taken as follows:

Vice Mayor Romero withdrew his motion.

A motion was made by Council Member Jones, seconded by Council Member Baugh, to table this request until further review of the Downtown Parking Study. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

- 6.i.** Consider a request from Rockingham Properties, LLC with representative Matchbox Realty for a special use permit to allow manufacturing, processing, and assembly operations at 231, 251, and 261 South Liberty Street

see agenda item 6i

A motion was made that this PH-Special Use Permit be tabled. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

- 6.j.** Consider a request from The Norton Group, LLC to rezone five parcels at 1043, 1045, 1059, 1061, 1063 South High Street

Adam Fletcher, director of Community Development, presented a request to rezone five parcels from M-1 to B-2 Conditional located at 1043, 1045, 1059, 1061 and 1063 South High Street. He reviewed surrounding properties and stated it conforms with the land use guide. He reviewed the submitted proffers:

- The site shall allow all uses except: vehicle sales, vehicle repair, gas stations, and stand-alone parking lots
- All special use permits permitted as approved by City Council

He stated staff recommended approval of the rezoning request and Planning Commission (7-0) recommended approval as well, with the stated proffers.

At 8:45 pm Mayor Reed closed the regular session and called the tenth public hearing to order. A notice appeared in the Daily News-Record on Monday, Monday, December 30, 2019 and Monday, January 6, 2020

There being no one desiring to be heard, Mayor Reed closed the public hearing at 8:45 p.m., and the regular session reconvened.

Council Member Baugh stated it makes sense as this has been a challenging stretch since the residential area is right behind it.

A motion was made by Vice Mayor Romero, seconded by Council Member Hirschmann, to approve the rezoning request with submitted proffers. The motion carried with a recorded

roll call vote taken as follows:

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

No: 0

- 6.k.** Consider a request from The Norton Group, LLC for a special use permit to allow manufacturing, processing and assembly operations at 1043 and 1061 South High Street

Mayor Reed stated agenda items 6k and 6l will be combined

Adam Fletcher, director of Community Development, presented a request for two special use permits to allow for manufacturing and warehousing, on property located at 1043 and 1061 South High Street.

He stated staff and Planning Commission (7-0) recommended approval with following conditions specifically associated with the business:

Manufacturing, processing, and assembly SUP:

- The special use permit shall only be applicable for a bakery or a substantially similar operation.
- 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.

Warehousing and other storage SUP:

- All storage and activities are conducted within a building.
- Self-storage facilities are prohibited.
- 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.

At 8:50 pm Mayor Reed closed the regular session and called the eleventh and twelfth public hearing to order. A notice appeared in the Daily News-Record on Monday, Monday, December 30, 2019 and Monday, January 6, 2020

Brian Liskey, 120 Clarion Court, stated graffiti has been a problem and is happy to see fully housed and staffed building as it will help with this problem. He thanked Council for their time.

At 8:51 pm Mayor Reed closed the public hearing and the regular session

reconvened.

A motion was made by Vice Mayor Romero, seconded by Council Member Hirschmann, to approve the special use permits with stated conditions. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

- 6.I.** Consider a request from The Norton Group, LLC for a special use permit to allow warehousing and other storage facilities at 1043 and 1061 South High Street

see agenda item 6k

A motion was made by Vice-Mayor Romero, seconded by Council Member Hirschmann, that this PH-Special Use Permit be approved. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

Recess

At 8:52 p.m., Mayor Reed called the meeting into recess.

At 9:06 p.m., Mayor Reed called the meeting back into session.

7. Regular Items

- 7.a.** Consider adopting the Environmental Action Plan (EAP) Phase 1

Doug Hendren, chairperson for the Environmental Performance Standards Advisory Committee (EPSAC) asked all members of EPSAC present to stand. He stated EPSAC is pleased to present to Council Phase One of Harrisonburg's Environmental Action Plan. He stated in 2016, motivated by our unfolding climate crisis, residents brought to Council their concerns requesting a sustainability plan for the city and EPSAC was created. He stated in 2018 EPSAC presented goals to Council and a provisional plan, which were affirmed and EPSAC moved forward. He stated Phase One represents a collaboration between city staff and city residents. He asked Council to pay special attention to two of the goals that will be presented: the need for immediate completion of a green house gas inventory and the need for a sustainability coordinator. He stated absent are any recommendations about our municipal electric power as the committee was informed that HEC lies outside the scope of this plan and can only be addressed by other means. He stated our best science tells us that we are in the midst of a true climate emergency and the signs of growing instability are becoming more evident every day. He stated our best science tells us we have only ten years to switch where our energy is coming from, how we are producing it and how efficiently we use it or we will have trouble feeding ourselves, growing our crops and with uncontrollable immigration. He stated many of us think we

need a moonshot approach, setting a very high bar and then figuring out how to get there. He stated the plan being brought to Council is a more modest, measured plan, but still an important first step, and is fully endorsed by the EPSAC. He asked Council to recognize the crisis we are facing and help this friendly city become one of the leaders in the state.

Thahn Dang, assistant director of Community Development, acknowledged the EPSAC members and staff that worked together to develop the Environmental Action Plan (EAP). She reviewed the timeline of how the EAP has progressed to this point. She reviewed the EAP Phases, Phase One's three guiding goals and seven focus areas as well as the goals under each focus area. She reviewed the community engagement opportunities conducted in 2019 and next steps, noting Phase 2 and 3 will likely occur at the same time as different baselines and targets may take longer than others to determine.

Mrs. Dang stated some members of EPSAC had concerns that the EAP did not do enough to address electricity generation and renewable energy issues, which contribute to carbon emissions; some had recommendations to be more explicit in prioritizing sustainable transportation and zero waste production, and one person was concerned with the use of the word "consider" being used within some of the strategies.

Mrs. Dang stated staff and EPSAC (12-1) recommended approval of Phase 1 of the EAP.

Council Member Baugh stated as a representative on EPSAC, he knows how much work was done by the group, a lot of time and effort. He stated having multiple departments working together with residents was a great idea. He stated he thinks we should adopt this, it states what our values are, affirms our values, this is a strong document, and lays the ground work.

Council Member Jones stated this has been in the works since the end of 2016, there has been a lot of work put into this, and kudos to Council Member Baugh for his leadership. He stated he appreciates the members that serve on the board, it is nice to have a direction to point residents and businesses.

A motion was made by Council Member Baugh, seconded by Council Member Jones, to approve Phase 1 of the Environmental Action Plan as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

7.b. Consider a refund for business personal property tax for 2017 and 2018

Chris Brown, city attorney presented a request for refund of Business Personal Property Tax in the amounts of \$14,121.74 for 2017 and \$31,290.35 for 2018 along

with four percent (4%) interest. He stated the taxpayer was involved in leasing equipment and filed BPOL tax returns with the city, but after audits by the County and City, it was determined that most of the equipment was located in the county not the city and resulted in a refund due.

A motion was made by Council Member Baugh, seconded by Council Member Hirschman, to approve the refund request as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

7.c. Discussion on a request to adopt a resolution in support of protecting Second Amendment rights

Chris Brown, city attorney, stated staff received a resolution from the local Republican party which involved the 2nd Amendment Rights Sanctuary City. He stated resolutions have taken many forms at many other localities and one Council Member requested this be discussed at the Council meeting and that a resolution be considered at a later meeting.

Council Member Hirschmann stated he requested this be put on the agenda, as there is a critical wave forming in Virginia to adopt a 2nd Amendment Sanctuary City resolution. He stated he thought it would be prudent to discuss in an open forum, so the residents know how Council feels and how they are thinking on this topic. He stated he feels it is something that should be adopted, and perhaps at another meeting we can have a public hearing on this resolution. He stated it doesn't change any laws or make any new laws, it is just a show of support for the 2nd Amendment. He asked Council Members what they thought, what are potential outcomes and what difference this all makes.

Mayor Reed settled a disruption in the audience.

Council Member Baugh stated if we believe anyone that walked into this room was not already knowing how they felt about this, they are naïve. He stated he hates these things, both sides keep coming up continuing to try to define council as people on how they stand on one particular issue. He stated he sat here and listened to very uncomfortable things to listen to, from mostly people who disagree. He stated a legislature is going to be taking up action on this and he does not like to weigh in on state or governmental issues. He stated he is not being disrespectful but there will be a difference of opinion that cannot be bridged. He stated if the question before us do we wish to adopt such a resolution and the silence speaks volumes.

Council Member Jones stated he is a gun owner and he doesn't agree with the resolution because he doesn't respond well to fear and threats on either side. He stated the concept of the government is going to take our guns away does not resonate with him. He stated when he read the resolution presented it stated the

Governor and Legislature was doing something unconstitutional, which is not the case, nothing has happened yet. He stated a resolution doesn't really mean much other than we want to be more difficult when it comes to law enforcement. He stated in general he supports something reasonable, some controls need to be in place, some people are evil. The resolution from a legislative standpoint doesn't mean anything and doesn't make sense. He stated there is so much fear and false information out there, if something is passed Legislatively and what is in the resolution is true then maybe this can be revisited.

Mayor Reed asked Council if there was any one that wished to bring this forward. No response from Council.

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)

Pamayotis "Poti" Giannakaouros, as secretary of the Martin Luther King, Jr. Coalition, stated it is time for Peoples Day, Monday, January 20, 2020, the anniversary of the dedication of Martin Luther King, Jr. Way. He invited Council to join the event which will start on the corner of South Mason and Martin Luther King, Jr. Way. He stated the Emmanuel Episcopal Church will be hosting the potluck. He stated the renaming changed our city, we used to think changes couldn't be made, but we still have a lot of work to do.

8.b City Council and Staff

Council Member Jones stated he is going to miss Fire Chief Ian Bennett, he is a good man, but is happy when peoples dream jobs come true. He stated if anyone sees him tell him congratulations. He stated Martin Luther King, Jr. celebrations will begin on Sunday at Eastern Mennonite University (EMU) and Monday at the Lucy Simms Center, lots of things going on in remembrance of Dr. King.

Vice Mayor Romero stated he feels that having the public comment period at the end of the meeting can hinder many from speaking. He stated he would like to add a presentation from the Thomas Harrison Middle School to the next meeting's agenda and would like to have this done earlier in the meeting. He stated he hope to further discuss moving Public Comment to the beginning of the meeting.

Mayor Reed stated we lost someone very special in the community, Cecil Gilkerson. She stated his wake is on Wednesday, January 15, 2020 and the funeral is on Thursday January 16, 2020. She stated he was very instrumental for the city and started the Parks and Recreation Department in the city. She asked we keep his family in prayer. She stated on Sunday, January 19, 2020 Senator Jennifer McClellan will be the guest speaker at the Martin Luther King, Jr. event at the Lucy Simms Center from 1:30 to 3:30 pm, all are welcome; there will be celebrations at Eastern Mennonite University, Bridgewater and James Madison University and also the Martin Luther King, Jr. Coalition event.

Eric Campbell, city manager asked Chief English to introduce the new Deputy Chief of police. Chief English stated Deputy Chief Gabriel Camacho started with the city's Police Department on December 16, 2019. He stated he came from Camden, NJ after spending 25 years on the force there. He stated he will be out and about and will be a great asset to the team.

Camacho thanked for the honor for being selected for the position it is a great honor to be part of a noble unit and honored to be working under Chief English. He thanked Council for the honor.

9. Boards and Commissions

9.a. Harrisonburg Electric Commission

Chris Brown, city attorney, stated HEC sent over a slate of three candidates, Mr. Stoltzfus was not part of HEC's recommended.

A motion was made by Council Member Jones, seconded by Council Member Hirschmann, to re-appoint Hobart Bauhan to the Harrisonburg Electric Commission. The motion carried with a unanimous voice vote.

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

Council acknowledged the change in the school representative for the Environment Performance Standards Advisory Committee from Deb Fitzgerald to Andy Kohen.
No action required

9.c. Planning Commission

Council member Jones stated he would like to recommend one of the most active members in our city, Jim Orndoff. He stated he has led when he was asked and lead even without asking, that is a good thing.

A motion was made by Council Member Jones, seconded by Council Member Hirschmann, to appoint James Orndoff to the Planning Commission. The motion carried with a unanimous voice vote.

9.d. Harrisonburg Transportation Safety and Advisory Commission

Council Member Jones encourages those that are not appointed tonight on any of these Boards and Commission consider applying for other Boards as well.

A motion was made by Council Member Baugh, seconded by Vice Mayor Romero, to reappoint William Blessing to the Harrisonburg Transportation Safety and Advisory Commission. The motion carried with a unanimous voice vote.

9.e. Building Code Board of Appeals

A motion was made by Council Member Baugh, seconded by Council Member Jones, to reappoint Gerald Bland, Craig Miller and Steven Hottle to the Building Code Board of Appeals. The motion carried with a unanimous voice vote.

10. Closed Session

- 10.a.** Virginia Code Section 2.2-3711(A), under: Subsection 3 for a discussion of the disposition of publicly held real estate.

At 9:55 pm a motion was made by Council Member Jones, seconded by Council Member Baugh, to enter into closed session as authorized by the Virginia Code Section 2.2-3711(A), under: Subsection 3 for a discussion of the disposition of publicly held real estate.

The motion carried with a recorded roll call vote taken as follows:

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

No: 0

11. Adjournment

At 10:25 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 10:25 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR