



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, April 13, 2021

7:00 PM

Council Chambers

1. Roll Call

Note: All Council Members were present via virtual Go-To Meeting.

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

Also Present: 3 - City Manager Eric Campbell, City Attorney Chris Brown and City Clerk Pam Ulmer

2. Invocation

Council Member Jones led the invocation

3. Pledge of Allegiance

4. Special Recognition

Mayor Reed recognized City Clerk Pamela Ulmer in her receipt of the Clerk of the Year Virginia Municipal Clerks Association (VMCA) - Region III Award

4.a. Blue Ridge Community College annual update

Dr. John Downey, president of Blue Ridge Community College (BRCC), thanked Council, Mr. Campbell, Dr. Richards, Brian Shull, and Peirce Macgill for the support they have given to Blue Ridge Community College and himself. He thanked Council for appointing outstanding individuals to serve on the BRCC and recognized that John Butler was also present for this meeting. He stated the plans are to resume full operations in the Fall of 2021. He stated for the past year they have been operating with classes primarily online with only 15% in career-oriented classes were in person. He stated there has been no wide spread of COVID-19 on campus. He stated financially they were down about 10-12% enrollment, but federal support received helped BRCC avoid layoffs and severe cuts and hopes additional federal funds will continue to sustain the college until the enrollment rebounds next year. He stated the state government has provided extensive financial aid opportunities for students who wish to pursue in demand career and technical opportunities (both credit and non-credit). He reviewed projects being done on campus.

Vice Mayor Romero thanked Dr. Downey for all he does and asked if Dr. Downey could share a bit about what the experience has been like for the students with online learning. Dr. Downey stated some students struggle with online instruction and he

believes that was the reasoning behind the decrease of enrollments. He stated broadband and wireless was expanded out to the parking lots and in person classes were available for those that struggle with online learning.

Mayor Reed asked how does BRCC compare to other community colleges regarding enrollment. Dr. Downey stated we are at average. Mayor Reed asked if staff was able to be retained. Dr. Downey stated everyone was retained, everyone stepped up to the challenge of online instructions, and he was very pleased with his employees and how they did through all of this.

Council Member Dent congratulated Dr. Downey for BRCC receiving the Cyber Security Program Award, the high-level skilled programs will help feed our economic resurgence in the valley. Dr. Downey stated it was a partnership with the city of Harrisonburg and Waynesboro.

Council Member Jones commended Dr. Downey for his work in regard to authentically caring and working in the sphere of diversity, equity, and inclusion.

This Presentation was received and filed.

5. Consent Agenda (any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of Council, otherwise all items will be voted on with one (1) motion)

A motion was made by Vice Mayor Romero, seconded by Council Member Hirschmann to approve the consent agenda as presented. The motion carried with a recorded vote as follows:

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

No: 0

5.a. Minutes from the March 23, 2021 City Council meeting

These minutes were approved on the consent agenda.

5.b. Consider a supplemental appropriation for the General Capital Projects Fund in the amount of \$786,321

The supplemental appropriation was approved on second reading.

6. Public Hearings

6.a. Consider requests from Christopher and Susan Versen and from Jeffery and Bonnie Fergusson to close portions of undeveloped right-of-way between Myers Avenue and

Monticello Avenue

Adam Fletcher, director of Community Development, presented a request to close a portion of an undeveloped right-of-way between Myers Avenue and Monticello Avenue. He reviewed the surrounding land use, the history of the property, the current easements and which would need to be retained.

Mr. Fletcher stated staff and Planning Commission (7-0) recommends approval of the alley closing with the reserve of easements for public water main and gas main if needed.

Vice Mayor Romero asked what the intended uses are of the alleyway after its closed. Mr. Fletcher stated he does not know the use other than it will become part of the applicant's properties.

At 7:32 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, March 29, 2021 and Monday, April 5, 2021

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:34 p.m., and the regular session reconvened.

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

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

No: 0

6.b. Consider a request from Margaret Sheridan to rezone a parcel addressed as 518 East Market Street

Adam Fletcher, director of Community Development, presented a request to rezone from R-3C (multiple family) to R-3C (medium) and making the property compliant. He reviewed the land use and surrounding properties. He stated staff and Planning Commission (7-0) recommend approval of this request.

At 7:41 p.m., Mayor Reed closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Monday, March 29, 2021 and Monday, April 5, 2021

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:43 p.m., and the regular session reconvened.

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

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

No: 0

6.c. Consider a request from Bridgewater College Properties, LLC to rezone a parcel addressed as 486 West Market Street

Adam Fletcher, director of Community Development, presented a request to rezone from R-3C (multiple family) to R-2C, he reviewed the history of the property, the surrounding land use, the property, and the submitted proffers. He stated staff and Planning Commission (6-0) recommend approval of the zoning request.

At 7:50 p.m., Mayor Reed closed the regular session and called the third public hearing to order. A notice appeared in the Daily News-Record on Monday, March 29, 2021 and Monday, April 5, 2021

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:50 p.m., and the regular session reconvened.

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

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

No: 0

6.d. Consider amendments to the Zoning Ordinance by modifying or removing regulations contained in Section 10-3-55.6 (e) within the R-5 district

Adam Fletcher, director of Community Development, presented a request to modify zoning ordinances in Section 10-3-55.36(e) and 10-3-55.4 as Council had requested at the March 27, 2021 meeting. He reviewed the amendments and provided two different options for Council to choose. He stated staff and Planning Commission (7-0) recommend approval of Option 2.

Mayor reminded the public that public comment will only be accepted if they are related to the ordinance amendment.

At 8:02 p.m., Mayor Reed closed the regular session and called the fourth public hearing to order. A notice appeared in the Daily News-Record on Monday, March 29, 2021 and Monday, April 5, 2021.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 8:03 p.m., and the regular session reconvened.

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

the amended ordinance s presented. The motion carried with a recorded vote as follows:

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

No: 0

7. Regular Items

- 7.a. Consider a request from Martha E. Grover, Trustee and MG Harrisonburg LLC with representatives Bluestone Land LLC to rezone two parcels at 161 and 241 Blue Ridge Drive.

Adam Fletcher, director of Community Development, noted both agenda items 7a and 7b are being presented together. He reviewed the rezoning and special use permit request for property located at 161 and 241 Blue Ridge Drive. He reviewed the surrounding land use, the surrounding properties, and the current use of the property. He reviewed the proffers, renderings of the development, and the possible traffic impact.

Mayor Reed asked for clarification on parking and sidewalks.

Councilman Hirschmann asked for clarification on the affordable housing being offered. Chris Brown, city attorney, state the affordable housing percentage was offered as a proffer and by law we are not allowed to ask for more.

Mr. Fletcher stated staff and Planning Commission (5-2) recommended approval of these requests.

Mayor Reed stated Council had received many comments against this project, and asked if this development fits the vision of Harrisonburg with housing needs, walkability etc. Mr. Fletcher stated staff recommends this project at this site for the various reasons. Mayor Reed stated we will need all types of housing at different levels to satisfy the needs of the city.

Council Member Jones asked for confirmation that there will be no commercial in this project and not geared to students. Mr. Fletcher confirmed what was stated by the applicant.

Mr. William Park, Bluestone Land, applicant, joined the conversation.

Council Member Jones asked Mr. Park if the housing development and club house are geared towards single families and professionals. Mr. Park stated the amenity package offered is geared towards those categories of renters.

Vice Mayor Romero asked Mr. Fletcher what the discussion was between the two members of Planning Commission that did not wish to approve this application. Mr. Fletcher stated Mr. Baugh and Mrs. Whitten did not approve. Ms. Whitten stated she

felt the rezoning was inconsistent with good zoning practices for the area and the expected density. He stated Mr. Baugh had nothing specific. Council Member Dent stated Mr. Baugh's concerns was that the R-5 zoning history was created for the higher density apartment buildings on Port Republic Road for student housing. Council Member Dent stated she felt this is an excellent example of infill and a good use of an otherwise awkward site.

Vice Mayor Romero asked what staff's thoughts were related to how this aligns with the zoning ordinance amendments being worked on and how does it align with the housing study in the best use of land we have available in the city. He asked would it be beneficial for the zoning ordinance committee consultants to review this development to see if there is a better use for the land prior to Council making a decision. Mr. Fletcher stated the scope of the consultants is specifically to rewrite the zoning and subdivision regulations. He stated we are still in the early stages of this, and it is not in the scope of the consultant to look at specific sites. Vice Mayor Romero stated the last time this request came through staff and the Planning Commission recommended denied of this project, why did the decision change. Mr. Fletcher stated staff originally had difficulty in meeting the special use permit criteria, but regulations had been amended at the request of Council, and are no longer an issue with staff, therefore they were able to review the proposal differently. Council Member Dent stated she recalled speaking with Mr. Fletcher about the regulations and how they could change the outcome.

Council Member Jones asked if the city attorney can review our permitting ordinances, in regard to architectural design and walkability and bike-ability. He stated perhaps a permit process for parking where Council would have the ability to declare permit parking zones in certain neighborhoods and areas if requested by residents without being a burden on those residents. Council Member Dent agreed with Council Member Jones and may help with some of the fears of the residents in that neighborhood. Mr. Brown, city attorney, stated he would look into that.

Vice Mayor Romero thanked staff for looking into the traffic for that area, but he is still concerned. He stated he would like to see projects like this offer additional affordable housing.

Mayor Reed stated this applicant brought affordable housing as part of his vision for this development and she appreciated it. She stated the housing assessment was done for a reason, and now we know we need all sorts of levels of housing.

Further discussion took place regarding the changes to the area, the proffers, and land use.

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

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

No: 0

- 7.b.** Consider a request from Martha E. Grover, Trustee and MG Harrisonburg LLC with representatives Bluestone Land LLC for a special use permit to allow multi-family dwellings of more than twelve units per building at 161 and 241 Blue Ridge Drive.

see item 7a for discussion

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

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

No: 0

Recess

At 9:14 p.m., Mayor Reed called the meeting into recess.

At 9:21 p.m., Mayor Reed called the meeting back into session.

- 7.c.** Presentation on the proposed FY 2021-22 Budget

Eric Campbell, city manager, presented the proposed budget for fiscal year 2021/2022. He stated the Council's vision and overall focus areas were considered during the development of this budget. He reviewed the budget preparation process, the focus of the proposed budget, the Restaurant Food Tax Revenue (25% decline in revenue growth), the Lodging Tax Revenue (42% decline in revenue growth), the budget highlights, new positions, and Community Contributions funding. He stated there are no increases in real estate or personal property tax or Water and Sewer fees. He reviewed of All Funds expenditures, General Fund revenues, the comparison of the two, General Fund expenditures, city school funding, and noted the FY 21/22 budget does not contain funding to restart the construction of the second Harrisonburg High School. He stated due to the economic impact on the community, unemployment rates, declining tax revenues, struggles of our residents and businesses, it is neither financially prudent nor in the community's best interest to propose any property tax increase at this time. He spoke on the American Rescue Plan Act. He reviewed the Budget calendar, noting there are two days available for budget work sessions if needed, and the public hearing on the budget will be on April 27, 2021.

Mr. Campbell thanked all city employees for all they have done to protect the health and wellness of the community through the COVID-19 pandemic, ensuring essential services continued despite the pandemic impact on their jobs, families, and every

other aspect of their lives. He stated he is so proud to work among them and beside them every day.

Council Member Dent shared a quote heard at the NLC Congressional Congress from Janet Yellen, United States Secretary of the Treasury, *“economic policy finds its humanity in the city budget”*.

Council Member Jones thanked Mr. Campbell for the professionalism and elegance he presented the budget.

Vice Mayor Romero spoke on the work session schedule. Further discussion took place and work session was scheduled for April 22, 2021 at 5pm.

This Presentation was received and filed.

7.d. Consider approving the FY2021-2022 through FY2025-2026 Capital Improvement Program

Adam Fletcher, director of Community Development, explained the process of the Capital Improvement Plan (CIP) for FY 2021/22 through FY 2025/15 and thanked all the city staff involved in this process. He explained the purpose of the CIP, the project request forms, and noted the funds needed for all these projects are never 100% available. He stated staff and Planning Commission (7-0) offered a favorable recommendation to approve.

Council Member Dent asked how funds are earmarked for future projects in the CIP. Mr. Fletcher stated it would have to be requested by the appropriate department or if it is something that comes out of the environmental action plan, there are staff representatives for each department that can put the requests in.

A motion was made by Council Member Dent, seconded by Council Member Hirschmann, to approve the Capital Improvement Program as presented. The motion carried with a recorded vote as follows:

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

No: 0

7.e. Consider adopting a resolution approving two grants and two Performance Agreements associated with Shenandoah Valley Organics, LLC and the Economic Development Authority

Chris Brown, city attorney, stated the resolution presented approves a grant and performance agreements for Shenandoah Valley Organics (SVO) for expansion on Acorn Drive. He stated the city, via the Economic Development Authority, agreed to provide \$500,000 grant as part of the state grants.

Brian Shull, director of Economic Development, Eric Vaughn, COO and President of SVO and Lorenzo Baird, VP for Strategy and Corporate Development of SVO spoke on the project, the anticipated growth and the increase of jobs made available by this expansion. Mr. Brown reviewed the performance agreements and grant funding disbursements. He stated there is one modification to the resolution, authorizing the city manager to sign the Performance Agreements.

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

Yes: 5 - Mayor Reed, 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)

Pamayotis "Poti" Giannakaouros, spoke on the new trash Toters, an article in a Canadian newspaper from John Douglas Belshott regarding maintained lawns, and the city's tall grass and weeds ordinance.

Bucky Berry, 30 W Washington Street, spoke on the Police Department and parking in tow zones.

Jake Krug, 701 Carrier Drive, spoke on the demanding the Council commit to fund a low barrier shelter.

Emily, Rock Street, spoke on requesting that council commit to funding a low barrier shelter.

Clevus, city resident, spoke on requesting that council commit to funding a low barrier shelter.

Public comment received electronically

8.b. City Council and Staff

Council Member Dent stated she joined the Energy subcommittee of the NLC's Energy Environment and Natural Resources Committee, and it was very powerful to have a seat to the local government.

Council Member Jones stated his heart is heavy today, he lost two classmates today, and it has been very difficult on him, everyone has so much going on, but we should remain focused on loving folks, being kind and friendly and living as best we can as long as we can.

Council Member Hirschmann stated he participated in the Remote Medical event at the fairgrounds, he thanked everyone there who participated to make things work. He stated there were over 485 people were treated for both medical and dental services, all free. He stated he was very impressed, and he believes they do this every two years.

Mayor Reed stated there are some vaccine events coming up, there will be a COVID vaccine drive in program on Sunday, April 18, 2021 at 3pm in the northeast neighborhood where questions will be answered regarding the vaccine.

9. Boards and Commissions

- 9.a. Consider the request from Harrisonburg Rockingham Metropolitan Planning Organization (HRMPO) for council to re-appoint Gerald Gatobu as a voting member of the board

voice vote

A motion was made by Council Member Hirschmann, seconded by Council Member Dent, to approve the reappointment of Gerald Gatobu to the Harrisonburg Rockingham Metropolitan Planning Organization (HRMPO). The motion carried with a unanimous voice vote.

- 9.b. Rockingham - Harrisonburg Alcohol Safety Action Program Commission

Chris Brown, city attorney, explained how the state mandates what categories of professions are needed on this board. He stated the Commission will determine a replacement for Judge Wilson and forward to Council for approval.

A motion was made by Council Member Hirschmann, seconded by Vice Mayor Romero, to reappoint Marsha Garst, appoint Lt. Chris Monahan, and appoint Kyle Lawrence to the Harrisonburg Alcohol Safety Action Program Commission. The motion carried with a unanimous voice vote.

- 9.c. Stormwater Advisory Committee (SWAC)

A motion was made by Vice Mayor Romero, seconded by Council Member Dent to reappoint Dale Chestnut and Daniel Michael to the Stormwater Advisory Committee. The motion carried with a unanimous voice vote.

10 Adjournment

At 10:45 pm, there being no further business and on motion adopted, the meeting was adjourned.

DEPUTY CITY CLERK

MAYOR