



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Draft City Council

Tuesday, February 22, 2022

7:00 PM

Virtual

1. Roll Call

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

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

Also Present: 3 - Deputy City Manager Ande Banks, City Attorney Chris Brown and City Clerk Pam Ulmer

2. Invocation

Council Member Jones offered the invocation.

3. Special Recognition

3.a. Update from Way 2 Go on projects from CDBG funds and Community Contributions

Benjamin Craig, executive director of Way to Go, presented an update on the organization and the impact the funds provided through the city's Community Contributions and Community Development Block Grant (CDBG) have been used to help the organization.

Mayor Reed thanked Mr. Craig for his update, she looks forward to seeing how the non-profits benefit from the contributions from the city and how it impacts the community.

Council Member Dent stated Mr. Craig mentioned how transportation services uses were not allowed under the CDBG guidelines, which makes it even more important for them to receive Community Contributions from the city for those uses.

Council Member Jones stated he appreciates Mr. Craig for being proactive and bringing an update to Council.

Vice Mayor Romero thanked Mr. Craig and the organization, and stated it is commendable for all the organization does for the community, it makes a difference. He asked how the organization plans to reach out with other community businesses in maintaining vehicles provided to their clientele. Mr. Craig stated they plan to expand their volunteer base and hopes to be able to find support with vehicle maintenance as well.

Mr. Craig thanked Council for their support.

This Presentation was received and filed.

3.b. Proclamation declaring March 2022 as Brain Injury Awareness Month

Mayor Reed presented a proclamation declaring March 2022 as Brain Injury Awareness Month to Cindy Noftsinger, director, John Norment, Board Member, and Dr. Roger Mast, Board Chair, of Brain Injury Connections of Shenandoah Valley

Ms. Noftsinger stated Brain Injury Connections of Shenandoah Valley is very grateful to have the opportunity to be acknowledged. Mr. Norment shared his journey. Mayor Reed thanked Mr. Norment for sharing.

3.c. Proclamation recognizing March 2022 as Multiple Sclerosis Education and Awareness Month

Mayor Reed presented a proclamation declaring March 2022 as Multiple Sclerosis Education and Awareness Month to Cheryl Dean.

Ms. Dean stated this proclamation, and the Brain Injury Awareness proclamation are important personal causes to her, she has lived with MS for over 30 years and survived a traumatic brain injury (TBI) 5 years ago. She stated the long-term frustration of having a TBI makes things hard to navigate, and these recognitions mean a lot to many in the community.

3.d. Proclamation recognizing March 2022 as Youth Art Month

Mayor Reed presented a proclamation recognizing March 2022 as Youth Art Month.

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

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

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

No: 0

4.a. Minutes from the February 8, 2022 City Council Meeting

These minutes were approved on the Consent Agenda

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

The rezoning request was approved on second reading

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

The zoning ordinance amendment was approved on second reading

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

The Supplemental Appropriation was approved on second reading

5. Public Hearings

- 5.a. Consider a request from Bluestone Land Company, Inc. with representatives Woda Cooper Development, Inc. to amend the Comprehensive Plan's Land Use Guide map for a +/- 4.7-acre property on Lucy Drive

Chris Brown, city attorney, stated this evening's public hearing has been properly advertised and noticed, so there may be individuals who are intending to speak on this topic tonight that may not have an opportunity on March 8, 2022. He believes what Council Member Hirschmann is asking is that staff be allowed to present these items, the public hearing be held with public comments and allow additional public comment at the March 8, 2022, in person. Mayor Reed stated this has been advertised and people can call in tonight but extending the public comment period to the next meeting has never been done. Council Member Hirschmann stated the idea would be so that everyone has a chance to speak and feels these items require more time for the public to speak. Vice Mayor Romero stated we have had troubles in the past with our audio and broadcasting, but according to people he has been checking with tonight the audio and broadcast are working fine, we have been using these procedures for a long time and important decisions have been made, he understands Council Member Hirschmann's concern but it seems as though everyone is able to hear and see the meeting, the public has been noticed of the public hearing, and he has no concerns and will not support a motion to table these items.

Council Member Dent stated she believes adequate and exceptional access for hearing from the community has been provided, important decisions have been made all year in the virtual format, this should not be an exception. She stated she supports continuing as planned.

Mayor Reed agreed. Council Member Jones stated it would set a bad precedent to have a public hearing tonight and another public hearing at the next meeting, other important matters have been decided virtually, there is no need to have two public meetings on these items. Council Member Hirschmann asked if this could wait until the March 8, 2022, meeting due to the number of people interested in speaking on

this project, the area of the project, the research that is going into this proposed project and the project matter itself. Further discussion took place among the Council Members.

Council Member Hirschmann made a motion to table the vote on Agenda Items 6a, 6b, 6c so that comments from the public can be made in person at the March 8, 2022, Council Meeting. Vice Mayor Romero seconded the motion. The motion failed by a roll call vote.

Yes: 1 - Council Member Hirschmann

No: 4 - Mayor Reed, Vice Mayor Romero, Council Member Jones and Council Member Dent

Adam Fletcher, director of Community Development, stated agenda items 5a, 5b and 5c will be presented together. He reviewed the existing zoning of the property, the history of the property, the surrounding properties, the original planned layout, and the updated planned layout with a reduced number of units. He reviewed the Comprehensive Plan amendment, existing uses of the area, reasons why changing the designation to Mixed-Use, By-Right uses allowed, and compared residential density between the Comprehensive Plan/Land Use guide, the zoning ordinance, and the planned project.

He reviewed the site maps, the 14 proffers offered, and reviewed an illustration related to Proffer #8 (existing vegetation and tree replacement). He stated staff has a suggested condition to be placed upon the special use permit and reviewed that condition. He reviewed the planned road improvements/road diets by the city for the area, how this project fits into the needs determined on the recent housing study and noted staff and Planning Commission (4-3) recommended approval of the three requests with the suggested condition.

Council Member Dent stated she was interested in seeing the diagram with the road diets and crosswalks, and what it implies is that the area is far more walkable than she had imagined.

Council Member Jones asked if the vegetation barrier can be made wider. Mr. Fletcher said it would be good to offer a variety of options that the developer could chose from to widen the barrier. Further discussion took place regarding the vegetative barrier/buffer.

Council Member Hirschmann asked what the cost of the rentals will be. Mr. Fletcher stated he will let the applicant answer that question.

Mayor Reed stated if Council doesn't approve these requests and the property remains in R-3, there are other projects that could be built there by-right such as student housing or funeral home to name a few. Mr. Fletcher confirmed.

Vice Mayor Romero asked how many units per acre could be build by-right versus the request made this evening. Mr. Fletcher stated 14 units per acre multi-family would

require a special use permit, however, townhomes with 21 units per acre could be built with a subdivision ordinance variance. He stated it is complex to try to explain what exactly can happen due to so many components. Vice Mayor Romero stated townhomes are in high demand and if townhomes were built on this property the density could be much greater than what this request is asking. Further discussion took place on density and parking.

Council Member Jones stated there is a need for affordable housing for our workforce as many are moving out of the city because they can't afford it. He spoke on the 2018 Comprehensive Plan, and noted this project fulfills a newly identified need. He stated most people when they hear affordable housing they automatically assume section eight projects and that is wrong.

Mayor Reed asked Mr. Fletcher to explain why staff feels this is a good fit for this location. Mr. Fletcher referred to the Housing Study and the ten identified sites in the study that would be best for affordable housing and noted they were not the only sites that would suit the needs, there were 96 sites identified. Mayor Reed stated we need to spread out affordable housing all throughout the city, we are an equitable, diverse, and inclusive community.

At 9:07 p.m., Mayor Reed closed the regular session and called the first, second and third public hearings to order. A notice appeared in the Daily News-Record on Monday, February 7, 2022, and Monday, February 14, 2022.

Nick Surak, senior vice president, Woda Cooper, applicant, reviewed information about Woda Cooper companies, their management practices, Affordable Housing Industry Awards they have received, an explanation of a Due Diligence Report, and noted they are willing to satisfy any requirements from the city. Mayor Reed stated some of the developments created by Woda Cooper were presented at the Housing Summit. She asked what the range of rent would be, are these units going to be all affordable housing, all subsidized housing, or both. Mr. Surak stated the units will be 100% affordable in the 30-80% Average Median Income (AMI) range. Council Member Dent asked what the rent range would be. Mr. Surak stated depending on AMI, one-bedroom units would range between \$285 to \$785, two-bedroom units would range between \$330 to \$950, and three-bedroom units would range between \$380 to \$1035. He stated if an individual earned \$38,000 per year they would qualify for a one-bedroom unit, and a family of four could earn \$55,000 per year. Vice Mayor Romero asked what percentage of those in need of affordable housing would this help. Mr. Surak stated if this property is fully occupied it will satisfy just over 2% of the need for eligible households in the city. He reviewed the process on applying for a unit.

Council Member Jones spoke on the vegetative buffer/barrier he would like to see for this project, the current vegetation is aging, and we need more trees in the city. Mr. Surik stated he is happy to have conversations and meet the city's needs. Council

Member Dent stated she noticed the conceptual design had lots of trees scattered throughout the parking lot and hopes that remains the same during development to help with the heat island effect and noise buffering for the neighborhood. Mr. Surak stated they are in their developments for the long haul, it has to be done right and upfront, and they want to be invited back for future developments.

Panayotis "Poti" Giannakouros, spoke about the ecological services of the parcel and noted he hopes those that do not approve of this project will also implore Council to repeal the tall grass and weeds ordinance. He spoke on light pollution from parking lots and he hopes the developer will keep that in mind. He stated the area is ideal for bicycling and walking.

The following spoke in opposition to the requests and the reasons:

Michelle Lucatorto, 250 Emerald Drive - traffic and pedestrian safety;

Sue Newman, 259 Blue Stone Hills Drive - 3-story building in her back yard;

Barbara Knupp, 1338 Meadowlark Drive - concerns of management company, proposed housing does not fit area, parking, school impact, proffers, and rezoning;

Chong Whitfield, 126 Blue Stone Hills Drive - traffic, 3-story building;

Tom Nardi, 188 Emerald Drive - size and scope of project, traffic impact, character of the neighborhood, concerns of management company;

Suzann Meyerhoeffer, 320 Emerald Drive, against this request

Anna Grandle, 234 Pearl Point Lane, lack of final rendering of project, lack of written references for applicant, longevity of affordable housing units, stormwater runoff;

Mike Brady, 287 Emerald Drive - expects existing zoning and standards to be adhered to, height of the building;

Susan Adamson, 177 Diamond Court - spot high density rezoning of area, impact to community, traffic and safety impact;

Rick Nagel, 95 Blue Stone Hills Drive - not best parcel for this project, not in conformity of current Comprehensive Plan, concerns of management company;

Paul Clancey, 261 Emerald Drive - contradiction of goals, objectives and strategies in the current Comprehensive Plan, not enough play space for children;

Connie Seligson, 147 Diamond Court - no buffer, not good location for this type of development;

Gregory Lucatorto, 295 Emerald Drive, against this request

Joanne Knauf, 120 Diamond Ct. - traffic impact, decline of property values;

Lavonne Crist, 377 Blue Stone Hills Drive, against this request

Leslie Falconi, 249 Blue Stone Hills Drive - no affordable housing, no student housing, Lucy Drive was not on the list from the Housing Study of appropriate parcels for affordable housing;

Jeff Lucatorto, 295 Emerald Drive, height of building, wrong fit for the location;

Molly McMahan, 257 Emerald Drive, impact on schools, increase of impervious area, concerns of management company;

Lorna Nichols, 180 Diamond Court, impact on those residing on Emerald Drive, increase in noise and lights, view obstructions due to height of building, traffic and

parking impacts;

Lynn Lucatorto, 295 Emerald Drive, the majority of voices of those living on Emerald Drive are not being heard because they are working, but the impact on that neighborhood, no infrastructure for bicycle or pedestrian use, impact on parking and traffic;

At 10:54 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Hirschmann stated the neighborhood is extremely concerned about what is going on in and around their neighborhood.

Vice Mayor Romero stated it is important that everyone gets an opportunity to voice their opinions and concerns, but it doesn't make it a unique situation, there have been other items decided on where the neighbors came together to keep a project from happening. He stated it is Council's responsibility to look at each project carefully, and the votes are not taken lightly.

Mayor Reed stated the city needs to be integrated, affordable housing should be placed in all areas of the city.

Council Member Jones stated he will only support this project if there is a fence and vegetation buffer. He stated there are so many different types of housing units available in this neighborhood, this project will just add another type. He understands the concerns, but this is not an attack or plot to harm them, but the city is growing, sometimes we will have growing pains.

Council Member Dent stated the key point is that we need to promote integration of affordable housing throughout the city so it isn't concentrated in any one neighborhood. She heard an undertone of privilege, and that is exactly the kind of under current of elitism that was alluded to by a Planning Commission member, sure, people are afraid of change, but don't be afraid of your neighbors. These are going to be your new neighbors. Please be good neighbors, as the developer has pledged that he will be.

A motion was made by Council Member Dent, seconded by Vice Mayor Romero, to approve the amendment to the Comprehensive Plan as presented. The motion carried with a recorded vote as follows:

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

No: 1 - Council Member Hirschmann

5.b. Consider a request from Bluestone Land Company, Inc. with representatives Woda

Cooper Development, Inc. to rezone a +/- 4.7-acre property on Lucy Drive

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

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

No: 1 - Council Member Hirschmann

- 5.c.** Consider a request from Bluestone Land Company, Inc. with representatives Woda Cooper Development, Inc. for a special use permit to allow multi-family dwellings of more than twelve units per building on Lucy Drive

Adam Fletcher stated if Council requested amendments to the staff suggested condition is approved it would read as follows:

When developed, the site shall include a six foot (6') tall opaque fence and a minimum 10-foot landscaping buffer with trees or other plants installed and maintained with the intent to form a dense screen. The installed vegetation shall be 6-feet in height at the time of planting, installed at a minimum of 5-feet on center, and located along the southern boundary of the property.

A motion was made by Council Member Jones, seconded by Council Member Dent, to approve the special use permit request with the suggested condition by staff as amended by Council

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

No: 1 - Council Member Hirschmann

6. Regular Items

- 6.a.** Consider adopting a resolution ending the local emergency due to COVID-19

Chris Brown, city attorney, presented a resolution to end the local emergency due to COVID-19 that was declared on January 11, 2022. He stated Mr. Paul Helmuth predicted cases would start to decline near the middle of February, which has happened, and feels, based on reports from the CDC, that as of March 1, 2022, we would be in a safe position that the Declaration of Local Emergency would no longer be necessary. He stated that would mean City Council and other bodies of the city could begin meeting in public again.

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

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

No: 0

6.b. Consider adopting an Amended Resolution regarding the Harrisonburg-Rockingham Community Criminal Justice Board

Chris Brown, city attorney, presented an amended resolution establishing and governing the Harrisonburg-Rockingham Community Criminal Justice Board (CCJB) and approving the By-Laws for the board. He stated the By-Laws were drafted by representatives of both the county and the city, and upon doing so it was apparent that there were members / representatives of offices/agencies had been participating in the CCJB meetings but had never been formally approved by the City Council or the Board of Supervisors. He stated these By-Laws will incorporate a comprehensive list of offices and agencies for representation. He reviewed the list. He reviewed the drafted By-Laws and noted Council Member Dent was included in the draft process.

A motion was made by Council Member Dent, seconded by Vice Mayor Romero, to approve the amended resolution and By-Laws as presented. The motion carried with a recorded vote as follows:

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

No: 0

7. Special Event Application Requests

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)

Panayotis "Poti" Giannakouros, spoke on the taking of green space with tall grass and weeds, the ordinance on tall grass and weeds, and requested Council repeal the ordinance.

James "Bucky" Berry, spoke on the staffing shortage at the Harrisonburg Police Department and nationwide, the need for increase in pay for the city's officers, and the impending real estate tax increase.

8.b. City Council and Staff

Council Member Dent stated she attended the Department of Energy listening session on behalf of the NLC, and she had a compatriot from Newport News who reached out to her to meet with her to see what the city is doing and how ahead of them we are. She stated she is attending another meeting on February 24, 2022, with the EPA and will be talking about the city's Environmental Protection Plan.

Ande Banks, Interim City Manager stated as per conversations with Council on the internal struggles of staffing shortages and recruitment challenges. He stated with work through the Executive Leadership Team, new and creative mechanisms were created to better attract and retain the best employees. He stated this included recruitment bonuses, increases, constant evaluations of positions when vacant, but

still the organization struggles to attract and retain employees. He stated in working with the Executive Leadership Team and the director of Finance, and in light of conversations with Council he brings a proposal as follows: a mid-year increase of 5% for all city employees and a one-time retention incentive payment utilizing ARPA funds where possible of \$3,000 per full-time employee and \$1,500 per part-time employee. He stated this does not include a potential cost of living increase for the upcoming FY 22/23. He stated no action was required at this time if Council had any questions and can be acted upon at the next Council meeting. Council Member Jones and Mayor Reed stated they were for this proposal. Vice Mayor Romero stated he is in favor of this but for the sake of understanding more detail of this proposal he feels it should be discussed further. Vice Mayor Romero asked Mr. Banks to provide information before next the next meeting on how this increase looks to someone who is on the entry-level pay scale versus someone at the top, and the total dollar amount of expenditure for the one-time retention incentive payment as well as the ongoing increase for budgeting purposes. Council Member Dent asked if there is consideration for departments based on the nature of their job, i.e., Police, for pay disparities with the regional markets.

9. Closed Session

10. Adjournment

At 11:47 p.m. there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR