



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, July 14, 2020

7:00 PM

Council Chambers

1. Roll Call

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

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

2. Invocation

Council Member Hirschmann offered the invocation

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.

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

No: 0

5.a. Minutes from the June 18, 2020 Special Emergency Meeting of City Council

These minutes were approved on the consent agenda

5.b. Minutes from the June 23, 2020 City Council meeting

These minutes were approved on the consent agenda

5.c. Consider adopting and enacting Title 5, Chapter 1, Article C Section 5-1-30 through Section 5-1-48, Law Enforcement-Requested Towing of the Code of Ordinances, City of Harrisonburg, Virginia

The enactment of the ordinance was approved on second reading

6. Public Hearings

6.a. Consider amendments to Chapter 12, Transportation of the 2018 Comprehensive Plan

Tom Hartman, director of Public Works, provided an overview of the recommended amendments to the Comprehensive Plan, Chapter 12. He stated the amendments are related to VTRANS 45 Mid Term needs, Traffic Study Reference and an amendment to the Project List. He reviewed the map amendments and noted staff and Planning Commission voted in favor of the recommendation for the amendments with a vote of 7-0.

At 7:07 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, June 29, 2020 and Monday, July 6, 2020

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:09 p.m., and the regular session reconvened.

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

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

No: 0

6.b. Consider an ordinance amendment to Section 10-3-48(c), 10-3-48.6 and 10-3-54(c) - Other Regulations, of the Harrisonburg City Code

Adam Fletcher, director of Community Development, presented a zoning ordinance amendment to reduce minimum separation between buildings from 30 feet to 20 feet. He stated the amendment is requested by the Virginia Mennonite Retirement Community.

He stated staff and Planning Commission voted in favor of the recommendation for the amendments with a vote of 6-0.

At 7:15 pm Mayor Reed closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Monday, June 29, 2020 and Monday, July 6, 2020.

Pamayotis "Poti" Giannakaouros, stated he is glad staff did historical research on this particular project, he referred to the implementation of segregation in Kansas City due to zoning regulations, and noted he hopes all of the zoning regulations, including the R-8 zoning districts, and procedures that come from Community Development can be reviewed with such a critical eye. He suggested Council approve this item.

At 7:21 pm Mayor Reed closed the public hearing and the regular session reconvened.

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

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

No: 0

- 6.c.** Consider a request from Robert D. and Gretchen M. Maust and representative Matchbox Realty to rezone 151 West Wolfe Street.

Council Member Richard Baugh stated for reasons related to legal professional ethics he recused himself from Agenda items 6c and 6d.

Vice Mayor Baugh stated the Virginia State and Local Conflict of Interest Act requires that he make the following disclosure to be recorded in the city records on any matter from which he is prohibited by law from participating:

The transaction involved is agenda item 6c and 6d, a request for a rezoning and special use permit for certain real property located in the City of Harrisonburg located at 151 W. Wolfe Street; his personal interest in the transaction relates to the ethical requirements to which he must adhere as a licensed member of the Virginia State Bar; he affirms he will not vote or any manner act on behalf of city council on this matter.

Adam Fletcher, director of Community Development, reviewed the request to rezone a from R-3 to B-1C with proffers and to allow a special use permit to allow parking lots and parking garages as principal use for a parcel located at 151 W. Wolfe Street. He reviewed the current and planned zoning for the area, reviewed the surrounding properties, the submitted proffers, and noted an adjoining property was just recently rezoned similarly to this request. He stated the expected use is to be a parking lot to be used by the Sentara/RMH medical offices currently in development. He stated staff and Planning Commission voted in favor of the recommendation for the requests with a vote of 6-0.

At 7:29 pm Mayor Reed closed the regular session and called the third and fourth public hearing to order. A notice appeared in the Daily News-Record on Monday, June 29, 2020 and Monday, July 6, 2020.

Michael Jaffee, 631 Ott St., representative for the applicant, stated the property will be brought into conformance by these requests, and he is pleased to continue with the city's plan of development in this area.

At 7:31 pm Mayor Reed closed the public hearing and the regular session reconvened.

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

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

No: 0

Abstain: 1 - Council Member Baugh

- 6.d.** Consider a request from Robert D. and Gretchen M. Maust and representative Matchbox Realty for a special use permit to allow parking lots and parking garages as principal uses at 151 West Wolfe Street.

see item 6c

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

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

No: 0

Abstain: 1 - Council Member Baugh

- 6.e.** Consider a request from Bell Investments LLC for a special use permit to allow business and professional offices at 794 North Main Street

Adam Fletcher, director of Community Development, presented a special use permit request for property located at 794 N Main Street to allow for business and professional offices. He reviewed the subject property, the zoning of the subject property and surrounding properties and the long-term plan for the area. He noted staff recommended to applicant to make one of the entrances to the property from N. Main Street be strictly entrance only.

He stated staff and Planning Commission voted in favor of the recommendation for the request with a vote of 7-0.

At 7:38 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, June 29, 2020 and Monday, July 6, 2020.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:39 p.m., and the regular session reconvened

Council Member Jones stated this fits our long-term planning goals and hopes to see more of this. Council Member Baugh stated he would like to see more of this in that area.

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

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

No: 0

7. Regular Items

7.a. Planning Commission 2019 Annual Report

Adam Fletcher, director of Community Development, stated in 2019 the Planning Commission held 12 regular meeting and two special work sessions. He reviewed the regular meeting activity, which included: five ordinance amendments, one street and alley closing, five preliminary plats, 11 rezoning requests, 51 special use permits and the parking plan for the second Harrisonburg High School. He noted out of the 70 items that came before Council there were six disagreements and two Planning Commission tie votes.

7.b. Consider adoption of Resolutions of Support for VDOT Smart Scale Grant Program

Tom Hartman, director of Public Works, presented three resolutions for VDOT Smart Scale Grant applications for seven projects. He reviewed the projects which include the following:

- I-81 Exit 243 Improvements: adding several dual left turn lanes, widening of the interchange, sidewalks, etc.
- Erickson Avenue/Pear Street Improvements: eliminate the north bound left turn onto 42 for significant safety improvements.
- Port Republic Road Corridor improvements: widening, new traffic signal, concrete island, retaining wall and sidewalk.
- South Main Street improvements: new median, sidewalks, new bus stops and bus shelters.
- North Main Street sidewalk: new sidewalk along the east side of North Main Street from Holly Hill Drive and Vine Street and crosswalk and audible pedestrian signals installations.
- Port Republic Road / Bluestone Drive Improvements: extension of left turn lane, and sidewalk installation.
- Blue Stone Trail extension: 10' wide paved shared use path from Stone Spring/ Berry Road to the new high school site.

He reviewed the next steps with anticipation of potential project start date in 2026 if grants are awarded.

Council Member Jones asked if there was any way the sidewalk along the new Community Services Board (CSB) building project could be done sooner as that is a much-needed project to the people that will be accessing the CSB. Mr. Hartman stated staff has submitted for a different funding mechanism through the Transportation Alternatives Program (TAPS) as these funds come in much quicker,

however we were not successful this year in obtaining those grants. He stated next year TAPS will come up again and will apply again for any projects needed. He stated he agrees the sidewalks need to be done as soon as possible. Further discussions to place regarding funding for projects, timelines, requirements etc.

A motion was made by Council Member Jones, seconded by Council Member Hirschmann, to approve the resolutions as presented. The motion carried with a roll call vote as follows:

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

No: 0

7.c. Consider approving the policy for naming city spaces and facilities

Chris Brown, city attorney, presented a draft policy for naming city spaces and facilities for Council's review. He reviewed the draft policy and requirements. He asked Council to review, make suggestions of any additions/changes they wish so that this draft policy can be brought back to Council on July 28, 2020 for approval.

Discussion took place of some changes that could be made.

No action required

This Action Item was received and filed.

8. Supplementals

8.a. Consider a supplemental appropriation for the Harrisonburg City Public School division in the amount of \$411,320

Larry Propst, director of Finance, presented a supplemental appropriation for the Harrisonburg City School Board, which will appropriate additional federal money for the schools to continue the summer food program and appropriate additional federal dollars as schools expand their Community Eligibility Programs to all the schools. He stated the School Board approved on June 16, 2020.

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

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

No: 0

9. Other Matters

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

Pamayotis "Poti" Giannakaouros, stated in a previous meeting Council Members said they were doing all they could regarding Covid-19, however, they overlooked something. He stated the tall grass and weed ordinance is still in place and Community Development still takes calls to enforce. He stated he is heartened that homeowners in his neighborhood are on their own not having crews mow as frequently and when he does see crews coming out, they come out one to a truck now. He stated the city should be looking with not against this common sense. He stated since he made Council aware of the Covid-19 hazard of this ordinance he has noticed a few more things. He stated he has noticed the air is cleaner than pre-pandemic times, he stated hedges have a significant impact on airborne pollution and couldn't help wondering if a natural yard could act as a face mask of sorts for a house. He stated he has been gardening which can reduce the number of grocery trips or deliveries which puts lives at risk. He stated a more favorable form of gardening suggested is root stout gardening which requires hay. He stated one could let the grass grow, harvest and dry it as hay as needed. He stated this practice is prohibited because of the tall grass and weed ordinance. He stated this ordinance needs to go, please consider this.

James "Bucky" Berry, 30 West Washington Street, he stated he met with George's and on July 30, 2020 at 11:00 am a truck load of chicken will be brought to the Salvation Army and he hopes Council can come by and meet the new commander. He stated the commander is serious about get the Salvation Army to the 21st century and he is impressed with him. He stated Waynesboro used their CARES Act funding to house the homeless in hotels through the end of September, he understands Open Doors people are still on the street in our city, and thinks we should use some of the funding we receive from the CARES Act towards housing for them, Covid-19 is here to stay and we need to take care of our homeless.

Lorie Merrow, 1539 Hillcrest Drive, stated she is affiliated with Faith in Action and thanked Council for their tireless work providing leadership to the city. She stated the homelessness is about to become more dire and Faith in Action's proposed solution is a Housing Trust Fund. She stated since the state moratorium on evictions ended in late June 2020 229 eviction notices have been served in the city/county area with more to come. She stated they feel it is a moral imperative to see that everyone in the city has a safe and secure place to live. She stated without housing for everyone a part of our community has a great disadvantage for success in school and jobs. She stated everyone should have the best chance to succeed in order to be the run true vibrant community we want to be. She stated where will the evicted households go, will they be forced to move in with extended family in overcrowded conditions, will they have to move to substandard housing, or will they be out on the street. She stated we are still in the Covid-19 pandemic, through a great deal of work and prayer of many people Harrisonburg has made some large improvements but how can people protect themselves from Covid-19 when they live as guests crowded in someone else's home or in substandard, poorly ventilated housing or on the street. He stated lets find a solution to homelessness in our city as soon as possible, it has

been growing in our community, there are great agencies and great people who work hard to overcome this issue, but it has become starkly clear that this is the time for our community government to be involved. She stated Faith in Action is promoting a way to extend affordable housing through the well tested and successful use of a Housing Trust Fund that would be funded by local government, private donations and grants. She stated we need to the upmost to care for our most vulnerable population by keeping them safely housed.

9.b. City Council and Staff

Ande Banks, deputy city manager, stated Council has been provided a draft of the proposed spending plan of the \$4.6M CARES Act funding received, a memorandum from the city manager explaining how he developed the spending plan, a document providing from state legislation on how to spend the funds, and an updated frequently asked questions sheet from the US Department of Treasury. He reviewed the spending plan and asked Council if they would like to hold a work session to dig into the spending plan deeper or refer to the Finance Committee to review, and then bring back to a later Council meeting for deliberation and approval of action to do the appropriations.

Council Member Hirschmann stated the way it is presented is a good idea, although if Council did a work session to dig into it deeper, Council would understand better on how the funds are being spent and what they are going to accomplish.

Council Member Jones asked if a line item breakdown could be provided of these expenditures as well as extend the expectation of Councils response be moved to 30 days.

Mayor Reed, Council Member Baugh and Vice Mayor Romero agreed to the work session and extension.

Vice Mayor Romero asked if there is a deadline to use the funding. Mr. Banks stated the funds must be directly related to Covid-19 expenses and include only costs incurred and costs to be incurred between March 1 and December 30, 2020.

Mr. Banks stated staff is currently working on the Phase II Facility Opening Plan and Mr. Campbell wanted to know if Council has discussed any further as to a timeline to consider coming back to in-person meetings in City Council Chambers.

Council Member Hirschmann stated he was just cleared of pneumonia which he has had for the last few months, he is tentative as to in-person meetings at this time. Council Member Jones stated he feels the same as Council Member Hirschmann. Council Member Hirschmann stated perhaps we can mix, some do in-person, others do virtually. Mayor Reed stated we did that initially when Covid-19 hit but does have questions on how the reopening would look like to continue to social distance. She stated if we do go back to in-person meetings Council Members and staff must wear

masks at all times. Vice Mayor Romero stated if other facilities are open and staff must come to work then it should be ok for Council to meet in person. Further discussion took place regarding upcoming meetings but no action at this time is required.

Council Member Jones advised Council of the recent Community Criminal Justice Meeting, the new criminal justice planner did a great job and he thanked staff for helping set the meeting up virtually. He stated the committee for recidivism reduction wants to reach out to the community for help and he asked Council to reach out to people and find someone interested in participating. He stated the city has Drug Court with 52 participants and can handle up to 75. He stated he has someone interested on being on the board and interpretation of the code, the County and City should have a balance of members on the board but would need Council's support to add someone to the board.

Council Member Jones asked everyone to keep their hopes, thoughts and prayers for anyone that is suffering at the hand of Covid-19, including Father Aubry Speers and Stan Maclin.

Council Member Baugh stated as we learn more and more about the Covid-19, the more chances of actually having it and not having symptoms are really pretty good which means wear masks to protect others.

Council Member Hirschmann stated he has attended several meetings with Faith in Action, and it is a very interesting concept they are pushing, he hopes to get with the city manager to discuss this, with a city and county push to build affordable housing. He stated there are about 800 cities in the country that are doing the Housing Trust Funds, so the trick is to establish the fund between the city and county and continue through other means.

Vice Mayor Romero stated Mr. Fletcher presented the annual report for the Planning Commission, who are such a hard-working group, he has learned so much over the past year and a half, the people are very committed, and he thanked them for their hard work. He stated there are currently two vacancies on the Planning Commission, and he encourages anyone listening to consider applying, it's a great way to learn more about the city.

Mayor Reed stated Council and staff have been working with stakeholders on the concern on the homeless population. She stated they are aware that we do have folks on the street, there was a plan, but it fell through the cracks with one of the organizations involved. She stated we are still working on coming up with a plan to help the homeless, we do have some already in hotels, but it isn't as easy as it sounds. She stated we are being proactive in finding a solution.

Chris Brown, city attorney stated he and Mr. Banks met with Mike Collins, director of

Public Utilities and Sherri Sherman, billing director, in regard to reinitiating the utility disconnection program in August. He stated in March 2020 Mr. Collins and Mr. Campbell administratively suspended utility disconnection so that individuals who didn't pay their bills would not have their service disconnected during the pandemic. He stated Council also passed an ordinance that said a business or individual who has been adversely affected financially by the pandemic the Public Utilities department would waive interest and penalties and make a payment plan if asked. He stated with the amount of dollars delinquent has doubled since March but the number of individual accounts that have become delinquent only increased by 15%, which means there are relatively few people who have become delinquent as a result of the pandemic. He stated what has happened is those that were delinquent prior to the pandemic have continued to not pay and are getting further and further behind, with no contact to the Public Utilities department. He stated with the reinstatement of the Utilities Disconnection Notice system will do is notices will be sent and the delinquent accounts will contact Public Utilities and they will be put in touch with different organizations around the city that can help them catch up with the bills, as well as be available for some of the CARES Act funding before they run out. He stated this is an administrative decision, but Mr. Collins wanted to make sure Council was aware and on board with the decision.

This was approved.

10. Adjournment

At 9:17 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR