



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, June 8, 2021

7:00 PM

Council Chambers/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 - City Manager Eric Campbell, City Attorney Chris Brown and Deputy City Clerk Ande Banks.

2. Invocation

Vice Mayor Romero offered the invocation.

3. Special Recognition

3.a. World Refugee Day 2021

Mayor Reed proclaimed June 20, 2021, as World Refugee Day.

Mr. Rodrigue Makelele, organizer of the Virginia Refugee, Church World Services was present virtually to accept the proclamation. He thanked Council for the recognition. He stated on June 20, 2021, from 3-6pm there will be an event celebrating World Refugee Day at the Turner Pavilion which will also allow the refugees in the city to receive the COVID 19 vaccination, as well as a cultural exchange with food and arts.

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 with the amendment to the minutes, agenda item 7a, referencing the vote for the budget. 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

4.a. Minutes from the May 25, 2021 City Council meeting

These minutes were approved as amended on the consent agenda.

- 4.b.** Consider a supplemental appropriation for various departments in the amount of \$262,312.25

The supplemental appropriation was approved on second reading.

- 4.c.** Consider a supplemental appropriation for the Economic Development Department in the amount of \$500,000 for funds received from the Virginia Agriculture and Forestry Industries Development (AFID) program

The supplemental appropriation was approved on second reading.

- 4.d.** Consider a supplemental appropriation for the Harrisonburg City Public School division in the amount of \$2,456,882.55

The supplemental appropriation was approved on second reading.

- 4.e.** Consider approving an ordinance to close an undeveloped public alley located between parcels addressed as 245 and 285 East Washington Street to Camp Darby, LLC

The ordinance was approved on second reading

5. Public Hearings

- 5.a.** Consider a request from Ahmed Abdullah for a special use permit to allow a junk yard at 1207 North Liberty Street

Adam Fletcher, director of Community Development, presented a request for a special use permit for a 2-acre tract located at 1207 N. Liberty Street. He reviewed the property, the surrounding land use, the allowable use, the history of the property and the zoning allowances. He stated the applicant never applied for the special use permit and is in violation of operating as a junk yard at this time. He stated in early 2019 staff send notification of violation, it is currently in litigation, the applicant requires this special use permit in order to obtain the certain salvage dealership licensing through the DMV. He stated the adjoining property owner is operating a similar operation by-right.

Mr. Fletcher stated staff and Planning Commission (6-0) recommends denial of the request, but offers conditions should Council as follows:

1. The SUP is limited only to the type of rebuilder, salvage dealer, and salvage pool operations proposed in this application.
2. The junk yard shall be restricted the storage area illustrated in the attached Exhibit A.
3. Screening of the junk yard must include a fence or wall and shall not consist solely of plant materials as otherwise allowed by the Zoning Ordinance for screening purposes. Screening materials shall not consist of tarps or other similar material.

4. 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 7:43 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, May 24, 2021, and Tuesday, June 1, 2021

Council Member Jones asked would this still be visible from the street if Council approves this request. Mr. Fletcher stated he is not sure he would have to go out and look. Council Member Jones stated in regard to aesthetics perhaps Council will have to discuss during Council's retreat to establish an ordinance on aesthetics.

Council Member Dent stated during the planning commission, aesthetics were considered and discussed, but there are other concerns such as safety and environmental issues for Blacks Run, and endangerment of the Northend Greenway leading to the recommendation of denial. Council Member Jones asked if this was based on something the Planning Commission saw or based on a "could happen" scenario. Council Member Dent stated it was based on what they saw with the junked vehicles and a "could happen" scenario which we should want to avoid. Mayor Reed asked for clarification of the DMV licensing needed. Mr. Fletcher reviewed what they required.

Vice Mayor Romero asked if there is a junk yard just south of the requested location and if it was still active. Mr. Fletcher stated to the best of his knowledge there is, but it is a nonconforming operation. Vice Mayor Romero stated the applicant has been accumulating vehicles since 2020, what is our role of enforcement. Mr. Fletcher stated the site was given notice in February 2019 for violation of Section 6-2-6 of the city code, but the operations of the site changed over time, and staff is not always aware unless a complaint is made. He stated once they were made aware of the operations, they were notified again for zoning violation. He stated the applicant requested the special use permit once they decided what their operations were in order to obtain the proper licensing through DMV. Council Member Jones stated that it is imperative for Council to know the history of how these requests come forth, whether it is via complaints or discovered by staff. Vice Mayor Romero asked if there is a need in the city, it is very difficult to make a decision without knowing if they were doing the business knowing they were in violation. Further discussion took place regarding the operations, the history of the operation, and if there is a desire to have this type of operation in that area.

Council Member Dent reviewed the comments provided to the Planning Commission and noted one did say there was run off of oil etc. at the site.

Ahmed Abdullah, applicant, stated he appreciates Council reviewing his request, and noted the request is to allow them to clean up the area, obtain the proper DMV licensing, and continue the operation.

Panayotis "Poti" Giannakouros, stated this brings forward the importance of evaluation projects with equity and understanding of fairness to all people, environmental justice, and not aesthetics.

At 7:49 p.m. Mayor Reed closed the public hearing and the regular session reconvened.

Vice Mayor Romero stated it does not make sense to approve this request, but we need to take ownership as a community, he stated that if we give notice of violation is it normal a business continues to operate, if so, more conversation needs to be had.

Mayor Reed reminded Council this type of situation happened before.

Chris Brown, city attorney, stated litigation started regarding these violations in 2020 and is still on going, pending decision by Council. Further conversation took place regarding litigation, what happens if not approved, and current by-right uses.

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

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

No: 0

Abstain: 1 - Romero

5.b. Consider a request from WGG LLC for a special use permit to allow a short-term rental at 150 Crescent Drive

Adam Fletcher, director of Community Development, presented a request for a special use permit to allow a short-term rental (STR) at property located at 150 Crescent Drive. He reviewed the surrounding properties and their uses, the current property, parking requirements, and noted they are currently operating as a by-right homestay. He

He stated staff and Planning Commission (6-0) recommend approval of this request with the following conditions:

1. All STR accommodation shall be within the principal structure.
2. There shall be no more than three STR guest rooms or accommodation spaces.
3. The number of STR guests at one time shall be limited to six
4. Prior to operation, the operator shall submit to City staff a completed Short-Term Rental Pre-Operation Form. Furthermore, the operator shall maintain compliance with the items identified in the Pre-Operation Form when short-term rental guests are

present.

5. There shall be no more than two guest vehicles during a rental period.

6. Only two off-street parking space are required; the spaces do not have to be delineated and can be accommodated utilizing the driveway, by enlarging the driveway, or by using other areas of the property.

7. If in the opinion of Planning Commission or City Council, the short-term rental becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restriction, or the revocation of the permit.

Vice Mayor Romero asked if the surrounding neighbors had any concerns. Mr. Fletcher stated one neighbor showed concern in regarding to parking.

At 8:05 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, May 24, 2021, and Tuesday, June 1, 2021

Applicant was available for questions.

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

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

5.c. Consider a request from Salatin and Cloud LC for a special use permit to allow for a restaurant at 256 Charles Street

Adam Fletcher, director of Community Development, presented a request for a special use permit for property in the M-1 zoning district located at 256 Charles Street. He reviewed the surrounding land uses, the property, the surrounding properties, available parking, and noted this would be for a food truck. He stated the applicant is already operating on this site and is requesting the proper permit to continue to operate.

He stated staff and Planning Commission (6-0) recommend approval of the zoning request with the following conditions:

1. The SUP is limited to only one mobile food truck/trailer at this location.
2. If in the opinion of Planning Commission or City Council, the mobile food truck/trailer 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.

Vice Mayor Romero asked if this was the food truck that recently burnt down. Mr. Fletcher was not aware of that.

At 8:12 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, May 24, 2021, and Tuesday, June 1, 2021

Eliseo Alvarez, Jr., representative for the applicant request the special use permit be approved by Council.

At 8:13 p.m. 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 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

5.d. Consider a request from Tawakkul Investments LLC to rezone a parcel addressed as 116 Pleasant Hill Road

Adam Fletcher, director of Community Development, noted agenda 5d, 5e and 6a are presented simultaneously, for a request to rezone from R-2 to R-8C, a special use permit for townhomes, and approve a subdivision for property located at 116 Pleasant Hill Road. He reviewed the property and the surrounding land uses. He reviewed the following proffers offered:

1. Dedication of right-of-way along Pleasant Hill Road.
2. Construction of 5-foot-wide sidewalk along the property frontage and two pedestrian connections from townhome development to frontage sidewalk.
3. Allows only one entrance onto Pleasant Hill Road.
4. Limits the development to 16 dwelling units.
5. Requires 1.5 off-street parking spaces per townhome unit averaged throughout the entirety of the Development.

He reviewed the preliminary plat to create 16 townhome parcels and reviewed the variance requests.

He stated staff and Planning Commission (7-0) recommend approval for all three applications.

Vice Mayor Romero asked if there was any other information provided by surrounding property owners other than the comments received. Mr. Fletcher stated no.

At 8:21 p.m., Mayor Reed closed the regular session and called the fourth and fifth public hearing to order. A notice appeared in the Daily News-Record on Monday,

May 24, 2021, and Tuesday, June 1, 2021

Jon Ernest, representative for applicant, stated this will enable a much greater density than the current zoning allows for. He stated there is a very apparent demand for housing in this category and the housing affordability. He spoke on affordable housing and noted the developer is willing to meet the demand of affordable housing to meet the existing market demand. He stated a preliminary site plan had been done and will be in compliance with the city's plans. Council Member Dent stated she was one of the Planning Commission members who asked about the meaning of affordable housing.

Chris, Ott Street, spoke on the needs of affordable housing in the city. She stated in a previous request a percentage of affordable housing was offered and asked if this could that happen with this request as well.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 8:28 p.m., and the regular session reconvened.

A motion was made by Council Member Jones, seconded by Council Member Dent 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

- 5.e.** Consider a request from Tawakkul Investments LLC for a special use permit to allow townhomes at 116 Pleasant Hill Road

Presented with agenda item 5d

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

6. Regular Items

- 6.a.** Consider a request from Tawakkul Investments LLC to preliminarily subdivide 116 Pleasant Hill Road

Presented with agenda item 5d

A motion was made by Council Member Jones, seconded by Council Member Hirschmann, to approve the preliminary subdivision 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 adopting the revised Neighborhood Traffic Calming Program - Sunset Heights Neighborhood

Tom Hartman, director of Public Works, presented a request to revise the Neighborhood Traffic Calming Plan for Sunset Heights neighborhood. He stated Phase 1 has been completed, but all community concerns were not met. He reviewed the survey results from April/May 2021 and noted the amendments to Phase Two will address the concerns. He reviewed the recommendations, the proposed Phase Two implementations, and potential future phases.

Council Member Jones stated he appreciates staff's work to move this through for a neighborhood that is very passionate about the traffic issues as it has been needed for quite a while. He stated it may seem like it has taken a long time to get this done, but this neighborhood is so large, and the traffic uses this area quite a bit which made it a bit more complicated.

Vice Mayor Romero thanks Mr. Hartman and staff and stated seeing the progress made helps him understand how the process works and ensures greater safety for all.

Council Member Dent thanked staff for identifying and rectifying the traffic issues in this area.

A motion was made by Council Member Hirschmann, seconded by Council Member Jones, to approve the amendments 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. Information regarding intention to update the Design and Construction Standards Manual, Chapter 3, Access Management and Entrances, Curb Cuts, and Intersections sections

Tom Hartman, director of Public Works, presented information regard the Access Management Plan. He reviewed the goals, the tools available, the challenges and opportunities and the schedule for standard adoption which includes public outreach and Council approval.

Vice Mayor Romero asked how often this process takes place. Mr. Hartman stated is usually triggered by public concerns, high accident rates, along with Virginia SMART SCALE awards granted.

This Report was received and filed.

- 6.d.** Consider authorizing the City Manager to sign an interim agreement for the Blacks Run Stream Restoration PPEA

Tom Hartman, director of Public Works, presented a request to approve the Blacks Run PPEA interim agreement. He provided the history of the PPEA request, the project, the interim agreement responsibilities, schedule and cost, and next steps.

Council Member Dent asked for clarifications on the construction of this project. Mr. Fletcher stated it will look similar to the Northend Greenway stream restoration.

A motion was made by Council Member Dent, seconded by Council Member Hirschmann, 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.e.** Consider adopting a resolution for the Recreation Trails Program Grants - Northend Greenway Brookside phase project

Tom Hartman, director of Public Works, presented a request to adopt a resolution for a Recreational Trails grant to extend the Northend Greenway project. He reviewed the current project and the extensions proposed.

A motion was made by Council Member Dent seconded by Council Member Hirschmann, 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

7. Special Event Application Requests

- 7.a.** Consider the event application request for HDR's Skeleton Festival on October 23, 2021 from 2-5pm.

Matt Little, Recreation and Special Events Manager, Parks and Recreation, presented a special event application for the annual Harrisonburg Downtown Renaissance (HDR) Skeleton Festival on October 23, 2021, from 1-6 pm. He noted the request includes the closure of close Court Square and Main Street from Rock Street to Martin Luther King Jr. Way and support from Public Works and Harrisonburg Police Department is requested. He stated the total cost is estimate \$3,500 and HDR will make payment to off duty officers.

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

- 7.b.** Consider the special event application request for Magpie's Juneteenth Celebration on June 19, 2021 from 3-8pm.

Matt Little, Recreation and Special Events Manager, Parks and Recreation, presented a special event application for Magpie's Juneteenth celebration on June 19 from 3-8 p.m. He noted the request includes the closure of Liberty Street from Gay to Rock from noon to 8pm and support from Public Works and HPD is requested. He stated the total estimated cost is \$4000 and Magpie will make payment to off duty officers.

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

- 7.c.** Consider the special event application request for Magpie's First Friday's Live Music Events on July 2, August 6, September 3, October 1, November 5, 2021 from 6-10pm.

Matt Little, Recreation and Special Events Manager, Parks and Recreation, presented a special event application for Magpie's First Friday live music event to be held the first Friday of each month beginning in July and ending November 4, 2021, from 4-10 p.m. He noted the request includes the closure of Liberty Street from Gay to Rock and support from Public Works and HPD is requested. He stated the total estimated cost is \$3500 and Magpie will make payment to off duty officers.

Council Member Hirschmann asked for clarification of the time of street closures and will there be a conflict with Court Square First Fridays. Mr. Little stated this event is filling the gap of the cancellation of First Friday on Court Square by the Arts Council.

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

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, stated on this election night and on behalf of the Political Revolution Shenandoah Valley he congratulated our new Governor, Terry McAuliffe. He spoke on the massive federal funding that will be needed for our future and Governor McAuliffe was the best candidate to bring its fair share of those federal funds. He stated he looks forward to City Council helping shape and direct such funds. He congratulated all that won the election during the 2021 Primary elections. He spoke on the tall grass and weed ordinance.

Bucky Berry, 30 W Washington Street, spoke about his food drive in December in Bridgewater, Virginia, food collection throughout the area, the request to name something after the Brent Berry Food Drive for all the work that has been done, and recognized all those that have helped with the food drives in the past.

8.b. City Council and Staff

Council Member Dent stated the Middle River Regional Jail (MRRJ) Advisory Board met on June 1, 2021 and passed the proposal of a scaled down

renovation/expansion, and she would like to see the blueprint of the scaled down version and asked for the next steps. Mr. Campbell, city manager, stated the next steps will be for the Authority Board to meet with Moseley Architects to draw up and bring back the designs based on the broad categories approved by the board. He stated once that is done, blueprints will be available.

Council Member Dent stated there was discussion at the CCJB Alternatives committee about the many meanings of recidivism, and how it relates to local jail population. She stated there was some discussion of a mental health docket, which has been put on hold because the Crisis Intervention Training program has been so successful in diverting people with mental health issues from entering the criminal justice system and the Drug Court covers many that would be going through the mental health docket. She stated there were a number of good presentations on how the crime rates can be narrowed down to the town level within the county and housing for reentry individuals.

Council Member Hirschmann stated we have much needed rain coming and congratulations to the James Madison University Girls Softball team for their accomplishments.

Council Member Jones congratulates the JMU Girls Softball team, provided kudos to staff as we are getting through the pandemic, everyone still needs to wear our masks if you are not vaccinated, thanked all departments for handling all the changes throughout the pandemic and the recovery and urges all to shop and play local. He reminded everyone to celebrate and enjoy Juneteenth.

Vice Mayor Romero stated he walks downtown often and enjoys the great food and people, but he is concerned about the homeless, those who do not have shelter during the heat we have been experiencing, and he hopes there are things that can be done with the ARPA funds to find permanent solutions. Council Member Hirschmann stated he has heard many homeless that are in the city are coming from other localities because Harrisonburg treats their homeless better. Mayor Reed stated any Council Member is able to join the monthly meetings on homelessness.

Mayor Reed stated Council has been very supportive of the Berry family and we have attended events, acknowledged the work the Berry family has put into the city. She stated there are a lot of people that serve the community anonymously and she acknowledges that as well, when one serves, they serve from the heart.

Chris Brown, city attorney, stated there was interest in when City Council would resume in person meetings. He stated staff has toured the Council Chambers. He reviewed the State Code of how meetings can be done during a State of Emergency and noted that with the status of the Governors recent orders, the current vaccinations, as well as the presumption the State of Emergency will soon be lifted, Council should consider resuming in person meetings. He reviewed the recommendations by staff

as to how to resume in-person meetings and the safety measures taken in Council Chambers. Council Member Jones recommended Council goes back to in-person meetings beginning at the first meeting in July 2021. Vice Mayor Romero and the remaining Council Members agreed.

Mr. Campbell, city manager, stated he will be sending an email to all Council Members regarding suggested dates for a Council retreat.

9. Adjournment

At 9:56 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR