



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, February 28, 2023

5:30 PM

Council Chambers

Work Session (5:30 pm) and Regular Session (7:00 pm)

1. Roll Call

Present: 5 - Mayor Deanna R. Reed, Vice-Mayor Laura Dent, Council Member Christopher B. Jones, Council Member Dany Fleming and Council Member Monica Robinson

Also Present: 6 - City Manager Ande Banks, City Attorney Chris Brown, City Clerk Pam Ulmer, Police Chief Kelley Warner, Chief Matthew Tobia and Acting Deputy City Manager Amy Snider

2. Consider removing from the table and discussing a request by the Harrisonburg Redevelopment and Housing Authority

A motion was made by Vice Mayor Dent, seconded by Council Member Fleming, to remove the rezoning request of the Bluestone Town Center from the table for discussion. The motion carried with a roll call vote as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

2.a. Consider a request from Harrisonburg Redevelopment and Housing Authority to rezone a site addressed as 1010 Garbers Church Road, 1645 and 1815 Erickson Avenue, 1781 South High Street, and South Dogwood Drive

Council Member Robinson stated upon discussion with Council Member Dent and Council Member Fleming, themes have been identified that reflect for and against the proposal, we have heard from the public, and she would like to start with an overall discussion on the infrastructure issues that have been raised. She felt after looking at the Weldon Cooper numbers, being on the City/School Board Liaison Committee, and hearing the concerns of the community, the issues that were brought up were issues that she felt confident staff could handle if they arose. Council Member Jones stated staff stated there is a need for affordable housing but suggested this project not be approved due to its ambiguity. He stated he understands the confidence in our staff but that doesn't change Council's responsibility for infrastructure, we need to show a high level of discernment and foresight, the school made it very evident that it would put pressure to build new schools. He stated we already have infrastructure challenges, and as leaders it is our job to set up staff for success. He stated he asked the City Manager if he could handle the needs that would arise from this project, Mr. Banks stated we won't know until it gets here and the theory would be that those bringing in the new

tax dollars would help balance out the infrastructure costs and city services associated with the development, however, we do know that our we have 61% ALICE populations, 28% in poverty, this development won't change that number and if that number isn't changed you don't increase the base of money that the city has to work with to supply services. Mayor Reed stated we haven't had anything of this magnitude before and that is what she is concerned about, it is our jobs as leaders to have work sessions like this and do as deep of a dive as possible. She stated she is surprised there isn't more concern about what this large of a housing project could turn into.

Council Member Fleming stated we should dig into things like the impact on schools, land use, and tax dollars, and get staff's input. Discussion took place on the population numbers that could be residing at this development. Council Member Fleming stated there has been some confusion with the school numbers, it's important we have an idea as to how the impact is going to increase our student population, Weldon Coopers predictions didn't reflect any increase in student population but perhaps would mean a re-districting would need to be done. Further discussion took place on redistricting. Mr. Ande Banks, city manager, stated a few Council Members reached out to him to reach out to the Weldon Cooper Center, and the summary of the response was that they use larger demographics of trends of births, deaths, and migration to project future population on 10-year time spans, the impact of new housing units will be accounted for in their methodology but the effects may be subsumed into their projects formula in multiple ways such as via the use of population estimates and may not show up as explicitly as an input variable. It went on to say the Virginia population projections methodology is published annually. It concluded with if this housing project is still in review or proposal stage then probably the development is yet to be realized in the official data so the researcher would have to adjust for that in the model, plus the time frame of the analysis also matters, when is this impact being expected, what year is it being projected for, and how "student generation factor" is defined, using the more customized local level input data should lead to more nuisance projections for the city. Mr. Banks stated clearly the tenor of this communication is that this is a beginning conversation, not a fact based decision on Bluestone Town Center's impact. Further discussion took place on the expected number of new students to the area. Vice Mayor Dent stated the proffer the applicants offered for first preference for local residents will be their approach whether the proffer is accepted by Council or not. She stated the combination of local preference and phasing in over time both serve to mitigate any imagined influx into the schools. She stated Chair Finnegan from Planning Commission, raised that 100 students are currently homeless and that is part of the population that needs to be housed. Council Member Fleming stated the table provided by the School Board spoke specifically on the school boundary factor, it doesn't reflect the increase in population of the students but tells them where the students will be. Vice Mayor Dent stated we should be able to absorb any population increase over time as the development grows. Further discussion took

place on population projections.

Discussion took place regard the local preference proffer and Mr. Michael Wong, director of Harrisonburg Redevelopment and Housing Authority (HRHA) clarified who are considered local on the housing wait list. Council Member Fleming stated he is assuming that proof must be provided for audit purposes for the housing application process.

Council Member Jones stated the applicant/developer is proposing a project to solve a problem in the city, and because it is a political issue and something that is an issue all over the country people are chomping at the bit to fix it. He stated there are three economic classes being targeted for this development, and he would never agree to or think that it is right to say "these people should live here". He stated historically that hasn't worked out well because when you start to herd people together by class you typically start to herd them by other sociological factors as well. He stated he has spoken to many people in the work force class and he hasn't had one that would want to live there. He spoke on urban renewal and the lack of comparable projects from the developer. Mayor Reed stated she reached out to people in the city and to other localities about this potential development, other developments for affordable housing are in the works, and the things that bother her about this proposal is the magnitude of this project, the lack of other developments this size from the developer, and the lack of people who would want to live in this development.

Council Member Robinson stated she agrees that the city is swimming in inequities, it is easy to see the differences in the neighborhoods and schools, black and brown populations have been segregated as a result of land use patterns and zoning policies that are rooted in the legacy of red lining and segregation. She feels that the Bluestone Town Center has the potential, although not perfect, to move us away from communities that are segregated by design. She has thought a lot about how the city has evolved from that old community she grew up in, how her personal neighborhood has now changed from being mostly occupied by black people to what is now truly filled with an ALICE population, immigrants, from all over the place. She stated in order for our town to move past all of the racial disparities of the past a project like the Bluestone Town Center has the potential of allowing us to develop in a way that is different from the past, and although this project is huge it may not solve our affordable housing crisis or answer our impact to student populations, the town is growing at a rate we have to do something. She stated it seems to her that we are teetering on problems that are now being used to foster the idea that the Bluestone Town Center is the reason that makes certain problems explode. She stated she hopes that by really thinking about how we can be a more equitable society and because we know that there has been a mess in the past, that Council and the HRHA will work together. She stated what happened in the past cannot continue.

Council Member Jones stated he has seen the housing owned by HRHA, and it is disrespectful how the dwellings are kept. He stated he does not feel comfortable putting more moderate to low income people in more housing that could look the same in a few years. Mr. Wong stated he has addressed every concern that Council has had, all of the homes built for public housing for individuals at 50% of the area median income, Bluestone Town Center is totally different, all dwellings are for individuals at 60% of the area median income, homeownership is available, and is not a concentration of poverty.

Council Member Fleming stated this development will be mixed income housing, if a family of four who make between \$60,000 to \$100,000 a year could move into the development, and they would have the option to be homeowners. He stated we are at about 39% homeownership in the city, we need that to increase in the city, and none of the projects previously approved had that option. He stated there is no evidence that the houses on or around the development will decrease in value, this development is only a portion of what we need in the city, and people are getting squeezed out at a faster rate than we are building, in particular to housing for seniors. Further discussion took place on the cost of delivering goods and services and the possible increase in population.

Mr. Chris Brown, city attorney, stated he has heard many times during many public hearings that if this is request is approved the developer would have to come back to Council numerous times at which point Council could deny financing. He stated if there is an approval the developer would have to come back with a preliminary subdivision plat, which is not a discretionary type item, and then when they apply for bonds it would be legal for Council to deny the request, but that doesn't happen very often and would be devastating not only to the developer, but the people who may have bought housing there, and it could impact the reputation of City Council when others are seeking bonds. The notion that this project could be stopped at any time is not accurate, Community Development department will still fully enforce all the zoning and ordinance requirements, but as far as if Council thinks it isn't turning out to be what they envisioned or they don't like what the developer is doing, they still shouldn't deny the bond financing.

Avram Fechter, co-developer, Equity Plus, explained how the process works with financing.

Council Member Robinson asked Mr. Wong the reasoning behind not using the 9% tax credits and going for the 4%. Mr. Wong stated they were always planning on going for the 9% and the 4% however due to the lengthy process of this request they were not able to submit the application for the 9% tax credits in time. Further explanation and phasing information was provided by both Mr. Wong and Mr. Fechter.

Discussion took place as to the increase of housing units from the original design.

Vice Mayor Dent stated in reference to the economy of scale, it takes this size of a development to have affordable housing.

Council Member Fleming stated people have asked why we don't do smaller affordable housing developments throughout the city it just isn't that feasible for developers due to costs of building.

Mayor Reed stated not every development is right for the city, developments have been approved time and time again, she feels this one is just not the right fit.

Vice Mayor Dent stated out of the long list of housing developments that have been approved, only two or three have an affordable component, if this development is not approved it is a major opportunity cost, what are we going to do to begin to meet the housing crisis we are in. Mayor Reed stated we hired a housing coordinator to help us through this, she has been working with other developers. Council Member Jones stated he is afraid that if this development is approved it may scare off other developers to bring other projects. Council Member Fleming stated if the need is here they will come, this development is only supplying a portion of the housing that we need. Liz Webb, housing coordinator, listed of the projects in the works: \$2M set aside from ARPA funding for a housing fund, conferences with other localities on how they are partnering with affordable housing developers, conversation with a mix of non-profit and for profit developers interested in building in the city, just to name a few. She stated that an ongoing concern with developers is that they want to make sure we have enough project based vouchers available in order for the developers to be competitive when applying for the 9% tax credits. Council Member Fleming asked if there was a scale that they tend to suggest might be where affordability starts for them. Ms. Webb provided the information she had but noted it varies by developer. Further discussion took place on the need versus the interest from developers.

Council heard the Public Hearing on February 14, 2023 and tabled this item due to length of meeting.

3. Recess

At 7:23 p.m., Mayor Reed called the meeting into recess.

At 7:28 p.m., Mayor Reed called the meeting back into session.

1. Regular Meeting Call to Order

2. Invocation

Council Member Jones offered the invocation.

3. Pledge of Allegiance

Mayor Reed let the Pledge of Allegiance

4. Special Recognition

Ande Banks, city manager, recognized Matthew Tobia, Chief, Harrisonburg Fire Department to be duly recognized for his service to the community as recognized by Governor Younkin, for being named the Virginia Fire chief of the Year at the Governor's Fire Service Awards.

Chief Tobia stated he is deeply appreciative of the recognition, this is the greatest community with the greatest Fire Department, this was a gift he has been entrusted with by leaders who have come before and his biggest job and responsibility has been to not squander this opportunity; he wakes up every day thinking about what he can do to make sure the he is leaving this community safer and better. He stated none of this would be possible without his wife, his very best friend in the whole world and truly and immensely supportive of him.

4.a. Proclamation recognizing March 2023 as Youth Art Month

Mayor Reed presented a Proclamation recognizing March 2023 as Brain Injury to Holly Kincaid, Harrisonburg City Public Schools. Ms. Kincaid stated the art teachers of Harrisonburg are so appreciative of the support from the city in providing such a wonderful place to enjoy the arts. She invited everyone to come and see the Youth Art Month show at the Valley Mall on Saturday, March 4, 2023 from 1:00 to 3:00 pm to see the visual voice that unites all of our students in the city. She thanked Council for their support.

4.b. Proclamation declaring March 2023 as Brain Injury Awareness Month

Mayor Reed presented a Proclamation recognizing March 2023 as Brain Injury Awareness Month to Cindy Noftsinger. Ms. Noftsinger thanked Council for their continued support of the 18-year old, non-profit agency and invited Council to a fund raising gala event on March 25, 2023, at Friedens Farm and noted details will be emailed to Council.

4.c. Proclamation recognizing the contributions of Mrs. Sandra Price-Stroble for her service to the city as a member of the Harrisonburg Electoral Board

Mayor Reed presented a Proclamation recognizing Sandra Price-Stroble for her service to the city as a member of the Harrisonburg Electoral Board. Ms. Price-Stroble thanked Council for the recognition and stated it has been an honor to serve.

4.d. Recognition of Captain Pollard, Harrisonburg Police Department

Kelley Warner, chief of Harrisonburg Police Department, stated Captain Rod Pollard is a member of the HPD's Command Staff, has 29 years of police service

with 25 years within the HPD, has been a member of the HPD's K-9 Unit, a leader in the prestigious SWAT team, supervised Investigative Division and the Community Resource Unit, and currently leads the Patrol division. She stated this past fall he was selected to attend a very prestigious executive leadership school, the FBI National Academy. She stated this was not something we paid for, it is a school that members from police executives apply to attend from around the world and not many are selected. He was selected due to his resume and his persistence. She stated this academy provides advanced investigative training, management and fitness training. She reviewed the courses that were included in this academy. She stated we are so proud that he is now a National Academy graduate and to represent his achievement he will receive a ribbon that will go on his uniform.

Captain Pollard stated this was an opportunity of a life time, only 1% of law enforcement have the privilege to attend the academy and he is very humbled and proud that he had the opportunity to represent the City, and looks forward to sharing his relationships, stories, and training to HPD and the community he serves. He thanked everyone for the recognition.

4.e. Proclamation recognizing Governmental Purchasing Month 2023

Mayor Reed presented a Proclamation recognizing March 2023 as Governmental Purchasing Month to Nicole Robertson and Shane Smith, Purchasing Department. Nicole Robertson referenced a speech given by Ralph Waldo Emerson and shared the goals of the Purchasing Department for the City of Harrisonburg. She thanked Council for the 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 Vice-Mayor Dent, seconded by Council Member Fleming, that the consent agenda be approved. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

5.a. Consider a request from the Harrisonburg Redevelopment and Housing Authority (HRHA) to amend the R-7, Medium Density Mixed Residential Planned Community District regulations

This ordinance amendment was approved on second reading

6. Public Hearings

- 6.a. Consider a request from James Madison University Real Estate Foundation Inc. for a special use permit to allow multiple-family dwellings and/or mixed use buildings in the B-2 district at Peach Grove Avenue

Adam Fletcher, director of Community Development presented a request for a special use permit for property located on Peach Grove Avenue for a multiple family dwelling in the B-2 zoning district. He reviewed the surrounding land uses, surrounding property, subject property, the owner/developers proposed conditions, property ingress and egress, the traffic impact analysis, bus stop location and the need for this market type housing in the city.

He stated staff and Planning Commission (4-1) recommended approval with conditions as proposed by applicant.

Vice Mayor Dent stated the main discussion during Planning Commission was where the bus stop would be and what she sees as the resolution was the stop would be on the west side of the site which would need to be negotiated with the adjoining land owner. She asked if that had been done. Mr. Fletcher stated there have been attempts made to communicate and connect with the Hills of Southview, the city attorney is helping facilitate some communications to work together to figure it out, however he does not believe the connection has happened yet.

Council Member Fleming asked if there will be a turn lane on Peach Grove for those turning left into the development and if there was any discussion about any potential future needs of traffic lights. Mr. Fletcher stated there is a turn lane and the Traffic Impact Analysis did not warrant any additional traffic lights.

At 8:26 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, February 13, 2023, and Tuesday, February 21, 2023

Todd Rhea, Clark and Bradshaw, representative for applicant, stated this project fulfills a need for dense pedestrian oriented multi-family development as identified in the Housing Study. He stated the units will be predominantly one and two-bedroom units and will be restricted from traditional four-bedroom, four-bath student housing units. He reviewed the amenities that will be offered at this development and noted the property will have onsite maintenance, onsite property management and sustainable features. He reviewed the tax benefits to the city and listed the reasons why this development would be a benefit to the city and it's residents.

Panayotis "Poti" Giannakouros, spoke on the university foundation investing in high grade rental properties which is a very lucrative market, the University has become an R2 Research University which says something about the potential economic growth of the city, and Senator Kaine's funding for Corwin Heatwole with Farmers Focus to turn this into a hub of meat processing for President Biden's

plan or infrastructure in this country. He stated he thinks the city should wait on big decisions until the zoning rewrite is done.

Laura Logie 363 Hillandale Ave, spoke on the difficulties of getting through traffic in this area, she is afraid this city will turn into a big city, and she disapproves this request.

Mac Nichols, stated he has concerns regarding this development: it may be a student housing community, the parking and the traffic. He stated he suggests conditions be set for the development to not rent furnished and not by the bedroom and this item should be tabled until those concerns could be met.

Kasey Kettler, 242 E Water Street, stated it isn't true that every development must be car dependent, there are other options living in this area, does the applicant intend to decouple the cost of parking in the cost of rent, this would encourage renters to consider alternative transportation if it wasn't included in the rent.

At 8:53 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Vice Mayor Dent stated it is a very fortunate reversal that JMU is turning land back to the city and it will become a thriving tax revenue generating parcel. She stated she appreciates that this property will have solar and electric vehicle chargers.

Council Member Robinson stated she wishes there was less parking spaces, with all the talk about walkability communities and all the non-vehicle modes of transportation and reducing surface parking she is surprised there are still so many parking spaces proposed.

Mayor Reed stated she likes the numbers of the one-bedroom and two-bedroom units as it doesn't really attract students and would most likely attract young professionals or graduate students.

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

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

7. Regular Items

- 7.a.** Consider support from City Council authorizing the Harrisonburg Fire Department to pursue a SAFER grant to fund fifteen firefighter positions.

Matthew Tobia, Chief of Harrisonburg Fire Department presented a request for

support for HFD's continued efforts to secure a Staffing for Adequate Fire and Emergency Response (SAFER) Grant to fund the staffing positions for the first three years at the new fire station #5. He reviewed the history of the last application for the Grant, and noted in December 2022, the grant was not awarded to the city. He stated the difference between a funded application and a non-funded application was five ten thousandths (.0005) of a single point. He reviewed the cost to the city after the grant funds expire. He provided an update as to the construction process of the new fire station. He stated the grant applications are evaluated on nationally recognized criteria, and reviewed ways they are ensuring the application be completed and meet the criteria as needed.

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

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

7.b. Consider adopting a resolution for VDOT Maintenance Inventory Adjustments

Tom Hartman, director of Public Works, presented a resolution for support for modifications to their VDOT Maintenance Inventory. He reviewed the audit conducted of VDOT inventory and a few discrepancies that were noted.

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

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

7.c. Consider adopting a resolution for approval of the City's participation in proposed settlements of opioid-related claims.

Chris Brown, city attorney, presented a resolution for approval of the City's participation in a proposed settlement of opioid related claims. He stated Council previously authorized participation in a pending settlement agreement between various Attorney Generals around the country and some opioid manufacturers and distributors such as Jansen Pharmaceuticals, Johnson and Johnson, McKesson, Cardinal Health, and Amerisource Bergen. He stated there will be nationwide settlements and a large portion will come to Virginia, part of which will be retained by the Virginia Opioid Fund and then part will be distributed directly to the localities. He stated there are several other pharmacies and manufacturers who have now agreed to a settlement: Walmart, Walgreens, CVS, Teva and Allergan. He stated the settlement they have agreed to is about \$15B, but we don't know how much or when the city will receive a portion of these settlements.

Vice Mayor Dent stated she recalled when this came up last year it was discussed

that our community has less of an opioid issue than a methamphetamine issue, and there may be some flexibility in the applicability of the funds potentially. Ande Banks, city manager, stated city staff is reading the information coming out to the state on the opioid decisions, trying to better understand the financial impact and exactly how many dollars will be coming to the community and then will advise City Council in the near future to give you a better overview as well as the parameters in which those funds could be used.

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

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

7.d. Consider approving a Median License Agreement between the City and James Madison University

Chris Brown, city attorney, presented a request to approve a Median License Agreement between the City and James Madison University located on S. Main Street near the Forbes Center. He stated that median was installed approximately 13 years ago, but a formal agreement was never done.

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

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

7.e. Consider a refund for a portion of the 2022 Business Professional and Occupational License (BPOL) tax for one business.

Chris Brown, city attorney, presented a request for a refund of a portion of the 2022 Business, Professional, and Occupational License (BPOL) tax for a business that was sold.

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

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

Recess

At 9:07 p.m., Mayor Reed called the meeting into recess.

At 9:11 p.m., Mayor Reed called the meeting back into session.

7.f. Council to Consider Approval of CDBG 2020 Action Plan Amendment

Ande Bank, city manager, presented an amendment to the 2020 Community Development Block Grant Action Plan, the 30 day public comment period ended on February 10, 2023. He stated this amendment reflects \$136,000 of CDBG-CV funding that was allocated to the Salvation Army CARES Act project will be reallocated to the New Mercy House Eviction Prevention project.

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

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

7.g. Consider a request from Harrisonburg Redevelopment and Housing Authority to rezone a site addressed as 1010 Garbers Church Road, 1645 and 1815 Erickson Avenue, 1781 South High Street, and South Dogwood Drive

Mayor Reed stated discussion on this request happened during the work session.

Vice Mayor Dent stated proffer 2a related to local preference, since it would not be enforceable by city staff it should be removed as a proffer. She stated likewise with proffer # 4 - Cash Proffer, the city attorney detailed why that is not currently legal. She stated she had a conversation with Brian O'Dell, HEC, about solar for this development, shared solar was not feasible as it would be owned in common by the community and the individual metering would be overkill. She stated Mr. O'Dell noted if there was one single meter to the owners of the property (the partnership), and it would be up to them to allocate the usage. She stated she also talked with Mr. O'Dell about joining the Acorn Solar, but that wouldn't work because it is for individual residences. She stated more information was provided on the landscaping of the development and she is satisfied with that.

Council Member Jones stated he will not support something that will so closely align to hurting people that are black and brown and those that are low income. He stated it wasn't good for our community and still proves to not be good for the community. He stated if a decision is made in a desperate situation pressure is felt and it will be a decision made in an emotional or less informed decision. He stated we don't know what this will do to our community, it will help affordable housing in other locations as they move here. He stated until people make enough money, we teach how home ownership happens and the process, we encourage entrepreneurship, and we build all the forces that are needed around families that are low to moderate income, the affordable housing won't work. He feels approval of this request would be an overreaction to a problem that the entire country is chasing. He stated he would hope that we would help people in a greater way and if this request is approved he would be greatly disappointed.

Council Member Robinson stated she doesn't feel as if this is a rush decision, she has spend hours of time researching, looking, calling, talking, trying to figure out as much as she possibly can in order to make a decision that is smart for our community. She stated she is happy to be a part of a Council that looks like us, that is, for once in the history of Harrisonburg primarily people of color and primarily women. She stated it is time for us to make sure our vision into the future includes a community that makes decisions based on thoughts, ideas, and equity for the same. She stated she is proud of this Council and has nothing but the greatest assurance that each Council Member has wrestled with this request and has used every bit of themselves and their knowledge to make a decision that they think is right.

Council Member Fleming stated he agrees that everyone here cares about the city, we all have a lot of heart and head into looking through this information, he has spent a lot of time looking through this information and he feels comfortable about what he has read and come up against. He stated he is proud that we have had so many people that weighted in so expertly across the city on this and we have some strongly held opposing opinions on this. He stated he was amazed at how much input was received, and he has come to a conclusion on this in good conscience. He stated we have a housing problem in the city across a number of levels, we are not making progress fast enough and if we don't we will be back here again with a bigger problem. He stated court eviction filings doubled from the first six months to the six months and that was triple from 2021, folks are unable to keep their housing. He stated this development is only a portion of what is needed and we are capable and able to work through any of the concerns we have about this development. He referenced the historical big problems that have been solved by the city.

Council Member Jones stated he noticed the majority of the people Council heard from didn't represent the majority of the people that will be living in this development. He stated when he talked to teachers, police officers, and people in the work force he did not see the support for this project; when he spoke to staff on the service delivery for this project he has yet to meet someone that is comfortable with it and that is the part that scares him. He stated everyone agrees the housing is important but is the juice worth the squeeze. He stated he feels we are heading down the road of arrogance of look what look what we did versus look what all of us did. He stated he feels we have excluded the people that are going to live there and moved on a political agenda versus moving on a people agenda. He spoke on the lack of involvement or communication from those that this development is hoping to serve.

Mayor Reed stated she is glad that Council Member Jones brought up who has been present at these meetings, the people who are going to be living in this development have not been present, she has talked to so many people in the city,

many who are in the work force, other localities, because for her it is not about the need for affordable housing it just doesn't feel like the right project, it is too big; we have a housing coordinator whose job it is to help with the housing opportunities. She stated this Council is historic and we will continue to do great work, but she does not like making decisions out of desperation. She stated if this doesn't work out there will be more, we've approved 13 developments already, there are a lot of unknowns and questions on this proposed development.

A motion was made by Vice Mayor Dent, seconded by Council Member Fleming, to approve the rezoning request as presented excluding proffers 2a and 4. The motion carried with a recorded vote as follows:

Yes: 3 - Vice-Mayor Dent, Council Member Fleming and Council Member Robinson

No: 2 - Mayor Reed and Council Member Jones

8. Special Event Application Requests

- 8.a.** Consider the special event application request for the Shenandoah Valley Autism 5k on Saturday, April 8, 2023.

Matt Little, recreation and special events manager, Parks and Recreation, presented a special event application request for the Shenandoah Valley Autism 5k on Saturday, April 8, 2023, at Eastern Mennonite University and surrounding property. He stated the assistance of Public Works and Harrisonburg Police Department are requested; the estimated cost will be approximately \$1,100.

A motion was made by Council Member Robinson, seconded by Council Member Fleming, that this Special Event Application be approved. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

- 8.b.** Consider the special event application request for the Rocktown Beer & Music Festival on Saturday, April 22, 2023.

Matt Little, recreation and special events manager, Parks and Recreation, presented a special event application request for the 11th Annual Rocktown Beer & Music Festival on Saturday, April 22, 2023. He stated the assistance of Public Works, Harrisonburg Police Department and Harrisonburg Fire Department are requested; the estimated cost will be approximately \$6,000.

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

- 8.c.** Consider the special event application request for the EMU Spring Commencement Ceremony on Sunday, May 7, 2023.

Matt Little, recreation and special events manager, Parks and Recreation, presented a special event application request for the EMU Spring Commencement Ceremony on Sunday, May 7, 2023. He stated the assistance of Public Works,

and Harrisonburg Police Department are requested, the estimated cost will be approximately \$500, and the event organizer is responsible for payment of applicable charges.

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

- 8.d.** Consider the special event application request for Eastern Mennonite University's Homecoming & Family Weekend celebration on Saturday, October 14, 2023.

Matt Little, recreation and special events manager, Parks and Recreation, presented a special event application request for the Eastern Mennonite University's Homecoming & Family Weekend celebration on Saturday, October 14, 2023. He stated the assistance of Public Works, and Harrisonburg Police Department are requested, the estimated cost will be approximately \$1,100, and the event organizer is responsible for payment of applicable charges.

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

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)

Panayotis "Poti" Giannakouros, referenced a historical event of 1864, Abraham Lincoln, Andrew Johnson, segregation, discrimination, and his fear that we will be heading for difficult times ahead.

Laura Logie 363 Hillandale Ave, stated she doesn't see anything wrong with trailers, spoke on the new high school and the taxes associated with it.

9.b. City Council and Staff

Council Member Fleming stated he attended the Stormwater Advisory Committee meeting, April 15th, 2023 is Blacks Run Clean Up Day and Arbor Day, April 19th there will be a Rain Barrel Workshop, and on March 7 and 8, 2023 there will be an Urban Forestry Event. He stated he attended the Metropolitan Planning Organization meeting and found it interesting that funding for transportation up and down I-81 the city gets a little bit short-changed on it in the supplemental funding part of things. He stated he will provide the information to the city manager to follow up on it.

Council Member Dent stated there is an upcoming meeting with Community Development Block Grant this week and she looks forward to the meeting.

Vice Mayor Dent stated to follow up on what Council Member Fleming mentioned about the transportation funding, she believes it was a state level agency representative that recommended we contact our local representatives to ask for more of the supplemental funding. She stated there was a press release from Public Works about a meeting on March 30, 2023 at Lucy Simms about roadway

configurations for safe transportation, and she felt it seems relevant as to some of the commentary and the issues along Garbers Church Road, and having a road diet traffic will automatically slow.

Council Member Jones quoted a saying by Paul Lawrence Dunbar called "We Wear the Mask".

Mayor Reed congratulated her sorority sister, Jennifer McClellan, who has been elected to be Congresswoman for Virginia and will be sworn in on March 7, 2023. She will be the first African American woman to be in Congress. She stated Senator Tim Kaine was in the city last week for a forum with 15 African American and Hispanic men, and she thanked Council Member Jones and former Vice Mayor Romero for their help.

Ande Banks, city manager, stated several months ago the Community Foundation approached him about wanting to install a little library behind the Community Foundation building for the books they have received through the Dolly Parton's Imagination Library Program and asks Councils permission to allow this.

10. Closed Session

- 10.a. Closed meeting as authorized by the Virginia Freedom of Information Act, Virginia Code Section 22.2-3711(A)

Under Subsection (8) for consultation with legal counsel employed by the City regarding a specific legal matter requiring the provision of legal advice by such counsel, namely contractual negotiations.

At 10:12 p.m., a motion was made by Vice Mayor Dent, seconded by Council Member Robinson, to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: Under Subsection (8) for consultation with legal counsel employed by the City regarding a specific legal matter requiring the provision of legal advice by such counsel, namely contractual negotiations. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

11. Adjournment

At 10:28 p.m., the closed session ended and the regular session reconvened. City Attorney Brown read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify that to the best of my knowledge (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37 of Title 2.2 of the Code, of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the

motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting by the City Council.

At 10:28 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR