



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, October 8, 2019

7:00 PM

Council Chambers

1. Roll Call

Present: 4 - Mayor Deanna R. Reed, Vice-Mayor Sal Romero, Council Member Richard Baugh and Council Member Christopher B. Jones

Absent: 1 - Council Member George Hirschmann

Also Present: 4 - City Manager Eric Campbell, City Clerk Pam Ulmer, City Attorney Chris Brown and Police Chief Eric English

2. Invocation

Mayor Reed offered the invocation.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

4. Special Recognition

4.a. City Branding unveiling

Michael Parks, director of Communications, stated staff has been working on the City's new branding for the past few months as we seek a way to put a highlight on the special things that our individual departments do. He stated we wanted to highlight those departments and let residents know about the services that each of those departments offer. He presented a video of the City's new branding. He thanked Council for their direction and support throughout the branding campaign and encouraged everyone in the community to stop and speak with staff.

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 Vice-Mayor Romero, that this be amended and approved on first reading. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

Absent: 1 - Council Member Hirschmann

5.a. Minutes from September 24, 019 City Council Meeting

These minutes were approved on the consent agenda

5.b. Consider a supplemental appropriation in the amount of \$153,000 for the purchase of additional land for the new high school

This supplemental appropriation was approved on second reading

6. Public Hearings

6.a. Consider a request from Rodney R. and Angela D. Williams for a special use permit to allow short-term rental at 511 Paul Street.

Adam Fletcher, director of Planning and Community Development, reviewed the Short-Term Rental (STR) common conditions recommended for each of the applications which include:

- All STR accommodations shall be within the principal structure.
- Prior to operation, the operator shall submit to City staff a completed Short-Term Rental Pre-Operation Form. The operator shall maintain compliance with the Pre-Operation Form when short-term rental guests are present.
- Minimum off-street parking spaces do not need to be delineated and can be accommodated utilizing the driveway or other areas on the property OR the STR has no minimum off-street parking requirements.
- If the operator is not the property owner, then the operator shall be present on the site during the lodging period within any dwelling unit.
- If in the opinion of Planning Commission or City Council the STR becomes a nuisance, the SUP can be recalled for further review, which could lead to the need for additional conditions restrictions, or revocation of the permit.

Mr. Fletcher presented a STR request for property located at 511 Paul Street. He reviewed the long-term planning for the area, reviewed the surrounding properties and their zoning districts. He stated the plan is for one accommodation space for a total of up to two guests and the property has enough area for off-street parking with no delineation required.

He stated staff recommended approval with the following additional conditions:

- The site shall be the operator's primary residence;
- If the operator is not the property owner, then the operator shall be present on the site during the lodging period.
- There shall be no more than one accommodation space;
- There shall be no more than two guests at one time;
- The STR has no minimum off-street parking requirements

He stated Planning Commission voted 3-3 on a motion to approve the request with an additional condition as follows:

- Rental of space for occupancy to additional persons as permitted by the Zoning Ordinance Section 10-3-33(1) and 10-3-33(2) is prohibited during STR lodging period.

He stated what that means is that there was concern that by giving permission to allow an STR on this property it would exceed the occupancy restrictions that would otherwise be regulated on the R-1 property. He clarified the occupancy regulations in the R-1 and R-2 districts related to owner occupied and non-owner-occupied properties.

At 7:13 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, September 23, 2019 and Monday, September 30, 2019.

Rodney Williams, applicant, stated he loves the city, has a business in the city and had operated an Airbnb rental up until the special use permit requirements came about. He stated he would like to continue to operate the Airbnb rental but requests the additional condition place by the Planning Commission removed.

At 7:15 pm Mayor Reed closed the public hearing and the regular session reconvened.

Vice Mayor Romero stated he voted no with the Planning Commission because there were individuals from this neighborhood that were in complete opposition for several reasons. He stated his intent was to visit the neighborhood and talk to the neighbors, but the application was stalled, and he was not aware this item would be on this agenda until late last week. He stated he was not able to reach out to the neighborhood as promised. Council Member Baugh asked Vice Mayor Romero if he would prefer we table this item for him to have the opportunity to look into the situation further. Vice Mayor Romero stated he doesn't feel it should be tabled because there isn't enough to do that. Council Member Jones stated we always have the option to review again should problems arise.

A motion was made by Council Member Jones, seconded by Council Member Baugh, to approve the request with all conditions as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 3 - Mayor Reed, Council Member Baugh and Council Member Jones

No: 1 - Vice-Mayor Romero

Absent: 1 - Council Member Hirschmann

- 6.b.** Consider a request from Thomas W. and Taricia L. Pippert Trustees for a special use permit to allow short-term rental at 551 Myers Avenue.

Adam Fletcher, director of Planning and Community Development, presented a STR request for property located at 51 Myers Avenue. He reviewed the long-term planning for the area, reviewed the surrounding properties and their zoning districts. He stated the plan is for four accommodation spaces for a total of up to eight guests and the property has enough area for off-street parking with no delineation required.

He stated staff recommended approval and the Planning Commission recommended approval (4-2). He stated should City Council approve the application it is suggested by staff to approve with the following conditions:

- The site shall be the operator's primary residence;
- If the operator is not the property owner, then the operator shall be present on the site during the lodging period.
- There shall be no more than four accommodation spaces;
- There shall be no more than eight guests at one time;
- The STR has no minimum off-street parking requirements

At 7:23 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, September 23, 2019 and Monday, September 30, 2019.

Taricia and Thomas Pippert, applicant, stated they would be happy to answer any questions Council or staff may have.

At 7:23 pm Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Jones asked Mr. Fletcher what the reasoning was for the two dissenting votes. Mr. Fletcher stated it was primarily due to occupancy and the fact that the owner does not have to be present during the lodging period.

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

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

No: 0

Absent: 1 - Council Member Hirschmann

- 6.c.** Consider a request from Christopher J. and Kirsten L. Moore for a special use permit to allow a short-term rental at 231 West Grace Street.

Adam Fletcher, director of Planning and Community Development, presented a STR request for property located at 231 West Grace Street. He reviewed the long-term planning for the area, the surrounding properties and their zoning districts. He stated

the plan is for one accommodation space for a total of up to five guests and there is sufficient on-street parking.

He stated staff recommended approval and the Planning Commission recommended approval (4-2) with the following conditions:

- The site shall be the operator's primary residence;
- If the operator is not the property owner, then the operator shall be present on the site during the lodging period within any dwelling unit.
- There shall be no more than one accommodation space;
- There shall be no more than five guests at one time;
- The STR has no minimum off-street parking requirements.

At 7:28 pm Mayor Reed closed the regular session and called the third public hearing to order. A notice appeared in the Daily News-Record on Monday, September 23, 2019 and Monday, September 30, 2019.

Kirsten Moore, applicant, stated she was happy to answer any questions Council or staff may have.

At 7:29 pm Mayor Reed closed the public hearing and the regular session reconvened.

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

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

No: 0

Absent: 1 - Council Member Hirschmann

6.d. Consider a request from Bismarck LLC for a special use permit to allow manufacturing, processing, and assembly operations at 85 West Gay Street.

Adam Fletcher, director of Planning and Community Development, presented a request for a special use permit to allow manufacturing, processing and assembly operations within the B-1 zoning district at 85 West Gay Street. He reviewed the long-term planning for the area, the surrounding properties and their zoning districts. He stated the plan is for a coffee roasting business in a small portion of the building, with no more than 15 employees, and parking has already been proffered on another special use permit request on property located across the street.

He stated staff recommended approval and the Planning Commission recommended approval (5-0).

At 7:34 pm Mayor Reed closed the regular session and called the fourth public hearing to order. A notice appeared in the Daily News-Record on Monday, Monday,

September 23, 2019 and Monday, September 30, 2019.

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

A motion was made by Council Member Baugh, seconded by Council Member Jones, to approved the request as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

Absent: 1 - Council Member Hirschmann

6.e. Consider a request from Ashok Kunver to rezone 709 and 711 Foley Road.

Adam Fletcher, director of Planning and Community Development, presented a request to rezone property located at 709 and 711 Foley Road, from R-3 medium density to R-5C high density residential district. He reviewed the long-term planning for the area, the surrounding properties and their zoning districts. He reviewed the submitted proffers, a conceptual plan and similar redeveloped sites in the area.

He stated staff and Planning Commission (6-0) recommended approval of the rezoning request from R-3 to R-5C.

At 7:42 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, Monday, September 23, 2019 and Monday, September 30, 2019.

Dick Blackwell, representative for the owner, stated 1-bedroom apartments are hard to come by in the city, he feels this is a great location for it and requests that council approve the request.

Frank Gordon, 716 Foley Road, stated he is in favor of the request, and believes this proposal is in full accord to the Comprehensive Plan. He feels this request is in appropriate scale for the neighborhood and most importantly the applicant has made specific protective proffers to benefit the neighborhood. He stated there is a shortage of 1-bedroom apartments in the city.

At 7:45 pm Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Baugh stated the neighborhood has evolved and this request seems to be consistent with what we are seeing there.

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

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

No: 0

Absent: 1 - Council Member Hirschmann

- 6.f.** Consider a request from Kathy Hite with representatives Madison Lucy Realty, LLC to rezone two parcels at 2150, 2152, 2156, and 2158 Reservoir Street and 717 Foley Road.

Adam Fletcher, director of Planning and Community Development, presented a request for a rezoning and three special use permits for two parcels located at 2150, 2152, 2156, and 2158 Reservoir Street and 717 Foley Road. He noted the subject property owner has back taxes owed on the property which will be paid upon selling the property.

He reviewed the subject site, the long-term planning for the area, the surrounding properties, the allowed units per acre in those surrounding properties and their zoning districts. He the specific requests are as follows:

- Rezone from R-3 Medium Density Residential to R-5C, High Density Residential;
- Special Use permit to allow multi-family dwellings of more than 12 units per building per Section 10-3-55.4(1);
- Special Use permit to allow multi-family buildings to be greater than four stories and/or 52-feet in height per Section 10-3-55.4(2)
- Special Use permit to allow retail stores, convenience shops, personal service establishments, restaurants (excluding drive-through facilities) and business and professional offices per Section 10-3-55.4(4)

Mr. Fletcher stated this request is very similar to several presented before to Council, one located at Peach Grove Avenue and 865 East on Port Republic Road.

He reviewed the recognized flood plain in the area provided by FEMA, the by-right uses of R-3 and a conceptual layout of the property and noted the proposed building use would be 10,800 square feet of commercial/professional space, five 1-bedroom units, five 2-bedroom units and 90 four-bedroom units for a total of 375 bedrooms.

He reviewed the proffers submitted:

- Shall not contain more than 378 bedrooms;
- Shall contain residential and non-residential uses;
- A minimum of 8,000 square feet of space for uses permitted by Section 10-3-55.4(4) shall be contained on the site and limited to the first ground floor of the building(s);
- No Parking lot shall be located between Reservoir Street and the closet

building to Reservoir Street.

- There shall be a 100-foot building setback from the shared property line of Woodland Subdivision;
- There shall be an opaque fence at least four feet in height between development areas of the site and the Woodland Subdivision;

He reviewed the Traffic Impact Analysis (TIA) and noted the project could be accommodated with the following improvements: Woodland Drive shall be a right-out with one egress lane; Reservoir Street right-in right-out entrances for one ingress and egress lane with a southbound right-turn taper on Reservoir Street; and Foley Road having a full movement with one ingress and one egress. He stated the TIA was reviewed with conservative numbers based on 360 bedrooms with 9,600 square feet of non-residential space.

He stated staff felt this request was in accordance to the land-use guide for mixed use. He reviewed the conditions in which each of the SUP's could be approved by council per Section 10-3-55.6(e), and staff feels all conditions have been met.

He stated staff is recommending a condition be attached to the SUP per Section 10-3-55.4(4) to include: Standalone, non-residential buildings are prohibited. He stated Planning Commission's recommendations are as follows:

- Rezoning Request: 6-0 to deny;
- SUP to allow more than 12 Units: 6-0 to deny;
- SUP to allow more than 4 stories/52 feet in height: 6-0 to deny; and
- SUP to allow the permitted non-residential uses listed: 6-0 to approve.

Council Member Baugh asked if staff checked to see how many townhouses would fit on these parcels. Mr. Fletcher stated Mr. Blackwell thought they could place the same number of residential units on the site in a townhome development.

Mayor Reed stated Council Member Hirschmann asked council members to table this item until he could be present to speak on this item and be present for the actual vote. She stated there is a strong possibility this item may be tabled out of respect to him.

At 8:09 pm Mayor Reed closed the regular session and called the sixth, seventh, eighth and ninth public hearing to order. A notice appeared in the Daily News-Record on Monday, Monday, September 23, 2019 and Monday, September 30, 2019.

Dick Blackwell, representative for the applicant, stated approximately 90 townhouses could be built if the property remained in the R-3 zoning, but if rezoned to R-5 that number could increase to approximately 97. He stated 15 units per acre are being proposed, which equals what they would get with the townhouses, but commercial would not be built if townhouses were built. He stated the building being places close

to Reservoir Street puts it much further away from the residential community whereas townhomes would be approximately 60 feet from each resident on the back side of the property. He stated feels the developer feels that by having commercial as well provides for more uses for the community. He stated the TIA included a drive-through coffee shop, which is not going to be placed there so the numbers were skewed a bit higher. He stated this is an expensive site to develop due to the potential for flooding in the area, but the hope is to decrease the flooding with the development.

Matt Phillippi, 772 Woodland Drive, thanked staff for the great work done on this request, but he disagrees with the finding of 10-3-55.6(e). He stated the way the proposed structure is shown, and the lack of proffers made on the Foley Road side, the residents will have an obstruction, no buffer or fencing in between their back yards and the proposed parking lot. He stated he has concerns about the flooding and concerns of the commercial usage as we have a founded need for affordable housing.

Frank Gordon, 716 Foley Road, stated 717 Foley Road would be leveled and turned into a parking lot with dozens of parking spaces and a busy two-lane private lane with ample parking for late night revelers. He stated several of the homes on Foley would be looking at a parking lot or dumpster and possibly dealing with the crowds that the unconfirmed commercial units of this new development may draw. He stated this request is very much out of scale to this neighborhood, it is not in full accord with the Comprehensive Plan, and there is a lack of specific and protective proffers. He requests council deny this request or in lieu of denial ask to table this item until the community and the developer can come up with a more appropriate use of this space.

Jeff Foster, 658 White Oak Circle, stated their backyard is adjacent to the proposed fence and the 100 feet buffer zone, and the woodland area of this property is a very vibrant forest the woodland area should be preserved. He stated in a city that is developing as it needs to be, it's a beautiful city, but little oases such as this woodland area should be preserved in every way possible. He stated they moved to this area because of this wooded area and it falls in line with the new branding information that the city is surrounded by the beautiful areas. He is concerned about the water run-off and flooding issues, and asked that if more concrete is placed where does the water go. Mrs. Beth Foster stated the traffic at Lucy Drive, Woodland Drive and Reservoir Street is a very dangerous intersection and adding another street running into that intersection would just add to the seriousness of the intersection. Mr. Foster stated he would feel better with a lot more clarification, planning and thought going into what will happen in the future with this parcel.

Marvin Hillsman, 756 Woodland Drive, who has lived in the Woodland Subdivision for 20 years, stated he strongly opposes this project. He stated there already is a noise problem primarily from Sunchase but also Charleston Townes and doesn't want to see anything else that would add to that. He stated can anyone imagine the noise from a six-story high rise for college students with a roof top swimming pool and live

music adjacent to a residential neighborhood. He asked Mr. Blackwell about the noise that could be generated and was told to call the police. He stated that is not a plan or a good response. He stated he is concerned about the traffic and provided a few examples. He stated the flooding is an issue as well. He stated this is an obvious request for spot rezoning.

Warren Coleman, 650 White Oak Circle, presented a petition to council signed by 68 residents of Woodland and stated he has concerns of emergency vehicle access to this development and feels this is not the best use for this parcel.

Tamala Gilardj, 744 Woodland Drive, stated she requests council deny the request because it will be boxing in the Woodland neighborhood by student housing. She stated we need to keep the small town feel while being modern as the new branding describes. She stated there has been no quantitative studies done to prove the need for student housing and the traffic is bad in that area already.

Resident stated he received interesting information from anonymous informant that pointed out there is a significant sewer easement running right across the property, which would be beneath the building and the parking lot. He stated a project was denied several years ago due to this same issue. He stated the request presented is not feasible due to this sewer line. He stated light pollution was not addressed, but the parking lot and the great deal of lighting required will significantly increase light pollution in the area.

Kurt Johnson, 748 Woodland Drive, stated he sent an email and letter to each of the council members, and although most of his concerns have been addressed already, he doesn't believe this project fully meets the Comprehensive Plan and the Land-Use Guide. He stated there is merit for the mixed-use opportunity while leaving the remainder of the parcel R-3 without approved variances. He stated the traffic is already an issue without adding more to it. He stated the JMU enrollment projections were missed last fall and again this year, and the Board of Visitors is not expected an increase in student enrollment over the next six years.

Dixie Davis, 743 Woodland Drive, stated they are requesting Council deny the request presented. She stated she works at JMU and supports Mr. Johnson's information on enrollment. She asked everyone that was present and requesting denial of this request to stand.

Victoria Harris, 720 Woodland Drive, stated she appreciates Council listening to the citizens and her main concern is the flooding in the area. She stated the path of the water is down Woodland Drive and her home is the lowest point in the neighborhood. She stated the current retention pond is not adequate, the drainage ditch is not sufficient, water is so fast on White Oak Circle that it misses the drains, and the city is aware of these problems. She stated taking away permeable land more flooding occurs.

Terry Beitzel, 657 White Oak Circle, stated as a former government employee that worked on the housing crisis in DC and after being in many of these types of meetings, it means a lot to see that the people against this request stayed which means they really care. He stated what really matters and makes a difference in the

city is listening to the primary stakeholders, to those who understand the history and the future of the neighborhoods.

At 8:45 pm Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Jones asked Mr. Tom Hartman to describe the retention pond in greater detail and construction in flood plains and floodways. Mr. Hartman stated the stormwater best management practices for the detention basin at the corner of Woodland and Reservoir was installed for the Reservoir Street Improvement Project to mitigate the impacts of adding two additional lanes solely. He stated it was not installed to address the neighborhood drainage or across the street drainage. Mr. Fletcher provided the history of this flood plain and stated as of 2008 the computer model provided staff with the flood way. Council Member Jones asked what the oldest house was in Woodland. Mr. Fletcher believes it was built in 1990. Council Member Jones stated it was after the flood plain information was available.

Council Member Baugh stated part of the problem is the fact we look at drainage now is a relatively modern concept, and the rules in place is that a new development can't make it worse. He stated they don't have to fix existing issues, but they can't make it worse. He stated if there is an issue on private property it is not a public thing. He stated at the last Council meeting we adopted a Drainage Improvement Program and is good for communities that have these types of issues for possible resolution. Council Member Jones stated there is another program for these types of issues for individuals as well. Mr. Hartman stated we have the Harrisonburg Conservation Assistance Program (HCAP)

A motion was made by Council Member Baugh, seconded by Vice Mayor Romero, to table the request as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

Absent: 1 - Council Member Hirschmann

- 6.g.** Consider a request from Kathy Hite with representatives Madison Lucy Realty, LLC for a special use permit for two parcels to allow multi-family dwellings of more than twelve units per building at 2150, 2152, 2156, and 2158 Reservoir Street and 717 Foley Road.

see agenda item 6f for summary

A motion was made by Council Member Baugh, seconded by Vice Mayor Romero, to table the request as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

Absent: 1 - Council Member Hirschmann

- 6.h.** Consider a request from Kathy Hite with representatives Madison Lucy Realty, LLC for a special use permit for two parcels to allow multi-family buildings greater than four stories and/or fifty-two feet in height at 2150, 2152, 2156, and 2158 Reservoir Street and 717 Foley Road.

see agenda item 6f for summary

A motion was made by Council Member Baugh, seconded by Vice Mayor Romero, to table the request as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

Absent: 1 - Council Member Hirschmann

- 6.i.** Consider a request from Kathy Hite with representatives Madison Lucy Realty, LLC for a special use permit for two parcels to allow retail stores, convenience shops, personal service establishments, and business and professional offices at 2150, 2152, 2156, and 2158 Reservoir Street and 717 Foley Road.

see agenda item 6f for summary

A motion was made by Council Member Baugh, seconded by Vice Mayor Romero, to table the request as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

Absent: 1 - Council Member Hirschmann

Recess

At 8:59 p.m., Mayor Reed called the meeting into recess.

At 9:08 p.m., Mayor Reed called the meeting back into session.

7. Regular Items

- 7.a.** Resolution for VDOT Transportation Alternatives Program Grant - Federal Street Path, Block 2

Tom Hartman, director of Department of Public Works, presented a request for a resolution for a grant application of a VDOT Transportation Alternative Program (TAP) Grant for the Federal Street Path, Block 2. He stated staff applied for this project last year through the Highway Safety and Improvement Program (HSIP) Grant, but funds were cut from all HSIP grants. He stated staff therefore is now applying for the TAP grant for the funding. He stated these grant funds, if awarded, will go towards the Federal Street Path, Block 3 project which is from East Market Street to Water

Street. He stated one lane of traffic will be removed from one lane of traffic on Federal Street and converted to a shared use path and ties into the Block 1 phase of the project. He reviewed the estimated costs of the project and noted it is an 80/20 grant, and the matching funds have already been allocated into a capital project line item.

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

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

No: 0

Absent: 1 - Council Member Hirschmann

- 7.b.** Consider a request from Heifer Investments Subdivision to preliminarily subdivide a +/- 5.69-acre parcel into three parcels at a site addressed as 560 Waterman Drive.

Adam Fletcher, director of Planning and Community Development, presented a preliminary plat request for a 5.69-acre parcel to preliminarily subdivide into three parcels, which would allow for final platting to create a .95 acre, 2.51 and a 2.2-acre parcel. He stated due to the request for variances it is required to have Council's approval. He stated the variances requested come from Sections 10-2-61(a), 10-2-66 and 10-2-67 which collectively require the applicant to construct the improvements during the subdivision process. He stated the property is located at 561 Waterman Drive, zoned M-1 General Industrial and the Comprehensive Plan has this section planned as commercial. He reviewed the surrounding properties, the subject property, and noted the property owner does not have any plans to change the use of the property. He stated the applicant will dedicate a 25' wide easement to the city for the sanitary sewer line and will dedicate part of the right-of-way during the final platting of this property in the amount of 1' along Waterman Drive and 10' along the undeveloped section of Rockingham Drive. He stated the applicant is requesting the right-of-way but not to build the street improvements, which would include curb, gutter, sidewalk and drainage facilities, until actual development takes place. He stated staff and Planning Commission (6-0) recommend approval of the preliminary plat with the stated variances.

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

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

No: 0

Absent: 1 - Council Member Hirschmann

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)

John Barmore, pastor of the Zion Ministries Worship Center, stated the worship center is in the Northeast Neighborhood. He stated they are now offering a Give-Away program, which provides items and services to those in need. He stated they are asking the community to step up and contribute to this cause as it will help keep the panhandling signs off the street because there will be a resource available for those in need. He stated his first Give-Away was very successful, with contributors such as Kitchen Cook, and Paul Manns, a barber, and hopes that individuals may be inspired to get a job after these types of services. He stated the idea is not to give one a sandwich but to teach them how to fish. He stated he is asking the city residents and business owners to get involved and give things that could help others. He stated services that could be taught could enrich other's lives. He stated it is on the third Saturday of every month, at 491 Broad Street, and it is a wonderful program. He stated they have a homeless individual building their website which shows that there are many talented people out there that just need the right opportunity. He stated his contact number is (434) 960-7570 and the next Give-Away will be on October 19, 2019 from 9:00 am to 12:00 pm. He stated he would like to be listed as a city referral, he and his wife came here to help and embrace people.

Sharon Sutherly, advocate of the homeless, stated she is providing a petition with 1064 signatures asking for a low barrier shelter. She stated this is a crisis, denying the homeless a place to sleep is inhumane and cruel. She stated Open Doors doesn't open until November 1 and will only have room for 40 individuals. She stated anyone who doesn't make it to the shelter will be in danger of freezing to death due to no place to go. She stated she used to be homeless and is fully aware of what these people are going through and if Harrisonburg is the friendly city we need to show that to the homeless.

Tina Barry, homeless citizen, stated times are getting stressful, and it is getting very cold. She stated the city needs an emergency shelter until something else can be built as there are 168 homeless individuals in the city and last year there were three deaths from the cold. She stated wherever they go, they are chased off.

Michael Snellfeikema, 1174 Westmoreland Drive, read the petition that was presented. He stated he is present this evening as part of a moral obligation he has to those in need, it is a difficult situation that wasn't caused by the people in the council chambers but caused by a society that is more concerned with accumulation of wealth than it is the dignity and wellbeing of human beings. He stated they feel the city government is the agency that is looked towards to lead a response. He stated they feel there are two levels to this response, think in the long term but also in the immediate term. He stated for the long term, something should be put in the upcoming budget cycle. He stated he feels the ones most impacted should have a voice in this and would be very helpful in designing a program that accords with their needs and realities. He stated they are asking for a resolution to be passed that

does not specify exactly what the response should be or how it is done but a resolution to act now for the future and in response to the immediate emergency that the homeless are facing. He stated if individuals are in a location that isn't harming anyone or causing a problem then they should be left alone. He referenced a few programs offered around the country.

Jerome Fulton, stated he has been homeless since May 2019. He stated sleeping on the streets has caused him to suffer from sleep deprivation, he has been in the hospital 13 times, twice with pneumonia and the others from heat exhaustion. He suffers from other medical problems including COPD and diabetes and feels he doesn't belong in a nursing home, he still has a valid driver's license and can still operate a motor vehicle in a safe manner. He stated he is disabled and has a voucher for a one-bedroom wheel chair accessible apartment, but nothing is available. He has sought help from Mercy House for housing, but nothing is available. He stated he will not be able to survive the winter. He stated the city has plans to build a new high school, but how about building some apartments for the disabled.

Luciana Benjamin, 215 South Liberty Street, stated he normally speaks on climate issues and cares deeply about our planet, however, when he hears things like this, how can one focus on protecting the environment when we have people suffering in our streets. He stated if we don't address the systemic issues there is no point of protecting the environment. He stated we, the students of JMU, EMU and high schools care so deeply about this city and want to be a part of the solution.

Bruce Lundeen, member of the petition campaign, stated he is pleased to hear that the Mayor is having meetings with some of the organizations in the community. He stated he would like to propose that one council member bring forth an agenda item to allow a presentation on homeless issues from many in the community. Mayor Reed stated there are work groups and stakeholder work groups already created and it is open to everyone to participate. Mr. Lundeen asked that these meeting are made more inclusive.

Pastor Stefanie Stotts, 265 Lineweaver, volunteered in 2014 for Our Community Place and saw the crisis then and hasn't seen any change since then. She stated we have a big problem with the treatment from the Harrisonburg Rockingham Housing Authority (HRHA) and the treatment of people. She stated had it not been for an appeal bond and pulling in from all her support system she would be homeless just because she pulled together tenants to speak up on problems with the housing units. She stated homelessness does not have a specific look.

Jim Orndoff, 22 East Market Street, stated he read, with some concern, about the court services looking at purchasing the Denton building for expansion of court services. He stated this is a \$3.3M building of which would come off the city's tax rolls if this happens. He stated the city will pay a disproportionate share if 50/50. We need to keep the businesses and the residences downtown.

Gerry Lamanze apologized to the Mayor for being rude earlier, and stated she wanted to highlight the opportunity we are missing as a community and that would be to be a community that houses our homeless and shows the rest of the country, what it could mean. She stated there is no reason to treat anyone less than human.

8.b City Council and Staff

Eric Campbell, city manager, stated the Mayor and himself attended the Virginia Municipal League (VML) conference in Roanoke and the Virginia Local Government Management Association, which is the state affiliate for International City County Management Association awarded its 2023 Winter Conference to the city.

Mayor Reed stated she attended the three-day conference in Roanoke and found that a lot of the issues we are facing other cities are as well. She stated she came back with some ideas that she will bring forward and please don't think that we are not trying to solve the issue, we are really looking at options of what we can do as a city. She stated she can be contacted anytime about what is going on and what they have been working on. She said creating a shelter is not that easy, there are a lot of things that must be done, but she is aware it is a crisis all over the state. She stated she wants to make sure that everyone is taken care of mind, body and soul.

She stated the City Clerk is looking for applications for a vacancy on the Stormwater Advisory Committee, Towing Advisory Board, Economic Development Authority and the Building Code Board of Appeals. If interested, please apply online; the annual Race to Beat Breast Cancer 5K run/walk will take place Saturday, October 19, 2019, starting at 9:30 a.m. Register to take part at our website; the deadline to register to vote in the November 5th election is October 15, 2019, and Fire Prevention Week is officially underway. You can learn more about fire safety by visiting with fire department members at Valley Mall, near JC Penny's, from 9 a.m. to 9 p.m. all week.

9. Adjournment

At 9:54 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR