



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes City Council

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Tuesday, March 9, 2021

7:00 PM

Council Chambers

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### 1. Roll Call

All Council Members were present via virtual Go-To Meeting

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

**Also Present:** 3 - City Manager Eric Campbell, City Attorney Chris Brown and City Clerk Pam Ulmer

### 2. Invocation

Mayor Reed led the invocation.

### 3. Pledge of Allegiance

### 4. Special Recognition

#### 4.a. Proclamation recognizing Governmental Purchasing Month 2021

Mayor Reed presented the proclamation honoring Governmental Purchasing Month.

Nicole Robertson, Senior Procurement Officer, thanked Mayor Reed for the recognition. She stated the Purchasing Office and accounts payable staff across the City departments work diligently to purchase goods and services at the best price and best value on behalf of the taxpayers in the Commonwealth of Virginia and the City of Harrisonburg. She stated we truly appreciate your recognition of our profession and thank you on behalf of the Purchasing Office and Accounts Payable staff for the City.

#### 4.b. Proclamation declaring March 2021 as Brain Injury Awareness Month

Mayor Reed presented the proclamation recognizing March as Brain Injury Awareness Month.

Cindy Noftsinger, Executive Director, Brain Injury Connections of the Shenandoah Valley, Inc., thanked Council for the recognition. Thomas Jorgensen and Amy Homan DePoy, board members of Brain Injury Connections of the Shenandoah Valley, were also present to accept the proclamation.

**4.c.** Proclamation recognizing March 2021 as Multiple Sclerosis Education and Awareness Month

Mayor Reed presented the proclamation recognizing March as Multiple Sclerosis Education and Awareness Month.

Cheryl Dean, MS Alliance of Virginia, 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 Romero, seconded by Council Member Hirschmann to approve the consent agenda with recommended amendment to the minutes from February 23, 2021. 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.a.** Minutes from the February 9, 2021 City Council meeting

**These minutes were approved on the consent agenda.**

**5.b.** Minutes from the February 23, 2021 City Council meeting

Council Member Dent stated the invocation was given by herself not Council Member Jones and asked the minutes be corrected to reflect as such.

**These minutes were approved as amended on the consent agenda.**

**5.c.** Consider confirming, readopting, and continuing the Emergency Ordinance adopted on April 6, 2020 and the associated temporary changes in deadlines and modifications to public meeting and public hearing practices and procedures to address continuity of operations associated with COVID-19.

**This ordinance was approved on second reading**

**5.d.** Consider enacting Section 13-1-61.02 - Removal Of Street From Zone, amend and reenact Section 13-1-62 - Conditions To Issuance Of Residential Parking Permits; Fee; Expiration and amend and reenact Section 13-1-69 - Parking Of Commercial Vehicles Near Residences of the Code of Ordinances, City of Harrisonburg, Virginia

**This Ordinance Amendment was approved on second reading**

**6. Public Hearings**

**6.a.** Consider a request from Virginia Mennonite Retirement Community, Inc. (VMRC) to rezone parcels by amending the existing master plan area known as Park Village

Adam Fletcher, director of Community Development, presented a request to rezone two parcels located at 1543 Park Road and 1550/1552 College Avenue from R-2 to R-2C and to amend the exiting VMRC Institutional Overlay Master Plan by adding the two parcels to that master plan. He reviewed the two parcels, the proffers offered, the long-term plan for the area, the proposed use of the property, the master plan for VRMC, the surrounding properties, and the setbacks.

He stated staff and Planning Commission (7-0) recommended approval of these requests.

Vice Mayor Romero asked if staff has received concerns from neighboring property owners. Mr. Fletcher no other concerned parties other that what has been attached to the agenda.

At 7:25 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 22, 2021 and Monday, March 1, 2021. There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:25 p.m., and the regular session reconvened.

**A motion was made by Council Member Jones, seconded by Council Member Hirschmann to approve the rezoning request and amendment to VMRC Institutional Overlay Master Plan 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. Regular Items

- 7.a. Consider a request from SM Valley Mall, LLC to preliminarily subdivide a +/- 38.77-acre parcel at 1915, 1925, 1945, and 2005 East Market Street

Adam Fletcher, director of Community Development, presented the request to subdivide property located at 1915, 1925, 1945, and 2005 East Market Street. He stated the applicant is requesting to subdivide two parcels in order to sell the properties. He reviewed the zoning of the current property, the long term plan for the area, the surrounding properties, noting the applicant is requesting to deviate from the requirement of sidewalks and the city already has a fully funded grant for sidewalks in this area. He stated the applicant is also asking to be allowed to deviate from general utility easements as the property is already a well-established built property with all easements needed. He stated the applicant will dedicate variable width utility easements at particular center lines based on what is built in the environment.

He stated staff and Planning Commission (7-0) recommend approval of the preliminary plat with variances as follows:

- To not construct sidewalk along public street frontage.

- For deviation from public general utility easements dedication requirements.

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

**7.b. Consider adopting a resolution amending the City's Solid Waste Management Plan and update**

Tom Hartman, director of Public Works, presented a resolution for consideration for an update to the city's Solid Waste Management Plan (SWPM) which Plan is a requirement of the Department of Environmental Equality (DEQ). He stated this SWMP was written in 1991, updated in 2006 and 2012. He stated this amendment to the SWMP is a major amendment because the plan update outlines our transition from Vanderlin Recycling to our current operations where we collect solid waste and dispose of at the county landfill. He stated this is just an update to Council as a public hearing will need to be had for these amendments that will be held at the March 23, 2021 Council Meeting.

**This Resolution was referred to the City Council due back on 3/23/2021**

**7.c. Consider adopting a resolution on solid Waste Management and Collection Fees**

Tom Hartman, director of Public Works, presented a resolution to update the solid waste fees that incorporates the new Toter trash cart containers and fees for the Central Business District businesses. He stated every household will receive one 96 or 48-gallon Toter container and will have the ability to pay for additional containers if requested at a \$10 a month fee.

Council Member Jones asked if a resident can buy their own trash cart/toter. Mr. Hartman stated every resident is getting one for free as part of the program, so there is no need for them to purchase one. Council Member Jones asked if a large family would have to pay an additional \$120 per year for a trash can they don't own. Mr. Hartman stated they are not paying \$120 for the trash can they are paying for the service of trash pickup, landfill fees, etc. every week. He stated there should be plenty of space in one 96-gallon Toter to suffice for most residential families. Council Member Jones asked what kinds of materials will fit in these containers i.e. boxes, Christmas trees, etc. Mr. Hartman stated everyone is encouraged to use the mobile recycling units or the convenience center for recyclable items, there are bulk and debris days pickups twice a month, etc. He stated the Toter carts should only be used for regular solid waste. Further discussion took place regarding trash collection. Council Member Jones asked if a free Toter would be given to the ALICE population. Mr. Hartman stated not at this time. Council Member Jones suggested that be looked

into.

Mayor Reed stated there are quite a few residents that have not ordered their Toters, but they will automatically get the 96-gallon Toter. Mr. Hartman stated they will have the opportunity to switch out to a smaller Toter if requested after the program has been implemented. Mayor Reed stated she understands why this program is being implemented but asked if there will be fines issued for those that don't use the Toters. Mr. Hartman stated there are processes in place to notify the property owners of violations now for oversized waste bags, and this will also be the case for those that leave trash bags out next to the Toter and if not rectified further discussion with the residents will take place. Mayor Reed asked how the information on this new program has been made available to the residents of the city. Mr. Hartman stated notifications have been mailed, social media posts, website updates, news media, and community outreach, just to name a few. Mayor Reed asked if there is help for senior citizens in the community. Mr. Hartman stated there is a program already in place where the resident fills out a form and Public Works will pick up the trash cans from their door and return them to their door after emptied. Further discussion took place regarding this program.

Council Member Dent stated we don't want to burden our elderly or physically challenged residents and we should be concerned about burdening our health care practitioners with the requirement of notes from doctors for special services from Public Works.

Vice Mayor Romero stated we should be flexible while it takes time for residents to understand the program. He stated as the program is implemented staff should continue with outreach and stay away from placing fees on people for violations until the education of this program is provided.

Council Member Hirschmann stated there have been instances where people have not understood what is being done in the city, so it is imperative an effort be made to make sure everyone understands what is going on.

**A motion was made by Council Member Jones, seconded by Council Member Dent, 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.d.** Consider amending and reenacting Title 6, Public Works Chapter 2 Solid Waste Collection and Disposal, Articles A, B, C, D, and E of the Code of Ordinances, City of Harrisonburg

Tom Hartman, director of Public Works, presented ordinance amendments associated with Solid Waste Collection and Disposal. He stated these ordinances

were last amended in 1984. He stated the amendments remove all references to the resource recovery facility that was closed a number of years ago, updates definitions, updates the recycling facilities, disposal criteria, tipping fees, and the Toter program, to name a few. Vice Mayor Romero asked what the process is for reviewing ordinances. City Attorney Brown stated in this case a comprehensive review was done because some changes needed to be made and since it was reviewed so long ago it was best to review all of it.

**A motion was made by Vice Mayor Romero, seconded by Council Member Jones, to approve the amendment to ordinances 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.e.** Consider adopting a resolution approving the issuance by the Harrisonburg Redevelopment and Housing Authority of its multifamily residential rental affordable housing facility revenue bonds for the acquisition, construction, and equipping of the approximately 102 unit Bellwood Crossing multifamily housing facility located in Chesterfield County, Virginia

Chris Brown, city attorney, presented a resolution approving the issuance of the Harrisonburg Redevelopment and Housing Authority's (HRHA) Multi-Family Residential Rental Affordable Housing Facility Revenue Bond for property located Chesterfield, Virginia. He stated the HRHA has the authority to get involved in financing that meet applicable criteria around the state and can issue revenue bonds that are tax exempt. He stated the HRHA will generate \$40,000 in revenue from this bond in which can be used in the city for housing programs. He stated under federal tax law this transaction must be approved by the highest elected body authority in the jurisdictions of the bond issuance and bond expenditure. He stated City Council is the highest elected body for HRHA must approve the transaction. He stated there is no financial obligation or risk to the City or HRHA.

Mayor Reed asked Mr. Wong what he will do with the funds received from the bond fees. Michael Wong, director of Harrisonburg Redevelopment and Housing Authority, stated the funds are allocated within the local community development program that helps assess the homelessness initiatives, will be used for a match for homeless management information grant, community resource center, and a variety of other activities.

Vice Mayor Romero asked if the revenue from the bond fees are received over a period of time. Mr. Wong stated a \$7,500 application fee is received immediately, when the bond closes the additional \$35,000 will be sent - usually within 6 months.

**A motion was made by Council Member Hirschmann, seconded by Vice Mayor Romero, to approve 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.f.** Consider approving an encroachment license agreement for Shenandoah Bicycle Co. per Section 15.2-2010 of the Code of Virginia

Chris Brown, city attorney, presented an encroachment license agreement for Shenandoah Bicycle Company to erect an awning that will go over city property. He reviewed the agreement. Vice Mayor Romero asked if this is a common request. Mr. Brown stated this is the first one that has come to Council, but there has not been any effort to find others who have awnings that protrude over city property, but will definitely make sure any new ones come through Council.

**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

- 7.g.** Consider an amendment to Section 11-1-90- Board of Building Code Appeals, to the Code of Ordinances City of Harrisonburg, Virginia

Chris Brown, city attorney, presented a proposed amendment to the Board of Building Code Appeals. He reviewed the purpose of the board and noted the current ordinance requires nine members of specific vocation which can be difficult. He stated the Virginia Code allows us to reduce to five members with up to four alternates and must include at least one registered design professional (Architect or Engineer), one property manager and one experienced builder. He stated this will narrow the scope of the board and make it easier to fill the positions of the board.

**A motion was made by Council Member Dent, seconded by Council Member Hirschmann, to approve the ordinance 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

## **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)**

Bucky Berry, 30 W Washington Street, spoke on the food drive in Bridgewater, the

competition for who can raise the most food, locations of delivery of food, and the need of food in the community.

Pamayotis "Poti" Giannakaouros, spoke about the tall grass and weeds ordinance, the need to take proactive steps to eliminate an ordinance that wasn't enforced prior to 2000, honeybees, and building our community better.

#### Electronic Public Comments

##### **8.b. City Council and Staff**

Council Member Jones provided condolences to the Mayor and her family for the loss of Ms. Doris, she was one of the great icons of the community.

Council Member Hirschmann stated he admires Bucky Berry for all the time he puts into helping the area with his food drives.

Council Member Dent stated she seconds what Council Member Hirschmann stated. She thanked the Mayor for all the wonderful work she has put into getting the vaccinations out to the community. She stated she attended her first CCJB meeting, she was humbled by the combined experience of the people who have been in the field for decades and special thanks to Frank Sottaceti for the crash course. She stated the one piece of business from CCJB will be coming to Council for the appointment of Gene Hart to the board. She stated she saw the press release on the survey for community input of the Heritage Oaks Golf Course and asked the city manager what is process in getting the engagement with the Urban Land Institute to provide a Technical Assistance Panel (TAP) to evaluate matters of land use concerning the course. City Manager stated City Council wanted a consultant to assess the golf course however the scope of what Council was requesting went beyond a traditional consultant as Council wanted a review of golf course operations and potential land use of the course. He stated staff recommended doing a two-part assessment, one to look at the golf course operations by the consultant and using a TAP assessment to look at analysis of land use of the course. He stated the findings of both will be presented to Council once completed. Council Member Dent asked if the TAP process will allow for public input. Mr. Campbell reviewed the TAP process and stated there will be a public meeting outlining their recommendations. She stated the one piece of business from CCJB will be coming to Council for the appointment of Gene Hart to the board.

Vice Mayor Romero seconded Mr. Hirschmann's comments and it is rewarding to see the passion Mr. Berry and his family have on helping the community. He shared his condolences to the Mayor. He stated as the vaccine becomes more available we still have issues with distribution, more work needs to be done to make sure the vaccine gets to those that need it and with the help of Mayor Reed there are plans to get those out. He stated there is a big misconception that communities of color don't



want the vaccine, but that is not the case once they are informed. He stated we need to continue education of the vaccine to the community.

Mayor Reed thanked everyone for honoring her Aunt, Ms. Doris Harper Allen, she was a trailblazer, she was an author, she was involved in the NAACP, and a tremendous woman. She was honored by JMU twice, once for her honorary doctrine degree and renaming one of JMU's building on campus to her. She stated her life work will be remembered. She thanked the Vice Mayor for the outreach of the vaccines as the Simms Center, she attended the virtual conference of National League of Cities (NLC) along with Council Member Jones and Council Member Dent and one of the classes was focused on the vaccines, the access and the education. She stated we are focusing on getting the vaccines out to the most vulnerable neighborhoods, in particular the black and brown communities, Paul Helmuth has been great, and they have been working to make sure access is there, and she will push all the way to the state level with pushing for more vaccines and mobile vaccination sites. She stated we have a long way to go but we cannot relax, we still need to do the masks and social distancing. She stated the only way we can move forward to other pressing issues is to get our city healthy again.

City Manager stated there is a survey out requesting public input on the recruitment of the police chief and can be found on our website and social media.

Council Member Hirschmann asked Council members if anyone would be interested in speaking with someone that has spent time at the correctional facility for an insight observation of how it is ran and further discussion took place.

Council Member Jones stated the NLC conference was great and noted the American Rescue Plan Act, which is federal aid for states and municipalities in several different categories and it looks like everyone will receive a share to help replace lost revenue. He stated he heard more information on this act at the NLC. Mayor Reed stated this is why it is good to go to these conferences, every locality is going through the same things as we are, and the information provided is so useful. She stated Council is aware of what needs to be done and what promises were made, and they will be done, but we need to get the health of our community and businesses back on track first.

## 9. Adjournment

A 9:02 pm, there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR