



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Final City Council

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Tuesday, October 13, 2020

7:00 PM

Council Chambers

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### 1. Roll Call

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

**Present:** 4 - Mayor Deanna R. Reed, Vice Mayor Sal Romero, Council Member Christopher B. Jones and Council Member George Hirschmann

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

### 2. Invocation

Council Member Baugh offered the invocation

### 3. Special Recognition/Presentation

#### 3.a. Proclamation acknowledging Employee Appreciation Week October 19, 2020 - October 23, 2020

Mayor Reed read the proclamation honoring City Employee Appreciation Week. Eric Campbell, city manager, thanked Council on behalf of the 800 public servants that make sure services are provided to our residents day in and day out, 24/7. He stated this year is special because a group of employees known as our City Ambassadors identified a week in which to celebrate our employees. He stated many times people assume that when they turn on the faucet the water is going to run, they assume that when they put the trashcan on the curb it will be picked up and there is an overall sense of safety that occurs in the community overall which all leads to the tremendous employee and public servants that work day in and day out. He stated at last week's Virginia Municipal League (VML) Conference the city was recognized in six categories under the Local Champions Awards by VML, and out of all the localities in Virginia, Harrisonburg was extremely represented on Public Safety, virtual meetings of City Council, to name a few. He stated Harrisonburg was recognized for its unique programming put in place through the coronavirus pandemic. He stated he is extremely proud to serve as City Manager for Harrisonburg and looks forward to celebrating with city employees during the City Employee Appreciation Week.

Mayor Reed stated we will be able to celebrate all of our city employees during that week.

#### 3.b. Presentation of the Language of Love Sculpture

Jeff Quinn provided an update on the Arts Council of the Valley and Harrisonburg

Downtown Renaissance on the additional sculpture to be added to the grassy area near the Love works sculpture. He stated in 2009 he became involved with providing concepts for a sculpture, in 2019 a concept was presented to Council, and a plan has now been developed. He reviewed what companies that will be used in collaboration of this project and stated he would like Council to approve the continuation of this project to fruition.

Council Member Jones thanked him, as well as all those involved, for the hard work as it has been in the works for a few years, and stated he is excited about the community input that will be involved.

Mr. Quinn stated he hopes to see more public art in the city. Mayor Reed thanked Mr. Quinn and stated he has Council's blessing to continue.

### **3.c. Purcell Park Master Plan Presentation**

Luanne Santangelo, director of Parks and Recreation, stated in May 2019 the process of selecting a consultant to complete a master plan for Purcell Park began. She stated the team from the selected firm, LSG Landscape Architecture, will present the master plan.

Amal Deshpande, architect with LSG Landscape Architecture, provided a review of the following:

- Purcell Park Master Plan process
- Community Outreach process
- Site analysis
- Demographics, trends & policy analysis
- Programming and Master Plan concepts
- Maps reflecting each phase of the project
- Design focus for each phase of the project
- Stormwater BMP strategy

Vice Mayor Romero thanked Mr. Deshpande for the presentation. He asked about shelters for the park, will they be increased and what will they look like. Mr. Deshpande stated there are a lot of details that were not reviewed; however, shelters are included in the plan. He stated two additional smaller shelters will be placed around the new KidsPlay, and will be adding more capacity at shelters throughout the park.

Mayor Reed stated she appreciates all the work that has gone into this plan.

- 4. Consent Agenda (any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of Council, otherwise all items will be voted on with one (1) motion)**

rb/gh

**A Motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to approve the consent Agenda as presented.**

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

**No:** 0

- 4.a.** Minutes from the September 22, 2020 City Council Meeting

**This Minutes was approved on the Consent Agenda.**

- 4.b.** Consider enacting Title 15 Chapter 7 Section 4 - An Emergency Ordinance to suppress the spread of the Novel Coronavirus, SARS-COV-2, and the disease it causes, commonly referred to as COVID-19, among those experiencing homelessness, of the Code Of Ordinances City of Harrisonburg, Va

**This ordinance was approved on the second reading**

**5. Public Hearings**

- 5.a.** Consider a supplemental appropriation in the amount of \$4,625,442 for funds received through the Coronavirus Relief Fund

Larry Propst, director of Finance, stated the supplemental appropriation request in the amount of \$4,625,442 are for the second allocation of funds from the CARES Act fund.

At 7: 42 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 October 5, 2020.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:44 p.m., and the regular session reconvened.

**A Motion was made by Council Member Baugh, seconded by Council Member Jones, to approve the supplemental appropriation as presented.**

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

**No:** 0

- 5.b.** Consider a request from Orange Sky Investments LLC for a special use permit to allow a short-term rental at 165 New York Avenue

Adam Fletcher, director of Community Development, presented a special use permit

request for a short-term rental (STR) located at 165 New York Avenue. He reviewed the long-term planning for the area, the surrounding properties and their zoning districts. He stated the special use permit request was recommended for denial by staff and Planning Commission in August 2019, the applicant revised the request in September 2019, staff recommended approval, but Planning Commission maintained its recommended denial in October of 2019 and City Council denied the request November 2019. He stated this application has once again been revised, and this is now the applicant's primary residence

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

1. All STR accommodations shall be within the principal structure.
2. There shall be no more than five STR guest rooms or accommodation spaces.
3. The number of STR guests at one time shall be limited to eight.
4. Prior to operation, the operator shall submit to City staff a completed Short-Term Rental Pre-Operation Form. Furthermore, the operator shall maintain compliance with the items identified in the Pre-Operation Form when short-term rental guests are present.
5. Minimum off-street parking spaces do not need to be delineated and can be accommodated utilizing the driveway or other areas on the property.
6. If in the opinion of Planning Commission or City Council, the short-term rental becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

There was a discussion regarding technical difficulties during the Planning Commission meeting.

At 7:55 p.m., Mayor Reed closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Monday, September 28, 2020 and Monday, October 5, 2020.

Nicholas Hantzes, attorney for applicant, reviewed the changes made from the original application: the property is now the primary residence of the applicant and the number of allowed tenants has been reduced. He stated there is plenty of space for off-street parking.

Wesley Smallwood, applicant, stated this is his primary residence and has reduced the number of available guest rooms. He thanked council for their time and consideration.

At 8:02 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Baugh stated the city is in the process of rewriting the zoning/subdivision ordinances and many of these types of issues will be visited as part of that process. He stated this request still seems to be intense for that location and short-term rentals will be discussed and possibly changed in the future.

Council Member Jones asked if we are still requiring owners and/or operators to be present during the time of lodging. Mr. Fletcher stated there was an amendment made to the ordinance that stated if the property is the owner's primary residence, they do not have to be at the subject property during the lodging period. He stated if it is a renter/operator of the unit they must be there during the lodging. Council Member Jones stated this request is very unique, considering the adverse impact to the small neighborhood, the home doesn't match the character of the neighborhood, which could create a micro-hotel to a traditional neighborhood.

Vice Mayor Romero stated the Planning Commission reviewed this application several times, parameters were provided to the applicant, and they have been met. He stated he understands the concerns of his fellow Council Members, but he feels the rules applied, to some extent, must be the same and that is the message that was sent to the applicant.

Further discussion took place regarding the estimated timeline of the anticipated changes to the zoning/subdivision ordinances and whether tabling this item is the way Council wants to move. No further action taken.

**A Motion was made by Vice Mayor Romero, to approve the special use request as presented. Failed for a lack of second.**

- 5.c.** Consider a request from the Northeast Neighborhood Association Inc. for a special use permit to allow for a community building at 192 Kelley Street

Adam Fletcher, director of Community Development, presented both 5c and 5d together, for special use permits related to a community building in the Northeast Neighborhood. He stated there was a special use permit granted for this property in 2017 but failed to move forward in establishing the use of a community building within the 12-month period after approval. He reviewed the long-term planning for the area, the surrounding properties and their zoning districts. He stated the first special use permit requests is to reapprove the use for a community building, the second special use permit request is to reduce parking. He stated part of the applicants' request is to have an extension of up to five years to have a community center established.

Mr. Fletcher stated staff and Planning Commission recommend approval (6-0) of the special use permit request for a community building with the following conditions:

- Any community building shall operate substantially the same as the use proposed within this application.
- If in the opinion of Planning commission or City Council, the community building use becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional

conditions, restrictions, or the revocation of the permit.

- The special use shall be established, or any construction authorized shall be commenced and diligently pursued within five years from the approval date of the special use permit.

He reviewed the request for the reduction in required off-street parking

Mr. Fletcher stated staff and Planning Commission recommend approval (7-0) of the SUP request for a reduction in required parking area with the following conditions:

- If the city receives concerns and/or complaints regarding parking associated with the community building use, Planning Commission or City Council may request to re-evaluate the permit, and if necessary, add conditions or revoke the permit.
- The special use shall be established, or any construction authorized shall be commenced and diligently pursued within five years from the approval date of the special use permit.

At 8:23 p.m., Mayor Reed closed the regular session and called the third and fourth public hearings to order. A notice appeared in the Daily News-Record on Monday, September 28, 2020 and Monday, October 5, 2020.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 8:24 p.m., and the regular session reconvened.

Council Member Jones stated something similar was done for the Montessori school on S. Main Street, and he suggests that at some point the Northeast Neighborhood Association, reach out to the church nearby for possible shared parking uses.

Council Member Baugh stated our parking rules need to be upgraded which will be a part of the revamping of the zoning/subdivision ordinances, however, there should be ways to work together with shared parking. Council Member Jones spoke on keeping pervious grounds versus more asphalt and concrete. Mayor Reed stated we need to do all we can to make sure this project is completed to preserve the history of the black community in this neighborhood.

**A Motion was made by Council Member Hirschmann, seconded by Council Member Baugh, to approve the special use permit request as presented with stated conditions**

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

**No:** 0

- 5.d.** Consider a request from the Northeast Neighborhood Association Inc. for a special use permit to allow for the reduction of required parking areas at 192 Kelley Street

see agenda item 5.c. for minutes

**A Motion was made by Council Member Hirschmann, seconded by Council Member Baugh, to approve the special use permit request as presented with stated conditions.**

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

**No:** 0

## **6. Regular Items**

- 6.a.** Consider a request from Cobbler's Valley Development Inc. to preliminarily subdivide a +/- 5.66-acre parcel into two parcels by dedicating public street right-of-way at a site addressed as 585 and 611 Pear Street. A variance from Section 10-2-41(a) of the Subdivision Ordinance is requested to allow for a narrower street width.

Adam Fletcher, director of Community Development, stated the request is for a preliminary plat with a variance on property located on Pear Street, and is part of a much larger plan of development which reaches into Rockingham County. He stated this is to dedicate public right of way for a new street which would be serving as an entrance to the residential development in the County short-term. He reviewed the subject property, the long-term planning for the area, the surrounding properties, their zoning districts and the master plan.

He stated staff and Planning Commission recommend approval (7-0) of the preliminary plat and the Subdivision Ordinance variance request for the narrower street width.

Council Member Baugh stated currently, if the lot is big enough, it must be presented to Council, and this may also be reviewed during the revamping of the zoning/subdivision ordinances.

**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 vote as follows:**

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

**No:** 0

- 6.b.** Consider adopting a resolution to expand the Harrisonburg Redevelopment and Housing Authority Commission from five to seven commissioners and to appoint individuals to fill an existing vacancy and to fill the two new commissioner positions.

Chris Brown, city attorney, presented a resolution increasing the number of commissioners of the Harrisonburg Redevelopment and Housing Authority to seven members as requested by Council at the previous meeting. He reviewed the recent appointments and their terms.

Council Member Jones hopes this will help with more diversity and opinions and will be healthy.

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

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

**No:** 0

**6.c.** Consider adopting a Resolution Authorizing the City Manager to Execute a Deed of Gift and Donation to the Commonwealth of Virginia (VDOT)

Chris Brown, city attorney, stated that as mentioned to Council at the last meeting a request was received from VDOT for a resolution for the conveyance of 3.4 acres from the city to be used for highway improvements along Route 33 West to make it safer. He stated the resolution also provides for the City Manager to execute a Deed of Gift and Donation to VDOT for this conveyance.

**A motion was made by Council Member Baugh, seconded by Council Member Jones to adopt the resolution as presented. The motion carried with a recorded vote as follows**

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

**No:** 0

**6.d.** Consider adopting an amendment to the Emergency Ordinance To Suppress The Spread Of The Novel Coronavirus, SARS-COV-2, And The Disease It Causes, Commonly Referred To As Covid-19 - Amending Title 15 Chapter 7 Section 3 And Enacting 15-7-3(4)(A)(4) of the Ordinances of the City Of Harrisonburg, VA

Chris Brown, city attorney, stated the ordinance in response to Covid-19 Emergency limiting gatherings in the city to 50 or less, which ordinance expires on October 13, 2020 at 11:59 p.m. He stated he has prepared a renewal ordinance with a few amendments, some of which were requested by several businesses:

- Add to the exclusions under the definition of “gathering” to include government property; (staff recommended)
- Add to limitations of the number of attendees at gatherings a section for Commercial Establishments and 501(c)(3) non-profit organizations; (staff does not recommend)
- New expiration date of December 13, 2020 at 11:59 pm.

Mayor Reed stated she feels it is too soon to open the city and to relax the restrictions. She stated we are headed in the right direction, numbers are declining, but she is hesitant in increasing the number of attendees at gatherings.

Council Member Baugh stated he tends to agree with Mayor Reed, even though safety protocols still need to be met, how does one decide when is the right time to open everything up.



Council Member Hirschmann stated he thinks caution is appropriate, if we allow an increase in attendees at gatherings it could all come right back at us and prefers a bit more time with caution to see how things develop.

Mayor Reed asked if this ordinance can be revisited at a later date. Mr. Brown stated it can be revisited at any time.

A discussion took place regarding upcoming meeting cancellations due to holidays.

Council Member Jones stated Council should revisit this ordinance at the November 10, 2020 City Council meeting.

**TA motion was made by Council Member Baugh, seconded by Council Member Jones, to approve the amended ordinance as presented. Council Member Baugh withdrew the motion.**

**A motion was made by Council Member Baugh, seconded by Council Member Jones, to approve the amended ordinance without the enactment of Section 4(a)4. The motion carried with a recorded vote as follows:**

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

**No:** 0

**Abstain:** 1 - Romero

**6.e.** Consider a resolution for interest rate modifications for two existing bank loans.

Larry Propst, director of Finance, presented a resolution related to interest rate reductions of existing debt through Atlantic Union Bank.

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

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

**No:** 0

**7. Other Matters**

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

James "Bucky" Berry, 30 W. Washington Street, spoke about the Brent Berry Christmas Food Drive to be held in Bridgewater, Virginia. He asked Council to consider allowing an extension of due date by 30 days for city taxes to be paid. He stated there are many residents affected by COVID-19, and this will help.

Stephanie Stotts, 265 North Main Street, Apt 310, stated it is a great idea to add members to the Harrisonburg Redevelopment and Housing Authority and agrees with Council on not increasing the allowable attendance at gatherings just yet.

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

##### **Cancellation of Council Meetings for holidays**

Council Member Jones made a request to cancel November 10, 2020 and December 22, 2020 Council meetings. Council Member Baugh stated Council always takes off the second meeting in December but hasn't always cancelled the second meeting in November. He stated he is game to go with the majority of Council but suggested the City Manager weigh in since he knows what type of workload is coming down the pike. Mr. Campbell stated at this point he isn't aware of anything coming.

Vice Mayor Romero stated he would hate to see an agenda packed with items because of a cancellation of a Council meeting, but as long as that doesn't happen and we can devote quality time to the items we do have on an agenda, he is good with the motion.

Mayor Reed stated this is the earliest we have addressed this issue and feels it allows time for staff to prepare. Mr. Campbell stated we are not in normal times, even though staff will do their best to avoid needing a meeting for those dates cancelled, we don't know what we don't know, there may be a possibility he reaches out to Council, but as of right now there is nothing that would prevent skipping the meetings. Council Member Jones states if on November 10, 2020 it seems as if a second meeting is necessary, we can change our mind. Further discussion took place regarding the schedule of meetings.

**Council Member Jones made a motion to cancel November 24, 2020 and December 22, 2020 Council meetings. Motion was seconded by Council Member Hirschmann. The motion carried with a recorded vote as follows:**

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

**No:** 0

#### **7.b. City Council and Staff (continued)**

Council Member Baugh stated we can have a long discussion about all the things that masks won't do for you but with everything we know you can have Covid-19, it can mess you and everyone else up badly without knowing it, so wear your mask, it will protect other people from you when you don't even mean to hurt them. He reiterated, please wear your mask.

Council Member Hirschmann stated he is curious about what Mr. Berry mentioned earlier and is curious as to who could answer the question about delaying the due date or give an extension on property taxes. He stated particularly with the year everyone has had and the holiday season a lot of people who have their backs to the wall and struggling would appreciate a little more time to pay. Council Member Baugh recalls the deadline dates are State law but perhaps localities have the authority to extend the deadline. Mr. Brown stated he believes that is correct, and he is sure the city manager would want to talk with the director of Finance to see what type of financial ramifications it may have. He stated he can put it on the next agenda if Council desires. Mr. Campbell stated he would also like to consult with the Treasurer as the schedule of mailings need to be considered. Mr. Hirschmann stated he feels it would be worth looking into but may come with its own set of problems.

Vice Mayor Romero stated he supports Council Member Hirschmann's thoughts on looking into a tax extension. He stated inequities in regard to WIFI have been significantly outlined and noted, the CARES Act funding is a short term fix, which he is grateful funds could be used for this issue, but he remains concerned that this is an issue that must be addressed as a city, and he will be reaching out to the city manager to review other models throughout the state and country to reach a permanent solution. Mayor Reed stated she has received a report as to what other localities have done with the challenges of WIFI and Bristol, Virginia may be one to look deeper into.

Mayor Reed stated she was made aware of the closing of the Free Clinic and was able to cut the ribbon on October 12, 2020 for the new pharmacy at the Harrisonburg Community Health Center. She stated she is aware there are concerns about the closure of the Free Clinic, but the Harrisonburg Community Health Center is ready to take anyone who is in need. She stated it is a fabulous facility with full services located on Port Republic Road. She stated the Free Clinic made a tremendous impact on the community and will be missed.

Eric Campbell, city manager, thanked Council for the proclamation establishing Employee Appreciation Week and seeks helps from the community in showing staff how much they are appreciated. He stated a phone line has been created where community members can call into and thank city staff for all they do everyday for the community and messages will be shared with employees during the week. He stated the number is (540) 217-0720.

## 8. Adjournment

At 9:33 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR