



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Final City Council

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Tuesday, June 11, 2019

7:00 PM

Council Chambers

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### 1. Roll Call

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

**Also Present:** 4 - City Manager Eric Campbell, City Clerk Pam Ulmer, City Attorney Chris Brown and Lt. Todd Miller

### 2. Invocation

Council Member Jones offered the invocation.

### 3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

### 4. Special Recognition

- 4.a.** Consider the adoption of a resolution expressing the condolences of the City of Harrisonburg and honoring the memory of the victims of the mass shooting in Virginia Beach, Virginia on May 31, 2019

Mayor Reed presented a resolution expressing the condolences of the City and honoring the memory of the victims of the mass shooting in Virginia Beach, Virginia on May 31, 2019.

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

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

**No:** 0

- 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 Council Member Hirschmann, to approve the consent agenda as presented. The motion carried with a recorded roll call vote taken as follows:**

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

No: 0

**5.a.** Minutes from May 28, 2019 City Council meeting

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

**5.b.** Consider a request from Skylar & Talli, LLC to rezone 5.44 +/- acres from B-2, General Business District to R-5C, High Density Residential District Conditional at 1051 Peach Grove Avenue and identified as tax map parcel 92-F-10.

**This rezoning request was approved on the consent agenda as the second reading.**

**5.c.** Consider a supplemental appropriation for various departments in the amount of \$869,639.50

**This Supplemental Appropriation was approved on the consent agenda as the second reading.**

**5.d.** Consider a supplemental appropriation in the amount of \$3,335,206 for the School Capital Projects Fund.

**This Supplemental Appropriation was approved on the consent agenda as the second reading.**

**6. Public Hearings**

**6.a.** Consider the issuance of a general obligation bond up to \$8 million to partially finance the Harrisonburg-Rockingham Community Services Board (CSB) project

Chris Brown, city attorney, stated Ellen Harrison, Executive Director for the Community Services Board (CSB) is present if council has any questions. He stated the resolution to authorize the issuance of a General Obligation Bond for up to \$8M to partially finance the Harrisonburg Rockingham Community Service Board Project. He stated the county will also obtain a bond for the other half and then the city, county and CSB will split the bond payments in thirds. He stated the bond will be through the Virginia Resource Authority and will close in August of 2019. He stated he understands that bids have been received for the project and should know very soon the cost of the project, but staff feels the city's portion will be less than \$8M.

At 7:07 pm Mayor Reed closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Tuesday, May 28, 2019 and Tuesday June 4, 2019

Ellen Harrison, executive director of the CSB, expressed her sincere gratitude to the city council for their support. She stated the CSB has taken many steps to assess their current and future growth as it relates to the physical needs for space that this project will provide. She stated they have worked closely with many fine city staff members to get where they are today. She asked council for their continued support as they build into the future. She stated they have strived very hard to create

opportunities for health by delivering services related to concerns with mental health, substance abuse, and developmental disabilities and thanked council for their support and partnership.

At 7:08 pm Mayor Reed closed the public hearing and the regular session reconvened.

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

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

**No:** 0

- 6.b.** Consider a request to amend Sections 10-3-24, 10-3-25 and 10-3-110 and enact Section 10-3-59 of the Zoning Ordinance for off-street parking and adding a new zoning district titled R-8 Small Lot Residential District.

Mayor Reed stated agenda item 7d will be discussed immediately following this PH as it is related.

Adam Fletcher, director of Planning and Community Development, reviewed the proposed enactment of creating an R-8 Small Lot residential zoning district and noted it provides an alternative to increase overall housing density, promote infill development and redevelopment which could increase overall housing production addressing housing affordability, and allows for diversity of housing stock. He provided the background of the approach to deciding on the R-8, the residential and non-residential uses, the residential occupancy regulations, dimensional requirements and residential zoning density per unit. He reviewed minimum setback requirements and ways to reduce required side yard setback, with the help of the Harrisonburg Fire Department, via special use permit. He reviewed the off-street parking, and additional regulations and considerations all supported by Goal 4, 5 & 6 of the Comprehensive Plan. He stated staff is not proactively seeking rezoning to R-8.

He stated staff recommended approval and Planning Commission vote 7-0 to recommend approval to council.

Mr. Fletcher stated in order to have the new R-8 zoning district work amendments to Section 7-4-22 of the city code needed to be addressed. He stated his staff worked with Public Utilities staff addressing the cost to the applicant to install water meters that are solely for the purpose of fire sprinkler systems.

At 7:26 pm Mayor Reed closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Saturday, May 25, 2019 and

Monday, June 3, 2019.

Dick Blackwell stated he and city staff have worked two years on this request and knows the city needs more affordable housing. He stated labor costs are not going down and regulations are getting tougher. He stated he knows of two five-acre lots that can't be developed under current zoning ordinances but could if this ordinance is approved. He stated he hopes that with this ordinance increased affordable homes will be built and first-time home buying will follow that will provide income for the city. He stated there are many in the area that can't find affordable housing. He stated many concerns were that it might reduce the value of current housing, but the city's Real Estate Director, Lisa Neunlist, stated it should increase the value provided the housing is built well and looks nice. He stated this is the only way he knows of to bring costs down and provide affordable housing. He thinks this is a wonderful possibility for the city.

Dawn Ruple, 909 Oak Hill Drive, stated she applauds anyone wanting to bring in affordable housing, but we need to promote good neighborhood relations and as it looks the parking spaces required may not be sufficient. She feels this might cause problems and stated she wants to promote a peaceful environment.

At 7:35 pm Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Jones stated this addresses concerns of builders in the city of being able to create more affordable housing for all types of individuals. He stated walkability will be key to these developments, and he thanked Chief Bennett for being in favor of this type of project and his efforts to making this work, as well as Adam Fletcher for pulling this together in a workable manner.

Mayor Reed stated this shows that sometimes people don't see what is going on behind the scenes, this has been in the works for over two years and council and staff have been working on affordable housing needs. She thanked Mr. Blackwell for working on this.

Council Member Baugh stated the 2004 Comprehensive Plan advocated for rezoning, since then we have four new zoning districts that all offer more options for developers to allow for housing development. He stated the idea of the current environment going to smaller lot sizes makes sense.

Dick Blackwell stated his biggest concern on the R-8 zoning district would be neighbors concerned about reduction of lot sizes.

**A motion was made by Council Member Jones, seconded by Vice Mayor Romero, to approve the ordinance amendment and enactment as presented. The motion carried with a recorded roll call vote taken as follows:**

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

**No:** 0

- 6.c.** Consider approval of an amendment to Section 10-3-25 (14) of the Zoning Ordinance regarding parking for community centers, libraries, museums, and other similar facilities.

Adam Fletcher, director of Planning and Community Development stated the off-street parking requirement for community centers associated with housing developments was not needed. He stated the proposed amendment removes the off-street parking requirements for those community centers.

He stated staff recommended approval and Planning Commission vote 7-0 to recommend approval to council.

At 7:45 p.m., Mayor Reed closed the regular session and called the third public hearing to order. A notice appeared in the Daily News-Record on Saturday, May 25, 2019 and Monday, June 3, 2019.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:45 p.m., and the regular session reconvened.

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

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

**No:** 0

- 6.d.** Consider a request from Kathy Ulrich to rezone a +/- 36,000 sq. ft. area zoned R-3C, Multiple Dwelling Residential District Conditional to B-2C, General Business District Conditional and located at 1385 Wine Drive

Adam Fletcher, director of Planning and Community Development, presented a rezoning request for property located at 1385 Wine Drive from R-3C to B-2C, he reviewed the surrounding properties, the history of the zoning changes of the subject property and the proffers submitted for appropriate uses in the area. He stated staff appreciated the applicant's efforts.

He stated staff recommended approval and Planning Commission vote 7-0 to recommend approval to council.

At 7:50 p.m., Mayor Reed closed the regular session and called the fourth public hearing to order. A notice appeared in the Daily News-Record on Saturday, May 25, 2019 and Monday, June 3, 2019.

Todd Rhea, with Clark and Bradshaw as representative for applicant, stated the proposal was crafted to be consistent with the Comprehensive Plan and with the surrounding B-1C properties. He stated he appreciated staff and councils support.

At 7:51 pm Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Baugh stated as someone that has been around for a lot of the zoning changes in this area, this request is consistent with what had developed there and is something we want to see.

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

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

**No:** 0

- 6.e.** Consider a request to rezone three parcels located at 706, 710, and 714 Greenbriar Drive, together totaling 1.06 +/- acres, from R-1, Single-Family Residential District to R-3C, Medium Density Residential District Conditional.

Adam Fletcher, director of Planning and Community Development, presented a request to rezone three lots on Greenbriar Drive from R-1 to R-3C. He reviewed the surrounding properties, history of the zoning in the area, current uses of the three lots, the proffers offered which reflected prohibited uses normally allowed by-right, screening and buffers, and an easement dedication for a planned shared use path.

He stated staff recommended denial as they feel it should be left zoned as it is, and Planning Commission vote 6-1 to recommend denial to council.

At 8:00 p.m., Mayor Reed closed the regular session and called the fifth public hearing to order. A notice appeared in the Daily News-Record on Saturday, May 25, 2019 and Monday, June 3, 2019.

Howard Cohen, 709 Oak Hill Drive, played an exert of sound a 11 pm from his front porch, it consisted of loud party noises, and stated he has had to deal with drunken brawls and illegal occupancy, and he feels that his rights are important, and students should not have the right to disturb the peace.

Johann Vargas and Julian Pena, applicant and owner of 714 Greenbriar Drive. Mr. Vargas stated they have spoken with the other two owners and agreed with the previous speaker with what that area has to deal with. He stated he believes where the houses are they are a better fit for the R-3 zoning. He stated he believes their homes would be a perfect fit for affordable housing and caters to the neighborhood. He stated there is no other neighborhood in the city that has two polar opposite zoning next to each other. They provided a handout of information to council with

maps. Mr. Pena provided handouts to council and then reviewed.

Dawn Ruple, 909 Oak Hill Drive, stated the owner of one of the properties does not reside in the area, but the residents deal with disturbances all the time. She is asking to preserve the sanctity of the neighborhood. She stated she feels if this request is approved, other properties in the neighborhood will follow suit.

Esther Cohen, 709 Oak Hill Drive, stated they have lived there for 40 years and have seen the changes on Oakhill Drive, they get the brunt of the noise, but fences and vegetation will not keep the noise away or people from wandering into private yards. She requested council preserve the character of the R-1 community.

Jeff Domingus, 904 Oakhill Drive, stated they are new to the area and it was difficult to find R-1 housing available. He stated preserving the family neighborhood is their concern and approving this change may begin a cycle of others changing.

Carolyn Frank, owner of 710 Greenbriar, stated she has abided by the laws under the R-1 zoning, she realizes these lots will be considered a buffer for the rest of the neighborhood and the proffers offered would help. She referenced the previous approval for the property on Wine street, and it is similar, as that this property could be a buffer between R-4 and R-1. She stated the noise and parties will not change with this rezoning, as it is the Village Lane properties causing the issues. She stated she hopes council will consider approving this request with the proffers offered.

Eugene Leffel, 1107 Ridgewood Road, stated the neighborhood was established years ago, and it has been a great single-family neighborhood and feels the integrity of the neighborhood will be affected by this rezoning request. He asked council to take the opportunity to take that into consideration and maintain the R-1 zoning.

At 8:23 pm Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Baugh stated the recent Comprehensive Plan/Land Use Guide shows to maintain as is and this issue was discussed during the review of the Plan. He stated it was a conscientious decision to leave it zoned R-1. If there is a request to deviate from that then there should be a showing of public interest. He stated the reference made to the rezoning on Wine Street is not similar on many accounts.

Council Member Jones, stated the property on Wine Drive is undeveloped and there are no neighbors to discuss with therefore it is not relevant to this item.

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

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

No: 0

**6.f.** Consider a request for a special use permit for Recreational and Leisure Time Activities in M-1 from Sierra Valley Resources LLC at 785 Acorn Drive

Adam Fletcher, director of Planning and Community Development, presented a Special Use Permit for property located at 785 Acorn Drive, to allow recreational and leisure time activities in an M-1 zoning district. He reviewed the surrounding properties, the anticipated use of the property and parking availability.

He stated staff and Planning Commission recommend approval 7-0 with a condition that the Special Use Permit shall be applicable only for the use, or a substantially similar use as requested in the application.

At 8:32 p.m., Mayor Reed closed the regular session and called the sixth public hearing to order. A notice appeared in the Daily News-Record on Saturday, May 25, 2019 and Monday, June 3, 2019.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 8:32 p.m., and the regular session reconvened.

Council Member Baugh stated other things have been approved before in this area and it is needed. He stated there is precedent in this area for these types of business as he feels it is underutilized.

**A motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to approve the Special Use Permit request with the stated conditions. The motion carried with a recorded roll call vote taken as follows:**

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

**No:** 0

**6.g.** Consider a request for a special use permit to allow a short term rental at 1451 Hillcrest Drive.

Adam Fletcher, director of Planning and Community Development, reviewed the history of the Special Use Permit requirements for Short Term Rentals (STR), the definition of a STR, the grace period and restrictions.

He presented a request for property located at 1451 Hillcrest Drive, and noted this request is to operate three accommodation spaces within the primary residence of the applicant. He reviewed the surrounding property and noted the property is operating as a duplex and the applicant and staff are working on getting an occupancy permit that reflects that. He stated the applicant plans on being present during the lodging period and noted delineation of parking spaces is not required.



He stated staff and Planning Commission recommend approval 7-0 with the following conditions: A Certificate of Occupancy must be obtained for the duplex, the property must be the operators primary residence, operator shall be on site at all time during rental, accommodations must be within the principal structure and no more than three STR accommodation spaces and limited to six guest, and completion of the Short-Term Rental Pre-Operation Form stating they are in, and will maintain, compliance with the Virginia Uniform Statewide Building Code and Fire Prevention Code. He stated the STR Pre-Operation Form gives the burden of proof to the applicant rather than having inspections necessary from the Fire Department and Community Development Staff.

Mayor Reed stated asked what happens if the applicant doesn't tell the truth. Mr. Fletcher stated the applicant is held responsible and they will be liable. Vice Mayor Romero asked if other localities share the same idea or have any other recommendations. Mr. Fletcher stated it is across the board different across the state.

He stated staff and Planning Commission recommend approval 7-0 with the stated conditions.

Vice Mayor Romero asked if the applicants were supportive of the conditions. Mr. Fletcher stated the applicant was not in attendance, but he believes they are ok with the conditions.

At 8:46 p.m., Mayor Reed closed the regular session and called the seventh public hearing to order. A notice appeared in the Daily News-Record on Saturday, May 25, 2019 and Monday, June 3, 2019.

Neal Lewis, 1081 James Place, asked if there is a length of stay on the definitions of STR. Mr. Fletcher stated it must be less than 30 days per stay. Mr. Lewis asked how that would be enforced. Mr. Fletcher stated all the conditions mentioned controls the length of stays as the applicant must be present during the lodging period.

Pamayotis "Poti" Giannakaouros, stated he is pleased to see the change in the inspection requirements but he is still concerned about the burden the special use permit process is putting on the Community Development Department, Planning Commission and Council. He stated he is concerned about vulnerability in the process and is concerned about frivolous complaints putting the permit in jeopardy. He spoke about economic models and recovery houses.

At 8:51 pm Mayor Reed closed the public hearing and the regular session reconvened.

**A motion was made by Vice Mayor Romero, seconded by Council Member Baugh, to approve the Special Use Permit request with the stated conditions. The motion carried with a recorded roll call vote taken as follows:**

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

**No:** 0

- 6.h.** Consider a request for a special use permit to allow a short term rental on the property addressed as 341 South Willow Street.

Adam Fletcher, director of Planning and Community Development, presented a request for property located at 341 South Willow Street, and noted this request is to operate two accommodation spaces within the primary residence of the applicant. He reviewed the surrounding property and noted the applicant is requesting for a condition to allow for no off-street parking requirements. He stated the applicant plans on being present during the lodging period and noted delineation of parking spaces is not required.

He stated staff and Planning Commission recommend approval 7-0 with the following conditions: The property must be the operators primary residence, operator shall be on site at all time during rental, accommodations must be within the principal structure and no more than two STR accommodation spaces and limited to five guest, and completion of the Short-Term Rental Pre-Operation Form stating they are in, and will maintain, compliance with the Virginia Uniform Statewide Building Code and Fire Prevention Code.

At 8:57 p.m., Mayor Reed closed the regular session and called the eighth public hearing to order. A notice appeared in the Daily News-Record on Saturday, May 25, 2019 and Monday, June 3, 2019.

Scott Asbell, applicant, thanked staff for working with him and feels it is a good compromise between free enterprise and community planning and looking at our city not as just a single place but part of a global economy.

Council Member Jones thanked Mr. Asbell for saying that out loud

At 8:58 pm Mayor Reed closed the public hearing and the regular session reconvened.

**A motion was made by Council Member Hirschmann, seconded by Council Member Jones, to approve the Special Use Permit request with the stated conditions. The motion carried with a recorded roll call vote taken as follows:**

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

**No:** 0

- 6.i. Consider a request for a special use permit to allow a short term rental on property addressed as 981 Summit Avenue.

Adam Fletcher, director of Planning and Community Development, presented a request for property located at 981 Summit Ave, and noted this request is to operate one accommodation space within the primary residence of the applicant. He reviewed the surrounding property and noted the applicant does not need to delineate parking spaces. He stated the applicant plans on being present during the lodging period and noted delineation of parking spaces is not required.

He stated staff recommended denial of the request because they feel it is too deep into a neighborhood, it is not located in an area to run as a business, and it is too far away from connector street. He stated staff did not feel comfortable in setting a precedent. He stated Planning Commission recommend approval 5-2 with the following conditions: The applicant must obtain a Certificate of Occupancy as there isn't one on record, the property must be the operators primary residence, operator shall be on site at all time during rental, accommodations must be within the principal structure and no more than one STR accommodation space and limited to four guest, and completion of the Short-Term Rental Pre-Operation Form stating they are in, and will maintain, compliance with the Virginia Uniform Statewide Building Code and Fire Prevention Code.

Mayor Reed asked if the only reason staff recommended denying the request is because of where it is located in the neighborhood. Mr. Fletcher stated in this case location was very important to staff, as it is with almost all special use permits and as we move forward with long-term planning in the city. He stated if the land use map is reviewed, there are always going to be specific locations where there is a change in operation, where those changes take place is always up for interpretation and given best planning practices staff believes this is not one of those cases. Mayor Reed stated that if a house is closer to collector streets a STR request may be approved and she doesn't understand the rational.

Vice Mayor Romero stated he did a site visit, there were people not living in the neighborhood walking in the area and a neighbor spoke in support of the applicant.

Mayor Reed stated people are used to non-residents coming to the neighborhood, the area is beautiful, and the views of the city are beautiful from there.

Adam stated the neighbor in support also asked for a permit to operate STR,

At 9:10 p.m., Mayor Reed closed the regular session and called the ninth public hearing to order. A notice appeared in the Daily News-Record on Saturday, May 25, 2019 and Monday, June 3, 2019

Mike Stolfus, applicant, stated he has worked with staff on many projects and has great respect for them but he disagrees on staff's recommendation, he doesn't feel

that traffic would be impacted, there is often non-resident traffic, site-seers, bike and pedestrian traffic in the neighborhood. He stated they live on a cul-de-sac, and his yard is used often for pedestrian and bicycle, which they allow, and this all makes a perfect location for a STR and hopes council approves the request. He stated a Certificate of Occupancy was received when the house was built 22 years ago and is taking steps to locate or get a copy or another one. He requested that council not penalize him by denying the request simply because of one or two additional vehicles passing through the neighborhood. He stated his request to allow up to four individuals is because there may be families that want to rent the accommodations.

Pamayotis "Poti" Giannakaouros stated he has watched this develop since the Comprehensive Plan, the reason to justify the principal of not disrupting neighborhood came from the that Plan in the section where the city wants to preserve neighborhoods is mentioned. He remembers the deliberation of character of a neighborhood and strongly objected to it because it creates gentrification. He stated he doesn't feel that the city's intention was to create exclusive neighborhoods. He stated the fact the people aren't used to having strangers in their neighborhood should not be a deciding factor.

At 9:18 pm Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Jones stated people like to go to other neighborhoods, to say it is too deep in is unfair, and to take away a person's ability to do the right thing is egregious. He stated we are putting a Shared Use Path around this neighborhood and doesn't feel this body will ever be the ones to have the "not in my back yard" mentality. He stated this is against an owner's ability to make money from extra space. He stated it is not fair to punish those property owners just because of how deep they are in a neighborhood.

Council Member Baugh stated he agreed with Council Member Jones with the distance to the connector roads being a deciding factor. He stated the reason council agreed to this process for STRs was not to set up a one size fits all mentality. He stated no one showed up to speak against this request, if residents are okay with it then it should be allowed.

**A motion was made by Council Member Jones, seconded by Council Member Hirschmann, to approve the Special Use Permit request with the stated conditions. The motion carried with a recorded roll call vote taken as follows:**

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

**No:** 0

**6.j.** Consider approving an ordinance amendment to Section 7-4-1 of the Harrisonburg City Code - Water and Sewer Rates

Chris Brown, city attorney, presented the ordinance to adjust the rates for water and

sewer service in the city. He stated the water rate is increased due to the need to generate funds for the Eastern Raw Waterline over a three-year period, which was approved previously by Council. He reviewed the increases for water and sewer and noted Mr. Collins, director of Public Utilities is in attendance for any questions.

Vice Mayor Romero asked if Mr. Collins has any idea as to the impact of families these increases will create. Mike stated normally 5,000 gallons used per month which would raise a monthly bill by \$1.45.

At 9:28 p.m., Mayor Reed closed the regular session and called the tenth public hearing to order. A notice appeared in the Daily News-Record on Monday, June 3, 2019 and Monday, June 10, 2019.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 9:28 p.m., and the regular session reconvened.

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

## **RECESS**

At 9:28 p.m., Mayor Reed called the meeting into recess.

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

## **7. Regular Items**

### **7.a. Fair Housing Training**

Michael Wong, executive director for the Harrisonburg Redevelopment and Housing Authority (HRHA), stated in 2017 the city and HRHA, in partnership, submitted to the United States Department of Housing and Urban Development (HUD) the community's assessment of affirmatively furthering fair housing. He stated this year's activities included the Fair Housing Training and Outreach. He stated the city and HRHA are committed to providing Fair Housing Training for elected officials, appointed boards and department staff on an annual basis. He stated HRHA's goal is that the city's staff and officials become even more aware of the requirements of fair housing, and that citizens, landlords, and tenants are encouraged to learn these policies and practice them in their interactions and business. He stated for more than 40 years HUD funded recipients have been obligated by law to reduce barriers of fair housing. He reviewed the basics of the Fair Housing Act, actions that are prohibited in the sale and rental of housing, prohibitions in mortgage lending, additional protect for those with disabilities, and the Housing for Older Persons exemption. He reviewed the steps to take if one feels their rights have been violated.

**This Presentation was received and filed.**

**7.b.** Consider adopting a resolution setting new rates for emergency medical services transportation

Chris Brown, city attorney, stated in 2009 the city granted a franchise to the Harrisonburg Rescue Squad to become the Emergency Medical Services transportation provided for the city and as part of that grant the city stabled the first rates and they have not changed since. He stated the Rescue Squad has requested Council increase the rates to make them more in line with Rockingham County and other localities charges. He stated the rates are tied to Medicare and he reviewed the increases requested.

Vice Mayor Romero asked if the distance traveled in the county has anything to do with their increased rates. Matthew Cronin, chief of the Harrisonburg Rescue Squad, stated the county has the same billing vendor as the city that has advocated to increase the rates. Rockingham County adopted their increases in 2018.

Council Member Baugh stated the driver the pricing ties into insurance and does not affect our residents. He stated there are no collections from individuals but charged to the insurance. Council Member Hirschmann stated this doesn't affect our budget.

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

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

**No:** 0

**7.c.** Presentation of the Tax Relief for the Elderly and Disabled Program

Karen Rose, Commissioner of the Revenue, stated the city currently has Real Estate Tax Exemptions for those individuals that qualify based on the following criteria: Applicant must occupy the property as a sole dwelling and owning full or partial title to the property, applicant is 65 years or older or permanently disabled, must apply and/or recertify by May of each year, applicants gross income shall not exceed \$30,000, and applicant must have a financial worth shall not exceed \$75,000. She noted the financial worth does not include the house and one acre.

She stated the city also has the Personal Property Tax exemptions for those individuals that qualify based on the following criteria: Applicant must be 65 years or older or permanently disabled, the title to the vehicle must be in the name of the applicant, must apply/recertify each year in May, the gross income of the applicant shall not exceed \$30,000 and have a financial worth shall not exceed \$75,000.

She stated currently the real estate exemption maximum tax relief granted is \$1,000 per year and reviewed the percentage of tax relief based on annual income. She

stated in FY 2019 there were 105 residents that were exempted at some percentage for a total of \$74,086.40, and 23 of those residents were given the maximum \$1,000.

She stated in FY 2019 there were 152 exemptions on one vehicle on personal property taxes for a total of \$14,175.60. She stated the current income and net worth levels have been in place since 2008 and noted most localities only exempt real estate. She reviewed the surrounding localities income requirements and net worth requirements for comparison.

Vice Mayor Romero asked if the \$1,000 maximum tax relief matched what other localities do. Ms. Rose stated she will look into it and let him know. Vice Mayor Romero asked how residents know about this opportunity to apply for the tax relief. Ms. Rose stated it is advertised on the back of the tax bills, advertised in the newspaper, on the city's website and social media. She stated field staff also mentions it whenever they can.

Mayor Reed stated she knows people that might not know about this, staff should consider looking into other ways to get the word out. Council Member Hirschmann stated a public service announcement can be done through the local television station at no charge.

Vice Mayor Romero asked if this becomes broadly known will the city be able to continue with the tax relief or is there a cut off. Ms. Rose stated there is no cap at this point.

Eric Campbell, city manager, stated any changes that are made need to be approved by Council, and Ms. Rose's department would need to know by the fall prior to the budget.

Council Member Baugh stated if more people start to apply the city manager would need to know as it affects revenue income.

**This Presentation was received and filed.**

**7.d.** Consider amendments to Harrisonburg City Code Title 7 - Water and Sewer related to Fire Suppression Systems

See agenda item 6b for Council conversation.

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

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

**No:** 0

- 7.e.** Consider the removal of real estate taxes for 1998/1999 and personal property taxes for 2013

Jeff Shafer, treasurer for the City of Harrisonburg, stated City Code 4-1-36 and the Virginia State Code 58.1-3940 stipulated the duration of collection for both real estate and personal property taxes. He stated for real estate it is 20 years and for personal property it is five. He stated this year they are looking at 1998/99 real estate taxes, in the amount for \$1,388.03 and 2013 personal property taxes in the amount of \$82,495.46. He stated those figures reflect a 99.98% collection rate on real estate and a 99.06% on personal property.

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

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

**No:** 0

- 7.f.** Consider a request to advertise delinquent real estate taxes for tax years 2016/2017 & 2017/2018

Jeff Shafter, treasurer for the City of Harrisonburg, stated Section 4-1-29 of the City Code he asked Council to approve the advertising as unpaid, the delinquent real estate taxes for the year 2016/17 and 2017/18. He stated a letter will be sent to all the delinquent giving them 30 days to pay, and if not paid it will be advertised in the newspaper.

Council Member Baugh stated the city's collection rate is so high there was only one time a suit was filed to collect.

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

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

**No:** 0

- 7.g.** Presentation of the Harrisonburg Conservation Assistance Program

Rebecca Stimson, environmental compliance manager, Department of Public Works, provided a presentation on the Harrisonburg Conservation Assistance Program (HCAP). She stated HCAP is an urban cost-share program that will provide financial incentives and technical assistance to property owners in Harrisonburg that want to install stormwater quality projects on their property. She stated the program is based on a statewide program in existence since 2016. She stated staff decided to



implement a local program so there is a bit more flexibility with the projects and a more stable source of funding through the stormwater utility fee. She stated HCAP projects will provide water quality improvements for local water quality and the Chesapeake Bay. She reviewed different project types: Rain gardens, green roofs, permeable pavements, conservation landscaping, meadows and tree plants, rainwater harvesting, and bio-retentions. She stated HCAP would pay up to 70% of the cost up to a capped amount. She stated there is a Memorandum of Agreement with Shenandoah Valley Soil and Water Conservation District, which will administer both VCAP and HCAP. She noted applications will be accepted on July 1st to August 15th. She stated if anyone is interested they will contact the District and set up an appointment, district staff will review project ideas with the property owner and give them an application to be returned by August 15, 2109, which will include a site visit by district staff, a project plan, feasibility study or project design, and three quotes. She stated applications will then be ranked and then owners will be notified. She stated the anticipated outcomes include alleviation of smaller drainage issues, improved water quality in the Blacks Run stream and the Chesapeake Bay and local TDML pollution reduction credits will also be received.

**This Presentation was received and filed.**

#### **7.h. Update on the Raw Water Supply Management Plan**

Mike Collins, director of Public Utilities, provided an update on the Raw Water Supply Management Plan (RWSMP) and noted there is a 90-page document on the website that describes everything. He stated water supplies have been dwindling due to environmental constraints and the RWSPM looks at three things: when the drought comes what we are going to do; how are we going to operate normally in order to optimize assets and energy efficiency; and risk management strategies. He reviewed the sources of water: Dry River, North River, Silver Lake and the upcoming Shenandoah River project. He stated the underlying principle of RWSMP is to provide a roadmap to a reliable 14.6 million gallons per day raw water supply that will meet an average of 12.6 million gallons per day demand. He reviewed the RWSMP drought sustainability and spoke a bit about conservation. He stated the only reliable source of water has been the North River and we have been relying on reserves from Switzer Reservoir. He stated once the Shenandoah project is finished we won't need the North River or Switzer Reservoir. He reviewed six recommendations: Maintain compliance with Virginia Administrative Code requirements for a regional and local water supply plan; renew Virginia Water Withdrawal Permit #98-1672 and comply with requirements of re-issued permit; update 55,000 feet of raw water line, transition 1959 pipe, decommission 1929 pipe and decommission the 1898 pipe; upgrade Bridgewater Pump Station (BWPS) and noted it is the model for two other pump stations on the Shenandoah; configure intake for the temporary connection from Silver Lake in Dayton and understand long term need for Silver Lake; and finalize the South Fork Shenandoah River Raw Water Project and noted 25,000 feet of pipe have

already been installed out of the 90,000 feet of pipe required. He stated easements have been obtained from 13 stakeholders and staff met with every easement holder. He reviewed all the work done to date on this project.

**This Presentation was received and filed.**

## 8. Supplementals

- 8.a. Consider a supplemental appropriation in the amount of \$180,000 for the City's share of court renovations

Ande Banks, deputy city manager presented a supplemental appropriation request to reallocate \$180,000 from fund balance to cover the City's portion of renovations to the judicial complex in the city.

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

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

**No:** 0

## 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)**

Pamayotis "Poti" Giannakaouros, stated June 12th, 2019 is Loving Day, which is the anniversary of Loving vs. Virginia which struck down anti-miscegenation laws forbidding interracial marriage.

**9.b. City Council and Staff**

Councilman Jones thanked the Parks and Recreation Department for their help in hosting the Harrisonburg Rockingham Chamber of Commerce's Diversity in Business: Diversify Your Workforce to Strengthen Your Business event. He stated 100 people attended including speakers and presenters.

Vice Mayor Romero thanked Tom Hartman, director of Public Works for meeting with him and a number of residents last week at Clinton Street over flooding and other difficult issues. He stated residents were pleased and thankful we took the time to listen and were provided with some potential solutions. He stated he is very interested in listening to residents regarding their biggest asset - their home.

Eric Campbell, city manager, stated Jeffery Newton has been appointed superintendent of the Middle River Regional Jail. He asked Council for guidance on preparation for upcoming Council meetings as there was some concern over the

length of the meeting this evening. He stated he is seeing a trend developing of longer meetings due to items coming forth from the Community Development and Planning Department. He stated the challenge is that things are timely, and staff is not always sure what specifically will be on the agenda until the due date of the agenda. He stated if Council wants something different he is open to guidance. He stated many Council's use workshops or work sessions to address briefing items.

Council Member Baugh stated we could either have a separate meeting or meeting earlier on the same day for non-action items. Mayor Reed stated either we have a separate meeting on a different date or start the meeting earlier for those non-action items. Further discussion took place regarding the ideal process that would be acceptable to all Council Members. Mayor Reed stated it is not fair for presenters to sit through a long meeting to present. Council Member Jones stated he questions if some of the items on this evenings agenda couldn't have been postponed. City manager Campbell stated certain items are requested to be on the agenda by Council members, that is where it gets a bit sticky. Council Member Baugh stated this is a larger issue, the presentations are valuable, but we make them wait and then rush, and it is not fair to them or Council to not be as fresh as they are at 7pm. He stated he knows many jurisdictions take on another meeting to handle those non-voting items. City manager Campbell stated this may be the new normal, but time will tell. He stated staff will look into creating separate work sessions as needed. Vice Mayor Romero stated he feels it is a missed opportunity when there is a constraint on time and would be in favor to an additional meeting as needed. Council is open to a 5:30 work session as needed.

Mayor Reed congratulated all high-school graduates; this weekend is the Rockingham African American Festival on Saturday from 11:00 am to 6:00 pm at Ralph Sampson Park; Out-for-Summer pool party in Westover Park is also on Saturday from noon to 3:00 pm; Harrisonburg Police Foundation adventure race and open house is June 22; the Great American Camp-out is June 22 at Hillandale Park; and Comedy Night is on Saturday June 15 at the Court Square Theater.

**10. Adjournment**

At 11:01 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

\_\_\_\_\_  
MAYOR