



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, April 9, 2024

7:00 PM

Council Chambers

1. Roll Call

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

Also Present: 5 - City Manager Ande Banks, City Attorney Chris Brown, City Clerk Pam Ulmer, Police Chief Kelley Warner and Chief Matthew Tobia

2. Invocation

Council Member Jones offered the invocation

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

4. Special Recognition

4.a. Proclamation recognizing Arbor Day

Vice Mayor Dent presented the proclamation to Jeremy Harold, Greenspace manager, Public Works, recognizing Arbor Day 2024. Mr. Harold thanked Council for their support in the Urban Forestry Program and introduced Brooke Imber, art teacher, Keister Elementary School. Ms. Imber spoke on the new outdoor learning spaces at Keister Elementary School.

4.b. Proclamation recognizing May 2024 as National Cities, Towns, and Villages Month

Council Member Jones read the proclamation recognizing May 2024 as National Cities, Towns and Villages Month. Mayor Reed stated the National League of Cities will be stopping in Harrisonburg for their Road Show Tour on April 17, 2024.

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 Jones, seconded by Council Member Fleming, to approve the consent agenda as presented. The motion carried with a roll call vote as follows:

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

No: 0

5.a. Minutes from the March 26, 2024 City Council Meeting

These minutes were approved on the consent agenda

5.b. Consider a request from Edwin E. Joya to rezone a portion of 705 and 707 North Main Street

This rezoning request was approved on second reading.

5.c. Consider adopting an ordinance amendment and reenactment for Sections 16-6-41, Discharge of Firearms within City Limits, and Section 16-6-42, Archery Season to Hunt Deer, of the Code of Ordinances, City of Harrisonburg

This ordinance amendment was approved on second reading.

5.d. Consider amending and reenacting Sec. 7-3-67. - Elevation of building sewer; lifting of sanitary sewage where building drain is too low; Sec. 7-4-9.- Adjustments for excessively high consumption, of the Harrisonburg City Code Sec. 7-5-2. - Watershed west of Rawley Springs - Hunting, Fishing, etc., allowed; exception; Sec. 7-5-3. - Same - Permit required for fishing.

This ordinance amendment was approved on second reading.

6. Public Hearings

6.a. 2024 CDBG Annual Action Plan

Kristin McCombe, CDBG Program Manager, presented the 2024 CDBG Action Plan. She reviewed what the CDBG Program's history and what it is, the estimated allocation, rollover funding, the Housing and Property Improvement allocations, the Community and Public Facilities allocations, the Planning and Administration allocation, the Public Services allocations, and the schedule for the public comment.

At 7:17 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, March 26, 2024.

Joyce Nussbaum, director of Senior Services, Valley Program for Aging Services (VPAS), thanked Council for their continued support including the support for Meals on Wheels. She explained how Meals on Wheels benefits many in the community, providing over 20,000 meals to 147 individuals in 2023.

Panayotis "Poti" Giannakouros, spoke on CDBG Funding and the Community Development department.

At 7:24 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

No action required

6.b. Amendments to the 2020 and 2022 CDBG Action Plans

Kristin McCombe, CDBG Program Manager, presented an amendment to the 2020 and 2022 CDBG Action Plan. She reviewed the summary of the amendment and the amendment schedule. She stated the North Liberty Gateway Art project has begun with the fabrication of the art nearing its completion and we will start seeing the island foundation and the underlying infrastructure being installed.

At 7:26 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, March 26, 2024.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:26 p.m., and the regular session reconvened.

No action required

6.c. Consider the FY2024-2025 through 2028-2029 Capital Improvement Program

Adam Fletcher, director of Community Development, thanked all the staff involved in the FY 24/25 through FY 28/29 Capital Improvement Plan (CIP) that began in late July of 2024. He reviewed what the CIP is, what information is included on the project report forms, summary tables, total funds needed compared to total funds available chart, and the 5 year CIP requests by Department.

He stated Planning Commission (6-0) recommended approval.

Vice Mayor Dent spoke on the minutes from the Planning Commission meeting regarding sustainability by asset management practices. Mr. Fletcher stated sustainability within Public Utilities is met within asset management practices by getting the most out of every asset, constantly monitoring the asset, and noted energy usage is monitored.

Council thanked Mr. Fletcher for this very important document.

At 7:36 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 Wednesday, March 27, 2024 and Wednesday, April 3, 2024

Panayotis "Poti" Giannakouros, spoke on the budget for Community Development and water usage of the poultry industry.

At 7:40 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

A motion was made by Vice Mayor Dent, seconded by Council Member Robinson, to approve the FY 24/25 through FY 28/29 Capital Improvement Plan as presented. The motion carried with a roll call vote as follows:

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

No: 0

6.d. Consider a request from Christian Genaro Rios Ochoa and Yazmin Sanchez Lopez for a special use permit to allow a convenience store at 206 and 210 Charles Street

Adam Fletcher, director of Community Development, presented a request for a special use permit for property located at 206 & 210 Charles Street for a Convenience Store in the M-1 zoning District. He reviewed the long term zoning for the area, the property, the history of the property, and the expected improvements.

He stated staff and Planning Commission (4-0) recommended approval of this request.

At 7:45 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 Wednesday, March 27, 2024 and Wednesday, April 3, 2024.

Gil Colman, Colman Engineering, representative of applicant, reviewed the request to consolidate the property to one business.

Council Member Robinson asked questions regarding the landscaping and parking that were not proffered. Mr. Colman stated it is not required but requested, and the applicant has been speaking with Public Works and is willing to do those things.

Council Member Fleming asked if the applicant had applied for one of the city's landscaping grants. Mr. Colman stated he doesn't believe so, but it is a good idea.

Panayotis "Poti" Giannakouros, spoke on a similar request at a previous Council meeting, zoning flexibility, parking and industrial traffic.

At 7:55 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

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

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

No: 0

- 6.e.** Consider a request from Joshua K. Defnall, Sarah T. Defnall, Jimmy E. Defnall, and Lynne W. Defnall for a special use permit to allow a short-term rental at as 1088 and 1094 College Avenue

Adam Fletcher, director of Community Development, presented a request for a special use permit for property located at 1088 and 1094 College Avenue to allow for a Short Term Rental (STR) in the R-2 zoning district. He reviewed the zoning of the area, long term plans for the area, the property, suggested conditions, and the difference to STR's and Homestays.

He stated staff and Planning Commission (4-0) recommended approval with the stated conditions.

At 8:01p.m., Mayor Reed closed the regular session and called the fifth public hearing to order. A notice appeared in the Daily News-Record on on Wednesday, March 27, 2024 and Wednesday, April 3, 2024.

Joshua Defnall, applicant, reviewed the process they went through with building officials, and thanked Council for their consideration.

Panayotis "Poti" Giannakouros, spoke in favor of this request and short term rentals.

At 8:07 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

A motion was made by Council Member Jones, seconded by Vice Mayor Dent, to approve the request with conditions as presented. The motion carried with a roll call vote as follows:

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

No: 0

- 6.f.** Consider a request from Wampler Martin Properties for a special use permit to allow personal service establishments at 220 Reservoir Street

Adam Fletcher, director of Community Development, presented a request for a special use permit for property located at 220 Reservoir Street to allow personal service establishments in the R-3 zoning district. He reviewed the long term plans for the area, the property, and the increased parking requirements.

He stated staff and Planning Commission (4-0) recommended approval of this request.

Council spoke on how this will help with all the issues of parking at the current location.

At 8:11p.m., Mayor Reed closed the regular session and called the sixth public

hearing to order. A notice appeared in the Daily News-Record on Wednesday, March 27, 2024 and Wednesday, April 3, 2024.

Nicholas and Josh Swartz, applicants, stated this will be a great improvement for the business to expand.

Panayotis "Poti" Giannakouros, spoke on this item and to how well Council handled the request.

At 8:15 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

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

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

No: 0

6.g. Consider a request from Bismark LLC for a rezoning to amend proffers at 325 and 335 North Liberty Street

Adam Fletcher, director of community Development, presented a request for rezoning of property located at 325 and 335 N. Liberty Street (Sage Bird Ciderworks) to amend proffers related to parking. He reviewed the previous proffers and the proffer requested to be removed to allow for a food truck onsite, the long term plans for the area, and the property.

He stated staff and Planning Commission (4-0) recommended approval of this request.

At 8:35 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 Wednesday, March 27, 2024 and Wednesday, April 3, 2024.

Zach Carlson, applicant, stated they intend to keep the existing parking less one spot for the food truck.

Panayotis "Poti" Giannakouros, stated he was in favor of this request and spoke on zoning and land use issues in the city and car dependency.

At 8:30 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

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

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

No: 0

- 6.h.** Consider a request from S&K Contracting to add a new subsection to Section 10-3-96 of the M-1, General Industrial District to allow mercantile establishments that supply parts and equipment for over the road tractors, their trailers, and heavy equipment

Adam Fletcher, director of Community Development, presented a request for a zoning ordinance amendment to section 10-3-96 (21) adding a new subsection. He reviewed the amendment requested.

He stated staff and Planning Commission (4-0) recommended approval of this request.

At 8:35 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 Wednesday, March 27, 2024 and Wednesday, April 3, 2024.

Seth Robert, representative for the applicant, stated this will allow the business to provide retail for truck parts, truck wash, etc. in the M-1 district.

Panayotis "Poti" Giannakouros, spoke about the water usage and traffic for tractor trailers in the area.

At 8:38 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

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

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

No: 0

Recess

At 8:41 p.m., Mayor Reed called the meeting into recess.

At 8:48 p.m., Mayor Reed called the meeting back into session.

7. Regular Items

- 7.h. Consider approving the installation of Virginia Department of Transportation's (VDOT) Highway Historical Marker commemorating Federal Judge John Paul, Jr.

Mayor Reed requested agenda item 7.h. be moved in front of 7.a.

Pria Dua and Elizabeth Kidd, seniors at Spotswood High School and Massanutten Regional Governor's School, and Beau Dickenson, presented a request for a historical marker honoring Judge John Paul. They shared the background of this project, the community debut at Court Square, next steps, and noted both State and National support has been received. Mr. Dickenson stated both Ms. Dua and Ms. Kidd are inaugural winners of the Barbara Johns Youth Change Agent Award given by the Virginia Council of Social Studies.

Council Member Fleming stated the showing at Court Square was very moving and professionally done.

Council Member Robinson stated she hopes that Ms. Dua and Ms. Kidd have learned the importance of that by taking the time to hear the stories from the mouths of those that lived it, to feel it, and to be able to share it, how lifechanging it can be.

Mayor Reed stated it is an opportunity for the younger generation to tell the stories of the elders and greatly appreciates what they have done.

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

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

No: 0

- 7.a. Receive findings from Planning Commission regarding City Code Section 10-1-6 and whether the proposed Fire Station #5 public facility site at 450 Mt. Clinton Pike is in substantial accord with the Comprehensive Plan

Adam Fletcher, director of Community Development, presented a review of 450 Mt. Clinton Pike, related to Fire Station #5 per Virginia Code Section 15.2-2232.

He stated staff and Planning Commission (4-0) stated it is compliance with the Comprehensive Plan.

A motion was made by Vice-Mayor Dent, seconded by Council Member Robinson, that the findings be accepted and the parcel for Fire Station #5 is in accord with the Comprehensive

Plan. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

- 7.b.** Consider a request from Daniel R. and Naomi R. Shenk, Harrisonburg Cohousing LLC, and Brenda G. Castello & Ted A. Morris to preliminarily subdivide three parcels addressed as 1816 and 1820 Country Club Road, and 640, 650, 660, 670, 680, 690, 700, 710 and 730 Keezletown Road

Adam Fletcher, director of Community Development, presented a preliminary plat with subdivision ordinance variances for Tuscan Village located on Country Club Road and Keezletown Road. He reviewed the long term plans for the area, preliminary site plan, and the requested variances.

He stated staff and PC (4-0) recommended approval of the request with the following condition:

- The developer shall install a raised crosswalk (or similar infrastructure as accepted by the Department of Public Works) in the location as generally depicted on the preliminary plat to serve pedestrians and to serve as a traffic calming measure. The design of the accepted infrastructure requires approval by the Department of Public Works.

Council Member Fleming spoke on the speed limits and traffic calming measures for the development.

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

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

No: 0

- 7.c.** Consider a request from PRR 1 LLC to rezone 1211, 1225, 1245 & 1261 Port Republic Road

Chris Brown, city attorney, stated at the March 26, 2024, City Council meeting a motion to approve failed on this public hearing item, however, this item is still outstanding since a motion for denial was not provided.

He stated both 7c and 7d can be discussed together.

Vice Mayor Dent spoke on revisions to the density that seemed to have been a concern previously.

Council Member Jones and Council Member Robinson spoke on reasons why they initially voted against this request and why they are in favor of it now.

Mayor Reed spoke on her reasons why she voted against the request originally.

Council Member Fleming spoke on his reasons why he approved the request originally.

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

Yes: 4 - Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 1 - Mayor Reed

7.d. Consider a request from PRR 1 LLC for a special use permit to allow townhomes at 1211, 1225, 1245 & 1261 Port Republic Road

Vice Mayor Dent spoke on the revisions made to the density for this special use permit request.

Discussion took place amongst Council regarding the decrease in density. Mr. Rhea, representative for the applicant, explained that the developer agrees with the decrease in density and is an acceptable condition.

A motion was made by Vice Mayor Dent, seconded by Council Member Robinson, to approve the request as presented with the condition of townhouses with no more than six units per building. The motion carried with a recorded vote as follows:

Yes: 4 - Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 1 - Mayor Reed

7.e. Consider approving the write-off of 128 Utility Bills from January 1, 2022 through December 31, 2022

Chris Brown, city attorney, presented a request to approve the write-off of 128 delinquent public utilities accounts between January 1, 2022, and December 31st, 2022, in the amount of \$26119.27 or .11% of total billings for that period. He stated there will still be collection activities for these accounts, the extensive work the Public Utilities staff puts into keeping accounts out of delinquency, and the amazing work the staff does.

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

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

No: 0

7.f. Presentation on the proposed FY 2024-25 Budget

Ande Banks, city manager, presented the proposed FY25 Budget. He reviewed the Council's 2043 Vision, the budget preparation process, the focus of the proposed budget, budget development challenges, budget highlights, new full time positions, civic and community organizations grant funding recommendations, tax and fee recommendations, population estimates, all fund expenditures, general fund revenue and expenditures, city schools budget highlights, budget calendar and the website link for the Budget in Brief.

Council advised staff to advertise proposed tax increase knowing that the increase could go down if Council sees fit during the budget process. Council agreed work sessions will be scheduled at a later date.

This Presentation was received and filed.

7.g. Consider adopting a resolution appointing Thanh Dang as Interim Zoning Administrator

Chris Brown, city attorney, stated the current zoning administrator, Evan Winkler, has resigned from his position. He stated this resolution allows the deputy director of Community Development, Thanh Dang, to be the interim zoning administrator until the position can be filled.

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

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

No: 0

8. Supplementals

8.a. Consider a supplemental appropriation in the amount of \$150,000 for the Fire Department

Ande Banks, city manager, presented a supplemental appropriation in the amount of \$150,000 for grant funds from the Virginia Department of Emergency Management, he stated the Harrisonburg Fire Department is proposing to use those funds for moveable barricades.

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

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

No: 0

9. Other Matters

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

Panayotis "Poti" Giannakouros, spoke of his living history in the city, the Stormwater Advisory Committee, public comment, and No Mow May.

9.b. City Council and Staff

Council Member Fleming spoke on the Welcoming Harrisonburg Immigrant Refugee Leadership Summit, the visit of Kosovo's Mayor, the Blacks Run Cleanup Day.

Council Member Robinson spoke on the International Women's Day planning committee presented at the Welcoming Harrisonburg Immigrant Refugee Leadership Summit, the Community Criminal Justice Board meeting,

Vice Mayor Dent spoke on the Environmental Performance Standards Advisory Committee (EPSAC) meeting, the visit of the Mayor from Prizren, Kosovo, the upcoming Bike/Walk Summit, Blacks Run Clean Up and Arbor Day, and Earth Day event.

Council Member Jones stated he hopes the Council Chambers is full as the FY 25 Budget is discussed over the next few weeks.

Mayor Reed speaks about the Inauguration of Dr. Mike Davis, her meeting with Senator Ghazala Hashmi, the visit of the Mayor from Prizren, Kosovo, and the Welcoming Harrisonburg Immigrant Refugee Leadership Summit.

Chris Brown, city attorney stated that Judge John Paul, Jr. once served as the attorney for the city of Harrisonburg.

10. Boards and Commissions

10.a. Planning Commission

This Boards and Commissions was tabled.

10.b. Stormwater Advisory Committee (SWAC)

A motion was made by Council Member Fleming, seconded by Vice Mayor Dent, to reappoint Daniel Stone and Daniel Michael and appoint Kent O'donohue and Chelsea Thomas to the Stormwater Advisory Committee. The motion carried with a unanimous voice vote.

Clerk's Note: Mr. O'donohue and Ms. Thomas were previously appointed on February 13th, 2024, and Mr. Michael resigned prior to this meeting. Therefore, only one reappointment valid – for Mr. Daniel Stone for a full 1st term to expire on April 28, 2027.

11. Adjournment

At 10:22 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR