



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Draft City Council

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Tuesday, July 9, 2024

7:00 PM

Council Chambers

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### 1. Roll Call

**Present:** 4 - Mayor Deanna R. Reed, Vice-Mayor Laura Dent, Council Member Dany Fleming and Council Member Monica Robinson

**Absent:** 1 - Council Member Christopher B. Jones

**Also Present:** 5 - City Manager Ande Banks, City Attorney Chris Brown, City Clerk Pam Ulmer, Chief Matthew Tobia and Deputy Police Chief Rod Pollard

### 2. Invocation

Vice Mayor Dent offered the invocation

### 3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

### 4. Special Recognition

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

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

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

**No:** 0

**Absent:** 1 - Council Member Jones

#### 5.a. Minutes from the June 25, 2024 City Council meeting

These minutes were approved on the consent agenda

### 6. Public Hearings

#### 6.a. Consider approving an ordinance amendment to Section 7-4-1(a)(b) of the Harrisonburg City Code increasing water, sewer/authority, and 7-4-1(e) other charges - large meter testing charge

Chris Brown, city attorney, reviewed the ordinance amendments related to an increase in water and sewer rates.

At 7:07 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, June 17, 2024, and Monday, June 24, 2024.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:07 p.m., and the regular session reconvened.

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

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

**No:** 0

**Absent:** 1 - Council Member Jones

**6.b. Consider granting an easement to the Town of Dayton for a nature trail**

Chris Brown, city attorney, presented a request for an easement by the Town of Dayton for a nature trail around Silver Lake, as the city owns the parcel the trail would need to cross. He stated there is language in the deed to allow the city to either relocate or remove the easement should the city find it necessary.

At 7:10 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, July 1, 2024.

Brian Borne, town manager for Town of Dayton, stated this is the last piece of easement needed to begin with the trail construction and appreciates Council's approval.

Taylor Evans, Valley Conservation Council, stated they have been a partner in this project and appreciate Council's consideration.

Kim Woodwell, Alliance for the Shenandoah Valley, stated they have been a partner on this project as well.

Cheryl Wyant, resident of Dayton, stated she has also been working on this project and hopes this project will help the wildlife in the area.

At 7:14 p.m., Mayor Reed closed the public hearing and the regular session

reconvened.

Council Member Fleming stated he likes partnering with another local community and hopes this will be a very positive project for Dayton.

Council Member Robinson stated she is impressed with the collaboration of non-profit organizations on this project, and it is a great project.

Vice Mayor Dent stated she is looking forward to walking on the trail, it is a beautiful area and beautiful lake.

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

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

**No:** 0

**Absent:** 1 - Council Member Jones

**6.c.** Consider a request from Yanahina Montoya Centeno to rezone 448 Kelley Street

Adam Fletcher, director of Community Development, presented a rezoning request from R-2 to R-8C for property located at 448 Kelley Street. He reviewed the surrounding area zoning designations, the property, and the submitted proffers.

He stated staff and Planning Commission (4-0) recommend approval of the request.

At 7:20 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, June 26, 2024, and Wednesday, July 3, 2024.

Yanahina Montoya Centeno, applicant, stated she wants to add a front porch to house, for the safety of her children and to improve the house.

At 7:22 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Robinson stated this property owner has made some great improvements to the property; the porch will add not only value to the house but also allow extra space to the entrance of the home.

Council Member Fleming stated this improvement will build value to the home.

Vice Mayor Dent stated this is yet another use of the R-8 zoning designation.

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

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

**No:** 0

**Absent:** 1 - Council Member Jones

**6.d.** Consider Zoning Ordinance amendments to modify regulations associated with the location of private refuse collection facilities

Adam Fletcher, director of Community Development, reviewed the proposed ordinance amendments related to private refuse collection facilities. He stated these amendments will require the refuse containers to be screened in and are specific as to where these facilities cannot be located.

He stated staff and Planning Commission (4-0) recommended approval of the amendments.

Further discussion took place regarding locations of the private refuse collection facilities on vacant lots and how this will improve the aesthetics of the sites.

At 7:38 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, June 26, 2024, and Wednesday, July 3, 2024.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:39 p.m., and the regular session reconvened.

Council Member Fleming stated he appreciates staff's attempt to add flexibility to those doing construction, and their diligence in taking care of these small details.

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

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

**No:** 0

**Absent:** 1 - Council Member Jones

**6.e.** Consider a request from Farhad Koyee and Bahar Mikeal for a special use permit to allow multiple-family dwellings on a portion of 50 Baxter Drive

Adam Fletcher, director of Community development presented agenda items 6e, 6f and 7a together.

He presented requests for property located at 50 Baxter Drive, for a special use

permit to allow multiple-family dwellings, a special use permit to allow manufacturing, processing and assembly operations, and a preliminary plat with variance to subdivide. He reviewed the surrounding zoning designations, proposed site plan, intended purpose of the parcels, parking requirements, and the conditions recommended by staff and Planning Commission as follows.

For the Multi-Family Units conditions:

1. Between 18 and 36 parking spaces shall be provided.

For the manufacturing, processing and assembly operations conditions:

1. The special use permit shall only be applicable for a dietary supplement manufacturing operation or a substantially similar operation.
2. The special use permit shall be restricted to no greater than 6,000 square feet of gross floor area.
3. If in the opinion of Planning Commission or City Council, the 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

He stated staff and Planning Commission (4-0) recommended approval of all three requests with the conditions as presented and staff recommended extension of the special use permit approvals from 12 months to 24 months.

At 7:58 p.m., Mayor Reed closed the regular session and called the fifth and sixth public hearing to order. A notice appeared in the Daily News-Record on Wednesday, June 26, 2024, and Wednesday, July 3, 2024.

AK Koyee, applicant and owner, stated they have been working closely with staff throughout the process. He stated they tried to use the property for the best use possible as well as provide single family dwellings in which the housing study suggested is needed in the city. He shared the intended use of the manufacturing space and company model. Further discussion took place regarding the business model, parking spaces provided, and the housing units.

At 8:24 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 Fleming, to approve the special use permit request as presented. The motion carried with a recorded roll call vote taken.**

**An amended motion was made by Vice Mayor Dent, seconded by Council Member Fleming, to approve the special use permit request with stated conditions to include the extension as presented. The motion carried with a recorded roll call vote taken as follows:**

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

**No:** 0

**Absent:** 1 - Council Member Jones

- 6.f.** Consider a request from Farhad Koyee and Bahar Mikeal for a special use permit to allow manufacturing, processing and assembly operations on a portion of 50 Baxter Drive

presented with agenda item 6.e.

**A motion was made by Vice Mayor Dent, seconded by Council Member Robinson, to approve the special use permit request with stated conditions to include the extension as presented. The motion carried with a recorded roll call vote taken as follows:**

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

**No:** 0

**Absent:** 1 - Council Member Jones

## **7. Regular Items**

- 7.a.** Consider a preliminary plat with variance to subdivide a +/- 1.14-acre property at 50 Baxter Drive

presented with agenda item 6.e.

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

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

**No:** 0

**Absent:** 1 - Council Member Jones

- 7.b.** Consider a request from Decoven Farms LLC for the City of Harrisonburg to provide water service onto property located at 5262 & 5304 Rawley Pike within Rockingham County

Adam Fletcher, director of Community Development, presented a request for public utilities connection for a non-residential use at property located outside of city limits, located at 5262 and 5304 Rawley Pike. He stated this request would be for a separate connection to be used for a dairy farm operation.

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

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

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

**No:** 0

**Absent:** 1 - Council Member Jones

**7.c.** Consider approving the City Manager to enter into a contract with the Weldon Cooper Center to conduct a population analysis.

Ande Banks, city manager, stated at the June 25, 2024, City Council meeting, Council directed Mr. Banks to review and prepare a process associated with a population analysis with the assistance of Weldon Cooper Center. He stated he reached out with the team at the Weldon Cooper Center, and they provided a scope of services, potential schedule and cost associated with that analysis. He reviewed the scope of the analysis and stated the earlier start date would be September 1, 2024 if Council approves this request.

Council Member Fleming stated this is a very important project in order to get a more accurate population analysis and will help us effectively plan for future growth with schools, infrastructure, housing etc.

Vice Mayor Dent asked how this differs from the regular population reports we get from Weldon Cooper. Mr. Banks stated they use a methodology across localities, this would take that methodology but dig deeper into the specific trends, population analysis and population trends and would be specific to the city.

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

**8. Other Matters**

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

none

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

Mayor Reed asked that Council Member Jones and his family be kept in our thoughts and prayers for a death in the family.

Matthew Tobia, Chief of Harrisonburg Fire Department, stated on July 10, 2024, the Annual Pizza Night event will take place. The Fire Department will provide a free cheese pizza to any city resident that calls and allows the Fire Department to check their smoke alarms. He stated at last year's event over 1000 smoke alarms were checked, over 100 smoke alarms were installed, and 50 carbon monoxide alarms were installed. He stated in the last five years there has only been one fatality due to fire.

Vice Mayor Dent spoke on the following: the Levitt AMP Concert Series; the Fourth of July event downtown; the Strength in Peers housewarming; and her attending a Chesapeake Bay Watershed local advisory committee meeting.

Council Member Fleming spoke on the Strength in Peers housewarming; an upcoming meeting with the program director from the Levitt Foundation; an upcoming Virginia First Cities Access to Housing Committee meeting; and acknowledged the passing of someone in Council Member Robinson's family.

## **9. Boards and Commissions**

### **9.a. Stormwater Advisory Committee (SWAC)**

A motion was made by Council Member Fleming, seconded by Vice Mayor Dent, to appoint Ferwerdin Barzanji to an unexpired term to expire on April 28, 2027, and Wesley Runion, to a full term to expire on July 9, 2027, on the Stormwater Advisory Committee (SWAC). The motion carried with a unanimous voice vote.

## **10. Closed Session**

## **11. Adjournment**

At 8:52 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