



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, September 10, 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: 6 - City Manager Ande Banks, Deputy City Manager Amy Snider, 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 Robinson, 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 August 27, 2024 City Council meeting

These minutes were approved on the consent agenda

5.b. Consider the special event application request for the Rocktown Turkey Trot on Thursday, November 28, 2024.

This special event application was approved on the consent agenda.

5.c. Consider the special event application request for HDR's Winter Wonderfest & Harrisonburg's Holiday Parade on Saturday, December 7, 2024.

This special event application was approved on the consent agenda.

- 5.d. Consider a supplemental appropriation for the Blacks Run Stream Restoration project
This supplemental appropriation was approved on second reading.

6. Public Hearings

- 6.a. Consider the carryover and reappropriation of unexpended prior year grants and outstanding prior year encumbrances, requested by department heads and by the School Board, in the amount of \$31.2 million.

Larry Propst, director of Finance, presented a supplemental appropriation request in the amount of \$31.2M, which is for encumbrance and grant carry overs from the previous year.

Discussion took place as to what the funds are carried over for such as ARPA projects and capital funds.

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 Friday, August 30, 2024.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:08 p.m., and the regular session reconvened.

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

- 6.b. Consider a request from Paulin Mupenda Makungu and Beni Ndjoni Tamnwe for a special use permit to allow a major family day home at 1561 Gilmer Circle

Adam Fletcher, director of Community Development, presented a special use permit request for property located at 1561 Gilmer Circle, to allow for a major family day home. He reviewed the definition of major family day home, the property, the long term plans for the area, the surrounding properties, and licensing requirements.

Discussion took place regarding the access to a door, which doesn't impact the special use permit, and Mr. Fletcher informed that the Virginia DOE will make conditions if improvements are needed for licensing.

He stated staff and Planning Commission (6-0) recommended approval with the following condition:

- 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 revocation of the permit.

At 7:16 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 Wednesday, August 28, 2024, and Wednesday, September 4, 2024.

Ehsan Seth, 1100 Decca Drive, spoke on his concerns about increase in traffic and safety concerns.

Barbara Keppel, 1510 Gilmer Circle, spoke on his concerns about increase in traffic and safety concerns.

Paulin Mupenda Makungu, applicant, stated he most likely will not be caring for the maximum number of children, he has spoken to his neighbors regarding his desire for this special permit, and most were in favor.

Panayotis "Poti" Giannakouros, spoke on the city being a welcoming place to live.

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

Vice Mayor Dent stated she sees this as a minor inconvenience for a few people but a major need for a lot of people. She would like to see more of these types of requests in other neighborhoods.

Mayor Reed stated childcare is something that Council supports; she appreciates the applicant reaching out to their neighbors.

Council Member Fleming stated this property could have by-right up to 4 children, the applicant has requested to go through the process with oversight for the larger number, there is the need for this in the city, and if communication stays open between the neighbors, problems with traffic can be addressed.

Council Member Robinson stated most children are not dropped off or picked up at the same time and feels sure that people will be more cautious with driving in that area.

Council Member Jones shared a personal story of his home daycare experience and expressed excitement for this request.

A motion was made by Council Member Jones, seconded by Council Member Robinson, to approve the request as presented with recommended condition. 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

6.c. Consider Zoning Ordinance amendment to modify regulations associated with the

validity period of special use permits

Adam Fletcher, director of Community Development, presented a zoning ordinance amendment related to the validity period of Special Use Permits increasing from 12 months to 36 months for residential and electrical generation projects i.e. solar. He reviewed the 2024 General Assembly bill.

He stated staff and Planning Commission (6-0) recommend approval of the request.

At 7:37 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, August 28, 2024, and Wednesday, September 4, 2024.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:38 p.m., and the regular session reconvened.

A motion was made by Council Member Fleming, seconded by Vice Mayor Dent, 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 Dent, Council Member Jones, Council Member Fleming and Council Member Robinson

No: 0

6.d. Consider Zoning Ordinance amendments to allow and regulate urban honeybees

Adam Fletcher, director of Community development presented an ordinance amendment and enactment related to the keeping of urban honeybees. He reviewed the amendments and public engagement results.

He stated staff and Planning Commission (6-0) recommended approval of the amendments and enactment.

At 7:46 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, August 28, 2024, and Wednesday, September 4, 2024.

Panayotis "Poti" Giannakouros, spoke on his comments provided to the Planning Commission, a petition that was circulated, legislation from Pennsylvania regarding bee keeping, and how he is against putting beekeeping in the hands of Community Development rather than Public Works.

At 7:52 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Fleming stated bees are vital to the agriculture in our area and allowing beekeeping in the city makes a lot of sense.

Vice Mayor Dent stated it is better to keep the bees local rather than trucking in bee hives for local agriculture.

A motion was made by Vice Mayor Dent, seconded by Council Member Robinson, to approve the ordinance amendments and enactment as presented. 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

6.e. Public Hearing for PY2023 CDBG CAPER

Kristin McCombe, Community Development Block Grant Coordinator, presented the Consolidated Annual Performance & Evaluation Report (CAPER) Summary for the 2023-2024 Program year. She stated this presentation allows staff to report on and receive comments in regard to accomplishments and progress toward our CDBG's Five-Year Consolidated Plan goals. She reviewed the projects and their statuses. She stated this 15-day public comment period is now open and will end on September 26, 2024, at 9:00 am. She provided information on how comments can be submitted.

At 7:58 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 Wednesday, August 28, 2024.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:58 p.m., and the regular session reconvened.

No action required.

7. Regular Items

7.a. Presentation on 2024 November Election

Mark Finks, director of Elections and general registrar, presented on how his office is preparing for the 2024 general election and what has been done to date. He reviewed the following:

- What is on the ballot for November 5, 2024;
- Proposed Constitutional Amendment;
- Important dates;
- Registered Voters from 2008 - July 2024;
- Department Structure
- Department Organizational Chart
- Duties of the general registrar;
- Voter Registrar Office Staff;

- Officer of Election, Electoral Boards hours;
- Voter Registrations - Transactions Processed as of July 2024;
- Projected turn out;
- November 2023 vs November 2020 election turnout;
- Early voting at City Hall;
- Vote by mail;
- Election Day, November 5, 2024;
- The purpose of the canvass;
- Election Integrity and machine testing;
- Challenges in 2024;
- Equipment updates 2024;

Vice Mayor Dent stated it is suggested that everyone votes early to avoid the confusion and crowds.

Council Member Fleming stated Mr. Finks does an excellent job.

No action required.

7.b. Consideration of Harrisonburg Entrepreneurship Development Initiative - Pilot Project

Brian Shull, director of Economic Development, and Peirce Macgill, deputy director of Economic Development, presented on the Entrepreneurship Development Initiative. Mr. Shull thanked Council on their support of entrepreneurship in the city, he is very proud of the toolbox available for small businesses that included training resources, small business resources, etc. He stated in the spring of 2024 \$100,000 was allocated by Council towards small business assistance, and he feels the Harrisonburg Entrepreneurship Development Initiative will help the city better serve entrepreneurs. He reviewed the existing programs offered:

- Launch Harrisonburg;
- Partnership with the Small Business Development Center;
- Business Loan Program;
- B-Cubed;

Mr. Shull stated the key component missing in these programs is the technical assistance, and that this program will provide for 1 on 1 advice from a paired mentor on specific matters such as marketing, contracting, etc. He reviewed the plan on obtaining a consultant with a team of advisors to meet local needs and how those advisors would be used.

Mr. Macgill reviewed the eligibility parameters and the goals of the program.

Discussion took place regarding the number of businesses that could benefit from this program, what a wonderful opportunity for many small businesses this is, and how important it is for a business to be a member of the Chamber of Commerce.

A motion was made by Council Member Jones, seconded by Council Member Robinson, to approve the request as presented. 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.c. Railroad Crossing Elimination Grant - Resolution of Support

Luke Morgan, grants compliance coordinator, presented a resolution supporting the Railroad Crossing Elimination Program Grant. He reviewed what the program consists of, who it is funded by, the match required, application due date, eligible uses, application tracks and project stages, the history of crossing elimination in the city, the study area, and the proposed application.

Discussion took place concerning the study area.

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

7.d. Consider approving a resolution setting the percentage of Personal Property Tax Relief to Tax Year 2024

Chris Brown, city attorney, request Council adopt a resolution to set the percentage of personal property tax relief for 2024 to 18.6%.

A motion was made by Council Member Robinson, seconded by Council Member Fleming, to adopt the resolution as presented. 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.e. Presentation on the Residential Pipeline

Liz Webb, housing coordinator, presented an update on the residential pipeline. She reviewed the following:

- Estimated Housing Needs by 2025 as presented in the 2021 Housing Study;
- Housing inventory based on the 2022 Census data;
- Pipeline Report notes;
- Pipeline Summary - non-student-use approved;
- Pipeline Summary -student-use approved;
- Pipeline Summary - proposed;

- Pipeline Summary - all
- Housing Built - Occupancy Certificates issued;

Discussion between Council and staff took place regarding the reflection of rezoning developments only, vacancy rate, regular updates on the pipeline, and by-right uses on private streets.

No action required.

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)

Ernie Didot, spoke on the request for lights at the city's Pickleball Courts for safety reasons and for extended play times.

Panayotis "Poti" Giannakouros, spoke on pollinator gardens in back yards, and a request for structural changes within the department of Community Development.

David Redman, spoke on the need for sidewalks on South Main Street, future planned bike lanes that are unnecessary and requested to reduce bike lanes and deny the traffic lane reduction plan around the mall.

8.b. City Council and Staff

Council Member Fleming spoke on the Habitat for Humanity banquet.

Council Member Robinson spoke on the African American Festival to be held on September 14, 2024, from 12pm - 6pm at the Lucy Simms Center grounds; the Harrisonburg International Festival to be held on September 28, 2024, from 12pm to 6pm downtown; and the Shenandoah Valley Pride Festival to be held on September 21, 2024, downtown.

Council Member Jones stated the Pickleball Court needs, and the Entrepreneurship Development Initiative should be discussed at a future meeting with both JMU and EMU;

Vice Mayor Dent spoke on the recent presentation of the Navigation Center at the Lucy Simms Center; a Sol Smart Zoning Training webinar she attended; and the Northend Greenway presentation.

Mayor Reed spoke on the Farmers Market will be celebrating their 40th anniversary on September 14, 2024;

Ande Banks, city manager, stated on September 11, 2024, we remember the tragedy of 9/11/ where 3000 people died, he and Chief Tobia marked it on September 8, 2024, by a with a stair climb at JMU to equal the stairs the first responders climbed on that day. He stated Chief Tobia noted that a staggering number of first responders have passed since then because of health impacts, cancer, and other ailments associated with their response at the site of 9/11. He stated we keep the families and victims in our hearts and minds and that we will never forget.

9. Closed Session

10. Adjournment

At 9:41 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR