



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Final City Council

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Tuesday, June 11, 2024

7:00 PM

Council Chambers

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### 1. Roll Call

**Present:** 3 - Mayor Deanna R. Reed, Council Member Christopher B. Jones and Council Member Monica Robinson

**Absent:** 2 - Vice-Mayor Laura Dent and Council Member Dany Fleming

**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

**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 Robinson, that the consent agenda be approved. The motion carried with a recorded roll call vote taken as follows:

**No:** 0

**Absent:** 2 - Vice-Mayor Dent and Council Member Fleming

**5.a.** Minutes from the May 28, 2024 City Council meeting

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

**5.b.** Consider a request from Liberty Street Investments LLC to rezone 162 West Elizabeth Street

**This rezoning request was approved on second reading**

**5.c.** Consider a request from David L. Snyder to rezone tax map parcel 34-C-2 (415 North Liberty Street)

**This rezoning request was approved on second reading**

- 5.d.** Consider amending and reenacting Sec. 7-1-9.- Discontinuance of service for delinquency in payment of utility bills; generally.

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

- 5.e.** Consider amending and reenacting the Proposed Municipal Separate Storm Sewer System (MS4) Ordinance Amendment Section 7-6-5 of the City Code

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

- 5.f.** Public hearing regarding the real estate tax rate for Fiscal Year 2024-2025 to be set at \$1.04 per \$100 of assessed value

**This was approved on second reading.**

- 5.g.** Consider a supplemental appropriation for the construction of Fire Station 5

**This supplemental appropriation was approved on second reading**

- 5.h.** Consider a supplemental appropriation for various departments

**This supplemental appropriation was approved on second reading**

## **6. Public Hearings**

- 6.a.** Consider a request from Mehre Tu Zeray Tekle and Rahel Yosief Hailu for a rezoning to amend the Brookside Park Master Plan to create exceptions for 979 Roberts Court

Adam Fletcher, director of Community Development, presented a request for property located at 979 Roberts Court to amend the master plan for Brookside Park. He reviewed the long-term plan for the area, the surrounding area, Brookside Park's timeline, the property and the applicant's reason for the request.

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

At 7:11 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 Wednesday, May 29, 2024, and Wednesday, June 5, 2024

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:12 p.m., and the regular session reconvened.

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

**Yes:** 3 - Mayor Reed, Council Member Jones and Council Member Robinson

**No:** 0

**Absent:** 2 - Vice-Mayor Dent and Council Member Fleming

**6.b.** Consider a request from Trustees Chicago Avenue Mennonite Church for a special use permit to allow a child day care center at 1552 South High Street

Adam Fletcher, director of Community Development, presented a request for a special use permit to allow a Child Day Care Center at 1552 S. High Street. He reviewed the surrounding properties, the property, and a rendering of the project.

He stated staff and Planning Commission (6-0) recommended approval with one condition as follows:

- 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.

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, May 29, 2024, and Wednesday, June 5, 2024

Charles Hendricks, Gaines Group Architects, representative for the applicant, stated the building code will allow up to 53 children.

At 7:17 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council stated they are excited about this project; it is a great use of space and needed in the community.

**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:** 3 - Mayor Reed, Council Member Jones and Council Member Robinson

**No:** 0

**Absent:** 2 - Vice-Mayor Dent and Council Member Fleming

**6.c.** Consider amending the Zoning Ordinance to define and regulate the location of skill games

Adam Fletcher, director of Community Development, stated agenda items 6c and 6d will be presented together. He presented a request for ordinance amendments related to Skill Games and Tobacco, Smoke or Vape shops. He reviewed state legislation related to skill games, the amendments requested, the current locations of

these types of businesses, and the non-conforming uses that would occur once state legislation is passed.

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

At 7:34 p.m., Mayor Reed closed the regular session and called the third and fourth public hearing to order. A notice appeared in the Daily News-Record on Wednesday, May 29, 2024, and Wednesday, June 5, 2024

Donna Finnegan, owner of Finnegans Cove, questioned why daycare facilities are included in the 1000 ft distance requirements, most restaurants and bars that have the skill games generate more revenue and changing that could be a detriment to those small businesses.

Richard Roth, 203 Tiffany Drive, Bridgewater, owner of Valley Lanes, agreed with Ms. Finnegan, and noted that access to these skill games is highly regulated by the businesses.

At 7:39 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Jones stated since the changes related to skill games is not an immediate issue that needs to be addressed, therefore he suggested staff and Community Development further discuss the impacts on small businesses in the city and make amendments to the ordinance revision accordingly. Chris Brown, city attorney, stated there is time to review and bring it back to Council.

**A motion was made by Council Member Jones, seconded by Council Member Robinson, to table the ordinance amendment related to skill games. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 3 - Mayor Reed, Council Member Jones and Council Member Robinson

**No:** 0

**Absent:** 2 - Vice-Mayor Dent and Council Member Fleming

**6.d.** Consider amending the Zoning Ordinance to further regulate the location of tobacco, smoke, or vape shops

presented with agenda item 6c

**A motion was made by Council Member Jones, seconded by Council Member Robinson, to approve the ordinance amendment related to tobacco, smoke, and vape shops as presented. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 3 - Mayor Reed, Council Member Jones and Council Member Robinson

**No:** 0

**Absent:** 2 - Vice-Mayor Dent and Council Member Fleming

## 7. Regular Items

- 7.a.** Consider a request from Cobblers Valley Development LLC to preliminarily subdivide 585 Pear Street

Adam Fletcher, director of Community Development, presented a request for preliminary plat with variance for property located at 585 Pear Street. He reviewed the long term plans for the area, the property, the history of the property, and the existing proffers.

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

**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:** 3 - Mayor Reed, Council Member Jones and Council Member Robinson

**No:** 0

**Absent:** 2 - Vice-Mayor Dent and Council Member Fleming

- 7.b.** Consider a request from J&D Group LLC to preliminarily subdivide 465 Pear Street

Adam Fletcher, director of Community Development, presented a request for preliminary plat with variance for property located at 465 Pear Street. He reviewed the long term plans for the area, the property, the history of the property, existing proffers, and the plat.

He stated Staff and Planning Commission (5-0) recommend approval.

**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:** 3 - Mayor Reed, Council Member Jones and Council Member Robinson

**No:** 0

**Absent:** 2 - Vice-Mayor Dent and Council Member Fleming

- 7.c.** Planning Commission Annual Report 2023

Adam Fletcher, director of Community Development, presented the Planning Commission Activity Report for 2023. He reviewed the activity from 2016 through 2023.

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

**Yes:** 3 - Mayor Reed, Council Member Jones and Council Member Robinson

**No:** 0

**Absent:** 2 - Vice-Mayor Dent and Council Member Fleming

- 7.d.** Consider adopting a Resolution recognizing June 20, 2024 as World Refugee Day, and annually thereafter.

Chris Brown, city attorney, presented a resolution recognizing June 20, 2024, as World Refugee Day. He read the resolution and noted that although the resolution stated that June 20th of all future years will be recognized as World Refugee Day, future Councils have the option to rescind the resolution at any time.

Council Member Jones stated it is wonderful that Juneteenth and World Refugee Day are celebrated the same week and celebrate our culture together.

Mayor Reed stated when Council created their vision for the city, it started out with a priority to make sure the city is a city for all, this is exactly what is needed. She thanked everyone for choosing Harrisonburg to be their home.

Council Member Robinson stated the city has come a long way in terms of acceptance, it's been great to see how the city has grown and how everyone is a part of the city now.

Mayor Reed presented the resolution to Rodrigue Makelele.

Rodrigue Makelele, Virginia Community Organizer for Church World Service, thanked Council for recognizing Harrisonburg as a world refugee city. He spoke about his successful work with state legislation on foreign trade nurses, medical practitioners and teachers to be licensed to work in the state of Virginia.

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

**Yes:** 3 - Mayor Reed, Council Member Jones and Council Member Robinson

**No:** 0

**Absent:** 2 - Vice-Mayor Dent and Council Member Fleming

- 7.e.** Consider enacting Section 10-8-1 - Affordable Housing Fee Waiver Program to the City Code of Ordinances

Chris Brown, city attorney, presented an ordinance enactment related to fee waiver for affordable housing. He reviewed the amendments and how the program will work. Liz Webb, housing coordinator, stated some of the details are still being ironed out, but the idea that we can partner this with other tools such as housing counseling

agencies, etc.

Council Member Jones stated this program meets what has been discussed at a national level and goals from Council retreat.

Council Member Robinson stated this is another step in removing barriers to affordable housing and first time homeownership.

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

**Yes:** 3 - Mayor Reed, Council Member Jones and Council Member Robinson

**No:** 0

**Absent:** 2 - Vice-Mayor Dent and Council Member Fleming

**7.f.** Consider a refund for a portion of the 2024 Business Professional and Occupational License (BPOL) tax for one business.

Chris Brown, city attorney, presented a request for a Business Professional and Occupational License (BPOL) tax refund for a portion of 2024 in the amount of \$21,906.66.

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

**Yes:** 3 - Mayor Reed, Council Member Jones and Council Member Robinson

**No:** 0

**Absent:** 2 - Vice-Mayor Dent and Council Member Fleming

**7.g.** Consider adopting a resolution renaming Boxwood Court to East Kaylor Park Drive, in the City of Harrisonburg, VA

Chris Brown, city attorney, presented a resolution requesting to rename Boxwood Court to East Kaylor Park Drive. He stated this is due to the construction of the new high school and road reconfigurations.

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

**Yes:** 3 - Mayor Reed, Council Member Jones and Council Member Robinson

**No:** 0

**Absent:** 2 - Vice-Mayor Dent and Council Member Fleming

## **8. Supplementals**

**8.a.** Consider a supplemental appropriation for the General Capital Projects Fund

Ande Banks, city manager, presented a supplemental appropriation for funds gifted by Presbytery of the Shenandoah in the amount of \$50,000 to the Homeless Services Center for the commercial kitchen portion.

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

**Yes:** 3 - Mayor Reed, Council Member Jones and Council Member Robinson

**No:** 0

**Absent:** 2 - Vice-Mayor Dent and Council Member Fleming

**8.b.** Consider a supplemental appropriation for lease and subscription-based IT agreements

Ande Banks, city manager, presented a supplemental appropriation addressing new regulations from the Government Accounting Standards Board, of how governments account for long term leases, specifically in our case it is for the 15 year lease of Shentel's Dark Fiber access. He stated it is now required to account for the full amount of the full term lease rather than on a monthly basis, so funds must be appropriated for the full lease period.

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

**Yes:** 3 - Mayor Reed, Council Member Jones and Council Member Robinson

**No:** 0

**Absent:** 2 - Vice-Mayor Dent and Council Member Fleming

**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)**

none

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

Council Member Robinson spoke on the Fundraiser Day at the First Baptist Church on June 22, 2024, and noted the members of the Community Connectors Team will be there; the NAACP's Juneteenth celebrations event at Bridgewater Park;



Council Member Jones spoke on the Juneteenth Celebration at Pale Fire on Sunday, June 16, 2024, from 3pm - 8pm;

Mayor Reed spoke on the Best Weekend Ever event downtown on Saturday, June 15, 2025; she stated she obtained her first appointment through the National League of Cities as member of the University Communities Council;

Ande Banks, city manager, stated this is the last meeting that Chief Kelley Warner will be attending as she will be leaving the city as previously announced.

**10. Adjournment**

At 8:32 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