



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, December 12, 2023

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: 4 - City Manager Ande Banks, Acting Deputy City Manager Amy Snider, City Attorney Chris Brown and City Clerk Pam Ulmer

2. Invocation

Mayor Reed 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 Jones 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 November 28, 2023 City Council Meeting

These minutes were approved on the consent agenda

5.b. Consider a request from Karwan K. Saeed to rezone 215 Pear Street

This rezoning request was approved on second reading.

5.c. Consider amending and restating Sections 4-2-88, -89, -92, -106, and -127 of the City Code of Harrisonburg, Virginia

This ordinance amendment was approved on second reading.

- 5.d.** Consider a supplemental appropriation in the amount of \$4.3 million for the Harrisonburg City Public Schools

This supplemental appropriation was approved on second reading.

6. Public Hearings

- 6.a.** Consider a request from Mohammed Hewa to rezone 1149 Clay Street

Adam Fletcher, director of Community Development, presented a request to rezone property located at 1149 Clay Street from R-1 to R-8C. He reviewed the property, the surrounding properties, the survey reflecting subdivision of the property, and the proffers offered.

He stated staff and Planning Commission (7-0) recommended approval of the request.

At 7:10 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, November 29, 2023, and Wednesday, December 6, 2023.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:10 p.m., and the regular session reconvened.

Council Member Fleming stated this is helping to add to our housing stock in the city one R1 to R8 at a time.

Vice Mayor Dent stated this is unusual in that we typically have been using R8's for setbacks for a porch or similar, this time we are actually adding housing.

A motion was made by Council Member Fleming, seconded by Vice Mayor Dent, to approve the rezoning 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

- 6.b.** Consider a request from Patricia Valle-Alvarez to rezone 505 Northglen Lane

Adam Fletcher, director of Community Development, presented a rezoning request for property located at 505 Northglen Lane from R-2 to R-8C. He noted this would be to bring this property into compliance. He reviewed the history of the zoning of the property, the area's long term plans, the current property, and the submitted proffers.

He stated staff and Planning Commission (7-0) recommended approval.

At 7:15 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,

November 29, 2023, and Wednesday, December 6, 2023.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:16 p.m., and the regular session reconvened.

A motion was made by Council Member Fleming, seconded by Council Member Robinson, to approve the rezoning 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

6.c. Consider amending the Zoning Ordinance to amend the definition of “Family” and add “Recovery Residence” use

Adam Fletcher, director of Community Development, presented an ordinance amendment to Title 10, Chapter 3, for consideration. He stated a new use, Recovery Residences, is being added to allow up to 8 adults by right. He reviewed the recommended amendments, the background and history associated with the ordinance, State regulations, and definition of family and recovery residence.

He stated staff and Planning Commission (7-0) recommended approval.

Chris Brown, city attorney, state the state code incorporates another section related to a minimum square footage per person which includes minors/dependents.

Council spoke on their concerns of children and adults comingling, the safety of the children, the exposure to children, supervision, etc. Council Member Fleming suggested staff do research with other locations that have recovery residences as to their ordinances and provisions provided by the recovery residence companies. Council Member Jones stated this may be one of those situations where we set the precedent and bring it to the attention of the State, as we did with the Mulch Ordinance.

At 7:40 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, November 29, 2023, and Wednesday, December 6, 2023.

Anthony Bopp, 69 Sharon Street, stated the city is required to allow recovery residences with reasonable accommodations and shared his concerns; the one on Middlebrook has 8 bedrooms converted from a 3 bedroom house and he doesn't think it has ever been inspected by the Fire Department, these need to be inspected for safety reasons; the lack of professional counselors on the premise isn't consistent with the recovery process.

Nicky Fadely, founder and executive director, Strength In Peers, stated her organization is a non-profit peer run recovery community organization located in the

city, and they have been working on and advocating the start of recovery housing in the city since 2019. She stated the model they are interested in is under the certification provided by the Virginia Association of Recovery Residences (VARR). She stated these residences are an evidence based practice with a slew of scientific evidence showing that these types of houses have positive outcomes for individuals wanting to recover from substance use and alcohol dependency and are cost effective. She stated these houses provide transitional housing and support, that without them, many would revert back to their addictions. She stated she would be more than happy to answer any questions they may have.

Jim Jenkins, 166 Franklin Street, stated the thing that scares him about zoning and planning and rules is that they could paint us in a corner; that we suddenly discover that zoning designations that were originally set up to protect the residents doesn't always work out that way.

Panayotis "Poti" Giannakouros, stated he has a concern about this model similar to short term rentals crowding out our housing stock and individuals being involuntarily placed in these recovery homes, is this a business model to exploit and abuses the residents.

At 7:56 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Fleming stated there are 250+ Oxford Houses (recovery houses), 28 in our region, yearly inspections are done by VARR on those organizations accredited through VARR, he is not sure if Oxford Houses is on that list; we need to get more information from cities that have these, there is a need for these, but we need more information from other localities as to what is happening around the state. Mayor Reed agreed.

Council Member Jones stated this is an issue we need to address further and if perhaps Child Services or the Community Services Board seen cases or issues that have rolled out of recovery houses; we have to have as much foresight as we can,

Further discussion took place about the information needed and how long children have been allowed in these residences (if at all).

A motion was made by Council Member Jones, seconded by Council Member Robinson, to table the ordinance amendment 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. Regular Items

7.a. Presentation of the City's Fiscal Year 2023 Annual Comprehensive Financial Report (ACFR)

Drew Case, Brown, Edwards and Company, thanked Council and city management for the opportunity to serve the city, he complimented Larry Propst, director of Finance, the Finance Department staff, and Tracy Shaver, Harrisonburg City Public Schools, for their cooperation and hard work in preparation for the audit this year.

He reviewed the Audit Opinion of the Financial Statement, noting an unmodified opinion for the year ending June 30, 2023, which is the highest and best opinion that an entity can receive. He stated a report on internal control was also issued, which is required for all municipal audits under the Government Accounting Standards Board (GASB), and no deficiencies were found. He stated in the audit of Federal Grant Expenditures a clean or unmodified opinion was given.

Council Member Fleming stated this is a really important document, least read, but so important, it shows that the city is in pretty good health and stable; it is important for people to understand what the audit report shows. He stated this is why we have a good credit rating.

Ande Banks, city manager, stated the city of Harrisonburg has received a Certificate of Achievement For Excellence In Financial Reporting for 28 consecutive years, and thanked Mr. Propst and his team, as well as Brown, Edwards and Company for the annual audit.

This Presentation was received and filed.

7.b. Update on ARPA Housing Development Fund

Liz Webb, housing coordinator, presented an update on the ARPA Housing Development Fund that included the following:

1. ARPA requirements;
2. Additional local goals;
3. Process Timeline;
4. Evaluation criteria;
5. Applications;
6. Selection and reasoning;
7. Recommended awards
 - a. Habitat for Humanity Suter Street Project
 - b. Harrisonburg Redevelopment and Housing Authority Commerce Village II Annex Project
8. Next steps

Ms. Webb noted there were ten applications from a mix of organizations received, for a total of \$7.6M requested, for 452 affordable units, and all new construction projects.

Vice Mayor Dent asked what an interest only loan is. Ms. Webb stated one of the

things we wanted to do with the funding was to see what types of financing would be useful to a developer, HRHA stated they would like it in line with another source of funding they are anticipating from the State, she thinks the recipient would pay interest on the loan, but the principal is deferred or forgiven. She stated the interest on these loans will come back and there will be a fund for it to be used later.

Council Member Robinson stated she likes being able to reuse funds, it is a wonderful way to get where we need to be in the housing market, she asked that since this was a reward for this year, what does that mean for the housing fund, will there be an annual competitive process. Ms. Webb stated this was ARPA funding so a one-time pot of funding, but the interest will come back to a pot we can use for other things.

Further discussion took place regarding a Housing Trust Fund, and the projects presented.

This Presentation was received and filed.

7.c. Consider approving the Harrisonburg Downtown Renaissance's Banner Project.

Andrea Dono,
Andrea Dono, executive director, Harrisonburg Downtown Renaissance (HDR), presented a request for approval for downtown banners. She reviewed the following:

- Project summary
- General design concept
- Examples of types of banners
- Partnerships

She stated HDR is excited to get this started and get some color on the downtown streets.

She stated she is asking for the City Council's approval to move forward with the banner project concept.

Mayor Reed asked if the city's brand is being used at all. Ms. Dono stated branding elements are going to be used but no logo or city seal will be on these banners. Mayor Reed asked if city staff is involved to make sure they are not a distraction to drivers. Ms. Dono stated that is all part of the partnerships, she has already been working with the Public Works Department and Ms. Amy Snider, deputy city manager. Mayor Reed asked if Council will be able to review and approve the banners before they go to print. Ms. Dono stated that can be done if Council so wishes.

Further discussion took place regarding the process of Council's approval throughout the project and if lights can be added to the banners.

A motion was made by Council Member Jones, seconded by Council Member Fleming, to approve the project 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 amending and reenacting Title 13 Motor Vehicles and Traffic, Chapter 1 Traffic and Parking Regulations, Article C Stopping, Standing and Parking Division 1 General Provisions, Section 13-1-60.01 Residential Permit Parking Zones

Amy Snider, deputy city manager, stated an interdepartmental work group which included staff from the Treasurer's Office, Public Works Department, Harrisonburg Police Department, and herself, worked on a proposed amendment to the residential permit parking red zone to remove the north side of Franklin Street between S. Federal and S. Mason Street, and the entirety of Harrison Street from the red zone. She reviewed the process of parking permit zones and noted public notices were sent out to residents on the streets affected, with three comments returned.

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 vote as follows:

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

No: 0

7.e. Consider adoption of the City Council 2043 Vision

Ande Banks, city manager, outlined the process City Council undertook to develop the Council Vision in August 2023. He stated he took this vision to the Executive Leadership Team to operationalize the vision into a work plan and will bring that back to Council in January 2024 at a work session. He stated this is the formal adoption of the 2043 City Council Vision.

Council Member Fleming thanked his colleagues for putting in the work and having the thoughtful discussions to create this vision.

A motion was made by Council Member Jones, seconded by Vice Mayor Dent, to approve 2043 City Council Vision 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. Consider a refund for a portion of the 2023 Business Professional and Occupational License (BPOL) tax for one business.

Chris Brown, city attorney, presented a request for Business Professional and Occupational License (BPOL) refund for a portion of 2023. He stated the business was sold in August of 2023, and is entitled to a prorated refund in the amount of \$14,935.94. He stated fortunately the new owner will pay the prorated license fee for

the remainder of the year so it will equal out.

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. Supplementals

8.a. Consider a supplemental appropriation in the amount of \$200,000 for the General Fund

Ande Banks, city manager, presented a supplemental appropriation in the amount of \$200,000. He stated at the September 26, 2023, City Council meeting, City Council approved a supplemental that included the carry over of various unexpended grant funds from the previous fiscal year. Included in those unexpended grant funds were ARPA funds in the city's general fund for a number of different programs. However, the unexpended grant funds did not include the \$200,000 previously approved by City Council for ARPA funding for our Business Assistance Grants which has all been distributed. He stated this request will correct that accounting error.

Vice Mayor Dent asked where the funding went. Mr. Banks stated the Business Assistance Grants funded 35 applicants awarding \$194,000 and all funds have been distributed as of December 1, 2023. He stated 36% of the businesses are minority owned, 50% are women owned, and 78% are minority or women owned, one veteran and one with disabilities.

A motion was made by Council Member Jones, seconded by Council Member Fleming, 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

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)

Kevin Gibson, Virginia Momentum, thanked Council for their support his business, he stated he has a passion to make people feel welcome to come out to the events and into downtown to participate. He stated this business started as a hobby in 2012 and has spiraled out of control in a good way, and he is now doing this full time. He thanked Matt Little, Parks and Recreation Department, Lt. Grubbs, Lt. Monahan, Capt. Kidd, and Sgt. Westfall of the Harrisonburg Police Department, for all they did for his events, especially on the holidays. He spoke about the half-marathon that is in its second year, and the draw to the city for this event, he shared the statistics of this

event, and the increased costs in hosting these events downtown. He appreciates Council's support and hopes that further conversations can be had about how the city may be able to meet in the middle with these community building events.

Panayotis "Poti" Giannakouros, stated he appreciates being able to address City Council, as a decision making body that makes decisions that affect all of our lives. He spoke on the city attorney telling Council Member Dent that the city could not ban fossil fuel infrastructure, the importance of public input, Council Member Fleming's blocking of certain organizations on social media, the Chair of Planning Commission restricting comments on social media, his appreciation of Council Member Robinson's comments on representation and what that duty is, the culture of fear and intimidation in election turnout, he hopes we can do better for the sake of people of this city.

9.b. City Council and Staff

Council Member Jones wished everyone a Happy Hanukkah, Happy Kwanzaa, Merry Christmas and happy holidays; he enjoys this season of the year.

Vice Mayor Dent stated she was made Vice Chair of the National League of Cities Energy, Environment, and Natural Resources (EENR) Committee, that means she is one of the three top representatives of cities to the Federal Government on energy and environmental issues. She stated she has been working hard with the EENR over the past three years, very carefully fine tuning the wording in the policy recommendations given to the government so they hear us and give precedence to localities. She provided an example. She stated she is excited and looks forward to working with that Committee next year. She wished everyone a happy holiday.

Council Member Robinson stated Jakob ZumFelde from Public Works, Karen Thomas, Northeast Neighborhood Association, and herself have been working on the Team Up to Slow Down signage project to do some traffic calming in the northeast neighborhood. She stated every year she does a holiday check-in, checking in on neighbors and friends and hopes others will do the same.

Council Member Fleming stated he will be meeting with a group through the National League of Cities University Communities Group and International Town and Gown Association (ITGA), developing housing surveys to go out in January 2024 to university towns across the country to get an idea of housing uncertainty. He stated he will be on a webinar with Virginia First Cities diving into the Virginia budget as to where it stands related to municipalities short falls or potential gains. He stated the Commonwealth Transportation Board had their meeting couple of weeks earlier, it was a bit of a surprise that the board pushed back on some of the SmartScale proposals that wouldn't have been favorable to us and others across the state, he feels some of that response was directly related to the work done in Harrisonburg. He stated Vice Mayor Dent and himself were at a workshop with the Department of Environmental Quality and learned about some potential opportunities for federal

grant funding. He stated we have one of the better grant writing operations in the state and hopefully will present some opportunities for us. He wished everyone a good holiday.

Mayor Reed stated she did the Thanksgiving Blessing Boxes and this month she has been gathering donations to feed First Responders on Christmas Day and she thanked all those that have helped support this effort. She stated she was invited to Vice President Harris' house for a holiday reception on December 11, 2023, and it was good to know that the Vice President remembered her. She wished everyone happy holidays.

December 26, 2023 City Council meeting cancellation

A motion was made by Council Member Jones, seconded by Council Member Robinson to cancel the December 26, 2023, City Council meeting. The vote carried with a unanimous voice vote.

City Council and Staff (continued)

Ande Banks, city manager, stated at a previous Council meeting there were questions raised about the funding to the Harrisonburg Rockingham Chamber of Commerce (HRCOC), which led city and county staff, who interestingly enough are paying the same amount, and Chamber staff to research if there was an agreement that specified the specific amount paid. He stated nothing was found and because of that Mr. Quinn, director of HRCOC, asked if the city and county wanted to go to the tier within the membership that would be representative of our organizations, ours would be for over 800 employees the membership dues would be \$2,079. He stated the current fiscal budget shows the HRCOC getting \$3,400.

Council Member Jones stated he has always scrutinized Community Contributions, we could use the difference of \$1400 to help another organization. He questions whether we should be charged at the 800 employee tier when only a small number of staff would be true participants.

Mr. Banks stated if Council wanted him to reduce the payment to HRCOC to \$2,079 he would need a vote.

Further discussion took place regarding the tier category, membership, sponsorship, representation, what payment should be made and to research this further.

Sound barriers on public property for I-81 Expansion project

Mr. Banks stated the sound wall barrier surveys as part of the Interstate 81 expansion, have been received for several public properties along that corridor, and several public properties have been identified by VDOT as impacted, and asked if there is a consensus as to how Council would like him to respond to the surveys for those public

properties.

A motion was made by Vice Mayor Dent to approve the request for sound barriers on public property. The motion carried with a unanimous voice vote.

10. Boards and Commissions

10.a. Harrisonburg Transportation Safety and Advisory Commission (TSAC)

A motion was made by Council Member Fleming, seconded by Council Member Jones, to reappoint Kyle Lawrence to the Harrisonburg Transportation Safety Advisory Committee to a 2nd term expire on December 31, 2025. The motion carried with a unanimous voice vote.

10.b. Planning Commission

Vice Mayor Dent stated she supports all four reappointment requests; they are all really powerful members on the commission. Mayor Reed stated she knows Ms. Sullivan, she is from the city, and she is a good candidate. Council Member Jones stated in the past we usually put the request for additional applications back out when there are so many upcoming vacancies. Pam Ulmer, city clerk, stated the upcoming vacancies have been posted on the city’s social media. Further discussion took place regarding reappointments, new applications, diversity, and the value of keeping experienced members on the board.

A motion was made by Vice Mayor Dent, seconded by Council Member Robinson, to reappoint Dr. Heja Alsindi to the Planning Commission for a 1st full term to expire on December 31, 2027. The motion carried with a unanimous voice vote.

A motion was made by Vice Mayor Dent, seconded by Council Member Fleming to reappoint Adriel Byrd to the Planning Commission to a full 1st term to expire on December 31, 2027. The motion carried with a unanimous voice vote.

A motion was made by Vice Mayor Dent, seconded by Council Member Fleming to reappoint Brent Finnegan to the Planning Commission to a 2nd term to expire on December 31, 2027. The motion carried with a unanimous voice vote.

A motion was made by Vice Mayor Dent, seconded by Council Member Robinson to reappoint Valerie Washington to the Planning Commission to a 1st full term to expire on December 31, 2027. The motion carried with a unanimous voice vote.

11. Closed Session

12. Adjournment

At 9:34 p.m. there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR