



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Final City Council

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Tuesday, June 13, 2023

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, Police Chief Kelley Warner and Chief Matthew Tobia

### 2. Invocation

Mayor Reed offered the invocation.

### 3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

### 4. Special Recognition

#### 4.a. Police Awards Presentation

Kelley Warner, Chief of Police, presented Detective Aaron Dove and Officer Justin Kline the Life Saving Award. Chief Warner shared the incidents in which these officers delivered life saving measures. The officers introduced their families.

Chief Warner thanked Council for the support of the Harrisonburg Police Department.

#### 4.b. Proclamation recognizing June 17, 2023 as World Refugee Day

Mayor Reed presented a proclamation for World Refugee day to Rodrigue Makelele, Virginia Refugee Organizer for Church World Service, and other meeting attendees. Mr. Makelele thanked Council for the recognition and noted World Refugee Day will be celebrated Saturday, June 17, 2023, at the Turner Pavilion, with performances and other activities. He stated he hopes we continue to raise awareness of the contributions our refugee community offers.

### 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 recorded 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 May 23, 2023 City Council Meeting

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

**5.b.** Consider the special event application request for the Valley 4th Run on Tuesday, July 4, 2023.

**This request was approved on the consent agenda.**

**5.c.** Consider the special event application request for Harrisonburg Downtown Renaissance's Levitt AMP Harrisonburg Music Series on Wednesday evenings from July 12-September 20, 2023.

**This request was approved on the consent agenda.**

**5.d.** Consider the special event application request for the Hispanic Festival on Saturday, August 5, 2023.

**This request was approved on the consent agenda.**

**5.e.** Public hearing regarding the real estate tax rate for Fiscal Year 2023-2024 to be set at \$0.96 per \$100 of assessed value

**The real estate tax rate for Fiscal Year 2023-2024 has been approved on second reading.**

**5.f.** Consider adopting Section 13-1-27 - Use of photo speed monitoring devices in highway work zones and school crossing zones.

**This ordinance enactment was approved on second reading.**

**5.g.** Consider a supplemental appropriation for the Harrisonburg City Public School division in the amount of \$2.5 million

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

**5.h.** Consider a supplemental appropriation for various departments in the amount of \$761,375.85

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

**6. Public Hearings**

**6.a.** Consider a request from Bird Dog Properties LLC to rezone 564 East Gay Street

Adam Fletcher, director of Community Development, presented a request to rezone 564 East Gay Street from R-2 to R-8 to allow for two parcels and build another dwelling. He reviewed the surrounding zoning designations, the property, and the conceptual layout provided by applicant.

He stated staff and Planning Commission (5-0) recommended approval of this request as submitted by the applicant.

Vice Mayor Dent stated the driveway to the new parcel would need to be from Hill Street. Mr. Fletcher stated that is correct. Council Member Robinson stated she likes the location of the driveway.

At 7:19 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 Tuesday, May 30, 2023, and Monday, June 5, 2023

Jim Herr, Bird Dog Properties, applicant, stated he saw an opportunity to create a single family home as there are few opportunities in the city, this home will have two bedrooms and.

Council Member Fleming asked if the applicant has a perspective family for the new home. Mr. Herr stated not yet, but the demand is high. Council Member Robinson asked if it will be a rental or a for sale home. Mr. Herr stated it will be a rental at first as the existing dwelling needs refurbishing and the current tenants can reside in the new home until the work is done.

At 7:21 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Fleming agrees we need more housing in the city, this is a perfect opportunity to use the R8 zoning.

Council Member Robinson stated she is impressed that the applicant will also be fixing up the existing dwelling.

Vice Mayor Dent stated this is a great model on expanding housing without imposing on the neighborhood.

**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:**

**6.b.** Consider a request from Sahara III LC for a special use permit request to allow

multiple-family dwellings and/or mixed use buildings at 1846 Evelyn Byrd Avenue

Adam Fletcher, director of Community Development, presented a request for a special use permit for 1846 Evelyn Byrd for a multi-family dwelling in a B-2 district. He reviewed the surrounding zoning designations, the property, the long term plans for the city for the area, the proposed site plan, and the owner/developer self-imposed conditions.

He stated staff and PC (5-0) recommended approval of this request with conditions as provided by the applicant.

At 7:32 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 Tuesday, May 30, 2023, and Monday, June 5, 2023

Gordon Weirich, Funkhouser Real Estate, representative for the developer, stated he will try to answer any questions Council may have.

Council Member Fleming asked if the handicapped unit and the 1 bedroom units would be two separate units. Mr. Weirich stated those will be separate units.

Mayor Reed stated out of 20 units, there will only be up to two one-bedroom units. She asked if this is geared towards students. Mr. Weirich stated it would be open to everyone. Mayor Reed asked what the price range will be. Mr. Weirich stated ideally it will be affordable, but not sure if considered affordable housing.

Council Member Robinson asked if these units will be rented out by bedroom or unit price. Mr. Wyrick stated ideally it would be rented out as an entire unit.

Mayor Reed stated she likes the 1-3 bedrooms as they fall into the family rental range, the bus stop also helps, she would like to see more one-bedroom units. We need housing and in order for us to handle the housing prices it takes all prices of housing, but she would like at least 2-one bedroom units.

Council Member Robinson stated she would like to see a more even amount of one, two and three-bedroom units.

Vice Mayor Dent stated it is really hard for young professionals to find one-bedroom apartments, but this would help those singles, couples and small families, and this project location is ideally located to work areas.

Dan Newberry, owner of property who will be selling property to developer, stated there is no parking in that area, not sure if the parking spaces submitted would be enough if this becomes rented by students. This needs to be considered.

At 7:41 p.m., Mayor Reed closed the public hearing and the regular session

reconvened.

Council Member Fleming stated affordability came up, not knowing what the rents would be but generally for a building that is 20-units it would be pretty hard to support lower income, probably more likely above median income. He stated we need housing across the spectrum, this would add to the stock of housing in the city.

Mayor Reed stated there is a group of young professionals that are in need of housing, and this would fit well, we would like it to be more beneficial for our families on the lower income spectrum, but this is needed as well. She would be more hesitant if this was specifically for students.

Further conversation took place regarding affordability, rental prices, etc.

**A motion was made by Council Member Fleming, seconded by Vice Mayor Dent, to approve the special use permit request as presented. The motion carried with a recorded vote 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 approving an ordinance amendment to Section 7-4-1 and 7-3-81 of the Harrisonburg City Code increasing water, sewer/authority, and Inflow and Infiltration surcharge

Chris Brown, city attorney, presented an ordinance amendment to increase water by twenty cents per 1,000 gallons, sewer rates by three cents per 1,000 gallons, and an increase in the monthly fee charge for a list of charges from \$12.00 to \$50.00 per month. He stated in April 2023, Mike Collins, director of Public Utilities presented his long term financial plan for the city's water and sewer system and what is necessary to maintain it, these numbers are a part of that and the approved FY 24 budget.

He stated this is part of the approved budget, and Sherri Sherman with Public Utilities is available for any questions.

At 7:45 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 Monday, June 5, 2023, and Monday, June 12, 2023

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:46 p.m., and the regular session reconvened.

Council Member Fleming stated our water system is often the envy of many in Virginia, this is a self-sustaining operation, when the department asks for increases to maintain the facility and services, we must support, we have an amazing water

system. He stated he appreciates Mr. Collins does his best to keep it as low as possible and keep the water flowing.

Vice Mayor Dent stated we have also recently seen the need for upgrading the sections that were built in 1898, and the ongoing maintenance to keep the systems as modernized as needed.

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

## 7. Regular Items

### 7.a. Consider approving ordinance amendments pertaining to Homestays and Short-Term Rentals - Sections 10-3-24, 10-3-25.1 and 10-3-205 of the Harrisonburg City Code

Adam Fletcher, director of Community Development, presented ordinance amendments for Homestays and Short Term Rentals. He shared the history of these amendments, and reviewed the amendments, including two amendment options.

He stated staff and Planning Commission (7-0) recommended approval of the amendments as presented in Option 1.

Mayor Reed stated she would like to see this item tabled until Council Member Jones can participate in the conversation of this item.

**A motion was made by Council Member Fleming, seconded by Vice Mayor Dent, to table this item to the July 11, 2023, City Council Meeting. 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

### 7.b. Consider a request from Friendship Properties Partners for water and sanitary sewer service for a property located at Friendship Drive in Rockingham County (County tax map parcels 94-(A)-L88 & L88B)

Adam Fletcher, director of Community Development, presented a public utility application for property located on Friendship Drive, in Rockingham County. He stated this is for a non-residential connection for three different uses: trucking

business, light industrial and development of an event center. He reviewed the property, where the water and sewer end of lines currently are, and the preliminary site plan. He stated Public Utilities provided information to the Planning Commission on the viability of the extensions.

He stated staff and Planning Commission (5-0) recommended approval of this request.

Council Member Fleming stated he read through the minutes from the Planning Commission meeting and Mr. Collins had a lot of information he provided which is really helpful and fascinating. He stated the key point around the water was that he plans for an amount of water overage that can be sold, and this is a small percentage of that total amount, this will not cause that much of a dent in our water supply.

Vice Mayor Dent stated she raised the question as to where we draw the line with providing services outside of city limits, and it seems to be limited to just the ones that are just over the city limits line, Mr. Collins didn't see concerned about the volume which satisfied her questions. Mr. Fletcher stated it is decided on a case by case, nothing is approved until Council reviews.

Further discussion took place regarding allowing other developments seeking connections.

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

## **8. Supplementals**

### **8.a. Consider a supplemental appropriation in the amount of \$155,700 for the Public Works Department**

Ande Banks, city manager, presented a supplemental appropriation for maintenance and control of the three traffic lights on James Madison University (JMU) property. He stated JMU approached the city for consideration to take over maintenance and control of the traffic lights on campus, we are amenable to this agreement and JMU pledges \$155,700 to retrofit those signals and bring them up to the expectation of city staff, and JMU will pay for any additional costs associated with maintaining those traffic lights.

A motion was made by Council Member Robinson, seconded by Vice Mayor Dent, to approve the supplemental 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

## 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

Vice Mayor Dent stated the Best Weekend Ever is this Saturday, June 17, 2023, downtown as well as the World Refugee Day presentation at 3:00 p.m. at the Turner Pavilion.

Council Member Fleming stated he went to the Valley Tech Con conference, Mr. Shull and Mr. Macgill of our Economic Development Department did a fabulous job, there were lots of good ideas flowing. He stated the Harrisonburg Department of Public Transportation's planning group had a consulting group came in to look at our public transportation options moving forward. He stated on fascinating survey they did was using cell phone data from origination point to destination point, to show where all the traffic flows are, it really helps HDPT determine where should public transportation be, where are the people coming from and going to, and will be extremely useful when making transportation more accessible in the city. He spoke on the amazing graduation ceremony at the Harrisonburg High School, so much attention and care is given by Mr. Bradley Walton, in making sure the names are pronounced correctly and with such enthusiasm.

Mayor Reed stated that pronouncing names correctly is one of the most important things one can do, and the time Mr. Walton puts into learning every student's name is incredible. She stated Sunday is Juneteenth, hosted by Council Member Jones, Kirsten Moore and herself, celebrations will be held around Magpie Diner from 3:00 to 8:00 p.m., there will be three bands, and a DJ. She stated she was not able to be at the HDPT meeting as she was at Virginia Transit Association conference in Virginia Beach. She stated the annual convention will be held in Harrisonburg in 2024. She stated she is running posts on her social media for June Men's Health Month and Father's Day celebrating the dashing dudes of Harrisonburg.



**10. Boards and Commissions****10.a. Shenandoah Valley Partnership**

voice vote

A motion was made by Council Member Fleming, seconded by Vice Mayor Dent, to appoint Peirce Macgill to the Shenandoah Valley Partnership to a fourth term to expire June 30, 2024. The motion carried with a unanimous voice vote.

**11. Adjournment**

At 8:23 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