



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, March 10, 2020

7:00 PM

Council Chambers

1. Roll Call

Present: 4 - Mayor Deanna R. Reed, Vice-Mayor Sal Romero, Council Member Richard Baugh and Council Member George Hirschmann

Absent: 1 - Council Member Christopher B. Jones

Also Present: 4 - City Manager Eric Campbell, City Clerk Pam Ulmer, City Attorney Chris Brown and Deputy Police Chief Gabriel Camacho

2. Invocation

Mayor Reed offered the invocation

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

4. Special Recognition

4.a. Proclamation recognizing March 2020 as Youth Art Month

Holly Kincaid, art educator at Skyline Middle School, stated on behalf of all the art teachers in the city, thanked Council for their support and invited Council to see the art show at the Massanutten Regional Library. She stated two students are present to give their thoughts on how art is important to them.

Faith Evans-Haywood stated she is in the Fine Arts Academy at Harrisonburg High School, it is a cool opportunity that allows her to put art into her everyday life. She stated she is able to do what she loves while also going through necessary courses.

Samantha O'Fallon, senior of Harrisonburg High School, stated art has helped her throughout her entire life as she has been able to think in a creative process. She stated she is able to think outside of the box.

Mayor Reed presented the proclamation recognizing March as Youth Art Month.

4.b. Proclamation declaring March 2020 as Brain Injury Awareness Month

Cindy Noftsinger, Executive Director, Brain Injury Connections of the Shenandoah Valley, Inc., thanked Council for recognizing them.

Mayor Reed presented the proclamation recognizing March as Brain Injury

Awareness Month.

- 4.c.** Proclamation recognizing March 2020 as Multiple Sclerosis Education and Awareness Month

Cheryl Dean, leader of the Harrisonburg MS Support Group and team captain for Walk MS, stated she has a traumatic brain injury and lives with Multiple Sclerosis.

Mayor Reed presented the proclamation recognizing March as Multiple Sclerosis Education and Awareness Month.

- 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 Baugh, seconded by Council Member Hirschmann, that this be adopted. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Mayor Reed, Romero, Council Member Baugh and Council Member Hirschmann

No: 0

Absent: 1 - Council Member Jones

- 5.a.** Minutes from February 25, 2020 City Council meeting

These minutes were approved on the consent agenda

- 5.b.** Consider a supplemental appropriation for the Harrisonburg City School division in the amount of \$568,282.85

This supplemental appropriation was approved on the consent agenda.

6. Public Hearings

- 6.a.** Consider a request from Harrisonburg Cohousing, LLC to rezone 650 Keezletown Road from R-1, Single Family Residential District to R-7, Medium Density Mixed Residential Planned Community District.

Thanh Dang, assistant director of Community Development, presented a rezoning request, for property located at 650 Keezletown Road, from R-1 to R-7. She defined the R-7 zoning district, reviewed the surrounding properties and their zoning districts, land use for the area, the conceptual plan of the development and the master plan. She stated that R-7 regulations allows for 15 dwelling units per acre, but the applicant restricted it to six dwelling units per acre. She stated the dwelling units are restricted to the south end of the property, south of the stream. She stated the remaining 2.7 acres shall be reserved as common open space and stormwater management. She reviewed the eight design objectives that must be achieved in the R-7 zoning.

Ms. Dang stated staff and Planning Commission (5-0) recommended approval of the

rezoning request.

Council Member Baugh asked why this request is for an R-7 instead of R-6. why is this. Ms. Dang stated R-6 doesn't allow all the types of housing the applicant wanted.

Council Member Hirschmann asked what type of housing is located in the mixed use along Keezletown Road. Ms. Dang stated mixed use allows all types, but the existing housing in Keezletown are single family detached dwellings. Council Member Hirschmann stated that the parking area in the proposed rezoning abuts an adjacent property that has a dwelling and asked if communication had been done with that property owner regarding any concerns. Ms. Dang stated the property owner to the west is not in favor of this rezoning, and the applicant has decided that an eight-foot fence that will be installed will address one of the adjacent property owner's concerns.

At 7:33 pm Mayor Reed closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Monday, February 24, 2020 and Monday, March 2, 2020.

Ervin Stutzman, 1315 Harmony Drive, member of Harrisonburg Cohousing (applicant), thanked staff in navigating through the complexity of the R-7 zoning and presented their case very well and hopes Council approves the request. He stated the development, Juniper Commons, is a very carefully planned neighborhood based on a vision for healthy social interaction and environmental sustainability. He stated the layout, amenities, and house plans are designed to help meet those goals and feels persons of all ages can thrive in this environment that is walkable, safe, and encourages a healthy lifestyle. He stated it provides for privacy as well as meaningful social interactions. He stated some of the concerns of some of the neighbors around this property. He stated there have been a number of meetings and conversations, and some of the specific changes in the design were specifically made in response to their concerns. He thanked Mr. Lazar with Sheeflee, LLC, for his work as a consultant and developer. He stated Mr. Lazar has lived in a cohousing community, serves as the president of the Cohousing Association of the United States, and is currently building a cohousing community in Crozet, Virginia.

Peter Lazar, Sheeflee, LLC, representative of Harrisonburg Cohousing, LLC, referred to an article in the New York Times by David Brooks, and explained what cohousing is all about. He shared photographs of other cohousing developments and noted these types of communities tend to be near college towns.

Brigitte Caine, resident in NC, stated she has been following cohousing, and is excited to see this type of housing; she feels it is the housing of the future and hopefully it comes to Harrisonburg.

Susan Fressen, 750 Keezletown Road, stated she just moved from Staunton, and has been involved in the development of Harrisonburg cohousing for about six years or

more, and picked their current house due to the proximity of where the cohousing community was planning to build. She stated there are individuals willing to move to the city to be a part of this cohousing community and hopes Council approves this request.

At 7:48 pm Mayor Reed closed the public hearing and the regular session reconvened.

Vice Mayor Romero stated he is excited about this development, although we are always looking for ways to increase the number of houses available to families that can't afford a home and this will not fall under the affordable housing category, he still is excited about seeing a model like this come to the city and increase the housing.

Mayor Reed stated she felt the same way, she was hoping to see diversity in the cohousing, however, didn't see much in the presentation, but she is glad to see what it could actually look like.

Council Member Hirschmann asked what the ball park price range for these units would be. Mr. Stutzman stated mid 200s' to mid-300's.

Council Member Baugh stated if this was a request for R-6 it would track with the land use but R-7 is very close and allows for flexibility of types of housing. He stated he likes that mixed use planned on Country Club Road, with a sea of R-1 around it; the R-7 would be a good buffer between the two uses. He stated this is something different, even though it's not like anything around, it should not be a deciding factor and that is why R-7 was created.

Mayor Reed asked Mr. Stutzman why these types of communities work well in college towns. Mr. Stutzman stated it tends to attract professionals that like social interactions that are self-governing.

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

Yes: 4 - Mayor Reed, Romero, Council Member Baugh and Council Member Hirschmann

No: 0

Absent: 1 - Council Member Jones

- 6.b.** Consider a request from Virginia Mennonite Retirement Community, Inc. for a special use permit to allow multiple family dwellings at Park Road, Spruce Court, Pine Court, Hawthorne Court, and Shank Drive

Adam Fletcher, director of Community Development presented a special use permit request for the Virginia Mennonite Retirement Community (VMRC). He reviewed the history of the R-3 (old and new), and since VMRC rezoned to the new R-3 a few years

ago, they now require a special use permit to do their project. He reviewed the surrounding property and the uses of the area. He stated the request is to demolish 12 units and rebuild 12 units on a 16-acre tract. He stated the applicant has requested the special use permit construction initiation be extended to five years. He stated the conditions recommended by staff: allows up to 12 multi-family dwelling units in the general location shown on the exhibit submitted by the applicant; and the special use permit shall be established, or any construction authorized shall be commenced and diligently pursued within five years from the approval date of the special use permit.

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

At 8:03 pm Mayor Reed closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Monday, February 24, 2020 and Monday, March 2, 2020.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 8:03 p.m., and the regular session reconvened.

Council Member Baugh stated he remembers when the R-3 was changed which was targeted more at future undeveloped property and controlling density. He stated because of that change VMRC now has to get the special use permit and they have agreed to limit to a specific type of development.

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

Yes: 4 - Mayor Reed, Romero, Council Member Baugh and Council Member Hirschmann

No: 0

Absent: 1 - Council Member Jones

7. Regular Items

7.a. Blue Ridge Community College annual update

Dr. John Downey, president of Blue Ridge Community College (BRCC), stated BRCC transforms the lives of the students they serve and supports economic development in the city as well as the region. He stated without Council's ongoing support, it could not be done. He provided packets of information for Council, which includes BRCC's Annual Report. He stated BRCC continues to serve a significant number of Harrisonburg City residents and businesses through credit programs, non-credit work force training and personal enrichment courses. He thanked city staff who support BRCC whenever they have a question or a need. He stated BRCC

works closely with the Economic Development team who were extremely helpful in a highly successful project for GoVirginia grant on cybersecurity, and the program is meeting with great acclaim and success. He stated BRCC's partnership with Harrisonburg City schools will continue to offer exceptional dual enrollment opportunities, their career coaching program, and continue to enjoy a large percentage of Harrisonburg high school graduates attending BRCC. He thanked Mayor Reed with the On the Road Collaborative and BRCC are proud to work with her and Brent Holsinger in providing outstanding career awareness opportunities to students.

Dr. Downey stated it looks as if the General Assembly is going to approve an enhanced financial aid program for students enrolling in career and technical education, which will really help prepare the workforce for this region.

Dr. Downey stated they recently opened a Bio Science building along with the support of state funding, which houses a state-of-the-art nursing training facility, a new paramedic program, and a bio manufacturing lab.

This Report was received and filed.

7.b. Consider request to write off delinquent utility accounts

Chris Brown, city attorney, recognized Mike Collins, director and Ms. Sherri Sherman, program manager for Public Utilities billing department, and stated once a year the city makes a decision to write off delinquent utility accounts. He stated the Public Utilities department has done an extraordinary job in collecting funds due to the city; this year they collected \$18.3M and are asking to write off \$25,993.82 which equals a mere 14%. He stated by Council approving the write off the collection process will continue.

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

Yes: 4 - Mayor Reed, Romero, Council Member Baugh and Council Member Hirschmann

No: 0

Absent: 1 - Council Member Jones

7.c. Report on water and sewer sustainability

Mike Collins, director of Public Utilities, stated evaluate and support the long-term financial models for both water and sewer fund that recognize the need for adequate operation and maintenance expenses, future and existing debt and capital from new growth and retirement of the existing asset, which he has rolled into the discussion of water and sewer sustainability. He stated four years ago the city partnered with a company called Econics to develop a long-term financial model which is run twice a

year during the CIP and budget time. He stated this model takes our revenue, the demand in sales, growth, expectations, rates (current and proposed), non-rate revenue, and then it is balanced against expenses such as O&M, transfers to general fund, debt capital outlay, capital expansion and R&R Capital. He stated the objective is to develop a cash position that is acceptable through rate structuring, which would allow the city to have adequate liquidity (an unencumbered balance of funds that are available) and 1.5-2.0% of funds that are in reserves.

He stated he is looking for guidance as the budget and rates for fiscal year 2020-2021 are developed. He stated the long-term model shows that the city needs to look at a 4.0% annual rate increase for water services from 2021 through 2031, and a 2.5% rate increase for sewer services from 2022 through 2029. He reviewed the rate trending for Virginia versus local rates. He stated if the rate increases per the recommendations are enacted, the increase to individuals would still be below the average for the state.

He stated staff's best estimates there are \$60M worth of water assets and \$37M of sewer assets that will need to be replaced within the next 20 years. He stated the model reflects that by the end of the 20-year period we would need to have an annual cost sustainability of operations of \$2.6M a year for water assets and \$1.9M sewer assets, however, right now our water fund can sustain about \$1.1M a year and our sewer fund can sustain about \$1.1M. He stated the strategy is to begin a very consistent long planned out funding strategy and try to back load our retirement and replacement of assets such that our rates will eventually support those. He reviewed asset management and risk management. He talked about the comparison of costs of unexpected repairs versus planned costs.

He stated he is proposing a 4% increase in water rates which he will be requesting on the upcoming budget.

Council Member Hirschmann stated it sounds like Council should expect to spend some money in the near future. Mr. Collins stated the first thing will be the water rate increase of about sixty cents per month.

Council Member Baugh stated waiting to repair until we must, never saves money. Mr. Collins stated the greatest example was when the water break happened on Port Republic Road, \$70,000 when most only cost \$7,000.

This Report was received and filed.

7.d. Consider a refund of 2019 Business Personal Property tax

Chris Brown, city attorney, presented a request for refund of Business Personal Property Tax for 2019, due to Taxpayer A had paid personal property taxes on leased vehicles but were not garaged in the city. The refund request is for the amount of

\$7,591.43 plus interest at the rate of four percent (4%).

A motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to approve the refund request as presented. The motion carried with a unanimous voice vote.

Yes: 4 - Mayor Reed, Romero, Council Member Baugh and Council Member Hirschmann

No: 0

Absent: 1 - Council Member Jones

- 7.e.** Consider Approval of Assignment by the City of Harrisonburg to the Commonwealth of Virginia ex rel. the Virginia Economic Development Partnership Authority of the City's collection rights under a Commonwealth' Development Opportunity Fund Performance Agreement dated July 31, 2015.

Chris Brown, city attorney, presented a request to approve of an assignment by the city to the Commonwealth of Virginia regarding collection rights under the Commonwealth's Development Opportunity Fund Performance Agreement dated July 31, 2015. He stated this does not come up very often; this may be the first time this has happened. He stated in 2015 a local business received a grant through the fund in the amount of \$75,000.00. He stated the funds for these grants are given to the city, and in turn the city gives it to the Economic Development Authority (EDA), and they then make the grant. He stated the business, the city and the EDA are part of a Performance Agreement and the business agrees to make at least \$1.5M in capital improvements and expenditures and create and maintain fifteen jobs averaging \$83,000 per year. He stated after the grant was secured and paid to the business, they changed their business model and did not need all of that money for capital expenditures, therefore under State Law, if they don't meet the initial requirements the state is obligated to get the \$75,000 back. He stated the city does not want to be a part of that collection process so the city and EDA will assign its collection rights under the Performance Agreement to the State and the State will then collect from the business directly. He stated Mr. Shull, Economic Director, has confirmed that the state has tried to work with the business owner and has extended their deadline for meeting the grant terms for almost two years, and they have determined the conditions are not going to be met and the money must be repaid. He stated there was a local match of \$50,000, but since the number of good paying jobs were created, the city will not pursue any kind of collection efforts.

Council Member Baugh asked what would happen if we didn't do this. Mr. Brown stated the state would ask the city to pay back the \$75,000 and the city would have to pursue collection from the business as well as making it difficult for the city and EDA to pursue any other grants.

A motion was made by Council Member Baugh, seconded by Vice Mayor Romero, to approve the request as presented and authorize the city manager to execute such

documents as necessary. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Mayor Reed, Romero, Council Member Baugh and Council Member Hirschmann

No: 0

Absent: 1 - Council Member Jones

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)

Vash Castle, asked Council to allow him to help them in very powerful situations. He has put into his thoughts the problems heard and he must come up with solutions for the city. He stated he cares about the sewer lines and the dangers they can cause. He stated for the past few years he has helped in a big way in the city by helping drug violence, drug trafficking, poverty, homelessness and education. He stated he has tried to go to the authorities who run local organizations and they were too ignorant to hear. He stated he is working in a higher office and is out in the city to become a bridge builder and will continue to help others find salvation as well as provide education to those who are willing to serve those to get out of a certain lifestyle. He stated he will continue to prepare the churches to be more supportive. He stated he cares for all people in the city and he will put in his time to grow higher in wisdom and education so certain problems can be prevented and will begin to not bring fear to the city. He stated he is grateful a shelter has been opened and he will continue to bring support to the city to take care of the budget to keep it open longer with more support and volunteers. He asked that Council and city staff provide him information when he asks so he can build solutions.

8.b. City Council and Staff

Council Member Hirschmann stated the Brent Berry Food Drive and the Berry family have been quite busy at Walmart filling busses. He stated nine schools have brought food in and the ribbon cutting, and food cart race will be on March 12, 2020 in which everyone is invited. He stated they will continue collecting food until March 15, 2020. Mayor Reed recognized the Berry family for their efforts.

Eric Campbell, city manager, stated staff has been monitoring the latest information and recommendations concerning the Corona Virus/COVID 19. He stated there are currently no diagnosed cases in our area but continue to work closely with our regional and national experts to insure all of the city of Harrisonburg departments are prepared to mitigate any concerns. He stated staff is in daily contact with the Virginia Department of Health (VDH); protocols are already in place and will continued to be utilized. He stated residents are urged to follow the CDC recommendations regarding prevention and follow trusted sources for future updates and information on this matter. He stated the important thing is to remember that this situation is fluid as

it changes by the hour, and we just have to monitor closely. He stated we have opened sustainable communication among all the various health agencies to make sure we are providing information to each other to respond appropriately as needed.

He stated we should be receiving results from the bonding agencies soon and press releases will be sent out regarding the cities bond rating related to the borrowing of the funding for the new school. He stated we are very optimistic; President Alger, (JMU) and Harrisonburg City Public Schools superintendent, Dr. Richards were involved, a tour of the city was given, our financial consultants went through the detail of our finances, and we felt really good about it.

Mayor Reed stated the artwork displayed is from students from Harrisonburg City Public Schools in celebration of Youth Art Month:

- Elizabeth Benito Antonio, Greidy Reyes, Emely Ciprian Nova and Josiah Gingerich Grade 4, Waterman Elementary School;
- Linnea Siderhurst, Grade 9, Harrisonburg High School;
- Luka, Grade 5, Smithland Elementary School;
- Eleanor Yoder, Grade 8 Thomas Harrison Middle School;
- Levi Zook, Grade 9, Harrisonburg High School;
- Lisbet Sanchez Garcia, Grade 11, Harrisonburg High School; and
- Mira Yoder, Grade 12, Harrisonburg High School

Mayor stated Households will begin receiving letters in the mail this week from the Census Bureau with information on how to complete the 2020 Census. Please complete the Census in order to ensure our community receives its fair share of federal funding. You can complete the Census by phone, on your personal electronic device, or at computers located at the Simms Center, the Community Activities Center, Massanutten Regional Central Library, City Hall, or Eastern Mennonite University Library; March 18 2020, Dr. Janice Underwood from the Governor's office will be facilitating the Virginia State Diversity Inclusion Strategic Plan, in Council Chambers, from 6pm - 8pm and you must register to attend.

9. Adjournment

At 8:54 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR