



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, July 12, 2022

7:00 PM

Council Chambers

1. Roll Call

Present: 5 - Mayor Deanna R. Reed, Vice Mayor Sal Romero, Council Member Christopher B. Jones, Council Member Laura Dent and Council Member Richard Baugh

Also Present: 4 - Deputy City Manager Ande Banks, City Attorney Chris Brown, City Clerk Pam Ulmer and Mayor Matthew Tobia

2. Invocation

Vice Mayor Romero offered the invocation.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

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 Jones, to approve the consent agenda as presented. The motion carried with a recorded vote as follows:

Yes: 5 - Mayor Reed, Vice Mayor Romero, Council Member Jones, Council Member Dent and Council Member Baugh

No: 0

5.a. Minutes from the June 28, 2022 City Council meeting

These minutes were approved on the consent agenda.

6. Public Hearings

6.a. Consider approving a request from Phone Phonelath for a special use permit to allow for a short-term rental at 41 Port Republic Road

Vice Mayor Baugh stated the Virginia State and Local Conflict of Interest Act requires that he make the following disclosure to be recorded in the city records on any matter from which he is prohibited by law from participating:

1. The transaction involved is agenda item 6(a) a request for a special use permit;
2. His personal interest in the transaction relates to the ethical requirements to which

he must adhere as a licensed member of the Virginia State Bar;
3. He affirms he will not vote or any manner act on behalf of city council on this matter

Adam Fletcher, director of Community Development, presented a special use permit to allow for a short term rental located at 41 Port Republic Road. He reviewed the property, the surrounding properties and the land use for the area and noted the property has a wrap-around driveway for ingress and egress to Port Republic Road. He reviewed the recommended conditions:

- A. Accommodations shall be within the principal building.
- B. No more than 3 accommodation spaces.
- C. The number of short term rental guests at one time shall be limited to 6.
- D. Submit a completed Short-Term Rental Pre-Operation Form and maintain compliance with the items identified in the form.
- E. Parking spaces do not need to be delineated and can be accommodated in the driveway.
- F. All vehicle movements entering and exiting the property shall do so in a forward motion.
- G. 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, where additional conditions, restrictions, or the revocation of the permit could occur.
- H. During any lodging period, there shall be no more than three vehicles on site.

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

Council Member Jones stated the condition that all vehicle movements entering and exiting the property shall do so in a forward motion (F) is not an illegal maneuver to city police and is not a ticketable offense, therefore, it should not be a required condition. Further discussion took place regarding this condition, and suggestions were made to make this a house rule by the owner but not a required condition. Chris Brown, city attorney stated if the goal is to protect motorists and pedestrians using Port Republic Road, maybe the condition should read "owner shall instruct in writing that all occupants must enter Port Republic Road in a forward motion".

Vice Mayor Romero asked if the Planning Commission placed the condition (H) of no more than three vehicles and what the reasoning for that was. Council Member Dent stated it was added by Planning Commission as they felt the space in the back yard for parking was tight. Further discussion took place regarding conditions F and H listed above.

At 7:18 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, June 28, 2022 and Tuesday, July 5, 2022,

Mrs. Phonelath, applicant, stated there is plenty of room for cars to turn around in the back yard.

Panayotis "Poti" Giannakouros, stated after reading the extracts from Planning

Commission it appeared that no one on that Commission was willing or able to provide the history of short term rental policies in the city. He spoke further on the process of how the policy came about

At 7:26 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Jones stated condition (F) should be the responsibility of the renter and feels it would be overreaching to punish the owner of the property with this condition. He stated if this becomes a problem and a nuisance, we can reevaluate the special use permit. He stated the same would be for the number of vehicles allowed, condition (H), when there is plenty of space for parking more than three vehicles. Vice Mayor Romero stated that by-right none of these conditions applied until they requested the special use permit for short term rental. He stated he feels we are trying to impose conditions that are allowed by-right. Mr. Fletcher stated staff and Planning Commission thought, knowing the safety issues on Port Republic Road, that this would be a good opportunity to suggest these conditions without being over burdensome. Further discussion took place regarding condition F and asked the applicant to place condition (F) as a house rule.

A motion was made by Council Member Jones, seconded by Vice Mayor Romero, to approve the requests as amended striking the proposed conditions F and H. The motion carried with a recorded vote as follows: Council Member Baugh abstained.

Yes: 4 - Mayor Reed, Vice Mayor Romero, Council Member Jones and Council Member Dent

No: 0

Abstain: 1 - Council Member Baugh

7. Regular Items

- 7.a. Consider adopting a Resolution of Support for seven (7) VDOT Smart Scale Grant program applications.

Tom Hartman, director of Public Works, presented a resolution of support for seven VDOT Smart-Scale grant applications and reviewed the projects submitted for funding:

- Pear St and Erickson Ave Intersection
- Bluestone Trail Extension
- N. Main St sidewalk (west side) and Bike Lanes, Vine St sidewalk
- Downtown Harrisonburg Liberty/Noll reconfiguration
- Reservoir St sidewalk
- S. Main St Corridor
- Mt. Clinton Pike Corridor

Council Member Jones asked how much public parking will be lost with the projects

on Liberty Street. Mr. Hartman stated staff hasn't come up with a specific number yet estimate to be around 30% of the on street parking will be lost, approximately 75 spaces.

Council Member Dent shared a story of a car smashing into other cars on S. High Street and Gracey St., and hopes the proposed project will help with these incidents with barriers, medians etc. between street traffic and bicycle/pedestrian traffic. She stated the more the city can do with safety zones using barriers the better. Further discussion took place regarding different types of barriers and buffers.

Mayor Reed asked if there was a plan for the Northeast Neighborhood. Mr. Hartman stated there are a lot of things being done in that area of the city such as the North Main Street, Vine Street and Commerce Street sidewalk projects, traffic calming measures, speed bumps installation at Sterling and Wolfe, stop sign reconfigurations, and noted staff is working hard to make it a safe neighborhood. He stated no projects were identified for this VDOT Smart-Scale round. Mayor Reed asked Mr. Hartman to provide a written update of these projects in the Northeast Neighborhood.

There was discussion on the safety of students crossing over S. Main Street to the new high school with the S. Main Street Corridor project.

Mayor Reed asked the size of the roundabout on the Mt. Clinton Pike corridor project. Mr. Hartman stated it is bigger than the one on Reservoir Street. Vice Mayor Romero asked about flooding in the area. Mr. Hartman stated the roundabout and other infrastructure throughout the neighborhood will balance the water flow. Council Member Dent asked for clarification on the markings around the roundabout. Mr. Hartman provided further description of those markings.

Vice Mayor Romero asked if a bulb for U-turn on the Erickson Avenue/ Pear Street project is used anywhere else in the city. Mr. Hartman stated the closest thing we have to that would be on E. Market by Chick-fil-A.

Mayor Reed asked how often the city applies for the VDOT Smart Scale Grants. Mr. Hartman stated it is once every two years. There was discussion on how funding works.

Mr. Hartman reviewed the schedule and total funding being requested.

Council Member Dent stated many of these projects tie into what was recently done with the EPSAC Transportation Focus area.

Vice Mayor Romero stated he just attended the JMU/City Liaison meeting and thanked Mr. Hartman and staff as JMU had great things to say about our Public Works department.

A motion was made by Council Member Jones, seconded by Council Member Dent, that this Resolution be adopted. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice Mayor Romero, Council Member Jones, Council Member Dent and Council Member Baugh

No: 0

- 7.b.** Consider authorizing Interim City Manager Ande Banks to execute a Property Transfer and Dedication Agreement with James Madison University for the University Blvd Relocation Project.

Tom Hartman, director of Public Works, presented a request to approve a property transfer and dedication that is associated with the University Blvd. Realignment Project. He reviewed what the transfer and dedication consist of and next steps.

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

Yes: 5 - Mayor Reed, Vice Mayor Romero, Council Member Jones, Council Member Dent and Council Member Baugh

No: 0

- 7.c.** Consider a budget adjustment in the amount of \$513,652 for the Harrisonburg City Public Schools

Larry Propst, director of Finance, stated there are a few budget adjustments due to the State passing their budget after the city did. He stated this impacted the school budget by a reduction of \$513,652.

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

Yes: 5 - Mayor Reed, Vice Mayor Romero, Council Member Jones, Council Member Dent and Council Member Baugh

No: 0

8. Supplementals

- 8.a.** Consider a supplemental appropriation in the amount of \$570,330 for the Department of Public Transportation

Larry Propst, director of Finance, presented a supplemental appropriation for the Harrisonburg Department of Public Transportation related to the Department of Environmental Quality (DEQ) Grant awarded to purchase two electric school buses.

A motion was made by Council Member Jones, seconded by Council Member Baugh, that this Supplemental Appropriation be approved. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice Mayor Romero, Council Member Jones, Council Member Dent and Council Member Baugh

No: 0

8.b. Consider a supplemental appropriation in the amount of \$710,000 for the General Capital Projects Fund

Larry Propst, director of Finance, presented a supplemental appropriation request in the amount of \$710,000 for the purchase agreement of the Shenandoah Presbytery property.

Mayor Reed stated she appreciates the support of Council on this project.

A motion was made by Council Member Jones, seconded by Council Member Baugh, that this Supplemental Appropriation be approved. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice Mayor Romero, Council Member Jones, Council Member Dent and Council Member Baugh

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)

Steven Thomas, asked if the funding in the supplemental appropriations previously voted on came from the America Rescue Plan Act (ARPA) funding. He spoke on a resolution approved by the Virginia General Assembly that declares racism a public health crisis, many localities in Virginia have since adopted the same resolution and asked Council to adopt that same resolution. He spoke on the need for ARPA funding in the Northeast Neighborhood and lack of doing so would be a perfect example to show that racism is a public health crisis and it needs to be recognized. He spoke on the proposed downtown art project at the north end gateway and how the Northeast Neighborhood Association (NENA) needs to be involved in the decision process. He spoke on the presentation from ICAD at the last Council Meeting on ARPA funding public input. He stated he feels the online survey used by ICAD did not reach a diverse enough population of the city. He stated due to Urban Renewal he feels City Council must invest the remaining ARPA funds in the communities most vulnerable population and in ways that address past harms. He referenced the three top priorities Council previously listed at the November 16, 2021, meeting as needing ARPA Funding: Fire Station, homeless shelter and infrastructural improvements in the Northeast Neighborhood community. He stated the time to invest in the Northeast Neighborhood is now.

Panayotis "Poti" Giannakouros, spoke on the presentation and community input process from ICAD for ARPA funding needs. He stated the process was fatally flawed, the results are headed towards being potentially worse than usual. He spoke on police presence at some of the meetings and how he felt the community engagement process went. He spoke on tall grass and weeds and the need for renovation of how the city thinks of its residents.

Alexander Varner, 1825 Hunter Court, spoke on the city dropping protocols on COVID-19 and how they should be increased to keep people safe during this influx of positivity rate in the city. He stated we should not be supporting the Turner Ashby Monument or the Turner Ashby School. He stated the allocation of ARPA Funds should be invested in organizations that help those seeking medical care due to the recent Roe v. Wade decision.

9.b. City Council and Staff

Council Member Jones asked Mr. Banks for information on the bathrooms and lights project at the Smithland soccer fields and football complex as to where this project is, anticipated costs, and is there a timeline of completion. Mr. Banks stated the estimates of cost are available, and a work session is needed to determine how the ARPA funding will be disbursed. Council Member Jones stated the season is rapidly approaching and the needs are there. He stated he would like the estimate of costs and a time-line for completion and funding discussions can take place during the work session. Vice Mayor Romero stated he has been talking to the director of Parks and Recreation on expanding the soccer fields but not about the lighting and restroom needs. Further discussion took place regarding the needs for that complex.

Council Member Dent stated the Community Criminal Justice Board (CCJB) finalized creating a committee to explore the possibility of setting up a Public Defenders Office. She stated a recommendation may take several months but will eventually come with a recommendation to City Council.

Vice Mayor Romero stated at the JMU/City Liaison meeting the Hispanic Festival was discussed and how it would be great if JMU would get involved. He stated they will talk about it further at the next meeting. He stated the Hispanic Festival will be on August 6, 2020, beginning at 9:00 am at Ralph Sampson Park.

Mayor Reed stated a work session needs to be scheduled for ARPA funding discussions. It was a Council consensus to meet on August 23, 2022, at 5:00 pm. Mayor Reed stated we should also plan to have another one after that.

Ande Banks, interim city manager, stated tomorrow, July 13, 2022, is Harrisonburg's Fire Department Pizza Night, call in between 4-8pm get a free pizza and firefighters will deliver and check your smoke alarms.

11. Adjournment

At 8:59 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR