



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, October 10, 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: 5 - City Manager Ande Banks, Acting Deputy City Manager Amy Snider, City Attorney Chris Brown, City Clerk Pam Ulmer and Police Chief Kelley Warner

2. Invocation

Mayor Reed offered the invocation

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

4. Special Recognition

4.a. Police Promotional Ceremony

Kelley Warner, Chief, Harrisonburg Police Department, introduced some of the newest officers, one of the largest classes of new recruits: John Miller, Heriberto Luna, Elijah DeAtley, Jadin Stewart, Carlyle Whitelow, Dalia Pedroza, Ronald Pifer, and Timothy Rugg.

Chaz Haywood, Circuit Court Clerk, Rockingham County, swore in Todd Miller and Rod Pollard to the position of Deputy Chief of Police.

Chief Warner stated this is the first time the city has had two Deputy Police Chiefs, it was a nationally competitive process, but our internal officers are top notch and excelled in the recruiting process. She shared educational and professional accomplishments for both Deputy Chief Miller and Deputy Chief Pollard.

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 Vice-Mayor Dent, to approve the consent agenda. The motion carried with a recorded roll call vote taken 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 September 26, 2023 City Council Meeting

These minutes were approved on the consent agenda

5.b. Consider approving an Ordinance adopting local C-PACE Program, to the City Code of the City of Harrisonburg

These ordinance enactment was approved on second reading.

5.c. Consider a supplemental appropriation for the reappropriation of outstanding prior year encumbrances and unexpended prior year grants, and for the School Capital Projects Fund, in the amount of \$25.9 million.

This supplemental appropriation was approved on second reading.

6. Public Hearings

6.a. Consider a request from DCI Partners LLC to rezone 810 Port Republic Road.

Thanh Dang, deputy director of Community Development, presented both 6a and 6b agenda items together. She presented a request for a rezoning from B-2C to B-2C and a Special Use Permit (SUP) for property located at 810 Port Republic Road. She stated this development would include retail, restaurant, convenience store and over 119 residential units. She reviewed an illustrative drawing of the proposed development, the required development plan, the history of the existing proffers, the new proffers proposed, the expected number of parking spaces per the developer, the Bradley Drive extension, the Traffic Impact Analysis, the city's future plans for Port Republic Road, and the surrounding zoning designations.

She stated staff and Planning Commission (4-3) recommended approval of the rezoning and staff and Planning Commission (5-2) recommended approval of the SUP with the following condition:

1. The number of dwelling units shall be limited to 119 with no more than 440 bedrooms.

Council Member Fleming stated the TIA also took into consideration other improvements in that area and the increased traffic from the County.

Council Member Robinson asked what the concerns about parking were. Ms. Dang stated there were some Commissioners who had opinions that constructing more parking encourages more students to drive, some discussion about a parking maximum took place, but no number was decided upon, concerns about the destruction of wildlife habitat, and concerns about flooding and stormwater runoff.

Vice Mayor Dent stated she was encouraged that the parking will be inside, helping

with the heat island effect and eyesore of a parking lot.

Council Member Jones stated the determining factor of students bringing vehicles is from whether the parent will pay the insurance, not whether there is parking or not.

Council Member Robinson stated she feels having parking incentivizes the use of vehicles.

Mayor Reed stated she doesn't like forcing anyone to be able to bring a vehicle with them or not.

Vice Mayor Dent stated there was a question if rent could be lowered if someone didn't have a car, but that is up to the developer.

At 7:39 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, September 27, 2023, and Wednesday, October 4, 2023.

Ed Blackwell, AES Engineering, representative for applicant, stated this project has been vetted well with all city departments, and thinks this is a good project; he is already working on the site plan even though this is a challenging site to build on, trees will be added all around the development, bike and pedestrian lanes will be built by the developer, right of ways will be given for the improvements on Port Republic Road, and the developer plans on providing the funding for the construction of the improvements on Port Republic Road along the property frontage.

Vice Mayor Dent asked about a radius map that reflected how many walk or bike to campus. Mr. Blackwell stated it is a one mile radius where students walk or bike to school, this development is under one mile to the east campus.

Panayotis "Poti" Giannakouros, spoke on the time spent on discussions of parking for this project at the Planning Commission meeting, higher quality input should be coming from Planning Commission, he spoke further on the discussions that took place during that meeting; he spoke on habitat and existing trees, and preservation of such.

At 7:52 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Members discussed the need for student housing, parking minimums or maximums, affordable housing, the need for all levels of housing, traffic and the growth of the city.

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

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

No: 0

- 6.b.** Consider a request from DCI Partners LLC for a special use permit to allow multiple-family dwellings and/or mixed use buildings within the B-2 at 810 Port Republic Road

presented with agenda item 6.a.

A motion was made by Council Member Jones, seconded by Vice Mayor Dent, to approve the special use permit request with condition as presented. The motion carried with a recorded vote as follows:

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

No: 0

- 6.c.** Consider a request from Highest Roofing LLC for a special use permit to allow building material sales and storage yards, contractors equipment sales and storage yards and other similar uses at 4030 South Main Street

Thanh Dang, deputy director, Community Development, presented a special use permit application request for property located at 4030 S. Main Street in the B-2 general industrial zoning district. She reviewed the property, site plan, and suggested conditions by staff.

She stated staff and Planning Commission (7-0) recommended approval with the suggested conditions as follows:

1. Uncovered or unenclosed storage and display of building materials and contractors' equipment shall be located behind the proposed office building and shall be screened from view with a fence, decorative wall or other physical or structural enclosures that is opaque to obstruct the view of storage materials, with the finished face facing outside, and shall be at least six (6) feet in height. Reference Exhibit A.
2. If in the opinion of the 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 8:05 p.m., Mayor Reed closed the regular session and called the second and third public hearing to order. A notice appeared in the Daily News-Record on Wednesday, September 27, 2023, and Wednesday, October 4, 2023.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 8:05 p.m., and the regular session reconvened.

A motion was made by Council Member Jones, seconded by Vice Mayor Dent, to approve the special use permit request with conditions 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.d. Consider a request from Shenandoah Valley Organic LLC to close a portion of Massanutten Street

Thanh Dang, deputy director, Community Development, presented a request to close a portion of Massanutten Street. She reviewed the property, surrounding properties, the history of the street which is already partially closed, and noted the applicant would like to install a fence around the property.

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

At 8:08 p.m., Mayor Reed closed the regular session and called the fourth public hearing to order. A notice appeared in the Daily News-Record on Wednesday, September 27, 2023, and Wednesday, October 4, 2023.

Panayotis "Poti" Giannakouros, stated he is against the closing of this street or giving away city property, unless there is a compelling public interest for the city. He stated in this case he continues to hold that position. He stated what can the applicant do for the city and partner to make this something better, the applicant received over \$4M in ARPA Funds, they are the beneficiary of a short check from Senator Warner for water, there is a lot that we could work with here, we could route our Eastern Raw Water Line directly to the poultry plants rather than having to drink it; Could the applicant partner with the city on something like this; the workers in these plants live in town, so what are we getting; we have a bargaining chip here rather than just giving land away; a larger discussion should take place.

At 8:14 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Robinson stated she lives in this neighborhood, this is a good thing as a matter of safety, traffic tends to cut through this street when Washington St. gets backed up.

A motion was made by Council Member Robinson, seconded by Vice Mayor Dent, 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

7. Regular Items

- 7.a. Consider a request from Farhad Koyee and Mikael Bahar to preliminarily subdivide 937 Vine Street

Thanh Dang, deputy director, Community Development, presented a preliminary plat with variances for property located at 937 Vine Street. She reviewed the history of the property rezoning, the preliminary plat (including the extension from Wren Way), the proffers previously approved, the increase in units, and the variances requested,

She stated staff and Planning Commission (7-0) recommended approval with requested variances.

Vice Mayor Dent stated this is a great example of the applicant responding to neighborhood concerns.

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

No: 0

- 7.b. Presentation by the Harrisonburg-Rockingham Chamber of Commerce on Proposed Cooperation with the City of Prizren, Kosovo

Thomas Rea, member, Harrisonburg Rockingham Chamber of Commerce, presented a request for approval for official cooperation between Harrisonburg and the City government of Prizren, Kosovo to become twin cities. He reviewed the following:

- The location of Prizren, within Kosovo
- The Memorandum of Understanding between the Harrisonburg-Rockingham Chamber of Commerce and the Prizren, Kosovo Chamber of Commerce
- Relationship - to build potential opportunities and benefits long beyond economics in the valley
- What this request is not
- What this request is

Mr. Rea thanked Council for the opportunity to present and share what the Chamber of Commerce has been doing, what they are trying to accomplish in the community, and would love to have the support of City Council.

Mayor Reed stated this is for informational purposes only, if a motion is to be made to approve support, then more information needs to be obtained.

Council Member Fleming stated this gives staff the opportunity to work to see if there is something to present to Council. Ande Banks, city attorney, stated he thinks the

general consensus is if Council was interested staff would continue to work with Mr. Rea and the Chamber of Commerce colleagues to better understand this. He stated he still has questions about what is being asked, what implications there may be, is it the Chamber's responsibility, the city's, or a combination of both, are there expectations from our potential colleagues in Prizren of the city, etc.

Council Member Jones stated that is exactly what he was thinking, there are still discussions that need to be had as well regarding the funding to the Chamber of Commerce, our lack of voting power within the Chamber of Commerce, etc.

Council Member Fleming stated this would also give staff a chance to look at what a sister-city program relationship might look at with other localities.

Vice Mayor Dent stated this request isn't proposing a sister-city relationship just a Chamber of Commerce initiative, but she has questions as well in regard to mutual expectations, etc.

This Presentation was received and filed.

7.c. Presentation on the Value of Libraries

Zach Elder, director, Massanutten Regional Library, presented the value libraries have on a community. He reviewed the following:

1. Types of Values
2. Rates of Investment Methodology
3. Rates of Investment Results
4. Real Estate Value
5. Secondary Economic Impacts
6. Online Resources offered by the Massanutten Regional Library
7. Social Impacts
8. Positive statistics
9. Local Investment per capita
10. Strategic Plan
11. Survey Results

Council Member Fleming asked what the percentage of check outs are for e-books versus regular books. Mr. Elder stated the e-books and e-audio checkouts is about 45%.

Vice Mayor Dent stated the online resources seem to be a great connection for the homeless services center the city is building and possible use these services there. Mr. Elder stated that is a great idea and is willing to work with the city in whatever capacity is needed.

Further discussion took place regarding services currently offered, outreach, the need for services to the children on the borders of the city, the hours of the libraries, and

transportation to the library.

Mr. Elder stated these are all things that he is trying to work on, improve upon, he doesn't have a dedicated outreach team but hopes to build on.

Mayor Reed shared information on the Out of School Learning Coalition (OSL), and its collaboration with many organizations in the city. She suggested that Mr. Elder reach out to this organization to possibly partner together.

This Report was received and filed.

- 7.d.** Consider amending and reenacting Sec. 7-1-4. - Bills for water and sewer service generally; when payment required; Sec. 7-1-7. - Procedure for payment of bills; disposition of receipts; Sec. 7-1-8. Discontinuance of service generally; Sec. 7-1-9. Discontinuance of service for delinquency in payment of utility bills; generally; Sec. 7-1-10. Report of discontinuance of service; Sec. 7-1-11. Re-establishment of utility service in another name; Sec. 7-1-12. Complaint as to bill not ground for nonpayment; Sec. 7-1-13. Water and sewer pipes to be laid directly from street or main; Sec. 7-1-14. Waiver of control over stop boxes and stopcocks; Sec. 7-1-15. Deposit prerequisite to service-Required; Sec. 7-1-17. Same-Refund; Sec. 7-1-18. Same-To be reported to city auditor; Sec. 7-1-19. Same-Receipts; Sec. 7-1-20. Same-Deposit and withdrawal; Sec. 7-1-21. Transfer of account; deposits and balances; Sec. 7-4-1. Schedule of rates and charges generally; Sec. 7-4-3. Utility accounts-When bills due and payable; penalty for delinquent payment; Sec. 7-4-5. Same-Lists of delinquent accounts; Sec. 7-4-6. Same-Adjustment of erroneous accounts; Sec. 7-4-8. Installation and rental charges for fire plugs; Sec. 7-4-9. Adjustments for excessively high consumption; Sec. 7-2-16. Permitting water to run wastefully; Sec. 7-2-18. Repairing leaking fixtures, of the Harrisonburg City Code

Chris Brown, city attorney, stated the ordinance amendments before Council were discussed at the last Council meeting but Council needed additional time to review the amendments. He stated the only real substantial change has to do with the delinquent account shutoff, especially those resulting from a returned check or insufficient funds on automatic withdrawals. He stated the time of notice required has been extended. He stated some sections and terms were eliminated that weren't needed anymore, made the language more uniform throughout, and he would be happy to answer any questions Council may have.

A motion was made by Vice Mayor Dent, seconded by Council Member Robinson, to approve the ordinance amendments and reenactments 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

8. Supplementals

8.a. Consider a supplemental appropriation in the amount of \$733,896

Ande Bank, city manager, presented a supplemental appropriation in the amount of \$733,896 for the following:

\$58,896 from the Opioid Settlement Fund in conjunction with the Crisis Response Unit (CRU) and the Crisis and Intervention Team Assessment Center (CITAC) programs joint with Rockingham County;

\$375,000 for the shortfall in the city's contributions for the Childrens Services Act, which is a pool of resources between Harrisonburg and Rockingham that falls under the authority of the Department of Social Services to meet the needs of children and families in crisis in our community. He stated this is historically very challenging to budget, there was originally \$275,000 set aside for this, but the need was greater, so \$100,000 is needed from the city's general fund balance;

\$300,000 to be appropriated from the Harrisonburg Rockingham Emergency Communications Center (ECC) fund balance to address an HVAC equipment replacement need.

Discussion took place regarding the HVAC system at the ECC.

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

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)

Sherry Miley, stated she is seeking funding for the Love Thy Neighbor program, which helps women in need and would like a public indoor space where people can learn to read scripture.

Panayotis "Poti" Giannakouros, spoke on the police ceremony at the beginning of the meeting, Harrisonburg Police Department, solutions to the social problems that lead to policing, incarceration rates, and green space.

9.b. City Council and Staff

Council Member Jones stated he would like staff to convene with the Economic Development Department regarding the Chamber of Commerce questions he mentioned earlier in the meeting, the benefits/membership, and the relationship. Further discussion took place regarding this topic and the removal of voting power for the localities.

Vice Mayor Dent stated all Council Members went to the Virginia Municipal League Annual Conference, learned a lot and made good connections. She stated she made a request to be reinstated to the Environmental and Infrastructure Committee. She stated she attended the first round table at the conference about the offshore wind project, there is a funding workshop, but she thinks staff may already be researching that. She stated she has some interesting prospects for EV Charger business models, so lots of things to follow up on after the conference. She stated she will be attending the Virginia Clean Energy Summit in a few days and hopes to come back with some good ideas on renewable energy, efficiency and other climate action items.

Council Member Robinson, stated she noticed at the conference that many people are watching what we are doing, they want to model after us, and she felt such great pride in being part of the city and the government structure, what a privilege it is to sit on this dais and to voice what our constituents say to us. She thanked everyone that has helped her so far, she is appreciative.

Council Member Fleming stated staff and a few Council Members were a part of a virtual quorum of the Central Shenandoah Planning District, two presentations were provided that would be worth to get follow up information about ADU's and short term rentals, policies, affordability in different groups, rental versus owning property, all specifically for the city. He stated he attended the reception for the new Innovation Center for Youth Justice at JMU, it was very informational, and learned about what is happening in other cities around youth justice, it might be nice to get a presentation from the interns at JMU to share the information with Council.

Mayor Reed shared a letter she received from Eastern Mennonite School regarding hate speech flyers distributed in September. She read the letter.

Ande Banks, city manager, stated staff had been directed to schedule a fall work session focused on potential changes to the Civic Community Organization Grant Program and staff is suggesting doing it on October 24, 2023, prior to the regular meeting that day. He stated budget season is right around the corner and for several years Council has discussed funding categories and/or caps on the amount of funding. He asked for consensus if the work session date would work and what time would they like to start. Council agreed to start at 6pm with dinner at 5:30 pm

Mr. Banks stated the Opioid Abatement Authority (OAA) has a grant opportunity open until April of 2024, which allows cities and counties to jointly submit applications for project that regionally treat, prevent, or reduce Opioid use disorder or the misuse of opioids. He stated this cooperative partnership grant allows cities and counties to submit applications for regional projects carried out by non-profits, city staff would like to work with Rockingham County to develop a local application process to solicit project ideas from our community non-profit partners. He stated an evaluation

committee could be formed to review the applications using a methodology similar to that used by the OAA, and before any applications are submitted, they would be presented to both City Council and Rockingham County Board of Supervisors for approval and resolutions of support. He stated staff is asking Councils blessing to continue moving forward and creating the process in soliciting applications, funds would be from the State pool of Opioid Funds. Council agreed for staff to continue.

10. Closed Session

- 10.a.** Closed meeting as authorized by the Virginia Freedom of Information Act, Virginia Code Section 22.2-3711(A)

Subsection 3 for a discussion of the acquisition of real estate for a public purpose where the discussion in an open session would adversely affect the bargaining position or negotiating position of the public body;

Ircj

At 9:34 p.m., a motion was made by Vice Mayor Dent, seconded by Council Member Fleming, to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: Subsection 3 for a discussion of the acquisition of real estate for a public purpose where the discussion in an open session would adversely affect the bargaining position or negotiating position of the public body. The motion carried with a recorded roll call vote taken as follows:

- Yes:** 5 - Mayor Reed, Vice-Mayor Dent, Council Member Jones, Council Member Fleming and Council Member Robinson
- No:** 0

Adjournment

At 9:48 p.m. the closed session ended and the regular session reconvened. City Attorney Brown read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify that to the best of my knowledge (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37 of Title 2.2 of the Code, of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting by the City Council.

At 9:48 p.m. there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR