



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Final City Council

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Tuesday, May 9, 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 Christopher B. Jones and Council Member Monica Robinson

**Absent:** 1 - Council Member Dany Fleming

**Also Present:** 6 - City Manager Ande Banks, City Attorney Chris Brown, City Clerk Pam Ulmer, Police Chief Kelley Warner, Chief Matthew Tobia and Acting Deputy City Manager Amy Snider

### 2. Invocation

Council Member Robinson offered the invocation.

### 3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

### 4. Special Recognition

Mayor Reed stated she would like to take a few minutes to honor a man who documented the valley for decades, Allen Litten. She stated he passed away on May 5, 2023. She stated public service was a big part of his life and he will be missed. She stated a video has been created as a tribute in his honor. Video showed pictures of him and some of his photographic works.

#### 4.a. Proclamations for Public Service Recognition Week and National Police Week.

Mayor Reed presented a proclamation for Public Service Recognition Week and asked all Executive Leadership Team members present to stand.

Mayor Reed presented a proclamation to Chief of Police, Kelley Warner, recognizing National Police Week.

### 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 Jones, seconded by Vice Mayor Dent, 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 Jones and Council Member Robinson

**No:** 0

**5.a.** Minutes from the April 11, 2023 City Council Meeting

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

**5.b.** Minutes from the April 25, 2023 City Council Meeting

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

**5.c.** Consider a request from Greendale Road LLC to rezone 2720 Dorval Road

**This rezoning request was approved on second reading**

**5.d.** Consider a request from DH Land LLC to amend proffers for 1250 West Market Street

**This agenda item was approved on second reading**

**6. Public Hearings**

**6.a.** Consider a request from Mainali & Gil Properties LLC for a special use permit to allow multiple-family dwellings and/or mixed use buildings at 1180 Virginia Avenue

Thanh Dang, assistant director of Community Development, presented a special use permit request for 1180 Virginia Avenue for multiple-family dwellings / mixed use in a B-2 zoning district. She reviewed the surrounding area and uses and the anticipated use of the property (retail and residential).

She stated staff and Planning Commission (4-0) recommended approval with submitted conditions by the applicant.

At 7:15 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 Monday, April 24, 2023, and May 1, 2023

Ed Blackwell, representative for applicants, stated the housing is anticipated to be used for the employees of the gas station next door. Vice Mayor Dent asked if the current structures would be demolished. He stated they will be demolished, and the new development will be built in line with the canopy of the gas station next door. He stated it is estimated to have 12 units plus retail, and separate parking and ingress/egress for the commercial versus the residential.

Council Member Jones asked if an environmental study was done since the gas station will be next door. Mr. Blackwell stated the distance is about 30 yards and should be enough separation for protection.

Jane Koskinen, stated she is the owner of the small mobile home park next to this property and her home is nearby as well. She has concerns about the traffic that is already generated in this area, there is no speed abatement in the area, and noted that she hopes a traffic study will be done before this project moves ahead.

Panayotis "Poti" Giannakouros, stated he was moved to see the owner of the mobile home park speak up in defense of her tenants, he would lean on the side of not approving this use. He stated the purpose of zoning originally was not very good, it tended to exclude people, but there is another function that zoning which is to protect people's health and safety. He stated he was disappointed that it didn't come forward more prominently until the previous speaker. He spoke on his previously expressed concerns of the 7-11 in the northeast neighborhood and some comments made at a previous Planning Commission meeting.

At 7:29 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Vice Mayor Dent stated Planning Commission saw this as a really great model for a business wanting to provide next door affordable housing for their employees and that is a good model that should be considered for small scale affordable housing throughout the city where we need it.

Council Member Jones agreed with Vice Mayor Dent, he stated they are able to do this because of how they are starting rather than retrofitting it. He suggested to Ms. Koskinen to apply for a traffic calming process.

Council Member Robinson asked if it was ok to ask for sidewalks on these types of requests to create connectors throughout the city for walkability/bike-ability. Council Member Jones stated that is something we can't ask for proffers. Chris Brown, city attorney, stated in situations where there is an existing sidewalk on adjoining parcels, we can require the owner to construct a sidewalk, but we are not allowed to require the developer to construct sidewalks if there are no sidewalks on the adjoining parcels.

Mr. Blackwell stated they are putting in sidewalks as part of this development.

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

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

**No:** 0

## 7. Regular Items

**7.a.** Consider Approval of 2023 CDBG Annual Action Plan

Ande Banks, city manager, presented the 2023 Annual Action Plan for the Community Development Block Grant (CDBG). He reviewed the 2023 allocations and rollover funding, for a total of \$569,946.28. He reviewed the specific funding projects that fall under the following categories:

1. Housing & Property Improvements
2. Community & Public Facilities
3. Planning and Administration
4. Public Services

Council Member Jones asked if it was possible to adjust where the funding is allotted in Public Service category. Mr. Banks stated this is the recommendation based on the grading rubric used by the evaluation team, it has never happened, and it would probably return this request to another public hearing as it changes the proposed action plan and could potentially put us at risk to meeting the submission deadline.

**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:** 4 - Mayor Reed, Vice-Mayor Dent, Council Member Jones and Council Member Robinson

**No:** 0

**Absent:** 1 - Council Member Fleming

**7.b.** Consider approving the updated running/walking race routes to be used in downtown Harrisonburg.

Matt Little, recreation and special events manager, Parks and Recreation, presented information on the running and walking routes within the city. He stated the routes bring safety to the forefront for organizers looking to host running and walking events in the city. He reviewed the special event process and what the Special Events Committee looks at when reviewing the applications. He reviewed the current routes, impacts from the pandemic and new safety concerns, route modifications, and the use of the trail system for additional routes.

Mayor Reed asked what the largest race is in the city. Mr. Little stated Virginia Momentum races are usually 1,500 - 2,000 participants, they would be too large to use the trail system for their events, but those that are on a small scale would be able to use that system.

Council Member Jones stated many of these events bring tourism revenue to the city.

Mr. Banks asked if Council would be ok with moving the special event applications to the consent agenda for future Council meetings. Some discussion took place, and it

was decided that if more information would be needed the item could be pulled from the consent agenda for further discussion.

**This Action Item was received and filed.**

**7.c.** Consider adopting the Fiscal Year 2023-2024 budget and approving the Appropriation Ordinance

Ande Banks, city manager, stated he didn't not have any additional presentation regarding the proposed FY23/24 budget, individual conversations have been had with each of the Council Members, if Council had any further questions, he would be happy to answer and Larry Propst, Finance Director, is present as well.

Council Member Jones stated he just wants to make sure that we communicate to the schools that if the \$2M funding gap from the State comes through we need to make sure it comes back to the city. Mr. Banks stated the General Assembly will not have their budget approved before ours is, and any changes in funding coming to the city would have to be presented to Council, and of course if the schools receive the \$2M we can make sure those funds come back to us. Mr. Propst stated any adjustments to the budget in regard to the gap funding would most likely come to Council in July. Council Member Jones stated we need to be careful with our terminology, there will be no negotiating if that funding were to come back to us or not, it must.

Mayor Reed stated she is pleased with how the budget is and she is ready to vote on it. Vice Mayor Dent stated she is willing to go for it with the caveat that this will be on the consent agenda at the next meeting so that Council Member Fleming could pull it off if he had questions and Dr. Richards, superintendent of Harrisonburg City Public Schools, will be making a presentation at that meeting as well.

**A motion was made by Council Member Jones, seconded by Vice Mayor Dent, to adopt the FY 23/24 Budget. The motion carried with a recorded vote as follows:**

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

**No:** 0

**Absent:** 1 - Council Member Fleming

**7.d.** Consider amending and re-enacting Section 7-2-5 - Sprinkler Systems Generally, of the Code of Ordinances, City of Harrisonburg, Virginia

Chris Brown, city attorney, asked to present agenda items 7d through 7h together. He stated there is no action required on these at this meeting, but he wanted to provide information on the significant changes to the water and sewer connections fees that are impacted by these ordinance amendments. He reviewed the specifics of these amendments, related to number of meters, connection fees, increase costs of materials, etc.

Vice Mayor Dent stated the title in Section 7-2-5 should be corrected to match the heading as shown.

Council Member Jones asked if the Economic Development Department had a chance to look at these amendments yet. Mr. Brown said no because we really aren't changing anything for businesses or industries. Council Member Jones stated we should always be promoting business to come to the city, so even if it doesn't directly impact economic development for businesses, they should at least have an input in these amendments so they can promote any changes.

No action required.

- 7.e.** Consider amending and re-enacting Section 7-2-10 - Separate Water Meters Required for Each Building; exceptions, of the Code of Ordinances, City of Harrisonburg, Virginia

No action required.

- 7.f.** Consider amending and re-enacting Section 7-3-64 - Separate Building Sewer Required for Each Building; and exceptions - of the Code of Ordinances, city of Harrisonburg, Virginia

No action required.

- 7.g.** Consider adopting and re-enacting Section 7-4-22 - Charges for Installing New Water Service Lines and Sewer Laterals, of the Code of Ordinances, City of Harrisonburg, Virginia

No action required.

- 7.h.** Consider amending and re-enacting Section 7-2-9 - Private Water Lines, to the Code of Ordinances, City of Harrisonburg, Virginia.

No action required.

## **8. Other Matters**

### **8. Comments from the public, limited to five minutes, on matters not on the regular agenda. (Name and address are required)**

Paul Somers, 622 E. Wolfe Street, stated there was some misunderstanding that there was an opportunity missed by the skate board community, we are unanimous in the idea that we don't feel like we had an opportunity to speak as to what we would like this skate park to look like, and we understand that this is this was meant to be more of a repair than the total rebuild, but the fact of the matter remains it's a complete and total rebuild and so we want to be a part of the conversation of creating a new skate park because that's what's happening and that seems to be what makes the most sense and so he thinks the idea that Parks and Recreation wasn't fully aware of what we wanted to begin with I think is something that that we can call into

question with the capital improvement plan from one year ago where they stated “We have occasionally sought and received a lot of feedback and suggestions from many different residents and users of our current skate park”. For the most part when suggestions are brought up about how to change the park we agree with them, when suggestions are brought up about what types of features to construct, we also agree. He shared the Charlottesville skate park as an example of a park that was constructed at a cost of over \$2M, it is the best skate park in our area and as well funded as that park was, it should be we would love to have the skate park and would love to have concrete, however, we have so many needs in the department that are in still need of funding fixing our current skate park to an appropriate level seems the most prudent and logical step to take to make the residents have a skating option until a better and more sizable skate park can be funded and constructed. Now the problem with that is the assumption that a concrete skate park is much more expensive than a metal skate park. It is not. The reason for that misguidance is the result of the American Ramp Company being the only company that the city has worked with on the skate park or the only company that we've gotten quotes from for creating a new skate park. He stated they build steel ramps and they don't build concrete parks, and the idea that the park was going to be between \$2 - \$6 M for the little Westover skate park to be made out of concrete came from the American Ramp Company. We have a problem with the city being misled in a way that would affect the result of what could be a home run again, but is looking more like it's going to be something that is going to be a loss because we're going to spend all of this money on something that people don't want, that Parks and Recreation knew that we didn't want but mistakenly thought we couldn't afford better. He stated the sooner the skateboard community is included in the conversations about a new skate park, the better the outcome will be for the city and for the community at large. He stated currently, we're not feeling super engaged without just having to show up to meetings and talk. He spoke further on American Ramp Company and feels the city would be making a mistake by continuing to work with the company that exacerbated many of the safety issues of the old park and has misled the city into thinking a concrete park is beyond our means because for the city to be so mistaken would be advantageous to American Ramp.

Alex Litten, 520 W. Water Street, stated we strongly believe that rebuilding the skate park and its original designs just for use of the funds and bringing it into something that is in modernized concrete part would be the best use of funds. He stated we strongly submit that the American Ramp Company has suboptimal designs for the end users whether it be inline skating, BMX, or skateboarding. He stated creating a modernized skate park could be a driver of commerce for the city, something that people would be excited to come to.

Panayotis “Poti” Giannakouros, stated there is unfortunately more news of intolerance, people being targeted for exclusion and discrimination, but it is important

that we as a city take a stand that whatever is happening in surrounding areas is not happening in our city and does not represent us. He stated we should be using Harrisonburg as a guide in the shining light to communities around us of what a beloved community can look like. He spoke on his desire to have our city empathize with the small things around us, the loss of habitat for many creatures. He spoke on No Mow May and the tall grass and weeds ordinance.

**8.b. City Council and Staff**

Council Member Robinson stated as the Council representative and the Chair of the Community Criminal Justice Board (CCJB), she met with the Valley Justice Coalition last week along with the Criminal Justice Planner, Frank Sottaceti, the focus was on discussing updates in the formation of a Public Defenders office and ways that Valley Justice could collaborate with us on shared issues. She stated it was a very productive meeting.

Vice Mayor Dent stated she would like to call attention to and invite people to the Valley Tech Con, Thursday, May 25th, 2023. Registration can be done online, and she will be attending this as well. She stated it is organized partly by our Economic Development organization and local sponsors. She stated there will be different tracks, such as technical topics, the business impact of technology and growing your technology. She stated she worked a long time ago, before I even thought about joining City Council, with Brian Schull on creating an entrepreneurial ecosystem for high tech businesses, including now the trend towards remote work. She stated there will be lots of topics about how we can grow our technology and other business communities.

Mayor Reed stated there will be a health fair partnering with Sentara and the local churches in the Northeast neighborhood at Simms on May 20th from 9:00 AM to 1:00 pm, there are no restrictions, no criteria, just show up. There will be screenings, the mammogram van will be there as well, speakers, and door prizes, so she urges all to come out.

**9. Closed Session**

**10. Adjournment**

At 8:46 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