



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, September 12, 2023

5:30 PM

Council Chambers

Work Session and Regular Session

Work Session (5:30 PM)

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: 6 - City Manager Ande Banks, Acting Deputy City Manager Amy Snider, City Attorney Chris Brown, City Clerk Pam Ulmer, Chief Matthew Tobia and Lt. Todd Miller

2. Regular Items

2.a. HRMPO 2045 Long Range Transportation Plan Highlights

Ann Cundy, Director of Transportation Central Shenandoah Planning District Commission, reviewed who the Harrisonburg Rockingham Metropolitan Planning Organization (HRMPO) are and what they do. She stated it is required to update the Long Range Transportation Plan (LRTP) every five years. She reviewed the following for the 2045 LRTP:

- Public Input in the LRTP Process
- LRTP Fiscally Constrained Project list
- Harrisonburg Constrained Project List
- Newly committed projects for Harrisonburg
- Future Studies (8 in Harrisonburg)
- Harrisonburg Proposed Future Studies

Ms. Cundy provided the web site address for the LRTP plan.

Council Member Fleming stated Ms. Cundy is not only a staff member of the HRMPO but she is also the Chair of the Virginia Association of Metropolitan Planning Organization. He stated the amount of work that goes into this long range plan speaks to the issues with the changes in Smart Scale that aren't just incidental or non-impactful, they impact an immense amount of work and collaboration that is done across localities.

Vice Mayor Dent stated she recalls one of the discussions during the public engagement process was bicyclists had concerns about a narrow bike lane along

one of the large busy main roads and they noted it would be better to have nothing than just an unsafe bike lane, and it was decided to go back and study further. She stated that is an example of how the public input can really make a difference.

This Report was received and filed.

2.b. Consider approval of State Performance Contract for Harrisonburg Rockingham Community Services Board

Rebekah Brubaker, Executive Director, Harrisonburg Rockingham Community Services Board (HRCSB), presented the State Performance Contract with the Department of Behavioral Health and Developmental Services, for approval. She stated this contract outlines what expectations are between the two entities. She stated there were no significant changes in terms of expectations or programming but did reword and condense many of the different sections to make it more concise and update the language to make it more user friendly.

Ande Banks, city manager, stated this is the contract that can be approved or denied by Council but will still go through.

2.c. Proclamation celebrating Explore More Discovery Museums 20th Birthday

Mayor Reed presented a proclamation recognizing the 20th Anniversary of the Explore More Museum, to Lisa Shull, executive director. Ms. Shull thanked Council for their support.

2.d. Update on the Asset Limited Income Constrained Employed (ALICE) Report

Amanda Leech, executive director, United Way, reviewed the history of the Harrisonburg United Way, and noted that they went through a strategic planning process this past year with the board and developed new mission, vision, and values statements. She stated this was to be able to best serve the community focusing on a strong, equitable, and accessible network of support for our working households.

Jo Benjamin, director of Community Impact, United Way, stated this is an update from a report provided to Council three years ago on the Asset Limited Income Constrained Employed (ALICE) population in the area based on 2021 data. She reviewed the following:

- Statistics of ALICE in Virginia
- ALICE population in Harrisonburg and Rockingham County (may include some students)
- Crosscurrents of Competing Forces
- Pandemic Assistance / income and expenses for a family of four in Virginia 2021
- RockBurg Community Assistance, Resources & Economic Stabilization (CARES) Network:
 - Information and Referral

- ALICE Assistance Fund
- Financial Education Services
- The United Way events
- How to connect with United Way and the RockBurg Cares Network

Further discussion took place as to how the programs can help, outreach to the community, entrepreneurship, educating the youth, financial education, cost of school supplies, and needs of the ALICE population.

This Report was received and filed.

2.e. Update on the I-81 Widening Harrisonburg Project

Scott Alexander, project manager, VDOT, provided an update on the I-81 Widening project. He reviewed the following:

- Project overview with the scope, schedule and estimated costs
- Features of the roadway and improvements
- Ongoing Coordination with City and stakeholders

Ross Hudnall, noise abatement coordinator, VDOT, reviewed the Noise Abatement Policy and noted that a Highway Traffic Noise Analysis is completed to determine whether noise abatement measures are warranted, feasible, and reasonable. He reviewed the noise study updates and stated there were nine feasible and reasonable noise barriers for over a total of 4 miles. He stated the Final Design Noise Analysis will be done the Fall of 2023, at which time ballots will be sent to those that benefit from the barriers (both owners and tenants) and noted that at least 50% of respondents must be in favor for the barrier to move forward with construction. He provided information on online resources for the project.

Discussion took place regarding the location and aesthetics of the noise barriers, in particular to the new high school location, and communication to the public in different languages.

This Report was received and filed.

Recess

At 7:15 p.m., Mayor Reed called the Work Session into recess.

At 7:20 p.m., Mayor Reed called the regular meeting to order

Regular Session (7:00 PM)

1. Invocation

Council Member Robinson offered the invocation.

2. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

3. Special Recognition**4. 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 Vice Mayor Dent, seconded by Council Member Robinson, to approve the consent agenda 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

4.a. Minutes from the August 22, 2023 City Council Meeting

These minutes were approved on the consent agenda.

4.b. Minutes from the August 26, 2023 and August 27, 2023 City Council Retreat

These minutes were approved on the consent agenda.

4.c. Consider a request from Sunchase Harrisonburg LLC to rezone two parcels at 1900, 1901, 1904, 1908, 1909, 1913, 1914, 1916, 1921, 1924, 1929, 1932, 1933, 1940, 1941, 1948 Sunchase Drive and 720, 723, 728, 736, 744 Chase Court

This rezoning request was approved on second reading.

4.d. Consider a request from Christophel Properties LLC and Abigail J. Christophel to rezone two parcels at 853 and 853-A Hillside Avenue

This rezoning request was approved on second reading.

4.e. Consider the special event application request for Explore More Discovery Museum's Big Birthday Bash event on Saturday, October 14, 2023, from 10am-4pm.

This special event application was approved on the consent agenda.

4.f. Consider the special event application request for the annual Race to Beat Breast Cancer 5k Run/Walk on Saturday, October 21, 2023.

This special event application was approved on the consent agenda.

4.g. Consider the special event application request for the Veterans Parade on Sunday, November 5, 2023.

This special event application was approved on the consent agenda.

5. Public Hearings**5.a. Consider CDBG 2022-2023 Consolidated Annual Performance Evaluation Report (CAPER)**

Kristin McCombe, Community Development Block Grant program manager, presented the Consolidated Annual Performance and Evaluation (CAPER) report for FY 2023. She reviewed the summary of the 2022-2023 CDBG Projects funded and their remaining balances, drawing attention the HRHA - Homebuyers Assistance Program that is a program for closing cost assistance for first time homebuyers that qualify as low or moderate income. She stated it can be a challenging program to identify as people that fall under that income threshold must be able to buy a home within the city and hopes that the residents of the city hear about this program. She stated this presentation starts the 15-day comment period and provided her contact information.

At 7:28 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, September 5, 2023

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:29 p.m., and the regular session reconvened.

No Action Required

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

Brian Shull, director of Economic Development, presented a request to approve an ordinance for the Commercial Property Assessed Clean Energy (C-PACE) program. He stated it provides one of those win-win scenarios, it is a financing mechanism to help our business owners and commercial property owners to make it easier to make investments in renewable energy and energy efficiency, which in turn, helps the city get closer to our Environmental Action Plan (EAP) goals. He introduced Holly Eddinger, program manager, Virginia PACE, who joined virtually, for any questions.

Mr. Shull reviewed the following:

- C-PACE Program Highlights
- What C-PACE is and some loan examples.
- Roles and Responsibilities
- Process for each project
- Frequently asked questions
- Staff recommendation

Mr. Shull noted that there is no cost to the city and no obligation to the city in the loans

made through the C-PACE program.

Vice Mayor Dent asked if we were considering opening up to local or regional financial institutions to participate. Ms. Eddinger stated the program is structured as an open market, any lender can become a C-PACE lender and it is encouraged that more local banks and lenders participate, and one of the commitments Virginia PACE has is to help with the outreach of that information to those financial institutions. Vice Mayor Dent stated that she is thrilled to see that multi-family developments are included in this opportunity.

Council Member Fleming stated this is private funds that would add value to commercial properties, local businesses and large housing developments at their initiation without the city having to put any money into this. Chris Brown, city attorney, explained how there is no obligation or threat to the city with this program.

Council Member Robinson stated she noticed that Winchester, Shenandoah County, and Roanoke have had participation in this program, are there a lot of commercial property owners in that area using this program. Ms. Eddinger stated statewide there is a pipeline of property owners , between 15-20, that are interested in this program. She stated it is a process, not all property owners would be interested, but Virginia PACE is still working on the outreach and education, and once a locality is established some of the national lenders will put a business development person in that region to help find owners that are looking to make these improvements.

At 7:49 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 Wednesday, August 30, 2023, and September 6, 2023.

Panayotis "Poti" Giannakouros, stated he has equity issues with this program, words like incentivize, which rhymes with public private partnerships, these tend to be words for padding the profits of certain parts of a private sector, he wonders what is going on here. He spoke on carbon credit debacle, FOIA requests and staff time, stormwater utility credits, tall grass and weeds, and widening of inequalities.

At 7:54 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Vice Mayor Dent stated she likes this program, since Council recently passed the request to EPSAC to come up with community goals, the missing piece was how do we enlist the participation of the business/commercial sector. She stated this perfectly fits that missing piece at no cost to the city for the benefit of all.

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

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

5.c. Consider a request from Karwan K. Saeed to rezone 215 Pear Street

Adam Fletcher, director of Community Development, presented a rezoning request from R-1 to R-8C for property located at 215 Pear Street. He reviewed the surrounding uses, the subject site, and the submitted proffers.

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

At 8:00 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 Wednesday, August 30, 2023

Wednesday, September 6, 2023

There being no one desiring to be heard, Mayor Reed closed the public hearing at 8:01 p.m., and the regular session reconvened.

Vice Mayor Dent stated she likes this request as it is a way to add more housing without disrupting the neighborhood.

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

5.d. Consider a request from Mark Daniel Williams and Andrea Jane Williams to rezone 1205 Hillcrest Drive

Adam Fletcher, director of Community Development presented a rezoning request from R-1 to R-8C for property located at 1205 Hillcrest Drive. He reviewed the surrounding uses, the subject site, and the submitted proffers.

He stated staff and Planning Commission (6-0) recommended approval of this rezoning request.

At 8:05 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, August 30, 2023 and Wednesday, September 6, 2023

Panayotis "Poti" Giannakouros, stated he doesn't understand why we have these rezoning requests when we have had a rewrite of our zoning ordinance sitting on the back burner for years, should we not instead be rationalizing the R-1 zoning city wide rather than doing these one at a time as we did with short term rentals. He spoke about mowing lawns and wasting time on these rezoning requests.

Mark Williams, applicant, stated this request is to allow for their house to be more accessible by removing steps, they love the neighborhood, they love their home, and to get what they needed done on the home this was the only route to go.

At 8:10 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Fleming stated it is interesting that without the R-8, they would have had to have gone to the Board of Zoning Appeals and with the rules being very strict they may not have been able to get what they wanted done. He stated we have been doing spot zoning quite a bit and Council has the desire to see the ordinance rewrite move forward.

Vice Mayor Dent stated we really need to do the zoning update because it is bizarre that we keep using R-8 just for setbacks, there should be more flexibility in our low density zoning and more simplified.

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

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

No: 0

- 5.e.** Consider a request from Harrisonburg Redevelopment and Housing Authority to rezone 11, 21, 31 Elon Rhodes Lane, 241 Commerce Drive, and 298 East Washington Street.

Adam Fletcher, director of Community Development, stated agenda items 5e and 5f will be presented together. He presented a rezoning request from multiple zones to R-5C and a special use permit, for property located at 11, 21, 31 Elon Rhodes Lane, 241 Commerce Drive, and 298 East Washington Street. He reviewed the surrounding uses, the subject site, the history of the site, and the submitted proffers. He noted that if this rezoning were approved it could potentially create a non-conforming setback situation on an adjacent property.

Mr. Fletcher stated staff and Planning Commission (6-0) recommended approval of the requests.

Mayor Reed asked Mr. Wong if additional units could be added in the future.

Michael Wong, executive director of Harrisonburg Redevelopment and Housing Authority, stated they hope to be able to acquire additional property to the south or west of this property they will be able to build additional units. He stated this is very similar to Commerce Village development, permanent supportive housing unit, they have received notice of award from HUD of 15 VASH Vouchers, and they hope to project base some additional VASH Vouchers to help veterans who are experiencing housing instability. He stated they anticipate the design to be very similar to Commerce Village, 16 one-bedroom units, and he believes it will be a good project and development for the community.

Mayor Reed asked if this was the project HRHA received funding from Senator Warner. Mr. Wong stated there was a congressional appropriation of .5M to support the project.

At 8:26 p.m., Mayor Reed closed the regular session and called the fifth and sixth public hearing to order. A notice appeared in the Daily News-Record on Wednesday, August 30, 2023, and Wednesday, September 6, 2023

Panayotis "Poti" Giannakouros, stated this is subsidized housing on the order of magnitude of the amount of people in housing distress who the forces in favor of the Bluestone Town Center (BTC) were able to bring forward. He stated he doesn't think we are seeing a massive upswelling of opposition to this little project like we did with BTC, perhaps because this project isn't wiping out 40 acres of urban forest to which the diversity of our city had just gotten access. He spoke on listening to the constituents, blocking of social media, the carrying capacity of our city, and city water usage.

At 8:31 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Fleming stated that 100% of the people who have been chronically homeless who ended up in Commerce Village remained housed, this is the rehousing of people, we can feel confident that this is the direction for this new development.

Mayor Reed stated she is very excited about this agenda because there is a lot of housing on this agenda, it takes all different types of housing to get out of our housing crunch, this is one of them.

Discussion took place regarding Mr. Elon Rhodes.

A motion was made by Council Member Fleming, seconded by Council Member Jones, to approve the rezoning 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

- 5.f.** Consider a request from Harrisonburg Redevelopment and Housing Authority for a special use permit to allow multiple-family dwellings of no more than twelve (12) units per building at 11, 21, 31 Elon Rhodes Lane, 241 Commerce Drive, and 298 East Washington Street

Presented with agenda item 5e

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 roll call vote as follows:

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

No: 0

- 5.g.** Consider a request from Trustees Harrisonburg First Church of the Brethren for a special use permit for a child day care at 315 South Dogwood Drive

Adam Fletcher, director of Community Development, presented a special use permit for property located at 315 S. Dogwood Drive to allow for a Child Day Care Center. He reviewed the surrounding uses, the subject site, and the submitted proffers.

He stated staff and Planning Commission (6-0) recommended approval with a following condition:

- 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, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

Julie Shank, applicant, stated the age range will be between 6 weeks to kindergarten age.

Mayor Reed stated this is such a great partnership, it will take more than just a city to get us out of this, we need childcare. She stated daycare for infants is definitely needed.

Council Member Jones asked if the applicant had worked with the city's Economic Development Department about small business grants. Ms. Shank stated she had not. Council Member Jones recommended she reach out as there are several opportunities available.

Ms. Shenk stated she is partnering with the church, will be a religious exempt childcare center, but will be very upfront about the teachings of Jesus etc.

At 8:41 pm p.m., Mayor Reed closed the regular session and called the seventh public hearing to order. A notice appeared in the Daily News-Record on Wednesday, August 30, 2023, and Wednesday, September 6, 2023

There being no one desiring to be heard, Mayor Reed closed the public hearing at 8:41 p.m., and the regular session reconvened.

Council Member Fleming stated we need all types of daycare, and we need people to step up and provide high quality daycare.

Council Member Jones stated we need daycare, and this is a great location as it is connected to one of our parks.

A motion was made by Council Member Jones, seconded by Council Member Fleming, to approve the special use permit 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

5.h. Consider a request from Daniel W. and Nancy R. Brubaker Trustees and Bluestone Land Company; D&N LLC to rezone 210, 280, and 290 West Mosby Road.

Adam Fletcher, director of Community Development, stated 5h, 5i and 5j will be presented together. Adam Fletcher, director of Community Development presented a rezoning request for three zoning districts, R-2, R-2C and B-2C to R-5C and two special use permits for property located at 210, 280, 290 W Mosby Road. He reviewed the surrounding property, the property, plans for the property, the Traffic Impact Analysis, and the proffers offered. He noted this is planned to be affordable housing with Low-Income Housing Tax Credit (LIHTC) housing, with a minimum of 82 units to be age restricted.

He stated staff and Planning Commission (6-0) recommended approval to all requests.

At 8:59 pm p.m., Mayor Reed closed the regular session and called the eighth, ninth and tenth public hearing to order. A notice appeared in the Daily News-Record on Wednesday, August 30, 2023, and Wednesday, September 6, 2023

Todd Rhea, representative of applicant, stated the applicant is a not-for profit

corporation focused on providing affordable housing with a long history of affordable housing development experience and over a dozen current affordable housing projects constructed and operated. He stated this development will serve seniors and potentially work force and other affordable housing options. He stated the proffers were crafted to target away from student housing or market rate housing, and per the housing study needs. He stated this project will have senior amenities on site, have sustainable features such as solar and EV charging stations, it is centrally located to numerous retail options, and transportation integration. He spoke further on the property and the proffers, and the benefit to the city's needs.

Mayor Reed asked if this development has been done in other areas. Mark Slack, Searles Foundation Development Team, stated most of the developments in the Atlanta, GA area. Discussion took place regarding the age restricted units (55 and older), costs to the tenant, the median income targeted (below 60% AMI), tax exempt bonds, and tax credit programs.

Panayotis "Poti" Giannakouros, stated the applicant did not say what the "affordable" rent would be, how there doesn't seem to be much against this development, asked if an environmental assessment will be done in the right order, and spoke on natural green space rather than manicured lawns, workforce housing, Bluestone Town Center, and the labor market.

At 9:20 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Robinson stated she believes this is a wonderful project.

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

- 5.i.** Consider a request from Daniel W. and Nancy R. Brubaker Trustees and Bluestone Land Company; D&N LLC for a special use permit per Section 10-3-55.4 (1) to allow multiple-family dwellings of no more than twelve (12) units per building for 210, 290, and 280 West Mosby Road

Presented with agenda item 5h

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

- 5.j.** Consider a request from Daniel W. and Nancy R. Brubaker Trustees and Bluestone Land Company; D&N LLC for a special use permit to allow multiple-family buildings greater than four (4) stories in height and/or fifty-two (52) feet in height at 210, 290, and 280 West Mosby Road

Presented with agenda item 5h

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

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

No: 0

Recess

At 9:23 p.m., Mayor Reed called the meeting into recess.

At 9:29 p.m., Mayor Reed called the meeting back into session.

- 5.k.** 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

Chris Brown, city attorney, stated at the August 22, 2023, City Council meeting this item was discussed, it is an ordinance amendment related to an increase in some of the water connection and water capital recovery fees, to bring it more into line to some of the surrounding localities, and splits out the water connect and recovery fee separately. He stated it also encourages conservation because the size meter needed is based on what type of fixtures and appliances will be used and allows multiple buildings on the same parcel of land to be served by one meter.

At 8:59 pm p.m., Mayor Reed closed the regular session and called the eleventh public hearing to order. A notice appeared in the A notice appeared in the Daily News-Record on Wednesday, August 30, 2023, and Wednesday, September 6, 2023

There being no one desiring to be heard, Mayor Reed closed the public hearing at 8:41 p.m., and the regular session reconvened.

Council Member Fleming stated this is an important step for developers, it will make it more affordable.

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

the ordinance amendment and reenacting 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

6. Regular Items

- 6.a.** Consider a request from Bailey Family Farms LLC per Section 7-2-4 of the City Code for the City of Harrisonburg to provide water service onto property located at 59 Bank Church Road within Rockingham County

Adam Fletcher, director of Community Development, presented a request for public utilities connection on property located at 59 Bank Church Road in Rockingham County for a new poultry facility. He stated the department of Public Utilities provided their technical review of the request.

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

Council Member Fleming stated the issue of back flow came into question during the Planning Commission meeting which the property owner would be responsible for, and asked how the back flow monitoring will be done. Mr. Banks stated backflow prevention is the responsibility of lots of commercial private property owners to install, and he would imagine through the construction inspection process they will ensure the proper backflow prevention devices are installed. Mr. Fletcher stated backflow prevention comes out of the code that Community Development enforces in conjunction with Public Utilities.

A motion was made by Vice-Mayor Dent, seconded by Council Member Jones, that this Action Item be approved. 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

- 6.b.** Consider approving a resolution setting the percentage of Personal Property Tax Relief to Tax Year 2023

Chris Brown, city attorney, presented the determination for the relief percentage for Personal Property Taxes, which is done every year. He reviewed the process of determination of the relief and set at 18.2% for FY 2023.

A motion was made by Council Member Fleming, seconded by Vice-Mayor Dent, that this Resolution be approved. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

6.c. Consider approval of State Performance Contract for Harrisonburg Rockingham Community Services Board

Mayor Reed stated this item was viewed during the work session.

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

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

No: 0

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

6d through 6g together

A motion was made by Council Member Jones, seconded by Vice-Mayor Dent, that this Ordinance be approved. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

6.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

presented with agenda item 6d

A motion was made by Council Member Jones, seconded by Vice-Mayor Dent, that this Ordinance be approved. 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

6.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

presented with agenda item 6d

A motion was made by Council Member Jones, seconded by Vice-Mayor Dent, that this Ordinance be approved. 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

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

presented with agenda item 6d

A motion was made by Council Member Robinson, seconded by Vice-Mayor Dent, that this Ordinance be approved. 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

7. Supplementals

- 7.a.** Consider a supplemental appropriation in the amount of \$800,000 for the Emergency Communications Center (ECC)

Ande Banks, city manager, presented a supplemental appropriation in the amount \$800,000 for the Harrisonburg Rockingham Emergency Communications Center (ECC) . He stated the ECC is in the midst of a very large upgrade to the microwave radio system, contract negotiations have been finalized, the estimates were lower than the actual cost, and the funds will be coming from the ECC's fund balance to complete the project costs.

A motion was made by Vice-Mayor Dent, seconded by Council Member Robinson, that this Supplemental Appropriation be approved. 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

8. Reallocations

- 8.a.** Consider a reallocation of funds in the General Capital Projects Fund in the amount of \$1.5 million for the Homeless Services Center project.

Ande Banks, city manager, presented a reallocation request from the General Capital Project Fund for the renovation of the Municipal Building to the Homeless Services Center project to ensure the total project cost is now met once a signed contract is in hand.

Council Member Robinson asked if this means we are on hold for the Municipal Building renovation project. Mr. Banks stated this is only a portion of the project funds set aside for the renovations.

A motion was made by Vice-Mayor Dent, seconded by Council Member Robinson, that this Reallocation be approved. 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

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)

Briar Lam, preacher of Providence Baptist Church, stated he has shared the word of God during the Shenandoah Pride Festival for several years, he has met some wonderful people and had great conversations with many. He stated he also witnessed things that are in direct violation of a city ordinance; encouraging or aiding or exposing minors to or encouraging them to engage in fornication, lewd behavior, and elicit sexual activity. This event is a celebration of sexuality where minors and little children can be found, it is considered a family event. He reviewed the language in the ordinance, and he calls upon elected officials to revoke approval of this event, of aiding and approving these behaviors included the grooming of children under the protection afforded by tax payor money.

Tom Domonoske, 461 Lee Avenue, thanked Council for the hours they give to the community, democracy only works because there are people willing to serve and make it work. He spoke on an EV charger near City Hall that hasn't been hooked up for a year due to trying to figure out how to bill for usage, he hopes that will be turned on soon. He spoke on the improvements planned for Liberty Street and he hopes that the small road that bends around the old Artful Dodger on Court Square. He spoke on the I-81 widening and hopes the linking of Bluestone Trail will reach all the way to the new Rocktown High School.

Panayotis "Poti" Giannakouros, as the secretary for the Martin Luther King, Jr. Way Coalition, stated the Coalition will be proudly present at the Pride Festival on September 16, 2023, as they are usually present at all the festivals in the city. He asked if there were any ordinances or procedures on our books which we should be ashamed of, any that contain hate or exclusion. He spoke about cloaks of anonymity and past wrongs.

9.b. City Council and Staff

Council Member Fleming shared a draft Proclamation for Attendance Awareness Month. Mayor Reed stated it was at the request of someone at National League of Cities (NLC), but because it is asking for the City Council to give specific

commitments, she wanted all of Council to be a part of this proclamation. Council Member Robinson suggested it be reviewed at home first. Council Member Fleming stated it can be modified as needed by Council. Vice Mayor Dent stated she wonders what the relationship is with the School Board doing this, as we as Council we can recognize it as an awareness to attendance, but beyond that it would be up to the School Board to make the specific commitments. Discussion took place to review and discuss further at a later time.

Council Member Robinson stated the African American Festival was very nice and want to ask those in the neighborhood to please try to and get involved, help out the committee, as much as possible. She stated Second Home Learning Center received a grant to pay for tuition for before and after-school care for those living in the Spotswood area, they have about 20 families being blessed by this grant and can have up to 50. She stated this would be for before school childcare and activities from 6 am to 8:50 am and after-school from 3:40 pm to 6:00 pm, includes free breakfast, free snack, and free peace of mind for parents. She stated if anyone is interested to please reach out to Second Home and she provided the telephone number.

Council Member Fleming stated Council Member Jones, city manager Banks, and himself attended the JMU / City / County Liaison Meeting, and they spoke about the Smart Scale issues and advised JMU they should be concerned about as well. He stated we did get somewhat of a commitment from JMU on crafting additional responses to the Governor and Transportation Board of their concerns as well.

Vice Mayor Dent stated she attended a wonderful meeting at JMU hosted by several academics, with a colleague they collaborated with from Germany, talking about the European Commissions investment in energy positive blocks of mixed use development, and she was impressed with how far ahead the European Commission is than the United States. She stated it is encouraging to see us doing what we can locally like joining C-PACE and moving to climate neutrality. She stated she had a call with the larger committee of the Energy, Environment, and Natural Resources Committee of the National League of Cities and policy statements on permitting reform were reviewed and amended.

Council Member Jones stated it was good to see JMU beat UVA, go Dukes! He congratulated the African American Festival Committee for holding a successful event. He stated it is good to see the culmination of a lot of private projects, city projects, along with state and federal funding, and staff's hard work to see things come to fruition.

Mayor Reed stated the African American Festival was great. She stated groundbreaking for the Homeless Services Center will be on September 14, 2023,

and she was very excited about tonight’s agenda, it is exciting to see our work playing out; we had childcare, we had housing, and renewable energy, that is what we have been working on.

Ande Banks, city manager, stated the Public Works Team realized that through the Inflation Reduction Act the Environmental Protection Agency is administering a National Greenhouse Gas Reduction Fund, which includes \$7B competition for solar for all. He stated the Virginia Department of Energy is developing their application to compete for this funding opportunity that could solicit between \$250M to \$400M to bring more solar to the Commonwealth. He stated he signed a support letter to the Virginia Department of Energy’s efforts to solicit those federal funds.

10. Closed Session

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

Subsection 1 for the discussion of personnel matters;

At 10:04 p.m., a motion was made by Council Member Jones, seconded by Vice Mayor Dent, to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: Subsection 1 for the discussion of personnel matters. 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

11. Adjournment

At 10:31 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 10:31 p.m. there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR