



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, March 26, 2024

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, City Attorney Chris Brown, City Clerk Pam Ulmer, Police Chief Kelley Warner and Chief Matthew Tobia

2. Invocation

Mayor Reed offered the invocation.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

4. Special Recognition

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 Vice Mayor Dent, seconded by Council Member Fleming, to approve the consent agenda 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.a. Minutes from the February 27, 2024 City Council Meeting

These minutes were approved on the consent agenda

5.b. Consider a supplemental appropriation for the General Fund and School and Water Capital Projects Funds

This supplemental appropriation was approved on second reading.

5.c. Consider the special event application request for the Shenandoah Valley Autism 5k on Saturday, April 27, 2024.

This special event application was approved on the consent agenda

- 5.d.** Consider the special event application request for the EMU Spring Commencement Ceremony on Sunday, May 5, 2024.

This special event application was approved on the consent agenda

- 5.e.** Consider the special event application request for the Valley 4th Run on Thursday, July 4, 2024.

This special event application was approved on the consent agenda

6. Public Hearings

- 6.a.** Consider a request from PRR 1 LLC to rezone 1211, 1225, 1245 & 1261 Port Republic Road

Thanh Dang, deputy director, Community Development, stated both agenda items 6a and 6b will be presented together. She presented a request for a rezoning and a special use permit for property located at 1211, 1225, 1245, and 1261 Port Republic Road for the Weston Park development. She reviewed the surrounding area, the conceptual layout of the proposed development, the proposed public street connections and the proffers offered.

She stated staff recommended denial of both requests and reasoning why. She stated Planning Commission (4-2) recommended approval of both requests.

Council asked for information on what developments have already been approved. Council shared concerns of overloading the market with specific types of housing and reviewed the by-right density on this property.

At 7:25 p.m., Mayor Reed closed the regular session and called the first and second public hearing to order. A notice appeared in the Daily News-Record on Wednesday, March 13, 2024, and Wednesday, March 20, 2024.

Mark Giganti, CEO of Evergreen Homes, homes, stated they were the developers of Preston Lake, in Rockingham County. He reviewed the company, the types of proposed housing in the development (townhomes, duplexes, and single-family homes), and road networks. He stated the single family homes will run between \$490,000 and \$520,000 approximately, duplexes around \$400,000 - \$425,000, and the townhomes around \$330,000- \$360,000, and these prices are based on performance values in the market. He stated this development will be done in phases.

Council Member Jones stated this development is filling space not a need. He stated we need the whole spectrum of housing but perhaps we have saturated this part of the spectrum.

Todd Rhea, representative for applicant, stated a lot of the concerns of Council have been addressed in this development, he reviewed the application timeline, the density

reduction, the Comprehensive Plan designations, the proposed density transition, the development concept plan, the area calculations, graph on the median sales price of homes in the city, and the current projects in the pipeline. He stated the only box not checked per city requirements is what is considered a low density mixed-residential development in the Comprehensive Plan.

At 7:50 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Vice Mayor Dent stated she really likes this project that has a mix of densities, within a mid to high range price and meets the need for mid to high salary range such as professors or hospital administrators, etc., who can't find housing in the city. She spoke further on types of housing and the path to homeownership and how the Harrisonburg Rockingham Metropolitan Planning Organization (HRMPO) is proposing a small area study of the holistic traffic patterns of the planned developments in the area and how to mitigate any issues.

Mayor Reed stated at some point Council needs to look at what we have in the pipeline so that we can make sure we are making these strategic decisions and keep affordable housing mixed throughout the city.

Council Member Robinson stated she is aware of the housing needs of the city, but she is concerned about the speed at which so many developments have been approved without taking the time to review the pipeline versus the needs.

Council Member Jones stated the reality is people are buying cars and houses regardless of the interest rates, the notion of what people can and can't afford is individualized. He spoke further on affordable housing versus the diversity of housing needed, the R-1 zoning, tax base, and how it is up to Council as to how the city is shaped. He stated this development is fine, but perhaps in a different area of the city.

Council Member Fleming stated the Housing Study provided some insight on the housing needs of the city, he spoke on individuals that can't find the housing in the city they want, how big of a pipeline do we want to create, and will builders want to build townhomes if there is plenty of inventory already on the market.

Further discussion took place amongst Council of the housing needs of the city.

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

Yes: 2 - Council Member Fleming and Vice-Mayor Dent

No: 3 - Council Member Robinson, Council Member Jones and Mayor Reed

6.b. Consider a request from PRR 1 LLC for a special use permit to allow townhomes at

1211, 1225, 1245 & 1261 Port Republic Road

Rezoning not approved – SUP request no longer active.

- 6.c.** Consider a request from Flor Asuzena Bautista for a special use permit to allow a major family day home at 1451 College Avenue

Thanh Dang, deputy director, Community Development, presented a special use permit to allow for a major family day home at 1451 College Avenue. She reviewed the definition of major family day home, the property, and the surrounding properties.

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

At 8:13 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, March 13, 2024, and Wednesday, March 20, 2024

Flor Bautista, applicant, stated she is eager to start this business and excited to provide the services the children need.

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

Vice Mayor Dent spoke on the ARPA Funded programs for Childcare.

A motion was made by Council Member Robinson, seconded by Council Member Jones, 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

- 6.d.** Consider a request from Edwin E. Joya to rezone a portion of 705 and 707 North Main Street

Thanh Dang, deputy director of Community Development, presented a rezoning request for property located at 705 and 707 N. Main Street from M-1 to B-1C. She reviewed the surrounding zoning designation, the property, the surrounding properties, the history of the zoning of this property, and the submitted proffers.

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

At 8:21 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, March 13, 2024, and Wednesday, March 20, 2024

There being no one desiring to be heard, Mayor Reed closed the public hearing at 8:22 p.m., and the regular session reconvened.

A motion was made by Council Member Robinson, seconded by Council Member Jones, 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. Regular Items

RECESS

At 8:26 p.m., Mayor Reed called the meeting into recess.

At 8:34 p.m., Mayor Reed called the meeting back into session.

7.a. Joint Legislative Audit And Review Commission report on K-12 Funding findings.

Mark Gribbin, chief Analyst, Joint Legislative Audit And Review Commission (JLARC), reviewed the following:

- Senate Joint Resolution No. 294;
- The percentages of local, state and federal funding to Virginia school divisions;
- Benchmarks versus funding;
- Standards of Quality (SOQ) formula and how it lacks clear rational and does not reflect prevailing practices;
- Local Composite Index (LCI);
- Recommended formula changes and state budget impact;
- Division-level funding impacts;
- Three things to keep in mind when looking at division-level financial impacts;

Council asked questions regarding how the SOQ doesn't match what the educators are saying is needed, the trends of property value and income vs state funding and how the city could lose funding based on those trends, the roll of JLARC, the price per student model in terms of students with higher needs. Mr. Gribbin answered their questions.

No action needed.

This Presentation was received and filed.

7.b. Update on Public Notice Signage

Thanh Dang, deputy director of Community Development, presented the final design of the Public Notice Signs.

Michael Parks, director of Communication, reviewed the highlights of the signs:

- English and Spanish;
- QR Code directing to the website for specific information;
- Telephone number for information;
- City branding colors and fonts and city seal;

Council stated they were glad the colors changed to a less aggressive color and how they appreciate the thought and work that was put into these signs.

A motion was made by Vice Mayor Dent, seconded by Council Member Robinson, to approve the new signage 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.c. Consider a request from Northside Development Partners LLC to preliminarily subdivide +/- 5.23-acres addressed as 44 and 81 Wilson Avenue

Thanh Dang, deputy director of Community Development, presented a request for a preliminary plat with variances for property located at 44 and 81 Wilson Ave. She reviewed the history of the parcels, the proposed development for these parcels, land use guide of the area, and the variances requested. She stated the next agenda item will discuss the closure request for Wilson Avenue.

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

A motion was made by Vice Mayor Dent, seconded by Council Member Fleming, 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.d. Consider a request from Northside LLC to close a portion of Wilson Avenue

Chris Brown, city attorney, stated at the December 14, 2022, City Council meeting the request to close a 10 foot strip on Wilson Avenue was presented. He stated this closure would be in exchange for a 10 foot strip along Mt. Clinton Pike to the City. He stated that item was approved, but Council did not want to do a second reading on this closure until the subdivision plat from the developer was done. He stated the

subdivision plat has been received and the developer is ready to do the transfer. This will be considered the second reading on this item.

A motion was made by Vice Mayor Dent, seconded by Council Member Robinson, 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.e. Presentation on Affordable Housing Fee Waivers and Recommendations for a FY25 Pilot Program

Liz Webb, housing coordinator, presented a pilot program of fee waivers for affordable housing. She reviewed the following:

- The Code of Virginia's section on Waiver of Fees;
- How Charlottesville and Loudoun County use the fee waivers;
- Why fee waivers could work for affordable housing development;
- What the City collects fees for;
- Fee examples for the proposed Suter Street and Foley Efficiencies Developments;
- The proposed FY25 Pilot Fee Waiver Program and priorities;
- The timeline and next steps if supported by Council;

Council spoke on how this could help move some of the developments in the pipeline forward as it is an incentive, many cities are using this type of program, the increase in short-term construction loan interest rates and how this could help reduce initial costs to move into long-term loans where the interest rate is lower, and how this could help local builders.

Council thanked Ms. Webb for the information and the implementation of this program. Ms. Webb stated an ordinance will be drafted for Council's approval in the future.

No action required

This Presentation was received and filed.

7.f. Consider adopting an ordinance amendment and reenactment for Sections 16-6-41, Discharge of Firearms within City Limits, and Section 16-6-42, Archery Season to Hunt Deer, of the Code of Ordinances, City of Harrisonburg

Chris Brown, city attorney, presented an ordinance amendment related to discharge of firearms and hunting in the city. He reviewed the amendments, and noted deer have been destroying the Blacks Run Stream Revitalization areas recent plantings and may in other areas of the city as well. He reviewed a conversation he had with

the local State Conservation Police Officer.

A motion was made by Council Member Jones, seconded by Council Member Fleming, to approve the ordinance amendment 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.g.** Consider amending and reenacting Sec. 7-3-67. - Elevation of building sewer; lifting of sanitary sewage where building drain is too low; Sec. 7-4-9.- Adjustments for excessively high consumption, of the Harrisonburg City Code Sec. 7-5-2. - Watershed west of Rawley Springs - Hunting, Fishing, etc., allowed; exception; Sec. 7-5-3. - Same - Permit required for fishing.

Chris Brown, city attorney, presented ordinance amendments related to backwater or pump requirements, high water consumption and excessive use, and fishing regulations at Riven Rock. He reviewed the recommended amendments.

A motion was made by Council Member Robinson, seconded by Council Member Fleming, to approve the ordinance amendments 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.h.** Consider a resolution for submittal of a request for congressionally directed spending (CDS) for Fiscal Year 2025 for the Suter St. Drainage Improvement Project.

Amy Snider, deputy city manager, presented a resolution to request congressionally directed spending for the Suter Street Drainage Improvement Plan in the amount of \$2,779,300 and if successful will require a \$926,500 match. She stated this area is prone to flooding and the primary solution is to construct stormwater management systems that are very expensive.

Council Member Robinson stated she is very excited about this as it contains an equity and environmental piece and the community engagement that will be part of this.

A motion was made by Council Member Jones, seconded by Council Member Robinson, to adopt the resolution 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.i.** Consider a resolution for submittal of a request for congressionally directed spending (CDS) for Fiscal Year 2025 for the Liberty Street Utility Relocation Project.

Amy Snider, deputy city manager, presented a resolution to request congressionally directed spending in the amount of \$6M for the utility relocation and undergrounding of utilities on the Liberty Street Project, which was not incorporated in the RAISE Grant application.

A motion was made by Council Member Robinson, seconded by Council Member Fleming, to adopt the resolution as presented. The motion carried with a roll call vote as files.

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

No: 0

8. Other Matters

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

Panayotis "Poti" Giannakouros, spoke on incarceration, recidivism, the City School Board, the recent Pollinator Event, No Mow May.

8.b. City Council and Staff

Vice Mayor Dent spoke on the recent NLC Conference and Hill Day, the things she was advocating for; DirectPay (equivalent to tax credits) for energy efficiency and renewable energy systems for municipalities; HRMPO grant applications and small area study; the Pollinator Event; and the possible bee keeping ordinance that is being drafted.

Council Member Jones spoke on items he brought up during Hill Day in DC such as the Outdoor For All Act, support for community navigators assisting local entrepreneurs, and promoting home ownership through housing vouchers and affordable housing initiatives.

Mayor Reed spoke on the recent NLC Conference and her opportunity to be involved in conversations on the importance of funding for after school programs and summer learning; the Parks and Recreation Advisory Committee meeting topics and discussions; the Massanutten Library Strategic Plan meeting which discussed how to make the library more diverse; the Davarian Baldwin Authors Talk at the library; and her discussions with the Out of School Learning Coalition.

Council Member Robinson spoke on the NLC Conference and her conversations with the Women in Municipal Government committee and youth groups that were present; her visit with Senator Warner; and thanked Mr. Banks for allowing Council to attend this very important conferences.

Council Member Fleming spoke on the conversations with the NLC Universities Council; his meeting and discussions with the Finance Administration Intergovernmental Relations Committee on streamlining the grant process;

Ande Banks, city manager, shared his thoughts and prayers to our colleagues in local government of Baltimore in the horrible tragedy of the bridge collapse.

9. Boards and Commissions

9.a. Community Policy and Management Team (CPMT)

A motion was made by Council Member Jones seconded by Vice Mayor Dent, to appoint Tiara Brown to the CPTM, to a 1st term to expire on March 26, 2025. The motion carried with a unanimous voice vote.

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

No: 0

9.b. Board of Equalization (BOE)

A motion was made by Council Member Fleming, seconded by Council Member Robinson, to reappoint Sharon Horn to the Board of Equalization for a 2nd term to expire on December 31, 2026. The motion carried with a unanimous voice vote.

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

No: 0

10. Closed Session

10.a. Closed Session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: Subsection 8 for a discussion with legal counsel regarding specific legal matters involving contractual negotiations requiring the provision of legal advice by such counsel.

At 10:22p.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 8 for a discussion with legal counsel regarding specific legal matters involving contractual negotiations requiring the provision of legal advice by such counsel and discussion with legal counsel regarding a pending or actual litigation matter where public discussion of the matter would affect the strategy of City Council. The motion carried with a unanimous voice vote.

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

No: 0

11. Adjournment

At 10:52 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 10:52 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR