



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Final City Council

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Tuesday, September 13, 2022

7:00 PM

Council Chambers

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### 1. Roll Call

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

**Also Present:** 4 - Deputy City Manager Ande Banks, City Attorney Chris Brown, City Clerk Pam Ulmer and Justin Kline

### 2. Invocation

Mayor Reed offered the invocation.

### 3. Pledge of Allegiance

Vice Mayor Romero led the Pledge of Allegiance

### 4. Special Recognition

#### 4.a. Proclamation recognizing the 4th Saturday of September as International Community Day

Vice Mayor Romero presented the proclamation recognizing the 4th Saturday of every September as International Community Day to Ingrid Manning, director of operations, Fairfield Center, Aaron Hagmaier, director of mediation, Fairfield Center, and Nancy Munoz, interim executive director, Fairfield Center.

Vice Mayor Romero stated the International Festival will be held on Saturday, September 24, 2022, downtown.

#### 4.b. Electronic Attendance

Chris Brown, city attorney, stated Mayor Reed is unable to join the meeting in person as she is out of town in Greenville, SC, and per the policy adopted by Council permitting Council Members to attend electronically, a vote is required to authorize Mayor Reed to participate remotely.

Carried with a unanimous voice vote:

### 5. Consent Agenda (any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of Council, otherwise all items will be voted on with one (1) motion)

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

follows:

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

**No:** 0

**5.a.** Minutes from the August 23, 2020 City Council Work Session

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

**5.b.** Minutes from the August 23, 2022 regular City Council meeting.

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

**6. Public Hearings**

**6.a.** Consider adopting amendments to Design and Construction Standards Manual Sections 3.1.8 Access Management & 3.10.2 Entrances, Curb Cuts, and Intersections

Tom Hartman, director of Public Works reviewed the two requested amendments to the Design and Construction Manual. He stated the first amendment is related to Access Management and VDOT Standards and the second amendment is related to arterial distance requirements to match the first amendment. He reviewed the reasoning for these amendments.

Council Member Dent asked if the current manual refers to only principal arterial streets and the amendments will include minor arterial streets as well. Mr. Hartman stated yes, that is correct.

At 7:10 p.m., Vice Mayor Romero closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Saturday, September 3, 2022, and September 10, 2022.

William Howe, 2090 Taylor Drive, stated with the expansion of townhomes on Pear Street the intersection at Erickson Avenue is extremely dangerous, and the proposed plan for the U-turn location on Erickson Avenue is not in a good location and was wondering if this was part of the arterial planning process.

At 7:12 p.m., Vice Mayor Romero closed the public hearing and the regular session reconvened.

Council Member Baugh stated the area is so much better now than it used to be, and he understands the ingress and egress from Pear Street onto Erickson is challenging.

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

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

No: 0

- 6.b.** Consider the carryover and reappropriation of unexpended prior year grants and outstanding prior year encumbrances, requested by department heads and by the School Board, in the amount of \$14.6 million.

Larry Propst, director of Finance presented the annual request for outstanding encumbrances and unexpended grant funds be carried over to the new fiscal year. He stated since this request exceeds 1% of the budget a public hearing is required.

At 7:15 p.m., Vice Mayor Romero closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Tuesday, September 6, 2022.

There being no one desiring to be heard, Vice Mayor Romero closed the public hearing at 7:15 p.m., and the regular session reconvened.

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

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

**No:** 0

- 6.c.** Consider approving a request from Stephen W. and Faith R. Hottle to close two sections of public alley located behind 267 Campbell Street

Adam Fletcher, director of Community Development presented a request to close two sections of an alleyway located behind 267 Campbell Street. He reviewed the undeveloped alleyways, the surrounding properties and the land use of the area. He stated some of staff's concerns were related to the opportunity for future development and utility connections. He stated staff feels that alleyways are primarily for the benefit of the community and giving the network of the alleyways throughout the city laid out in a very traditional neighborhood design most alley ways should be kept for access to property owners.

He stated staff and Planning Commission (7-0) recommended denial of this request.

At 7:24 p.m., Vice Mayor Romero closed the regular session and called the third public hearing to order. A notice appeared in the Daily News-Record on Monday, August 29, 2022, and Tuesday, September 6, 2022

Bob Maphis, 441 Ott St., spoke on the steep downward grade from Ott Street, and noted if modifications/construction were needed on some of the properties on Ott Street, access would be limited if the alleyways were closed. He asked for denial of

this application

Steve Hottle, applicant, stated access will not be blocked, he plans on allowing anyone needing access to the rear of their property to do so. He stated he has been maintaining the alleyways and keeping it a large green space.

Kim Rutherford - 451 Ott Street, stated her concern is the limited access to the back yards of property on Ott Street, and can only be accessed by using the alley way network behind the houses. She asked for denial of this application

Jerry Coulter, 475 Ott Street, spoke on the history of the uses of the alleyway, the need for the alley way for his property and asked for denial of this application

Panayotis "Poti" Giannakouros, spoke on the history of alleys in the city, how at one point the city wanted to close all alleys. He spoke on Planning Commissions decision on this matter, and suggested the neighbors buy into this particular green space and ask that it be rezoned to a natural preservation use. He asked for denial of this application.

Donna Schwehr's, 445 Ott Street, spoke on the need for access to the back of her property for demolition and preservation and it is crucial this alley stays open. She asked for denial of this application.

At 7:40 p.m., Vice Mayor Romero closed the public hearing and the regular session reconvened.

Council Member Dent stated the Planning Commission was unanimous on the denial of this request, of all the alley closing proposals seen by Council, this one is the clearest should stay open and she feels alleys should stay open unless there is a strong compelling public reason to close them.

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

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

**No:** 0

- 6.d.** Consider approving a request from New Venture Partners LLC to rezone portions of two parcels addressed as 745 North Dogwood Drive and 860 Waterman Drive

Adam Fletcher, director of Community Development, presented the rezoning request for a parcel containing .36 acres from R-1 to M-1 general industrial district. He noted the original application and public notices included a request to rezone an adjacent +/- 0.99-acre area from R-1 to R-5C, High Density Residential District Conditional. The applicant has tabled that portion of the request.

He reviewed the land use and zoning classifications of the area, the property, and the

proffer offered.

He stated staff and Planning Commission (6-1) recommended approval of this request.

At 7:50 p.m., Vice Mayor Romero closed the regular session and called the fourth public hearing to order. A notice appeared in the Daily News-Record on Monday, August 29, 2022, and Tuesday, September 6, 2022

There being no one desiring to be heard, Vice Mayor Romero closed the public hearing at 7:52 p.m., and the regular session reconvened.

Council Member Dent stated Commissioner Armstrong noted that to rezone it needs to improve the neighborhood as opposed to leaving it natural but the stronger argument was that it was otherwise unfeasible to use it for residential or other purposes so it was a good thing that the adjacent business could expand into it. Council Member Baugh stated it is consistent to the current use. Further discussion took place as to how this is the best zoning for this property.

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

**6.e.** Consider approving ordinance amendments pertaining to Homestays and Short-Term Rentals - Section 10-3-24 of the Harrisonburg City Code

Adam Fletcher, director of Community development presented the requested amendments to the ordinance related to homestays and short term rentals to reflect the original desire from Planning Commission. He reviewed the sections affected by the amendments, the history of the regulations associated with short term rentals and noted currently there are 30 approved short term rental properties and 17 approved by-right home stay operations.

He stated staff and Planning Commission (7-0) recommend approval of these amendments.

Council Member Jones stated duplexes are a bit different as it is one structure two dwellings. He asked how many short term rentals or homestays have received complaints or been found out of compliance. Mr. Fletcher stated he is unable to answer that question, but he doesn't recall receiving any complaints. He suggests we table this issue in order to debate the language in the amendments particularly related to duplexes.

Council Member Dent stated a discussion during Planning Commission revolved around accessory buildings and accessory dwellings. Mr. Fletcher clarified the difference between the two. Further discussion took place regarding these types of

units.

Vice Mayor Romero agrees with Council Member Jones, as the intent of having the owners of the property being present during short term rentals was to ensure the safety of the property and be available if anything was needed. He stated if the owner lives on one side of the duplex and rents out the other side on a short term basis that meets the needs of this requirement. Mr. Fletcher stated the Planning Commission changed their mind on what they desired; they didn't want to take off dwelling units from the market.

Further discussion took place regarding the original short term rental regulations and debated on whether to table this item and request revisions to the amendments requested.

At 8:31 p.m., Vice Mayor Romero closed the regular session and called the fourth public hearing to order. A notice appeared in the Daily News-Record on Monday, August 29, 2022, and Tuesday, September 6, 2022

Robert Alford, 375 Broad Street, stated he is the individual who applied for a special use permit for short term rental in a duplex. He stated he purchased this property with the intention to have his son live on one side of the unit and do a short term rental on the other side. He stated there are not many short term rentals in this area, he is improving the property, and an operator will be living on the property. He requests Council deny or table this request.

Panayotis "Poti" Giannakouros, stated the intent of Planning Commission doesn't matter they are strictly an advisory body and City Council makes the decisions. He spoke on how the economic circumstances of the city are different from those in larger localities. He stated he feels these amendments would eliminate the types of uses we want to have. He referenced previous meeting discussions on short term rentals when the original regulations were being considered.

At 8:43 p.m., Vice Mayor Romero closed the public hearing and the regular session reconvened.

Council Member Jones spoke on how short term rentals and home stays can be a benefit to our community, it creates entrepreneurs, extra income and allows full use of individuals assets.

Further conversation took place on the desire of Council on this topic.

**A motion was made by Council Member Baugh, seconded by Council Member Jones, to table the request as presented to allow staff to revise the original amendments presented. The motion carried with a recorded vote as follows:**

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

**No:** 0

## 7. Regular Items

- 7.a.** Consider approving a request from Greenwood Homes LLC to preliminarily subdivide a +/- 3.14-acre parcel into townhome and common area parcels, and for Subdivision Ordinance variances, at 611 Pear Street

Adam Fletcher, director of Community Development, presented a request to subdivide a 3.14 acre tract into 33 townhome parcels and 1 common area parcel for property located at 611 Pear Street. He reviewed the zoning of the area, the surrounding properties, the subdivision plat and the requested variances.

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

Council Member Dent asked if water and sewer is hooked to the Rockingham County system. Mr. Fletcher stated he would have to check on that and let her know.

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

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

**No:** 0

- 7.b.** Consider approving a resolution setting the percentage of Personal Property Tax Relief to Tax Year 2022

Chris Brown, city attorney, stated this is the annual request as a result of the car tax rebate legislation. He stated each year the city receives funds from the state for the car tax relief, last year it was 22.6% and this year it is 19.4%, and noted vehicles valued at less than \$1,000 will not pay any personal property tax, vehicles with a value between \$1,000 and \$20,000 will be given the 19.4% tax relief, and any vehicles valued over \$20,000 will only received the 19.4% rebate on \$20,000.

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

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

**No:** 0

- 7.c.** A request for City Council's input on different options for zoning ordinance amendments to ensure compliance with federal fair housing laws

Chris Brown, city attorney, stated this is a request for feed back from Council on

zoning ordinance amendments to be in compliance with federal law. He stated there are three houses in the city opened by the Oxford Group that are used for addiction group home that would contain more unrelated individuals living in the home than allowed by our zoning ordinances. He stated under the Federal Fair Housing Act addiction is considered a disability and those individuals can request an accommodation be made for these types of dwellings. He reviewed the options available to amend the ordinances to accommodate these requests, the advantages and disadvantages of each, and stated staff is recommending special use permits be required for these properties.

Discussion took place regarding what types of organizations could use this type of ordinance amendment for housing and Council Member Dent stated these amendments should apply equally to all such organizations.

**A motion was made by Council Member Baugh, seconded by Council Member Jones, to authorize staff to proceed drafting the recommended ordinance amendment. The motion carried with a recorded vote as follows:**

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

**No:** 0

**7.d. Consider approval of State Performance Contract for Community Services Board**

Barbara Brady, interim executive director for the Community Services Board (CSB), stated she is happy to answer any questions Council may have on the Performance Contract.

Ande Banks, interim city manager, stated presented the annual Performance Contract from the Department of Behavioral Health and Developmental Services for services to be provided by the Harrisonburg Rockingham Community Services Board.

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

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

**No:** 0

**7.e. Consider a VML Conference Voting Delegate and an Alternate Voting Delegate for both the Urban Section and the Annual Business Meeting at the upcoming VML Conference October 2022**

Council discussed who was planning on attending the upcoming VML Conference and Business Meeting in October 2022.

**A motion was made by Council Member Jones, seconded by Council Member Baugh, to**



appoint Mayor Reed as the Urban Section voting delegate, Council Member Dent as the Urban Section alternate voting delegate and Mayor Reed as the Business Meeting voting delegate. The motion carried with a recorded vote as follows:

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

**No:** 0

## 8. Reallocations

- 8.a.** Consider a reallocation of budgeted funds for the General Capital Projects Fund in the amount of \$500,022.30

Larry Propst, director of Finance presented a reallocation to provide funding for a camera replacement project at the County Jail, from excess funding in the CAD/DMS Project.

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

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

**No:** 0

## 9. Other Matters

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

William Howe, 2090 Taylor Drive, stated the two bike paths on Erickson Avenue contain larger rocks that are a danger to bicyclists and wanted to know who to get in touch with to get it cleaned up. He asked what the status of was of allowing beehives in the city.

Panayotis "Poti" Giannakouros, stated there have been some very objectional attacks reported on the homes of inter-racial couples in Broadway, VA and this happens in Harrisonburg as well. He stated the website Building Better Communities.org shows a light on new data. He stated over the past decade the city has moved dramatically toward being a truly friendly city, enforcement on aesthetic ordinances has been reduced. He thanked Council for the work they all have been doing.

**9.b. City Council and Staff**

Council Member Jones stated the Parks and Recreation Department is seeking volunteers for all types of programming. He stated the city needs more bus drivers and police officers as well, we need the community to help in the recruitment process. He stated from time to time our staff gets beat up, it's because they have jobs of enforcing regulations, and he wants to make sure staff gets the kudo's they deserve for doing their jobs, a lot of departments are short staffed and yet the city services continue. Please try to be appreciative of the hard working staff.

**9.b.1. Direct City Attorney to draft Municipal Solar Ordinance**

Council Member Dent stated similar to the way the city attorney proposed that Council direct an ordinance for the housing special use permit previously, she would like Council to provide approval for the city attorney to draft a municipal solar ordinance. She stated she, Council Member Baugh and EPSAC Focus Area 1 group have been working on this that piggybacks on the new Virginia law that establishes green building standards and states that a locality could set more stringent standards if they chose. She stated she is asking for an ordinance that would state that any new construction, significantly reconstructed property or roof replacement must have solar paneling installed. She stated this would set the parameters and the process for approving exceptions and mimicking the state law for green buildings this would include cost comparisons over twenty years which is a much fairer comparison as the initial investment may be higher, sunshine is free, and costs will reflect that after approximately 20 years compared to constantly increasing fossil fuel costs. She stated there are still questions that can be worked out with staff.

Council Member Baugh stated the legislation is new, staff should review what other localities are doing with it. Council Member Jones stated he feels an ordinance is not needed as Council expects and directs staff to be as efficient when it comes to building anyways, as an example the new Public Works building.

Further discussion took place regarding the new state standards and what, if anything, Council would like to add on to.

Council Member Dent stated EPSAC's Focus Area One is now underway, and they will be addressing any new efficiency standards that they might request or require of city buildings, an energy usage audit is being done on existing municipal buildings.

**A motion was made by Council Member Dent, seconded by Council Member Baugh to direct city attorney to draft a municipal solar ordinance with meetings with staff and other stakeholders as appropriate. The motion carried with a unanimous voice vote:**

**9.b (cont) City Council and Staff (cont)**

Council Member Dent stated she got a new electric bike and is enjoying the bike lanes and shared use paths, there is an e-bike meet up on Sunday, September 25, 2022, at Westover Park. She stated electric bicycles are the most efficient way to turn energy into forward motion, which is one of the environmental solutions for efficiency and a safe downtown. She thanked Mr. Benevento for his presentation a few meetings ago about clean active transportation and how it should be prioritized in the city.

Mayor Reed stated there will be the EMU's Royals Downtown event on Thursday, September 22, 2022, which is equivalent to JMU's Block Party in the 'Burg. She stated voting is going on now for the downtown live music grant that HDR is in the running for, it is a \$90,000 grant so she urges everyone to vote.

Ande Banks, interim city manager, provided kudos to Pamela Ulmer, city clerk, as project manager in conjunction with Michael Parks and Paul Malabad for the improvements of the audio and video in Council Chambers. He stated staff is still trying to work with Comcast on getting a much better channel for streaming as well. He stated he appreciated Council Member Jones plug for the services provided by our employees, and if anyone is interested in a career, we have lots of opportunities. He stated EMU will be holding their own Royals Go Downtown event on September 22, 2022.

Vice Mayor Romero stated the United States Secretary of Education was in Harrisonburg earlier today as part of his nationwide tour, he left encouraged and excited about the things being done in the city schools on language accessibility, special needs etc.

#### **10. Adjournment**

At 9:42 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