

Tuesday, November 26, 1974

At a regular meeting of Council held in the Council Chamber this evening at 7:30 PM there were present: - Mayor Roy H. Erickson, City Manager Marvin B. Milam, City Attorney Norvell A. Lapsley, Clerk N. Arlene Loker, Vice-Mayor E. Warren Denton, Jr., Councilmen Paul C. Cline, Raymond C. Dingledine, Jr., Walter F. Green, III, Chief of Police Julius F. Ritchie. Absent:- City Auditor R. William Shifflet (excused to attend special class.)

The evening's Invocation was led by The Rev. H. Hasbrouck Hughes, Jr., pastor of Asbury United Methodist Church, Harrisonburg.

Minutes of the regular meeting held on November 12th were read, and approved by Council.

✓ For information, the City Manager advised Council that a civil action case of Clarence Cook, plaintiff vs City of Harrisonburg and Hubert B. Myers, defendants, had been ordered dismissed on November 15, in the U.S. District Court.

City Manager Milam called Council's attention to their copies of a Court Order which he had received on November 14th from the Circuit Court of Rockingham County, concerning case of David W. Brown, Inc., petitioner, vs City of Harrisonburg, a municipal corporation, defendant, particularly to the following statement set forth therein: "It is therefore ADJUDGED, ORDERED AND DECREED THAT SAID ORDINANCE OF DECEMBER 11, 1973, IS ILLEGAL, INVALID AND VOID AS TO PETITIONER'S REAL ESTATE AT 61 BROAD ST., HARRISONBURG, VA., AND SAID REAL ESTATE REMAINS ZONED B-2 GENERAL BUSINESS." He emphasized the one sentence for information because the case involves only the one piece of property mentioned.

City School Superintendent Wayne King appeared before Council with re to House Bill 30 passed by the General Assembly at the end of its session. He presented the following recommendations in resolution form which were adopted at a meeting of the School Board held on November 19th, for Council's endorsement: (1) That house bill 30, which reduced the State's payment of Social Security, be repealed and urge that the state continue full Social Security payments for all teachers employed by local school divisions; (2) The state finance full cost of local school divisions' education programs for the "handicapped" mandated by the Standards of Quality; (3) That certain vocational education classes be reimbursed by class instead of by pupils; And further, that the resolution, if approved, be submitted to the Virginia Municipal League, the State Board of Education, and the State School Boards Association. Mr. King pointed out that the state, under the new Bill, would not pick up the Social Security payments for teachers beyond the set number of 106 teachers which Harrisonburg is allowed, when actually the City employs 73 teachers in excess of this number. He noted further that a loss of approximately \$ 20,000. was realized this year in special education funds and approximately \$ 10,000. in vocational education funds, due to the fact that classes were not sufficient in students to receive maximum state funding. A total of approximately \$ 42,000. is anticipated for the City next year when the state will no longer pay Social Security for all teachers. Mr. King informed Council that the Board had written its representatives, asking them to look into the possibility of a repeal to House Bill 30, and asked Council's support re the matter. Mr. Barry Hensley presented members with copies of a report concerning state support for special education classes, calling attention to the fact that the total support of \$ 31,685. for the year 1974-75, as compared to \$ 52,840. for the prior year, would result in a loss of \$ 21,155. He explained that no funds were received this year for visiting teacher, psychological services and teachers' aides. Mr. Hensley pointed out the fact that since the year 1972, Harrisonburg has been required by law to provide programs for handicapped children living in the city. Mr. Robert Brooks, Director of Federal Programs, presented members with a written report concerning vocational education classes and explained that under the state reimbursement formula, a shortfall of approximately \$ 10,000. is anticipated. A total of \$ 28,350.06 was received from the state in 1973-74 for vocational education classes, as compared to a total of \$ 18,290.00 anticipated for 1974-75. A reduction from 75% to 50% on vocational equipment is not included in the anticipated loss. Mr. King informed Council that under the state law, services have to be provided here, or those who qualify for these classes must be sent elsewhere, and paid for. City Manager Milam called attention to one sentence incorporated in a Virginia Municipal League Proposal which recommended repeal of paragraph 2, item 594, chapter 681 under the 1974 Acts of Assembly, in order to restore state financing of Social Security benefits for local Government Public School Employees whose salary exceeds \$ 10,528. Following a lengthy discussion, Councilman Green moved that Council approve the resolution submitted by the School Board, and incorporate the recommendation of the Virginia Municipal League Proposal, with copies of this action to be forwarded to Senator Aldhizer, Delegate Clinton Miller, Delegate Nathan Miller, and the Va. Municipal League, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council, all members present and accounted for.

The City Manager read the following recommendation submitted by the Planning Commission from a meeting held on November 20, 1974:-

"...Mr. Porter Graves, Jr., attorney for Peoples Baptist Church, presented a plat illustrating the resubdivision of a residential property on Bluestone St., owned by Mr. C.H. St. John. The Church desires to purchase a 60' x 40' section at the rear of the lot, in order to expand off-street parking for church visitors. The Director explained that a resubdivision as requested, will reduce Mr. St. John's lot to 7,800 square feet in an R-1 Zone, which requires 10,000 square feet as the minimum lot size. Mr. Milam added that if resubdivided, the 60' x 40' section would then become a lot without street frontage. Opposition from property owners regarding allowing variances and the possibility of parking buses next to other person's backyards was reported by the Director and Mr. Denton.

Dr. Shank offered a motion that the Planning Commission recommend denial of the request to resubdivide the lot in question. Mr. Williams seconded the motion, and all members present voted in favor..."

Attorney Porter Graves, representing Peoples Church and Mr. St. John, spoke concerning the matter of traffic flow on Main St., as well as the parking situation around the church. He pointed out that the church owns the property comprised of 150' x 190' where the church is located; 2 homes; and the parsonage which is situated on the corner of Monument Ave. & Bluestone St. Although the church began some years ago with a small congregation, it has now increased to approximately 600 people, which poses more parking problems. The strip of land owned by Mr. St. John, if acquired by the church, would be utilized for passage around the church property and also for parking. Attorney Graves informed Council that the contract provides for a fence to be constructed by the church, between property of Mr. St. John and the 2400' conveyed to the church, if approved. Vice-Mayor Denton, a representative of Council on the Planning Commission, said that the matter of needed passage around the church was not mentioned at the Commission meeting on November 20th, and further, that no field trip was taken to the site. City Manager Milam pointed out the following violations of the land purchase under the city ordinance: (1) would reduce size of residential lot below the 10,000 square feet required under R-1 zoning; (2) would create a 40' x 60' lot which would be surveyed and put on public record now, and in generations to come, someone may want to use this lot for some other purpose. He said he had received a number of calls last summer from residents in the area of Peoples Church who were concerned about rumors that the church property was being sold to a developer for business purposes, which could result in business zone extending back into the residentially zoned area. Attorney Graves explained that last summer, the church had looked into the possibility of building elsewhere. Following discussion, Vice-Mayor Denton moved that the recommendation of the Planning Commission for denial of the request by Peoples Church, be approved, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council. It was suggested that Attorney Graves work with the church in trying to come up with another solution to its problems of parking and passage around the building, possibly by the purchase of entire property, rather

than a portion of same.

✓ The following recommendation submitted by the Planning Commission from a meeting held on Nov. 20, 1974, was read by the City Manager:-

"...The Commissioners reviewed the Final Plan for six single family lots in Holiday Hills Subdivision. The Director referred to the Subdivision Review Sheet dated November 6, 1974 which explained the necessary street construction, curbing and gutter installations and water and sewer lines to be installed by the developer, James C. Wilkins & Associates. The subdivision of six lots is located on the north side of Stuart St. A turn-around or half-circle will be installed at the Stuart Street-Taliaferro Drive intersection. Curb and gutter will be installed along the entire length of the six-lot layout, and water and sewer lines will be extended as required by Mr. Loker.

Mr. Williams moved that the Planning Commission recommend approval of the Final Plan for Section 7 of Holiday Hills, subject to the developer providing proper bonding documents. Mr. McNiel seconded the motion, and all members voted in favor..."

Planning Director Sullivan pointed out the area on a map and explained the preliminary plat. Following discussion, Councilman Dingleline moved that the recommendation of the Planning Commission be approved, with the developer to furnish performance bond as required by the Shomo & Lineweaver Insurance Agency, which motion upon being seconded by Councilman Cline, was adopted by a unanimous vote of Council.

Manager Milam read the following proposed resolution for Council's consideration:-

WHEREAS, it is necessary for a formal request to be made to the Department of Highways and Transportation of the Commonwealth of Virginia by the Council of the City of Harrisonburg by resolution for each project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA, at its regular meeting on this 26th day of November, 1974, that:

1. The Highway Department of the Commonwealth of Virginia be, and it is hereby, requested to establish and set up a project within the City of Harrisonburg, Virginia, to reconstruct South High Street (Route 42) as shown in the Major Thoroughfare Plan from the South Corporate Limits to Grace St.

2. That the City hereby agrees to pay its share of the cost for surveys and plans, right-of-way and construction under the cost formula of 85% by the Highway Department and 15% by the City.

3. The City further agrees that if the said project is established as herein requested and thereafter the said City decides not to proceed further with the said project, then the City, by this resolution, agrees to repay the Highway Department for 100 percent of the cost incurred for the said project to the time of abandonment.

ADOPTED THIS _____ DAY OF _____, 1974.

CITY OF HARRISONBURG, VIRGINIA

By _____ Mayor

Attest:

Clerk

Assistant City Manager Driver, speaking on behalf of the City, strongly recommended this project as the next one to be programmed, in that much time and study had been spent on same. Director Sullivan explained the project as shown on the Major Street Plan Map, as well as the Traffic Flow Map of 1974 which revealed approximately 15,000 vehicles as daily traffic count for S. High St. Following discussion, Councilman Green moved that the resolution be approved, with authorization for the proper officials to sign the same, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

✓ Mr. John F. Zirkle, representing the Morrison House Committee from the Rockingham Historical Society, appeared before Council with a request for City owned land as proposed site for relocating the Morrison House which is presently located on the corner of W. Market and Liberty Sts. He reminded Council that the request had been presented on several other occasions in the past to relocate the house on land owned by the City opposite the Daily News Record building on Liberty St., with no action taken regarding same, primarily because of the prohibitive cost of moving. The lot requested by Mr. Zirkle adjoins Westover Park on Dogwood Drive, and is in rear of the Seventh Day Adventist Church. This would include the entire area between the stream and fence, although all of same is not needed for the house. He presented drawings by Mr. Cooper, showing the house at present, and also as fully restored. A price of \$22,000 - \$25,000. (firm for 6 months), has been quoted by the Wm. P. Patram Co., to move the house; the Telephone Co. has estimated \$500. - \$1,000. to take care of their lines if the house is moved, but have suggested the route up W. Market to High St., south to Water St. and westward to the lot; although no letter has been received from the Harrisonburg Electric Commission, Mr. Kenneth Frantz, General Manager, has said that he sees no reason why they can't handle electric wires in the same manner; a total of \$900. - \$1,000. is estimated for police protection and to take care of traffic. Mr. Zirkle pointed out that the Historical Society would possibly conduct a campaign to move the house, which would not include the use of any tax dollars, if the City agrees to provide the lot. The house, when restored, would possibly have rooms furnished in the various periods of history, with a meeting room 18' x 35' added to the original portion. The Museum could be moved from the Municipal Building, into the dwelling. Mr. Zirkle said that the project had been endorsed by the Rockingham Historical Society and also the Bicentennial Commission, by resolutions. City Manager Milam suggested that inasmuch as the request involves City property, it should be referred to the Planning Commission and Recreation Commission for study. When a suggestion was made by Council that the City retain ownership of the lot, Mr. Zirkle pointed out that the City would own same, but turn it over to the Society who would also be responsible for maintenance of same. Following discussion, Councilman Dingleline moved that the matter be referred to the Planning & Recreation Commissions for study and recommendation, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

Council deferred until the next regular meeting, appointments of a committee to study the City's present tax structure; one appointment to the Redevelopment & Housing Authority; suggested names for the Bicentennial Commission as additives; and also recommendation of 3 to 5 names to the Circuit Court

Judge for appointments to the Board of Equalization.

✓ With regard to one vacancy which would be created on the Harrisonburg Parking Authority as of November 28, 1974, when Mr. Westbrook Hawkins' term will expire, Councilman Green moved that Mr. Hawkins be reappointed for a five year term to expire on November 28, 1979. The motion was seconded by Vice-Mayor Denton, and adopted by a unanimous vote of Council.

✓ Councilman Dingleline moved that an appropriation in the amount of \$ 4,262.46 requested by the Recreation Director in order to transfer monies for participants' wages during months of August and September as per agreement with the Virginia Employment Commission, be approved for second and final reading, a first reading having been approved on November 12th, and that:-

\$ 4,262.46 chgd.to: General Fund (1005) Recoveries & Rebates.
1,819.76 approp.to: General Fund (1-11020-116) Parks & Playgrounds
Emergency Employment Act.

2,442.70 approp.to: General Fund (1-11020-12) Parks & Playgrounds- Wages

which motion upon being seconded by Councilman Green, was adopted by a unanimous recorded vote of Council.

✓ Councilman Cline moved that an appropriation in the amount of \$ 700,863.60 requested by the Water & Sewer Superintendent in order to close out the 1969 Water Bond Fund, into the regular Water Fund for expenditures on the Skidmore Dam project, be approved for second and final reading, a first reading having been approved on November 12th, and that:-

\$ 700,863.60 chgd.to: Water Bond Fund (1969-70) Unappropriated Surplus Account.
700,863.60 approp.to: Water Fund (6-7-7701) Proj. #1-72-73 - Water- Capital Outlay-
Work in Progress - Skidmore Dam.

which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

✓ City Manager Milam presented a request from the Director of Social Services for approval of a supplemental appropriation in the amount of \$ 152.80, representing reimbursement to foster care for expenditures for children in foster care, received from Social Security and parents. Councilman Green moved that the appropriation be approved, and that:-

\$ 152.80 chgd.to: VPA Fund (Rev. a/c 1005-2) Recoveries & Rebates- Unanticipated
Revenue - ADC-FC
152.80 approp.to: VPA Fund (8-8022-394-B) Bureau of Public Assistance- Aid to
Dependent Children - F.C.

which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

✓ A request was presented from the Director of Social Services for approval of a supplemental appropriation in the amount of \$ 758.50 in that the Court ordered ADC refunds for child support and reimbursement for ADC funds received. Councilman Green moved that the appropriation be approved, and that:-

\$ 758.50 chgd.to: VPA Fund (Rev. a/c 1005-2) Recoveries & Rebates- Unanticipated
Revenue - Aid to Dependent Children.
758.50 approp.to: VPA Fund (8-8022-394-A) Bureau of Public Assistance- Aid to
Dependent Children.

which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

✓ The City Manager presented a request from the Director of Social Services for approval of a supplemental appropriation in the amount of \$ 900.00, representing reimbursement to foster care for expenditures for children in foster care received from Social Security and parents. Councilman Green moved that the appropriation be approved, and that:-

\$ 900.00 chgd.to: VPA Fund (Rev. a/c 1005-2) Recoveries & Rebates- Unanticipated
Revenue - Foster Care.
900.00 approp.to: VPA Fund (8-8022-395) Bureau of Public Assistance- Foster Care.

which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

✓ Manager Milam presented and read a letter dated 11/26/74 from Mr. Cecil F. Gilkerson, City Recreation Director, requesting approval of Council to transfer the amount of \$ 4,275. from Reserve for Encumbrance Account into the Senior Citizens Center Account, to purchase furniture, drapes and supplies for the building, and a desk and chairs for the Director's Office. He stated that some of the local Senior Citizens Groups, civic clubs and fraternal organizations, would purchase some of these items, but felt that the funds should be made available now, in order to have the Center open January 1, 1975. As the funds come in from the various sources, Mr. Gilkerson explained that they would be placed back into the Recreation Department budget. City Auditor Shifflet pointed out that the funds would be taken from some encumbrances which would be closed out into the surplus, and then transferred back into Capital Outlay Account. If approved, two readings of the transfer would be necessary. Following discussion, Councilman Cline moved that the transfer be approved for first reading, and that:-

\$ 4,000.00 trans.from: General Fund (PO 2089 11020-79-1) Land Improvements.
92.54 trans.from: General Fund (PO 2090 11020-75) Office Equipment.
112.59 trans.from: General Fund (PO 1937 11020-79) Land Improvements.
69.87 trans. from: General Fund (PO 1937 11020-79-2) Picnic Areas, etc.
4,275.00 trans.to: General Fund (11020-72) Senior Citizens Center.

which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council. Manager Milam explained briefly, tentative plans for dedication of the Senior Citizens' Center, which were approved by a unanimous vote of Council, on motion of Vice-Mayor Denton, seconded by Councilman Cline.

✓ City Manager Milam presented and read a proposed ordinance amending Sec. 34, paragraph f(2) of the TV Antenna Ordinance, increasing the regular monthly charge for first cable connection to \$ 6.00, representing a 75¢ increase over and above that approved and made effective July 1974. Mayor Erickson reminded members of the report by Mr. Mervin Stickley, member of the AD Hoc Committee, at the last regular meeting, as well as remarks made by representatives of Warner Cable Co., and then asked Council's wishes. Vice-Mayor Denton moved that the ordinance be approved for a first reading, which motion upon being seconded by Councilman Green, was adopted by a majority vote of Council, Voting "aye" - Denton,

Green, Erickson. Voting "no"- Cline, Dingledine.

✓ A letter dated 11/25/74 from City Auditor Shifflet was read by the City Manager, requesting authority to close out the Water Bond Fund (69-70) in that he had been advised by the Water & Sewer Superintendent that the Water Treatment Plant Project (9,63-64) has been completed, the project has been closed into the Plant, Equipment & System, and all remaining balances have been transferred into the Water Fund. Members were reminded that an appropriation in the amount of \$ 700,863,60, representing balance left in this fund, was approved for second and final reading earlier in this meeting in order to transfer said funds into the regular Water Fund for expenses on Skidmore Dam project. Following a brief discussion, Councilman Cline moved that the City Auditor be authorized and directed, which motion upon being seconded, by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ Manager Milam reported for information that the Downtown Development Committee had held a meeting and appointed William Grow as General Chairman, D.P. Davis, Vice-Chairman, and Robert Sterrett, Secretary. The committee will be meeting on a weekly basis.

✓ The City Manager reported for information that he had advertised for a police chief, in that Chief Ritchie will retire as of December 31st of this year. He noted that applications were still coming in. Manager Milam said that he had asked a committee of five people in the community to sit with him as a Steering Committee, and that the group was comprised of a judge, attorney, sheriff, detective, and a uniformed officer with the Harrisonburg Police Department. The committee is in the process of interviewing applicants and it will probably be the latter part of December before a decision is reached.

There being no further business and on motion duly seconded, the meeting adjourned at 10:20 P.M.

N. Arlene Lopez
Clerk

Ray Erickson
Mayor