

Tuesday, December 1974

At a combined public hearing and regular meeting held in the Council Chamber this evening at 7:30PM 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. Dingleline, Jr., Walter F. Green, III, City Auditor R. William Shifflet and Chief of Police Julius F. Ritchie.

Minutes of the regular meeting of November 26th were read, and approved as corrected.

The following regular monthly reports were presented and ordered filed:-

From the City Manager:-

A report of activities in the various departments and said office for the month of November, 1974.

From the City Treasurer:-

A Trial Balance report as of close of business on November 29, 1974.

From the Police Department:-

A report of total number of arrests; parking meter fines collected; cash collected from parking meters; and total cash collected, all sources.

From the City Auditor:-

A Financial Report for the City of Harrisonburg for month of November, 1974.

A report of cash discounts saved during month of November, 1974 totaling \$ 375.52.

From the Data Processing Manager:-

A report of water, sewer and refuse accounts, meters read, installations, cut delinquents, complaints, etc. for month of November, 1974.

The City Manager informed Council that he had received copies of letters which had accompanied applications for Certificates of Public Convenience & Necessity to the three local taxicab companies. He mentioned the fact that the Clerk had advised that Council would act on the applications at the last meeting in this month, or December 24th (Christmas Eve), and that since it falls during the holidays, the date may be changed. Following a brief discussion, Councilman Cline moved that the applications be placed on Council's agenda for the first meeting in January, 1975, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

The City Manager reported that a Regional Legislative meeting with the delegates would be held tomorrow evening, 5:30 P.M. at Belle Meade, at which time the City will have several in attendance. Each year, prior to beginning sessions of the General Assembly, meetings of this nature are held in various Virginia cities. Manager Milam requested some indication of those members who would be attending. The report was for information.

Council approved a request of the City Manager for an executive session following this meeting, in order to discuss financial and personnel matters.

Dr. Malcolm Tenney, Jr., District Health Director, presented a check in the amount of \$ 2,517.55, representing the City's share of revenue due the locality, and overpayment by the locality for Health Dept. operations for 1973-74.

Dr. Tenney presented members with copies of a letter which had been written to the School Superintendent re nursing services in the various City Schools; as well as copies of a report showing admissions to Western State Hospital 7/1/73-6/30/74; Admissions & Releases in Planning District VI during the same period; number released to Planning District VI from out of this district. He noted that the District is carrying those 12 released into the District VI for approximately \$ 12,000. per year, and offered an opinion that the SID Project is out of line insofar as their request for \$1.2 million in

order to follow 79 released patients into a community, as to what they need. He explained to Council that the SID Project studies individual cases of institutionalized persons, and then writes prescriptions as to needs. During the past 2 1/2 years, the Project has been ineffect, approximately 400 such prescriptions had been written, with few places actually available to receive them. Dr. Tenney said he would rather see the funds used for building much needed institutions to take care of these persons. Sandy McDaniel of the SID Project, present in the meeting, noted that the \$1.2 million did not apply to the 79 patients, but rather for documentation of services needed in order to obtain funds, and pointed out that the Project was designed for study purposes only. She said they had received no assurance that SID is funded for another year, but that a report would be made at a later date.

Mayor Erickson closed the regular session temporarily, and called the public hearing to order.

✓ The City Manager read the following Notice of Hearing as advertised in the Daily News Record newspaper:-

The Harrisonburg City Council will hold a Public Hearing on Tuesday, December 10, 1974, at 7:30 P.M. in the City Council Chambers, Municipal Building, 345 S. Main St., to consider the following rezoning request.

Northfield Estates request to rezone 25 acres on north side of East Washington St. extended, to R-4 Planned Unit Development, and 10 acres on north-side of East Washington St. extended, to M-1 Industrial. Property is presently undeveloped R-2 Residential.

All persons interested will have an opportunity to express their views at this Public Hearing.

City of Harrisonburg
Marvin B. Milam, City Manager

Mr. Robert Sullivan, Planning Director, pointed out the area on a map and noted that the R-4 Planned Development was determined as the better opportunity, in that R-2 would not permit townhouses and condominiums for private home ownership, although it would have permitted more units. He said that the Plan had been amended many times insofar as green space, etc., and that the developer had agreed to dedicate necessary land for street widening. Mr. Sullivan stated further that the northern end of the City does need shopping, and access would be superior by extending the 10 acres. A model of the proposed shopping center was on display which showed a five-sided building with an enclosed mall. The center would include large stores in the outer rooms and smaller shops in the middle area. Councilman Green questioned the advisability of placing an industrial zone next to a residential area, in that a factory or warehouse could be built on the land, once it is rezoned. He would favor zoning the 10 acre area B-2 (Gen. Business) which would permit the shopping center, but prohibit industrial usage. Mr. Kenneth Patrick, developer, said he would favor either zoning and noted that he would be willing to restrict the 10 acres to business uses by covenant, in order to get the project underway. Manager Milam read the following recommendation submitted by the City Planning Commission from a meeting held on Oct. 23, 1974, following their public hearing on the matter on Sept. 17, 1974:-

"...The Commissioners were shown a revised site plan of Northfield Estates, a proposed 25 acre R-4 Planned Unit Development located on E. Washington St., extended. Mr. James Sheehan of Frey, Sheehan, Stoker & Associates, Silver Spring, Md., explained that additional open green space has been added to the site plan, in response to suggestions made during the public hearing in Sept. Mr. Sheehan also described how the garden apartment area has been changed to meet the City's parking lot regulations which limits a private parking lot to serve no more than 20 apartment units. Mr. Kenneth Patrick of Annapolis, Md., told the Commissioners that he plans to develop 64 homes (in the form of 32 duplex-style structures), 100 townhouses, and 72 garden apartment units. These will be placed on the market to be sold as individual home-owned units, and the apartments may be set up as condominiums. A home-owners association will be established to own and maintain the open green spaces which are one of the features of R-4 zones.

The Director reported that the City's 6" sewer line in E. Washington St. will handle the Northfield Estates proposal for 236 dwelling units, according to the Water and Sewer Superintendent. Mr. Sullivan also reported that this rezoning request includes changing 10 acres of vacant land from R-2 Residential to M-1 Industrial, which will in effect be an expansion of the M-1 zone surrounding Victor Metals and the Coca Cola plant on N. Main St. With regard to the proposed 25 acres for R-2 Planned United Development, the density allowed will be 10 dwellings per acre, which is the same if the property remains R-2 Residential. Also, an R-4 zone exists immediately north of the Northfield Estates site, therefore this request is not "spot zoning" but an addition to the Eugene Hooper and Harris Gardens R-4 area.

Dr. Shank offered a motion that the Planning Commission recommend to City Council that the rezoning application by Northfield Estates be granted, for 25 acres of R-4 Planned Unit Development and 10 acres of M-1 Industrial. Mr. McNiel seconded the motion. There being no further discussion, all members voted in favor..."

Mr. Patrick pointed out the fact that government funds would be used for the project, and that the first question raised was "where will they shop?" This fact prompted the shopping center - mall idea as shown on the scale model. Councilman Dingleline asked how this would correlate with the downtown area as to refurbishing, etc. and where would you draw the line? Vice-Mayor Denton, a representative of Council on the Planning Commission, said it was felt, when discussed by the Commission, that this was the first opportunity to create more business, with no opposition, and offered a personal opinion that this would not hurt the present downtown area. City Manager Milam suggested that rather than defer the matter on the entire area, Council try to make a decision on the 25 acres at this time, in that the matter has been pending for some time. Mayor Erickson closed the Public Hearing at 9:25 P.M. and reconvened the regular session.

Members of Council were asked by the Mayor if they were prepared to act on the Northfield Estates rezoning request. Vice-Mayor Denton moved to rezone the 25 acres to R-4 Planned Unit Development, and

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to postpone the 10 acre area in question for further study and referral to the Planning Commission, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

City Manager Milam read an ordinance amending Section 34, Paragraph f (2) of the TV Antenna Ordinance, setting cable rate at \$ 6.00 monthly for the first connection (75¢ over and above the present rate), and connection fee for any additional set at the present rate of \$ 2.00. He reminded members that the ordinance had been approved by a majority vote at the November 26th meeting, for a first reading. Mayor Erickson asked Council's wishes. Vice-Mayor Denton moved that the ordinance be approved for second and final reading with authorization for the Mayor to sign the ordinance and the Clerk to attest same, and spread upon the pages of the City's Ordinance Book, which motion was seconded by Councilman Green, and adopted by a majority vote, recorded as follows:- Voting aye: Councilmen Denton, Green and Erickson. Voting no: Councilmen Cline and Dingleline. (Refer to Ord. Bk K page 55).

City Manager Milam informed Council that the Board of Real Estate Assessors, consisting of Messrs. Lowery, Byrd and Suter, had been working full time since last spring in an effort to conclude the 1974 reassessment of property in the City, by the scheduled time of December 31st. The Board has asked that Council request an extension of 120 days, which is provided under Sec. 58-792 of the State Code, due to the fact that Mr. Bob Hansbrough, who has been working alone in checking all properties in the City, will not be able to complete approximately 1,400 by the end of this month. One of the two assessors quit, but a replacement will begin tomorrow. Following a brief discussion, Councilman Dingleline moved to request a 90 day extension, which motion upon being seconded by Councilman Cline, was adopted by a unanimous vote of Council.

With regard to appointing a committee to study the City's present tax structure, the City Manager reported that a new book with tax information, compiled by the Virginia Municipal League and the University of Virginia, will come out early next month, which should help in making decisions. Also, that the 1974 report prepared by the Study Commission of the General Assembly will soon be available. He noted that the General Assembly is concerned whether people are paying a fair share, and that he has been informed that a Bill concerning local taxation will be presented during the upcoming sessions. Manager Milam recommended that a consultant not be acquired at this time, until further information can be brought in. Councilman Cline expressed concern over the delay, due to the length of time required for a study of the tax structure. Following discussion, members unanimously agreed to wait until the first of the year in order to receive and study the 1974 report.

Councilman Raymond Dingleline, on behalf of The Harrisonburg-Rockingham Independence Bicentennial Commission, requested that the following persons be added to the Commission:-

- Susan Kennedy (Montevideo High School) - Penn Laird, Va.
- Russell Curro (Harrisonburg High School) - 1035 Toppin Blvd., Harrisonburg, Va.
- Mrs. Carl Priode - 351 Franklin St.- Harrisonburg, Va.
- Dr. Richard K. MacMaster - 104 South May Court, Bridgewater, Va. 22812
- Mr. Henry Stuart, 165 Kelley St., Harrisonburg, Va. 22801

Councilman Dingleline then placed the appointments in the form of a motion, which was then seconded by Councilman Green, and adopted by a unanimous vote of Council.

Council deferred making appointments to various other Boards & Commissions, until the next regular meeting.

Councilman Dingleline moved that a transfer of funds in the amount of \$ 4,275.00 from some encumbrances, requested by the Recreation Director, in order to purchase equipment for the new Senior Citizens Center, be approved for second and final reading, a first reading having been approved on Nov. 26, and that:-

- \$ 4,000.00 trans.from: General Fund (PO 2089 11020-79-1) Land Improvement.
- 92.54 trans.from: General Fund (PO 2090 11020-75) Office Equipment.
- 112.59 trans.from: General Fund (PO 1937 11020-79-1) 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 Cline, was adopted by a unanimous recorded vote of Council.

City Manager Milam presented a request from the City School Board Office for approval of a supplemental appropriation in the amount of \$ 16,609.00 in order to purchase much needed equipment for the foreign language classrooms at Harrisonburg High School. It was pointed out that 50% of the total cost (\$ 8,304.00) would be received as a Grant from National Defense Education Act funds, which has been approved by The State Board of Education. City Auditor Shifflet informed Council that Schools had accumulated approximately \$ 21,000. in surplus over last year, and that the City's share of cost for the equipment (\$ 8,305.) would be drawn from this account. Following discussion, Vice-Mayor Denton moved that the appropriation be approved for first reading, and that:-

- \$ 8,305.00 chgd.to: School Fund - Unappropriated Surplus Account.
- 8,304.00 chgd.to: School Fund (R-24) Anticipated Receipts- Receipts from Federal Funds - National Defense Education Act.
- 16,609.00 approp.to: School Fund (19-403) Capital Outlay- Furniture & Equipment.

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

City Manager Milam reminded Council that in March of this year, two petitions had been presented, namely: for traffic light at South Ave, and S.High St.; and 4-way stop sign at South Ave, and Chestnut Drive. At that time, the matter was referred to the Harrisonburg Highway Safety Commission for study and report back to Council. He then read the following recommendation from a meeting of the Commission held on November 26, 1974, as submitted by Mr. John Driver, Secretary:-

The Commission discussed at length their views on the intersections of South Avenue and South High St. and Chestnut Drive, which was requested by City Council. Chief Ritchie reported there had been no accidents at South Ave. and Chestnut Drive between January 1, 1974 and Nov. 1, 1974,

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and two (2) accidents at South Ave. and South High St. between Jan. 1, 1974 and Nov. 1, 1974. Mr. Ken Hooke, a Traffic Engineer with Wilbur Smith and Associates, stated he could not recommend a traffic light at South Avenue and South High Street and that the intersection of South Ave. and Chestnut Drive did not have the type of traffic that required the erection of a 4-way stop sign. All Commission members stated they had been observing these intersections for several months and with the improvement of a left turn lane at South Ave. and South High St., they felt the traffic signal or stop signs should not be erected at this time. Mr. King made a motion that no traffic light be installed at S. High St. and South Ave. and that 4-way stop sign not be erected at South Ave. and Chestnut Drive at this time. Motion was seconded by Nelson Fitzwater and all members present voted aye.

Following discussion, Council accepted the recommendation and instructed the City Manager to send a copy of the Commission report to Attorney George Roberts who had represented the residents in presentation of petitions in March. Chief Ritchie noted that radar was being used throughout the City, and that it would be set up on Chestnut Drive, in its due turn.

Inasmuch as the next regular meeting of Council would fall on Christmas Eve, Mayor Erickson suggested that no meeting time be scheduled, but that a meeting be held at some time prior to the first meeting in January, should matters develop. Members unanimously agreed.

City Manager Milam called members' attention to his Progress Report for the month of November 1974, and noted that work on the Skidmore Dam had been discontinued for winter months.

This being the last meeting of Council for Chief Julius Ritchie in his capacity as Police Chief, prior to his retirement on December 31st, he expressed appreciation for the honor of serving the City of Harrisonburg for 33 years, 27 years as Chief, longer than any preceding him. The Governing Body expressed regrets concerning his retirement, but commended him for his cooperation and long service.

There being no further business, Councilman Cline moved to adjourn the meeting at this time (10:13 PM) and go into the executive session requested by the City Manager and approved earlier in the meeting, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.


CLERK


MAYOR