

Tuesday, January 9, 1979

At a combined public hearing and regular meeting held in the Council Chamber this evening at 7:30 PM there were present:- City Manager Marvin B. Milam, City Attorney Norvell A. Lapsley, Clerk N. Arlene Loker, Vice-Mayor Walter F. Green, III, Councilman Raymond C. Dingleline, Jr., Elon W. Rhodes, James C. Cisney, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- Mayor Roy H. Erickson.

Following roll call, Vice-Mayor Green introduced The Reverend Robert L. Darnall, pastor, Church of Christ, for the evening's Invocation.

Minutes of the regular meeting held on December 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 December, 1978.

From the City Treasurer:

A trial balance report as of close of business on December 29, 1978.

From the City Auditor:

A financial report for the City of Harrisonburg, Va. for month of December, 1978.

A report of cash discounts saved in payment of vendors' invoices for month of December, 1978, totaling \$ 1,084.92. Amount of \$ 11.95 reported lost due to late vouchers.

From the Dept. of Utility Billing:

A report of water, sewer & refuse accounts, meters read, installations, cut delinquents, complaints, re-reads, etc. for month of December, 1978.

From the Police Department:-

A report of total number of arrests; parking meter fines collected; cash collected from parking meters; total cash collected all sources in amount of \$ 8,592.55 for month of Dec., 1978.

Correspondence dated 1/5/79 from Mr. Bernard L. Bolt, owner and developer of the Country Club Court Townhouse Development, was presented and read by City Manager Milam, requesting approval of Section 2 of the development. He referred to the plat attached to the correspondence and explained that the development was within the City, just off Country Club Road. Following a brief discussion, Councilman Cisney moved that the plat be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

The City Manager read correspondence dated 1/2/79 from Attorney George S. Aldhizer, II, representing Rocco, Inc., advising that a parcel of land had been acquired by Rocco from Mr. Mark Wenger on the east side of N. Liberty Street which adjoins another parcel owned by them. It was noted that a triangular tract of land containing 1,100 square feet, acquired by the City in 1968 when land was purchased by the City for reconstruction of N. Liberty Street, is desired by Rocco who is considering construction of major capital improvements on the Wenger lot. The City was asked to consider conveying the tract of land for a nominal consideration in that the construction would add to the tax base in the area due to improvements. Further mentioned was that the parcel is otherwise unmarketable in that it is too small to be used for maintaining as a separate lot under the present City Zoning Ordinance. A letter dated 1/5/79 from City Engineer Donn Devier advised that in 1968 the City purchased land from several property owners for reconstruction of N. Liberty Street, at 75¢ per square foot, and retained title to the small triangular tract containing 1,121 square feet in that one of the property owners did not desire to purchase same; also retained title to 1/2 of the vacated portion of old Liberty Street containing 1,340 square feet for utility easement, in that two water mains are located in this section. It was suggested that should the portion of old Liberty Street be considered along with sale of the triangular tract, the City retain an easement for these lines, and that Rocco should be made aware of this in the event the utilities are in the way of proposed construction, should the water mains have to be relocated. Further suggested in Mr. Devier's letter was that the excess right-of-way be put back on the tax books. Assistant City Manager Driver explained that the tract in question resulted from elimination of a bad curve in the street when reconstructed, which necessitated going through the old Collicello House property. City Manager Milam offered an opinion that if sold, the City should accept no less than the 75¢ per square foot paid by the City in 1968. Following discussion, the matter was referred to the City Manager, City Attorney and City Engineer for negotiations and recommendation, and to the City Planning Commission for review and recommendation.

For information of Council, the City Manager advised that by certification from the State Water Control Board, it was learned that "The Infiltration/Inflow Analysis does contain an evaluation survey plan and, generally, indicates rehabilitation will be determined when such will result in decreased costs over the costs of treatment." He reminded members that the City of Harrisonburg has an application pending for an Infiltration Study, along with the town of Dayton.

City Manager Milam presented a request from L. Randall & Lucille Monger, requesting improvements to an alley situate between 238 and 246 Campbell Street, and running from Campbell to Ash Tree Lane. It was noted that residents on the lower side of Campbell Street use this alley as a short-cut to Mason Street, and that the alley had been repaired by residents on two occasions. Following a brief discussion, the request was referred to the City Manager to be handled under the City's policy for alley improvements which requires that property owners be responsible for 50% of the cost.

At 7:50 P.M., Vice-Mayor Green closed the regular session temporarily and called the public hearing to order.

The following Notice of Hearing was read by the City Manager:-

"The Harrisonburg City Council will hold a Public Hearing on Tuesday, January 9, 1979 at 7:30 P.M. in the City Council Chamber, Municipal Building, 345 S. Main Street to consider the following rezoning request:

To change from R-2 Residential District to B-2 General Business, the east portion of Lot 44, Block C on Page 41 of City Block Map. The portion of Lot 44 being considered is 40' x 170', and is located on the north side of Ashby Avenue, approximately 125' west of N. Main Street. Request is by Lincoln-Miller, Inc. Purpose: to permit commercial development on the northwest corner of N. Main Street and Ashby Avenue.

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

CITY OF HARRISONBURG, Marvin B. Milam, City Manager"

Mr. Sullivan, Planning Director, called attention to the following recommendation of the Planning Commission held on November 15, 1978 which had been presented at Council's November 28th meeting and accepted at that time, prior to scheduling of this public hearing:-

"...The Commissioners discussed the rezoning application by Lincoln-Miller, Inc. to change Lot 44, Block C on Page 41 of the City Block Map from R-2 Residential to B-2 General Business. During the Public Hearing held on October 18, 1978, several property owners on Ashby Avenue and Madison Street opposed the rezoning. In reviewing the Zoning Map, the Commissioners noted that Lot 44 has 105' frontage on Ashby Avenue and since Lincoln-Miller also owns Lot 43, which is zoned B-2, both sides of the issue would benefit if the zoning line were moved 40' to the west. The result would be a 175' x 96' commercial lot on the northwest corner of N. Main Street and Ashby Avenue, and a 65' x 205' residential lot on the north side of Ashby Avenue.

Dr. Shank stated he believed this to be the best answer for both the neighbors and Mr. Joe Miller, whose desire is to have enough corner lot space for a small business development, which has failed to materialize in the past due to the small size of Lot 43. He offered a motion that the Planning Commission recommend to City Council that a 40' wide strip on the east side of Lot 44 be rezoned from R-2 Residential to B-2 General Business. Mr. Williams seconded the motion and all members present voted in favor with Mr. Driver abstaining..."

Mr. Sullivan, Planning Director, pointed out the area on a map and noted that this was the smallest area for property rezoning that he could recall, and explained that it was the feeling of the Commission that if rezoned as recommended, a residential area would be left which may or may not be developed in the future; further that the motion of the Commission was a compromise measure which should satisfy both

the residents and developer. Attorney Stephen Bradshaw said that although his client's request was for rezoning of the entire lot in that a portion of Lot 43 had been taken for the widening of Ashby Avenue some time ago and is not usable for residential purposes, the Planning Commission's recommendation for rezoning only a portion of Lot 44 could be lived with, if approved by Council. Mr. Sullivan noted that no problem would arise until such time as the owner may desire to either rent or sell the residential portion, at which time it would be resubdivided along the new zoning line.

There being no others present desiring to be heard concerning the rezoning request of Lincoln-Miller, Inc., Vice-Mayor Green declared the public hearing closed at 8:10 P.M. and the regular session reconvened.

With regard to the request for rezoning discussed in tonight's public hearing, Councilman Rhodes moved that the recommendation of the Planning Commission be approved, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Councilmen present.

Mr. Victor Smith, Commissioner of Revenue, was present in the meeting as a follow-up re requests made during an executive session on December 26th for an increase in the present budget allocation for a Real Estate Appraiser from \$ 13,000. to \$ 15,000. annually, in that the position has been vacant since March of last year, with no interest shown in same at the present salary. He urged consideration of this request since some very vital and pressing matters must be attended to very soon. He noted that assessors are very scarce and in great demand, with other cities offering far above Harrisonburg's starting salary. A second request by Mr. Smith on December 26th, for future consideration, was to enlarge the appraisal staff by adding a second appraiser and full-time secretary. Following discussion, Councilman Cisney moved that a classification for Chief Appraiser be established under Grade 20 of the Personnel Management System for the City of Harrisonburg prepared by Municipal Advisors, Inc., Virginia Beach, Va., salary scale ranging from \$ 12,085. - \$ 15,434., which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

City Manager Milam presented for a second and final reading, an ordinance repealing Sections 16-61, 16-69, 16-78 & 16-78.1 of the City Code, and re-enacting Section 16-78 titled, "Coin Operated Machines (2) Gross Receipts; (b) Coin Machine Operators; (c) Merchants Placing Vending Machines." City Attorney Lapsley reiterated a statement from the last meeting that he had contacted Senator Nathan Miller and was informed that it was a state law with maximum license of \$200. on Coin Machine Operators, with no anticipated change in this General Assembly. Mr. Ralph Craun of Showalter Music, pointed out the fact that he had no complaint with regard to the \$200. fee, but was opposed to taxation of gross receipts from a machine, when 1/2 of same goes to the proprietor. Councilman Cisney offered an opinion that the amount received through coin machines by the proprietor, should be reported as gross receipts by him, rather than the machine operator. Mr. Carlton Wampler noted that several localities they had contacted, were making their own ruling with regard to amount of taxation. Mr. Eddie Wampler noted that the AMOV publication stated that "operators are subject only to gross receipts actually received in any locality." Commissioner of Revenue Smith interpreted gross receipts as everything that goes into a machine and comes out of a machine, with division of same having no bearing on taxation. With regard to the \$200. license tax on an operator, Mr. Smith pointed out that this was passed last November and is on the books. He noted that if desired by the governing body, the amount could be reduced to a nominal figure. Councilman Cisney pointed out the strong opposition voiced at the last meeting because of the small operator being penalized by the tax, and asked if it would be possible to administer license based upon the number of machines at \$ 15.00 each, up to an amount of \$ 200. Mr. Smith said he would prefer to reduce the amount, rather than get back into the same situation. Councilman Cisney questioned separation of an operator and vending machine operator where taxation is concerned. Mr. Craun said he felt it was wrong for him to pay tax on another person's money, which is the situation if same is based on total amount taken from a machine. Following discussion, Councilman Cisney moved that the ordinance be amended under paragraph b, line 4, by inserting, following the word of "\$15.00 per coin operated machine, however, the license tax shall not exceed \$200. per operator regardless of the number of coin operated machines placed in the city by a single operator", and further, that the words "actual share of" precede the words gross receipts, wherever they appear in the ordinance, and that the said amended ordinance be approved for a 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. The motion was seconded by Councilman Dingleline, and adopted by a unanimous recorded vote of Councilmen present. Vice-Mayor Green instructed the City Attorney to redraw the ordinance, with proper changes, prior to same being signed by the Mayor and Clerk, and recordation in the City's Ordinance Book. (Refer to Ord. Bk K, page 177).

City Attorney Lapsley informed Council that at the last meeting of the Harrisonburg Industrial Development Authority, the proposal by Elizabeth Street Partners for construction of office complex on the corner of Elizabeth and N. Main Streets was approved in general, and that an ordinance is necessary authorizing sale of the property to the IDA for the sum of \$ 55,000. upon the following conditions: (1) That the City agrees to sell to the IDA the land for purchase price of \$ 55,000.; (2) That such sale shall be conditioned upon the use of the land for the aforementioned purposes, and the deed conveying the land shall contain a covenant to reconvey the property to the City upon refunding of the purchase price in the event construction of such office building has not been commenced within sixteen months of the conveyance of the land to the Authority; (3) That the City Attorney is hereby directed to prepare a general warranty deed with English covenants of title conveying the land to the Authority; (4) That the Mayor is hereby authorized and directed to execute, acknowledge and deliver the aforesaid deed to the Authority upon the receipt of \$ 55,000. in payment for the land. Council discussed the proposed ordinance and expressed a desire for the period of 16 months as stated for time in which construction must be commenced, to be reduced to 1 year. It was noted by the City Attorney that originally, the time was stated as 24 months, and reduced to 16 months, in that a two-year period was felt to be long prior to construction. City Manager Milam pointed out that the IDA will sell bonds to finance the complex and will hold the deed until the mortgage is paid by the developers. Following a lengthy discussion, Councilman Dingleline moved that the ordinance, as amended, be approved for a first reading, with authorization for the City Attorney to negotiate with Elizabeth Street Partners for a shorter period of time for commencing of construction, prior to second and final reading of the ordinance, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous recorded vote of Councilmen present. It was agreed that the matter of taxing the property should also be investigated.

✓ Councilman Dingleline moved that a supplemental appropriation in amount of \$ 14,071.99 requested by the City School Board Office in order to appropriate CETA funds into proper accounts, be approved for second and final reading, a first reading having been approved on December 26th, and that:-

\$ 14,071.99 chgd.to: School Fund (R-28A) Realized Revenue Receipts from Fed.Funds-
Other Fed.Funds.

1,929.93 approp.to: School Fund (1201-109.50) Other Inst. Costs- Comp.Tchr.Aides-CETA

2,980.60 approp.to: School Fund (1201-109.51) Other Inst. Costs- Comp.Clerical- CETA

8,358.66 approp.to: School Fund (1201-134.50) Day Sch.Inst.-Comp. Elm.Tchr- CETA

802.80 approp.to: School Fund (1206-295.50) Fixed Chgs.- Employer Cont.Frnge Bnfts.

which motion upon being seconded by Councilman Cisney, was adopted by a unanimous recorded vote of Councilmen present.

✓ A request was presented from the Chief of Police requesting approval of a supplemental appropriation in amount of \$ 934.52 in order to reimburse account for expenses to Unit 7. paid by an Insurance Company for an accident. Councilman Rhodes moved that the appropriation be approved, and that:-

\$ 934.52 chgd.to: General Fund (1005) Recoveries & Rebates.

934.52 approp.to: General Fund (9010-274.00) Maint. & Repairs- Auto Equip.

which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Councilmen present.

✓ City Manager Milam requested approval of a supplemental appropriation in amount of \$ 5,000. which was awarded the City of Harrisonburg by the Virginia Commission of the Arts and Humanities for the purpose of establishing a Fine Arts Museum at 301 S.Main St. (former Sipe House), in order that same may be appropriated to the proper account. Following a brief discussion, Councilman Cisney moved that the appropriation be approved for a first reading, and that:-

\$ 5,000. chgd.to: General Fund (1005) Recoveries & Rebates.

5,000. approp.to: General Fund (15030-390.03) Non-Departmental- Support of Community &
Civic Organizations- Massanutten Chap. of the Va.Museum of Fine Arts.

which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Councilmen present.

✓ The City Manager presented a request from Mr. Ralph Smith, Superintendent of Streets, for approval of a supplemental appropriation in amount of \$ 6,000. in order to recover funds for parking lot improvements on city owned lot on Cantrell Avenue, same having been paid from Street Department funds. Following a brief discussion, Councilman Dingleline moved that the appropriation be approved for a first reading, and that:-

\$ 6,000. chgd.to: General Fund (1005) Recoveries & Rebates.

6,000. approp.to: General Fund (1-10110-77.08) S.Main St.

which motion upon being seconded by Councilman Cisney, was adopted by a unanimous recorded vote of Councilmen present.

✓ A request from the Superintendent of Streets was presented for approval of a supplemental appropriation in amount of \$ 2,444. in order to appropriate monies received from a Grant through the Department of Conservation and Economic Development for a Litter Control Program, into proper account. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:-

\$ 2,444. chgd.to: General Fund (1005) Recoveries & Rebates.

2,444. approp.to: General Fund (10112-270.00) Highway & Street Beautification-Litter Control.

which motion upon being seconded by Councilman Cisney, was adopted by a unanimous recorded vote of Councilmen present.

✓ A list of delinquent water, sewer & refuse accounts submitted by the Department of Utility Billing in total amount of \$ 953.39, was presented by the City Manager, along with a request from the department for the individual unpaid balances to be charged off city records as uncollectable. Council was informed that any deposits held by the City on the various consumers were applied, leaving balances unpaid, and that listed consumers no longer have services with the City. Following a brief discussion, Councilman Cisney moved that the Billing Department and City Auditor be authorized and directed to charge the listed accounts off city records, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

✓ City Attorney Lapsley reminded Council that following a request at the last regular meeting, for a charter change which would shorten the time between election of a new council member and the time he or she takes office, the matter was discussed briefly. Since that time, the following Bill has been introduced by Delegate Bonnie Paul and is now "in the legislative hopper:"

"The Council shall consist of five members, who shall be elected at large and who shall hold office for a term of four years from the first day of July next following the date of their election, and until their successors have been duly elected and qualified; provided that at the first municipal election under this charter, which shall be held on the first Tuesday in May, 1980, three councilmen shall be elected to hold office for four years each, and at the next municipal election, to be held on the first Tuesday in May, 1982, two councilmen shall be elected who shall hold office for four years each. A municipal election for the election of councilmen shall be held on the first Tuesday in May every second year thereafter. The terms of office of the Council as now constituted shall expire on the 1st day of July in the fourth year of those terms irrespective of the fact that the terms for which they were elected have not been completed."

Attorney Lapsley explained that the foregoing is re-wording of Section 4 in its entirety and that the only other code section affected is numbered 42. Under this section, only one word change is necessary, that being July rather than September, when council meets on the 1st day of, following election. The Bill, if approved, will not affect the city until the next council election in 1980. Councilman Dingleline moved that Delegate Paul be requested to proceed with the Bill, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Councilmen present.

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For information of Council, a report was presented from the Board of Assessors comprised of Messrs. Richard L. Suter, T. Harry Lowery and John H. Byrd, Sr., following six days of interviews with citizens for complaints re assessment of their properties, which revealed changed in statistics to: 5,376 taxable parcels @ \$ 256,974,410. (67 3/4%); 181 exempt parcels @ \$ 128,050,910. (33 1/4%) or a total of 5,557 parcels @ \$ 385,025,320. (100%). A recommendation was submitted by the Board for a reduced applicable tax rate by Council, due to a tax base increase of 26% over the former base, due to 100% tax rate applicable to real estate owners in the City of Harrisonburg.

A proposed ordinance was submitted by the City Manager "AUTHORIZING THE ISSUANCE OF PARKING FACILITY BONDS OF THE CITY OF HARRISONBURG, VIRGINIA. IN THE MAXIMUM AMOUNT OF \$ 500,000," for consideration of a first reading. Under the ordinance, the City Manager would be authorized to seek proposals from banks or other sources for borrowing funds up to \$ 500,000. in anticipation of the bond sale. Council was reminded by Manager Milam that other than the bond issue, using a portion of Revenue Sharing monies not to exceed 24%, and use of funds available from other sources had been agreed upon at the last regular meeting for construction of the Wolfe Street Parking Deck. Councilman Dingleline moved that the ordinance be approved for first reading, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous recorded vote of Councilmen present.

For information of Council, City Manager Milam referred to correspondence dated 1/3/79 from Mr. Peter Shea of Craigie, Inc., advising that he had met with a representative of Hunton & Williams to work out the following tentative timetable for Harrisonburg's Bond Issue for the Elderly Housing Project; and for the Wolfe Street Parking Deck, which would be sold at the same time: January 9: First reading of Bond Ordinance for Parking Deck Facility; January 23: Second reading of Bond Ordinance, review of draft of Bond Purchase Agreement; and adoption of Bond Resolution; February 13: Sale of Bonds to Craigie, Inc., with acceptance by Council of final Bond Purchase Agreement; adoption of Final Official Statement; February 28: Bond Closing. Manager Milam noted that a time would be set for discussing the size and maturities of the issues. He reminded members that an ordinance authorizing issuance of Elderly Housing bonds had been finally approved on August 8, 1978, and that the Parking Facility Bond Ordinance had been approved for a first reading, just prior to this report.

City Manager Milam reported that Assistant City Manager Driver, Coordinator of CETA jobs of the City and representative on the Central Shenandoah Manpower Council, had attended several meetings which were held in order to iron out problems concerning all CETA programs in this region. He noted that the City of Harrisonburg presently has 46 allocated positions, with 42 of same filled. Notification has been received that only 14 of the positions may be retained under Title VI, which will result in elimination of 32 positions as of the end of this month. Thirteen, however, may be transferred to another Program, Title 2. Manager Milam said that letters will be mailed out this Friday by Mr. Driver, to various city department heads, notifying of positions to be terminated. The report was for information.

The City Manager reported that he had held one meeting concerning the Small Cities Program for 1979-80. He noted that it had been felt that an application for funding would not be submitted due to the late date of the last application, but offered an opinion that since the cut-off date has been moved up, it may be well to submit an application with no anticipation of receiving any great amount in that funding will be based upon the number of participants under the program. Manager Milam said he would rather submit an application and have it turned down, than not to submit an application and learn that funds were available. In as much as Council is required to hold a public hearing, the date of Jan. 23rd was recommended. On motion of Councilman Dingleline, seconded by Councilman Rhodes and a unanimous vote of Councilmen present, the public hearing was scheduled for Tuesday, January 23rd, 7:30 P.M., with authorization for the City Manager to properly advertise same.

For information, City Manager Milam reported that a meeting has been scheduled by the Harrisonburg-Rockingham Regional Sewer Authority for January 20th, 8:00 A.M. at the Sheraton Inn, Harrisonburg, to consider amendments to the Authority's By-Laws. A resolution submitted at a meeting held yesterday sets forth three propositions for consideration in the event of a tie-breaker situation, namely: (A) five votes will be necessary for any action to be taken by the Authority and when this is not accomplished, the Circuit Court may be asked to appoint a tie-breaker; (B) in the event of a deadlock on an issue due to the lack of 5 votes, each governing body shall have one vote and the said vote of the governing bodies shall be final on such issue; (C) such other amendment as may be suggested and agreed upon at the special meeting, in lieu of the Court Appointed Tie-Breaker. City Manager Milam said he feels the Authority should act in some direction, if it desires to act at all.

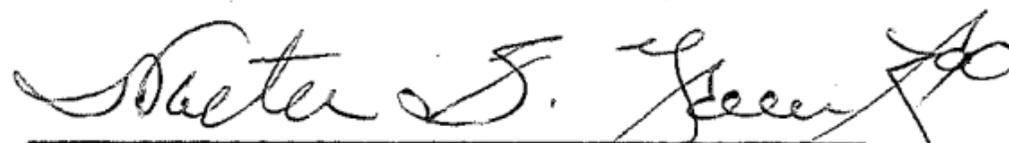
Assistant City Manager Driver, speaking on behalf of the Harrisonburg Transportation Safety Commission, reminded Council that the matter of various intersections in the City had been referred to the Commission at the last regular meeting for investigation and report concerning the need for traffic signals and/or other safety measures, and report back. He noted that materials have been ordered for intersections at: Burgess Rd. and E. Market Street; Cantrell Avenue and Reservoir Street; and S. High Street and South Avenue, with traffic lights to be installed. Mr. Driver said he had been in contact with the Department of Highways & Transportation with regard to their making a study of various other intersections, and were informed that they would make a study provided a request for same came from the governing body. He recommended that due to complaints of citizens concerning traffic conditions, the Harrisonburg City Council request the Dept. of Highways & Transportation to make a study for traffic signals or improvements, and design signals, if required, for the following intersections: (1) Hillcrest Drive and Port Republic Road; (2) Cantrell Avenue and E. Market Street; (3) Country Club Road and E. Market Street; (4) Reservoir Street and E. Market Street. Following a brief discussion, Councilman Rhodes moved that the recommendation of the Assistant City Manager be approved, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Councilmen present.

At 9:55 P.M., Councilman Dingleline moved that Council enter an executive session for the purpose of discussing personnel and legal matters, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Councilmen present.

On motion duly adopted, the executive session was declared closed at 11:50 P.M. and the regular session reconvened.

Vice-Mayor Green announced that this meeting would be recessed until Thursday, January 11th, 7:30 PM, to continue at such time in the office of the Mayor, along with members of the Rockingham County Board of Supervisors.


CLERK


VICE-MAYOR

Thursday, January 11, 1979

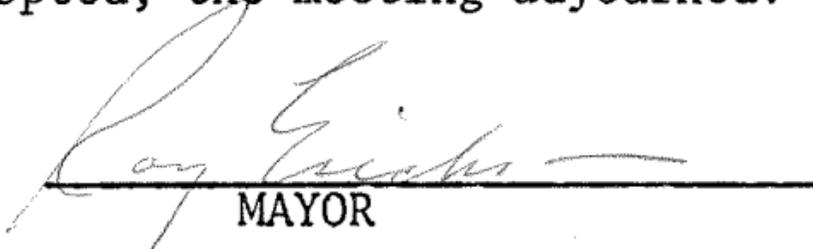
At a recessed meeting of Council this evening at 7:30 P.M. in the Mayor's Office, there were present: Mayor Roy H. Erickson, Vice-Mayor Walter F. Green, III, Councilmen Raymond C. Dingleline, Jr., Elon W. Rhodes and James C. Cisney.

On motion by Vice-Mayor Green, seconded by Councilman Dingleline, and a unanimous vote, members entered an executive session with the Rockingham County Board of Supervisors for the purpose of discussing a possible compromise in the pending annexation suit.

At 10:30 P.M. the executive session was declared closed and the recessed meeting reconvened.

There being no further business and on motion duly adopted, the meeting adjourned.


CLERK


MAYOR

At a combined public hearing and 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 Walter F. Green, III, Councilmen Raymond C. Dingleline, Jr., Elon W. Rhodes, James C. Cisney, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- none.

The evening's Invocation was led by The Reverend Timothy Gregson, Berea Chapel Orthodox Presbyterian Church.

Minutes of the combined public hearing & regular meeting held on January 9th were read and approved as corrected.

Mayor Erickson extended a cordial welcome to members of Girl Scout Troop 477 who had arrived earlier this evening in order to view some of the rooms in the Municipal Building, and invited them to any future meetings of City Council.

✓ In compliance with the City Code for notification every five years concerning ownership of private alleys, a letter dated January 9th from Mr. Clarence W. Ewing advised that an alley lying adjacent to the Rhodes Candy Company on the west, running from W. Market Street to W. Elizabeth Street is open and used by the public. He requested that it remain a private alley to be used by tenants and customers of the adjacent buildings on the east. The letter was for information and recordation in minutes of this meeting.

✓ By correspondence dated 1/7/79 from Leslie Ney, President, Harrisonburg Rescue Squad, Inc., a request was made for Council to amend Section 10-21 of the City Code by deleting the phrase "organized as a part of the Harrisonburg Fire Company No. 1" in that the Rescue Squad is a separate incorporated organization, with its own elected officers. The Squad voted at its August 1978 meeting to delete the phrase from its Constitution on suggestion of their medical & legal advisors for state and federal records as well as possible aid. Following a brief discussion, the City Attorney was instructed to draw an ordinance in proper form before the next regular meeting of Council, with copies of same to be sent the Rescue Squad and Fire Company No. 1.

✓ Council received a petition signed by various businesses and residents, requesting a traffic light at the intersection of Country Club Rd. and E. Market Street, primarily because of traffic speed on East Market Street which makes exit and entrance to same almost impossible. Mayor Erickson noted that this particular intersection, along with others, had been referred to the Highway Department for study, on recommendation of the Harrisonburg Transportation Safety Commission.

✓ A request was presented from Attorney Robert Dinsmore for rezoning of Easthampton Subdivision from R-3 Residential to R-2 Residential. City Manager Milam noted the location as east end of Vale Circle. On motion of Vice-Mayor Green, seconded by Councilman Cisney, and a unanimous vote of Council, the request was referred to the City Planning Commission for study and recommendation.

✓ At 8:05 P.M., Mayor Erickson closed the regular session temporarily and called the public hearing to order. The City Manager read the following Notice of same as published in the Daily News Record newspaper on January 12, 1979:

NOTICE IS HEREBY GIVEN pursuant to Sec. 570.431(c) and (d)(1), page 8488, Rules and Regulations of the Federal Register, Vol. 43, No. 41, Wednesday, March 1, 1978 of public hearings held under the Harrisonburg Citizens Participation Plan.

The City of Harrisonburg will hold a public hearing in preparation for submission of a pre-application for the Small Cities Program for the Fiscal Year 1979-80. The hearing will be held in the City Council Chambers of the Municipal Building, 345 S. Main Street, Harrisonburg, at the following time: 7:30 P.M. on the

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23rd day of January, 1979.

The purpose of this hearing is to provide Harrisonburg citizens an opportunity to articulate needs, express preferences about proposed activities, assist in the selection of priorities, and otherwise participate in the development of a housing strategy and the Fiscal Year 1979-80 Community Development Program. Information will be made available concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken and other important requirements.

All interested persons or organizations will be offered an opportunity to be heard, either in person or by counsel and written statements may be filed at or prior to this hearing. The submission of views and proposals regarding the Community Development Program, particularly by low and moderate income persons, residents of blighted areas of the community, and neighborhood organizations is encouraged.

The deadline for submission of the Small Cities Pre-application is Feb. 5, 1979.

Citizens are advised of their right of access to program information and materials and their right to file written complaints with the City Manager anytime during the program year. The following documents relevant to the Community Development Program will be on display at the Office of the City Manager, Municipal Bldg., 345 S. Main St., between the hours of 8:30 A.M. and 5:00 P.M., Monday through Friday (except holidays): Records of public hearings; all key documents submitted to HUD; The proposed application for the current year; Copies of regulations covering the CD program; explanation of important program requirements.

Marvin B. Milam, City Manager

Mr. John Hodges, consultant for the firm of Harland Bartholomew & Associates, gave background information leading up to the present time with regard to proposed improvements in the northern section of Harrisonburg, including the Elderly Housing Facility; area from Liberty to Collicello Streets and Community-Wolfe Street area, insofar as substandard housing, rehabilitation programs and expansion to business properties in the downtown area. Also noted was the proposed upgrading of Blacks Run and off-street parking in commercial areas. He noted support of the Section 8 Housing Program in providing loans to those participating in the housing program, through the R & H Authority. Council, and others present in the hearing, were reminded that the application to be submitted is a pre-application for Community Development Block Grant for Fiscal Year 1979-80 under the Small Cities Program, with more extensive study necessary prior to filing a final application. Mr. Hodges noted an anticipated 18 month performance period for the Collicello Area and acquisition of land around the Elderly Housing Facility for parking and clearing blight to provide areas for commercial development. He anticipated occupancy for the Elderly Housing Facility for the end of this year. The R & H Authority is employing a Section 8 Administrator who will be in charge of the Elderly Housing Project, and a local Development Agency has been established to take care of other programs. \$ 50,000. in planning monies led up to the comprehensive plan. "A Management Plan and Program for Community Improvements in Harrisonburg, Va." was displayed and explained by the Consultant. Should the pre-application be filed, and approved, Mr. Hodges noted that the final application for funds would be submitted in April of this year.

There being no others present desiring to be heard, Mayor Erickson declared the public hearing closed at 8:25 P.M. and the regular session reconvened.

Mayor Erickson asked Council's wishes concerning the matter discussed in tonight's public hearing.

Councilman Rhodes moved that the City Manager be authorized and directed to file the pre-application for a Grant through the Small Cities Program for Fiscal Year 1979-80, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council. City Manager Milam asked Council not to be disappointed should the Grant not be approved, in that it would be based on the number of participating communities.

Council received a RESOLUTION OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF HARRISONBURG, VIRGINIA, AUTHORIZING THE ISSUANCE OF UP TO \$1,300,000 INDUSTRIAL REVENUE BONDS FOR THE PURPOSE OF ASSISTING THE ELIZABETH STREET PARTNERS IN THE FINANCING OF AN OFFICE BUILDING TO BE LOCATED IN THE CITY OF HARRISONBURG, VIRGINIA. A certificate was attached to the resolution and signed by Marie Garnett, Secretary of the IDA, certifying that the resolution was adopted by a majority of the Authority Directors present at a November 29, 1978 meeting. City Attorney Lapsley then read the ORDINANCE RE SALE OF REAL ESTATE ON CORNER OF W. ELIZABETH STREET AND N. MAIN STREET, CITY OF HARRISONBURG, VIRGINIA, TO HARRISONBURG INDUSTRIAL DEVELOPMENT AUTHORITY. Mayor Erickson reminded members that the ordinance had been approved for a first reading on January 9th, after having been redrawn to reduce time in which construction of office complex must be started, from 16 months, to 12 months, and asked wishes concerning a second and final reading. Following a brief discussion, Councilman Cisney 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 upon being seconded by Councilman Dingleline, was adopted by a unanimous recorded vote of Council. (Ord. Bk K, page 179).

The following recommendation submitted by the Planning Director from a meeting of the Planning Commission held on January 17, 1979, was presented and read:-

"...The Commissioners reviewed a Final Plan for Easthampton Subdivision, located on a cul-de-sac off Vale Circle. In discussion of the Staff Review Sheet, the Director and the City Manager explained why the staff recommends leaving Lot 1 off the Final Plan, until such time when the owners are ready to develop the open land east of Vale Circle. Messrs. Henry Clark and V.W. Nesselrodt told the Commissioners they agree to this suggestion, since Lot 1 may be an obstacle to future access east of Vale Circle. The engineering details of proposed 'Easthampton Court' were described, and Mr. Fleming concluded the review with a motion for the Planning Commission to recommend approval of the Final Plan for Easthampton Subdivision, subject to dropping Lot 1 and vacating Lots 30, 31, and 32 of Southampton Subdivision's Section 1. Dr. Shank seconded the motion, adding that landscaping must be planted on the west side of Easthampton Court where said street is 60' wide. All members of the

Commission present voted in favor..."

Mr. Sullivan pointed out the area on a map and explained that it was known as Easthampton Subdivision due to different ownership than Southampton. He noted that Vale Circle will be the address for two homes and possible later development in the area. A proposed new street will make a 90° turn to climb the hill and have a 60' right-of-way for the first 180' and 50' right-of-way to a proposed cul-de-sac. He agreed that Lot #1 should not be recorded on the final plan in order to leave the area open for a change in layout of lower land. The owners have agreed that lots 30, 31 & 32 of the subdivision be eliminated from Section 1 in order that Rockingham County not be a part of the Final Plan. Mr. Sullivan noted that 10 lots, rather than 11 lots, were requested for approval, due to the change in eliminating Lot #1. Following discussion, Councilman Cisney moved that the Planning Commission recommendation be approved, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ From a January 17, 1979 meeting of the City Planning Commission, the following recommendation was read:-

"...The Commissioners reviewed the overall layout plans for Country Club Court Subdivision, a townhouse project located in the northwest corner of the I-81, U.S.Rt. 33 interchange. Mr. Bernard Bolt, owner-developer, reported on the progress of Section One which has 19 'for sale' townhouses plus the new street, Country Club Court. He reported that curb and gutter has been laid and final paving of the street will occur this spring. Tennis courts for the property owners have been built also. Mr. Sullivan discussed the Staff Review Sheet, noting that staff recommends a 6" water line be extended for future loop purposes and a utility easement be recorded for the 6" water line and the 8" sewer line. He noted that 20 townhouse lots are in this proposed section 2 and the private parking area for 40 parking spaces will connect off of existing Country Club Court.

Mr. Fleming concluded the discussion after being satisfied that the plan meets all requirements, with a motion that Section 2, Country Club Court Subdivision be recommended for approval to the City Council. Mr. Williams seconded the motion and all members present voted aye..."

Mr. Sullivan, Planning Director, explained that Section 1 has been developed and that Section 2 is another group of town housing which will be reached by coming off the end of the street and private parking area. He pointed out Section 2 on a map showing the total concept and said that the developer is optimistic re the housing market, and hopes to continue in the fall with more units. Following discussion, Councilman Dingledine moved that the recommendation of the Planning Commission be approved, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

The following Planning Commission recommendation approved at its meeting on January 17, 1979, was presented and read:-

"...A map drawn by the City Engineer, showing two small parcels of land which were 'left over' after N. Liberty St. was rebuilt in 1968, was discussed and explained by Mr. Milam. The Commissioners also read a letter from Rocco, Inc. lawyers dated Jan. 2, 1979, requesting that the City sell them Parcel 6-C with 1,121 sq. feet as they are planning new construction on the former Wenger property. Mr. Milam noted that two water mains are still located in Parcel 10-A (Old Liberty St.) He suggested the City negotiate a price to reflect current values and sell both parcels to Rocco.

Mr. Fleming offered a motion that the Commission recommend to City Council that Parcels 6-C and 10-A be sold to Rocco, Inc. to get the land back on the tax rolls, based on a negotiated price reflecting today's values. Mr. Williams seconded the motion and all members present voted in favor..."

City Manager Milam informed Council that he had been in contact with Attorney Aldhizer concerning a price for the two parcels and that the City Attorney had a conversation today, but prefers to discuss price privately, perhaps later in this meeting, prior to any action being taken. Councilman Dingledine moved that the recommendation of the Planning Commission to negotiate for sale of the two parcels, be approved, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

✓ For consideration of a second and final reading, the City Attorney read an ORDINANCE AUTHORIZING THE ISSUANCE OF PARKING FACILITY BONDS OF THE CITY OF HARRISONBURG, VIRGINIA IN THE MAXIMUM AMOUNT OF \$ 500,000., which ordinance had been approved for a first reading on January 9th. Councilman Dingledine moved that the ordinance be approved for second & 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 upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 178). City Attorney Lapsley then read the following RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$ 500,000 PARKING FACILITY BONDS, SERIES OF 1979, OF THE CITY OF HARRISONBURG, VIRGINIA HERETOFORE AUTHORIZED, AND PROVIDING FOR THE FORM, DETAIL AND PAYMENT THEREOF:-

"WHEREAS, the issuance of \$500,000 Parking Facility Bonds of the City of Harrisonburg was authorized by ordinance adopted by the Council of the City of Harrosburg on January 23, 1979, to provide funds, together with other funds that may be available, to finance construction of parking facilities in the downtown area.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

1. There are hereby authorized to be issued and sold \$500,000 parking facility bonds of the City of Harrisonburg, Va.

2. The bonds shall be coupon bonds without privilege of registration, shall be designated 'Parking Facility Bonds, Series of 1979,' shall be dated February 1, 1979, shall be of the denomination of \$5,000 each, shall be numbered from 1 to 100, inclusive, and shall mature in installments of \$50,000 on February 1 in each of the years 1982 to 1987, inclusive, and \$100,000 on February 1 in each of the years 1988 and 1989, without option of prior redemption. The bonds shall bear interest at such rate or rates, payable semi-annually on August 1 and February 1, as specified by resolution of the City Council at the time of the sale of the bonds. Both principal and interest shall be payable in lawful money of the United States of America at the principal office of such bank if Harrisonburg or Richmond, Va., and at such bank in New York, N.Y. at the option of bearer, both as designated by the City Manager prior to the advertisement of the bonds for sale.

3. The bonds shall be signed by the facsimile signature of the Mayor of the City of Harrisonburg, shall be countersigned by its Clerk and a facsimile of its seal shall be printed on the bonds. The coupons attached to the bonds shall be authenticated by the facsimile signatures of the Mayor and the Clerk.

4. The bonds and coupons shall be in substantially the following form:

(FORM OF BOND)

No. _____ \$5,000

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
CITY OF HARRISONBURG

Parking Facility Bond, Series of 1979

The City of Harrisonburg, Virginia, for value received, hereby acknowledges itself indebted and promises to pay to bearer upon presentation and surrender hereof the principal sum of

FIVE THOUSAND DOLLARS (\$5,000)

on February 1, 19____, and to pay interest thereon from the date hereof until payment at the rate of _____ per cent (____%) per year, payable semiannually on August 1 and February 1 upon presentation and surrender of the attached coupons as they become due. Both principal of and interest on this bond are payable in lawful money of the United States of America at the principal office of _____, Va., or _____, New York, N.Y. at the option of bearer.

This bond is one of an issue of \$500,000 parking facility bonds of like date and tenor, except as to number, rate of interest and maturity, authorized by ordinance duly adopted by the Council of the City of Harrisonburg on January 23, 1979, and is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Charter of the City of Harrisonburg (Chapter 712, Acts of Assembly of 1952, as amended) and the Public Finance Act, as amended, to provide funds, together with other available funds, to finance construction of parking facilities in the downtown area.

The full faith and credit of the City of Harrisonburg are hereby irrevocably pledged for the payment of principal of and interest on this bond.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this bond have happened, exist and have been performed, and the issue of bonds of which this bond is one, together with all other indebtedness of the City of Harrisonburg, is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the City of Harrisonburg, Virginia, has caused this bond to be signed by the facsimile signature of its Mayor, to be countersigned by its Clerk, a facsimile of its seal to be printed hereon, the attached coupons to be authenticated by the facsimile signatures of the Mayor and the Clerk, and this bond to be dated February 1, 1979.

COUNTERSIGNED:

_____(SEAL)_____
Clerk, City of Harrisonburg, Va. Mayor, City of Harrisonburg, Va.

(FORM OF COUPON)

No. _____ \$ _____

August 1

On February 1, 19____, the City of Harrisonburg, Virginia will pay to bearer _____ Dollars (\$ _____) in lawful money of the United States of America at the principal office of _____, _____, Va., or _____ New York, New York, at the option of bearer, being the interest then due on its Parking Facility Bond, Series of 1979, dated February 1, 1979, and numbered _____.

6. The full faith and credit of the City of Harrisonburg are hereby irrevocably pledged for the payment of principal of and interest on the bonds. There shall be levied and collected annually on all taxable property in the City an ad valorem tax over and above all other taxes authorized or limited by law sufficient to pay such principal and interest as the same respectively become due and payable.

6. The bonds, together with the Elderly Housing Facility Bonds authorized by ordinance adopted by the City Council on August 7, 1978, shall be offered to prospective purchasers by Craigie Incorporated pursuant to a Preliminary Official Statement describing the City and both bond issues, a proof of which has been made available at this meeting of the City Council. Such proof is hereby approved, provided that the City Manager, in collaboration with Craigie, Inc., may make such changes thereto not inconsistent with this resolution as he may consider to be in the best interest of the City. The Preliminary Official Statement shall then be printed and copies distributed by Craigie Incorporated to prospective purchasers of the bonds.

7. After a proposal from Craigie Incorporated to purchase the bonds has been accepted by City Council, the City Manager, the Mayor and the Clerk are hereby authorized and directed to take all proper steps to have the bonds prepared and executed in accordance with their terms and to deliver the bonds to the purchaser thereof upon payment therefor.

8. Such officers of the City of Harrisonburg as may be requested are hereby authorized to execute an appropriate certificate setting forth the expected use and

investment of the proceeds of the bonds issued pursuant hereto in order to show that such expected use and investments will not violate the provisions of §103(c) of the Internal Revenue Code of 1954, as amended, and regulations issued pursuant thereto, applicable to 'arbitrage bonds.' Such certificate may be in such form as shall be requested by bond counsel for the City.

9. The Clerk is hereby authorized and directed to see to the immediate filing of a certified copy of this resolution with the Circuit Court of Rockingham County and within ten days thereafter to cause to be published once in a newspaper of general circulation in the City of Harrisonburg a notice setting forth (1) in brief and general terms the purposes for which the bonds are to be issued and (2) the amount of such bonds and the amount for each purpose.

10. All other resolutions or parts of resolutions in conflict herewith are hereby repealed.

11. This resolution shall take effect immediately."

Councilman Cisney moved that the resolution, as written and read, be approved, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous recorded vote of Council.

The City Manager presented a supplemental appropriation in amount of \$ 5,000. for consideration of a second & final reading, which amount was awarded the City of Harrisonburg by the Virginia Commission of the Arts and Humanities for the purpose of establishing a Fine Arts Museum at 301 S.Main St. (former Sipe House), in that same was approved for a first reading on January 9th. Councilman Dingleline raised a question concerning how the funds would be used, in that it was his understanding that the organization, although allowed space in the property, has not been active. It was explained that the funds would be held in "non-departmental", with a request for invoices to be submitted in order to receive same for work performed. Following a brief discussion, Councilman Dingleline moved that action concerning a final reading of the appropriation be tabled until such time as Council may be better informed with regard to plans of the local organization, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

Councilman Cisney moved that a supplemental appropriation in amount of \$ 6,000. requested by the Superintendent of the Street Department in order to recover funds for parking lot improvements on city owned lot on Cantrell Avenue which were paid from departmental funds, be approved for second and final reading, a first reading having been approved on January 9th, and that:-

\$ 6,000. chgd.to: General Fund (1005) Recoveries & Rebates.

6,000. approp. to: General Fund (1-10110-77.08) S.Main St.

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

Vice-Mayor Green moved that a supplemental appropriation in amount of \$ 2,444. requested by the Superintendent of Streets in order to appropriate monies received from a Grant through the Department of Conservation and Economic Development for a Litter Control Program, be approved for second and final reading, a first reading having been approved on January 9th, and that:-

\$ 2,444. chgd.to: General Fund (1005) Recoveries & Rebates.

2,444. approp.to: General Fund (10112-270.00) Highway & Street Beautification-Litter Control.

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

A request was presented from Water/Sewer Superintendent Loker for approval of a supplemental appropriation in amount of \$ 200,000. to transfer funds presently held in the Sewer Fund Unappropriated Surplus Account, into a General Fund Reserve Account for future construction projects, in order that same may be properly placed for future use. The City Manager noted that approval of Council was necessary prior to a transaction of this nature, with a two reading requirement. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:-

\$ 200,000. chgd.to: Sewer Fund- Unappropriated Surplus Account.

200,000. approp.to: General Fund- Reserve for Future Construction Projects.

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

City Manager Milam presented a request for approval of a supplemental appropriation in amount of \$ 40,000. from the General Fund Unappropriated Surplus Account into a new account titled "Harrisonburg Parking Authority - Construction - Parking Deck Facility." He noted that this amount would open the account with city funds and provide partial funding, prior to the selling of bonds and/or drawing of funds through other sources. The matter was discussed briefly after which time Councilman Dingleline moved that the appropriation be approved for a first reading, and that:-

\$ 40,000. chgd.to: General Fund, Unappropriated Surplus Account.

40,000. approp.to: General Fund- Harrisonburg Parking Authority - Construction-Parking Deck Facility.

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

Council was informed by the City Manager that through correspondence dated January 8, 1979, request had been received from the Spotswood Country Club Board of Directors, to be connected to the sewerage lines of the City of Harrisonburg. Following this request, the Water/Sewer Superintendent replied, by letter dated January 9th, that although it has not been the policy of the City to make sewer connections without a water connection, he felt that due to the severity of Spotswood Country Club's problem, as exception should be made, and handled in the same manner as any other connection. Based on estimates received for the project, a request was made by Superintendent Loker for Council to approve a supplemental appropriation in amount of \$ 4,480. for construction of the sewer lines. Following discussion, Councilman Cisney moved that the appropriation be approved for a first reading, and that:-

\$ 4,480. chgd.to: Sewer Fund, Unappropriated Surplus Account.

4,480. approp.to: Sewer Fund (7-7900) Install. Service Lines.

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

DDU550

City Manager Milam informed Council that he had anticipated sufficient funds to pay Monroe Construction Company for the Elderly Housing Facility on N. Main Street when bonds were sold but that several bills have already been submitted by the company for payment. An amount exceeding \$ 300,000. has been paid from the Public Works Budget. It has recently been learned that the construction may have to be completed before the bonds can be sold in that the Department of Housing & Urban Development wants a guarantee that the project will be completely carried out, during which time they are holding the bonds in escrow at a bank. He suggested that a separate account be set up under the Public Works Department with separate coding, to handle bills for the project. He noted that Craigie, Inc. has indicated that the bonds may be only in amount of \$ 1,400,000. In order to "put some money at the front end", Manager Milam requested approval of a supplemental appropriation in total amount of \$ 1,600,000. (amt. of proposed bond issue), with \$ 1.4 million anticipated from bond issue proceeds and the balance of \$ 200,000. from the General Fund Unappropriated Surplus Account. Councilman Dingleline questioned why this had not come up before, when it is evidently a standard policy of HUD to hold bond issues until construction completion. Manager Milam said he would work with the \$1.4 million or \$1.5 million, should Council be concerned about using local funds. Following discussion, Vice-Mayor Green moved that the appropriation, in its present form, be approved for a first reading, with clarification concerning amount of bond issue prior to a second and final reading, and that:-

\$ 1,400,000. chgd. to: General Fund (1004.00) Proceeds from sale of bonds.

200,000. chgd. to: General Fund, Unappropriated Surplus Account.

1,600,000. approp. to: General Fund (10220-72.01) Housing for Elderly.

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

Correspondence dated 1/8/79 from Ms. Elizabeth Knighton, Executive Director of the Chapter 10 Board, was presented, in which she advised that members of the Board, at a December 12th meeting, had approved a recommended change to the Board's by-laws by deleting one Article and drafting a new section which would clearly establish the Board as a local agency of local government, and would clarify the employment status of Board employees, including individuals employed at the Massanutten Mental Health Center, which prior to July 1976 was a State-operated clinic. On motion of Councilman Dingleline, seconded by Vice-Mayor Green, and a unanimous vote of Council, the matter was postponed until the next regular meeting on February 13, 1979 for further explanation.

City Manager Milam presented a list he had compiled from his office of City Employees with annual salaries in excess of \$ 10,000., following a written request for same from R.C. Murphey, III, managing editor of the Daily News Record, under the Virginia Freedom of Information Act. The matter was brought to Council's attention for a decision whether or not the list should be publicized and if so, determination of charge for the information. He noted that the School Division, Harrisonburg Electric Commission and county employees on which the city pays a portion of salaries through contributions, were not included in the listing, but that he had included various agencies supported by the City. The list was studied by members, with general agreement that only those employees paid 100% by the City should be submitted. Following discussion, Vice-Mayor Green moved that the list be revised and restricted to City employees for submission to Mr. Murphey at a cost of \$ 30.00, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council. Councilman Dingleline suggested that Mr. Murphey be asked to use discretion, and possibly print only the position held by the various employees, rather than the individual names.

City Manager Milam informed Council that the Harrisonburg-Rockingham Regional Sewer Authority had met last Saturday, January 20th, at the Sheraton Inn, in anticipation of acting on Proposition A or B for solution in the event of a tie vote. Proposition A addressed itself to appointment of a tie-breaker by the Circuit Court of Rockingham County, while Proposition B provided that any unsolved issue (excluding those pertaining to financing, rates of interest, etc.) be submitted to the governing bodies of the political subdivisions making up the Authority, with each governing body to have one vote, with said total vote deciding the issue. Two documents were presented at Saturday's meeting for consideration and approval by the participating subdivisions, and signatures of a representative from each subdivision: (1) A Rockingham County request, in agreement form, that should the town of Mt. Crawford withdraw from the Regional Sewer Authority, at any time in the future, its one vote and allocation of sewer capacity would pass to the County of Rockingham; (2) a supplemental contract amending the original contract of October 14, 1976 and amended on April 12, 1977, with regard to method of locating, relocating, installing, repairing and operating the Sewage Collection System, and Rockingham County connections. In addition to the two documents, Manager Milam called members' attention to their copies of an amendment to Senate Bill No. 283, Sec. 15.1-1249 (Nathan Miller, patron) which has been referred to the Committee on Local Government. The Bill, as amended, incorporates the appointment of a tie-breaker by the Circuit Court. Mayor Erickson pointed out the fact that last Saturday's meeting had been called to allow members an opportunity to review the suggestion for a tie-breaker, and noted that the County representative had presented the two documents which had been prepared by the County Attorney, dealing with the transfer of Mt. Crawford's vote and a supplement to the operating contract of the Authority. Further noted by the Mayor was that the two aforementioned documents had been re-drawn by Mr. Don Litten, attorney for the Authority, with copies of same submitted to the City only today. He added that Council has had no time in which to review these important and questionable documents. The following facts by Vice-Mayor Green, as quoted herein, were pointed out: "I have sat rather quietly through some nine years of Sewer Authority planning and construction, and this is the first time I have addressed this issue on this floor, but I think it is time that this Council, and indeed this community, review those years.

- (1) 1970 - The City received a grant for improvements of our sewer treatment plant.
- (2) Further plans were instituted that same year when more Federal and State monies became available - these plans indeed were the Regional concept which we now have.
- (3) Rockingham County then submitted similar plans at the last minute after viewing the City plans in Richmond. This delayed and/or blocked the city plans until an Authority could be formed.
- (4) The City backed down and agreed to this cooperative effort with Rockingham County even though the County had not given it a thought until the City had formulated plans - and then at the last minute.
- (5) The City made the commitment to insure the Ashby Heights and Belle Meade trunk lines. Again the County agreed only reluctantly at the last minute. The City made the

commitment to assure this community of Federal - State monies which would not have been forthcoming had we not done so.

We are again faced with the controversial tie-breaker decision. There has never been an attempt, statement or manipulative endeavor on the part of the Harrisonburg City Council - that I am aware of - that would in any way tie in the Sewer Authority to the proposed annexation - as alleged by the Rockingham County representative on this past Saturday at the special called meeting of the Sewer Authority. We, indeed, have never taken our engineers, attorneys, planners, to a meeting, as has Rockingham County done at virtually all meetings. The City has indeed, ineffect financed the 7-year construction phase.

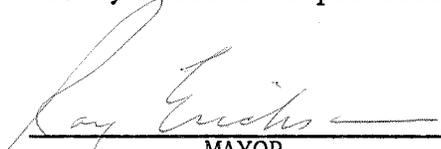
The County acted with strong arm tactics when it by-passed the Authority and connected Massanetta Springs which lies outside the boundaries, and put the sewage through the City of Harrisonburg trunk lines without the approval of this Council. Again the City acted in good faith and backed down. We also acted in good faith by working out the eastside water and sewer contracts last year - this alone saved Rockingham County residents several million dollars and not the several thousand alleged by the County. Now - I am in total agreement that the County, the City and the towns should be responsible for taking care of their own hook-ups - however, this must be only in the area designated by the charter in the Articles of Incorporation, granted by the State of Virginia. There's not a body politic in this community that has the right to change this - neither is there authority here to pass Mt. Crawford's vote, etc. to Rockingham County. My fear is based entirely on what it's going to cost our citizens when we overload the system and the Authority comes back to us for more money, and would therefore move that this total package be referred to our attorneys, to the New York Bond Firm and to Mr. Don Litten, for a written opinion prior to action by this Council."

The motion by Vice-Mayor Green was seconded by Councilman Rhodes and adopted by a unanimous vote of Council. City Manager Milam noted that when all written opinions had been submitted, an analysis of the situation would be made.

At 10:20 P.M., Councilman Cisney moved that Council enter an executive session for the purpose of discussing real estate, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

On motion by Councilman Dingledine, seconded by Councilman Rhodes and a unanimous vote of Council, the executive session was declared closed at 12:00 midnight, and the regular session reconvened. By announcement of Mayor Erickson, the meeting recessed until tomorrow evening (Jan. 24th), 7:30 P.M., to reconvene in his office for a discussion with the Rockingham County Board of Supervisors.


CLERK


MAYOR

Wednesday, January 24, 1979

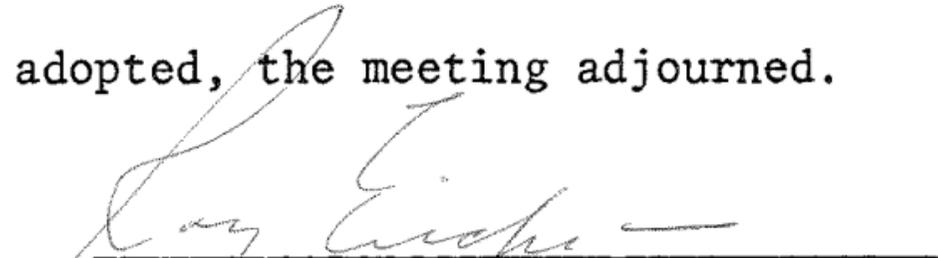
✓ At a recessed meeting of Council held in the Mayor's Office this evening at 7:30 PM there were present:- Mayor Roy H. Erickson, Vice-Mayor Walter F. Green, III, Councilmen Raymond C. Dingleline, Jr., Elon W. Rhodes and James C. Cisney.

On motion of Councilman Dingleline, seconded by Councilman Cisney, and a unanimous vote, An executive session was entered, along with members of the Rockingham Board of Supervisors, for the purpose of discussing a possible compromise in the pending annexation suit.

At 10:45 P.M., the executive session was declared closed and the recessed meeting reconvened.

There being no further business and on motion duly adopted, the meeting adjourned.


CLERK


MAYOR

DD1550

Tuesday, February 13, 1979

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 Walter F. Green, III, Councilmen Raymodn C. Dingleline, Jr., Elon W. Rhodes, James C. Cisney, City Auditor R. William Shifflet. Absent: Chief of Police Richard W. Presgrave. (sitting in: Capt. Stroble).

Minutes of the combined public hearing and regular meeting held on January 23rd were read, and approved.

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 January, 1979.

From the City Treasurer:

A trial balance report as of close of business on January 31, 1979.

From the Police Department:

A report of total number of arrests; parking meter fines collected; cash collected from parking meters; total cash collected all sources in amount of \$ 6,004.05 for month of January, 1979.

From the City Auditor:

A financial report for the City of Harrisonburg, Va. for month of January, 1979.

A report of cash discounts saved in payment of vendors' invoices for month of January, 1979, totaling \$ 316.94. Amt. of \$ 23.38 lost due to late vouchers.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of January, 1979.

An up-date of Council's Calendar, through meeting of January 23, 1979, submitted by the Clerk.

✓ City Manager Milam called members' attention to their copies of "Report on Audit of Commonwealth Revenues" submitted by M. A. Firebaugh, City Treasurer, for Fiscal Year ended 6/30/78, showing receipts totaling \$ 612,803.

✓ A request, and attached plat, was presented from Mr. LeRoy Fega, President, Rockingham Ford Tractor Sales, Inc., for rezoning of four undeveloped lots on the north side of Clinton Street, adjacent to the Tractor Sales at 153 Charles Street, from R-2 Residential to M-1 Industrial. Purpose: construction of storage building. Following a brief discussion, Councilman Cisney moved that the request be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ For information of Council, the City Manager reported that Notice had been received from the State Compensation Board, Richmond, that a meeting was scheduled for March 15, 1979 in Warrenton, Virginia, for the purpose of receiving any information which the Attorney for the Commonwealth, Commissioner of the Revenue, Treasurer and Sheriff may wish to present in support of their salary and expense requests for fiscal year beginning 7/1/79. The Board will hear officials from each locality as a group and not individually. Manager Milam noted that a budget would be received with the next several weeks with regard to salaries and expenses for the offices of Commissioner of Revenue and City Treasurer. He asked any members of Council desiring to attend the meeting, to so notify his office.

✓ A plat of Section VIII, Reherd Acres, Inc., submitted by Mr. Jack F. DePoy, was presented by the City Manager. On motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote of Council, the plat was referred to the City Planning Commission for study and recommendation.

✓ A preliminary master plan for the "Strawberry Ridge" portion of Northfield Estates was received from Mr. Michael Patrick, President, Northfield Land Corporation. City Manager Milam pointed out the area on a map, noting location as north of Washington Street. Councilman Cisney moved that the plan be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

✓ Through correspondence dated 2/10/79, a request was made by Dr. E.E. Rorrer and wife, that two lots located at 362 and 374 E. Market Street be rezoned from the present R-3 Residential to B-2 General Business. It was noted that the westernmost lot No. 362 is immediately adjacent to the B-2 zone, with lot 374 immediately east of that lot. Following a brief discussion, Vice-Mayor Green moved that the request be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ The City Manager presented and read correspondence dated 2/13/79 from J. R. Copper, Jr., Land Surveyor and Agent for J.O. Stickley & Son, Inc., enclosing a preliminary subdivision plat of thirteen (13) lots designated as Westside Acres Subdivision, situated along the west side of N. Dogwood Drive and south of Statton Street. Consideration of the proposed subdivision was requested. Manager Milam pointed out the area on a map and noted its location as north of an area requested for rezoning by J.O. Stickley & Son several months ago, which request had been initiated by the Planning Commission, and denied, due to opposition by adjacent property owners, with request never having been brought before Council. Councilman Rhodes moved that the plat be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ Messrs. George Pugh and Langhorne Gibson of Craigie, Inc., were present in the meeting re the City's proposed bond issues for the Elderly Housing Project (\$1,600,000.) and E. Wolfe Street Parking Facility (\$500,000.) Mr. Pugh noted that originally his firm had been employed to underwrite the \$1.6 million issue, and later Council had decided to include the Parking Facility issue in the total package. Due to the fact that the Housing Project could cost in excess of the \$1.6 million, Mr. Pugh said they had gone to the Dept. of Housing & Urban Development, and pointed out that the City of Harrisonburg should sell Housing Construction Notes of \$1.6 million, in addition to the bonds, proceeds of which could be used to reimburse the City for any funds previously advanced for the project and to pay future construction costs. Proceeds of the bonds (held in escrow) and on the undisbursed notes proceeds, would be enough to pay interest on both the notes and bonds until the year 1980, perhaps with some \$50,000. to \$ 60,000. extra. Both proceeds could be used to pay the principal on the notes at maturity. He pointed out that HUD can grant tax exemption on notes under Sec. 24 CFR 811.110 of the Housing Code. An offer in the sum of \$ 3,649,600. was made by Craigie, Inc., to purchase all, but not less than all, of the \$1.6 million Elderly Housing Facility Bonds, Series of 1979; \$ 500,000. Parking Facility Bond, Series of 1979; and \$ 1.6 million Elderly Housing Facility Construction Notes. An interest rate of 6 1/8% was quoted on the Notes, while a 5.70% was quoted on \$ 410,000. of bond principal due in 1994 and 6 1/2% interest on amount of \$ 1,190,000. due in the year 2010. The Parking Facility Bonds will be a 10-year issue with interest rate ranging from 5 1/4% to 5.35%. Mr. Pugh informed Council that a check in amount of \$ 74,000. accompanied the offer (representing 2% of the par value of the bonds and noted), which would be returned promptly to the company, should the offer to purchase not be accepted. Mr. Gibson presented statistics of interest rates on bonds in other areas, as well as Harrisonburg, in order that Council may make comparison. He said that Harrisonburg's bonds should sell at a higher rate of interest in that the City has a great deal of market acceptance, due to its A-1 rating and low rate of indebtedness. City Manager Milam said it had been proposed that \$1.4 million would be all the bonds the housing project could support, and noted that should the City go with the \$1.6 million (based on rentals),

it could result in a \$ 10,000. cash flow loss (shortfall) per year. The Department of Housing & Urban Development has agreed to extend its subsidy of the project from 30 years to 32 years. He said that agreements between the City and Redevelopment & Housing Authority on managing the project will state that the City will make up any R & H shortfall in the first 30 years, with the Authority agreeing to repay any money spent during that period. He explained that no local funds would be used in the project, in that the appropriation form has been changed to \$ 1.6 million in bond proceeds, eliminating the \$ 200,000. from the City's Unappropriated Surplus Account, prior to a second & final reading on same which will be approved later in this meeting. Manager Milam suggested that a special meeting be scheduled for Friday (February 16) for a second and final reading of the Ordinance for Issuance and Sale of Construction Notes, which is up for a first reading at this time, in that the 30 day waiting period may be met, prior to closing date of the Bond Issue. Following discussion, Vice-Mayor Green moved that the offer of Craigie, Inc. to purchase the Bonds and Construction Notes be accepted, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council. City Attorney Lapsley presented and read the ORDINANCE AUTHORIZING ISSUANCE AND SALE OF \$ 1,600,000 ELDERLY HOUSING FACILITY CONSTRUCTION NOTES OF THE CITY OF HARRISONBURG, VIRGINIA, AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF. Councilman Cisney moved that the ordinance be approved for a first reading with proper interest rates to be included therein prior to final reading, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous recorded vote of Council. Attorney Lapsley then read the following RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$ 1,600,000 ELDERLY HOUSING FACILITY BONDS, SERIES OF 1979, OF THE CITY OF HARRISONBURG, VA., HERETOFORE AUTHORIZED, AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF.

WHEREAS, the issuance of \$1,600,000 Elderly Housing Facility Bonds (the Bonds) of the City of Harrisonburg (the City) was authorized by ordinance adopted by the City Council on August 8, 1978, to provide funds, together with other funds that may be available, to provide the permanent financing for a 62-unit residential housing project for elderly and handicapped persons (the Project).

WHEREAS, the City and the Harrisonburg Redevelopment and Housing Authority (the Authority) proposed to enter into an agreement (the Operating Agreement) whereby the City will agree to acquire, construct and equip the Project, cause the Project to be accepted by the United States Department of Housing and Urban Development (HUD) pursuant to the Agreement to Enter into Housing Assistance Payment Contract (the Agreement to Enter) to be entered into between HUD and the Authority and convey the Project to the Authority once it has been so accepted by HUD, and the Authority will agree to pay to the City from the rentals and other revenue of the Project amounts sufficient to pay the principal of and interest on the Bonds;

WHEREAS, the proceeds from the sale of the Bonds will be used, once the Project is completed and accepted by HUD, to retire \$1,600,000 Elderly Housing Facility Construction Notes (the Construction Notes) being issued by the City for the purpose of providing the interim construction financing for the Project;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

1. There are hereby authorized to be issued and sold \$1,600,000 Elderly Housing Facility Bonds of the City of Harrisonburg, Virginia.

2. The Bonds shall be coupon bonds without privilege of registration, shall be designated "Elderly Housing Facility Bonds, Series of 1979," shall be dated February 1, 1979, shall be of the denomination of \$5,000 each, shall be numbered from 1 to 320, inclusive, shall mature, subject to prior redemption as hereinafter provided, in two installments of \$410,000 on February 1, 1994, and \$ 1,190,000 on February 1, 2010, and shall bear interest payable semiannually on August 1 and February 1 with Bonds maturing on February 1, 1994, bearing interest at the rate of 5.70% per year, and Bonds maturing on February 1, 2010, bearing interest at the rate of 6.50% per year. Both principal and interest shall be payable in lawful money of the United States of America at the principal office of Valley National Bank, Harrisonburg, Virginia, and at such bank in Richmond, Virginia, at the option of bearer, as designated by the City Manager prior to the issuance and delivery of the Bonds.

3. In the event the conditions for the use of Bond proceeds to retire the Construction Notes set forth in paragraph 6 of this resolution are not satisfied, the Bonds shall be redeemed in whole at a price of par plus accrued interest to the redemption date. The Bonds are also subject to mandatory redemption by the City at a price of par plus accrued interest to the redemption date or February 1 in years and principal amounts as follows:

Bonds maturing on February 1, 1994

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1981	\$ 20,000	1988	\$30,000
1982	20,000	1989	30,000
1983	20,000	1990	35,000
1984	25,000	1991	35,000
1985	25,000	1992	35,000
1986	25,000	1993	40,000
1987	30,000		

Bonds maturing on February 1, 2010

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1995	\$ 45,000	2003	\$75,000
1996	50,000	2004	80,000
1997	50,000	2005	85,000
1998	55,000	2006	90,000
1999	55,000	2007	95,000
2000	60,000	2008	100,000
2001	65,000	2009	105,000
2002	70,000		

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The Bonds are also subject to redemption at the option of the City on or after February 1, 1989, in whole at any time or in part on any interest payment date, upon payment of the following redemption prices (expressed as a percentage of the principal amount of Bonds to be redeemed) plus accrued interest to the redemption date:

- 103 % if redeemed February 1, 1989, through January 31, 1990;
- 102.5% if redeemed February 1, 1990, through January 31, 1991;
- 102 % if redeemed February 1, 1991, through January 31, 1992;
- 101.5% if redeemed February 1, 1992, through January 31, 1993;
- 101 % if redeemed February 1, 1993, through January 31, 1994;
- 100.5% if redeemed February 1, 1994, through January 31, 1995; and
- 100 % if redeemed thereafter.

If less than all of the Bonds are called for redemption, the Bonds to be redeemed shall be selected by the City Treasurer in such manner as he may determine to be in the best interests of the City. The City Treasurer shall cause notice of the call for redemption identifying the Bonds to be redeemed to be published twice in a newspaper of general circulation in both the cities of Harrisonburg and Richmond, Virginia, the first publication of which shall appear not less than 30 nor more than 60 days prior to the redemption date.

4. The Bonds shall be signed by the facsimile signature of the Mayor of the City of Harrisonburg, shall be countersigned by its Clerk and a facsimile of its seal shall be printed on the bonds. The coupons attached to the Bonds shall be authenticated by the facsimile signatures of the Mayor and the Clerk.

5. The Bonds and coupons appertaining thereto shall be in substantially the following form:

(FORM OF BOND)

No. _____ \$5,000

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
CITY OF HARRISONBURG

Elderly Housing Facility Bond, Series of 1979

The City of Harrisonburg, Virginia, for value received, hereby acknowledges itself indebted and promises to pay to bearer upon presentation and surrender hereof the principal sum of

FIVE THOUSAND DOLLARS (\$5,000)

on February 1, 19__ , and to pay interest thereon from the date hereof until payment at the rate of _____ per cent (____%) per year, payable semiannually on August 1 and February 1 upon presentation and surrender of the attached coupons as they become due. Both principal of and interest on this bond are payable in lawful money of the United States of America at the principal office of Valley National Bank, Harrisonburg, Virginia, or _____, Richmond, Virginia, at the option of bearer.

This bond is one of an issue of \$1,600,000 elderly housing facility bonds of like date and tenor, except as to number, rate of interest, maturity and privilege of redemption, authorized by an ordinance duly adopted by the City Council of the City of Harrisonburg on August 8, 1978, and is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Charter of the City of Harrisonburg (Chapter 712, Acts of Assembly of 1952, as amended) and the Public Finance Act, as amended, to provide funds, together with other available funds, to provide the permanent financing for a 62-unit residential housing project for elderly and handicapped persons (the Project).

Pursuant to a resolution adopted by the City Council on February 13, 1979, authorizing the sale of the bonds, the proceeds thereof have been deposit by the City in a special escrow account to be used to retire \$1,600,000 notes issued by the City to provide the interim construction financing for the Project but only upon completion of the Project and the acceptance of the Project by the United States Department of Housing and Urban Development as qualifying for certain housing assistance payments to be made to the occupants of the Project pursuant to Section 8 of the United States Housing Act of 1937, as amended. In the event such conditions are not met, the proceeds of the bonds will be used to redeem the bonds in whole at a price of par plus accrued interest to the redemption date.

The bonds are also subject to mandatory redemption by the City at a price of par plus accrued interest to the redemption date on February 1 in years and principal amounts as follows:

Bonds maturing on February 1, 1994

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1981	\$20,000	1988	\$30,000
1982	20,000	1989	30,000
1983	20,000	1990	35,000
1984	25,000	1991	35,000
1985	25,000	1992	35,000
1986	25,000	1993	40,000
1987	30,000		

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Bonds maturing on February 1, 2010

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1995	\$ 45,000	2003	\$75,000
1996	50,000	2004	80,000
1997	50,000	2005	85,000
1998	55,000	2006	90,000
1999	55,000	2007	95,000
2000	60,000	2008	100,000
2001	65,000	2009	105,000
2002	70,000		

The Bonds are also subject to redemption at the option of the City on or after February 1, 1989, in whole at any time or in part on any interest payment date, upon payment of the following redemption prices (expressed as a percentage of the principal amount of bonds to be redeemed) plus accrued interest to the redemption date:

- 103 % if redeemed February 1, 1989, through January 31, 1990;
- 102.5% if redeemed February 1, 1990, through January 31, 1991;
- 102 % if redeemed February 1, 1991, through January 31, 1992;
- 101.5% if redeemed February 1, 1992, through January 31, 1993;
- 101 % if redeemed February 1, 1993; through January 31, 1994;
- 100.5% if redeemed February 1, 1994, through January 31, 1995; and
- 100 % if redeemed thereafter.

If less than all of the bonds are called for redemption, the bonds to be redeemed shall be selected by the City Treasurer in such manner as he may determine to be in the best interests of the City. The City Treasurer shall cause notice of the call for redemption identifying the bonds to be redeemed to be published twice in a newspaper of general circulation in both the cities of Harrisonburg and Richmond, Virginia, the first publication of which shall appear not less than 30 nor more than 60 days prior to the redemption date.

The principal of, premium, if any, and interest on the bonds are payable, unless redeemed with the Bond proceeds as hereinabove stated, from the rentals and other revenues derived from the Project and from ad valorem taxes which are required to be levied on all taxable property in the City to pay such principal, premium and interest without limitation as to rate or amount if such rentals and other revenues are insufficient therefor, and the full faith and credit of the City are pledged thereto.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this bond have happened, exist and have been performed, and the issue of bonds of which this bond is one, together with all other indebtedness of the City of Harrisonburg, is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the City of Harrisonburg, Virginia, has caused this bond to be signed by the facsimile signature of its Mayor, to be countersigned by its Clerk, a facsimile of its seal to be printed hereon, the attached coupons to be authenticated by the facsimile signatures of the Mayor and the Clerk, and this bond to be dated February 1, 1979.

COUNTERSIGNED:

_____(SEAL)_____
 Clerk, City of Harrisonburg, Va. Mayor, City of Harrisonburg, Va.

(FORM OF COUPON)

No. _____ \$ _____

August 1

On February 1, 19__, unless the bond to which this coupon is attached has been duly called for prior redemption and provision made for payment thereof, the City of Harrisonburg, Virginia, will pay to bearer _____ Dollars (\$ _____) in lawful money of the United States of America at the principal office of Valley National Bank, Harrisonburg, Virginia, or _____, Richmond, Virginia, at the option of bearer, being the interest then due on its Elderly Housing Facility Bond, Series of 1979, dated February 1, 1979, and numbered _____.

6. The entire proceeds from the sale of the Bonds shall be deposited in a special escrow account at Valley National Bank, Harrisonburg, Virginia (the Escrow Agent) and used by the Escrow Agent to retire the Construction Notes (or any notes issued to renew the Construction Note) upon receipt by the Escrow Agent of (a) a certificate signed by the City Manager stating that the Project has been completed and is ready for occupancy and (b) evidence satisfactory to the Escrow Agent that the Authority and HUD have executed a Housing Assistance Payments Contract covering the Project. In the event that such conditions are not satisfied within 60 days of the date by which completion is required under the Agreement to Enter (as such date may be extended from time to time with the consent of HUD) the proceeds of the Bonds shall be used to redeem the Bonds in accordance with paragraph 3 of this resolution. Pending the use of the Bond proceeds to retire the Construction Notes, such proceeds shall be invested by the Escrow Agent, at the direction of the City Treasurer, in securities

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and deposits which are authorized by the laws of the Commonwealth of Virginia for the investment of public funds. All such investments shall be considered a part of the special escrow account and any income thereon and any profit realized on the sale thereof shall, once the Construction Notes have been retired, be used to pay the costs of the Project not paid from the Construction Note proceeds.

7. The rentals and other revenues from the Project, subject to the terms of the Operating Agreement, and the full faith and credit of the City of Harrisonburg are hereby irrevocably pledged for the payment of principal of, premium, if any, and interest on the Bonds. In the event the rentals and other revenues from the Project are insufficient therefor, there shall be levied and collected annually on all taxable property in the City an ad valorem tax over and above all other taxes authorized or limited by law sufficient to pay such principal, premium and interest as the same respectively become due and payable.

8. The proposal from Craigie Incorporated to purchase the Bonds submitted to this meeting is hereby accepted and the City Manager, the Mayor and the Clerk are hereby authorized and directed to take all proper steps to have the Bonds prepared and executed in accordance with their terms and to deliver the Bonds to Craigie Incorporated upon payment therefor. The draft of the Official Statement describing the City and the Bonds and the Elderly Housing Facility Construction Notes and the Parking Facility Bonds also being sold to Craigie Incorporated distributed at this meeting is hereby approved, the Mayor and City Manager are hereby authorized to execute the Official Statement on behalf of the City in substantially the form so submitted with such changes therein as they may determine to be desirable, and Craigie Incorporated is authorized to use the Official Statement so executed in marketing the bonds.

9. The City Manager is hereby authorized and directed to apply to HUD on behalf of the City for a determination and notification pursuant to 24 C.F.R. §811.110 that the Notes shall be exempt from all taxation now or hereafter imposed by the United States.

10. The Clerk is hereby authorized and directed to see to the immediate filing of a certified copy of this resolution with the Circuit Court of Rockingham County and within ten days thereafter to cause to be published once in a newspaper of general circulation in the City of Harrisonburg a notice setting forth (1) in brief and general terms the purposes for which the Bonds are to be issued and (2) the principal amount of the Bonds.

11. All other resolutions or parts of resolutions in conflict herewith are hereby repealed.

12. This resolution shall take effect immediately.

On motion of Councilman Dingledine, seconded by Vice-Mayor Green, and a unanimous recorded vote of Council, the resolution was approved. A second resolution, for consideration of approval, was read by the City Attorney as follows:

WHEREAS, the Council of the City of Harrisonburg, Virginia (the City), has authorized the issuance and sale of \$500,000 Parking Facility Bonds (the Bonds) by an ordinance and resolution adopted on January 23, 1979; and

WHEREAS, there has been submitted to this meeting a proposal from Craigie, Inc. to purchase the Bonds and a draft of an Official Statement, describing the City and the Bonds, together with \$1,600,000 Elderly Housing Facility Bonds and \$1,600,000 Elderly Housing Facility Construction Notes:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

1. The proposal from Craigie Incorporated to purchase the Bonds is hereby accepted. In accordance with such proposal the Bonds maturing on February 1 in each of the years 1982 to 1984, inclusive, shall bear interest at the rate of 5.25% per year, the bonds maturing on February 1 in each of the years 1985 to 1987, inclusive, shall bear interest at the rate of 5.30% per year and the Bonds maturing on February 1 in both of the years 1988 and 1989 shall bear interest at the rate of 5.35% per year. The City Manager, the Mayor and the Clerk are hereby authorized and directed to take all proper steps to have the Bonds prepared and executed in accordance with their terms and to deliver the Bonds to Craigie Incorporated upon payment therefor.

2. The resolution adopted by the City Council on January 23, 1979, authorizing the sale of the Bonds is hereby amended to provide that the Bonds shall be payable at the principal office of Valley National Bank, Harrisonburg, Virginia, or at the principal office of First & Merchants National Bank, Richmond, Virginia, at the option of bearer. Except as so amended, such resolution is hereby ratified, approved and confirmed.

3. The draft of the Official Statement distributed at this meeting is hereby approved, the Mayor and City Manager are hereby authorized to execute the Official Statement on behalf of the City in substantially the form so submitted with such changes therein as they may determine to be desirable, and Craigie Incorporated is authorized to use the Official Statement so executed in marketing the Bonds.

4. This resolution shall take effect immediately.

Councilman Dingledine moved that the resolution be approved, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council. It was unanimously agreed that a special meeting be called for Friday, February 16th, 1:00 P.M. as suggested by the City Manager, for a second and final reading of the ordinance for issuance and sale of Construction Notes.

During a discussion of appointments to various Boards & Commissions, it was pointed out that Mr. O. Walton Wine's term on the Harrisonburg Electric Commission had expired on December 31, 1978, and that he was eligible for reappointment. Vice-Mayor Green moved that Mr. Wine be reappointed to the Commission for a term of three (3) years, expiring December 31, 1981, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ Vice-Mayor Green moved that a supplemental appropriation in amount of \$ 200,000. requested by the Water/Sewer Superintendent in order to transfer funds presently held in the Sewer Fund Unappropriated Surplus Account into the General Fund-Reserve for Future Projects, be approved for second & final reading, a first reading having been approved on January 23rd, and that:-

\$ 200,000. chgd.to: Sewer Fund- Unappropriated Surplus Account.

200,000. approp.to: General Fund - Reserve for Future Construction Projects.

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

✓ Councilman Dingledine moved that a supplemental appropriation in amount of \$ 40,000. from General Fund- Unappropriated Surplus Account into new account titled "Harrisonburg Parking Authority-Construction-Parking Deck Facility" be approved for second & final reading, a first reading having been approved on January 23rd, and that:-

\$ 40,000. chgd.to: General Fund - Unappropriated Surplus Account.

40,000. approp.to: General Fund- Harrisonburg Parking Authority - Construction-Parking Deck Facility.

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

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 4,480. requested by the Water/Sewer Superintendent for installation of sewer line to serve the Spotswood Country Club, be approved for second & final reading, a first reading having been approved on January 23, 1979, and that:-

\$ 4,480. chgd.to: Sewer Fund- Unappropriated Surplus Account.

4,480. approp.to: Sewer Fund (7-7900) Install. Service Lines.

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

✓ The City Manager presented for second and final reading, a supplemental appropriation in amount of \$ 1,600,000. for the Elderly Housing Project, under different coding from the first reading approved on January 23rd, and explained as follows: At the last regular meeting when the appropriation was presented, questions were raised concerning an amount of \$ 200,000. proposed to be charged to the General Fund Unappropriated Surplus Account, with \$ 1,400,000. charged to Bond Proceeds. It was suggested that the true amount of bond issue be clarified prior to a final reading of the appropriation, in that only \$1.4 million had been reported as the amount, at that meeting. Following the presentations made by representatives from Craigie, Inc. at the beginning of this meeting which clarified the amount of \$1.6 million, this entire amount is being charged to Proceeds from Sale of Bonds and/or Notes, rather than using any portion of local funds. Councilman Cisney moved that the appropriation, as amended, be appvd. for second & final reading, and that:-

\$ 1,600,000. chgd.to: General Fund (1004.00) Proceeds from Sale of Bonds and/or Notes.

1,600,000. approp.to: General Fund (10220-72.01) Housing for Elderly.

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

✓ The City Manager presented a request from Assistant City Manager Driver for approval of a supplemental appropriation in amount of \$ 6,563.84 in order to appropriate monies received for labor from the Virginia Employment Commission - Title 6, for months of May, June, July, August, September, October, November & December, 1978 (Sewer Dept). Following a brief discussion, Councilman Dingledine moved that the appropriation be approved for a first reading, and that:-

\$ 4,999.92 chgd.to: Sewer Fund (1005.02) Recoveries & Rebates.

1,563.92 chgd.to: Sewer Fund- Unappropriated Fund Balance.

6,563.84 approp.to: Sewer Fund (3-12.50) Sewer Dept.- Wages- Title 6

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

✓ A request was presented from Assistant City Manager Driver for approval of a supplemental appropriation in amount of \$ 153,045.10 in order to appropriate monies received from the Va. Employment Commission for labor under Title 6, Title 6 Special (CETA) for months of May, June, July, August, September, October, November & December, 1978, into the various city departments. Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:-

\$ 113,053.43 chgd.to: Gen.Fund (1005.00) Pur.Agent- Wages- Title 6

39,991.67 chgd.to: Gen.Fund - Unappropriated Fund Balance.

11,805.44 approp.to: Gen.Fund (4040-12.50) Pur.Agent- Wages- Title 6

9,104.99 approp.to: Genl Fund (4110-250.00) Soc.Security- FICA- on Wages Under Title 6, Title 6 S.P. & Title II

4,296.27 approp.to: Gen.Fund (6015-12.50) Police Court- Wages-Title 6

1,699.88 approp.to: Gen.Fund (9010-12.01) Police Dept.-Title 6,Wages- Trfc. Control.

29,133.96 approp.to: Gen.Fund (9020-12.50) Fire Dept.- Title 6 & Title II Wages - Firemen & Dispatchers.

8,125.58 approp.to: Gen.Fund (10110-12.01) St.Dept.- Title 6- Wages, Laborers.

5,841.70 approp.to: Gen.Fund (10110-12.50) St.Dept.- Wages- Title 6, Laborers.

1,907.36 approp.to: Gen.Fund (10340-12.50) Refuse Coll.- Title 6 S.P.- Laborers.

5,681.33 approp.to: Gen.Fund (11020-12.01) Recreation Spec.-Wages- Title 6.

2,960.43 approp.to: Gen.Fund (11020-12.02) Recreation Spec.-Wages- Title 6.

4,588.28 approp.to: Gen.Fund (11020-12.03) Park Sec.Officer- Wages- Title 6.

3,049.73 approp.to: Gen.Fund (11020-12.04) Maint.Man (PT) Wages- Title 6.

5,824.40 approp.to: Gen.Fund (11020-12.05) Recreation Spec.- Wages- Title 6.

4,943.44 approp.to: Gen.Fund (11020-12.50) Recreation Spec.- Wages- Title 6.

3,619.60 approp.to: Gen.Fund (11020-12.51) Park Maint. Supt.- Wages- Title 6.

3,492.40 approp.to: Gen.Fund (11020-12.52) Janitor- Wages- Title 6

3,980.18 approp.to: Gen.Fund (11020-12.53) Clk/Typst/Recpt-Wages- Title 6

1,218.00 approp.to: Gen.Fund (11020-12.54) Recreation Spec.- Wages- Title 6.

4,198.14 approp.to: Gen.Fund (11020-12.55) Janitor- Wages- Title 6.

8,201.26 approp.to: Gen.Fund (11020-12.57) Concessioners- Wages- Title 6.

\$ 16,826.67 approp.to: Gen.Fund (11020-12.58) Laborers- Spec.Proj.-Wages-Title 6.
 3,690.84 approp.to: Gen.Fund (11020-12.59) Acct. Clk.- Wages- Title 6
 4,372.95 approp.to: Gen.Fund (11020-12.60) Youth Programmer-Wages- Title 6.
 4,482.27 approp.to: Gen.Fund (11020-12.61) Arts/Crfts Instr.- Wages- Title 6.

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

City Manager Milam presented a request from the School Board Office for approval of a transfer of funds within departmental appropriations in amount of \$ 8,800. in order to transfer funds budgeted for computer services at Massanutten Voc. Tech Center and for computer software to Capital Outlay to provide funds for purchase of Data Processing equipment for utilization of new city computer. Following discussion, Vice-Mayor Green moved that the transfer be approved, and that:-

\$ 6,800.00 trans.from: School Fund (1201-221.00) Other Inst.Costs- Tuition Pd.Other Div.
 2,000.00 trans.from: School Fund (1900-403.00) Capital Outlay- Furn. & Equipment.

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

A request was presented from the School Board Office for approval of a transfer of funds in amount of \$ 2,800. in order to transfer funds appropriated for Instructional Supplies for Gifted & Talented Program, to allow those students to take field trips, and also to purchase equipment for this program. It was noted that all Gifted and Talented is reimbursable from state funds. Following a brief discussion, Councilman Rhodes moved that the transfer be approved, and that:-

\$ 2,800. trans.from: School Fund (1201-305.00) Other Inst.Costs- Instr. Supplies.
 1,500. trans.to: School Fund (1203-219.02) Pupil Trans.- Trans.by Public Carrier.
 1,300. trans.to: School Fund (1900-403.00) Capital Outlay- Furn. & Equipment.

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

Correspondence dated 2/7/79 from Mr. Wayne King, School Superintendent, was presented and read, in which an appropriation of \$ 50,000. was requested (source to be determined) for construction of a two classroom addition to the National Guard Armory, which, in turn, would result in 3 1/2 acres being returned to the School Board by the state. It was noted that the classrooms would be solely the property of the Virginia National Guard and would be, in no way, tied in with any use the public schools or the City might have for them. The 3 1/2 acres would be used by Harrisonburg High School. The following motion by the School Board was included in the correspondence:

"Mr. King presented information related to the armory property. Following discussion, a motion was made by Mr. Julius to ask for an appropriation not to exceed the amount of \$ 50,000. for new buildings and additions to existing buildings on the armory property as outlined in a letter to Mr. Marvin Milam, City Manager, dated January 16, 1979, from a National Guard Official. Motion was seconded by Mr. Wine and passed. Prior to the passing of the motion, it was noted that the board feels that at such time as the city comes into possession of the land, it should be deeded back to the schools."

Although some question was raised concerning justification for the two room addition, members expressed sympathy with the School Board's need for the land (which had been given up in the 1950s for construction of the Armory), and agreed that \$ 50,000. was a good business deal. City Manager Milam referred to the letter of January 16th from the Adjutant General, which followed a meeting he (the City Manager) had attended at the Armory, along with Mr. King, Mr. Wine, and members of the Virginia National Guard, and which contained the following recommendations, subject to approval by the Governor: (a) The VaARNG deed the approximate 3.5 acres of land in question to the City; (b) The City have the two each 20'x 50' classrooms constructed at a cost of approximately \$ 50,000. on the remaining land; (c) The two classrooms be built to standards approved by the VaARNG with the City being responsible for their design and construction supervision; (d) The old armory maintenance agreement between the City and the State be modified to include these two new classrooms. Manager Milam offered an opinion that the land (if acquired) should be turned over to the Schools, and recommended that the City Attorney and School Board Attorney work with the Attorney General, to draw up an agreement (in writing) along lines set forth in the Adjutant General's letter. Councilman Cisney moved that the recommendation of the City Manager be approved, with amount limited to \$ 50,000., which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

For information of Council, the City Manager reported that a written opinion has not been received as yet from the N.Y. Bond Attorney with regard to Mr. Crawford's withdrawal and transfer of vote to Rockingham County, and that Bill No. 283 concerning a Court Appointed Tie-Breaker for unsettled matters by the Regional Sewer Authority is still pending in the Senate. He called members' attention to their copies of letters from the City Attorney and Sewer Authority Attorney; Amendment of Senate Bill 283; Sewer Authority invoice for January (\$32,200.74 O & M and \$16,141.28 Debt); and Quarterly Financial Report for the Harrisonburg-Rockingham Regional Sewer Authority, noting that he desired to bring more matters concerning the Authority before the governing body. He asked Council's thinking as to whether the four representatives of Harrisonburg should attend Authority meetings, or the City Attorney be instructed to attend and bring matters back to Council. It was assumed that the invoice would be paid, but no definite discussion with regard to the latter inquiry.

The City Attorney reminded Council that the the last regular meeting, a request had been presented from the Harrisonburg Rescue Squad for the City Code to be amended by deleting a phrase which set out the organization as a part of Fire Company No. 1, in that they have their own elected officers and are a separate organization. He presented and read an ordinance amending Section 10-21 titled: "Rescue Squad Official Recognition", stating that the Squad is hereby recognized as an integral part of the official safety program of the city, etc. Councilman Cisney moved that the ordinance be approved for a first reading, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous recorded vote of Council.

The following resolution was introduced by the City Manager for consideration of approval:

BE IT RESOLVED, that due to construction and reconstruction of certain streets within the city limits of Harrisonburg, there is additional mileage

DD1550

11-11-79

which is eligible for maintenance payment as follows:

1. "Other Streets" which meet the requirements of Section 33.1-43 of the Code of Virginia as amended 1972, that are eligible for maintenance payment totaling 2.445 miles.
2. Primary Extensions that have been rebuilt and have an increased number of lanes.
Said streets being listed on accompanying U-1 (7-1-72) Virginia Dept. of Highways and Transportation forms and shown in red on City Map.

THEREFORE, the City of Harrisonburg respectfully requests the Virginia Department of Highways & Transportation to make the maintenance payments effective April 1, 1979.

Mayor

Attest:

Clerk

Council reviewed the portions of streets requested for maintenance payment by the Department of Highways & Transportation, after which time Councilman Dingleline moved that the resolution be approved. The motion was seconded by Vice-Mayor Green and adopted by a unanimous vote of Council.

✓ For the purpose of renewing Bingo Permits for calendar year 1979, applications were presented from: Ladies' Auxiliary to Fire Company No. 1; Ladies' Auxiliary of Hose Company No. 4; Harrisonburg Lodge #1686 Loyal Order of Moose; Harrisonburg Elks Lodge #450 and Rion-Bowman Ladies' Auxiliary, V.F.W. Post 632. Council was informed that the applications were in proper form, according to the Commissioner of Revenue, insofar as financial statements and the required \$ 10.00 fee. Following a brief discussion, Vice-Mayor Green moved that 1979 permits be approved for the five organizations, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

✓ For information, City Manager Milam reported that the City's Letter of Credit for drawing funds for expenses incurred on the Community Development Block Grant Program had been increased by the amount of \$ 805,000., resulting in a total amount of \$ 2,322,000. (\$195,000. to R & H Authority for rehabilitation program).

✓ City Attorney Lapsley reported that some changes were felt necessary by the Legislative Committee with regard to House Bill No. 1264, "Composition; election and terms" of Council Members, which Bill had been introduced by Delegate Bonnie Paul on behalf of the City of Harrisonburg. It was originally agreed that the beginning 4 year term for a newly elected Council member should be July, following a May election, rather than September, as set forth in the present Code. However, the committee feels that some question could be raised concerning current members' terms being cut short by a two month period, in that they had taken office in September of year elected. He presented the amended Bill setting out that in the 1980 May election, 3 members would be elected for terms of 3 years, 10 months each, and in May, 1982, 2 members would be elected to hold office for 3 years 10 months each. Members elected in those years would take office in September of year elected. Thereafter, members of Council would serve staggered four year terms, taking office the first day of July. Council discussed the proposed amendment, with little emphasis on a question ever being raised concerning the shortening of terms by 2 months. Attorney Lapsley said he would tell Delegate Paul to go ahead with the Bill, as amended by the Committee.

✓ City Manager Milam reported that he had not placed the matter of a requested change in the Chapter 10 By-Laws on this evening's agenda, pending further explanation. He informed members that an invitation had been extended for Council to have a guided tour of the organization's headquarters located at 1241 N. Main Street, at a suitable time. Following a review of schedules, March 1st, 4:30 P.M. was selected. The Massanutten Mental Health Center will move from its present location on E. Market Street the end of this week, and relocate on N. Main Street next Tuesday.

✓ The City Manager called attention to one matter of concern in his monthly progress report, namely, loss of water. He noted that the amount of loss (approximately 42%) has been creeping up over the past year, with efforts to pinpoint the problem proving unsuccessful. The average water loss for a system is 10 - 25%. Council was informed that the 1979-80 budget will include an appropriation for beginning phases of a "multimillion dollar water improvement program". Along a different line, he reported that the city spread 140 tons of salt and 160 tons of abrasives during four ice and snow storms in the month of January.

On motion of Councilman Dingleline, seconded by Councilman Rhodes, and a unanimous vote, the meeting recessed at 10:55 P.M. until Thursday, February 15th, 7:30 P.M. at which time it would reconvene in the Supervisors' meeting room in the Court House for a discussion concerning a possible compromise settlement of the city's annexation suit.


CLERK


MAYOR

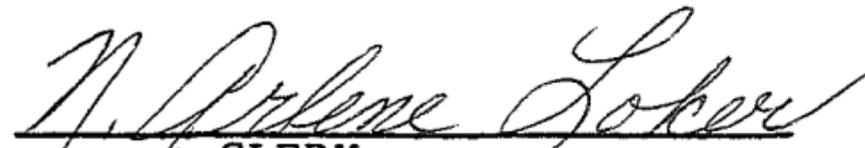
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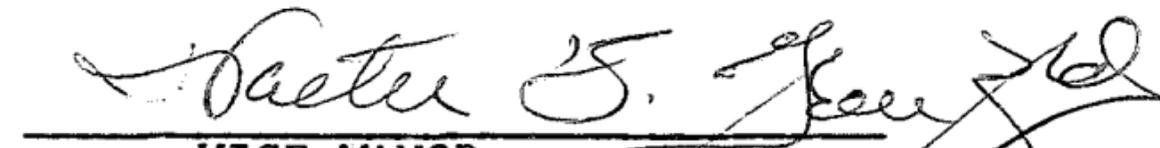
Thursday, February 15, 1979

At a recessed meeting of Council held in the Rockingham County Board of Supervisors' Meeting Room, Court House, this evening at 7:30 PM there were present: Vice-Mayor Walter F. Green, III, Raymond C. Dingledine, Jr., Elon W. Rhodes and James C. Cisney. Absent: Mayor Roy H. Erickson.

On motion duly adopted, Council entered an executive session with the Board of Supervisors for the purpose of discussing financial arrangements for supplying water & sewer services to R.R. Donnelley Plant proposed for construction on Kratzer Rd. (former Fair Ground location).

At 10:20 P.M. the executive session was declared closed, and on motion duly adopted, Council's regular meeting of February 13th was officially adjourned.


CLERK


VICE-MAYOR

05541111

Friday, February 16, 1979

At a special meeting of Council held in the Council Chamber this afternoon at 1:00 o'clock, there were present:- City Manager Marvin B. Milam, City Attorney Norvell A. Lapsley, Clerk N. Arlene Loker, Vice-Mayor Walter F. Green, III, Councilmen Raymond C. Dingle, Jr., Elon W. Rhodes, James C. Cisney, City Auditor R. William Shifflet. Absent:- Mayor Roy H. Erickson and Chief of Police Richard W. Presgrave. (sitting in for the Chief, Capt. Stroble).

City Manager Milam read the special meeting call - purpose: Second reading of an ordinance authorizing the issuance and sale of \$1,600,000 Elderly Housing Facility construction Notes of the City of Harrisonburg, Va., and providing for the form, details and payment thereof; and other matters.

✓ Manager Milam reminded Council that the ordinance authorizing issuance and sale of \$1.6 million

Elderly Housing Facility Construction Notes had been approved for a first reading at the regular meeting on February 13th, with this meeting scheduled for the purpose of approving same for second and final reading in order to meet the 30-day waiting period, prior to closing of the Bond Issue. Councilman Dingleline moved that the ordinance be approved for second & final reading with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the City's Ordinance Book, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Councilmen present. (Refer to Ord. Bk K, page 180).

For information, Manager Milam reported that he had signed the lease agreement with the Harrisonburg-Rockingham Community Mental Health & Mental Retardations Services (Chapter 10) Board, covering a 5-year period, February 16, 1979 through February 15, 1984, at monthly rental of \$ 1,333. Under the agreement the City will: pay all tax assessments against the premises; pay all fire insurance premiums on the building; provide snow removal services; and furnish all necessary major structural repairs to the building.

There being no further business and on motion duly adopted, the meeting adjourned at 1:10 P.M.


CLERK


VICE-MAYOR

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 Walter F. Green, III, Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on February 13th were read, and approved as corrected; minutes of a special meeting held on February 16th were read and approved.

Through correspondence dated 2/23/79 from Mr. Winston O. Weaver, Sr., a request was made for the City to correct a visual hazard on Charles Street, approval for which is necessary prior to a decision for AMP, Inc. to locate in that area, on land which he owns. Assistant City Manager Driver pointed out that a \$2 - \$3 million dollar plant is anticipated, with approximately \$2 million expended for equipment, which plant would employ about 200 people. Mr. Driver explained that visibility would be impaired insofar as ingress and egress from Charles Street, to the plant site, at the intersection of Charles & Albert Streets, due to a hump which must be leveled off. He estimated a cost of \$ 15,000 - \$ 20,000 to rework Charles Street, with some retaining walls possibly being necessitated, but suggested that the City postpone any work on the street until it is determined that the plant will definitely locate there. When question was raised re source of funds, City Manager Milam pointed out that the work was not projected in the 1979-80 street department budget which has already been turned in by the Superintendent. Following discussion, Councilman Rhodes moved that Council approve reworking of Charles St. after plant construction is definite, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council. Mayor Erickson suggested that it be determined whether or not the entire project is the City's responsibility.

The following recommendation submitted by the Planning Director from a meeting of the Commission held on January 21, 1979, was presented and read:-

"...The Commissioners reviewed a map illustrating the rezoning request by Mr. Leroy Fega, owner of Rockingham Ford Tractor Company. The Director explained that Mr. Fega wants to construct a storage building on the four lots located on the northeast side of Clinton Street and is requesting the lots be rezoned from R-2 Residential to M-1 Industrial. The lots are presently used for parking and storage of farm machinery. Mr. Sullivan reported that adjoining property owners were notified and no one has expressed objections. There being no one present to speak for or against the request, and noting that it was adding to an existing industrial area rather than spot zoning, Mr. Fleming moved that the Planning Commission recommend to City Council that Mr. Fega's four lots on Clinton Street be rezoned from R-2 Res. to M-1 Industrial. Mr. Williams seconded the motion and all members present voted aye..."

Following a brief discussion and review of the area on a map, Councilman Cisney moved that the recommendation of the Planning Commission be accepted, and a public hearing scheduled for Tuesday, March 27, 7:30 P.M., which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council. The City Manager was instructed to properly advertise the hearing.

Councilman Dingledine moved that a supplemental appropriation in amount of \$ 6,563.84 in order to appropriate monies received from The Virginia Employment Commission for labor under Title 6, for May, June, July, August, September, October, November and December, 1978, into Sewer Department accounts, be approved for second and final reading, a first reading having been approved on February 13th, and that:-

\$ 4,999.92 chgd.to: Sewer Fund (1005.02) Recoveries & Rebates.

1,563.92 chgd.to: Sewer Fund - Unappropriated Fund Balance.

6,563.84 approp.to: Sewer Fund (2-12.50) Sewer Dept.- Wages, Title 6

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

Councilman Cisney moved that a supplemental appropriation in amount of \$ 153,045.10 to appropriate monies received from the Virginia Employment Commission for labor under Title 6 and Title 6 Special, for months of May, June, July, August, September, October, November & December, 1978, into various city departments, be approved for second and final reading, a first reading having been approved on Feb. 13, and that:-

\$ 113,053.43 chgd.to: General Fund (1005.00) Pur.Agent- Wages- Title 6

39,991.67 chgd.to: General Fund - Unappropriated Fund Balance.

11,805.44 approp.to: General Fund (4040-12.50) Pur.Agent- Wages- Title 6

9,104.99 approp.to: General Fund (4110-250.00) Soc.Security- FICA on Wages under Title 6, Title 6 S.P. & Title II

4,296.27 approp.to: General Fund (6015-12.50) Police Court- Wages- Title 6

1,699.88 approp.to: General Fund (9010-12.01) Police Dept.- Title 6, Wages Trfc.Cntl.

29,133.96 approp.to: General Fund (9020-12.50) Fire Dept.- Title 6 & Title II Wages- Firemen & Dispatchers.

8,125.58 approp.to: General Fund (10110-12.01) St.Dept.- Title 6-Wages- Laborers.

5,841.70 approp.to: General Fund (10110-12.50) St.Dept.- Wages- Title 6, Laborers.

1,907.36 approp.to: General Fund (10340-12.50) Refuse Coll- Title 6 S.P.- Laborers.

5,681.33 approp.to: General Fund (11020-12.01) Recreation Spec.- Wages- Title 6

2,960.43 approp.to: General Fund (11020-12.02) Recreation Spec.- Wages- Title 6

4,588.28 approp.to: General Fund (11020-12.03) Park Sec.Officer- Wages- Title 6

3,049.73 approp.to: General Fund (11020-12.04) Maint.Man (PT) Wages- Title 6

5,824.40 approp.to: General Fund (11020-12.05) Recreation Spec.- Wages- Title 6

4,943.44 approp.to: General Fund (11020-12.50) Recreation Spec.- Wages- Title 6

3,619.60 approp.to: General Fund (11020-12.51) Park Maint. Supt.- Wages- Title 6

3,492.40 approp.to: General Fund (11020-12.52) Janitor- Wages- Title 6

3,980.18 approp.to: General Fund (11020-12.53) Clk/Typst/Recpt- Wages- Title 6

1,218.00 approp.to: General Fund (11020-12.54) Recreation Spec.-Wages- Title 6

4,198.14 approp.to: General Fund (11020-12.55) Janitor- Wages- Title 6

8,201.26 approp.to: General Fund (11020-12.57) Concessioners- Wages- Title 6

16,826.67 approp.to: General Fund (11020-12.58) Laborers- Spec. Proj.- Wages- Title 6

3,690.84 approp.to: General Fund (11020-12.59) Acct. Clk- Wages- Title 6

4,372.95 approp.to: General Fund (11020-12.60) Youth Programmer- Wages- Title 6

4,482.27 approp.to: General Fund (11020-12.61) Arts/Crfts Instr.-Wages- Title 6

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

Mr. Ralph Smith, Street Superintendent, provided Council with the following information concerning recent ice and snow storms in order to better explain the need for approval of a supplemental appropriation in amount of \$ 8,000. and a transfer of funds in amount of \$ 5,000., due to insufficient funds: Since January 5th, there have been six major storms (2 ice and 4 snow), five of which have occurred on weekends which necessitated payment of overtime to workers. Each street had to be plowed twice as a result of last week's snow storm, which was carried out within a 36 hour period. Other than city streets, nine parking lots and five school lots were plowed. A total of 360 tons of salt was used @ \$ 33.40 per ton (\$12,024.) and wages of workers through February 15th were in total amount of \$ 9,195. Mr. Smith noted that \$ 28,700. had been expended in removal of snow and ice, with his current budget supplying only \$ 19,000. of this amount. The transfer of \$ 5,000. would cover an order of 100 tons of salt to insure a constant supply. Following the report, Councilman Rhodes moved that the supplemental appropriation in amount of \$ 8,000. be approved for a first reading, and that:-

\$ 8,000. chgd.to: General Fund - Unappropriated Fund Balance.

8,000. approp.to: General Fund (10330-350.00) St.Cleaning- Snow & Ice Removal.

which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous recorded vote of Council. On motion of Councilman Rhodes, seconded by Vice-Mayor Green, and a unanimous recorded vote of Council, the following transfer of funds in amount of \$ 5,000. was approved:

\$ 5,000. trans.from: General Fund (10110-12.00) St. Inspection- Wages

5,000. trans.to: General Fund (10330-350.00) St. Cleaning- Ice & Snow

A request was presented from the School Board Office for approval of a supplemental appropriation in amount of \$ 32,869.05 in order to appropriate funds received from the Comprehensive Employment & Training Act, into proper School accounts. Councilman Cisney moved that the appropriation be approved for a first reading, and that:-

\$ 32,869.05 chgd.to: School Fund (R-28A) Realized Revenue- Receipts from Fed.Funds.

4,643.53 approp.to: School Fund (1201-109.50) Other Inst.Costs-Comp.Tchr.Aides- CETA

3,401.42 approp.to: School Fund (1201-109.51) Other Inst.Costs-Day School Instr.

22,243.02 approp.to: School Fund (1201-134.50) Day Sch.Instr.-Comp.Elem.Tchrs.- CETA

445.49 approp.to: School Fund (1206-213.50) Fixed Chgs.- Workmen's Comp.- CETA

2,135.59 approp.to: School Fund (1206-295.50) Fixed Chgs.- Employer Cont.Frng.Benefits- CETA

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

Council's attention was called to the fact that Mrs. Kathryn H. Bowman's first term as a member of the City Planning Commission had expired on December 31, 1978, and that she was eligible for reappointment. Councilman Dingledine moved that Mrs. Bowman be reappointed to the Commission for a term of four (4) years, expiring on December 31, 1982, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

The City Manager presented for second and final reading an ordinance amending Section 10-21 of the City Code, recognizing the Harrisonburg Rescue Squad as an integral part of the official safety program of the city, thereby eliminating a phrase in the present code section which set the organization out as being under Fire Company No. 1. The ordinance was approved for a first reading on February 13th. Councilman Cisney 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 upon being seconded by Councilman Dingleline, was adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 182).

For information of Council, City Manager Milam reported that about six months ago, application for grants had been filed through the Department of Defense for fiscal years 1978, 1979 and 1980. Notice has been received, stating approval of the following amounts, which, to his knowledge, is the first grant received in the area of civil defense: (1978) \$ 13,000.; (1979) \$ 14,600.; (1980) \$ 16,210. He noted that the funds will be used primarily in the Fire Department for training and communications & warning devices.

Council was reminded that following a request from Mr. John Horsley, of Horsley & Constable Realtors, Inc., and presentation of a preliminary map of Wayland Woods Subdivision located east of Forest Hills, a recommendation of the City Planning Commission had been approved by Council on November 28, 1978 for the City to extend water and sewer to the crest of the hill in the subdivision, providing the developer be responsible for necessary water pumping systems and all water and sewer lines installed becoming property of the City. Under this arrangement, Rockingham County would provide the services on the other side of the hill. Since that time, however, Rockingham County has expressed a desire to serve the entire area, comprised of approximately 130 units, with water from its storage tank which is filled from the City's water system at the Valley Mall Area, and pumped to a higher level. Manager Milam informed Council that in a letter to Mr. Horsley dated 2/15/79, he had advised that inasmuch as the County desires to supply the development with water, it should also provide sewer service, in order to avoid a split system. Mayor Erickson noted that water and sewer services to "hand-in-hand." Manager Milam said he was sympathetic with Messrs. Horsley & Constable in that they had made all arrangements, which preceded agreements between the City and County. He offered an opinion that the County seems to want to make all arrangements to furnish the parts they can furnish readily, and not make arrangements to furnish others. He pointed out the fact that sewer services cannot be turned off for sanitary reasons, and noted that the City must protect itself with regard to payment of bills, possibly by inclusion of a lien against the property for collection of any due amount, when property is sold, which arrangement has been agreed upon by the developers. Further noted was that the lots would have to be billed on a flat rate sewer charge in that the County will operate the water meters, with no written assurance that the City would receive accurate readings from same on which to base a sewer charge. A point emphasized by Mr. Constable was that the County insists, rather than desires, to furnish water to the entire development. Mr. Robert Funk, CLS, noted that responsibility for the pumping system, costing approximately \$ 50,000. would be on the developer, and turned over to the County. City Attorney Lapsley said he would require signatures of both the purchaser and seller at the time of development, in order that a lien may be placed on the property to protect the City against non-payment of sewer bills, for approximately 1/3 of the subdivision. Vice-Mayor Green suggested that some arrangement be worked out by the City Manager for presentation at the next regular meeting of Council. City Manager Milam said he had asked Mr. Horsley to state, in writing, that there was no objection on the part of the developer, to a deed restriction, and that this had been done. Following discussion, Vice-Mayor Green moved that assurance be given Messrs. Horsley and Constable that something would be worked out with regard to the City supplying sewer service for Wayland Woods Subdivision, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

City Attorney Lapsley reported that a satisfactory settlement had been reached during negotiations with Rocco, Inc. for that firm to purchase two parcels of city-owned land in the N. Liberty Street area, in order that improvements may be made to Rocco's property. Parcel 6-B (conveyed to the city in 1968 by Annie Shank Weaver) and Parcel 10-A (old portion of Liberty Street which was closed in 1968) comprised of 2,460.5 square feet, will be purchased for the amount of \$ 3,690. He presented the prepared deed for approval and proper signatures. Following a brief discussion, Councilman Cisney moved that the deed be approved with authorization for the Mayor and Clerk to sign same on behalf of the City of Harrisonburg, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

The following recommendation submitted by the Harrisonburg Transportation Safety Commission from a meeting held on January 30, 1979, was read by the City Manager:

"...Secretary Driver then read another extract from regular meeting of City Council held on Tuesday, November 28, 1978...Request from representative of Safeway Store for cut in Mason Street median to allow for faster access to Peoples-Safeway Parking Lot which was referred to the Harrisonburg Transportation Safety Commission for study and recommendation..."

After discussion of the pros and cons on the safety aspect of allowing the above request, Chief Presgrave made a motion that due to the safety hazards that would be created and also setting a precedent for future requests, that the commission recommend to Council that the Safeway request be denied. Wayne King seconded the motion and all members voted aye."

Manager Milam said he had written to Safeway advising that the matter would be presented at tonight's meeting and requesting that any feelings either for or against, be made known. He noted further that he had received a call from Mr. Roy Halquist, owner of the Valley Plaza Shopping area, who said he was not aware of the Safeway request, and requested that action be deferred on the Safety Commission's recommendation to allow time for him to meet with Safeway and owners of other properties in the area, to see if a better arrangement might be worked out, or a decision reached to withdraw the request for a median cut. On motion of Councilman Dingleline, seconded by Councilman Rhodes, and a unanimous vote of Council, action was deferred.

For information of Council, City Manager Milam reported that grants in the total amount of \$ 9,410., through 1977, had been received from the U. S. Environmental Protection Agency toward the total cost of

sewer line installation by the City in the northern section of Harrisonburg to serve an area which was annexed in 1962, and that the project file will be closed out.

✓ The City Manager informed Council of an offer by the U.S. Forestry Service through correspondence dated 2/22/79, to purchase a right-of-way easement over 2.95 acres of city owned land in the Skidmore Fork area, which is essential for construction of Forest Development Road No. 548, in order to meet demands for timber, recreation and other uses. Manager Milam said he anticipates other such requests and desired that this report be only for information at this time, with the matter to be brought back to Council at a later date for consideration.

At 9:06 P.M., Councilman Dingledine moved that Council enter an executive session for the purpose of discussing upcoming appointments, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

At 10:45 P.M. the executive session was declared closed and the regular session reconvened.

There being no further business and on motion duly adopted, the meeting was recessed until Thursday, March 8th, 7:30 P.M. when Council would meet in the Rockingham County Board of Supervisors' meeting room to discuss with members of the Board, arrangements for water and sewer to serve the R.R. Donnelley Plant proposed to locate on Kratzer Rd. at the present fair ground location.

N. Arlene Loker

CLERK

Ray E. Green

MAYOR

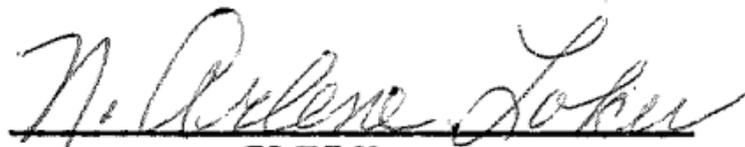
Thursday, March 8, 1979

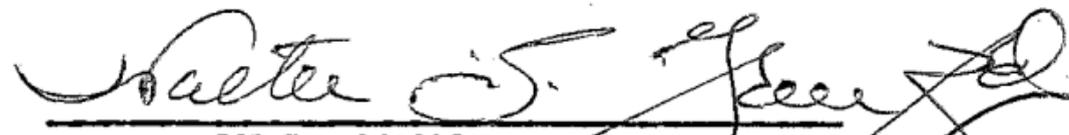
✓ At a recessed meeting of Council held in the Rockingham County Board of Supervisor's meeting room, Court House, this evening at 7:30 P.M. there were present: Vice-Mayor Walter F. Green, III, Councilmen Raymond C. Dingleline, Jr., Elon W. Rhodes and James C. Cisney. Absent:- Mayor Roy H. Erickson.

On motion of Councilman Rhodes, seconded by Councilman Dingleline, and a unanimous vote of Councilmen present, an executive session was entered with members of the Board of Supervisors for the purpose of discussing arrangements for water and sewer services for the R.R. Donnelley Plant proposed to locate on Kratzer Rd.

The executive session was declared closed at 10:50 P.M.

On motion duly adopted, Council's regular meeting of February 27th (recessed until this time) was adjourned.


CLERK


VICE-MAYOR

Tuesday, March 13, 1979

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 Walter F. Green, III, Councilmen Raymond C. Dingleline, Jr., Elon W. Rhodes, James C. Cisney, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- none.

The evening's Invocation was led by The Reverend Donald Fogelsanger, First Church of the Brethren, Harrisonburg.

Minutes of the regular meeting of February 27th 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 February, 1979.

From the City Treasurer:-

A Trial Balance report as of close of business on February 28, 1979.

From the Police Department:

A report of total number of arrests; parking meter fines collected; cash collected from parking meters; total cash collected all sources in amount of \$ 7,849.25 for month of February, 1979.

From the City Auditor:

A financial report for the City of Harrisonburg, Va. for month of February, 1979.

A report of cash discounts saved in payment of vendors' invoices for month of February, 1979 totaling \$ 138.48. No discounts lost in February.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read, installations; cut delinquents; complaints; re-reads, etc. for month of February, 1979.

✓ For Council's information and in reply to a written request from Gail Nardi, News Director of WSWA/WQPO, that she be officially notified of all Council meetings, Manager Milam reported that a copy of Council's agenda had been mailed, prior to each meeting, to that particular station, but that in the future, a copy would be directed to her attention. He noted that approximately 30 copies of the agenda are mailed out, one of which goes to the Daily News Record upon their request. A requirement of the City is for the recipient to submit a self-addressed stamped envelope to receive the agenda, which, in all cases, is not complied with.

✓ Correspondence dated 3/3/79 from Mr. Charles H. Taliaferro, signed also by Beulah & L.E. Lawson

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and Ethel Coffman, was presented and read by the City Manager, requesting favorable consideration to rezoning of their properties in the 700 block of E. Market Street from the present R-1 to B-3. It was pointed out that the rezoning would make those properties consistent with other real estate in corresponding locations. During a brief discussion, a question was raised as to whether or not B-3 was actually the intent of the requestors. On motion of Vice-Mayor Green, seconded by Councilman Dingleline, and a unanimous vote of Council, the request was referred to the City Planning Commission for study and recommendation, with a request for them to contact Mr. Taliaferro in order to clarify zoning classification.

✓ Through correspondence dated 2/27/79 from Mr. Dan Stickley, Jr., a request was made on behalf of J.O. Stickley & Son, Inc. for the City to provide funds in its 1979-80 budget for construction of West Wolfe Street between Hartman Drive and Statton Street, which portion had been previously dedicated to the City. Mr. Stickley said it was their hope to extend Statton Street into their Westside Subdivision by late fall, and added that construction of this portion of Wolfe Street would be most desirable. Manager Milam reminded members that a preliminary plat of Westside Subdivision had been referred to the City Planning Commission at Council's February 13th meeting, and is under study by that group at the present time. He suggested that this request be referred to management and the street department to determine if it could be done as a half street, in that Statton is an undedicated (paper) street. Following discussion, Vice-Mayor Green moved that the request be referred to the Planning Commission for study and investigation along with the preliminary plat of Westside Subdivision in that the two are closely related, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

✓ Members of the City School Board, Superintendent Wayne King, and the School's Director of Finance were present in the meeting for the purpose of presenting their proposed 1979-80 budget in total amount of \$ 5,281,130.00, representing an increase of \$ 660,028. over the present year. Mrs. Kitty DePoy, Chairman of the Board, pointed out highlights and noted that a portion of Revenue Sharing Funds would be used to offset the increase. A 7% increase for teachers' salaries is reflected in the budget which represents a 5 1/2% base scale, with remainder in increments. Council was informed by Mr. King, Superintendent, that an amount of \$ 31,790. for the Massanutten Voc. Tech Center body shop building & equipment may be eliminated from the proposed budget in that the Center has applied for a Literary Loan to be repaid over a 20 year period, but added that a later request for funds, through the City, may be necessary. The only item which raised question from the governing body was an amount of \$ 15,000. for replacement of lights at the baseball field, Memorial Stadium. Mr. King explained that much of the insistence for modernizing the lights was from management of the Turks Ball Club, but admitted that he had to agree in their needing overhauling, due to corrosion. When question was raised by Councilman Dingleline as to what use Harrisonburg Schools make of the lights, Mr. King pointed out that the lights are used by the community and not just the schools which hold few night games. He said that replacement of same could be "put off" if necessary, in order to stay within City finances. Mr. Paul Quintrell, Director of Finance, gave background information concerning special projects in the various schools; presented statistics re present positions and sources of funding, adding the fact that the state will contribute an amount of \$107,000. toward the retirement plan, based on 52 positions on salaries not exceeding \$ 12,000., with all Harrisonburg teachers eligible. Mr. King, in closing remarks, said that City Council has always been receptive to school needs and that the Board would work within available funds, possibly by deleting some of the listed items. Mayor Erickson expressed appreciation on behalf of Council for the presentation, and gave assurance that the proposed budget would be considered along with other departmental requests during upcoming budget study sessions.

✓ Mr. Robert Sterrett, Executive Vice-President of the Harrisonburg-Rockingham Chamber of Commerce, was present in the meeting to answer any questions concerning the following 1979 Five-Point Highway Program recommended by the Chamber's Board of Directors, and submitted by Mr. Bill V. Neff, Chairman, Highway Committee:

Primary

I. Early decision on the location of State Route 42 between Harrisonburg and Broadway-Timberville, and early approval of this project.

In view of the statistical information pertaining to average daily traffic volumes, fatal accidents, persons killed, number of injury accidents, number of persons injured and property damage, considered over a seven-year period, we strongly feel this project should take precedence over what we understand is the planned project for immediate improvement of US Route 33 West from West City Limits of Harrisonburg to Route 613. A public meeting on the Rt. 42 project held in the summer of 1977 with some 200 people affected indicates a definite need for this project.

In the past few months, the R.R. Donnelley & Sons Company has announced purchase of a tract of land for the construction of a manufacturing facility in the area of the project to employ initially approximately 375 persons.

We place this project in the highest priority of any of our five points of need.

Urban

II. Dual lane South High Street from Grace Street to South City Limits of Harrisonburg. This is currently 1 1/4 miles of two-lane road, bottle-necking four-lane Rt. 42 from the South, four-lane High Street from the North, and four-lane Cantrell Avenue from the East.

Urban

III. Dual-lane approximately 1/2 mile of Rt. 33 West from High Street to West City Limits. Not only will this relieve traffic congestion in this area, but will facilitate flow of East-West traffic for Harrisonburg, complementing the improvements completed by the City of Harrisonburg on Bruce and Wolfe Streets and on Cantrell Avenue to improve East-West movement of through traffic.

Primary

IV Reconstruction of US 340 (Stuart Ave.) in the town of Elkton between Business 33 and Spotswood Trail, including the bridge over Elk Run. (Approx. 1/4 mile). The Town of Elkton has reported 80 accidents, with 17 injuries and \$ 73,491. in property damage in this area in the last 6 years.

Primary

V Relocation and Construction of Rt. 257 from its interchange with I-81 (Exit 61) to its junction with US Route 11 near Mt. Crawford. Relocation of the Rockingham County Fair Grounds to this area, completion and operation of the Harrisonburg-Rockingham Regional

Sewer Authority facility in a rapidly-developing industrial area and increased traffic to the Bridgewater-Dayton area on Rt. 257 warrant this project.

Mr. Sterrett reviewed each of the five construction projects with Council and noted that the same program had been presented to the Rockingham County Board of Supervisors, as well as the Elkton Town Council. He asked consideration and concurrence in the Five-Point Program prior to the 27th of this month, at which time a Pre-Allocation Meeting will be held in the Staunton District Office at 10:00 A.M., by the Highway Commission. Following questions, answers and discussion, Councilman Dingleline moved that the 1979 Five-Point Highway Program submitted and recommended by the Harrisonburg-Rockingham Chamber of Commerce be endorsed, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

City Manager Milam called members' attention to their copies of correspondence dated February, 1979 to the policyholder (which includes the City of Harrisonburg), from Travelers Insurance, and called on Mr. Dan O'Donnell, II, Associate of Shomo & Lineweaver Insurance Agency, to explain and answer questions. Mr. O'Donnell said that the Age Discrimination in Employment Act was amended in April of last year, prohibiting age discrimination in employment for employees up to age 70 (previously 65) and prohibiting mandatory retirement for employees below age 70. He noted that major benefits addressed under the proposed Interpretative Bulletin issued by the U.S. Department of Labor on Sept. 22, 1978, were as follows:

1. Life Insurance would be required to be continued for employees continuing in employment after age 65 subject to reduction of no more than 8% each year to age 70.
2. Health benefits applicable to employees under age 65 would be required to be provided for employees age 65 and over, reduced by Medicare benefits.
3. Wage continuation plans (weekly indemnity) could not differentiate on the basis of age.
4. As to long term disability benefits, alternatives were presented under which coverage and benefits must either continue to age 70 or continue for at least five years for employees disabled after age 60.

Mr. O'Donnell noted the fact that there would be no change in hospitalization benefits; and employee has to apply for medicare at age 65, with difference in benefit to be picked up by the Insurance Company as a supplement; if employee becomes disabled for a period of 180 days it is considered long term disability and insurance would pay 66 2/3% of the employee's income up to age 65; should a disabled employee continue to work, disability payments could be cut in half. He pointed out the fact that a final bulletin may not be issued for several months and that the amendments to the law became effective as of January 1, 1979. Until such time as the City of Harrisonburg may instruct amendment of the present benefit program, Mr. O'Donnell said that Travelers will continue to pay all claims based on current contract provisions. Responsibility for administration of the Age Discrimination in Employment Act will be transferred from the Department of Labor to the Equal Opportunity Employment Commission on 7/1/79. In closing his remarks, Mr. O'Donnell said that until a final bulletin is issued, no one really knows what is happening. Mayor Erickson expressed appreciation to Mr. O'Donnell for his time in presenting the information concerning insurance coverage for city employees.

Correspondence dated 3/1/79 from Mrs. Carolyn Williams, Festival Coordinator, Virginia Poultry Federation, Inc., was presented and read by the City Manager. Request was made for permission to be granted again this year by City Council for the organization to issue vendors' licenses on the day of the Grand Poultry Festival Parade which will be held on May 16th. Manager Milam reminded Council that permission had been granted over the past couple years for the Poultry Federation to issue permits and receive vendor's fees during the celebration, which action has posed no problem. He noted that permission is granted by a motion of Council. Following a brief discussion, Councilman Rhodes moved that the request be granted for May 16th parade day, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

City Manager Milam called members' attention to their copies of the Recreation Department's audit covering a 28-month period ended 10/31/78, prepared by the CPA firm of A.M. Pullen & Company. He pointed out receipts totaling \$ 23,472.51 and disbursements of \$ 48,976.20, noting that the disbursements include an amount turned over to savings; Concession Stand Fund Receipts, \$ 19,497.81, Expenditures, \$ 12,458.98. City Auditor Shifflet pointed out the fact that the Recreation Department has been handling its own finances, and said he had suggested that the Recreation finances be handled through the office of City Auditor, along with other city departments, in that the Recreation Departments generates its income through use of city facilities. Since the Recreation Commission was in complete agreement with the change-over, Auditor Shifflet said he had asked that the audit reflect all funds in order, prior to his office taking over management of same. He noted that the department's certificates of deposit will be transferred to the city's accounts as they become due. Mayor Erickson asked members to review the report and noted that any questions they may have, would be discussed at the next regular meeting.

Councilman Rhodes moved that a supplemental appropriation in amount of \$ 8,000. due to insufficient funds for expenses incurred in snow & ice removal during six major storms since 1/5/79 be approved for second & final reading, a first reading having been approved on February 27th, and that:-

\$ 8,000. chgd. to: General Fund - Unappropriated Fund Balance.

8,000. approp. to: General Fund (10330-350.00) St. Cleaning- Snow & Ice Removal.

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

Councilman Dingleline moved that a supplemental appropriation in amount of \$ 32,869.05 requested by the City School Board Office in order to appropriate funds received from the CETA program, into proper school accounts, be approved for second & final reading, a first reading having been approved on February 27th, and that:-

\$ 32,869.05 chgd. to: School Fund (R-28A) Realized Revenue- Receipts from Fed. Funds.

4,643.53 approp. to: School Fund (1201-109.50) Other Inst. Costs- Comp. Tchr. Aides- CETA

3,401.42 approp. to: School Fund (1201-109.51) Other Inst. Costs- Day Sch. Instr.

22,243.02 approp. to: School Fund (1201-134.50) Day Sch. Instr.-Comp. Elem. Tchrs- CETA

445.49 approp. to: School Fund (1206-213.50) Fixed Chgs.- Workmen's Comp.- CETA

2,135.59 approp. to: School Fund (1206-295.50) Fixed Chgs.- Employer Cont. Fringe Bnfts.-CETA

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

A request was presented from the City School Board Office for approval of a supplemental appropriation in amount of \$ 4,462. in order to allow placement of state aid for textbook rental system in textbook rental fund. It was noted in the request that the funds were not appropriated, in that receipt of same was unexpected. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:-

\$ 4,462. chgd.to: School Fund (R-5) Realized Revenue- Receipts from State School Funds-
Free or Rental textbook systems.

4,462. approp.to: School Fund (2-1201-320.00) Other Inst.Costs- Textbooks furnished to
indigent children.

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

In correspondence dated 3/13/79, City Manager Marvin B. Milam submitted his resignation as a voting member of the Harrisonburg-Rockingham Regional Sewer Authority, effective at Council's pleasure, with the following statements: "I have enjoyed the past eight and one-half years as an original member on the Harrisonburg-Rockingham Regional Sewer Authority and appreciated the confidence and support of the City Council in the development of one of the most worthwhile community projects in many years. Every citizen in this region received tangible benefits and this alone is sufficient satisfaction for my lifetime. I will assist your appointee and the Authority in whatever manner you so desire." Councilman Dingleline moved that Council accept Mr. Milam's resignation with sincere appreciation expressed for time, effort and leadership he had devoted to the Authority since its formation, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council. Mayor Erickson said he was sure all members of the Authority would miss City Manager Milam, and would recognize the invaluable services he had rendered over the past eight and one-half years, not only as a voting member, but also as Secretary-Treasurer for 8 years of that period of time.

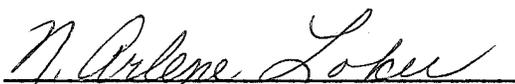
During a discussion of appointments to various Boards and Commissions, Mayor Erickson asked Council's wishes concerning an appointment to replace Mr. John Driver on the Upper Valley Regional Park Authority whose term expired as of January 24, 1979, in that Mr. Driver's duties as Assistant City Manager and other meetings which he attends, consume much of his time. Councilman Cisney stated that he had contacted Mr. George Welch, Jr., who had consented to serve, should Council so desire. He then moved that Mr. George C. Welch, Jr., 424 Monticello Avenue, be appointed as a representative of the City of Harrisonburg on the Upper Valley Regional Park Authority for a term of four (4) years, expiring on January 24, 1983, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

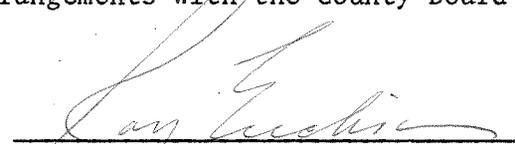
The City Manager called members' attention to their copies of a lengthy written opinion from the New York Bond Firm of Brown, Wood, Ivey, Mitchell & Petty, which opinion had been requested earlier, relating to: Mt. Crawford's vote and allocation of capacity being transferred to Rockingham County, should the town withdraw from the Harrisonburg-Rockingham Regional Sewer Authority; analysis of tie-breaker legislation in the event of a tie vote by members of the Authority (court appointed Tie-Breaker or legalizing the Status Quo); Sewer Authority boundary question, and proposed supplement to existing contract (a) Sewage connection and allocations; (b) amending - "Metered Volume of Sewage." Inasmuch as there had not been sufficient time to digest the information, Mayor Erickson asked members to review the material for discussion at the next regular meeting of Council on March 27th. The City Manager was instructed to place the matter on the agenda for that meeting.

Councilman Dingleline moved that Council officially recognize and congratulate the Harrisonburg High School Blue Streaks Basketball Team for its accomplishment in achieving the second straight Group AA state championship, with particular emphasis on the efforts of Coach Roger Bergey and his staff, as well as superior playing, outstanding character and unselfishness displayed by Ralph Sampson, HHS senior, who has attracted nationwide attention; further that a letter be written by the Mayor and publicized. A suggestion was made by Councilman Dingleline was for a Blue Streak Day to be proclaimed. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

At 9:00 P.M., Vice-Mayor Green moved that Council enter an executive session to discuss financial arrangements.

At 10:55 P.M., the executive session was declared closed and the regular meeting reconvened. On motion duly adopted, the meeting was recessed until Thursday, March 15th, 7:30 P.M. when Council would meet in the Mayor's Office for a discussion of financial arrangements with the County Board of Supervisors.


CLERK

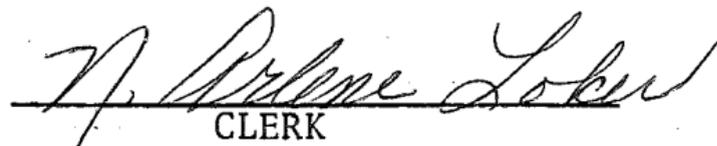

MAYOR

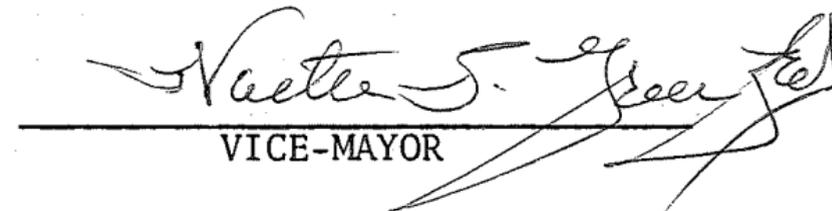
Thursday, March 15, 1979

At a recessed meeting of Council held in the Mayor's Office this evening at 7:30 PM there were present: Vice-Mayor Walter F. Green, III, Councilmen Raymond C. Dingleline, Elon W. Rhodes and James C. Cisney.

On motion duly adopted, an executive session was entered with members of the Rockingham County Bd. of Supervisors for the purpose of discussing financial arrangements for serving the R.R. Donnelley Plant on Kratzer Rd. with water and sewer services.

At 10:20 P.M. the executive session was declared closed and the regular meeting reconvened. On motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote of Council, the meeting was adjourned.


CLERK


VICE-MAYOR

Tuesday, March 27, 1979

At combined public hearings and a regular meeting of Council held in the Council Chamber this evening at 7:30 P.M. there were present: Mayor Roy H. Erickson, City Manager Marvin B. Milam, City Attorney Norvell A. Lapsley, Clerk N. Arlene Loker, Vice-Mayor Walter F. Green, III, Councilmen Raymond C. Dingle-dine, Jr., Elon W. Rhodes, James C. Cisney, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- none.

Minutes of the regular meeting held on March 13th were read, and approved as corrected.

For information of Council, City Manager Milam presented and read correspondence dated 3/15/79 from the U.S. Environmental Protection Agency, advising Assistant City Manager Driver that the City of Harrisonburg's pre-application for financial assistance for Resource Recovery Project Development under the President's Urban Policy had been reviewed along with some 200 other applications submitted nationwide. A regret was expressed that based on selection criteria, Harrisonburg's application was not selected for funding under this competition. It was noted that the President's proposed budget for the next fiscal year includes additional funding of \$13.9 million for this program, and if appropriated by Congress, another solicitation for applications will likely be issued in the fall of 1979. Mr. Driver expressed no surprise in denial of the application, and added that the City will continue with plans for burning of garbage to produce steam.

Council received for information, as required under the franchise agreement, an annual report for Warner Cable of Harrisonburg for year ended 12/31/78. The report was prepared and submitted by Mr. Patrick Dugan, CPA and chief financial officer of the company, and included a balance sheet; statement of operations for calendar year 1978; supporting schedules, etc.

The City Manager presented one copy of the annual report for Columbia Gas Company, noting that same would be on file in his office for review.

As required under Section 26-4 of the City Code, a letter dated 3/20/79 was presented and read, noting that property at 234 E. Market Street had been purchased by Lowell V. and Pauline G. Miller (Hess & Miller Realtors) from Rockingham Mutual Insurance Company, by deed dated 2/28/79, and advising that the area along the east side of the parcel was not intended to become a public street or alley. The notification was for information and recordation in minutes of this meeting.

At 7:50 P.M., Mayor Erickson closed the regular session temporarily and called the first public hearing to order. The City Manager read the following notice of hearing as advertised in the Daily News Record newspaper on March 8th and 22nd:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, March 27, 1979, at 7:30 P.M. in the City Council Chamber, Municipal Building, 345 S. Main St., to consider the following rezoning request:

To change from R-2 Residential to M-1 Industrial, Lots 19 - 22, Block F on page 41 of the City Block Map. These lots are located on the northeast side of Clinton Street. Request is by Leroy H. Fega, owner, Rockingham Ford Tractor Co., 153 Charles Street. Purpose: to construct a storage building.

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

CITY OF HARRISONBURG, Marvin B. Milam, City Manager

Planning Director Sullivan pointed out the area of the four lots, each 52' wide, located on the northeast side of Clinton Street and south of Charles Street. He noted that the Commission's public hearing was held in January, with no opposition to the rezoning request, and added that the Commission had voted to recommend the rezoning in that it would be added to an existing industrial area. There being no one present desiring to be heard concerning the request, the public hearing was declared closed at 7:55 P.M. and the regular session reconvened.

City Manager Milam read the following Planning Commission recommendation presented at a previous meeting of Council concerning the rezoning request discussed in tonight's public hearing:

"...The Commissioners reviewed a map illustrating the rezoning request by Mr. Leroy Fega, owner of Rockingham Ford Tractor Company. The Director explained that Mr. Fega wants to construct a storage building on the four lots located on the northeast side of Clinton Street and is requesting the lots be rezoned from R-2 Residential to M-1 Industrial. The lots are presently used for parking and storage of farm machinery. Mr. Sullivan reported that adjoining property owners were notified and no one has expressed objections. There being no one present to speak for or against the request, and noting that it was adding to an existing industrial area rather than spot zoning, Mr. Fleming moved that the Planning Commission recommend to City Council that Mr. Fega's four lots on Clinton Street be rezoned from R-2 Residential to M-1 Industrial. Mr. Williams seconded the motion and all members present voted aye..."

Vice-Mayor Green moved that the recommendation of the Planning Commission be approved, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

At 7:59 P.M. the regular session was again closed temporarily and the second public hearing called to order. The following notice of hearing as advertised in the Daily News Record Newspaper, was read:-

Notice is hereby given pursuant to Sec. 570.402(f)(1). (iii), page 45973, Rules and Regulations of the Federal Register, Vol. 41, No. 202, Monday, October 18, 1976 and the Harrisonburg Citizens Participation Plan, the Harrisonburg City Council will hold a public hearing at 7:30 P.M. on the 27th day of March, 1979, in the Council Chambers, 345 S. Main Street, Municipal Building, City of Harrisonburg, Va.

The purpose of this hearing is to provide Harrisonburg citizens an opportunity to articulate needs, express preferences about proposed activities, assist in the selection of priorities, and otherwise participate in the selection of priorities,

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and otherwise participate in the development of an amendment to the Community Development Block Grant B-77-DN-51-0120. Information will be made available concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken and other important requirements.

The proposed amendment would allow funds remaining in the FY '77 Community Development Block Grant Program to be applied to the demolition of blighted properties in the Target Area encompassed by W.Elizabeth St., N.Liberty Street, Noll Drive and N.Main Street.

All interested persons or organizations will be offered an opportunity to be heard, either in person or by counsel and written statements may be filed at or prior to this hearing. The submission of views of proposals regarding the Community Development Program, particularly by low and moderate income persons, residents of blighted areas of the community, and neighborhood organizations is encouraged.

Persons interested in reviewing the amendment may do so at the following location: City Manager's Office, 345 S.Main St.

City of Harrisonburg- Marvin Milam, City Manager

Mr. John Hodges, representing the firm of Harland Bartholomew & Associates, gave background information concerning grants previously received for elderly housing facilities, beginning with proposed rehabilitation of the Kavanaugh Hotel, later amended to move location for new construction at 265 N.Main Street. He noted that goals have been achieved with an amount of \$ 110,000. left over. Under this second amendment, those funds would be used to remove blight around the Elderly Housing Project site and also the Kavanaugh Hotel site. Mr. Hodges pointed out that in order to use the funds in this manner, another review was required, as well as a second amendment. Manager Milam explained that the \$ 110,000. mentioned by Mr. Hodges represents \$ 30,000. from acquisition of real estate, making a total amount of \$ 140,000. for use in removing blight in the two areas mentioned, which would broaden the scope of the original application.

There being no one present desiring to be heard regarding the proposed amendment, the public hearing was declared closed at 8:03 P.M. and the regular session reconvened.

All requirements having been met by the City of Harrisonburg, including a second public hearing held by Council earlier in this meeting, City Manager Milam presented and read a proposed resolution for consideration and approval, which resolution would amend a prior amendment regarding funds of a 1977 Grant in amount of \$ 500,000. allocated for rehabilitation of the Kavanaugh Hotel for an elderly housing facility. He explained that the first amendment was a request for permission to use the funds at a new location, 265 N.Main St. for new construction, in that the Kavanaugh building was not suitable for rehabilitation, but rather for demolition. Amendment under this current resolution would allow remaining amount of the total grant to be used for acquisition and demolition of blighted properties in the areas surrounding the Kavanaugh Hotel site and the Elderly Housing Facility site at 265 N.Main St. The resolution reads as follows:

WHEREAS, the Housing and Community Development Act of 1974, as amended, has provided the City of Harrisonburg, Virginia, with Federal assistance in the form of Community Development Block Grant funds to carry out eligible community development activities for Fiscal Year 1977 under said Act; and

WHEREAS, the City Council of the City of Harrisonburg, Va., has caused to be prepared an amendment to the Community Development Program for Fiscal Year 1977 for the full amount of Federal funds to which the City is entitled; and

WHEREAS, the City Council has reviewed said application and has held at least two public hearings on the community development program to assure citizen participation and comment with regard to the development of program activities and has further provided for and encouraged citizen participation through its Citizen Participation Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia, that:

1. The amendment to the Community Development Program for Fiscal Year 1977 for the City of Harrisonburg, Va., as represented by the community development activities set forth in the Application for Discretionary Grant dated ~~March, 1979~~ is hereby approved.
2. The City Manager is authorized to file said application, including all understandings and assurances contained therein, with the United States Department of Housing and Urban Development.
3. The City Manager is hereby designated as the authorized representative of the City of Harrisonburg, Va., and is directed to act as such representative in connection with the application and to provide such additional information as may be required.

ADOPTED and APPROVED this _____ day of _____, 1979.

Mayor

Attest:

Clerk

City Manager Milam pointed out the fact that the foregoing resolution had been submitted to the Central Shenandoah Planning District Commission to be considered at its next meeting, and also to the Division of State Planning. Following discussion, Councilman Rhodes moved that the resolution be approved, with authorization for the proper officials to sign same on behalf of the City of Harrisonburg, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

Mr. James R. Bowman, General Manager of the Chesapeake & Western Railway, appeared before Council along with Attorney Phil Stone, as a follow-up of correspondence to the City Manager dated 3/22/79, requesting permission for closing of S.Main Street for a period of three days to allow for renewal of the crossing near James Madison University, in conjunction with the Rt. 11 (S.Main) widening project. Attorney Stone noted that materials are on hand, and plans drawn, which would eliminate any delay in the work at the proper time, as yet undecided, pending street construction at that point. It was noted that proper

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detour signs will be necessary for re-routing of traffic during the 3-day period, which could be coordinated with the City Manager's Office. Vice-Mayor Green mentioned the fact that Mondays, Thursdays and Fridays are the worse days insofar as traffic to and from the Medical Arts Building located just south of the track, and mentioned further, heavy usage of the street by JMU. When questioned as to whether or not some of the street lanes might be left open during track renewal, Mr. Bowman replied in the negative, pointing out that a Class A job is desired, with elevation to be raised from 6" - 8" on the west side. A prefabricated track, with a 10-15 year life expectancy, will result in smoothness of crossing. Following discussion, Vice-Mayor Green moved that the 3-day closing of S.Main Street for renewal of the track, be approved, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council. Councilman Dingleline entered a plea that work be delayed, if at all possible, until after the JMU May 5th graduation exercises.

The following recommendation from a meeting of the City Planning Commission held on March 21, 1979, was presented and read by the City Manager:-

"...The Commissioners reviewed the proposed Final Plan of Westhampton Subdivision, as revised on February 28, 1979 by J.R.Copper,Jr., Land Surveyor. Mr. Sullivan reported that City Staff's subdivision review report of January 10, 1979 was updated today (March 21) and they recommend widening the drainage and utility easements from 10' to 20' plus adding an easement along Lot 5's border with Wampler Mills. The Director emphasized the plan involves a retention pond which will be located with the 50' drainage and utility easement in the rear portion of Lots 7, 8 & 9 and the developer must construct the retention pond before homes are occupied. He also noted that Lots 17, 18 and 19 have been redrawn slightly and a portion of land north of these lots is in the process of being sold by Messrs. V. W. Nesselrodt and Henry C. Clark to property owners (Mr.and Mrs. Devon Leeper) at 146 Southampton Drive.

Mr. Fleming incorporated the Staff's conditions regarding widening the easements and construction of the retention pond into his motion recommending approval of the Final Plan for Westhampton Subdivision, as revised on February 28, 1979, by J.R.Cooper,Jr., Land Surveyor. Mr. Rhodes seconded the motion and all members present voted aye..."

Planning Director Sullivan noted that the lot dimensions were all sizable enough for single family and up to duplex homes, and informed Council that Mr. Copper has been able to rectify some minor differences which will result in a workable program. Assistant City Manager Driver brought up the matter of whether it is planned for the city to mow and maintain the lots, to which Mr. Copper replied that mowing should be done by the lot owners which would leave very little, if any maintenance by the City. He explained that the retention pond would be in the rear of properties, and could retain 3' - 5' of water after a 100-year storm. Councilman Dingleline questioned the pond from a safety standpoint in that water could reach a depth of 5' during a severe storm, and remain approximately 1/2 hour. A suggestion for fencing in the pond was mentioned. Mr. Copper said that should the pond be fenced, lot owners may not maintain the area, and debris could create obstruction necessitating a large opening to alleviate the problem. Mr. Driver noted that property owners have requested installation of storm pipe which would require 48" - 50" pipe and prove very expensive. He said that residents would be unhappy if water should run in the rear of their properties, with no holding pond. Mr. Sullivan offered an opinion that in light of seriousness of the subject, the developer may not object to a 2-week delay on Council's decision, in order to allow time for him (the developer) to bring in a written policy with regard to sale of lots involving the holding pond; where responsibility of lot maintenance would be placed; whether or not the pond would be fences, etc., and pointed out the fact that the Commission's recommendation calls for construction of the pond prior to occupancy of homes. Councilman Cisney asked the possibility of placing a deed restriction on property owners for maintenance of the holding pond as to mowing, etc. Following a lengthy discussion, Councilman Rhodes moved that action be deferred and the recommendation referred back to the Planning Commission for a further look into safety of the retention pond, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

City Manager Milam presented and read the following recommendation submitted by the Planning Director from a meeting of the Planning Commission held on March 21, 1979:

"...The Commissioners reviewed a plat showing the re-subdivision of Lots 4 & 5 in Section 4, Southampton Subdivision, into Lots 'A, B & C.' The Director reported that the lots will front a new 50' street, 'Wakefield Place,' which continues into part of Westhampton Subdivision and that the owners, Messrs. Nesselrodt and Clark, will have to build, and curb and gutter this segment of Wakefield Place. He concluded that the 3 proposed lots all have over 12,000 square feet and therefore duplex or triplex houses may be constructed on each lot. Mr. Copper said that due to hillside topography and a natural drainage ditch, only duplexes are likely to be built.

Mr. Fleming moved that the Planning Commission recommend approval of the re-subdivision of Lots 4 & 5, Section 4 of Southampton Subdivision into Lots 'A, B & C.' Mr. Williams seconded the motion and all members present voted aye..."

Planning Director Sullivan explained that the land now consists of two lots, but has sufficient area for three lots. He noted that the developer will be responsible for building curb & gutter on both sides of Wakefield Place, and that the houses will be situated on the hillside, above the drainage area. Mr. Copper noted that the ravine will be eliminated, in that water will be carried through the lots to the street. Councilman Cisney moved that the recommendation of the Planning Commission be approved. Councilman Dingleline seconded the motion with the proviso that it be amended to include a stipulation for installation of storm pipe and filling in of the natural drainage ditch by the developer. The motion, as amended, was adopted by a unanimous vote of Council.

The following Planning Commission recommendation, from a meeting held on March 21, 1979, was presented and read:-

"...The Commissioners were oriented to an overall map of northeast Harrisonburg, illustrating specifically a proposed R-4 Planned Unit Development named 'Strawberry Ridge,' located north of the Park Crest housing development and south of Harris Gardens. The Director reviewed his March 12, 1979 letter to Mr. Mike Patrick, which described 5 items raised by City Staff when the proposed preliminary Master Plan was discussed on March 5th. Mr. Patrick told the Commissioners that Northfield Land Corporation will not build as many (391) housing units as are shown on the preliminary

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plan & the developer emphasizes using common green spaces for pedestrian access to and from recreational facilities within the development and to nearby Northeast Park. Mr. Byrd added that City Staff wants vehicular access from N.Main St. on new roads (such as 'A' Street) and not by way of Holly Hill Drive and Moore Street.

Mr. Fleming offered a motion for the Planning Commission to endorse the preliminary Master Plan for the 31.96 acre 'Strawberry Ridge' portion of Northfield Estates, with the understanding that the owners-developers accept City Staff's comments made in the Director's letter of March 12, 1979. Mrs. Bowman seconded the motion and all members present voted in favor..."

For information of Council, Mr. Sullivan noted the five items referred to in the recommendation, which the owners-developers must accept:

- a) In order to open "A" Street from N.Main to Moore, the developer will be expected to rough grade it and install a 6" sewer line. A 6" water line is already in "A" Street.
- b) The storm drainage system in your condominium apartment-area should be enclosed in pipe, down to N.Main Street.
- c) The amount of surface water from the five proposed cul-de-sacs along Strawberry Ridge Road must be figured in order to determine where the storm runoff is going; it appears that some will go into sinkholes; some may run down "A" Street to N.Main.
- d) If Northfield Land Corporation eventually purchases the Glenn Miller property, it is suggested you extend cul-de-sac "C" to your present property line, so that it can be extended into the Miller Property. At that time, you would still have the option to continue cul-de-sac "C" over to Northfield Court as suggested by one staff member. Since we do not know when Vine Street will be developed from Harris Gardens to East Washington Street, the cul-de-sac "C" may for a long time be the only way for Strawberry Ridge residents to drive over to the Northfield Park-Simms Field facilities.
- e) The City's Zoning Ordinance limits the number of residential units to 20 per private parking area. We recommend you work within this framework as you design the condominium apartment area and the townhouse area.

City Manager Milam pointed out that Council's approval would be of an overall Master Plan for the area, and the developer would begin a section of "Strawberry Ridge" Development. Following discussion, Councilman Rhodes moved that the Planning Commission's recommendation be approved, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

From a meeting of the Planning Commission held on March 21, 1979, the following recommendation was presented and read by the City Manager:-

"...The Commissioners studied the proposed Preliminary Plan of Mr. Ken Kline's 10 single-family lots in Section Eleven of Holiday Hills, as the Director reviewed the City's Arterial Street Plan and the Virginia Highway Department's recommendations concerning Harrisonburg's Thoroughfare Plan. The City Staff's subdivision review report of March 5, 1979 recommended extension of Waterman Drive to Virginia Avenue, rather than acceptance of a cul-de-sac at the end of Waterman Drive, with a footnote saying 'Extension of Waterman Drive to Virginia Ave. will provide northwest Harrisonburg a collector street from Rt. 42 North to Rt. 33 West.'

Mr. Williams stated that since City Council had voted on February 25, 1979 to eliminate Waterman Drive as a collector Street on the City's Arterial Street Plan, Mr. Kline's preliminary plan showing a cul-de-sac at the end of Waterman Drive should be accepted. He offered a motion recommending to City Council the approval of Holiday Hills Subdivision, Section Eleven, providing the homes to be built on Lots 6 & 7 will face Waterman Drive and that a 20' easement for water and sewer lines be located between Lots 6 & 7 from the cul-de-sac to Virginia Ave. Mr. Fleming seconded the motion. Voting in favor: Mrs. Bowman, Mr. Rhodes, Mr. Fleming, Mr. Williams and Dr. Shank. Voting against: none..."

Planning Director Sullivan pointed out that years ago, Waterman Drive was dedicated with 80' rather than 50', and that when first constructed, was paved to a width of 40', which exceeds normal street width of 30 - 35'. Waterman Drive serves as the main street into Holiday Hills Subdivision. City Manager Milam called attention to a difference of opinion between City Staff and the Planning Commission, noting that the staff desires that Waterman Drive be extended to Rt. 42 (Virginia Ave.) rather than ending in a cul-de-sac. Mayor Erickson welcomed a large number of residents from the Holiday Hills area, and asked if there was a spokesman present to speak on their behalf. Attorney Steven Blatt, representing Mr. Ken Kline, developer, offered an opinion that they should be given an opportunity to express views. At this point, Assistant City Manager Driver asked to speak on behalf of City Staff with regard to their recommendation to extend Waterman Drive to Virginia Avenue in order to provide northwest Harrisonburg a collector street from Rt. 42 north to Rt. 33 west. He reminded Council, and those present, that a number of years ago, objection was raised by residents when extension of Gay Street was proposed, due to location of Waterman School in that area. He offered an opinion that the same situation exists tonight - that being to keep traffic out of one residential area, which will direct it through another. Mr. Driver pointed out that Waterman Drive has been intended as an open street since the Holiday Hills Subdivision was created, and that the extension would greatly benefit those people desiring to reach Rt. 42, and are now going through residential areas. He asked that no cul-de-sac be permitted at the present time, but left open for street connection and access to Rt. 42. Mr. Dick Workman of 1126 Waterman Drive, presented a petition containing over 200 signatures, opposing through traffic in a residential neighborhood zoned R-1. He said that an alternate route, which might be considered, goes around the City and through Eastern Mennonite College property, which route has been accepted by the Highway Department. Mr. Workman offered an opinion that it was unnecessary to send through traffic from one major highway to another, and asked that the Planning Commission's recommendation be approved by Council. A resident of the subdivision and also associated with EMC, stated that the major plan had been discussed and that EMC was looking forward to having a road on the south side of the school, which will eventually close another street that runs between the Science Center and Library, relieving congestion. Robin Grieves of 1122 Waterman Drive expressed opposition to truck traffic on Waterman Drive and pointed out the hazardous situation which would be created for children walking to and from Waterman School; as well as the danger for those living on the crest of the hill insofar as backing out into traffic. Atty. Blatt referred to City Council minutes of February 25, 1975, at which meeting a recommendation of the

Planning Commission for a proposed street plan was accepted, with a change to eliminate Waterman Drive extension to Rt. 42. He noted that since that time, City Staff has made no arterial proposals and offered an opinion that some reason should be shown concerning its feeling in this particular situation. According to Mr. Blatt, extension of the street could cause the developer another \$100,000., plus 3 or 4 lots, simply on speculative suggestion that the City, some day, could condemn property for a through street. He offered an opinion that unless there was strong evidence that extension of Waterman Drive is necessary, Council should stand by its 1975 decision. Following a lengthy discussion, Vice-Mayor Green expressed appreciation for Mr. Driver's remarks with regard to City Staff's thinking, but offered a motion to approve the Planning Commission's recommendation. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 4,462. requested by the City School Board in order to place state aid for textbook rental, into textbook rental fund, be approved for second and final reading, a first reading having been approved on March 13th, and that:-

\$ 4,462. chgd.to: School Fund (R-5) Realized Revenue- Receipts from State School Funds- Free or Rental Textbook Systems.

4,462. approp.to: School Fund (2-1201-320.00) Other Inst. Costs- Textbooks furnished to indigent children.

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

✓ A request was presented from Assistant City Manager Driver for approval of a supplemental appropriation in amount of \$ 27,491.71 in order to appropriate monies received for labor from the Virginia Employment Commission, Title 6, Title 6 Special Project & Title II D, for months of January & February, 1979. Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:-

\$27,491.71 chgd.to: General Fund (1005.00) Recoveries & Rebates.

1,570.04 approp.to: General Fund (4040-12.50) Pur.Agent-Wages-Title 6 & Title II D

1,587.87 approp.to: General Fund (4110-250.00) Soc.Security (FICA) on Wages under Title 6, Title 6 S.P. & Title II D

526.52 approp.to: General Fund (6015-12.50) Police Court- Wages- Title 6

175.28 approp.to: General Fund (9010-12.01) Police Dept.-Wages-Title 6- Trfc.Control.

4,601.74 approp.to: General Fund (9020-12.50) Fire Dept.- Title 6 & Title II D- Wages- Firemen & Dispatchers.

1,630.98 approp.to: General Fund (10110-12.01) St.Dept.- Title 6 & Title II D- Laborers-Wages.

770.96 approp.to: General Fund (10110-12.50) St.Dept.-Title 6-Wages-Laborers.

780.16 approp.to: General Fund (11020-12.01) Recreation Spec.-Wages-Title 6

1,152.40 approp.to: General Fund (11020-12.03) Recreation- Park Sec.Officer-Wages- Title 6 & Title II D

185.60 approp.to: General Fund (11020-12.04) Maint.Man (PT)Wages-Title 6

780.16 approp.to: General Fund (11020-12.05) Recreation Spec.-Wages-Title 6

1,241.84 approp.to: General Fund (11020-12.50) Recreation Spec.-Wages-Title 6 & Title II D

919.30 approp.to: General Fund (11020-12.52) Janitor- Wages- Title 6

1,016.02 approp.to: General Fund (11020-12.53) Clk/Typst/Recpt.-Wages-Title 6 & Title II D

609.00 approp.to: General Fund (11020-12.54) Recreation Spec.-Wages-Title 6

748.64 approp.to: General Fund (11020-12.55) Janitor-Wages-Title 6 & Title II D

2,112.45 approp.to: General Fund (11020-12.57) Concessioners Wages- Title 6

3,905.18 approp.to: General Fund (11020-12.58) Laborers- Spec.Proj.- Wages- Title 6

929.45 approp.to: General Fund (11020-12.59) Acct.Clk-Wages-Title 6

1,118.00 approp.to: General Fund (11020-12.60) Youth Programmer- Rec.Spec.Wages-Title 6

1,130.12 approp.to: General Fund (11020-12.61) Arts/Crfts Instr.Wages-Title 6

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

✓ A request was presented for approval of a supplemental appropriation in amount of \$ 1,047.67 in order to appropriate monies received for labor from the Virginia Employment Commission-Title 6, into the Sewer Department for January, 1979 wages. Councilman Dingledine moved that the appropriation be approved for a first reading, and that:-

\$ 1,047.67 chgd.to: Sewer Fund (1005.02) Recoveries & Rebates.

1,047.67 approp.to: Sewer Fund (3-12.50) Sewer Dept.- Wages- Title 6

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

✓ The City Manager presented a request from Mr. Ralph Smith, Superintendent of the Street Department, for approval of a supplemental appropriation in amount of \$ 24,500. from the General Fund, Unappropriated Fund Balance, due to insufficient funds to complete installation and construction of the culvert for the new parking lot off Cantrell Avenue at James Madison University. During a discussion, Assistant City Manager Driver reported that the Railway has implied that permits will not be issued for use of the crossing by apartment residents, which will result in the culvert not serving as the main entrance to JMU, as intended. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:-

\$ 24,500. chgd.to: General Fund - Unappropriated Fund Balance.

24,500. approp.to: General Fund (1-10110-77.15) St.Inspect.-JMU St.Connection.

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

✓ Mayor Erickson reminded members that City Manager Milam's resignation as a member of the Harrisonburg-Rockingham Regional Sewer Authority had been accepted at the last regular meeting, and asked their wishes concerning an appointment to serve his unexpired term. Vice-Mayor Green moved that Mrs. Margaret Gordon, 340 Paul Street, be appointed to serve as a representative of Harrisonburg on the Regional Sewer Authority for the remainder of Mr. Milam's term which expires on July 14, 1982, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ City Manager Milam presented and read correspondence dated 3/20/79 from Mr. Gene McCombs, Chairman,

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Shenandoah Valley Juvenile Detention Home Commission, advising that the County of Rockbridge has voted to become a sponsoring member of the Commission in accordance with the terms and conditions of agreement (copy attached). It was further noted that the Commission had previously voted to grant permission for acceptance of Rockbridge County provided they were willing to pay their fair share of the costs, including increase on construction costs due to inflation. Manager Milam informed Council that the 5 cities and 3 counties presently making up the Commission, had approved the acceptance, and that under the proposed agreement, the County will pay a total of \$ 126,750. (\$37,500. representing share of original construction cost plus \$ 89,250. representing increase in construction cost of 238%). He recommended that the agreement be approved, and noted that Rockbridge County will become a sponsoring member if all other political subdivisions approve same. Following discussion, Councilman Rhodes moved that the agreement be approved with authorization for the proper officials to sign same on behalf of the City of Harrisonburg, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

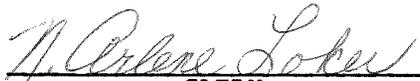
By correspondence dated 3/14/79 from Mr. David Rundgren, Executive Director of the Central Shenandoah Planning District Commission, a request was made for the City of Harrisonburg (along with other participating political subdivisions) to approve an increase of the local assessment rate from the present 20 cents per capita to 25 cents per capita rate (under By-Laws, Article VII, Sec. 1), which recommendation was approved by the Full Board on February 19th. According to the correspondence, Harrisonburg's share, if increased, would be in amount of \$ 4,725. (based on a population estimate of 18,900 by the 1977 Tayloe Murphy Institute census). Councilman Cisney moved that the recommended increase be approved, and the motion was seconded by Councilman Rhodes. Councilman Dingledine made a substitute motion for the matter to be tabled until the City's regular budget time to be reviewed along with other requests. The substitute motion, following a brief discussion was adopted, and the matter tabled.

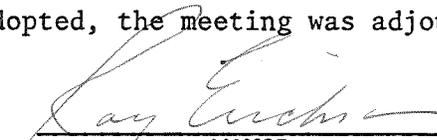
City Manager Milam presented a proposed agreement between the City of Harrisonburg and the Harrisonburg Redevelopment & Housing Authority (required by HUD prior to bond closing scheduled for tomorrow, March 28th, in Richmond), setting forth provision for the Elderly Housing Facility, upon completion, to be conveyed by the City to the Authority, with rents and assistance from HUD to be handled through the Valley National Bank. Following a brief discussion, Vice-Mayor Green moved that the agreement be approved with authorization for the proper officials to sign same on behalf of the City, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

At 10:00 P.M., on request of the City Manager & Assistant City Manager, Councilman Dingledine moved that Council enter an executive session with the Redevelopment & Housing Authority, and City Staff, to discuss real estate acquisition, and also personnel matters, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

At 11:40 P.M. the executive session was declared closed and the regular session reconvened.

There being no further business and on motion duly adopted, the meeting was adjourned.


CLERK


MAYOR

Tuesday, April 10, 1979

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. Loker; Vice-Mayor Walter F. Green, III; Councilmen Raymond C. Dingle, Jr., Elon W. Rhodes, James C. Cisney; City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- none.

Minutes of the regular meeting held on March 27th 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 March, 1979.

From the City Treasurer:

A trial balance report as of close of business on March 30, 1979.

From the Police Department:

A report of total number of arrests; parking meter fines collected; cash collected from parking meters; total cash collected all sources in amount of \$ 8,908.82, for month of March, 1979.

From the City Auditor:

A Financial Report for the City of Harrisonburg, Va. for month of March, 1979.

A report of cash discounts saved in payment of vendors' invoices for month of March, 1979, totaling \$ 362.71. Amt. of \$.71 lost due to late vouchers.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of March, 1979.

✓ City Manager Milam informed Council that a contractual agreement which was approved at the last regular meeting approving acceptance of Rockbridge County as a sponsoring member of The Shenandoah Valley Juvenile Detention Home Commission, set forth a total amount to be paid by the County in total amount of \$ 89,250. (\$37,500. initial payment plus \$ 51,750. increase in construction cost). Inasmuch as it was determined that the amount was in error, a revised agreement was submitted with the following amount (recorded correctly in minutes of the March 27th Harrisonburg Council meeting): \$ 126,750. (\$37,500. initial payment plus \$ 89,250. increase in construction cost.) He noted that the contractual agreement will become effective as of July 1, 1979, if approved by all participating political subdivisions. The report was for information, only.

✓ Manager Milam presented the proposed 1979-80 budget for the Harrisonburg Electric Commission as required under the City Code, noting that same required ^{no} action by Council.

✓ For information, Council was informed by the City Manager that Harrisonburg's joint application with the Town of Dayton for an Infiltration Study of the two sewer systems, anticipated for funding in 1970, now ranks no. 282 on the priority listing and has been delayed until the 1985-89 listing, according to notification from the State Water Control Board. When a question was raised by Mayor Erickson as to whether or not the City could wait until then, Manager Milam said it would take several hundred thousand dollars for final plans, without federal assistance.

✓ Mr. Kenneth Frantz, General Manager of the Harrisonburg Electric Commission, and Mr. Nelson Hawkins, HEC Chairman, were present in the meeting to request Council's permission to borrow a sum of money up to \$ 400,000., necessitated by two major projects which had been undertaken, namely: the S. Main Street project, and installation of underground electric service at James Madison University on which 50% of the project estimated at \$ 500,000. will be paid by JMU, as well as their reimbursement to HEC for materials which had been purchased and paid for by HEC. Mr. Frantz reminded Council that in order to borrow an amount in excess of \$ 100,000., permission of the governing body is necessary. Another option which the Commission has in order to complete its budget and balance next year's, would be the use of disaster funds already earmarked for that particular purpose. He said that no major expenditures are anticipated in the next 4 or 5 years. In reply to a question concerning HEC's debt service, Mr. Frantz reported that it was debt free. Following discussion, Vice-Mayor Green moved that permission be granted for the Electric Commission to borrow an amount not to exceed \$ 400,000., which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

✓ For information, City Manager Milam reported that a traffic count would be held around various areas of the city tomorrow (April 11th) according to notification from the Highway Department.

✓ Council was informed by the City Manager that a request had been made through the Police Department, by the Recreation Director, to have a fireworks display at the July 4th activities at Westover Park, with an inquiry concerning any City laws or ordinances which may prohibit same. By letter dated 3/26/79, Police Chief Presgrave had advised Mr. Gilkerson that Code Section 19-16 states that "It shall be unlawful for any person to set off or discharge within the city any torpedo, pop-cracker, squib, balloon or fireworks; and no person shall with the city sell any such articles." When asked whether or not Mr. Gilkerson still desired permission, Chief Presgrave answered in the affirmative, as far as he knew. Following a brief discussion, Councilman Dingleline moved that permission be granted for fireworks to be displayed on July 4th at Westover Park, under supervision of the Parks & Recreation Department, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council. It was understood that only traffic control assistance would be given by the Police Department.

✓ A request was presented, through correspondence, from Mr. Edsel Harper, to purchase from the City of Harrisonburg, one acre or a smaller amount of land for a driveway on his property which adjoins the city land and consists of apartments. City Manager Milam pointed out the fact that this area of city owned land is valuable, with previous offers to purchase same turned down due to the possibility of its being used at some future time. Assistant City Manager Driver informed Council that Mr. Harper would like at least 20 - 25' for a driveway, but that purchase of one acre would allow construction of another apartment. The driveway would be north of his property and residents could circle around and come out on Central Avenue rather than South Avenue, which would make better ingress and egress to the apartments. Following a brief discussion, Mayor Erickson suggested that the City Manager's Office contact Mr. Harper and explain that the City has no desire to sell any portion of the property at the present time, but that should it decide to do so in the future, he would be offered an opportunity to bid on the amount he may choose to purchase. The suggestion met with Council's approval.

✓ Messrs. Robert Adams and James Buchanon were present in the meeting as a follow-up of correspondence dated 3/28/79 in which a request was made for issuance of a dance permit for "Eden Village" located in the old Penney Building on Court Square. A floor plan was enclosed with the correspondence setting out a total square footage of 6200, including the kitchen and storage areas. Mr. Adams noted that their desire is to have a dance floor designated for future use in the gourmet style restaurant-lounge area. Manager Milam pointed out that the City's policy, following a request of this nature, is to have the premises inspected by the police department, fire department and building inspector, to determine whether or not it meets all requirements with regard to safety, etc. Following the inspections, recommendations are submitted to Council, and final decision reached concerning issuance of permit. Following discussion, Councilman Cisney moved that the request be referred to the proper departments for inspection and recommendation, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council. The City Manager was instructed to place this matter on Council's April 24th agenda.

✓ Council was reminded that the term of The Reverend Sam P. Jones, Jr. on the Harrisonburg-Rockingham Legal Aid Society had expired as of December 14, 1978, and Mayor Erickson asked members' wishes concerning an appointment. Councilman Cisney moved that Reverend Jones be reappointed to the Society for another term of one (1) year which will expire on December 14, 1979, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

✓ Mayor Erickson asked whether or not Council desired to take any action this evening insofar as a recommendation to the Circuit Court Judge with regard to an appointment to the Board of Zoning Appeals, in that Mr. T. Harry Lowery's five year term had expired on March 20th of this year. Councilman Dingleline moved that the City Attorney be authorized and directed to submit the name of Mr. Lowery for reappointment, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

✓ The City Manager read a letter from Mr. Richard Workman advising that he was being transferred out of the city as of June 1st and would no longer be able to serve the remainder of his term on the City School Board which expires 6/1/80. No action was taken at this time with regard to an appointment, in that it was felt that Mr. Workman may be willing to serve until the June 1st date.

✓ City Manager Milam informed members of Council that the School Board requests permission of the governing body through the following resolution (adopted by the Board on April 3, 1979), to borrow the City's share of a proposed loan from the Literary Fund of the Commonwealth of Virginia, in conjunction with the County School Board, for construction of an addition to the Massanutten Voc. Tech Center:

WHEREAS, surveys taken in the Harrisonburg/Rockingham area indicate the need for training programs in auto body, printing and graphic arts, and heavy equipment maintenance/hydraulics; and

WHEREAS, the Massanutten Vo-Tech Center serves a region with a general population of 75,000 and a high school population of 4,500 in grades 9-12; and

WHEREAS, the jointly operated center serves a region encompassing two political subdivisions; and

WHEREAS, the current major trend in education is toward skill development in the vocational area which prepares students for the world of work; and

WHEREAS, the approved local five-year vocational education plan, updated in January, 1979, projected the need for these new programs; and

WHEREAS, the Committee for Control of Massanutten Vo-Tech Center unanimously approved the recommendation of the above mentioned expansion program and that approval be sought through the respective school boards and governing bodies;

NOW THEREFORE LET IT BE RESOLVED, that the Harrisonburg City School Board respectfully requests that the Harrisonburg City Council approve the borrowing of \$ 127,500. as the City's share of a proposed loan of \$ 750,000. from the Literary Fund for the purpose of constructing an addition to the Massanutten Vocational Technical Center.

Mayor Erickson noted that the Center has been very helpful to a number of schools in the area, but questioned the fact that no time limit on the loan was set out in the School Board's resolution. Manager Milam said that a 20-year period was the approximate limit on most loans. Following discussion, Councilman Rhodes moved that Council approve the borrowing of funds by the Harrisonburg City School Board, with referral of the resolution approved by the Board and submitted at this meeting, to the City Attorney, to be drawn in proper form, with inclusion of a 20-year time limit, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

✓ The City Manager presented each member with final copy of the financial statement and reported on the bond sale which was completed on Wednesday, March 28th in Richmond, Va., consisting of \$1.6 million in construction bonds for the Elderly Housing Facility located at 265 N. Main St.; \$ 500,000. construction bonds for the E. Wolfe Street Parking Facility; and \$1.6 million in construction notes with funds to be used for construction of the Elderly Housing Facility and repaid at completion of project through proceeds of the bond issue (currently held in Escrow at Valley National Bank). He noted that all bonds were sold on the closing date with money received by the City invested in local banks for different periods of time and interest rates varying from 9.7% to 10.31%. The City is paying 5.25% interest on the Parking Deck bonds and 5.7% to 6.5% on the housing bonds. Manager Milam noted that the only problem which arose at the closing was the fact that a letter to Dr. Hollen Helbert, Chairman of the Redevelopment & Housing Authority, had indicated a period of 33 years for housing assistance payments (which the City's approval was based upon), while the contract brought to the closing by a HUD representative set forth only 30 yrs. The representative assured city officials present at the closing that every effort would be made to have HUD extend the period of time, which he felt would pose no problem. The report was for information.

✓ City Manager Milam requested approval of a supplemental appropriation in amount of \$ 509,200.66 in order to appropriate Bond Issue Proceeds for the E. Wolfe Street Parking Deck Construction Project and Accrued Interest and Anticipated Interest from Investments. Councilman Cisney moved that the appropriation be approved for a first reading, and that:-

\$ 492,199.82 chgd. to: General Fund (1004.00) Proceeds from Sale of Bonds.
17,000.84 chgd. to: General Fund (502.00) Income from Investments.
509,200.66 approp. to: General Fund (13220-390.02) H'burg Parking Authority -
Construction- Parking Deck Facility.

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

✓ The City Manager requested Council approval of a supplemental appropriation in amount of \$69,423.83 in order to appropriate Anticipated Earned Interest from sale of Elderly Housing Facility Notes. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:-

\$ 62,073.75 chgd. to: General Fund (502.00) Income from Investments.
7,350.08 chgd. to: General Fund (1004.00) Proceeds from Sale of Bonds.
69,423.83 approp. to: General Fund (10220-72.01) Housing for Elderly.

which motion upon being seconded by Councilman Cisney, was adopted by a unanimous recorded vote of Council. Council was informed by Manager Milam that Net Proceeds from the Housing Bonds \$1,577,547.37 were deposited in Special Housing Escrow Account on March 29th, and on same day invested for a period of 309 days, anticipated interest of \$ 137,437.24 to remain with the account.

✓ Councilman Dingledine moved that a supplemental appropriation in amount of \$ 27,491.71 to appropriate monies received for labor from the Virginia Employment Commission, Title 6, Title 6 Special Project and Title II D, for months of January & February, 1979, into various city departments, be approved for second and final reading, a first reading having been approved on March 27th, and that:-

\$ 27,491.71 chgd. to: General Fund (1005.00) Recoveries & Rebates.
1,570.04 approp. to: General Fund (4040-12.50) Pur. Agent-Wages-Title 6 & Title II D
1,587.87 approp. to: General Fund (4110-250.00) Soc. Security (FICA) on Wages under Title 6,
Title 6 Spec. Proj. & Title II D
526.52 approp. to: General Fund (6015-12.50) Police Court- Wages- Title 6
175.28 approp. to: General Fund (9010-12.01) Police Dept.-Wages-Title 6 - Trfc. Control.
4,601.74 approp. to: General Fund (9020-12.50) Fire Dept.- Title 6 & Title II D - Wages-
Firemen & Dispatchers.
1,630.98 approp. to: General Fund (10110-12.01) St. Dept.- Title 6 & Title II D-Laborers- Wages.
770.96 approp. to: General Fund (10110-12.50) St. Dept.- Title 6 - Wages- Laborers.
780.16 approp. to: General Fund (11020-12.01) Recreation Spec.-Wages-Title 6.
1,152.40 approp. to: General Fund (11020-12.03) Recreation- Park Sec. Officer-Wages-
Title 6 & Title II D
185.60 approp. to: General Fund (11020-12.04) Maint. Man (PT) Wages- Title 6/
780.16 approp. to: General Fund (11020-12.05) Recreation Spec.- Wages- Title 6

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\$ 1,241.84 approp.to: General Fund (11020-12.50) Recreation Spec.Wages-Title 6 & Title II D.

919.30 approp.to: General Fund (11020-12.52) Janitor- Wages- Title 6
1,016.02 approp.to: General Fund (11020-12.53) Clk/Typst/Recpt.-Wages-Title 6 & Title II D
609.00 approp.to: General Fund (11020-12.54) Recreation Spec.-Wages-Title 6
748.64 approp.to: General Fund (11020-12.55) Janitor-Wages-Title 6 & Title II D
2,112.45 approp.to: General Fund (11020-12.57) Concessioners Wages- Title 6
3,905.18 approp.to: General Fund (11020-12.58) Laborers- Spec.Proj.-Wages-Title 6
929.45 approp.to: General Fund (11020-12.59) Acct.Clk-Wages-Title 6
1,118.00 approp.to: General Fund (11020-12.60) Youth Programmer-Rec.Spec.-Wages-Title 6
1,130.12 approp.to: General Fund (11020-12.61) Arts/Crfts.Instr.Wages-Title 6

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

✓ Vice-Mayor Green moved that a supplemental appropriation in amount of \$ 1,047.67 to appropriate monies received for labor from the Virginia Employment Commission, Title 6, into the Sewer Department for January, 1979 wages be approved for second & final reading, a first reading having been approved on March 27th, and that:-

\$ 1,047.67 chgd.to: Sewer Fund (1005.02) Recoveries & Rebates.

1,047.67 approp.to: Sewer Fund (3-12.50) Sewer Dept.- Wages- Title 6

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

✓ Vice-Mayor Green moved that a supplemental appropriation in amount of \$ 24,500. requested by the Street Superintendent due to insufficient funds to complete installation and construction of the culvert for the new parking lot off Cantrell Avenue at JMU, be approved for second and final reading, a first reading having been approved on March 27th, and that:-

\$ 24,500. chgd.to: General Fund - Unappropriated Fund Balance.

24,500. approp.to: General Fund (1-10110-77.15) St.Inspect.-JMU Street Connection.

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

✓ Mayor Erickson presented (in triplicate) the contract between the City of Harrisonburg and County of Rockingham, for water & sewer services to serve the R. R. Donnelley Plant to be located at the former Rockingham County Fairgrounds on Kratzer Road, for Council's consideration of approval and proper signatures, which contract contained the following eight items to be agreed upon by the parties concerned:

- (1) Water, solely for the use of the R.R.Donnelley Company will be furnished at the end of the City water main presently in place at the corporate limits of the City of Harrisonburg on Route 753.
- (2) The maximum amount of water to be furnished under this contract is 30,000 gallons per day.
- (3) The rate to be paid by the County to the City for said water will be the usual City rate published on the City's printed rate chart. This rate is subject to change if said chart is amended by action of City Council.
- (4) Sewer services, solely for the use of the R. R. Donnelley Company will be furnished by the City at the end of the City's sewer main presently in place at the corporate limits of the City of Harrisonburg, on Route 753.
- (5) The rate to be paid by the County to the City for said sewer services will be the usual City rates as published on the City's printed rate chart.
- (6) The City's projections for increased water and sewer services in the northwestern portion of the City will continue to be updated and the future needs of the R.R.Donnelley Company will be met when they arise. The City cannot be, however, under this contract, asked to accept more sewage than the City's lines will handle. The City can limit the amount of water furnished under this contract to the amount of sewage it can handle, but the amount of sewage accepted will in no case be less than 30,000 gallons per day.
- (7) This contract is for the term of one year and will be automatically renewed from year to year unless written notice is given by either the City or the County not less than one year prior to the end of any contract period of its intention to terminate this contract.
- (8) The Sewer Authority joins in this contract as evidence that it does not object to accepting sewage from the City which comes from the R.R.Donnelley Company plant located outside the corporate limits of the City.

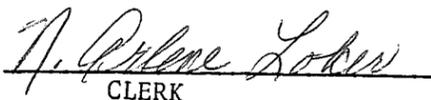
The Mayor noted that Mr. Cecil Armentrout, County Board Chairman, had signed the contract with signature attested by County Administrator O'Brien, and that following Council's approval, the contract would be referred to the Regional Sewer Authority for its next meeting. Following a brief discussion and review of the contract, Councilman Dingledine moved that it be approved with authorization for the Mayor and Clerk to sign same on behalf of the City of Harrisonburg, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

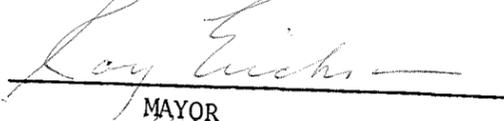
✓ Correspondence dated 5/5/79 from Attorney Lawrence H. Hoover, Jr., on behalf of Hinton Live Poultry Corporation which operates a terminal from Moore Street in Harrisonburg, requested that Council approve a resolution whereby the corporation would be taxed under Section 16-60 of the City Code (motor freight terminals, \$75.00 annually) rather than Section 16-82(b) (annual license tax based on gross receipts), which presently applies. Following a brief discussion, the City Attorney was asked to contact Attorney Hoover and Commissioner of Revenue Smith, for further information to report at Council's next regular meeting on April 24th.

At 9:17 P.M., Vice-Mayor Green moved that Council enter an executive session for the purpose of discussing land acquisition and personnel matters, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

The executive session was declared closed at 11:00 P.M. and the regular session reconvened.

There being no further business and on motion duly adopted, the meeting adjourned.


CLERK


MAYOR

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Tuesday, April 24, 1979

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 Walter F. Green, III; Councilmen Raymond C. Dingleline, Jr., Elon W. Rhodes, James C. Cisney; City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the meeting held on April 10th were read, and approved as corrected.

Mr. J. Watt Bradshaw was present in the meeting as a follow-up of a letter to City Council requesting permission to use the sidewalk area on the south side of Court Square on Thursday, May 3rd, 9:00 AM-5:00 PM for a SUN DAY information booth and solar demonstration, intended to benefit and inform the public of this viable, clean and economical energy source. Mr. Bradshaw informed Council that permission was being sought from the County Board of Supervisors to use the Court House lawn for the purpose of setting up a tent area. When questioned whether this was a private or organizational effort, Mr. Bradshaw replied that this was one of many nationwide SUN DAY activities, sponsored by a non-profit community development organization through the Blue Ridge Institute. Following a brief discussion, Vice-Mayor Green moved that permission be granted for use of the sidewalk on May 3rd, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

For Council's information, correspondence dated 4/13/79 was presented and read from Ms. Margaret White, Area Manager, Department of Housing & Urban Development, advising the City Manager that Harrisonburg's pre-application for funding under the Department's Small Cities Community Program was reviewed and disapproved in that it did not fall within the highest priority for allocation of the department's limited funds. Manager Milam noted that this request was for the West Wolfe and East Wolfe Conservation & Redevelopment in amount of \$ 988,000., and the first one turned down for Harrisonburg since the Community Development Block Grant Program was started. The correspondence asked the city to maintain interest in the CDBG Program and to submit a proposal next year.

The City Manager presented and read a letter dated 4/19/79 from Mr. Stephen Bradshaw, partner in West Side Offices, recent purchasers of the First Church of the Brethren property on South High Street. A request was made for vacation and abandonment of the residue of old High Street which lies between the former church property and new S. High Street, and the City Manager was advised that a notice would be posted at the Court House, as well as two other public places, in compliance with the 1950 Code of Virginia, Section 15.1-364. Further noted by Mr. Bradshaw was the fact that any utilities which may exist within that portion of street could be reserved in the ordinance abandoning the portion of street. Manager Milam reminded Council that several years ago when the church had requested closing of this section, several residents of W. Market Street had objected in that an alleyway is involved which is used for access to High Street. Following discussion, Councilman Rhodes moved that the request be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

Dr. James A. Armstrong, President of Blue Ridge Community College, informed Council that he had visited the City Manager's Office in January with a request that the amount of \$ 10,000. be appropriated to the college, representing 1/5 of the total cost of \$ 50,000. for construction of additional tennis courts. He noted that under the school's physical education teaching, it is felt that individual sports are the best. For these sports, various facilities have been used (i.e. ski resort, bowling alley, swimming pools and tennis courts), but due to the great demand, it has become difficult for them to schedule usage of same. Dr. Armstrong said that four courts are anticipated which would accommodate 16 students. Other localities have been contacted with regard to an appropriation toward the project, with no response from them, to date. Councilman Dingleline asked whether or not much usage would be made of the courts in the evening hours, and was told that it would appear so, in that many students return to the school in the evenings, particularly during summer months. Councilman Cisney asked if the amount of \$ 50,000. was a concrete figure and Dr. Armstrong replied that it was considered a sensible estimate. Mayor Erickson assured Dr. Armstrong that the request would be considered along with others, during the City's budget study.

(City Attorney Lapsley entered the meeting and was recorded present.)

Messrs. William C. Jeffrey and Don Wells of the Virginia Department of Highways & Transportation were present in the meeting to present a draft of the 1997 Harrisonburg Thoroughfare Plan. Mr. Jeffrey remarked that action of City Council several weeks ago to deadend Waterman Drive rather than extending same to Rt. 42 (Virginia Ave.) had posed some problem with regard to viability of the Plan in that the Highway Department had proposed to use the Waterman Drive intersection with Virginia Ave. as a portion of the bypass from US 33 east to US 33 west. The following four options were set out by Mr. Jeffrey, with strong suggestion that the latter be considered by Council: (1) drop the idea for a northern loop; (2) realign it northward to connect with Virginia 763; (3) make only a partial loop which would end at Va. 42 instead of continuing on to US 33 west; (4) leave Plan as is, and get public suggestions prior to making any change. Mr. Jeffrey informed Council that the County Board of Supervisors are opposed to the Va. 763 connection because of the possibility of traffic being dumped on Park View. To this statement, members of Council responded that the city has been on record for a number of years as opposing the Waterman Drive extension, and in fact, had removed same from a street arterial plan submitted by the Planning Commission in 1975. Mr. Robert Sullivan, City Planning Director, displayed 1975 and 1978 maps that illustrated the northern loop with Va. 763 (Park View) connection. Vice-Mayor Green offered an opinion that a route should be selected and rights-of-way acquired before development moves into those areas. Inasmuch as a suggestion had been made for Council to hold a joint public hearing with Rockingham County Board of Supervisors, Mayor Erickson asked members to study the Plan as presented, with formulation of a joint public hearing.

City Attorney Lapsley reported that following the last regular meeting of Council he had, on instructions of Council, contacted the Commissioner of Revenue concerning a request from Hinton Live Poultry Corporation to be licensed for their terminal on Moore Street under Section 16-60 of the City Code as a motor freight terminal @ \$75.00 annually, rather than under Section 16 (82b) based on gross receipts. He

explained that the 1962 annexation brought several trucking firms into the city and that the City Code had been amended by the addition of Section 16-60 in order to accommodate the terminals, which placed a license fee of \$ 75.00 annually on each. Hinton Live Poultry Corp., however, had been operating a terminal on Moore Street (within the city) the entire time prior to annexation, and were being licensed under the old section 16 (82b) based on gross receipts, with no question raised concerning the licensing until this time. Attorney Lapsley noted that he had suggested to the Commissioner of Revenue that Section 16 (82b) be amended to eliminate gross receipts provision(s) on hauling, and that this firm be licensed under Sec. 16-60 in order to bring all corporations into consistency, in that Hinton Live Poultry meets all criteria as other truck terminals. He had also offered an opinion that a rebate on the 1979 license fee would be equitable, which fact was agreed upon by Commissioner of Revenue Smith. Councilman Dingle-dine questioned whether or not the matter could be cleared up at this time through a motion of Council, with conflicting code sections to be resolved under revision of the present City Code, to which the City Attorney replied in the affirmative. Councilman Dingle-dine then offered a motion that Hinton Live Poultry Corporation be treated as other carriers and charged flat rate of \$ 75.00 annually under Section 16-60, with rebate of the 1979 license based on gross receipts, which has been paid by the firm, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ The following recommendation from a meeting of the City Planning Commission held on April 18th was presented and read:

"...The Commissioners reviewed a neighborhood map, showing the relationship of proposed Easthampton Subdivision to nearby Vale Circle, Central Avenue and Laurel Street. The Director noted that Vale Circle and all of Southampton Subdivision is zoned R-2 Residential, and the owners of Easthampton Subdivision have no objections to rezoning their proposed lots (#2 thru #11) from R-3 Multiple Dwelling District to R-2 Residential. This was stated in a letter from Henry C. Clark in January 1979. Attorney Robert Dinsmore, Jr. also submitted a letter in January with a petition signed by adjoining property owners, requesting the rezoning from R-3 to R-2.

Chairman Kuykendall asked if anyone desired to speak for or against the rezoning. Mr. Dinsmore reiterated the feelings of adjacent property owners. Hearing no other comments, Mr. Williams moved that the Planning Commission recommend to City Council that proposed Lots 2 through 11, Easthampton Subdivision, be rezoned from R-3 Multiple Dwelling District to R-2 Residential. Mr. Rhodes seconded the motion and all members present voted aye..."

City Manager Milam explained that the rezoning would be an extension into an R-2 Residential zone, and noted that a public hearing would have to be scheduled (no sooner than the second regular meeting in May in order to comply with waiting time required). Following a brief discussion, Councilman Cisney moved that the recommendation of the Planning Commission be accepted, with public hearing scheduled for Tuesday, May 22nd, 7:30 P.M., which motion upon being seconded by Councilman Dingle-dine, was adopted by a unanimous vote of Council. The City Manager was instructed to properly advertise the hearing.

✓ The City Manager presented and read the following Planning Commission recommendation from a meeting held on April 18th:-

"...The Commissioners were oriented to a revised map of Reherd Acres, a planned unit development north of Spotswood Acres in northeast Harrisonburg. The Director pointed out proposed Section 8, with 22 single family lots. It involves extending Broad View Drive and establishing a new street named 'Redwing Court.' Mr. Sullivan noted that City Staff reviewed the proposal on March 5, 1979 and requested Mr. Robert Funk to work with the City Engineer regarding size and location of storm drain pipes. Also, the overall Reherd Acres Master Plan needed to be redesigned due to changes of lot sizes and street layout in Section 8. The Staff Review Sheet also urged the extension of Broad View Drive northward to Meadowlark Drive and North Blue Ridge Drive.

Mr. Jack DePoy, owner-developer, reported to the Commission that his surveyor, Mr. Funk, has discussed the storm drainage issue with Messrs. John Driver and Donn Devier, and they believe a 24" storm pipe will be sufficient and the City officials are aware that additional pipe will be needed to convey storm water from Starcrest Drive southward to Country Club Road. Mr. DePoy also stated that he is opposed to opening Broad View to North Blue Ridge Drive at this time, but the next section logically will be extension of Broad View to Meadowlark and thence to North Blue Ridge Drive.

Mr. Milam concluded the discussion with a motion that the Planning Commission recommend to City Council that the Final Plan for Reherd Acres, Section 8, be approved subject to the satisfaction of the City Engineering Department regarding adequate storm drainage pipe and easements. Mr. Williams seconded the motion and all members present voted aye..."

Mr. Sullivan pointed out the area on a map, noting extension of Broad View Drive to Meadowlark Drive and eventually to North Blue Ridge Drive, as recommended by City Staff. Following discussion, Vice-Mayor Green moved that the recommendation of the Planning Commission for approval of the Final Plan for Sec. 8 of Reherd Acres, be approved, which motion upon being seconded by Councilman Dingle-dine, was adopted by a unanimous vote of Council.

✓ A recommendation from the Planning Commission meeting of April 18th was read by the City Manager as follows:

"...The Director reported to the Commissioners that City Council referred proposed Westhampton Subdivision back to City Staff and the Commission since questions were unanswered regarding the safety features and future maintenance of a retention pond on the rear portions of four residential lots. He showed the Commissioners a large map drawn by J.R. Copper, Jr., Land Surveyor, which illustrates the pond and a 24" storm water pipe. Mr. Copper stated that the owners, Henry Clark and V.W. Nesselrodt, aren't opposed to fencing the pond area, but will the enclosed area then grow up in weeds? Mr. Milam asked Mr. Copper to describe the engineering details and after the Commissioners reviewed the map and retention pond plans, Mr. Williams moved that the Planning Commission recommend approval of the Final Plan for Westhampton Subdivision, based on the retention pond and storm water pipe as approved by the City Engineer, and the maintenance of said pipe becoming a responsibility of the City. Mrs. Bowman seconded the motion and all members present voted in favor."

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Mr. Sullivan pointed out the area on a large scale map, noting a 50' easement for the retention pond on back yards of four lots, with an area of 60' between the easement and each house. He explained that when water comes rapidly from a storm, the pond would fill up, and if pipe is kept open, would run out. Mr. Copper informed Council that the pond was designed to allow easy mowing. He noted that the water would be emptying all the time, with no water standing at any time. He estimated a maximum depth of 4 - 5' for a 50 year storm and offered an opinion that fencing across the upper part of the pond would create an obstruction. Councilman Cisney said he felt the matter of fencing was not the issue, but rather the safety of children. Mr. Copper pointed out that the city would check the pipe following each storm to be sure there was no obstruction, in order that the water could move out in a spreading process for drainage. Councilman Dingleline noted concern on an approximate 5' of water which the pond may hold, even only briefly, in that a tragic accident could occur. City Manager Milam offered an opinion that more of these type structures are needed in the city for drainage, and said he felt that the benefit derived from same would offset the possibility of a tragic situation. Councilman Dingleline said he would feel better satisfied with some type of fence. Mr. Sullivan called attention to the fact that property owners do not object to a fence, but rather about weeds which may grow up inside the area. One suggestion offered was for the posting of a sign on the fence for safety reasons, but a conclusion was reached that this would not be too permanent in that a sign could be destroyed. Councilman Cisney said he wanted to be sure that purchasers of the 4 lots with backyards involved in the retention pond would be made aware of the pond and certain liabilities on their part. City Manager Milam said there would be a covenant in the new deed making reference to the original dedication. Following a lengthy discussion, Councilman Cisney moved that the Planning Commission recommendation be approved with the stipulation of a covenant in the deeds for the retention pond in rear of lots 6, 7 8 & 9, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

City Manager Milam read the following Planning Commission recommendation from a meeting held on April 18, 1979:

"...The Commissioners reviewed a map of proposed Westside Acres Subdivision, showing four single family lots on North Dogwood Drive and nine single family lots on a cul-de-sac off Statton Street. The Director reported that City Staff and Mr. Dan C. Stickley, Jr. met concerning the Commission's suggested changes that would have brought West Wolfe Street across the north edge of Mr. Stickley's property, thus connecting West Wolfe from N. Dogwood to Hartman Drive. Mr. Sullivan told the Commissioners that Mr. Stickley's position based on an appraiser's view of his plan and the City's suggested plan, is this:

- (a) The 13-lot original proposal is the most economical way and completely in accordance with the City's Subdivision Ordinance.
- (b) If the City wants West Wolfe Street, the Planning Commission should initiate the rezoning of the property to R-2 Residential so that 22 town-house units can be built plus 4 homes on N. Dogwood.

Mr. Williams reported that he contacted Mr. Marvin Newman, a Hartman Drive resident who led the neighborhood opposition in a rezoning effort in September, 1978, and learned that Mr. Newman and others would like to see West Wolfe Street opened, but they feared Mr. Stickley wouldn't build townhouses after obtaining R-2 zoning. Mr. Stickley then told the Commissioners that he would build townhouses, 'substantially in accordance with' the way they are shown on his site plan, but the citizens wanted him to build 'exactly the way it is shown' on the site plan. Mr. Stickley asked the Commissioners if the City would build West Wolfe and share in his costs of building Statton Court if he donated the right-of-way. Mr. Milam concluded the review with a motion recommending approval of the preliminary plan of Westside Acres Subdivision. Mr. Rhodes seconded the motion and all members present voted in favor..."

Manager Milam explained that it was the responsibility of the developer to rough grade the section of unopened Wolfe Street along lot 13 (between Statton Street & Hartman Drive), after which time the City would, as funds become available and project fits into the Street Department's overall plan of work, curb and gutter the section. Although members of Council expressed regrets that West Wolfe Street would not be opened at this time, it was agreed that Mr. Stickley's plan of development should be supported in that others which he had submitted prior to this time, had been denied. Following discussion, Vice-Mayor Green moved that the recommendation of the Planning Commission be approved, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

With regard to a request presented at the last regular meeting of Council for granting of a dance permit for "Eden Village" located in the former J.C. Penney Building on Court Square, City Manager Milam reported that responses had been received from the Fire and Police Departments stating no reasons for denial of the request. He noted that the Building Official and Inspector had requested a 1/4" scale drawing of the floor plan, which was completed only today, and that the final decision of that department rests on a review of same. Manager Milam suggested that an advance permit could be granted subject to the restaurant meeting all code requirements, and pending final decision of the Building Official. Mr. Robert Adams, a partner in the restaurant, informed Council of plans to begin serving practice meals on May 1, with invited guests. The matter was discussed with members of Council agreeing that a 2-week delay, until the next regular meeting, could work a hardship on plans which have been formulated for the opening. Councilman Dingleline moved that Council grant an advance dance permit to the "Eden Village" restaurant based on a positive answer from the Building Official following review of the floor plan, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

Council was informed by the City Manager that Holly Farms has expressed a desire for the last statement in the City Ordinance for closing of alley west of N. Liberty Street to be deleted, which reads as follows: "The City does hereby retain an easement along said alley for utilities and surface water control, either above or below ground." He reminded members of Council that the request for alley closing was made by Shenandoah Poultry Corporation prior to Holly Farms locating there, and noted that deletion of the statement could pose a problem in that a concrete driveway between the Holly Farms property and future owners of other property could force the city to purchase an easement from them. He further suggested that a new location be determined for the city's utilities, prior to giving up the sentence in the ordinance. Following a brief discussion, it was agreed that Manager Milam talk with the City Atty. and Attorney William Julias (representing Holly Farms), with report back to Council.

The City Manager informed Council that a request had been submitted by VEPCO for a right-of-way at the City's Landfill, and offered an opinion that the small amount of money offered could not make up for problems which would be created in the Landfill area, including excessive utility movement. He expressed a desire for the Legal & Engineering Departments of VEPCO to give the City, rather than the minimal amount of money offered, permission, in writing, to cut and fill in the 100' easement conveyed to VEPCO in 1953 by the City, in exchange for an overhead right-of-way in the area requested for overhead wiring. Overhead was stressed by Manager Milam because of a statement in the agreement submitted that "owner shall not excavate or place fill materials on said right-of-way." Following a brief discussion, the City Manager was asked to meet with those concerned and work out a possible agreement, prior to the next regular meeting on May 8th.

Council was reminded that the terms of Mrs. Marie Garnett and Mr. Ralph W. Cline on the Harrisonburg Industrial Development Authority had expired as of today, and the Mayor asked members if they desired to take action with regard to appointments at this time. Vice-Mayor Green moved that Mrs. Garnett and Mr. Cline be reappointed to the Authority for terms of 4 years each, expiring April 24, 1983, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

Councilman Dingleline moved that a supplemental appropriation in amount of \$ 509,200.66 requested by the City Manager in order to appropriate Bond Issue Proceeds for the East Wolfe Street Parking Deck Construction Project and Accrued Interest and Anticipated Interest from Investments, be approved for second and final reading, a first reading having been approved on April 10th, and that:-

\$ 492,199.82 chgd.to: General Fund (1004.00) Proceeds from Sale of Bonds.
 17,000.84 chgd.to: General Fund (502.00) Income from Investments.
 509,200.66 approp.to: General Fund (13220-390.02) Harrisonburg Parking Authority-
 Construction - Parking Deck Facility.

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

Councilman Dingleline moved that a supplemental appropriation in amount of \$ 69,423.83 requested by City Manager Milam in order to appropriate Anticipated Earned Interest from sale of Elderly Housing Facility Notes, be approved for second & final reading, a first reading having been approved on April 10th, and that:-

\$ 62,073.75 chgd.to: General Fund (502.00) Income from Investments.
 7,350.08 chgd.to: General Fund (1004.00) Proceeds from Sale of Bonds.
 69,423.83 approp.to: General Fund (10220-72.01) Housing for Elderly.

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

A request was presented from Mr. Paul Quintrell, Director of Finance for Harrisonburg City Schools, for approval of a supplemental appropriation in amount of \$ 34,962.00 in order to appropriate estimated receipts from Grant from manpower training, Title I, to cover salaries, fixed charges for balance of this fiscal year, and to cover actual expenditures to date for various incidentals pertaining to same. It was noted on the request form that the funds would not be expended unless revenues are available to offset the expenditures. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved for first reading, and that:-

\$ 34,962.00 chgd.to: School Fund (R-28C) Antic. Receipts- Receipts from Fed.Funds.
 3,860.00 approp.to: School Fund (1200-135.02) Admin.- Comp. Adm. Secretaries.
 15.00 approp.to: School Fund (1200-218.00) Admin.- Telephone & Postage.
 145.00 approp.to: School Fund (1200-220.00) Admin.- Travel- Adm. Personnel.
 25,620.00 approp.to: School Fund (1201-134.12) Day Sch.Instr.- Comp. Sec. Teachers.
 209.00 approp.to: School Fund (1201-220.00) Other Inst.Costs-Travel- Inst.Personnel.
 893.00 approp.to: School Fund (1201-305.00) Inst.Supp.- Oper.Sch.Plant.
 128.00 approp.to: School Fund (1205-218.00) Telephone- Fixed Charges.
 347.00 approp.to: School Fund (1206-210.00) Fixed Chgs.- Insurance.
 154.00 approp.to: School Fund (1206-214.92) Fixed Chgs.- Rental of Equip.
 3,591.00 approp.to: School Fund (1206-295.00) Fixed Chgs.- Employer Cont-Frng.Benefits.

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

The City Manager presented a request from the City School Board Office for approval of a supplemental appropriation in amount of \$ 42,567.01 in order to appropriate realized and anticipated receipts for CETA for the balance of the current fiscal year, into various school accounts. It was noted that the funds would not be expended unless receipts are assured through notification from the CETA office. Councilman Dingleline moved that the appropriation be approved for a first reading, and that:-

\$ 16,866.61 chgd.to: School Fund (R-28A) Realized Revenue -Receipts from Fed.Funds- CETA
 25,700.40 chgd.to: School Fund (R-28A) Antic.Receipts from Fed.Funds- Other Fed.Funds- CETA
 4,648.51 approp.to: School Fund (1201-109.50) Comp.Tchr.Aides- CETA
 681.62 approp.to: School Fund (1201-109.51) Comp. Clerical- CETA
 33,390.38 approp.to: School Fund (1201-134.50) Comp.Elem.Teachers- CETA
 576.75 approp.to: School Fund (1206-213.50) Workmen's Comp.- CETA
 3,269.75 approp.to: School Fund (1206-295.50) Fixed Charges- CETA

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

The City Manager presented a request from Chief of Police Presgrave for approval of a supplemental appropriation in amount of \$ 234.16 in order to replace from Recoveries & Rebates, amounts spent from various accounts in the department. Councilman Cisney moved that the appropriation be approved, and that:-

\$ 234.16 chgd.to: General Fund (1005) Recoveries & Rebates.
 134.16 approp.to: General Fund (9010-330.01) Travel- Police Schools.
 20.00 approp.to: General Fund (9010-11-8) Spec. Police
 80.00 approp.to: General Fund (9010-211.00) Gasoline, Lubricants, Tires, etc.

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

The following resolution was presented and read for consideration of approval by Council:

WHEREAS, the City of Harrisonburg takes great pride in the beauty of its community; and

WHEREAS, the City has received a grant from the Federal Government for the purpose of cleaning and beautifying the City; and

WHEREAS, the personnel from the Harrisonburg Street Department will use said funds for the purpose of cleaning and beautifying the City insofar as said funds will allow,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Harrisonburg, this 24th day of April, 1979;

THAT the week of May 7 - 11 is proclaimed as Harrisonburg Beautification Week and all citizens of the community are urged to join with the City forces in removing trash and rubbish from their properties and the general cleaning and beautifying the City during that week.

THE CITY OF HARRISONBURG, VIRGINIA

By: _____ Mayor

Assistant City Manager Driver stated that special calls will be taken during that week for trash pickup, but noted that brush and tree limbs will have to be tied in bundles. Councilman Rhodes moved that the resolution be approved and signed by the Mayor, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

Copies of a questionnaire concerning the Shenandoah Valley Airport Commission at Weyers Cave, Va. were presented each member of Council by Mayor Roy Erickson, a representative of Harrisonburg on the Airport Commission. He explained that the survey is designed "to evaluate the essential needs for use of air flight for personal and business purposes", and is being circulated, in conjunction with the Chamber of Commerce. The form will be mailed locally and distributed among educational facilities, civic clubs and other organizations, with results to be computerized in Charlottesville, Va. The Mayor pointed out that the survey would be valuable should Piedmont leave the area, as well as to interest small carriers to come in. He stressed the importance of filling out the form and urged members of Council to make others aware of this. The report was for information, only.

Councilman Rhodes registered complaints which he had received concerning length of time lights are left burning at night at the various recreational areas in the City, particularly in view of conservation of energy. Councilman Dingledine, a representative on the Parks & Recreation Commission, said he would look into the matter.

9:30 pm - exe. session to discuss personnel.

At 10:20 P.M. the executive session was declared closed and the regular session reconvened.

During a discussion concerning appointments to various Boards and Commissions, it was noted that Mr. Earl Wetsel's term on the Harrisonburg Redevelopment & Housing Authority had expired on November 29th of last year. Vice-Mayor Green moved that Dr. Paul C. Cline of 221 Dixie Avenue be appointed to serve in that vacancy for a term of four years, expiring November 29, 1982. The motion was seconded by Councilman Dingledine, with a request for the Mayor to write a note of appreciation to Mr. Wetsel, commending him for his years of service to that Authority. By unanimous vote of Council, the motion was adopted.

There being no further business and on motion duly adopted, the meeting adjourned at 11:00 P.M.

N. Arlene Lober
CLERK

Roy Erickson
MAYOR

Tuesday, May 8, 1979

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 Walter F. Green, III; Councilmen Raymond C. Dingle, Jr., Elon W. Rhodes, James C. Cisney; City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on April 24th 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 April, 1979.

From the City Treasurer:

A Trial Balance report as of close of business on April 30, 1979.

From the Police Department:

A report of total number of arrests; parking meter fines & costs collected; cash collected from parking meters; total cash collected all sources in amount of \$ 6,988.11 for month of April, 1979.

From the City Auditor:

A financial report for the City of Harrisonburg, Va. for month of April, 1979.

A report of cash discounts saved in payment of vendors' invoices for month of April, 1979, totaling \$ 144.48. Amount of \$.32 lost due to late vouchers.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of April, 1979.

City Manager Milam informed Council that he was in receipt of the annual report for Consolidated Rail Corporation, which is submitted each year. He noted revenue of \$3.5 billion and expenditures of \$ 3.8 billion - (loss in neighborhood of \$300 million).

Superintendent Wayne King and members of the Harrisonburg School Board were present in the meeting concerning the 1979-80 proposed school budget. Superintendent King presented a revised budget with figures which he had recommended, resulting in a total amount of \$ 4,936,196., or an increase of \$489,416. over the present fiscal year. He noted that an amount of \$ 220,000. was necessary for salaries in order to arrive at the suggested 7% increase for teachers, whereas an amount of \$ 122,000. set out by the City Manager would provide no more than a 3% increase. By using the former figure, a 5.5% increase, worked out on the increment scale, would result in an overall 7% increase. During a review of the revised budget, Mr. King pointed out that an approximate amount of \$ 100,000. had been deleted for repairs/replacement of leaking roofs at the Spotswood, Waterman and Thomas Harrison Schools, although the projects were deemed essential by the Board. In order to arrive at a final pared-down budget, both Council and the School Board realized a difference of \$ 60,000., and the Board was asked if it could come up with this amount. Mr. King replied that it would necessitate termination of 4 or 5 teachers as well as elimination of some programs. It was noted, however, that one new program in the proposed budget may be eliminated in the neighborhood of \$ 20,000. in that it was created due to an increase in federal funds. Mr. Paul Quintrell, the Schools' Director of Finance, pointed out the fact that electricity and fuel were the largest items in school operation. City Manager Milam expressed concern that a revised budget was being presented at this time with figures recommended by the Superintendent, in that the Board had submitted its budget to Council on March 13th. During the lengthy review and discussion, it was agreed by Council that the proposed budget should be reduced by the amount of \$ 60,000. and the Mayor asked the Superintendent and School Board members to take another look at the budget in an effort to reduce the figures.

Vice-Mayor Green moved that a supplemental appropriation in amount of \$ 42,567.01 requested by the City School Board in order to appropriate realized and anticipated receipts for CETA for the balance of the current fiscal year into various school accounts, be approved for second and final reading, a first reading having been approved on April 24th, and that:-

- \$ 16,866.61 chgd.to: School Fund (R-28A) Realized Revenue- Receipts from Fed.Funds- CETA
- 25,700.40 chgd.to: School Fund (R-28A) Antic.Receipts from Fed.Funds-Other Fed.Funds- CETA
- 4,648.51 approp.to: School Fund (1201-109.50) Comp.Teacher Aides- CETA
- 681.62 approp.to: School Fund (1201-109.51) Comp. Clerical- CETA
- 33,390.38 approp.to: School Fund (1201-134.50) Comp.Elem.Teachers- CETA
- 576.75 approp.to: School Fund (1206-213.50) Workmen's Comp.- CETA
- 3,269.75 approp.to: School Fund (1206-295.50) Fixed Chgs.- CETA

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

Councilman Dingleline moved that a supplemental appropriation in amount of \$ 34,962.00 requested by the City School Board in order to appropriate estimated receipts from Grant under manpower training, Title 1, to cover salaries, fixed charges, for balance of this fiscal year and to cover actual expenditures to date for various incidentals pertaining to same, be approved for second and final reading, a first reading having been approved on April 24th, and that:-

- \$ 34,962.00 chgd.to: School Fund (R-28C) Antic. Receipts- Receipts from Fed.Funds.
- 3,860.00 approp.to: School Fund (1200-135.02) Adm.- Comp. Adm. Secretaries.
- 15.00 approp.to: School Fund (1200-218.00) Adm.- Telephone & Postage
- 145.00 approp.to: School Fund (1200-220.00) Admin.-Travel- Adm. Personnel
- 25,620.00 approp.to: School Fund (1201-134.12) Day Sch.Instr.- Comp. Sec.Teachers.
- 209.00 approp.to: School Fund (1201-220.00) Other Inst. Costs- Travel- Inst.Pers.
- 893.00 approp.to: School Fund (1201-305.00) Inst.Supp.- Oper. School Plant.
- 128.00 approp.to: School Fund (1205-218.00) Telephone- Fixed Chgs.
- 347.00 approp.to: School Fund (1206-210.00) Fixed Chgs.- Insurance.
- 154.00 approp.to: School Fund (1206-214.92) Fixed Chgs.- Rental of Equip.
- 3,591.00 approp.to: School Fund (1206-295.00) Fixed Chgs.- Emp.Cont.- Fringe Bnfts.

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

A request was presented from the City School Board for approval of a supplemental appropriation in amount of \$ 21,200. in order to appropriate unanticipated Federal Funds and not anticipated when the school budget was prepared due to changes in Federal funding formulas. Following review of the various accounts involved in the transaction, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:-

- \$ 15,000. chgd.to: School Fund (R-21A) Antic.Revenues- Rcpts.from Fed.Funds- Elem. & Secondary Ed.Act. Operating.
- 3,000. chgd.to: School Fund (R-21B) Antic. Revenues- Rcpts.from Fed.Funds- Elem. & Secondary Ed.Act Capital Outlay.
- 3,200. chgd.to: School Fund (R-28) Antic.Revenues- Rcpts.from Fed.Funds- Other Fed.Programs.
- 1,000. approp.to: School Fund (2-1209-100.02) Fed.Programs- Comp. Adm. Personnel.
- 2,000. approp.to: School Fund (2-1209-200.02) Fed.Programs- In Ser.Trng.
- 1,000. approp.to: School Fund (2-1209-200.16) Fed.Programs- Inst. Travel.
- 3,500. approp.to: School Fund (2-1209-200.05) Fed.Programs- Teaching Supplies for Instr.
- 2,000. approp.to: School Fund (2-1209-200.11) Fed.Programs- Comp. Inst.
- 1,000. approp.to: School Fund (2-1209-218.00) Fed.Programs- Title IVB-Telephone Serv.-Fed.Pgms.
- 2,000. approp.to: School Fund (2-1209-299.00) Title IVB Computer Serv.
- 200. approp.to: School Fund (2-1209-314.00) Fed.Programs- Title II Libraries
- 5,000. approp.to: School Fund (2-1209-800.00) Fed.Programs- Fixed Chgs.
- 500. approp.to: School Fund (2-1209-1100.00) Fed.Programs- Comm.Services.
- 3,000. approp.to: School Fund (2-1209-1230.03) Fed.Programs- Equip. Instr.

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

The City Manager presented a request from the City School Board for approval of a supplemental appropriation in amount of \$ 6,581.43 in order to appropriate unanticipated additional revenues from PL 874 (Impact Aid) to cover unanticipated maintenance expense. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:-

- \$ 6,581.43 chgd.to: School Fund (R-26) Realized Revenue- Rcpts.from Fed.Funds- PL 874 Oper.
- 6,581.43 approp.to: School Fund (1205-290.01) Maint.School Plant- Cont.Serv.Bldgs.& Grnds.

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

Members of Council were reminded that due to the expiration of Mr. James Sipe's term as of 12/31/78 on the Harrisonburg Parks & Recreation Commission, and resignation from that Commission by letter dated 2/9/79 submitted by Mr. Wilmer C. Byrd, Sr., two vacancies had been created. Mayor Erickson asked if Council desired to take action at this time with regard to appointments. Councilman Rhodes moved that Mrs. Ralph L. (Sarah) Sampson of 442 Myrtle Street (representing the northeast section) be appointed to serve the unexpired term of Mr. Byrd which expires on 12/31/80, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council. Councilman Dingleline then offered a motion that Mr. Giles R. Stone of 2580 S. Main Street (representing the southeast section) be appointed to serve a four year term on the Parks & Recreation Commission, expiring 12/31/82, in vacancy created by expiration of Mr. Sipe's term (not eligible for reappointment). The motion was seconded by Councilman Rhodes and adopted by a unanimous vote of Council.

A letter dated 3/23/79 from the Central Shenandoah Planning District Commission was referred to, in which request was made for Harrisonburg to appoint two representatives to serve on the Citizens Land Use Advisory Committee which was being established to assist in the development of a District Land Use Element as a portion of the required District Comprehensive Plan. Mayor Erickson asked members if they desired to take action at this time. Councilman Dingleline moved that Mr. Forrest C. Palmer of 60 Weaver Avenue, Harrisonburg, be appointed to serve as a representative of Harrisonburg on that committee, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council. No action was taken at this time with regard to appointment of a second representative.

For information of Council, City Manager Milam reported that the Elderly Housing Facility at 265 N. Main Street is moving along ahead of schedule which means that the Harrisonburg Redevelopment & Housing Authority will have to make arrangements to take over the building, establish rules & regulations, etc.

In compliance with the City Code, the City Manager reported that he had presented to each member of Council on May 1st, a balanced budget for the fiscal year 1979-80 in total amount of \$ 17,435,499., which necessitated the use of approximately \$ 322,000. of past budget surpluses. He noted that the City anticipates a \$ 126,000. increase from the State Department of Highways & Transportation which is the result of new legislation increasing urban street funds. In a complete review of the proposed budget, eight major funds were discussed with the following amounts appropriated to each: General: \$8.27 million; School: \$4.8 million; Water: \$1.78 million; Sewer: \$1.76 million; Social Services: \$344,000.; Central Garage, \$78,000.; Central Stores: \$27,600. and Public Transportation: \$343,500. The budget, as proposed, is up from \$15.5 million for the present fiscal year and based on a real estate tax rate of 68¢ per \$100 assessed valuation, ratio of 100% of fair market value. During a thorough review of each departmental request. Members of Council expressed concern about a capital outlay request of \$ 70,000. by the Parks & Recreation Department which includes a new program for road and other improvements at Switzer Dam, particularly in view of the fact that the School Board had been asked to reduce spending for programs. It was felt that larger budget requests would result in development of the Dam area. Members agreed that the necessary roof work on the three city schools would be done, if not through reduction of budget figures, through use of Revenue Sharing Funds to be received later this summer. There were varying thoughts concerning tax to be charged on real estate in that this was the first time it would be based on 100% market value, but did agree that it should be reduced from the proposed 68¢. Manager Milam pointed out that the rate of 68¢ would produce \$120,000. more in revenue and reduce service charge from 40¢ to 13¢, with no increase from utilities. He made mention of the fact that House Bill 1547 to become effective as of July 1st this year will necessitate a public hearing should a tax rate change as much as 1¢ during any year. Along with various documents pertinent to his budget review, Manager Milam presented an Appropriation Ordinance providing for allocation of funds to the various departments, for consideration of a first reading. Mayor Erickson suggested that this meeting be continued until next Tuesday evening, and that some recommendations be brought in at that time, based on this evening's discussion. Since the date of next Tuesday could not be worked into every member's schedule and due to the fact that any amendments to the proposed budget could be worked on in a special work session, Councilman Cisney offered a motion that the Appropriation Ordinance be approved for a first reading with the understanding that Council would hold a work session on Monday, May 14th, 7:30 P.M. to work out recommendations for amendments, prior to final adoption of the Ordinance. The motion was seconded by Councilman Rhodes and adopted by a unanimous recorded vote of Council. Councilman Dingleline then offered a motion that the City Manager propose certain ways in which the budget could be decreased \$ 25,000. in increments representing an approximate 1¢ decrease of tax rate, up to \$ 75,000., in order that Council may consider options for lowering tax rate to neighborhood of 65¢ - 66¢. This motion was seconded by Vice-Mayor Green and adopted by a unanimous vote of Council. On motion of Councilman Dingleline, seconded by Councilman Rhodes and a unanimous vote of Council, the City Manager was authorized and directed to publish a summary of Revenue & Expenditures, as well as notice of a Public Hearing to be held on Tuesday, May 22nd, at 7:30 P.M.

City Manager Milam displayed a plat of Spotswood Mobile Home Estates Addition (Bill Neff, developer), and noted that although it would be located in Rockingham County, utilities would be involved. He recommended that it be referred to the City Planning Commission for study and recommendation. On motion by Councilman Rhodes, seconded by Vice-Mayor Green, and a unanimous vote of Council, the recommendation was approved.

Councilman Dingleline presented the matter of replacing visitor parking cards in the event they may be lost or destroyed, through an amendment to the City's Permit Parking Ordinance. He noted that at the present time, there is no authorization for the cards to be replaced. Following a brief discussion, Councilman Dingleline moved that an amendment be approved for a first reading at this time and referred to the City Attorney to be drawn in proper ordinance form, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council.

There being no further business and on motion duly adopted, the meeting was adjourned at 11:45 P.M.

N. Polene Lopez
CLERK

Lay Erickson
MAYOR

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APPROPRIATION ORDINANCE
OF THE CITY OF HARRISONBURG, VIRGINIA

For the Fiscal Year Ending June 30, 1979

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 1980. TO PRESCRIBE THE TERMS, CONDITIONS, AND PROVISIONS WITH RESPECT TO THE ITEMS OF APPROPRIATION AND THEIR PAYMENT; AND TO REPEAL ALL ORDINANCES WHOLLY IN CONFLICT WITH THIS ORDINANCE, AND ALL PARTS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE TO THE EXTENT OF SUCH INCONSISTENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

SECTION 1 - GENERAL FUND

That the following sums of money be and the same hereby are appropriated for the general government purposes herein specified for the fiscal year ending June 30, 1980.

Paragraph One - Mayor and Municipal Council (1010)

For the current expenses and capital outlay of the MAYOR AND MUNICIPAL COUNCIL, a division of the Legislative Department, the sum of thirty-nine thousand, nine hundred eighty dollars and no cents (\$39,980.00) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$18,200.00
- (2) Other Operating Expenses 15,280.00
- (3) Capital Outlay 6,500.00

Paragraph Two - City Manager (2010)

For the current expenses and capital outlay of the CITY MANAGER, a division of the Executive Department, the sum of forty-eight thousand, seven hundred eighty-two dollars and no cents (\$48,782.00) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$40,945.00
- (2) Other Operating Expenses 5,537.00
- (3) Capital Outlay 2,300.00

Paragraph Three - City Attorney (3010)

For the current expenses of the OFFICE OF THE CITY ATTORNEY, a division of the Department of Law, the sum of seven thousand, six hundred ninety-five dollars and no cents (\$7,695.00) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$ 7,213.00
- (2) Other Operating Expenses 482.00

Paragraph Four - Commissioner of The Revenue (4010)

For the current expenses and capital outlay of the COMMISSIONER OF THE REVENUE, a division of the Department of Finance, the sum of eighty-two thousand, three hundred thirty-nine dollars and no cents (\$82,339.00) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$68,767.00
- (2) Other Operating Expenses 10,272.00
- (3) Capital Outlay 3,300.00

Paragraph Five - Board of Real Estate Assessors (4011)

For the current expenses of the BOARD OF REAL ESTATE ASSESSORS, a division of the Department of Finance, the sum of four thousand, five hundred dollars and no cents (\$4,500.00) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$ 4,000.00
- (2) Other Operating Expenses 500.00

Paragraph Six - Board of Equalization (4012)

For the current expenses of the BOARD OF EQUALIZATION, a division of the Department of Finance, the sum of one thousand, two hundred dollars and no cents (\$1,200.00) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$ 1,000.00
- (2) Other Operating Expenses 200.00

Paragraph Seven - City Treasurer (4020)

For the current expenses and capital outlay of the CITY TREASURER, a division of the Department of Finance, the sum of seventy-seven thousand, five hundred seventy-one dollars and no cents (\$77,571.00) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$65,818.00
- (2) Other Operating Expenses 11,653.00
- (3) Capital Outlay 100.00

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Paragraph Eight - Collector of Delinquent Taxes (4022)

For the current expenses of the COLLECTOR OF DELINQUENT TAXES, a division of the Department of Finance, the sum of two thousand, four hundred sixty-one dollars and no cents (\$2,461.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$1,819.00
(2) Other Operating Expenses	642.00

Paragraph Nine - Auditor (4030)

For the current expenses and capital outlay of the AUDITOR, a division of the Department of Finance, the sum of eighty-three thousand, eight hundred thirty-six dollars and no cents (\$83,836.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$65,402.00
(2) Other Operating Expenses	15,434.00
(3) Capital Outlay	3,000.00

Paragraph Ten - Data Processing (Utility Billing) (4035)

For the current expenses and capital outlay of the DATA PROCESSING (UTILITY BILLING), a division of the Department of Finance, the sum of one hundred twenty-six thousand, eight hundred fifty-eight dollars and no cents (\$126,858.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$65,958.00
(2) Other Operating Expenses	43,900.00
(3) Capital Outlay	17,000.00

Paragraph Eleven - Purchasing Agent (4040)

For the current expenses and capital outlay of the PURCHASING AGENT, a division of the Department of Finance, the sum of forty-five thousand, nine hundred seventeen dollars and no cents (\$45,917.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$35,832.00
(2) Other Operating Expenses	4,685.00
(3) Capital Outlay	5,400.00

Paragraph Twelve - Independent Auditor (4051)

For the current expenses of the INDEPENDENT AUDITOR, a division of the Department of Finance, the sum of seven thousand dollars and no cents (\$7,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 7,000.00
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Paragraph Thirteen - Employee's Retirement (4110)

For the current expenses and contributions of the EMPLOYEE'S RETIREMENT, a division of the Department of Finance, the sum of two hundred fifty-one thousand, one hundred twenty-four dollars and no cents (\$251,124.00) is appropriated from the General Fund to be apportioned as follows:

(1) Contribution to Retirement for City Employees	\$251,124.00
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Paragraph Fourteen - Circuit Court (6011)

For the current expenses of the CIRCUIT COURT, a division of the Judicial Department, the sum of seven thousand, six hundred seventy-five dollars and no cents (\$7,675.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 7,675.00
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Paragraph Fifteen - Juvenile & Domestic Relations Court (6017)

For the current expenses of the JUVENILE & DOMESTIC RELATIONS COURT, a division of the Judicial Department, the sum of eleven thousand, nine hundred forty-eight dollars and no cents (\$11,948.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,188.00
(2) Other Operating Expenses	10,760.00

Paragraph Sixteen - County Court (6018)

For the current expenses of the COUNTY COURT, a division of the Judicial Department, the sum of eight hundred dollars and no cents (\$800.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 800.00
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Paragraph Seventeen - Lunacy Commission (6019)

For the current expenses of the LUNACY COMMISSION, a division of the Judicial Department, the sum

of one thousand, four hundred twenty-five dollars and no cents (\$1,425.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,400.00
(2) Other Operating Expenses	25.00

Paragraph Eighteen - City and County Jail (6110)

For the current expenses of the CITY AND COUNTY JAIL, a division of the Judicial Department, the sum of twenty thousand, one hundred forty-two dollars and no cents (\$ 20,142.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$10,542.00
(2) Other Operating Expenses	9,600.00

Paragraph Nineteen - Bureau of Preventive Medicine (7010)

For the current expenses of the BUREAU OF PREVENTIVE MEDICINE, a division of the Department of Health, the sum of fifty-five thousand, five hundred twelve dollars and no cents (\$55,512.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$55,512.00
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Paragraph Twenty - Police (9010)

For the current expenses and capital outlay of the BUREAU OF POLICE, a division of the Department of Public Safety, the sum of five hundred seventy-nine thousand, seven hundred forty-nine dollars and no cents (\$579,749.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$465,177.00
(2) Other Operating Expenses	82,672.00
(3) Capital Outlay	31,900.00

Paragraph Twenty-One - Traffic Engineering (9011)

For the current expenses of the BUREAU OF TRAFFIC ENGINEERING, a division of the Department of Public Safety, the sum of thirty-seven thousand, six hundred seventy-six dollars and no cents (\$37,676.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$20,116.00
(2) Other Operating Expenses	17,560.00

Paragraph Twenty-Two - Coroner's Office (9012)

For the current expenses of the OFFICE OF THE CITY CORONER, a division of the Department of Public Safety, the sum of eight hundred dollars and no cents (\$800.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 800.00
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Paragraph Twenty-Three - Fire (9020)

For the current expenses and capital outlay of the BUREAU OF FIRE, a division of the Department of Public Safety, the sum of two hundred eighty-two thousand, four hundred seventy-five dollars and no cents (\$282,475.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$180,125.00
(2) Other Operating Expenses	74,950.00
(3) Capital Outlay	27,400.00

Paragraph Twenty-Four - Game Warden (9040)

For the current expenses of the GAME WARDEN, a division of the Department of Public Safety, the sum of eleven thousand, nine hundred seventeen dollars and no cents (\$11,917.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,300.00
(2) Other Operating Expenses	10,617.00

Paragraph Twenty-Five - Civil Defense Unit (9041)

For the current expenses of the CIVIL DEFENSE UNIT, a division of the Department of Public Safety, the sum of eighteen thousand, three hundred dollars and no cents (\$18,300.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 4,500.00
(2) Other Operating Expenses	13,800.00

Paragraph Twenty-Six - Engineering (10010)

For the current expenses and capital outlay of the BUREAU OF ENGINEERING, a division of the Department of Public Works, the sum of fifty-eight thousand, one hundred eighty-two dollars and no cents (\$58,182.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$54,032.00
(2) Other Operating Expenses	2,450.00
(3) Capital Outlay	1,700.00

Paragraph Twenty-Seven - Building Inspection (10050)

For the current expenses and capital outlay of the BUILDING INSPECTION, a division of the Department of Public Works, the sum of seventy-three thousand, two hundred dollars and no cents (\$73,200.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$66,200.00
(2) Other Operating Expenses	5,000.00
(3) Capital Outlay	2,000.00

Paragraph Twenty-Eight - Street Inspection, Repairs and Maintenance (10110)

For the current expenses and capital outlay of the BUREAU OF STREET INSPECTION, REPAIRS AND MAINTENANCE, a division of the Department of Public Works, the sum of six hundred forty-nine thousand, six hundred ninety-seven dollars and no cents (\$649,697.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$239,612.00
(2) Other Operating Expenses	175,085.00
(3) Capital Outlay	235,000.00

Paragraph Twenty-Nine - Street Lighting (10111)

For the current expenses of the BUREAU OF STREET LIGHTING, a division of the Department of Public Works, the sum of one hundred sixty-six thousand, seven hundred thirty-two dollars and no cents (\$166,732.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$166,732.00
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Paragraph Thirty - Highway and Street Beautification (10112)

For the current expenses and capital outlay of the BUREAU OF HIGHWAY AND STREET BEAUTIFICATION, a division of the Department of Public Works, the sum of thirty thousand nine hundred eighty dollars and no cents (\$30,980.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$20,330.00
(2) Other Operating Expenses	6,250.00
(3) Capital Outlay	4,400.00

Paragraph Thirty-One - Maintenance of City Buildings (10210)

For the current expenses and capital outlay of the MAINTENANCE OF CITY BUILDINGS, a division of the Department of Public Works, the sum of sixty-nine thousand, seven hundred eighty-one dollars and no cents (\$69,781.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$16,731.00
(2) Other Operating Expenses	35,050.00
(3) Capital Outlay	18,000.00

Paragraph Thirty-Two - Downtown Rehabilitation Project (10220)

For the capital outlay of the DOWNTOWN REHABILITATION PROJECT, a division of the Department of Public Works, the sum of one hundred thousand dollars and no cents (\$100,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Capital Outlay	\$100,000.00
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Paragraph Thirty-Three - Street Cleaning (10330)

For the current expenses and capital outlay of the BUREAU OF STREET CLEANING, a division of the Department of Public Works, the sum of sixty thousand, eight hundred seventy-one dollars and no cents (\$60,871.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$30,666.00
(2) Other Operating Expenses	27,205.00
(3) Capital Outlay	3,000.00

Paragraph Thirty-Four - Refuse and Garbage Disposal (10340)

For the current expenses and capital outlay of the BUREAU OF REFUSE AND GARBAGE DISPOSAL, a division of the Department of Public Works, the sum of two hundred seven thousand, five hundred sixty-nine dollars and no cents (\$207,569.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$168,852.00
(2) Other Operating Expenses	36,917.00
(3) Capital Outlay	1,800.00

Paragraph Thirty-Five - Insect and Rodent Control (10341)

For the current expenses of the BUREAU OF INSECT AND RODENT CONTROL, a division of the Department of Public Works, the sum of two thousand, twenty-five dollars and no cents (\$2,025.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,350.00
(2) Other Operating Expenses	675.00

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Paragraph Thirty-Six - Parks and Playgrounds (11020)

For the current expenses and capital outlay of PARKS AND PLAYGROUNDS, a division of the Department of Recreation, the sum of two hundred fifty-nine thousand, three hundred eighty-three dollars and no cents (\$259,383.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$168,133.00
(2) Other Operating Expenses	52,250.00
(3) Capital Outlay	39,000.00

Paragraph Thirty-Seven - Hillandale Park (11025)

For the current expenses of HILLANDALE PARK, a division of the Department of Recreation, the sum of sixteen thousand, one hundred ninety-six dollars and no cents (\$16,196.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 10,384.00
(2) Other Operating Expenses	5,812.00

Paragraph Thirty-Eight - Community Activities Center (11027)

For the current expenses and capital outlay of COMMUNITY ACTIVITIES CENTER, a division of the Department of Recreation, the sum of one hundred fourteen thousand, one hundred sixty-two dollars and no cents (\$114,162.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 72,107.00
(2) Other Operating Expenses	39,055.00
(3) Capital Outlay	3,000.00

Paragraph Thirty-Nine - Westover Swimming Pool (11030)

For the current expenses and capital outlay of the WESTOVER SWIMMING POOL, a division of the Department of Recreation, the sum of twenty-nine thousand, nine hundred sixteen dollars and no cents (\$ 29,916.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 22,491.00
(2) Other Operating Expenses	6,375.00
(3) Capital Outlay	1,050.00

Paragraph Forty - Harris Swimming Pool (11031)

For the current expenses and capital outlay of the HARRIS SWIMMING POOL, a division of the Department of Recreation, the sum of five thousand, six hundred sixteen dollars and no cents (\$5,616.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 3,191.00
(2) Other Operating Expenses	1,925.00
(3) Capital Outlay	500.00

Paragraph Forty-One - Simms Recreation Center (11032)

For the current expenses of the SIMMS RECREATION CENTER, a division of the Department of Recreation, the sum of ten thousand, eight hundred sixteen dollars and no cents (\$10,816.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 9,026.00
(2) Other Operating Expenses	1,790.00

Paragraph Forty-Two - National Guard Armory (11040)

For the current expenses and capital outlay of the NATIONAL GUARD ARMORY, a division of the Department of Recreation, the sum of nineteen thousand, ninety dollars and no cents (\$19,090.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 9,109.00
(2) Other Operating Expenses	8,981.00
(3) Capital Outlay	1,000.00

Paragraph Forth-Three - Planning Commission (13010)

For the current expenses of the PLANNING BOARD OR COMMISSION, a division of the Department of Boards and Commissions, the sum of thirty-six thousand, three hundred thirty-eight dollars and no cents (\$36,338.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 33,138.00
(2) Other Operating Expenses	3,200.00

Paragraph Forty-Four - Board of Zoning Appeals (13020)

For the current expenses of the BOARD OF ZONING APPEALS, a division of the Department of Boards and Commissions, the sum of one thousand, one hundred seventy dollars and no cents (\$1,170.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 720.00
(2) Other Operating Expenses	450.00

Paragraph Forty-Five - Elections (13110)

For the current expenses of the BOARD OF ELECTIONS, a division of the Department of Boards and Commissions, the sum of nineteen thousand, two hundred fifteen dollars and no cents (\$19,215.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$15,415.00
(2) Other Operating Expenses	3,800.00

Paragraph Forty-Six - Harrisonburg Parking Authority (13220)

For the current expenses of the HARRISONBURG PARKING AUTHORITY, a division of the Department of Boards and Commissions, the sum of one hundred nine thousand, five hundred dollars and no cents (\$109,500.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$38,351.00
(2) Other Operating Expenses	71,149.00

Paragraph Forty-Seven - Non-Departmental (15)

For subsidizing the City's Public Utilities, and for aiding the activities of independent, civic, charitable, and other organizations, the sum of five hundred seven thousand, thirteen dollars and no cents (\$507,013.00) is appropriated from the General Fund to be apportioned as follows:

15030 Support of Community and Civic Organizations:		
371 State Chamber of Commerce	\$	120.00
372 Chamber of Commerce (AMA Parade \$250)		2,650.00
373 County Rest Room		1,750.00
374 Rockingham Library Association		53,500.00
375 Salvation Army		1,000.00
376 Rescue Squad (Gas & Oil)		750.00
377 Shenandoah Valley, Inc.		120.00
378 Mental Health Clinic		14,048.00
381 Commission - Regional Juvenile Detention Home		3,650.00
382 Shenandoah Valley Soil & Water Conserv. Dist.		600.00
383 Pear Street Center - Matching Funds		8,500.00
390.01 Harrisonburg-Rockingham Historical Society		500.00
390.02 Harrisonburg-Rockingham Bicentennial Commission		500.00
392 Central Shenandoah Planning District		4,725.00
393 Chapter 10 Board - Mental Health		6,208.00
395 Valley Program for Aging Services, Inc.		5,720.00
396 WVPT - Public Television		1,800.00
397 Downtown Development		21,342.00
399 Other Non-Departmental		1,200.00
15040 Insurance and Bond Premiums		245,700.00
15050 Joint Expenses - Rockingham County:		
390 Other Expenses		85,000.00
15060 Airport:		
280 Subscription and Contributions		25,000.00
15070 Dues to Municipal Organizations:		
280 Dues to Virginia Municipal League		2,300.00
280.01 Dues to National League of Cities		600.00
15090 Annexation:		
19.00 Other Personal Services		17,200.00
899 Annual Share Rockingham County Bonds and Interest		2,530.00

Paragraph Forty-Eight - Indebtedness Requirement General Fund (16)

For the payment of the interest on and the retirement of bonds of the City of Harrisonburg, Virginia, the sum of two hundred thirteen thousand, four hundred eighty-eight dollars and no cents (\$312,488.00) is appropriated from the General Fund to be apportioned as follows:

(1) Serial Bonds and Interest	\$213,488.00
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Paragraph Forty-Nine - Transfers to Other Funds (17)

For supplementing the revenue of other funds the sum of three million, five hundred eighty-nine thousand, three dollars and no cents (\$3,589,003.00) is appropriated from the General Fund to be transferred as follows:

(1) Central Stores Fund	\$11,042.00
(2) Central Garage Fund	28,973.00
(3) Virginia Public Assistance	61,808.00
(4) Schools	3,325,807.00
(5) Public Transportation	61,373.00

Paragraph Fifty - Reserve for Contingencies (18)

For Reserve for Contingencies of the General Fund the sum of thirty thousand dollars and no cents (\$30,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Reserve for Contingencies	\$30,000.00
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S U M M A R Y

Expenditures and Revenue

Total General Fund Appropriations for the
Fiscal Year Ending June 30, 1980 \$8,187,625.00

To be provided for from the following anticipated
and estimated revenue which is as follows:

Anticipated Cash Balance July 1, 1979	\$ 321,139.00
General Property Taxes (estimated)	2,291,090.00
Other Local Taxes (estimated)	1,932,900.00
Licenses, Permits & Privilege Fees (estimated)	984,800.00
Fines & Forfeitures (estimated)	88,550.00
Revenue From Use of Money & Property (estimated)	125,996.00
Revenue From Other Agencies (estimated)	992,786.00
Service Charges for Current Services (estimated)	369,423.00
Sales of Services, Commodities & Properties (estimated)	500.00
Miscellaneous Revenue (estimated)	700,000.00
Non-Revenue Receipts (estimated)	306,836.00
Transfers From Other Funds (estimated)	73,605.00
Total General Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1980	\$8,187,625.00

SECTION II - SCHOOL BOARD

That the following sums of money be and the same hereby are appropriated for the school purposes herein specified for the fiscal year ending June 30, 1980:

Paragraph One - 17A - Administration

For the current expenses of the ADMINISTRATION OF THE DEPARTMENT OF EDUCATION, the sum of one hundred seventeen thousand, four hundred thirty dollars and no cents (\$117,430.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Administration \$117,430.00

Paragraph Two - 17B-1 - Regular Day School

For the current expenses of REGULAR DAY SCHOOL, the sum of two million, six hundred sixteen thousand, eight hundred twenty-three dollars and no cents (\$2,616,823.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Regular Day School \$2,616,823.00

Paragraph Three - 17B-2 - Other Instructional Costs

For the current expenses of OTHER INSTRUCTIONAL COSTS, the sum of three hundred sixty-one thousand, four hundred thirty-four dollars and no cents (\$361,434.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Other Instructional Costs \$361,434.00

Paragraph Four - 17C - Attendance and Health Services

For the current expenses of ATTENDANCE AND HEALTH SERVICES, the sum of twenty-four thousand, three hundred eleven dollars and no cents (\$24,311.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Attendance and Health Services \$24,311.00

Paragraph Five - 17D1 - Pupil Transportation Services

For the current expenses of PUPIL TRANSPORTATION SERVICES, the sum of five thousand, five hundred thirty-six dollars and no cents (\$5,536.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Pupil Transportation Services \$ 5,536.00

Paragraph Six - 17E - School Food Services

For the current expenses of SCHOOL FOOD SERVICES, the sum of four hundred twelve thousand, four hundred forty-six dollars and no cents (\$412,446.00) is appropriated from the City School Fund to be apportioned as follows:

(1) School Food Services \$412,446.00

Paragraph Seven - 17F1 - Operation of School Plant

For the current expenses of OPERATION OF SCHOOL PLANT, the sum of three hundred forty-eight thousand, six hundred thirty-eight dollars and no cents (\$348,638.00) is appropriated from the City

School Fund to be apportioned as follows:

(1) Operation of School Plant	\$348,638.00
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Paragraph Eight - 17F2 - Maintenance of School Plant

For the current expenses of MAINTENANCE OF SCHOOL PLANT, the sum of one hundred thirty-six thousand, two hundred seventy dollars and no cents (\$136,270.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Maintenance of School Plant	\$136,270.00
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Paragraph Nine - 17G - Fixed Charges

For the current expenses of FIXED CHARGES, the sum of two hundred ninety-one thousand, four hundred eighty-six dollars and no cents (\$291,486.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Fixed Charges	\$291,486.00
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Paragraph Ten - 17H - Summer Schools

For the current expenses of SUMMER SCHOOLS, the sum of twenty-four thousand, two hundred forty-seven dollars and no cents (\$24,247.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Summer Schools	\$24,247.00
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Paragraph Eleven - 17I - Adult Education

For the current expenses of ADULT EDUCATION, the sum of nineteen thousand, four hundred sixteen dollars and no cents (\$19,416.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Adult Education	\$19,416.00
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Paragraph Twelve - 17J - Federal Programs

For the current expenses of FEDERAL PROGRAMS, the sum of two hundred fifty-one thousand, eight hundred fourteen dollars and no cents (\$251,814.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Federal Programs	\$251,814.00
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Paragraph Thirteen - 19 - Capital Outlay

For the capital outlay of the DEPARTMENT OF EDUCATION, the sum of six thousand, six hundred sixty-eight dollars and no cents (\$6,668.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Capital Outlay	\$ 6,668.00
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Paragraph Fourteen - 20 - Indebtedness Requirements School Board

For the payment of interest on and the retirement of loans of the School System of the City of Harrisonburg, Virginia, the sum of two hundred thirty-two thousand, eight hundred ninety dollars and no cents (\$232,890.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Serial Bonds & Interest, etc.	\$232,890.00
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S U M M A R Y

Expenditures and Revenue

Total School Fund Appropriations for the Fiscal Year Ending June 30, 1980	\$4,849,409.00
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To be provided for from the following Anticipated Revenue, which is as follows:

Receipts from State School Funds	\$720,217.00
Revenue from Federal Funds	380,614.00
Receipts from Other Funds	322,771.00
Receipts from City Funds	3,425,807.00

Total School Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1980	\$4,849,409.00
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SECTION III - WATER FUND

That the following sums of money be and the same hereby are appropriated for the water purposes herein specified for the fiscal year ending June 30, 1980:

Paragraph One - Administration (1)

For the current expenses of ADMINISTRATION OF THE WATER DEPARTMENT, a division of the Department of

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Public Service Enterprises, the sum of twenty-six thousand, thirty-two dollars and no cents (\$26,032.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 24,672.00
(2) Other Operating Expenses	1,360.00

Paragraph Two - Source of Supply (2)

For the current expenses of SOURCE OF SUPPLY OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of ninety thousand, five hundred fifty-three dollars and no cents (\$90,553.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 6,848.00
(2) Other Operating Expenses	83,705.00

Paragraph Three - Transmission and Distribution (3)

For the current expenses and equipment of TRANSMISSION AND DISTRIBUTION OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of two hundred twenty-eight thousand, six hundred ten dollars and no cents (\$228,610.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 77,040.00
(2) Other Operating Expenses	151,570.00

Paragraph Four - Customer Accounting and Collecting (4)

For the current expenses of CUSTOMER ACCOUNTING AND COLLECTING OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of seventeen thousand, four hundred and five dollars and no cents (\$17,405.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 16,830.00
(2) Other Operating Expenses	575.00

Paragraph Five - Miscellaneous (5)

For setting aside reserves for depreciation and payment of taxes, the sum of two hundred sixty-three thousand, eighty-four dollars and no cents (\$263,084.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Depreciation	\$209,576.00
(2) Taxes	53,508.00

Paragraph Six - Water Purification (6)

For the current expenses of WATER PURIFICATION OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one hundred fifty-nine thousand, eight hundred ninety dollars and no cents (\$159,890.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$103,790.00
(2) Other Operating Expenses	56,100.00

Paragraph Seven- Capital Outlay (7)

For capital improvements in the WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of five hundred forty-five thousand, five hundred dollars and no cents (\$545,500.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Capital Outlay	\$545,500.00
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Paragraph Eight - Indebtedness Requirements Water Fund (8)

For the payment of interest, retirement and handling charges of bonds of the PUBLIC SERVICE ENTERPRISES - WATER ACTIVITIES, the sum of two hundred forty-nine thousand, five hundred ninety-eight dollars and no cents (\$249,598.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc.	\$249,598.00
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Paragraph Nine - Non-Departmental (9)

For sharing the cost of operation in other funds for the benefit of the Water Fund, the sum of one hundred thirty-eight thousand, three hundred seven dollars and no cents (\$138,307.00) is appropriated from the Water Fund to be apportioned as follows:

(1) To General Fund, Share of Accounting, Collecting & Data Processing	\$80,418.00
(2) To General Fund - Insurances	21,200.00
(3) To General Fund - Retirement & Social Security	18,750.00
(4) To Central Garage Fund	9,658.00
(5) To Central Stores Fund	8,281.00

Paragraph Ten - Transfers to Other Funds (10)

For sharing the cost of operation in other funds the sum of fifty-six thousand, one hundred thirty

dollars and no cents (\$56,130.00) is appropriated from the Water Fund to be transferred as follows:

(1) To General Fund - Utility Tax	\$ 38,880.00
(2) To General Fund - Facility Charge	17,250.00

S U M M A R Y

Expenditures and Revenue

Total Water Fund Appropriations for the Fiscal Year Ending June 30, 1980	\$1,775,109.00
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To be provided for from the following
Anticipated Revenue, which is as follows:

Licenses, Permits & Privilege Fees (estimated)	\$ 76,000.00
Revenue From Use of Money & Property (estimated)	10,900.00
Service Charges for Current Services (estimated)	1,092,452.00
Sales of Services, Commodities & Properties (estimated)	100.00
Non-Revenue Receipts (estimated)	61,050.00
Transfers From Other Funds (estimated)	534,607.00

Total Water Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1980	\$1,775,109.00
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SECTION IV - SEWER FUND

That the following sums of money be and the same hereby are appropriated for sewerage purposes herein specified for the fiscal year ending June 30, 1980:

Paragraph One - Administration (1)

For the current expenses of ADMINISTRATION OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of twenty-six thousand, thirty-seven dollars and no cents (\$26,037.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 24,672.00
(2) Other Operating Expenses	1,365.00

Paragraph Two - Treatment and Disposal (2)

For the current expenses of TREATMENT AND DISPOSAL OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of four hundred ninety-seven thousand, nine hundred seventy-eight dollars and no cents (\$497,978.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 26,750.00
(2) Other Operating Expenses	471,228.00

Paragraph Three - Collection and Transmission (3)

For the current expenses of the COLLECTION AND TRANSMISSION OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one hundred eighty-five thousand, five hundred thirty-eight dollars and no cents (\$183,538.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 74,900.00
(2) Other Operating Expenses	110,638.00

Paragraph Four - Miscellaneous (4)

For setting aside reserve for depreciation and the payment of taxes, the sum of one hundred ten thousand, two hundred forty-nine dollars and no cents (\$110,249.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Depreciation	\$ 88,117.00
(2) Taxes	22,132.00

Paragraph Five - Capital Outlay (7)

For the capital improvements of the SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of five hundred sixty-five thousand, four hundred dollars and no cents (\$565,400.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Capital Outlay	\$565,400.00
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Paragraph Six - Indebtedness Requirement - Sewer Fund (8)

For the payment of interest and retirement of bonds and temporary loans of the PUBLIC SERVICE ENTERPRISES - SEWER ACTIVITIES, the sum of two hundred twenty-four thousand, one hundred dollars and no cents (\$224,100.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc.	\$224,100.00
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Paragraph Seven - Transfers to Other Funds (9)

For sharing the cost of operation in other funds for the benefit of the SEWER DEPARTMENT, the sum of one hundred fifty-five thousand, five hundred fifty-eight dollars and no cents (\$155,558.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) To General Fund - Share of Accounting Collecting & Data Processing	\$ 80,418.00
(2) To General Fund - Insurances	21,200.00
(3) To General Fund - Retirement & Social Security	18,750.00
(4) To Central Garage Fund	9,658.00
(5) To Central Stores Fund	8,282.00
(6) To General Fund - Facility Charge	17,250.00

S U M M A R Y

Expenditures and Revenue

Total Sewer Fund Appropriations for the Fiscal Year Ending June 30, 1980	\$1,764,860.00
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To be provided for from the following
Anticipated Revenue, which is as follows:

Licenses, Permits and Privilege Fees (estimated)	\$ 6,200.00
Revenue From Use of Money & Property (estimated)	28,000.00
Service Charges For Current Services (estimated)	1,159,000.00
Non-Revenue Receipts (estimated)	74,640.00
Transfers From Other Funds (estimated)	497,020.00

Total Sewer Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1980	\$1,764,860.00
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SECTION V - VIRGINIA PUBLIC ASSISTANCE FUND

That the following sums of money be and the same hereby are appropriated for the social services purposes herein specified for the fiscal year ending June 30, 1980:

Paragraph One - Bureau of Medical Services (8010)

For the current expenses of the BUREAU OF MEDICAL SERVICES, a division of the Department of Social Services, the sum of five hundred dollars and no cents (\$500.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Medical Services	\$ 500.00
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Paragraph Two - Board of Public Welfare (8020)

For the current expenses of the BOARD OF PUBLIC WELFARE, a division of the Department of Social Services, the sum of nine hundred dollars and no cents (\$900.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Personal Services	\$ 900.00
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Paragraph Three - Director of Social Services (8021)

For the current expenses of the DIRECTOR OF SOCIAL SERVICES, a division of the Department of Social Services, the sum of two hundred fourteen thousand, sixty-four dollars and no cents (\$214,064.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Personal Services	\$ 167,537.00
(2) Other Operating Expenses	46,527.00

Paragraph Four - Public Assistance (8022)

For the current expenses of the BUREAU OF PUBLIC ASSISTANCE, a division of the Department of Social Services, the sum of fifty-four thousand, nine hundred ninety-seven dollars and no cents (\$54,997.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 54,997.00
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Paragraph Five - Social Services Bureau (8030)

For the current expenses of the SOCIAL SERVICES BUREAU, a division of the Department of Social Services, the sum of seventy-two thousand, six hundred eighty-five dollars and no cents (\$72,685.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 72,685.00
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Paragraph Six - Capital Outlay (7)

For the capital outlay of the DEPARTMENT OF SOCIAL SERVICES, the sum of one thousand, two hundred

dollars and no cents (\$1,200.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Capital Outlay \$ 1,200.00

S U M M A R Y

Expenditures and Revenue

Total Virginia Public Assistance Fund
Appropriations for the Fiscal Year
Ending June 30, 1980: \$344,346.00

To be provided for From the Following
Anticipated Revenue which is as follows:

Revenue From Other Agencies (estimated) \$281,538.00
Non-Revenue Receipts (estimated) 1,000.00
Transfers From Other Funds (estimated) 61,808.00

Total Virginia Public Assistance Fund
Revenue (estimated) for the Fiscal Year
Ending June 30, 1980 \$344,346.00

SECTION VI - CENTRAL GARAGE FUND

That the following sums of money be and the same hereby are appropriated for Central Garage purposes herein specified for the fiscal year ending June 30, 1980:

Paragraph One - Central Garage

For the current expenses and capital outlay of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of seventy-eight thousand, two hundred eighty-nine dollars and no cents (\$78,289.00) is appropriated from the Central Garage Fund to be apportioned as follows:

(1) Personal Services \$ 67,569.00
(2) Other Operating Expenses 7,720.00
(3) Capital Outlay 3,000.00

S U M M A R Y

Expenditures and Revenue

Total Central Garage Fund Appropriations
for the Fiscal Year Ending June 30, 1980 \$ 78,289.00

To be provided for from the following
Anticipated Revenue, which is as follows:

Sales of Services, Commodities & Properties
(estimated) \$ 30,000.00
Transfers From Other Funds (estimated) 48,289.00

Total Central Garage Fund Revenue (estimated)
For the Fiscal Year Ending June 30, 1980 \$ 78,289.00

SECTION VII - CENTRAL STORES OPERATING FUND

That the following sums of money be and the same hereby are appropriated for Central Stores purposes herein specified for the fiscal year ending June 30, 1980:

Paragraph One - Central Stores

For the current expenses and capital outlay of the CENTRAL STORES, a division of the Central Stores Revolving Fund, the sum of twenty-seven thousand, six hundred five dollars and no cents (\$27,605.00) is appropriated from the Central Stores Fund to be apportioned as follows:

(1) Personal Services \$ 17,725.00
(2) Other Operating Expenses 6,880.00
(3) Capital Outlay 3,000.00

S U M M A R Y

Expenditures and Revenue

Total Central Stores Fund Appropriations
for the Fiscal Year Ending June 30, 1980 \$ 27,605.00

To be provided for from the following
Anticipated Revenue, which is as follows:

Non-Departmental (estimated) \$ 27,605.00

Total Central Stores Fund Revenue for
the Fiscal Year Ending June 30, 1980 \$ 27,605.00

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SECTION VIII - PUBLIC TRANSPORTATION

That the following sums of money be and the same hereby are appropriated for Public Transportation purposes herein specified for the fiscal year ending June 30, 1980:

Paragraph One - Public Transportation

For the current expenses and capital outlay of the PUBLIC TRANSPORTATION, a division of the Public Transportation Fund, the sum of three hundred forty-three thousand, five hundred seventy-three dollars and no cents (\$343,573.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$198,803.00
(2) Other Operating Expenses	124,770.00
(3) Capital Outlay	20,000.00

S U M M A R Y

Expenditures and Revenue

Total Public Transportation Fund Appropriations for the Fiscal Year Ending June 30, 1970	\$343,573.00
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To be provided for from the following Anticipated Revenue, which is as follows:

Service Charges for Current Services (estimated)	\$237,200.00
Transfers from Other Funds (estimated)	106,373.00

Total Public Transportation Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1980	(343,573.00)
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TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH VIII IN THIS ORDINANCE FOR THE FISCAL YEAR ENDING JUNE 30, 1980
RECAPITULATION

Section I	(General Fund)	\$ 8,187,625.00
Section II	(School Fund)	\$ 4,849,409.00
Section III	(Water Fund)	\$ 1,775,109.00
Section IV	(Sewer Fund)	\$ 1,764,860.00
Section V	(Virginia Public Assistance)	\$ 344,346.00
Section VI	(Central Garage Fund)	\$ 78,289.00
Section VII	(Central Stores Fund)	\$ 27,605.00
Section VIII	(Public Transportation)	\$ 343,573.00

SECTION IX

All of the monies appropriated as shown by the contained items in Sections I through VIII are appropriated upon the terms, conditions and provisions hereinbefore set forth in connection with said items and those set forth in this section and in accordance with the provisions of the official code of the City of Harrisonburg, Virginia, Edition 1952, now in effect or hereafter adopted or amended, relating hereto.

That the rate of taxation of Real Estate be fixed at \$.65 (Sixty-five Cents), and that the rate of taxation on Tangible Personal Property, Machinery and Tools, and Merchants Capital, as defined by Chapter 16 of Title 58 of the Code of Virginia, 1950, as amended, and on all boats or watercraft under five (5) tons burthen used for business or pleasure, as defined by Section 58-829.2 of said Code, and on all vehicles without motive power used or designed to be used as mobile homes or offices or for other means of habitation, as defined by Section 58-829.3 of said Code, be fixed at \$2.65 (Two Dollars and Sixty-Five Cents) on the one hundred dollars assessed valuation for the year 1979; it being expressly provided, however, that the provisions of this Ordinance shall not apply to household goods and personal effects as enumerated under subsection (9) to (12), inclusive, of Section 58-829 of said Code, and as further defined by Section 58-829.1 of said Code, if such goods and effects be owned and used by an individual or by a family or household incident to maintaining an abode, which goods and effects are hereby declared wholly exempt from taxation.

That the rate of fee or service charge imposed on Real Estate Property exempt from regular taxation shall be twenty percent (20%) of the real estate tax rate levied by the City Council in the above paragraph, which applied to the real estate for which the City furnishes police and fire protection, and where such real estate are exempt from taxation under Section 58-12 of the Code of Virginia. Rate of service charge shall be Thirteen Cents (\$.13) per annum per \$100.00 of assessed valuation, payable on or before December 5, 1979.

That the salaries, wages and allowances set out in detail in the budget statement, and adopted by the City Council for the fiscal year beginning July 1, 1979, and ending June 30, 1980, both dated inclusive, be, and they are hereby authorized and fixed as the maximum compensation to be allowed officers and employees for the services rendered, unless otherwise provided by ordinance; provided, however, that the City Manager is authorized to make such re-arrangements of salaries in the several departments herein names as may best meet the needs and interest of the City and to transfer parts of salaries from one department to another when extra work is transferred from one department to another.

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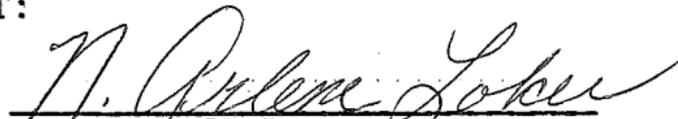
All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

This ordinance shall become effective July 1, 1979.

Given under my hand this 22nd day of May, 1979.


MAYOR

ATTEST:


CLERK

At combined public hearings and 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 Walter F. Green, III; Councilmen Raymond C. Dingle, Jr., Elon W. Rhodes, James C. Cisney; City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- none.

Minutes of the regular meeting held on May 8th were read, and approved.

Correspondence dated 5/15/79 from Mr. Edwin S. Clarke, III, of Burton's, Inc., (clothing store on corner Main & Water Sts.), was read by the City Manager, requesting permission to use the sidewalk on May 28, 29 & 30 (Monday - Wednesday) for a sale, in order to attract more business to the downtown area. During a brief discussion, the fact was mentioned that the City's street crew would be working in that area, but that the Monday requested is a holiday. Vice-Mayor Green moved that the request of Burton's, Inc. be approved, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

In compliance with a request of Council from the budget work session held on Monday, May 14th, Transportation Director Reggie Smith was present in the meeting for the purpose of presenting facts and figures pertaining to the City's Transportation Department in order to support his 1979-80 budget request for two 66-passenger buses, three taxicabs and one 15-passenger van, the need for which was questioned by the governing body. He pointed out that: 18,000 people are being served with public transportation each month, as compared to 7,000 when the system was taken over by the City; present cabs have all reached the 100,000 mile point; the larger buses are needed to haul school children (Waterman, 70; High School, 65; Spotswood, 50; Keister, 15), various organizational and special education groups, to avoid making two trips; the cost of gasoline is escalating, as well as maintenance costs; the new vehicles will provide sufficient means of transporting passengers; increased demand by the various organizations and individuals for use of public transportation; the new vehicles will relieve wear and tear on those presently being used, etc. With regard to salaries, Mr. Smith noted that with the increase in minimum wage, some of the newer employees in the department are receiving approximately the same amount as those who have been employed for a longer period of time, and offered an opinion that those with longer service should be compensated accordingly. When asked if a straight commission for drivers had been considered, Mr. Smith replied in the affirmative but said it was felt that rather than straight commission, a combination of commission and guaranteed rate should be applied in that the average wage is \$ 3.15 per hour. Another point brought out by the Director was that some people are calling for a cab, who could travel by bus, due to the low taxi rate. He suggested consideration of an increase in the present taxi rate due to today's inflationary costs. In conclusion, Mr. Smith informed Council that the City of Harrisonburg needs to update its transportation system in order to better qualify for federal funds which are available, and added the hope that the City will derive more federal assistance in the 1979-80 fiscal year.

At 8:05 PM, Mayor Erickson closed the regular session temporarily and called the first public hearing of the evening to order. The following notice of hearing was read by the City Manager:-

"The Harrisonburg City Council will hold a Public Hearing on Tuesday, May 22, 1979, at 7:30 PM in the City Council Chamber, Municipal Building, 345 S. Main Street, to consider the following rezoning request:

To rezone Easthampton Subdivision, Lots 2 through 11, from R-3 Multiple Dwelling District to R-2 Residential District.

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

CITY OF HARRISONBURG, Marvin B. Milam, City Manager.

Planning Director Sullivan pointed out the area on a neighborhood map and read the following Planning Commission recommendation which had been submitted to Council's May 8th meeting:

"...The Commissioners reviewed a neighborhood map, showing the relationship of proposed Easthampton Subdivision to nearby Vale Circle, Central Avenue and Laurel Street. The Director noted that Vale Circle and all of Southampton Subdivision is zoned R-2 Residential, and the owners of Easthampton Subdivision have no objections to rezoning their proposed lots (#2 thru #11) from R-3 Multiple Dwelling District to R-2 Residential. This was stated in a letter from Henry C. Clark in January, 1979. Attorney Robert Dinsmore, Jr. also submitted a letter in January with a petition signed by adjoining property owners, requesting the rezoning from R-3 to R-2.

Chairman Kuykendall asked if anyone desired to speak for or against the rezoning. Mr. Dinsmore reiterated the feelings of adjacent property owners. Hearing no other comments, Mr. Williams moved that the Planning Commission recommend to City Council that proposed Lots 2 thru 11, Easthampton Subdivision, be rezoned from R-3 Multiple Dwelling District To R-2 Residential. Mr. Rhodes seconded the motion and all members present voted aye..."

Mr. Sullivan explained that the final plat for Easthampton Subdivision was approved by Council on January 23rd, but had not been recorded to date. With the requested rezoning, the plat would be amended to increase lot sizes in order to comply with the 8,000 square feet required for duplex construction. He noted that the owner of the 10 lots would have the option of building either duplex or single family residences. City Manager Milam presented correspondence from Mr. J. R. Copper, CLS, received today, enclosing a revised plat of the subdivision, setting out modification of lot lines, for consideration of approval by Council. He requested that the revised plat be referred to the Planning Commission for its final approval of lot lines.

There being no other comments either for or against the rezoning request, the Mayor declared the public hearing closed at 8:25 P.M. and the regular session reconvened.

The Mayor asked Council's wishes concerning the rezoning request for Easthampton Subdivision discussed in tonight's public hearing. Vice-Mayor Green moved that the recommendation of the Planning Commission be accepted and referred back to the Commission, along with Mr. Copper's revised plat, for final approval of the lot lines, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

At 8:30 PM, the Mayor closed the regular session temporarily and called the second public hearing of the evening to order. City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper"

"Notice is hereby given that a Public Hearing on the City of Harrisonburg 1979-80 budget as submitted and amended will be held in the Council Chamber in the Municipal Building, at 7:30 P.M. on the 22nd day of May, 1979, at which meeting the said budget will be further acted upon by the Council. Detailed information concerning various functions as stated in the foregoing budget estimates is filed in the Office of the City Manager of the City of Harrisonburg, Va., as a public record subject to inspection. Given under my hand the 9th day of May, 1979.

Marvin B. Milam, City Manager"

Manager Milam reminded Council that the 19 page Appropriation Ordinance had been approved for a first reading on May 8th, and that he had been instructed at the work session held on May 14th to make certain amendments in various categories of the proposed budget which he had submitted. He reviewed amendments to the School Budget and asked that the amended figure of \$ 117,430. Total Administration be approved, if so desired, in order that changes could be made in line items. Other amendments affecting the General, Water, Sewer and Public Transportation Funds were then reviewed. Mayor Erickson called on anyone present who wished to be heard concerning the proposed 1979-80 City of Harrisonburg Budget. Ms. Betsy Knighton, Executive Director of the Mental Health & Mental Retardation Services (Chapter 10) Board, was present in the Hearing to request an increase of contribution from the City in that an amount of \$8,650. requested by the Board had been decreased by the amount of \$ 2,848. through a recommendation of the City Manager in the overall budget, with amount of \$ 6,208. providing only for the Chapter 10 Board, while allocations for the Massanutten Mental Health Center and Pear Street Center remained the same as the present fiscal year. She presented information concerning the Board's function through several non-profit organizations and noted an increase of clients during the current fiscal year as 26% over last year. Page County has joined another Board and is no longer using Massanutten Mental Health Center facilities. Dr. Fred Stevens, and Mr. Glenn Hodge were also present in support of the increase in contribution. The City Manager pointed out that non-profit organizations are requested by letter from his office to turn in budget requests early in the year, and noted that figures submitted by the Chapter 10 Board in January of this year had been used in working up the City's budget. Requests received after the deadline do not receive consideration. Ms. Susan Spirn, representing the Society for the Prevention of Cruelty to Animals (SPCA), and asked that the organization's request for a contribution of \$ 16,426. be again reviewed by Council, in that an amount of only \$ 9,042. had been recommended by the City Manager. She noted that funding through the Comprehensive Employment & Training Act (CETA) has been lost, and that the organization is operating with a deficit of \$ 16,000. The budget, as submitted, included no salary increases in an attempt to rebound from the deficit. Messrs. Hal Bush and Randy Maupin, representing the Shenandoah Valley Soil & Water Conservation District, expressed concern about the \$ 600. figure for contribution to the organization, in lieu of the \$ 1,000. requested. It was pointed out that the funds were anticipated for use in employing a secretary fulltime in order to have the Soil & Water Conservation Office manned on an 8 hour daily basis in that it is necessary for Mr. Maupin to spend a good deal of his time in the field.

There being no others present desiring to be heard, the public hearing was declared closed at 10 PM and the regular session reconvened.

Mayor Erickson asked Council's wishes concerning amendments reviewed by the City Manager. Vice-Mayor Green moved that amendments to the School Board's budget be approved, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous recorded vote of Council. Councilman Dingledine then moved that amendments to the General, Water, Sewer and Public Transportation budgets be approved, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council. City Manager Milam called members' attention to their copies of the revised Appropriation Ordinance which included all amendments requested at the work session. During discussion, it was agreed that a 7% increase be granted the Massanutten Mental Health Clinic, increasing amount of contribution from \$ 13,129. to \$ 14,048. The City Manager recommended that the amount of \$ 919. representing increase to the Health Clinic, be deducted from contribution for Downtown Development, which would eliminate any need for change in budget totals. This met with Council's approval. Section IX of the Appropriation Ordinance was read in its entirety which provided that: the rate of taxation on Real Estate be fixed at \$.65 on the \$100 assessed valuation for year 1979 (amended from \$.68 recommended by Manager Milam); rate of taxation on Tangible Property, Machinery & Tools and Merchants Capital, fixed at \$ 2.65 per \$100 assessed valuation for year 1979; rate of fee or service charge on Real Estate Property exempt from regular taxation shall be 20% of real estate tax levied on non exempt properties; rate of service charge shall be \$.13 per annum per \$100 of assessed valuation, payable on or before December 5, 1979. Following discussion, Councilman Dingledine offered a motion that the Appropriation Ordinance for the 1979-80 City of Harrisonburg Budget in total amount of \$ 17,370,816.00, as amended, and with this evening's one change, 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 Minute Book, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous recorded vote of Council. (Refer to Minute Book N, pages 520-533).

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City Manager Milam presented, for consideration of a first reading, an Appropriation Ordinance for allocation of Revenue Sharing Fund monies, and noted that this budget must be advertised the same as the City's regular budget. He reviewed items in the budget totaling \$ 474,185. which included, among other items: 4 tennis courts at Purcell Park (\$35,000.); vehicles requested by Transportation Director (\$55,000.); replacement of roofs on Waterman, Spotswood and Thomas Harrison Jr. High Schools (\$104,500); replacement of lights at Memorial Stadium (\$15,000.) and an 18" water main at the hospital and JMU (\$193,285.). Councilman Cisney expressed concern that tennis courts would be constructed ahead of curb and gutter requests which have been pending several years. Manager Milam explained that the Recreation Department is equipped to work on the courts at this time, but that the street crews are working to complete downtown improvements and cannot be moved to another project. Mr. Robert Brooks informed Council that according to estimates received, installation of Memorial Stadium lights will run in the neighborhood of \$ 35,000.- \$ 40,000., in that the 52 lights alone will cost \$ 12,000. Following discussion, Councilman Rhodes moved that the Revenue Sharing Appropriation Ordinance, as presented, be approved for a first reading, with public hearing scheduled for Tuesday, June 12th, 7:30 PM and instructions for the City Manager to properly advertise both allocations and date of Hearing, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous recorded vote of Council.

Mr. Kenneth Frantz, General Manager of the Harrisonburg Electric Commission, appeared before Council to request that Section 8-59 of the City Code, titled: "Short Term Loans and Negotiable Notes" be amended, in that the section sets out that interest rate shall not exceed 6% per annum. He reminded members that their approval had been granted on April 10th of this year for HEC to borrow \$ 400,000. to cover expenses incurred in two major projects: South Main Street and underground wiring at JMU. Mr. Frantz noted, however, that the interest rate cannot be kept within the 6% as provided in the code. Following a brief discussion, Vice-Mayor Green moved that HEC be allowed to borrow money at the lowest possible interest rate, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council. The City Attorney was asked to review the code section for possible amendment.

The City Manager informed Council that request had been made through correspondence dated May 18th from Mr. Charles Taliaferro, for Council to postpone any action on the Taliaferro-Lawson-Coffman rezoning request, until the next regular meeting, due to unanticipated circumstances. On motion of Councilman Rhodes, seconded by Vice-Mayor Green, and a unanimous vote of Council, the request was granted.

The following recommendation from a meeting of the City Planning Commission on May 16, 1979, was presented and read by the City Manager:-

"...The Commissioners reviewed a 4-lot subdivision proposal for Mr. Ken Kline's 4.66 acre parcel situated between Eastover Subdivision and Cantrell Avenue. Mr. J.R. Copper, land surveyor, told the Commissioners that the proposed private road which will serve the four lots will have a 14' paved surface, the houses will face the private road and the C-W Railroad, sewer line connections into a nearby City sewer line will be in concrete encasements and will not interfere with the City's trunk line, and each home will be above the danger of flooding which sometimes results along Sibert's Creek which cuts through the proposed lots.

Mr. Ken Frantz, General Manager of HEC, told the Commissioners that he is satisfied with a 30' utility easement along the northern boundary of Mr. Kline's property. He is also satisfied with Mr. Kline's plan to build the private road within the 30' easement.

Attorney Steve Blatt told the Commissioners that he has written the easement documents for Mr. Kline, granting HEC and the gas company the 30' easement.

Discussion of fire protection revealed that the closest fire hydrant is at Paul Street and Cardinal Drive, 400' away., thus the fourth house in Mr. Kline's subdivision will be over 800' from a fire hydrant. It was also noted that trash pickup will have to be on Paul Street and mail boxes will likely be placed on Paul Street. Mr. Byrd expressed concern about the large size of the fourth lot, noting that if approved as presented, this lot should not be resubdivided in the future due to 'hardship.'

Noting that most of the questions which were raised in March have been satisfied, Mr. Fleming moved that the Planning Commission recommend approval of Mr. Kline's preliminary plan for his 4-lot single family subdivision located between Eastover Subdivision and Cantrell Avenue. Dr. Shank seconded the motion, on the condition that City Staff is completely satisfied when the Final Plan is submitted. All members present voted for the motion as stated..."

Planning Director Sullivan pointed out the area on a map noting that the lots are landlocked due to location, with the only solution being that of a private road. Mr. Kline said that according to Fire Chief Austin, the fire trucks have 1800' of hose which will eliminate the problem of a fire hydrant being 800' from a residence. Mr. Copper pointed out the fact that there will be covenants in the deeds concerning the private road which will be maintained by the owners with no responsibility on the City. Vice-Mayor Green suggested that the private road not be blocked with parked vehicles, in the event it may be necessary for emergency equipment to enter. Mr. Copper replied that off-street parking should be no problem. Vice-Mayor Green then moved that the recommendation of the Planning Commission be approved with the hope that some arrangement, other than trash pickup on Paul Street, could be worked out. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council. City Manager Milam brought up a question and asked the City Attorney to check into a regulation under R-1 District for residences to front on a public street.

The City Manager presented and read the following Planning Commission recommendation from a meeting held on May 16, 1979:

"...The Director showed two maps of proposed Willow Hills Subdivision noting that R.C.R. Associates have redesigned the layout 2 or 3 times since January, 1977. In September, 1978, the City approved the preliminary plan for 20 lots, but tonight's Final Plan proposal reflects changes regarding access off Pleasant Hill Road in particular.

Mr. Robert Funk, land surveyor, told the Commissioners that City Engineer Devier has reviewed the engineering plans and sees no problems with the layout.

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He added that R.C.R. Associates are negotiating for a 20' storm water and utility easement through Mr. Charles F. Shank's property and a 30" storm pipe will be installed through Mr. Shank's apartment project by R.C.R. Associates. Also, a retention pond will be constructed as part of Section 1, bonded and constructed along with the street work and utility work needed in Section 1. Mr. Rhodes asked Mr. Funk who will maintain the retention pond and how deep will the impounded water be. Mr. Funk reported that the developers will maintain the pond until annexed, then it will become a City responsibility. Chairman Kuykendall asked the Director if or when will road and storm drainage improvements take place on Pleasant Hill Road below the Willow Hills lots. Mr. Sullivan reported that Pleasant Hill Road is listed for improvements in the City's proposed Thoroughfares Plan, but scheduling the project is years away.

Attorney Steve Blatt presented a copy of the easement document, which grants to the City a 20' storm and utility easement by Mr. Charles F. Shank. He reported that the City Attorney has a copy to review.

The Director reviewed the Subdivision Review Sheet of May 16, 1979, noting that it has been changed to include signatures by the City Engineer, Director of Public Works and Water/Sewer Superintendent. Since final engineering drawings were not submitted in time for the Staff Meeting, no signatures have been made.

Mr. Fleming concluded the discussion with a motion for the Planning Commission to recommend approval of the Final Plan for Willow Hills Subdivision, Sec. 1, subject to the City Attorney's approval of the easement from Mr. Charles Shank and approval by the City Engineer, Director of Public Works and Water/Sewer Supt. Mr. Williams seconded the motion and all members present voted in favor..."

Mr. Sullivan informed Council that the last set of plans were received only this afternoon, based on days of review. Signatures of Messrs. Donn Devier and Ed Loker are now on the Subdivision Review Sheet, but Mr. Ralph Smith was out of town and has not signed the sheet. He offered an opinion that the Plan had received full review. During a lengthy discussion, it was agreed that bond should be posted for the retention pond. On motion of Vice-Mayor Green, seconded by Councilman Cisney, and a unanimous vote, the Planning Commission's recommendation was approved.

✓ The following recommendation from a May 16th meeting of the Planning Commission was presented and read:

"...The Director showed a 115-lot proposed layout for Spotswood Mobile Home Estates, to be located on the north side of Country Club Road (old U.S.33) in Rockingham County. He stated that the owner is requesting City water and sewer service, which is available along the frontage of the proposed site. Chairman Kuykendall said this appears to be financially beneficial for the City. Dr. Shank moved that the Planning Commission recommend to City Council that proposed 115-lot Spotswood Mobile Home Estates be granted water and sewer connections, subject to approval by the Water and Sewer Department. Mr. Williams seconded the motion and all members present voted in favor..."

City Manager Milam said that this would be a 10 or 11 acre area of rental units, private road, etc. Mr. Sullivan pointed out the fact that the Planning Commission's recommendation did not address itself as to the Plan of Development in that the city has no control when the location is outside the City. Councilman Rhodes moved that the recommendation be approved. Due to the lack of a second, the motion was lost. After further discussion, Vice-Mayor Green moved that Council accept the Planning Commission's recommendation and that Mr. Neff be notified that following further information, the City will be glad to work with him in supplying the requested utilities. The motion was seconded by Councilman Cisney and adopted by a unanimous vote of Council.

✓ The City Attorney presented and read an ordinance amending Section 17-42.6 of the City Code titled, "Guest Cards", which ordinance had been approved for a first reading on May 8th. The amendment provides for replacement of a card, limited to one during any license year, by the City Treasurer, with affidavit filed on form by the requestor as to the loss or destruction of the original guest parking card. Following a brief discussion, Councilman Dingeldine 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 upon being seconded by Councilman Cisney, was adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K page 183).

✓ For information of Council, City Manager Milam presented correspondence dated 5/1/79 from Kittie DePoy, Chairman of Harrisonburg City School Board, advising that she found it impossible to continue serving as a representative of the Board on the Parks & Recreation Commission, and had appointed Mr. Francis Turner to serve as her replacement.

✓ Contrary to a report at the April 10th meeting that the State Water Control Board had not approved a joint Grant Application of the City of Harrisonburg and town of Dayton for an Infiltration Study of the two sewer systems, the City Manager advised Council that through correspondence dated 4/18/79 it had been learned that the Board has approved and authorized an increase of \$ 215,000. in grant funds for Harrisonburg's Step I project, bringing the total grant amount to \$ 270,000. based on an eligible cost of \$ 360,000. He noted that a request for appropriation (representing the local share of cost) will be presented at a later meeting of Council, along with additional information. No action of Council necessary at this time.

✓ Correspondence dated 5/15/79 from Mr. William G. O'Brien, County Administrator, was presented by the City Manager, which made request for the City of Harrisonburg to provide the County of Rockingham with monthly water meter readings for Belmont Estates, in that the County is presently providing sewer service to that subdivision, with water service provided by the City. Due to the fact that this was not a matter which could be acted upon without further information, Councilman Dingeldine moved that the County be informed that the request would be investigated from the administrative and legal aspects, with a hope that upon obtaining the necessary information, action may be taken at the next regular meeting on June 12th, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

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✓ Councilman Dingledine moved that a supplemental appropriation in amount of \$ 21,200. requested by the City School Board in order to appropriate unanticipated Federal Funds, not anticipated when the school budget was prepared due to changes in Federal funding formulas, be approved for second and final reading, a first reading having been approved on May 8th, and that:-

- \$ 15,000. chgd.to: School Fund (R-21A) Antic.Revenues- Rcpts.from Fed.Funds- Elem. & Secondary Ed. Act. Operating.
- 3,000. chgd.to: School Fund (R-21B) Antic. Revenues- Rcpts.from Fed.Funds- Elem. & Sec. Ed. Act Capital Outlay.
- 3,200. chgd.to: School Fund (R-28) Antic. Revenues- Rcpts.from Fed.Funds- Other.
- 1,000. approp.to: School Fund (2-1209-100.02) Fed.Programs- Comp.Adm.Personnel.
- 2,000. approp.to: School Fund (2-1209-200.02) Fed.Programs- In Ser.Trng.
- 1,000. approp.to: School Fund (2-1209-200.16) Fed.Programs- Inst.Travel.
- 3,500. approp.to: School Fund (2-1209-200.05) Fed.Programs- Tchng.supp.for Instr.
- 2,000. approp.to: School Fund (2-1209-200.11) Fed.Programs- Comp.Inst.
- 1,000. approp.to: School Fund (2-1209-218.00) Fed.Programs- Title IVB- Telephone Serv. - Fed.Programs)
- 2,000. approp.to: School Fund (2-1209-299.00) Title IVB Computer Serv.
- 200. approp.to: School Fund (2-1209-314.00) Fed.Programs- Title II Libraries.
- 5,000. approp.to: School Fund (2-1209-800.00) Fed.Programs- Fixed Charges.
- 500. approp.to: School Fund (2-1209-1100.00) Fed.Programs- Comm. Services.
- 3,000. approp.to: School Fund (2-1209-1230.03) Fed.Programs- Equip.- Instr.

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

✓ Councilman Cisney moved that a supplemental appropriation in amount of \$ 6,581.43 requested by the City School Board in order to appropriate unanticipated additional revenues from PL 874 (Impact Aid) to cover unanticipated maintenance expense, be approved for second and final reading, a first reading having been approved on May 8th, and that:-

- \$ 6,581.43 chgd.to: School Fund (R-26) Realized Revenue- Rcpts.from Fed.Funds- Oper.
- 6,581.43 approp.to: School Fund (1205-290.01) Maint.School Plant- Cont.Serv.Bldgs. & Grnds.

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

✓ A request was presented from Assistant City Manager Driver for approval of a supplemental appropriation in amount of \$ 22,790.97 in order to appropriate monies received for labor from the Virginia Employment Commission - Title 6, Title 6 Spec.Proj. & Title II D for months of March and April, 1979. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:-

- \$ 22,790.97 chgd.to: General Fund (1005.00) Recoveries & Rebates.
- 1,040.80 approp.to: General Fund (4040-12.50) Pur.Agent-Wages-Title II D
- 1,316.38 approp.to: General Fund (4110-250.00) Soc.Security (FICA) on Wages under Title 6, Title 6 S.P. & Title II D
- 1,029.24 approp.to: General Fund (6015-12.50) Police Court- Wages- Title II D
- 4,563.90 approp.to: General Fund (9020-12.50) Fire Dept.- Title 6 & Title II D- Wages- Firemen & Dispatchers.
- 1,329.68 approp.to: General Fund (10110-12.01) St.Dept.-Wages-Title 6 & Title II D - Laborers.
- 897.80 approp.to: General Fund (11020-12.03) Park Sec.Officer-Wages-Title II D
- 1,241.84 approp.to: General Fund (11020-12.50) Recreation Spec.-Wages-Title II D
- 954.10 approp.to: General Fund (11020-12.52) Janitor-Wages-Title VI
- 1,005.68 approp.to: General Fund (11020-12.53) Clk/Typst/Rcpt.-Wages-Title II D
- 997.60 approp.to: General Fund (11020-12.55) Janitor-Wages-Title II D
- 2,103.46 approp.to: General Fund (11020-12.57) Concessioners-Wages-Title VI
- 3,768.88 approp.to: General Fund (11020-12.58) Laborers- Spec.Proj.-Wages-Title VI
- 935.25 approp.to: General Fund (11020-12.59) Acct.Clerk-Wages-Title VI
- 474.60 approp.to: General Fund (11020-12.60) Youth Programmer- Rec.Spec.Wages-Title VI
- 1,131.76 approp.to: General Fund (11020-12.61) Arts/Crfts.Instr.-Wages-Title VI

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

At 12:05 A.M., Councilman Dingledine moved that Council enter an executive session for the purpose of discussing legal matters, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote.

At 12:30 A.M., on motion of Councilman Cisney, seconded by Councilman Dingledine, and a unanimous vote of Council, the executive session was declared closed and the regular session reconvened.

✓ Vice-Mayor Green moved that in recognition and appreciation of Mr. Earl Wetsel's years of faithful service on the Harrisonburg Redevelopment & Housing Authority, that he be appointed an Emeritus Member of that Authority. The motion was seconded by Councilman Dingledine and adopted by a unanimous vote of Council.

There being no further business and on motion duly adopted, the meeting adjourned at 12:35 A.M.

N. Arlene Loker
CLERK

Ray Eichen
MAYOR

A P P R O P R I A T I O N O R D I N A N C E
O F T H E C I T Y O F H A R R I S O N B U R G , V I R G I N I A

For the Revenue Sharing Fund

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY CAPITAL EXPENDITURES OF THE CITY OF HARRISONBURG, VIRGINIA, FOR THE REVENUE SHARING FUND. TO PRESCRIBE THE TERMS, CONDITIONS, AND PROVISIONS WITH RESPECT TO THE ITEMS OF APPROPRIATION AND THEIR PAYMENT; AND TO REPEAL ALL ORDINANCES WHOLLY IN CONFLICT WITH THIS ORDINANCE, AND ALL PARTS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE TO THE EXTENT OF SUCH INCONSISTENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA, THAT THE FOLLOWING SUMS OF MONEY BE AND THE SAME HEREBY ARE APPROPRIATED FOR THE PURPOSES HEREIN SPECIFIED.

ANTICIPATED RECEIPTS FOR ENTITLEMENT PERIOD TEN - OCTOBER 1, 1978 TO SEPTEMBER 30, 1979	\$474,185.
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PROPOSED EXPENDITURES:

Municipal Departments:

Traffic Engineering - 2 Traffic Signs & Signals	\$17,000.
Street Inspection - Tools & Concrete Drum	9,000.
Refuse Collection - Truck with Packer	32,000.
Parks and Recreation - Simms Baseball Field	3,000.
Transportation Department:	
1 Passenger Bus	15,000.
Vehicle Replacement Fund	15,000.
Radio Equipment	3,000.
Bus Stop Structure	5,000.
Water Department - 18" Main for Hospital and JMU	<u>255,685.</u>
TOTAL MUNICIPAL DEPARTMENTS	<u>\$354,685.</u>

Department of Education:

Spotswood Elementary School - Replace Roof	\$ 79,874.
Waterman Elementary School - Replace Roof	10,250.
Thomas Harrison Junior High - Replace Roof	14,376.
Memorial Stadium - Lights	15,000.
TOTAL DEPARTMENT OF EDUCATION	<u>\$119,500.</u>

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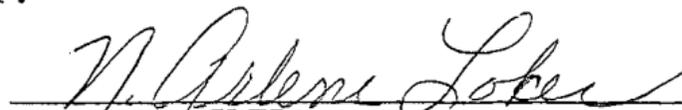
TOTAL PROPOSED EXPENDITURES

\$474,185.

This ordinance shall become effective June 12, 1979.

Given under my hand this 12th day of June, 1979.

ATTEST:


CLERK


MAYOR

Tuesday, June 12, 1979

At a combined public hearing and regular meeting 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 Walter F. Green, III; Councilmen Raymond C. Dingle, Jr.; Elon W. Rhodes, James C. Cisney; City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave.
Absent: none.

Minutes of combined public hearings and regular meeting held on May 22nd 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 May, 1979.

From the City Treasurer:-

A trial balance report as of close of business on May 31, 1979.

From the Police Department:-

A report of total number of arrests; parking meter fines collected; cash collected from parking meters; total cash collected all sources in amount of \$ 6,988.11, for month of May, 1979.

From the City Auditor:-

A financial report for the City of Harrisonburg for month of May, 1979.

A report of cash discounts saved in payment of vendors' invoices for month of May, 1979, totaling \$ 276.48.

From the Department of Utility Billing:-

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of May, 1979.

✓ Through correspondence from the Department of Highways & Transportation, request was made for their office to be notified of date, time and place for a joint public hearing by Harrisonburg City Council and Rockingham County Board of Supervisors, to receive citizen input with regard to Harrisonburg's Major Thoroughfare Plan. Following a brief discussion, the City Manager was asked to work out a convenient time with the County Administrator.

✓ City Manager Milam presented a rezoning application from Attorney Thomas Wilson, representing Hosie T., Anna L., R. Daniel & Marilyn T. Fitzgerald and others, for Lot 8 in Block BB on Sheet No. 34 of the City Map from R-2 Residential to M-1 Industrial, to permit construction of a warehouse. The lot fronts on the north side of Johnson Street and is adjoined by M-1 zoning on the north and west and R-2 zoning on the east, and B-2 and R-2 on the south side of Johnson Street. Manager Milam recommended that the application be referred to the City Planning Commission, who, in turn, will hold a public hearing possibly sometime in July and submit recommendation to Council during month of August. After receiving same, a public hearing would be scheduled by Council. On motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Council, the application was so referred.

✓ An application for vacation of an alley (10' wide and 169' in length) filed by Attorney Thomas Wilson on behalf of Hosie T., Anna L., R. Daniel & Marilyn T. Fitzgerald, was presented to Council by the City Manager. The alley extends from Johnson Street and intersects another 10' alley, between Lots 7 and 8, Block BB, Sheet No. 34 of the City Block Map, and is adjoined on both sides by property belonging to the applicants. Manager Milam noted that notice of the vacation had been posted at three public places and cited usual procedure as that of referring the application first to the Planning Commission for a recommendation, and appointment of a Board of Viewers by Council. On motion of Vice-Mayor Green, seconded by Councilman Dingleline, and a unanimous vote of Council, the application was referred to the City Planning Commission.

✓ City Manager Milam read a copy of a petition which he had received of a suit filed in Rockingham Circuit Court by Mr. M. C. Howard, conservationist and retired U.S. Forestry Service employee, prohibiting Rockingham County from furnishing water and sewer services to the R. R. Donnelley Printing Plant on Kratzer Road. City Attorney Lapsley reported that the petition, written in long hand, had been returned to Mr. Howard to be placed in proper form, as well as payment of required filing fee. The report was for information.

✓ Petitions signed by 127 property owners and residents in the vicinity of Lee Avenue were presented by the City Manager, requesting demolition of three dilapidated houses located at 443, 451 & 452 Lee Avenue which have been standing for a number of years pending settlement through location of heirs residing in various cities and states as far west as California. A cover letter submitted by Arlene Loker, a resident of Lee Avenue and Clerk of City Council, was read, urging that the properties be either condemned and demolished, or sold for delinquent taxes as recommended by the City Treasurer. City Attorney Lapsley reported that all living heirs have now been contacted (according to Attorney Sipe) and a partition suit filed which will permit the properties to be sold and money divided among those heirs. He noted that one delay in the settlement has been that of one California heir contesting the will. Attorney Lapsley said that action could be swift now that the suit has been filed. During discussion, Councilman Dingleline offered an opinion that something should be done quickly due to the many dangers surrounding the three structures, and moved that the City institute a condemnation suit. Mr. Lapsley stated that this action could be very confusing in that two suits would be in the court at the same time regarding the same matter. Councilman Dingleline then withdrew his motion. Following discussion, the City Attorney was instructed to confer with Attorney Sipe concerning removal of the uninhabitable structures and mowing of the weeded lots, prior to actual settlement of the suit, with report back to Council at the next regular meeting on June 26th.

✓ A communication dated 6/6/79 from Carolyn Williams, Festival Coordinator, Virginia Poultry Federation, Inc., was read by the City Manager, in which appreciation was expressed for Council's support in helping the Festival to grow, as well as interest in working with the City in its 200th birthday next year, possibly by meeting with the proper committee. He suggested that the letter be passed along to the Harrisonburg-Rockingham Independence Bicentennial Committee. Following a brief discussion, the letter was so referred, through Councilman Dingleline, a representative of the City of Harrisonburg on the committee.

At 8:10 P.M., Mayor Erickson closed the regular session temporarily and called the Public Hearing to order. City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper:

✓ "Pursuant to PL 92-512 as amended by PL 94-488, the City Council, on Tuesday, June 12, 1979, at 7:30 PM in the first Floor City Council Chambers, Municipal Building, will conduct a public hearing on the Entitlement Period Ten Funds of

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the Revenue Sharing Funds. Oral and written suggestions will be welcome at that time.

Second and final reading of an Appropriation Ordinance of the City of Harrisonburg, Va., for the Revenue Sharing Fund will be considered at this time."

Mayor Erickson called on anyone present desiring to be heard either for or against the proposed allocation of Revenue Sharing Funds. There being no one, he declared the public hearing closed at 8:15 PM and the regular session reconvened.

Vice-Mayor Green suggested that action with regard to final reading of the Revenue Sharing Appropriation Ordinance be postponed until later in this meeting, with possibility of further discussing same in an executive session.

Manager Milam noted that item 5 on the evening's agenda would be postponed until a future meeting, in that a representative of the Harrisonburg Parking Authority was not present, to report.

City Building Official John Byrd displayed architectural plans for the proposed restoration of the old spring house anticipated for the southwest corner of Court Square with seating arrangement around the fountain, as well as a merchants' pavilion to be constructed on the southwest corner. He noted that the spring house represents a large part of the city's past and that the pavilion will serve as a directional center for downtown shoppers, including a telephone area, map of downtown businesses and restful atmosphere where shoppers may meet and rest. According to Mr. Byrd, tremendous interest has been expressed in the proposed projects, with solicitation for help from both individuals and business concerns, with the possibility of students from the Massanutten Vocational Technical School assisting with the masonry and carpentry aspects of the projects. A hope was expressed by Mr. Byrd that the projects may get underway this fall and be completed in time for Harrisonburg's Bicentennial next year. He noted that step 2 will be construction drawings of the two structures. Following discussion, Councilman Dingleline moved that the Building Official be authorized to present the plans to the Rockingham County Board of Supervisors, and to proceed with step 2 of the projects, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

For information of Council, Mr. Ralph Smith, Superintendent of the Street Department, was present in the meeting for the purpose of presenting a detailed report concerning his department, including a map of street improvements over the past five years either by new construction or reconstruction, throughout all areas of the City. He noted that the Department of Highways & Transportation had, at a May 17th meeting, approved the addition of 2.40 street miles within the City of Harrisonburg eligible for maintenance payments at the rate of \$ 1,500. per lane mile annually, which addition will increase total eligible mileage from 52.49 miles to 54.89 miles. Mr. Smith pointed out the fact that there are much stricter inspection requirements in order to qualify in distribution of monies for maintenance payments. Under new formula for state funding, an additional amount of approximately \$ 70,000. is anticipated for next year, bring total amount in neighborhood of \$ 357,000. Also presented by Mr. Smith was the proposed 1979 street paving program of projects scheduled between now and into the fall of this year. With regard to expenditures, Mr. Smith reported that \$ 35,000. had been spent for snow and ice removal last winter, resulting from six major storms last winter, which amount exceeds amount in the 1979-80 budget by \$ 15,000. for that particular purpose, with cost of salt alone amounting to \$ 15,600. Appreciation was expressed to Mr. Smith for the detailed presentation.

In a related matter to the report of the Street Superintendent, City Manager Milam called members' attention to their copies of a report of gasoline and diesel fuel used by the various departments, in city vehicles, over a two year period: July 1, 1977 to May 1, 1978 and July 1, 1978 to May 1, 1979. The report revealed the largest users of the total gas gallonage of 141,242 for the past year as the Police and Transportation Departments. A sharp increase of gasoline and diesel fuel was noted for the Fire Department, although total gallonage was not in an excessive amount. During discussion, concern was expressed by Council that the gallonage for the Fire Department had doubled during the past year, with explanation by the City Manager that volunteers need driving time during normal days in order to qualify as drivers in emergencies. He added a further note that fire insurance rates in Harrisonburg are about half the rates for out-of-city residents due to equipment and training of city firemen. Following discussion, Council asked the City Manager to confer with all department heads and request that they do everything possible to conserve fuel consumption.

Attorney George Aldhizer, Jr. was present in the meeting along with Mr. Harold Reinen, new manager of Harrisonburg, for the purpose of requesting an increase in monthly rates for cable television service in the City, as follows: monthly charge for basic, single service outlet from \$ 6.75 to \$ 7.00; monthly charge for each additional outlet of a customer from \$2.00 to \$ 2.50; installation charge from \$10.00 to \$ 15.00 and FM outlet charge from \$ 15.00 to \$ 20.00; and installation for additional outlet charge and transfer of outlet charge from \$ 8.00 to \$ 10.00. Reasons for the requested increase were cited as: burying of lines in connection with the S.Main Street project; necessity of relocating lines due to re-designing of poles by HEC; and completing construction of an earth station to enable the City to receive television signals from satellite transmissions to provide subscribers the Christian Broadcasting Network. Attorney Aldhizer pointed out that no increase had been imposed on subscribers in 1978 and asked favorable consideration of the request. Following discussion, a committee comprised of Mr. Warren Denton, Jr., City Attorney Norvell Lapsley and City Manager Marvin Milam was named to investigate the matter and submit recommendation to Council.

Mr. Linwood Rose, Associate Director of Residence Halls & Commuting Student Services, appeared before Council to present an agreement for consideration of approval, whereby all fulltime JMU students would be exempt from placing a utility deposit, with guarantee by the Utility Deposit Assistance Program (UDAP) for a payment of \$ 25.00 annually to the City of Harrisonburg for any one student who fails to pay for services. According to Mr. Rose, JMU has made similar agreement with the Harrisonburg Electric Commission, Shenandoah Valley Electric Coop. and VEPCO, with negotiations underway with Columbia Gas and Rockingham County. He explained that students are bogged down with many different deposits for various services, which makes a hardship insofar as money involved. Students qualifying for water & sewer services in the City would be issued a card with proper identification to present when applying for services. City Manager Milam said that such an agreement would place a burden on the City to collect from an agency,

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when it actually deals with people in supplying utility services. He noted that the City Treasurer's Office and Utility Billing Department were not in favor of the agreement and that he could not recommend approval of same, stating further that the arrangement would require a separate set of records in that accounts are set up under computer system. It would also separate citizens by allowing students to have services deposit free. Since the agreement is invalid to the City Code, Manager Milam suggested an amendment which would place the city in a position to deal directly with James Madison University, rather than an agency. Councilman Dingleline offered an opinion that the agreement has a lot of merit and should be investigated. Following discussion, Vice-Mayor Green moved that the City's administrative people, Mr. Rose and the City Attorney strive to work out some type of acceptable agreement and report back to Council with a recommendation, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

City Manager Milam presented and read correspondence from Mr. Jim Deskins, Program Administrator, Harrisonburg Redevelopment & Housing Authority, requesting that the Elderly Housing Project at 265 North Main Street be named "Collicello Apartments", which name had been tentatively selected. The matter was discussed briefly with opinions offered that: the requested name could be misleading in that the project is separate and apart from the already named Collicello Street; the name may have been selected through sentiment for the old "Collicello House", an historic mansion demolished many years ago, with location some distance from the present project. Councilman Rhodes moved that action concerning an appropriate name for the Housing Project be tabled temporarily in order to allow time for further thought to be given the matter, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

The City Manager reminded Council that previous action had been taken authorizing the Harrisonburg Electric Commission to borrow an amount not exceeding \$ 400,000. for two major projects, with later authorization for the money to be borrowed at an interest rate exceeding 6% per annum due to the fact that Section 8-59 of the City Code limited the interest rate. He noted that the banks are concerned about wording in that same section of the Code which states that: "to borrow money for periods not to exceed one year..." Following discussion, Councilman Cisney moved that HEC be authorized to borrow money for a longer period of time than one year, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council. The City Attorney was asked to consider this along with his study of the code section for possible amendment.

City Manager Milam presented correspondence dated 5/30/79 from Mr. Tom Baswell, Real Estate Representative of W.B. Johnson Properties, Inc., Atlanta, Georgia, advising that a contract had been signed to purchase property across from the Holiday Inn and back of the Exxon service station for location of a 7 day-24 hour Waffle House Restaurant. A request was made for permission to hook onto the city's water line for an estimated 1200 gallons of water to be consumed daily. Manager Milam reminded Council that permission of the governing body is required for any hook-ons to that particular line, and informed members that a letter from the Water/Sewer Superintendent had recommended approval of this particular request. On motion of Vice-Mayor Green, seconded by Councilman Dingleline, and a unanimous vote of Council, permission was granted for the requested water connection.

City Manager Milam reminded Council that he had presented a request from VEPCO at the April 24th meeting for a right-of-way at the City's Landfill for an approximate amount of \$ 500. and that he had expressed a desire at that time for the Legal & Engineering Departments of VEPCO to give the City, rather than the amount of money offered, in writing, permission for the City to cut and fill in the 100' easement conveyed to VEPCO in 1953, in exchange for overhead right-of-way in the area requested for overhead wiring. He noted that following negotiations with representatives of the company, a letter had been received from Mr. Daniel Farley, Manager, Real Estate, VEPCO, setting forth certain conditions for an exchange which would allow the City to fill approximately 7' within the 100' easement, with fill not to exceed an elevation that will provide less than a 21' clearance between the top of the fill and the lowest conductor. There will be no structures on the easement area granted by the City. Manager Milam recommended that the exchange be approved and pointed out that VEPCO will relocate poles and raise them to exceed a height of 38' if the City grants an easement on the small triangular piece of land. Following a brief discussion, Councilman Rhodes moved that the conditions be accepted with authorization for the City Manager to sign and return the letter setting forth the same, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

Council was reminded that a rezoning request had been deferred until this meeting as requested by Mr. Charles Taliaferro, due to unanticipated circumstances, and then read the following Planning Commission recommendation pertaining to same from a meeting held on May 16:-

"...The Director reviewed the rezoning case for changing approximately two acres of land from R-1 Single Family District to B-2 General Business in the 700 block of E. Market Street. The owners, Charles Taliaferro, Mr. and Mrs. L.E. Lawson and Mrs. Ethel Coffman requested the change as a logical expansion of commercial from the Greyhound Bus Terminal and Ciro's Pizza Parlor to East Hawkins Street and Country Club Road. The Director also explained that part of Mr. Taliaferro's land and most of the Lawson lot had been zoned B-1 Neighborhood Business prior to the 1962 annexation. He also noted that the City's Arterial Street Plan anticipates placing Vine Street along E. Hawkins Street, thus separating homes on Country Club Road. Mr. Sullivan reported that the Lawsons and Mrs. Coffman want to sell their homes to get away from the heavy traffic of E. Market Street, and Mr. Taliaferro wants to rent his barn to a contractor for storage purposes. Chairman Kuykendall noted that a Plan of Development is required in rezoning cases and no plan was submitted.

Mr. Williams concluded the review with a motion recommending to City Council that the Taliaferro-Lawson-Coffman rezoning request be denied. Dr. Shank seconded the motion and all members present voted in favor of the motion..."

Mr. Taliaferro was present in the meeting and advised Council that the owners had not been able to come up with anything that would make the Planning Commission reverse its decision in that requirements which must be met, are impossible. All three owners would like to sell or lease their properties, but in order to do so, a plan must be submitted which would involve all three lots and one purchaser. Mr. Sullivan pointed out that Mr. Taliaferro does have a planned use for his property, whereas the two other

owners simply desire to sell and move away to escape the burden of living beside commercial development. He said that when the Planning Commission held its public hearing in April, it was attended by the three owners as well as two opposing residents. The matter was delayed until May before submitting a recommendation to Council. He suggested two alternatives of the governing body at this time: to accept the Commission's report and schedule a public hearing in order to gain public opinion; or approve the recommendation which would require a one year wait prior to reinstitution of a rezoning request by the owners. Following discussion, Vice-Mayor Green moved that the report of the Planning Commission be accepted for information, with a request for the Commission to attempt to work out some alternative with regard to the street plan, etc. and report back at a future meeting, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

Due to the fact that terms of all current members on the Advisory Board- Price-Rotary Senior Citizens Center (formerly known as Valley Program for Aging Services) expired as of 5/1/79, Councilman Dingleline, a representative of Council on the said Board, moved that the following persons continue serving for a term of one (1) year, expiring on May 1, 1980: Hazel MacNeil; Lakey S. Logan; Wilhelmina H. Johnson; Henrietta Huffman; Robert J. Sullivan, Jr.; Pauline Riddle; and C.W. Kestner: that the following new members, all of whom had been contacted and consented to serve if so desired, be appointed to the Advisory Board for one year terms to expire on May 1, 1980: Mr. Gregory R. Versen, 1320 Star Crest Drive; Mrs. Idah Payne Suter (Mrs. Richard), 311 Sunrise Avenue; Mrs. Nancy McLean (Mrs. T.B.), 142 Lynden Place; and Capt. John Jones, 17 E. Johnson Street. Following a brief discussion, Councilman Rhodes seconded the motion, which was adopted by a unanimous vote of Council.

Under a City Code provision for the governing body to appoint, annually, a firm to audit city records, Vice-Mayor Green moved that the CPA Firm of Keeler Phibbs & Company be appointed to audit records for fiscal year ending June 30, 1979. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

As a matter of advance information, the City Manager presented letters advising that Dr. Hollen Helbert would be moving outside the city in late June or early July which will make him ineligible to continue serving on the Harrisonburg Redevelopment & Housing Authority and Upper Valley Regional Park Authority; Mr. Doug Flory's resignation effective 6/30/79 as a member of the Chapter 10 Board due to his purchase of a home outside the city; and indication by Mr. Glenn Hodge that he would not be able to accept reappointment for a second term on the Chapter 10 Board when his present term expires on June 30th due to other demands on his time. Further noted by the City Manager was correspondence from Judge Robinson advising that in order to be eligible to serve on Boards of Equalization, prospective members must attend and participate in a training course, plans for which will be in readiness by December of this year. A memo from the Department of Taxation to the Judge, set forth this requirement under Code Section 58-33.1 and 58-899. The City Manager suggested the possibility of presenting five names to serve on the Board in lieu of the three members presently serving, and that those selected be informed of the requirement of attending a training program, prior to appointments by the Judge in December.

The following RESOLUTION APPROVING COMPREHENSIVE PLANNING ASSISTANCE 701 GRANT AND AUTHORIZING FILING OF WORK PROGRAM AND APPLICATION was presented and read by the City Manager for Council's consideration and approval:-

- WHEREAS, the City Council of the City of Harrisonburg, Virginia, has recognized the need to update the 1966 Comprehensive Plan to accommodate rapid growth experienced since 1966 and expected to continue through the proposed planning period, 1979-2000; and
- WHEREAS, the City Council recognizes the need for coordination of planning efforts between the Comprehensive Community Development Plan provided for under the Community Development Block Grant Program and Comprehensive Planning Assistance provided for under the 701 Grant to provide a unified approach to the planning of the future physical, social and economic environments; and
- WHEREAS, the City of Harrisonburg filed a preapplication for Department of Housing and Urban Development Comprehensive Planning Assistance funds; and
- WHEREAS, the City Council has been informed of a favorable review of this preapplication and has been authorized to make final application for \$ 13,300. in Federal funds for Comprehensive Planning purposes.

THEREFORE BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia, that:

1. The offer of Comprehensive Planning Assistance under the 701 Grant Program is hereby accepted.
2. The City Manager is authorized to negotiate and enter into contract with the Virginia Department of Housing & Community Development to administer the 701 Grant.
3. The attached work program to be completed under this contract is hereby adopted.
4. The City's in kind contribution to match the 701 Grant be provided with \$6,700. in consulting services currently authorized for the development of a Comprehensive Community Development Plan under the Community Development Block Grant Program.
5. The City Manager is authorized to hire consultant services to prepare a Comprehensive Plan in accordance with the attached work program.
6. The City Manager is hereby designated as the authorized representative of the City of Harrisonburg, Virginia, and is directed to act as such representative in connection with the application and to provide such additional information as may be required.

Adopted and approved this 12th day of June, 1979.

Attest: _____ Clerk

_____ Mayor

Following a review of the proposed work program based on a total budget of \$ 20,000., Councilman Rhodes moved that the resolution be approved with authorization for the proper officials to sign same on behalf of the City of Harrisonburg, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

Concerning a request from Rockingham County that the City furnish monthly readings from water meters located at Belmont Estates (located in the county) in order that the sewer charge (billed by the county)

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may be based on water gallonage (billed by the city), City Manager Milam informed Council that Sec. 2-68 of the City Code prohibits furnishing the information. He read the following sentence under that section titled, Inspection of records, etc. in custody of city auditor: "Any citizen may also examine such books, records and papers except the customers' utility accounts in regard to electric, water and sewer billing and payments." He noted that the code section could be amended to allow such information to be released, but cautioned that it could create many problems in the city's meter reading schedule for 6,000 meters located with the city and parts of the county that are furnished with city utilities. Aside from the regular reading of meters, additional monthly services are required (i.e. re-reads, cut-ons, cut-offs, delinquent services to be cut off and back on when bills are paid, etc.). Manager Milam offered an opinion that a charge should be placed, should the city be required to read the Belmont meters. City Attorney Lapsley interpreted the code section as applying only to charges and payments, rather than actual meter readings. City Auditor Shifflet pointed out the fact that the readings would have to be handled on an individual basis in that all rural customers are not billed a sewer charge. Councilman Dingleline said he felt that the City should strive to cooperate with the County in that the request seemed to be a reasonable one. Several alternatives for further consideration were discussed, prior to the following motion offered by Councilman Cisney: "that Rockingham County be offered the following two alternatives to acquire water meter readings for Belmont Estates: (1) that the County get waiver of rights from Belmont residents, under Sec. 2-68 of the City Code for release of the readings, with City then supplying same to the County for a charge; (2) that the County get waiver of rights from Belmont residents under Sec. 2-68, with county employee to be appointed for picking up information from the city utility billing department; further, that an added suggestion be for the County to consider having Belmont residents mail in their gallonage from their prior month's water bill, on which a sewer charge might be based, by the County, thus requiring no waivers or involvement of the City. Following further discussion, the motion was seconded by Vice-Mayor Green and adopted by a unanimous vote of Council. The City Manager was instructed to relay the alternatives to the County Administrator for consideration by the Board of Supervisors.

Vice-Mayor Green moved that a supplemental appropriation in amount of \$ 22,790.97 to appropriate monies received for labor from the Virginia Employment Commission- Title 6, Title 6 Special Project and Title II D for months of March and April, 1979, be approved for second and final reading, a first reading having been approved on May 22nd, and that:-

- \$22,790.97 chgd.to: General Fund (1005.00) Recoveries & Rebates.
- 1,040.80 approp.to: Gen.Fund (4040-12.50) Pur.Agent-Wages-Title II D
- 1,316.38 approp.to: Gen.Fund (4110-250.00) Spc.Security (FICA) on Wages under Title 6, Title 6 S.P. & Title II D.
- 1,029.24 approp.to: Gen.Fund (6015-12.50) Police Ct.-Wages-Title II D
- 4,563.90 approp.to: Gen.Fund (9020-12.50) Fire Dept.-Title 6 & Title II D- Wages Firemen & Dispatchers.
- 1,329.68 approp.to: Gen.Fund (10110-12.01) St.Dept.-Wages-Title 6 & Title II D - Laborers.
- 897.80 approp.to: Gen.Fund (11020-12.03) Park Sec.Officer-Wages-Title II D
- 1,241.84 approp.to: Gen.Fund (11020-12.50) Recreation Spec.-Wages-Title II D
- 954.10 approp.to: Gen.Fund (11020-12.52) Janitor-Wages-Title VI
- 1,005.68 approp.to: Gen.Fund (11020-12.53) Clk/Typst/Rcpt.-Wages-Title II D
- 997.60 approp.to: Gen.Fund (11020-12.55) Janitor-Wages-Title II D
- 2,103.46 approp.to: Gen.Fund (11020-12.57) Concessioners- Wages-Title VI
- 3,768.88 approp.to: Gen.Fund (11020-12.58) Laborers-Spec.Proj.-Wages-Title VI
- 935.25 approp.to: Gen.Fund (11020-12.59) Acct.Clerk-Wages-Title VI
- 474.60 approp.to: Gen.Fund (11020-12.60) Youth Programmer-Rec.Spec.-Wages-Title VI
- 1,131.76 approp.to: Gen.Fund (11020-12.61) Arts/Crfts.Instr.-Wages-Title VI

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

A request was presented from Chief of Police Presgrave for approval of a supplemental appropriation in amount of \$ 489.75 in order to reimburse the Special Police account for special patrol detail refunded by C & W Railway. Councilman Dingleline moved that the appropriation be approved, and that:-

- \$ 489.75 chgd.to: General Fund (1005) Recoveries & Rebates.
- 489.75 approp.to: General Fund (9010-11.08) Spec.Police.

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

The City Manager presented a request from the City School Board for approval of a supplemental appropriation in amount of \$ 4,600. in order to appropriate unanticipated federal funds from 94-142 to cover teacher aides and elementary teachers' salaries which were greater than amount budgeted. Following a brief discussion, Councilman Cisney moved that the appropriation be approved for a first reading, and that:-

- \$ 4,600.00 chgd.to: School Fund (R-28) Recpts.from Fed.Funds- Other Fed.Funds (Antic. Receipts)
- 4,300.00 approp.to: School Fund (1209-109.02) Fed.Programs- Comp.Tchr.Aides
- 300.00 approp.to: School Fund (1209-134.11) Fed.Programs-Comp.Elem.Tchrs.

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

A request was presented from the City School Board for approval of a transfer of funds within school appropriations in amount of \$ 17,500., necessary in order to balance the current year's budget (1978-79). Following a review of the various accounts involved in the transaction, Councilman Dingleline moved that the transfer be approved, and that:-

- \$ 5,418.00 trans.from: School Fund (1202-111.03) Attend. & Health Services- Comp. School Psychologist
- 82.00 trans.from: School Fund (1202-220.00) Attend. & Health Services- Travel Expense - School Psychologist
- 5,500.00 trans.from: School Fund (1203-219.02) Pupil Trans.Services-Trans.by Pub.Carrier.
- 800.00 trans.from: School Fund (1208-109.02) Adult Education- Comp.Tchr.Aides
- 3,500.00 trans.from: School Fund (1208-134.01) Adult Education- Comp.Instr.Personnel

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\$ 500.00 trans.from: School Fund (1208-299.00) Adult Education- Other Exp.
1,700.00 trans.from: School Fund (1208-305.00) Adult Education- Inst.Supplies.
8,000.00 trans.to: School Fund (1201-109.02) Other Inst.Costs-Comp.Tchr.Aides
1,598.00 trans.to: School Fund (1205-215.01) Maint.Sch.Plant-Repair & Repl.Equip.
2,400.00 trans.to: School Fund (1207-134.01) Summer School- Comp.-Instr.Personnel
5,500.00 trans.to: School Fund (1900-600.02) Capital Outlay- Imp. to Sites.
2.00 trans.to: School Fund (2000-806.00) Debt Ser.- Handling Chgs.

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

City Manager Milam requested approval of a supplemental appropriation in amount of \$ 10,041.67 in order to appropriate earned interest from investments to the Elderly Housing Project. Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:-

\$ 10,041.67 chgd.to: General Fund - Income from Investments

10,041.67 approp.to: General Fund (10220-72.01) Housing for the Elderly

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

At 10:50 P.M., Vice-Mayor Green moved that Council enter an executive session for the purpose of discussing finances and personnel, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

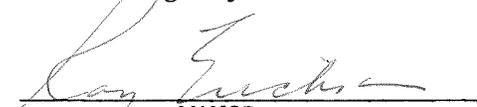
At 11:48 P.M. on motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote of Council, the executive session was declared closed and the regular session reconvened.

Mayor Erickson asked members if they desired to take action at this time concerning a second and final reading of the Revenue Sharing Appropriation Ordinance which had been approved for a first reading on May 22nd in total amount of \$ 474,185. Councilman Cisney moved that the Revenue Sharing Appropriation Ordinance be approved for second and final reading, to include the following amendments: delete 4 tennis courts at Purcell Park (\$35,000.); reduce two 66-passenger buses to one @ \$ 15,000.; delete amounts of \$15,000. and \$10,000. for three taxis and one 15 passenger bus, and allow one amount of \$ 15,000. labled vehicle replacement for Transportation Dept.; reduce figure for radio equipment from \$ 4,000. to \$3,000.; reduce bus stop structure from \$6,000. to \$5,000.; and add total for deletions and reductions in amount of \$ 62,400. to the Water Department to be applied on the 18" water main for RMH and JMU; with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's minute book. The motion was seconded by Councilman Rhodes and adopted by a unanimous recorded vote of Council. Primary reason for alterations in the proposed ordinance was higher priority for water improvements. (Refer to Minute Bk N page 544). (below)

Mayor Erickson scheduled a special meeting for Tuesday, June 19th, 12:00 noon, for the purpose of discussing personnel matters, and instructed the City Manager to send out the Special Meeting Call.

There being no further business and on motion duly adopted, the meeting adjourned at 12:00 midnight.


CLERK


MAYOR

Note: (Refer to page 538 for June 12th minutes)

Tuesday, June 19, 1979

At a special meeting held in the Council Chamber today at 12:00 o'clock noon there were present:- Mayor Roy H. Erickson; City Manager Marvin B. Milam; Clerk N. Arlene Loker; Vice-Mayor Walter F. Green, III; Councilman Raymond C. Dingle, Jr., Elon W. Rhodes, James C. Cisney; and City Auditor R. William Shifflet. Absent:- City Attorney Norvell A. Lapsley and Chief of Police Richard W. Presgrave.

City Manager Milam read the Special Meeting call for consideration of the following: Resolution for

the Parks & Recreation Department; Executive session to discuss personnel matter; and other matters.

City Manager Milam explained that due to the length of meeting and lateness of the hour on June 12, a resolution submitted by the Recreation Director had not been acted upon. He read the resolution as follows, for Council to consider for approval:

WHEREAS, the Virginia Commission of Outdoor Recreation provides funds to assist political subdivisions of the State of Virginia in improving and developing open spaces, park lands, and recreation facilities;

WHEREAS, there are urgent needs within the City of Harrisonburg to provide employment for Young Adults;

WHEREAS, Riven Park and Harrisonburg Watershed Area is deemed of high improvement and/or development priority by said City and shall be referred to as Riven Rock Park and Harrisonburg Watershed Area and the current unemployment rate is 3.8%;

WHEREAS, the proportionate project share is funded up to 100 percent (100%) by the Virginia Commission of Outdoor Recreation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG,

That the City Manager is hereby authorized to cause such information or materials as may be necessary to be provided to the appropriate State agency to permit formulation, approval and funding of the Riven Rock Park and Harrisonburg Watershed Area Project.

AND BE IT FURTHER RESOLVED, The Governing Body of the City of Harrisonburg gives its assurance that its unemployment rate is currently 3.8%,

FURTHER, BE IT RESOLVED, that the City of Harrisonburg will abide by all applicable State and Federal regulations governing such expenditures of funds provided by the Virginia Commission of Outdoor Recreation;

AND, ALSO BE IT FURTHER RESOLVED, that the Departments of Agriculture and Interior, and the Virginia Commission of Outdoor Recreation are respectfully requested to assist in the prompt approval and funding of the Harrisonburg City Conservation and/or Recreation Park Project in order to enhance the standard of enjoyment for all our citizenry.

N.Arlene Loker, Clerk of Council

Manager Milam offered an opinion that this type of project which we now have, should be continued, up to an amount of \$ 75,000., funded 100%, and recommended that the resolution be approved. Following a brief discussion, Councilman Dingleline moved that the resolution be approved with authorization for the Clerk to sign same on behalf of the City of Harrisonburg, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

The City Manager informed Council, in advance notice, that Hose Company No. 4 desires that Council approve the closing off of Community Street (Gay to Rock Sts.) for its annual lawn party, in order to provide additional area for the event. He noted that the section requested for closing is actually only an alley and should pose no problem. A letter requesting the closing will be in, prior to the next regular meeting on June 26th. Following a brief discussion, Councilman Cisney moved that permission for the closing be granted, subject to formal request by letter on the 26th, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

Councilman Dingleline, a member of the Harrisonburg-Rockingham Independence Bicentennial Committee, reported that a meeting is planned for next week, with possibility of discussing some new appointees to serve on the committee and recommendation to Council for approval, in order to facilitate plans for next year's bicentennial celebration. He noted that guidelines and suggestions are needed for proper observance of the occasion. When questioned by Councilman Rhodes, Councilman Dingleline said that no thought had been given, to date, concerning a Bicentennial Medal.

City Manager Milam reported that following the last regular meeting when the matter of a name for the Elderly Housing Project on N.Main Street had been temporarily tabled due to concerns expressed about the name "Collicello Apartments" tentatively selected by the Harrisonburg Redevelopment & Housing Authority, he had instructed the City Clerk to write and suggest that Councilmen be contacted by the R & H Chairman for name suggestions and submission of same to his office. He noted that the Department of Housing and Urban Development requires that the building be named, and suggested that a suitable one be selected through agreement by R & H members and members of Council, with formal action of the governing body not being required. The suggestion met with members' approval.

At 12:20 P.M. Councilman Rhodes moved that Council enter an executive session for the purpose of discussing personnel matters, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

At 1:28 P.M., Councilman Dingleline moved that the executive session be declared closed and the special session reconvened, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

There being no further business and on motion by Vice-Mayor Green, seconded by Councilman Cisney, and a unanimous vote, the Special Meeting was adjourned.

N. Arlene Loker
CLERK

Ray Eichen
MAYOR

DD550

Tuesday, June 26, 1979

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 Walter F. Green, III; Councilmen Raymond C. Dingleline, Jr., Elon W. Rhodes, James C. Cisney; City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- none.

Minutes of combined public hearings and regular meeting held on June 12th were read and approved as corrected. Minutes of a special meeting held on June 19th were read and approved.

✓ For information, the City Manager reported that he was in receipt of a letter from Hose Co. No. 4 making formal request for the closing of a portion of Community Street during their annual lawn party, which action had been approved by Council on June 19th, subject to receiving the request in writing.

✓ Mr. Ken Huffman, CPA, was present in the meeting for the purpose of reporting on the audit of 1976 Community Development Block Grant B-76-DN-51-0120 relating to the Kavanaugh Hotel Project, completed by the firm of Keeler Phibbs & Company. He noted that the audit was an unorthodox type of situation in that items to be investigated, as well as the form to be used, were supplied by the Department of Housing & Urban Development. The report was satisfactory with the exception of the following two minor conditions, which, according to Mr. Huffman, will be approved by HUD although they may be questioned: (1) at the time of contract award for the Kavanaugh Hotel, the City did not notify the prime contractor and each of his sub-contractors that they were to submit their written affirmative action programs within 15 days as required by executive order 11246; (2) although bids were secured for demolition of the B. Ney Building, a contract with the selected contractor was never written, as required, in that it was felt by the City that expedient demolition of the building was vital. After a brief review of the total contract in amount of \$ 525,000. which revealed expenditures of \$ 562,637., leaving an excess of \$ 17,316. expended toward direct costs of the project over and above the original amount. Mr. Huffman noted that although word has not been received to date concerning acceptance of the 1976 audit, his firm has completed approximately 2/3 of the City's 1977 audit. Acceptance of the '76 report is anticipated in the very near future.

✓ A petition signed by fifty-six residents in the area of Monroe & Madison Streets was presented and read, requesting that Council require owners of properties situated on the corner of Monroe and Madison known as Stanford Good property, and corner of Ashby & Madison (vacant lot owned by Mr. Sam Moore), to keep the lots mowed free of weeds and to remove the remainder of a partially burned out structure. Other than being an eye sore to the general public, hazards of mosquitoes, other insects and rodents were pointed out, with the possibility of a Malaria outbreak from water standing in the weeded lots. Photographs of the properties were passed among members of Council, and Councilman Rhodes reminded them that he had called attention to the situation at an earlier meeting, particularly from the standpoint of the abandoned structure intended for a church, years ago. Following a brief discussion, the matter was referred to the City Building Official and City Attorney for a full investigation and contact with Mr. Moore to determine what has been done, and what can be done, with report back to Council at the meeting on July 10th.

✓ Correspondence dated 6/21/79, signed by Catherine and Richard Sheehan and Mrs. Noland M. Canter, was presented and read, requesting that an alley on the north side of Franklin Street between 288 and 294 Franklin Street be closed and turned over to the adjacent property owners. It was noted that the alley is approximately 10' wide and 170' long, and does not continue either to Bruce Street on the north or Ashtree Lane on the south. Notice has been posted in three public places. Following a brief discussion, Councilman Cisney moved that the request be referred to the City Planning Commission for study and recommendation, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ City Manager Milam reported that Tuesday, July 31st, 7:00 P.M., was an acceptable time with the Board of Supervisors for a joint public hearing to be held in the Circuit Court Room for the purpose of receiving public comments concerning the city's major thoroughfare plan for public highways. The Notice prepared for publication in the Daily News Record newspaper was then read, and accepted by Council.

✓ Mr. Eddie Ney, Chairman of the Harrisonburg Parking Authority, was present in the meeting for a report concerning the City's two parking decks. He noted that due to construction complications, the Wolfe Street deck is running about 30 days behind schedule, with opening anticipated for October 1st or sooner. A tentative plan by the Authority is for renting single spaces on the upper deck for an annual fee of \$ 75.00 (shorter periods to be pro-rated), with a hope of renting all the 160-175 spaces, and thereby saving the cost of installing individual meters. Ground level spaces would be metered @ 10¢ per hour or 3 hours for 25¢, for shoppers. Mr. Ney offered an opinion that free parking should be discontinued on the former B. Ney lot, or that lot closed when the new deck opens, in order to encourage its use. With

regard to the Municipal Parking Deck off Liberty Street, Mr. Ney reported that the Authority does not favor the idea of painting the underside with a white luminous paint to brighten the area, as suggested, in that auto fumes and other dirt and grime would necessitate continued upkeep. He suggested that additional lights (including those already there and not in use) could serve the same purpose, with the possibility of a lesser cost. He reported that bids are presently being sought for correcting a leakage from the upper deck, onto parked cars below, and added that the Authority also desires to cut brick away from the enclosed stairwells and replace with clear plastic panels in order to encourage more use of same by discouraging vandalism. Mr. Ney stressed the fact that a snow removal policy is necessary for the parking decks, particularly in view of rental on an annual basis at the Wolfe St. deck. He informed Council that a financial report will be submitted as soon as projected expenses have been worked out, and requested that the City Auditor's Office furnish the Authority with a monthly revenue report in that this had not been received for the past six months. City Auditor Shifflet replied that the information is kept updated in his office for review at any time.

✓ The following recommendation submitted by the Planning Director from a meeting of the Commission held on May 16, 1979 was presented and read by the City Manager:-

"...Under other matters, the Commissioners reviewed a map of the Gambill Lots, situated on the east edge of Purcell Park and between Hillside Avenue and Butler St. Chairman Kuykendall reported that he, Parks Director Gilkerson and Planning Director Sullivan walked over the lots after learning they were for sale. He added that the City's Master Parks and Recreation Plan, adopted in 1967, includes acquisition of these lots if circumstances permit. Mr. Sullivan showed the Master Parks & Recreation Map and Councilman Rhodes asked Mr. Gilkerson if he has specific plans for development of the 2-acre tract. Mr. Gilkerson replied that some of the area may be used for expanded parking off Hillside Avenue and the rest would likely be green space for picnic tables and trails. The property is wooded and rocky.

Dr. Shank concluded the discussion with a motion that the Planning Commission recommend to City Council that the 2-acre Gambill property be purchased if funds are available, due to the goals and objectives of the Master Parks and Recreation Plan.

Councilman Rhodes seconded the motion and all members present voted in favor..."

Mr. Sullivan pointed out the area on a map and told Council that the subject of price was not brought up at the Commission meeting. Councilman Dingleline said he was concerned about an appraisal on the area, to be assured that the asking price is right, should the matter of purchase be pursued. Following discussion, Councilman Rhodes moved that Mr. Driver contact Mr. Gambill for information, and report back, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

✓ The following Planning Commission recommendation from a meeting held on June 20, 1979 was read:-

"...The Commissioners reviewed an application for vacation of an alley 10' wide and 169' in length, filed by Attorney Thomas Wilson on behalf of Hosie T., Anna L., R. Daniel and Marilyn T. Fitzgerald. The undeveloped alley extends north from E. Johnson Street and intersects another 10' alley and is adjoined on both sides by property belonging to the applicants. The Director reported that a dwelling occupies the lot east of the alley, and if said lot is rezoned from Residential to Industrial, the dwelling will be demolished. Dr. Shank moved that the Planning Commission recommend the closing of the alley if a favorable report is submitted by the Board of Viewers. Mrs. Bowman seconded the motion and all members present voted aye..."

Following discussion, Councilman Dingleline moved that Council accept the Planning Commission report and appoint a Board of Viewers comprised of Messrs. P.H. Hardy, John H. Byrd, Sr. and T.H. Lowery to view the alley and report, in writing, whether or not there would be any inconvenience in the closing, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

✓ The City Manager presented and read the following Planning Commission recommendation from a meeting held on June 20, 1979:-

"...Attorney Stephen Bradshaw of West Side Offices, situated on the northeast corner of S. High Street and W. Water Street, asked the Commissioners to recommend closing of a portion of Old S. High Street. He stated that West Side Offices will grant to the City utility easements and he noted that access to the Morrison and Otterbein United Methodist Church will not be blocked. Mr. Milam reported that the City Council denied this request in 1975 after Dr. Claude Morrison objected. He suggested that the Board of Viewers be assigned to review the matter again and that Mr. Bradshaw write the utility easement for the City if the request is approved.

Mr. Williams moved that the Commission recommend the vacating of property under discussion, subject to the City retaining a 33' utility easement and subject to review and concurrence by the Board of Viewers to be appointed by Council. Dr. Shank seconded the motion and all members present voted aye..."

A reminder was made by the City Manager that the Board of Viewers had, in 1975, approved the closing, but that Council had not, primarily due to objections by residents. Mayor Erickson explained that residents use the portion requested for closing as access in a southerly direction on S. High Street, which would be prohibited. Mr. Sullivan said that the problem still prevails, if closed. He noted that West Side Offices desires to remodel, by transforming the church structure into an office type building, in which instance the closing would be very advantageous. Mr. Sullivan reiterated the statement by Attorney Bradshaw at the Commission meeting that West Side Offices will grant to the City utility easements and that access to the Morrison and Otterbein Church properties will not be blocked. Following discussion, Vice-Mayor Green moved that the City Attorney confer with Attorney Bradshaw and inform him that the closing may be granted, provided the developers will be willing to give residents an easement (in writing) across the property, and report back to Council, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ City Manager Milam read the following recommendation from a Planning Commission meeting held on June 20, 1979:-

"...The Commissioners studied a revised Final Plan for Easthampton S.D.,

Section 1, which had been submitted to Council on May 22, 1979 and referred to the Planning Commission. Mr. J.R.Copper, Land Surveyor, told the Commissioners that five of the ten proposed lots have been slightly changed by shifting lot lines, in order that all lots have at least 8,000 sq. feet of area. He added that owners Henry Clark and V.W.Nesselrodt will construct duplex homes on each lot or single family homes if the market demands, and they do not object to rezoning the lots from R-3 to R-2.

Mr. Milam stated that two separate actions are needed: a recommendation concerning the subdivision and a recommendation concerning the rezoning. He then moved that the Commission recommend to City Council that the revised Final Plan, Easthampton Subdivision, Section 1, be approved. Mr. Rhodes seconded the motion and all members present voted aye. Mr. Milam then moved that the Commission recommend to City Council that Lots 2 through 11, Easthampton Subdivision, be rezoned from R-3 Multiple Dwelling District to R-2 Residential District. Mr. Williams seconded the motion and all members present voted aye..."

Council reviewed the revised plan and discussed the matter, with suggestion by the Mayor that action be taken in separate motions with regard to rezoning and final plan. Councilman Cisney moved that Council approve rezoning of the lots from R-3 Multiple Dwelling to R-2 Residential, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council. Councilman Cisney then moved that Council approve the revised Final Plan for Easthampton Subdivision, Section, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

City Manager Milam reminded Council that the preliminary plan for Mr. Ken Kline's proposed 4-lot subdivision, known as Eastover Subdivision, had been approved on May 22nd, with various concerns expressed during a discussion. He then read the following recommendation submitted by the City Planning Commission from a meeting held on June 20, 1979:-

"...The Commissioners reviewed Ken Kline's 4-lot Final Plan for Eastover Subdivision, Section 1, Block 5. Mr. J.R.Copper, Land Surveyor, noted that there is an ample amount of land above the flood plain on each lot, and the homes to be built will face north toward the C-W Railroad and Cantrell Ave., but access will be over a paved private road which will come off Paul Street. Mr. Milam noted that the Subdivision Ordinance required lots to face a public street. Chairman Kuykendall stated that this proposal is probably the best use we can get, due to the surrounding features. Mr. Byrd stated that this proposal typifies our problem in that most remaining land to be developed has undesirable features. He noted that if approved, no future variances should be honored.

Mr. Williams concluded the discussion with a motion recommending that City Council approve the Final Plan of Eastover Subdivision, Section 1, Block 5. Mr. Rhodes seconded the motion. Voting in favor: Mr. Williams, Mr. Rhodes, Dr. Shank, Mrs. Bowman, Mr. Kuykendall; voting no: Mr. Milam..."

City Manager Milam reiterated the fact that a requirement of the City's Subdivision Ordinance is for residences to face on a public street, and noted that his "no" vote in the Planning Commission meeting was based primarily on this fact. He pointed out the possibility that once the properties are sold and the private road deteriorates, there could be a request for the City to maintain same, and requests from other developers for the same treatment. Mr. Copper said that a maintenance agreement would provide for upkeep of the road with no responsibility on the City, which agreement would be referred to the City Attorney for his approval. Concerning trash pickup for the residences, Mr. Copper pointed out that pickup would be from Paul Street, 10' to 15' off the actual street, from some type of portable concrete enclosed pad. During discussion, a desire was expressed for a written statement from the Fire Chief concerning a distance of 800' from the fire hydrant on Cardinal Drive to the fourth residence, although it had been pointed out that sufficient hose is available, as well as assurance that fire trucks would be able to get to the residences in the event of an emergency. Mr. Copper gave assurance that offstreet parking would be provided to avoid blockage of the private road. Reservations were expressed by members of Council in that the 40' road does not meet highway specifications, and suggestion was made for changes which would result in a standard street with curb and gutter, as required in other subdivisions. Following discussion, Councilman Rhodes moved that action on the final plan be postponed pending further information, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

The following Planning Commission recommendation was read by the City Manager, from a Commission meeting held on June 20, 1979:-

"...The Commissioners reviewed the Final Plan for Westside Acres Subdivision, with four single family lots on North Dogwood Drive and nine single family lots on a cul-de-sac named 'Statton Court' which will be south of West Wolfe Street. Mr. J.R.Copper, Land Surveyor, agreed to submit a profile of W.Wolfe St. which will have to be opened from Hartman Drive to Statton Court. After discussing a slight realignment of a 20' utility easement across the south border of the subdivision, Mr. Milam moved that the Planning Commission recommend approval of the Final Plan for Westside Acres Subdivision. Dr. Shank seconded the motion and all members present voted aye..."

Following discussion and review of the Plan with Planning Director Sullivan, Councilman Rhodes moved that the recommendation of the Planning Commission be approved, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

The City Manager presented and read the following Planning Commission recommendation from a meeting held on June 20, 1979:-

"...The Director reported to the Commissioners that Mr. Perry Baugher's 10-lot townhouse subdivision on S.High Street which was approved by the City Council in September 1977, must be subjected to a public hearing because original lot lines of four lots in Hillandale Subdivision should have been vacated prior to the establishment of the 13 townhouse lots. He added that sale of the already constructed triplex townhouse on Lots, 4, 4A and 4B is being held up due to this technicality, and after consulting with the City Attorney, it appears that the quickest way to solve the problem is to request a joint public hearing with City Council.

Mr. Rhodes moved that the Commission request a joint public hearing with City Council on July 24. Dr. Shank seconded the motion and all members present voted aye. Mr. Milam requested the City Attorney to draft the legal ad for this case..."

Vice-Mayor Green moved that a joint public hearing with the Planning Commission be scheduled for Tuesday, July 24th, 7:30 P.M. with instructions for the City Manager to see that same is properly advertised, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

City Attorney Lapsley reported that grass and weeds had been mowed at three dilapidated properties on Lee Avenue, as requested by Council at the last regular meeting, and that progress is being made toward settlement of a partition suit which will result in sale of the properties. Councilman Dingleline moved that proper "no trespassing" signs be posted and that the City Attorney be instructed to see that the properties are properly boarded up in order to make them inaccessible to the public, pending settlement of the litigation, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

Members were reminded that correspondence dated 5/24/79 had been received from Mr. Douglas Flory, advising that due to purchase of property outside the city, he would resign from the Harrisonburg-Rock Community Mental Health and Mental Retardations Services (Chapter 10) Board as of July 1, 1979. Following a brief discussion, Councilman Cisney moved that Mrs. Paul H. (Betty) Kipps, 1043 Chestnut Drive, a recommendation of the Board, be appointed to fill the unexpired term of Mr. Flory to July 1, 1980, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

Attention was called to correspondence dated 5/24/79 from the Central Shenandoah Area Manpower Planning Council requesting appointment of an Alternate to attend meetings in the absence of Mr. John Driver, action on which had been postponed at the regular meeting held on June 12th. Mayor Erickson asked members if they desired to take action at this time. Councilman Rhodes moved that Mr. Cecil F. Gilkerson (City Recreation Director), 507 Paul Street, Harrisonburg, be appointed Alternate to the Area Manpower Planning Council, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

Council was reminded that Mr. Eddie Ney's present term on the Harrisonburg Parking Authority had expired as of November 28th, with no appointment made to date. Mayor Erickson asked members if they desired to act on this matter at this time. Councilman Dingleline moved that Mr. Ney be reappointed to the Authority for a term of five (5) years expiring on November 28, 1983, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

During a discussion of vacancies on various Boards & Commissions, it was pointed out that Katherine Depoy's first term on the Harrisonburg City School Board would expire on June 30, 1979; Mr. Robert Furr's second term on the Board would expire on June 30, 1979; and that the resignation of Mr. Richard Workman had been accepted in that he was being transferred from the City. Councilman Rhodes moved that Mrs. Katherine Depoy be reappointed to the School Board for a three (3) year term to expire on June 30, 1982, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council. A motion was offered by Councilman Dingleline that Mr. Robert W. Amos, 620 Fir Street, be appointed to the School Board for a term of three (3) years expiring on June 30, 1982, to replace Mr. Robert Furr, who is ineligible for reappointment. The motion was seconded by Vice-Mayor Green and adopted by a unanimous vote of Council. Vice-Mayor Green moved that Mr. Tom Hook, 830 Stuart Street, be appointed to the School Board to fill the unexpired term of Mr. Workman, which term will expire on June 30, 1980. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

In view of the fact that Dr. Walter M. Zirkle, Jr.'s first term on the Board of Public Welfare will expire on June 30, 1979, Vice-Mayor Green moved that he be reappointed to the Board for a term of four (4) years to expire on June 30, 1983. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

Members of Council were reminded that Dr. Hollen Helbert had submitted a letter which was presented at the last regular meeting, advising that he would be moving out of the City the latter part of this month or first of July, which would make him ineligible to continue serving on the Upper Valley Regional Park Authority for remainder of his present term to expire on January 24, 1981. Following a brief discussion, Councilman Rhodes moved that Mrs. Clifford R. (Betty) Morris, 720 W. Wolfe Street, be appointed to serve on the Upper Valley Regional Park Authority for the remainder of Dr. Helbert's term, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

Mayor Erickson reminded Council that Mr. Carlson F. (Jack) Booth's first term on the Board of Trustees - Blue Ridge Community College would expire on June 30th and asked members if they desired to make an appointment at this time. Councilman Cisney moved that Mr. Booth be reappointed to the College Board for a term of four (4) years, expiring on June 30, 1983, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

Assistant City Manager Driver reminded Council that the firm of Wm. F. Cosulich Associates, New York, had been approved some time ago for a feasibility study of a Solid Waste Project for the City of Harrisonburg, and introduced Mr. Bill Miller, a representative of that firm who was present in the meeting, to present highlights of the study which was completed last month. Mr. Driver offered an opinion that the report seems to be a workable one, and that the estimated cost of \$ 3,406,090. for the trash burning plant, based on today's market, appears to be a good one, but added that the cost will accelerate some a few years in the future, with no way at this time to project cost of fuel oil when the plant is actually in operation. Mr. Miller explained that the plant would have a capacity of 100 tons per day with two 50-ton units (potential capacity of 200 T per day), and noted that the City now has an average of 50 tons of garbage per day, with expectation of exceeding a figure of 60 T per day. 67 tons per day is needed to offset cost of operating the plant. Although preliminary plans set out the former sewer plant site in southern Harrisonburg, Mr. Driver said it now seems more economical to build the plant nearer a consumer than to construct long pipelines to carry the steam a great distance. At the present time, according to Mr. Driver, negotiations are underway with four potential customers to purchase the steam, with one firm to be selected as purchaser @ 20% below the prevailing cost of fuel oil. He

noted that publication of the firm names was not in order at this time. Mr. Miller quoted figures and made comparison of cost of fuel oil vs steam heat, based on tons per day, etc. Following a lengthy discussion, Vice-Mayor Green moved that the project be pursued, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council. City Manager Milam said that a contract would be negotiated after further information is made available.

City Manager Milam presented for Council's consideration of acceptance, a Memo of Understanding between the City of Harrisonburg and the Shenandoah Valley Soil & Water Conservation District, submitted by Mr. Hal Bush. He offered an opinion that the Memo was a workable type of agreement whereby the members of Council would act as a liason between the District and City in providing joint cooperation through efforts to solve problems relating to the planning and development of soil, water, and related water resources in Harrisonburg. Following a review of responsibilities as set forth in the Memo for both the District and City, Manager Milam noted that the majority of responsibilities listed are currently being complied with, and recommended approval of the document. Councilman Cisney moved that the Memo of Understanding be approved with authorization for the Mayor to sign same on behalf of the City, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

Councilman Dingleline moved that a supplemental appropriation in amount of \$ 4,600. requested by the City School Board in order to appropriate unanticipated federal funds to cover teacher aides and elementary teachers' salaries, be approved for second & final reading, a first reading having been approved on June 12th, and that:-

\$ 4,600. chgd.to: School Fund (R-28) Receipts from Fed.Funds- Other Fed.Funds
(Antic. Receipts)

4,300. approp.to: School Fund (1209-109.02) Fed.Programs- Comp.Tchr.Aides

300. approp.to: School Fund (1209-134.11) Fed.Programs- Comp.Elem.Tchrs.

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

Councilman Cisney moved that a supplemental appropriation in amount of \$ 10,041.67 which was appvd. for a first reading on June 12th in order to appropriate earned interest from investments to the Elderly Housing Project, be approved for second and final reading, and that:-

\$ 10,041.67 chgd.to: General Fund - Income from Investments

10,041.67 approp.to: General Fund (10220-72.01) Housing for the Elderly

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

City Manager Milam presented a resolution from the Central Shenandoah Planning District Commission, action on which had been delayed at an earlier meeting, which resolution provides for the jurisdictions in Planning District 6 to be included in the Appalachian Region. Janet Wampler, Rt. 1, Grottoes, Va.; Linda Gibson, Rt. 1, Port Republic, and Walter Hutchins of Augusta County, were present in the meeting to present opposing views to the resolution through prayer, recording of Anita Bryant singing "God Bless America" and quotes from John Wayne. The presentation was based on a fear of future establishment of world zones and a world government. Action concerning the resolution was delayed until the meeting on July 24th, for further thought and information.

City Manager Milam presented and read the following amendment to the agreement between the Harrisonburg Redevelopment & Housing Authority and City of Harrisonburg, submitted by Hunton & Williams, Bond Counsel, providing that the Authority will reimburse the City for amounts that the City has to pay from its own funds to pay principal and interest on the bonds for the Elderly Housing Facility:-

WHEREAS, the parties hereto have previously entered into an agreement dated March 27, 1979 (the "Agreement"), providing for the financing, construction and operation of a 62-unit residential housing project for elderly and handicapped persons at 265 N.Main Street (the "Project"); and

WHEREAS, in accordance with the Agreement the City has issued \$1,600,000. Elderly Housing Facility Bonds, Series of 1979 (the "Bonds"), to finance the Project; and

WHEREAS, the Agreement provides that the net revenues available from the Project will be used to pay the principal of and interest on the Bonds; and

WHEREAS, the net revenues from the Project are not expected to be sufficient to pay the principal of and interest on the Bonds in full and the City expects to have to use its own funds to make up such deficiency; and

WHEREAS, the parties hereto are desirous of amending the Agreement so as to provide that the Authority will reimburse the City for any amounts that must be paid by the City to pay the principal of or interest on the Bonds from any revenues that may be derived from the Project after the Bonds have been paid;

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants hereinafter contained, the parties hereto covenant and agree as follows:

1. The Authority agrees that it will reimburse the City for any amounts paid by the City in connection with the financing, ownership or operation of the Project, including any amounts that must be paid by the City as principal of and interest on the Bonds in the event that the amounts in the Harrisonburg Redevelopment and Housing Authority Revenue Fund established by Section 5 of the Agreement are insufficient therefor.

2. The obligation to reimburse the City shall not be a general obligation of the Authority but shall be payable only out of the revenues of the Project received by the Authority once the Bonds have been paid in full.

3. Once the Authority has reimbursed the City for all amounts expended by the City in connection with the Project, the assignment of revenues of the Project provided for in Section 5 of the Agreement shall terminate and all future revenues of the Project may be retained by the Authority free from such assignment.

IN WITNESS WHEREOF, the City and the Authority have caused this Agreement to be executed in their respective names, all as of the date first above written.

CITY OF HARRISONBURG, VIRGINIA

By _____ Mayor

Attest:

Clerk

DD1550

6-11-79

HARRISONBURG REDEVELOPMENT & HOUSING AUTHORITY
By _____ Chairman

Attest: _____
Secretary

Following a brief discussion, Councilman Dingleline moved that the Agreement be approved, with authorization for the proper officials to sign same on behalf of the City of Harrisonburg, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ The City Manager presented correspondence dated 6/25/79 from the Virginia Housing Development Authority, Richmond, Va., requesting approval or disapproval concerning a proposed 112 unit multi-family residential housing development, which the Authority would finance, situated on 12.5 acres of land off the northeast line of Mosby Road to be known as "Mosby Heights." He pointed out the fact that the project will proceed if the form designating disapproval is not returned within 60 days. Planning Director Sullivan noted that if the area zoning remains R-2 Residential, only single family or 4-unit or less apartments can be constructed. Following discussion, Councilman Dingleline moved that the matter be referred to the Planning Commission for study and report, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

At 10:30 P.M., Councilman Rhodes moved that Council enter an executive session for the purpose of discussing acquisition of property, which motion upon being seconded by Vice-Mator Green, was adopted by a unanimous vote of Council.

At 11:10 P.M. on motion of Councilman Dingleline, seconded by Councilman Cisney, and a unanimous vote of Council, the executive session was declared closed and the regular session reconvened.

✓ Councilman Rhodes moved that a resolution be prepared for the family of Warren Caracofe, a Bridge-water Fireman who lost his life while fighting a recent fire in Harrisonburg, and also some form of recognition to all companies who participated in that fire. The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Council.

There being no further business, the meeting was adjourned.

N. Arlene Lopez
CLERK

Loy Nichols
MAYOR

Tuesday, July 10, 1979

At a regular meeting of Council held in the Council Chamber this evening at 7:30 P.M. there were present:- Mayor Roy H. Erickson; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Walter F. Green, III; Councilmen Raymond C. Dingleline, Jr., Elon W. Rhodes, James C. Cisney; City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- none.

Minutes of the regular meeting held on June 26th were read and approved.

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 June, 1979.

From the City Treasurer:

A Trial Balance report as of close of business on June 29, 1979.

From the Police Department:

A report of total number of arrests; parking meter fines collected; cash collected from parking meters; total cash collected all sources in amount of \$ 5,853.96 for month of June, 1979.

From the City Auditor:

A report of cash discounts saved in payment of vendor's invoices for month of June, 1979, totaling \$ 206.11. No discounts lost.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of June, 1979.

City Manager Milam presented correspondence dated 7/29/79 from Mr. C. C. Caldwell, Manager Facilities Engineering, Imco Container Company, 291 W. Wolfe Street, requesting that Lots 26-31, Block R, Page No. 35 in the City Block Map be rezoned from R-2 Residential to M-1 Industrial. Purpose for the rezoning: to permit construction of a one-story addition on the south side of the present building, which construction will necessitate relocating some of the employee parking closer to W. Market Street. Manager Milam noted that a filing fee of \$ 75.00 accompanied the rezoning request on a Zoning Amendment Application form, and that same had been deposited with the City Treasurer. Following a brief discussion, Councilman Dingleline moved that the matter be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

Correspondence dated 7/2/79 from Mr. James A. Haslam, III, Pilot Oil Corporation, Knoxville, Tenn., was presented and read, advising Mayor Erickson of the need for a crossover in front of their service station at 865 E. Market Street in Harrisonburg. Difficulty in reaching the station from the far side of the street was pointed out, in that it is a divided highway. It was noted that Pilot Oil would be glad to pay construction costs, provided permission is granted for the crossover. Following a brief discussion, Councilman Rhodes moved that the request be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

Mr. Kenneth Frantz, General Manager of Harrisonburg Electric Commission, appeared before Council to

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report that they were in need of a right-of-way across property owned by Rocco, Inc., south of Monument Avenue, as well as a portion of land east of Monument Avenue which has been deeded by Rocco to Greater Madison, Inc., for use by JMU. He noted that although many efforts have been made, they had not been able to negotiate with Rocco for the right-of-way, but said that another meeting would be held with Senator Aldhizer when he returns to this country. The easement is needed to build an electric line along the edge of Interstate 81, crossing the Rocco and Greater Madison properties. During discussion, the possibility of condemnation was mentioned if negotiations cannot be finalized. Vice-Mayor Green moved that Attorneys Lapsley and Sipe confer with representatives of Rocco to determine what, if anything, might be worked out, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

City Manager Milam presented and read correspondence dated 6/29/79 from Beth A. Ney, 88 Maplehurst Avenue, and C.W.Ewing, 1070 Hillcrest Drive, requesting the closing of a dead-end street at Hillcrest Drive and Maplehurst Ave., which has been a source of many problems for those property owners. The requestors agreed to bear their share of any required costs in the matter. Following a brief discussion, Councilman Dingleline moved that the matter be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

City Manager Milam presented and read the following report from a duly appointed Board of Viewers:

"The undersigned P.H.Hardy, John H.Byrd,Sr. and T.H.Lowery, being the Viewers appointed by the City Council at a regular meeting Tuesday, June 26, 1979 to view a 10 foot alley on the north side of E.Johnson Street, running back 169', then intersecting another 10' alley. Said alley adjoined on both sides by Hosie T., Anna L., R. Daniel and Marilyn T. Fitzgerald, owners of the property and who are making the application for its closing.

Your board has assembled and viewed this alley and make the recommendation that this alley be closed.

Respectfully submitted this 10th day of July, 1979."

Council was reminded that a Planning Commission report had been presented at the June 26th meeting which recommended the alley closing subject to a favorable report by a Board of Viewers. The report was accepted and Viewers appointed at that meeting. Following discussion, Councilman Cisney moved that the Planning Commission recommendation and Board of Viewers' report be approved, with ordinance effecting the closing approved for a first reading, and referred to the City Attorney to be drawn in proper form. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

City Attorney Lapsley reported that yet another obstacle stands in the way of filing a partition suit on three dilapidated properties: two facing Lee Avenue and one facing Chicago Avenue, that being the fact that an heir in Maryland, declared legally deceased, may be alive, which fact is being clarified by a Maryland attorney. He said that Attorney James Sipe would be filing the suit either the end of this week or the beginning of next. When asked by Councilman Dingleline the normal time for action by court after filing of the suit, Attorney Lapsley replied that it could be as much as eight weeks, in view of the Maryland heir. A group of residents from the Lee Avenue area was present in the meeting to express concerns about the three properties, and in support of a petition signed by 127 residents which had been presented at Council's meeting on June 12th. Mr. John Radosevich, 408 Lee Avenue, served as spokesman for the residents and referred to the properties as deplorable and dangerous, the larger house having several feet of water in the basement and rotten floors above, as well as a fallen chimney. He noted an average of ten youngsters per week that have to be run off the premises, for fear of their being seriously injured. Due to the delay in action by the estate's attorney as well as his report that the partition suit had been filed a month ago, and in order to facilitate some action by Council, Mr. Radosevich referred to section 58-1117.2 of the Virginia State Code as well as a paragraph from Section 58-1117.3, providing a direction in which the governing body could move, through the court, for sale of the properties for delinquent taxes in that no tax has been paid for five or more years, with the court then assuming responsibility for division of the balance over and above taxes due, and other costs, to heirs making claim on same. He urged stronger action in that the City has other options to go on. Concerns were expressed by several other residents and Mrs. Judy Grandle urged that the City "go the condemnation route" after being advised that the City could institute such a suit in the court, along with the partition suit to be filed soon. Following a lengthy discussion, Mayor Erickson assured those present of Council's concern about the situation, and said that the City Manager would be instructed to place the matter on each Council agenda, until settled. Councilman Dingleline offered an opinion that since the suit is on the verge of being filed, that the properties should be cleaned up as much as possible, and then moved that the Mayor write a letter to Attorney Sipe expressing concern of Council and requesting that the matter be expedited and pursued, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

On instructions of Council at the June 26th meeting following presentation of a petition, City Attorney Lapsley, reporting from the files of the City Building Official, noted that progress had been made with regard to four properties in the area of Madison-Monroe Streets by way of: lots mowed, property renovation, and promise to demolish the partially burned out church structure. Messrs. Athel Furr and Brooke Riggles were present in the meeting to report that promises made at the time the properties were sold, had not been kept: lots have not been leveled, cleared of bottles & other debris or mowed properly, which results in water standing on the lots. Further noted was the fact that no type of construction has taken place since the lots were purchased, and that water is standing in an abandoned foundation. Following discussion, Council asked that further efforts be made in both neighborhoods, where the properties are located, before the July 24 meeting, and the City Manager was instructed to carry the matter on each Council agenda until the situation is resolved.

Council was reminded that a CATV Study Committee comprised of: E. Warren Denton, Jr., City Attorney Norvell Lapsley and City Manager Marvin Milam was appointed at the June 12th meeting to investigate a request of Warner Cable Corporation to increase cable rates, and the following report from that committee was read:

"The CATV Study Committee has met on three various occasions and reviewed the Financial Statement and Annual Audit of the CATV Company and also met with

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the attorney and local manager concerning the service area, recent complaint log and disposition of complaints, Corporate Headquarters expenses and pending requests for connections.

In view of the financial condition of the company and satisfactory answers to all questions, the committee recommends that Council approve the rate and installation charges as requested by the Warner Cable Corporation of Harrisonburg."

Councilman Rhodes said he feels that the present rate increase request is also for costs of the South Main Street project, on which two other increases had already been approved. Mr. Harold Reinen, Mgr., Warner Cable Corporation, noted that the basic portion would be for the cost of constructing an earth station to enable the City to receive television signals from satellite transmissions to provide subscribers the Christian Broadcasting Network. During a review of complaints concerning cable service, it was noted that two residents on Effinger Street have been waiting for cable service, one for a two-year period, pending installation of poles. Mr. Reinen explained that permits are necessary prior to poles being installed by the Harrisonburg Electric Commission. Mr. Denton, a member of the CATV Study Committee, said that should the proposed ordinance for rate increases be approved for a first reading at this time, or even if the ordinance is not approved at all, the manager of Warner Cable Corporation should be requested to make major improvements and expand the present system through addition of channels. He noted that the company's complaint log had been reviewed by the committee, which revealed that all were handled in good time. Mayor Erickson offered an opinion that the earth station proposal is good, but that the few customers awaiting service, should be served. City Manager Milam suggested that the Clerk be instructed to write a letter to HEC for an explanation concerning the 2-year period that one resident had been waiting for pole to be installed, with a reply requested prior to Council's next regular meeting on July 24th. On motion of Vice-Mayor Green, seconded by Councilman Cisney, an ordinance for rate increase was appvd. for first reading by majority vote. Voting aye: Councilmen Dingleline, Cisney, Green and Erickson. Voting no: Councilman Rhodes.

For consideration of a first reading, the City Manager presented an ordinance amending paragraph (f) of Section 34, Community Antenna Television Franchise Ordinance, setting forth the following rate increases: (1) Initial tap-in and connection charge \$15.00 (presently \$10.00); (2) Reconnection, installation for additional outlet, and transfer of outlet charge \$10.00 (presently \$8.00); (3) FM outlet installation charge \$20.00 (presently \$5.00); (4) Monthly rates \$7.00 (presently \$6.75) and monthly charge for each additional outlet \$2.50 (presently \$2.00). Mr. Denton pointed out that an approximate amount of \$6,000. in revenue would be realized with the increase, as compared to approximately \$2,000. if no increase. Councilman Dingleline expressed concern about lateness in the year, prior to termination of the present franchise in April of next year when the entire cable system will have to be reworked, including rates. Manager Milam offered an opinion that Warner Cable should have a fair return between now and the time their franchise expires next April, and that the rate increases requested will be to the best interest of the community. Following discussion, Vice-Mayor Green moved that the ordinance be approved for a first reading subject to Warner Cable furnishing Council, in writing prior to a final reading, documentation concerning projected time for improvements in the present system, what improvements the rate increases are intended to cover (i.e. earth station), etc., which motion upon being seconded by Councilman Cisney, was adopted by a majority recorded vote of Council. Voting aye: Councilmen Green, Dingleline, Cisney and Erickson. Voting no: Councilman Rhodes. It was suggested that the general public be notified concerning what they will be paying for with the increase, and made aware of controlled stations with regard to programming, in that complaints are received about the same program being carried on more than one channel. Mr. Denton predicted that the docket will come in this summer and will eliminate all rules, at which time cable companies will be able to select programs.

Mayor Erickson informed Council that he had contacted Mr. Elmer B. Kaylor, 311 New York Avenue, and Mr. Robert L. Brumback, 621 Broad View Drive, both of whom had consented to serve as members of the Board of Assessors, if appointed. He asked for a motion recommending those two names, along with the three present members of the Board, to the Circuit Court Judge. Councilman Dingleline moved that the City Attorney be authorized to recommend the names of Messrs. T. Harry Lowery, Richard L. Suter, John H. Byrd, Sr., Elmer B. Kaylor and Robert L. Brumback, for reappointment and appointment to the Board of Assessors. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

Due to the fact that two present members of the Board of Health (Drs. J.E. Gardner and H.G. Helbert) are living outside the City, and one member (Dr. F.L. Byers) is confined to his home due to illness, Vice-Mayor Green moved that the following five persons be appointed to comprise the Board: Dr. J.F. Wine; Dr. Michael J. Reilly; Dr. C. Sherrill Armentrout; Dr. Robert M. McDonald; and Miss E. Virginia Reilly (retired, Director of Nursing Service, RMH). The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

City Manager Milam presented for consideration of a first reading, an ordinance amending Chap. 28, Sec. 28-45 of the City Code titled "Taxi & Bus Rates Generally." He noted that the purpose was to increase the present taxicab rate from 60¢ for the first 2/5 mile and 10¢ for each 1/5 mile or fraction thereafter, to 70¢ for the first 2/6 mile and 10¢ for each 2/6 mile or fraction thereafter. According to the City Manager, the Transportation Department's budget figures are running behind schedule, and the proposed increase would generate approximately \$ 600. more in revenue per month and reduce the anticipated annual deficit to approximately \$ 15,000. Manager Milam recommended that the rate increases be granted in that they will provide a little more revenue for the Transportation Department. Councilman Dingleline suggested that an increase be imposed on longer runs outside the City, rather than on short runs within the City. Mr. Reggie Smith, Transportation Director, pointed out that if rates are raised outside the City, people will stop using the cabs, and added the fact that although the daily short runs cost more, the number that can be made, greatly exceeds the longer runs. Manager Milam said that the higher taxi fares could serve to boost the use of the City's buses, which, according to the Transportation Director, have definitely been affected by the recent gas crunch. Vice-Mayor Green offered an opinion that the buses which represent mass transportation, should be subsidized, rather than courtesy vehicles. He moved that the ordinance be approved for a first reading, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council.

The following lists were presented from the City Treasurer as required under both the Virginia Tax Code and City Code: Personal Property delinquent taxes for the years 1974, 1975, 1976, 1977, and Real

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Estate delinquent taxes for the years 1976, 1977; Revised list of delinquent taxes on Tanbible Personal Property for the year 1977; Delinquent taxes on Real Estate and Tangible Personal Property for the year 1978. On motion of Councilman Cisney, seconded by Vice-Mayor Green, and a unanimous vote of Council, the lists were accepted and ordered filed in the Office of City Manager.

✓ For information, the City Manager reported that between the time of Executive Order 24 issued by the Governor of Virginia concerning conservation of gasoline and diesel fuel, and a meeting which was held on Monday, July 2nd with operators of local service stations and convenience stores, he had submitted a basic plan of operation to the Governor's Office based on percentage of days the various stations and convenience stores are operating and selling gasoline to the general public. Verbal reports have been given by phone since that time to the Governor's Office, stating the situation in Harrisonburg as very good, and giving assurance that the City will comply with any order, or new order which may be issued in the future (i.e. odd-even days).

✓ Mrs. Sarah Milam, Community Development Coordinator, requested Council's consideration for dedication of the Elderly Housing Facility to the memory of James Reherd "Polly" Lineweaver, with suggested name of POLLY MANOR APARTMENTS. She noted that the name had met with approval of the Harrisonburg Redevelopment & Housing Authority. In stating background information concerning Mr. Lineweaver, Mrs. Milam cited among other attributes, his association with the Daily News Record newspaper for over 1/2 century during which time he reported fair, accurate and complete information re Harrisonburg and Rockingham County governmental affairs, and his services on Harrisonburg City Council 1936-1940. Further stated was the fact that "Polly" resided in the former Kavanaugh Hotel for many years, which in itself is significant, in that the Kavanaugh was the original proposed site for the Elderly Housing Facility, later transferred to 265 N. Main Street. Preliminary wording for a Memorial Plaque was presented by Mrs. Milam, should the name meet with Council's approval. During discussion, Vice-Mayor Green offered an opinion that the suggested name would not necessarily refer to the individual, and that the entire name should be used for full recognition. He then moved that the Facility bear the name J.R. "POLLY" LINEWEAVER APARTMENTS, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ Assistant City Manager John Driver requested that the S. Main Street Project (Grattan St. to south corporate limits) be named "W.A. WOODWARD HIGHWAY" in memory of the late W.A. Woodward, who served as Harrisonburg's City Manager from 1957 until his death in July, 1968. He noted that addresses of those residents on S. Main Street would remain the same, and that a simple ceremony would be held following completion of the project, with signs placed at each end of the designated section of street. Mr. Driver recalled Mr. Woodward's conservatism with city finances and his vital interest in the city's street program, particularly in upgrading of streets at the time receipt of state funds was threatened due to their bad condition. Mr. Driver suggested that a proper resolution be drawn for the dedication. Following a brief discussion, Councilman Dingledine moved that the section of S. Main Street be designated W.A. WOODWARD HIGHWAY, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ The City Manager presented correspondence dated 7/1/79 from the Virginia State Library, Richmond, Va., advising that the Rockingham Public Library officials were being notified of a grant-in-aid which had been approved in the amount of \$ 43,530., with funds to be used for library books, material and equipment, library staff salary supplements and travel by library staff and/or board members to professional meetings. Written approval was requested by the governing body, on form provided, for expenditures of the funds by Rockingham Public Library. Vice-Mayor Green moved that expenditure of the grant-in-aid be approved with authorization for the Mayor to sign the form on behalf of the City, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ Although Council's agenda for this meeting carried the matter of a resolution from the Central Shenandoah Planning District Commission which had been tabled at the meetings of May 22 and June 26 pending further information, Mayor Erickson reminded members that the intent was for same to be further discussed and acted upon at the July 24th meeting. Councilman Rhodes, a representative of Council on the District Planning Commission, noted that the next Commission meeting would be held on Monday, July 16th, after which time further information concerning the Appalachian Region would be available. The City Manager was instructed to place the matter on the July 24th agenda.

✓ Mrs. Sarah Milam, Community Development Coordinator, informed Council that Mr. Charles Bumbaugh, President, and Mr. Eddie Bumbaugh, Treasurer, Bumbaugh Buick, Inc., 202 N. Liberty St., have requested to trade property which they own, divided by Black's Run and bordered by Creek Avenue, for property on North Liberty Street recently purchased by the City from Erwin and Nancy Lam. Improvements to the established place of business are anticipated which should blend in with the City's Plan of Development for that area, by way of expanding their new car display, landscaping on all four sides of the car lot, and other improvements to the office and garage. She noted that according to Mr. Bumbaugh, a portion of their property to be considered in the trade, is directly behind the Elderly Housing Facility and could be used for loading, unloading, and employee parking. Inasmuch as the City lot is comprised of approximately 6,300 square feet and the Bumbaugh lot approximately 10,000 square feet, Mrs. Milam said there could be dollars involved. Assistant City Manager Driver said he felt it would be nice for the City to work with Messrs. Charles and Eddie Bumbaugh in order to retain an established business with improvements, rather than bring someone else in to that location, and suggested that "the door be left open" for negotiations, with regard to a land trade. City Manager Milam pointed out that both the City and State codes require transactions involving acquisition and/or sale of property, to be referred to the Planning Commission. Following discussion, Vice-Mayor Green moved that the matter be referred to the City Planning Commission with the stipulation that Mr. Driver obtain further information for presentation at the next Commission meeting. The motion was seconded by Councilman Rhodes and adopted by a unanimous vote of Council. Mr. Driver offered an opinion that an overall plan and recommendations for planning in that particular area are needed, prior to selling off any lots.

✓ For recordation in minutes of this meeting, Assistant City Manager Driver reported that all properties have been, or will be acquired in the area of the Elderly Housing Facility, as authorized by the Department of Housing and Urban Development: 12 through purchase, and 2 which will go into condemnation proceedings this week or next. Negotiations, appraisals and purchase of rights-of-way have been completed in

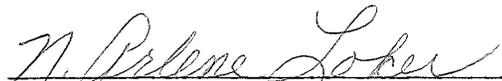
that particular block, as well as the projection schedule.

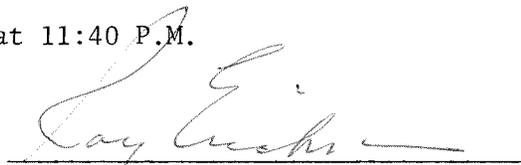
✓ For information, City Manager Milam reported that the City's hospital insurance coverage had been changed from Travelers to Blue Cross & Blue Shield, effective as of 7/1/79, which was determined to be the best coverage insofar as cost to the city and employees. The decision was made on 6/30/79, expiration date of the policy with Travelers. Differences noted were that the employees covered under the new policy will be furnished with ID cards, and the medical case will be entirely between the employee and his physician, rather than through a city office. There will be no written policy, but rather, will be processed through written forms. Any employee who refuses to sign the form at this time, will have a 12-month waiting period prior to another opportunity to be included in the coverage. Manager Milam noted that the long-term disability will remain with Travelers due to the fact that this is not carried by Blue Cross & Blue Shield. He pointed out that although premiums on the new policy will exceed that of the one recently expired, they will be less than the amount quoted by Travelers for next year.

At 11:00 P.M., Vice-Mayor Green moved that Council enter an executive session to discuss real estate, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

On motion of Councilman Cisney, seconded by Councilman Dingleline and a unanimous vote, the executive session was declared closed and the regular session reconvened.

There being no further business, the meeting adjourned at 11:40 P.M.


CLERK


MAYOR

At a combined public hearing and regular meeting of Council held in the Council Chamber this evening at 7:30 PM there were present: Mayor Roy Erickson; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Walter F. Green, III; Councilmen Raymond C. Dingle, Jr., Elon W. Rhodes, James C. Cisney; Absent:- City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. (Sitting in for Auditor Shifflet, Deputy Auditor Phil Peterman - for Chief Presgrave, Capt. Stroble.)

✓ Minutes of the regular meeting held on July 10th were read, and approved as corrected. In the matter of business on July 10th pertaining to recommendation of names to the Circuit Court Judge for appointment and reappointment to the Board of Equalization, members' attention was called to correspondence dated 7/13/79 from the Commissioner of Revenue requesting that the name be changed to Board of Assessors, in that a Board of Equalization can be appointed only after a General Assessment of all real estate is made in the City. The Clerk was instructed to make the change in minutes of July 10th and send corrected excerpts to those concerned.

✓ Correspondence dated 7/12/79 from Mr. Robert Hartt, Executive Secretary of the Harrisonburg Retail Merchants Association, was presented and read, in which request was made for permission of Council to hold a Sidewalk Sale on July 26, 27 & 28 (Thurs.-Sat.). Councilman Cisney moved that permission be granted for use of city sidewalks during the requested Sidewalk Sale days, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council. Assistant City Manager Driver reported that a request had been received for street work to cease during those days in front of McCrory's Store, and suggested that at least a portion of the work crew might be moved elsewhere to continue the city's downtown sidewalk construction work, during those days.

✓ The City Manager presented and read correspondence from Attorney Steven Weaver, attorney for Winston O. Weaver, with the following requests of Council: (1) approval of subdividing a portion of land presently owned by Mr. Winston Weaver; (2) authorization to take into the City's street system the 60' right-of-way running from N. Main Street to the 12.959 acre parcel; (3) the City to construct the 60' street. A plat showing layout of land and road right-of-way was attached to the request. During discussion, when question was raised about the City building the street, City Manager Milam noted that according to the plat, the street as shown, should be built by the developer. Following discussion, Vice-Mayor Green moved that the matter be referred to the City Planning Commission for study and recommendation, including clarification of why the City should build the street. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ From information received through correspondence dated 7/18/79 from The Cooperative Extension Service, VPI, Manager Milam reported that space under the existing Municipal Parking Deck, on the east side, is being offered to persons interested in marketing locally grown products during the 1979 season. Although sale of fresh meats is prohibited, some canned and baked items may be sold subject to approval of the local health department. A fee of \$ 5.00 for the remainder of the season will be imposed, with license to be obtained from the Office of Commissioner of Revenue. The Farmer's Market will officially open in the Municipal Deck on Saturday, July 28th, and anyone interested may contact Mrs. Nancy Salem, Coordinator of the Parking Deck Farmer's Market. Manager Milam pointed out that prior to construction of the deck, individuals were allowed space behind the former police station (present deck site) and during construction, were moved across the street with assurance that another location would be provided. The matter of a permanent location and fee will be arranged by the Harrisonburg Parking Authority.

✓ At 8:00 P.M., Mayor Erickson closed the regular session temporarily and called the joint public hearing with the Planning Commission to order. City Manager Milam read the following Notice of Hearing as published in the Daily News Record newspaper on June 30th and July 14th:

"The Harrisonburg City Council and the Planning Commission will hold a public hearing on Tuesday, July 24, 1979 at 7:30 P.M. in City Council Chamber, Municipal Building, to vacate Lots 4 through 7, Block F, page 20 of City Block Map. Said lots are located on the west side of South High Street between Hillendale Avenue and Shenandoah Transportation. According to Sec. 15.1-482, Code of Virginia, these lots must be vacated by ordinance of the governing body prior to approval of a

Final Plat to re-subdivide said lots into 13 townhouse lots.

All persons interested or affected by this matter will have an opportunity to express their views at this public hearing.

CITY OF HARRISONBURG - Marvin B. Milam, City Manager

Mayor Erickson called on anyone present, desiring to be heard either for or against the resubdivision of lots. There being no one, Planning Director Sullivan explained that the original 13 lot townhouse subdivision of Mr. Perry Baugher was approved by Council in August, 1977, and displayed maps illustrating existing lots (3-7) and proposed resubdivision into lots 4, 5, 6 & 7 (eliminating lot no. 3). He noted that the lots were subdivided into townhouse portions, approved and recorded at the Court House. Three of the lots, numbered 4, 4a and 4b, have been built on, while lots 5, 6 and 7 are undeveloped at this stage. Mr. Sullivan informed Council that early this summer, while doing deed research for sale of the three lots, Attorney Steve Blatt discovered that the state code has a section (14-82) concerning vacating of a plat when sale of lots is involved and creation of new lots. Mr. Blatt requested that the code be complied with, and therefore the simplest method was chosen: joint public hearing by the Planning Commission and City Council for vacation of lots 4, 5, 6 and 7 in order that they may be non-existent record-wise, and approval of the revised townhouse subdivision. He explained that following this action, the owner would redraw the plat and re-record same at the Court House. The other method set forth in the state code section was ruled out, that of all property owners in Hillendale Subdivision being asked by the owner, through his attorney, to approve the change, in that no opposition was expressed by property owners two years ago when the townhouse subdivision was approved. At that time, they had feared commercial development and accepted the townhouse proposal. Mr. Kuykendall, Chairman of the Planning Commission, said this was a technicality which must be resolved. Attorney David Penrod stated that his firm is presently representing a business which is in the process of purchasing a portion of lots in another area of the City, with new subdivision lines drawn. He noted that this has been done informally in the past, without going through the procedure of vacating the lots, which is being proposed at this time. Therefore, the action this evening appears to be new action. He questioned whether or not they would be required to go through a similar procedure, noting that it could set a precedent for other such actions. The City Attorney pointed out that in this particular instance, question had been raised by Lawyer's Title Insurance as to whether or not the lots had been vacated, which inquiry led to the process being followed.

There being no others to be heard, the public hearing was declared closed at 8:22 P.M. and the regular session reconvened.

Mayor Erickson asked members of the Planning Commission and Council their wishes re the resubdivision of lots discussed in tonight's public hearing. Attorney Penrod said his firm would be glad to comply with whatever is necessary as to vacation of lots, but offered an opinion that the code section is "open to interpretation." Councilman Dingleline moved that the City Attorney look into the matter, along with the Planning Director, and work out some guidelines for the future, in instances where a subdivision is on record with lot lines set, but later decided that a portion of the lots would be offered for sale, as to whether this would be considered a resubdivision, or new subdivision. The motion was seconded by Councilman Cisney and adopted by a unanimous vote of Council. Mr. Fleming, Planning Commission member, moved that the Commission recommend vacation of the 1977 plat and that it be resubdivided according to the new plat comprised of Lots 4, 5, 6 and 7, which motion upon being seconded by Mrs. Bowman, was adopted by a unanimous vote of Commission members present. Councilman Dingleline then moved that Council accept the Planning Commission's recommendation and approve an ordinance effecting vacation of the lots for a first reading, with referral of same to the City Attorney to be drawn in proper ordinance form prior to a second and final reading. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

Messrs. James Bowman, General Manager of the C-W Railway, and Zane Showker, President of Harrisonburg Fruit & Produce, were present in the meeting to urge Council's consideration of a Civic Center in the Harrisonburg area. Mr. Bowman pointed out the fact that many things (i.e. Interstate 81; Shenandoah Valley Airport; Skyline Drive; Massanutten Development; continual individual growth, etc.) mean so much to this area, and added that if the city and county are to meet their responsibilities, it is essential that a Civic Center be located here for large events (i.e. sports, concerts, conventions). He noted that such a Center would enable the area to "reap benefit" from dollars spent by those attending from a distance. Mr. Showker reminded Council that about six years ago, he had asked support of Council in a feasibility study for a civic center project, but added that the matter was dropped due to the economic situation at that time. He said that now is the time to revitalize the project, not by money or location, but rather by appointment of a member of the governing body to serve as a nucleus to pursue the idea, along with others who will be appointed to comprise a study committee. Mr. Showker offered an opinion that the project is feasible due to the various highways which have been completed, as well as cultural activities and athletic events which are being held here. He asked that members of Council submit any questions which they may have, in writing, within the next 60 days, which will be used as a basis for the study. Mayor Erickson expressed appreciation for the presentation and noted that a member of Council may be appointed to serve on the study committee, later in this meeting.

Mr. C. Robert Hartt, Chairman of the Advisory Committee for Downtown Development, appeared before Council for the purpose of presenting a recommendation of the committee for the following actions: (1) appointment of possibly three persons as a sub-committee to study and set up standards for new or remodeled construction in the downtown area; (2) Council to make funds available as requested by the Committee to carry out the project; (3) that Mr. Bill Walton, Vice-President of Virginia National Bank, be named chairman of the sub-committee, with appointment of two other members; (4) study idea of some type of "tax credit" for remodeling and new construction; (5) City Planning & Engineering Departments plan and erect signs at the entrances to Harrisonburg designating location of main parking facilities, business establishments, and other points of interest in downtown Harrisonburg; (6) consider naming Mr. Walton as a member of the Advisory Committee to serve as replacement for Mr. Jerry McBride who has moved to Valley Mall. Mr. Hartt explained that those appointed would serve as a sub-committee to study methods of improving the downtown area. He noted that the location of a recent downtown fire would be a prime target for reconstruction, after which time the project would be moved to other blocks. Councilman Rhodes moved that Mr. Bill Walton, 818 Oakland Street, be appointed to the Advisory Committee for Downtown Development, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council. It was agreed that appointments to the sub-committee be deferred until later in this meeting to allow time for further discussion.

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Mr. Charles Dahl, manager of DoNuT KING, presented a petition signed by 31 representatives of various business establishments in the Valley Plaza Shopping Center, and served as spokesman for a group of representatives present in the meeting. He cited problems which included: loafing & loitering; obstructing free passage of others; fighting; cursing; drug traffic; littering; traffic congestion and threats against business owners. Mr. Dahl pointed out that merchants in the area are losing business and profits due to the individuals who are proving themselves nuisances to society, some in the age category 11 - 14 years of age, until the hours of 3-4 a.m. as well as 3-4 p.m. Lack of police protection was brought out, as well as hesitance of officers to enforce city code section 19-25 "Loafing & Loitering" and Sec. 1-27 "Obstructing Free Passage of Others." He informed Council that the complainant is requested by an officer to go out and identify individuals causing disturbance. A request was made for more forceful police protection, possibly by officers making many arrests, to begin immediately and into next spring when the problems begin building. Mr. Dahl stated that meetings had been held with the Police Chief and others in that department concerning the problems, but were informed that the code sections could not be enforced due to a Supreme Court ruling which prohibits this. He asked Council to consider an amendment to the city code which would enable the police department to function more effectively in this situation. Capt. Stroble of the Harrisonburg Police Department, informed Council and those present, that an undercover agent had been posted in the area over two weekends, with no report of violations. Further noted was that a personal visit to the area several evenings ago had revealed no violations. Mr. Dahl replied that this was due to the lots being cleared by another officer, shortly before his arrival. Capt. Stroble pointed out the fact that a business manager, or representative of a business establishment, has to go outside and ask individuals to leave the premises. If they refuse the order, arrests can be made. He noted that business owners are in the process of posting "no trespassing" signs in the area, which should help the situation. Councilman Rhodes, a resident in the area, said he was well aware of the problems and would like to see Council do whatever it can. Mayor Erickson stated that any action, would have to come through the legal and law enforcement departments of the city. Following discussion, Vice-Mayor Green moved that a committee comprised of the City Attorney, Chief of Police or other representative from his department, and Mr. Dahl, be asked to study the situation in order to come up with some type of resolution which may be considered for approval by Council in the next regular meeting on August 14. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council. Mr. Dahl asked to be notified of the meeting time and place.

(City Attorney Lapsley entered the meeting and was recorded present).

Mr. Owen Shifflett, a member of Bowhunter of Rockingham, and Mr. Guy Taylor of Izaak Walton League, were present in the meeting to urge consideration of City Council for roadway access to Skidmore Hollow area. It was noted that the only access for sportsmen at the present time is a distance of approximately 40 miles from top of mountain and northward to Flagpole. Inasmuch as the U.S. Forestry Service had ordered the upper entrance to Switzer Dam from Rt. 33 on Shenandoah Mountain closed due to poor site distance creating a safety hazard, the city was asked to open the lower entrance leading to the dam from Rt. 33 at the foot of the mountain. It was noted that 4-wheel drive vehicles cannot get past the dam due to installation of a gate by the city across the spillway on the west side. Manager Milam noted that the reason for the action was to prevent accidents in crossing during high water. Mr. Herman Hale, Izaak Walton League, expressed concern that several years ago, limited use of the area was permitted, following a previous policy for the Skidmore Area to be open to the public. He noted a need for the City, Forestry Service and Highway Department to work out some type of agreement whereby an access road may be provided. City Manager Milam gave background information which included the facts that: the Forestry Service closed the upper road due to traffic hazard (although it had chosen the route and location of both the road and entrance); the City paid for a road to replace the previous one which is presently under water, and reimbursed the Forestry Service for trees that had to be removed. A plea was made by those present for the City to allow the spillway to be opened, pending negotiations between those bodies mentioned earlier. Assistant City Manager Driver stated that the road was built on plans and specifications of the Highway Department, with permit issued for entrance off Rt. 33. He said that the Forestry Service is the holdup in the matter, in that all the arguing done by the city could not convince them to reconsider closing of the entrance. Although the city owns all land up to and including the dam, the Forestry Service owns the road. Mayor Erickson said it was the desire of Council for the area to remain as primitive as possible, and expressed a fear that vandalism may destroy this. Mr. Shifflett replied that the dam is being damaged by 4-wheel drive vehicles climbing the face of the dam, for want of a better route to the Skidmore area. Vice-Mayor Green offered an opinion that the city has complied with every detail set out by the Highway Department and spent the necessary funds on a road selected by them. Councilman Cisney said he had met with a Forestry Service representative and learned that the Regional Supervisor had felt it wise to close the entrance off Rt. 33, due to heavy traffic and safety hazard. The Mayor explained that the road is owned by the city's taxpayers and noted that Harrisonburg's watershed must be protected as much as possible. He said there was an agreement between the City, Forestry Service & Soil & Water Conservation District Commission for the City to raise the base of the dam, providing the road would be relocated. The Forestry Service has requested additional easements, and the City did approve an easement several years ago for limited vehicular use across city land. A problem which exists is the need for heavy vehicles, necessary for building a road. The sportsmen questioned how the road could be closed, when it was built with taxpayers' money. Following a lengthy discussion, Vice-Mayor Green said that assurance should be given those present of access to the area during the upcoming hunting season, with some type of solution to be worked out. No other action was taken re the matter.

The City Manager reported that Attorney Lapsley had reviewed with Attorney Steve Blatt, covenants which had been prepared for four property owners in Eastover Subdivision, Section I, following Council's meeting on June 26th when various concerns were expressed, and the matter referred to the City Attorney for investigation. He noted that a letter had been received from Fire Chief William Austin following an on-sight inspection, recommending that the developer of Eastover install a fire hydrant in the area of lots 3 and 4, in that the three presently located in that geographical area could pose problems insofar as serving lot no. 4. Restricted parking on the proposed private roadway was also recommended by the Fire Chief to allow access to and from the four residences in the event of an emergency. Mr. J.R. Copper, Land Surveyor, suggested that the hydrant be installed at Paul Street, which would be a distance of approximately 400'. Manager Milam said he had advised Mr. Copper that should the private street be approved, it would have to be built to the same standards and specifications as any other city street,

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and added that most of Council's concerns had been taken care of by the surveyor, developer and their attorney. He explained lot measurements, including easements requested by the Harrisonburg Electric Commission and Gas Company. Attorney Blatt said that parking would be no problem due to off-street parking which would be provided; that garbage would be picked up, off of Paul Street and not in the city's right-of-way; and that a declaration would be included in the covenants prohibiting littering of the private street, which would, or would not prove effective enforcement. Mr. Ken Kline, owner, pointed out the fact that the property owners would be responsible, under the covenants, for maintenance of the entire area, including the roadway, with no responsibility on the City of Harrisonburg. Following a lengthy discussion, Vice-Mayor Green moved that the 4-lot final plan for Eastover Subdivision, Section I, be approved, with the following provisions: the private roadway be built to city specifications; that garbage pickup be from private property; mailboxes for the four residences be provided on Paul Street; a fire hydrant be installed to specifications of the City Fire Department; and owners be made aware that no variances in the future will be considered. The motion was seconded by Councilman Cisney and adopted by a unanimous vote of Council.

The following recommendation submitted from a meeting of the City Planning Commission held on July 18, 1979, was presented and read:

"...Under other matters, Mr. Eldon Suter of 977 Summit Avenue, Park View, presented a 'Plat Showing the Resubdivision of Lots 24 through 32 of Holiday Hill Subdivision, Section 1, Harrisonburg, Va. dated January, 1979', and drawn by City Engineer Donn Devier. Mr. Suter's 5-lot re-subdivision was recorded in the County Clerk's Office on May 10, 1979 and Building Official John Byrd has issued a permit to construct a house facing Waterman Drive, according to Mr. Suter. On July 13, 1979, Attorney Steve Bradshaw brought the plat to Planning Director Sullivan, asking him to sign it as an approved subdivision in accordance with existing City subdivision regulations. Mr. Bradshaw won't clear the title on the re-subdivided property until it is 'approved.' Mr. Sullivan told Mr. Bradshaw he had never seen the plat and had no authority to 'approve' it.

Mr. Sullivan advised Mr. Suter to submit his re-subdivision to City Council on July 24, 1979 so that it can be properly routed to the Planning Commission and City Staff for review and recommendations.

After Mr. Suter again explained his innocence of how or why the confusion, in that the City Engineer had drawn the plat and a permit was issued, Dr. Shank moved that the Planning Commission recommend approval of the re-subdivision tonight. Mr. Fleming seconded the motion and all members present voted in favor..."

City Manager Milam explained that a line had been drawn over an existing lot line in order to create a larger lot, thereby improving the original plan. When a question arose concerning installation of curb and gutter, Mr. Sullivan noted that no mention was made of that, when working with Messrs. Byrd and Devier. Assistant City Manager Driver said that if subdivided, the developer must install curb & gutter. Vice-Mayor Green moved that the resubdivision be approved as recommended by the Planning Commission, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

City Manager Milam read the following recommendation submitted by the Planning Director from a Commission meeting held on July 18, 1979:

"...Attorney Thomas Wilson, representing Hosie T. and R. Daniel Fitzgerald, explained to the Commissioners that his clients will construct a warehouse on East Johnson Street, approximately 80' east of the Fairmont Foods-Interstate Fire & Battery building, if Lot 8 is rezoned. Mr. Sullivan pointed out the proposed project on the site plan, noting that adjacent residential and commercial property owners have not expressed objections. Mr. Wilson added that the warehouse will screen off the view of commercial activity north of the Fitzgerald property. Mr. Rhodes noted that Mr. Alfred Howard of 75 East Johnson Street said he didn't object to the warehouse proposal.

Chairman Kuykendall asked for objections from the floor and there being none, he closed the public hearing.

Mr. Fleming then moved that the Planning Commission recommend to City Council that Lot 8, Block BB on Page 34 of the City Map be rezoned from R-2 Residential to M-1 Industrial District. Mrs. Bowman seconded the motion and all members present voted in favor..."

Manager Milam noted that if agreed, a public hearing would have to be scheduled. Following a brief discussion, Councilman Cisney moved that the report of the Planning Commission be accepted, and a public hearing scheduled for Tuesday, August 28th, 7:30 P.M., with instructions for the City Manager to properly advertise same. The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Council.

The following Planning Commission report from a meeting held on July 18th was presented and read by the City Manager:

"...The Commissioners reviewed the alley closing request from Mr. and Mrs. Richard Sheehan of 294 Franklin Street and Mrs. Noland Canter of 288 Franklin St. Mr. Sullivan noted that Mr. and Mrs. Robert Alexander, owners of a duplex house on Ott Street, will also be involved in the transaction and they were notified of this request. He added that the City has no utilities in the alley which runs north from Franklin Street to East Bruce Street. He also reported that a new Virginia law, effective July 1, 1979, permits municipalities to charge a fee for the public rights-of-way they give to property owners in alley and street closing cases.

Mr. Fleming concluded the discussion with a motion that the Planning Commission recommend to City Council the closing of the 10' alley located between 288 and 294 Franklin Street and extending north from Franklin to East Bruce Streets, if a favorable report is submitted by the Board of Viewers. Dr. Shank seconded the motion and all members present voted in favor..."

Councilman Dingleline moved that the Planning Commission report be accepted and the following persons appointed to serve as a Board of Viewers to view the alley and report, in writing, whether there would be any inconvenience in the closing, and if so, what: Messrs. P.H. Hardy, T.H. Lowery and John H. Byrd, Sr. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

The City Manager read the following Planning Commission report from its meeting of July 18th:

"...The Commission reviewed a request by Mrs. Beth Ney of 88 Maplehurst Avenue and Mr. C. W. Ewing of 1070 Hillcrest Drive to close Hillcrest Drive from Maplehurst Avenue northward to the C-W Railroad. Mr. Sullivan told the Commissioners that no City utilities are in the 50' right-of-way and Mrs. Ney told the Commissioners that she wants the street closed because it is used as a parking area at times and access to her home is often blocked.

Dr. Shank offered a motion that the Planning Commission recommend to City Council that Hillcrest Drive be closed, north of Maplehurst Avenue to the C-W Railroad, if a favorable report is submitted by the Board of Viewers. Mr. Fleming seconded the motion and all members present voted in favor..."

Assistant City Manager Driver pointed out the fact that description of the portion requested for closing should be north of Maplehurst, rather than Maplehurst northward to C-W Railroad, as stated in the Planning Commission report. Vice-Mayor Green reminded Council that the same request was refused a number of years ago, due to the necessity of it remaining open for access to area in rear of the railroad. He then moved that the report of the Planning Commission be accepted, with instructions for the City Manager to obtain additional information prior to the next regular meeting, and to place the matter on that agenda for further consideration. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

The following Planning Commission report from a meeting held on July 18th was read:

"...A letter from Pilot Oil Corporation was read, which offered to pay for the costs of constructing a cross-over on E. Market Street in front of their service station. The Commissioners reviewed a map of the area, noting that the E. Market Street median strip was designed to carry storm water in a culvert and to separate the heavy traffic volume where the road curves sharply. It was noted that other cross-overs will likely be requested if one is permitted, and traffic flow will be affected.

Mr. Fleming moved that the Planning Commission recommend to City Council that Pilot Oil Corporation's request be denied. Mrs. Bowman seconded the motion and all members present voted in favor of the motion..."

Following a brief discussion, Councilman Cisney moved that the recommendation of the Planning Commission be approved, for denial of the cross-over request. The motion was seconded by Vice-Mayor Green and adopted by a unanimous vote of Council.

For consideration of a second and final reading, an ordinance effecting the closing of a 10' alley on Johnson Street requested by Hosie T., Anna L., R. Daniel and Marilyn T. Fitzgerald, was read. On motion of Councilman Dingleline, seconded by Councilman Cisney, and a unanimous recorded vote of Council, the ordinance was approved for 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. (Refer to Book K, page 184).

An ordinance setting out the following rates for tv cable service by amending paragraph (f) of the Community Antenna Television Franchise Ordinance, was presented for consideration of a second and final reading, a first reading having been approved on July 10th: Initial tap-in & connection charge, \$15.00; Reconnection, installation for additional outlet, and transfer of outlet charge, \$ 10.00; FM outlay installation charge, \$ 20.00; Monthly rates, \$ 7.00 and Monthly charge for each additional outlet, \$ 2.50. Inasmuch as a question had been raised at the last regular meeting concerning delay in providing cable service for residents on Effinger Street, with request for explanation from the Harrisonburg Electric Commission, a letter from Kenneth Frantz, General Manager of HEC was presented. According to Mr. Frantz, applications for permits from Warner Cable to attach poles on Effinger Street and one for Clinton Street were dated 5/21/79, and had been approved and returned. He noted ample clearance for the attachments on both Effinger and Clinton Streets and said that in past cases the cable company had made attachments prior to HEC approval, providing minimum clearances could be met as set out in their joint-use contract. Manager Milam also pointed out that further information was requested from Warner Cable prior to a second reading of the ordinance, and read a letter dated 7/20/79 from Mr. Harold Reinen, Manager. Mr. Reinen stated that the requested rate increase is necessary at this time to provide Warner Cable a fair return on its capital investment in Harrisonburg, noting that the request is for a 3.7% increase of the July 1977 rate, and will give a projected rate of return of 8.5%. He stated that unless unforeseen problems are encountered in obtaining permits to use poles owned by HEC for their lines, service will be extended to six customers in the City who are awaiting cable service, by August 6, 1979. Further noted was that the Earth Station has been completed, which will offer the Christian Broadcasting Network to subscribers by November 1st of this year, barring unforeseen technical difficulties. The City Manager reported that he had received calls from the Waterman Drive area, inquiring why requested cable services had not been provided. Mr. Reinen said only one request for service had been received, that from Magnavox Entertainment Center, but that the matter of others desiring service would be investigated. Following discussion, Councilman Cisney 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 upon being seconded by Vice-Mayor Green, was adopted by a majority recorded vote of Council. Voting aye: Councilmen Green, Dingleline, Cisney and Erickson. Voting no: Councilman Rhodes. (Refer to Ord. Bk K, page 185).

For consideration of a second & final reading, the City Manager presented an ordinance amending Chapter 28, Section 28-45 of the City Code, setting forth the following taxicab rates: for the first 2/6 mile or fraction thereof, \$.70; for each succeeding 1/6 mile or fraction thereof, \$ 0.10 (rates charged and collected for service by cabs to be determined by taximeter). Councilman Dingleline moved that the ordinance be approved for final reading with effective date August 1, 1979, and that the Mayor be authorized to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 186).

Council was reminded by the Mayor that a vacancy exists on the Mental Health & Mental Retardations

Services (Chapter 10) Board due to the expiration of Mr. Glenn Hodge's first term on July 1, 1979, and his desire to not be considered for reappointment in view of other commitments on his time schedule. He asked members if they desired to make an appointment at this time. Councilman Rhodes moved that Mr. Ronald D. Hodges (attorney with law firm of Wharton, Aldhizer & Weaver), residing at 1161 Stuart Street, Harrisonburg, be appointed to the Board for a term of three (3) years, expiring on July 1, 1982. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ A request was presented from Assistant City Manager Driver for approval of a supplemental appropriation in amount of \$ 20,351.57 in order to appropriate monies received for labor from the Virginia Employment Commission- Title 6, Title 6 Special Project & Title IID, for months of May and June, 1979. Following a review of the various accounts, Councilman Cisney moved that the appropriation be approved for a first reading, and that:-

\$ 9,733.71 chgd.to: General Fund (1005.00) Recoveries & Rebates.
 10,617.86 chgd.to: Gen.Fund - Unappropriated Fund Balance.
 1,040.80 approp.to: Gen.Fund (4040-12.50) Pur.Agent-Wages-Title IID
 1,175.49 approp.to: Gen.Fund (4110-250.00) Soc.Security-FICA- on Wages under
 Title 6, Title 6 S.P. & Title IID
 990.96 approp.to: Gen.Fund (6015-12.50) Police Court-Wages-Title IID
 3,671.76 approp.to: Gen.Fund (9020-12.50) Fire Dept.-Title 6 & Title IID Wages-
 Firemen & Dispatchers
 1,072.53 approp.to: Gen.Fund (10110-12.01) St.Dept.-Wages-Title 6- Laborer
 366.85 approp.to: Gen.Fund (11020-12.03) Park Sec.Officer-Wages-Title IID
 1,270.72 approp.to: Gen.Fund (11020-12.50) Recreation Spec.-Wages-Title IID
 994.70 approp.to: Gen.Fund (11020-12.52) Janitor-Wages-Title VI
 1,033.51 approp.to: Gen.Fund (11020-12.53) Clk/Typst/Rcpt-Wages-Title IID
 1,009.20 approp.to: Gen.Fund (11020-12.55) Janitor-Wages-Title IID
 1,823.16 approp.to: Gen.Fund (11020-12.57) Concessionaire Wages-Title VI
 3,326.92 approp.to: Gen.Fund (11020-12.58) Laborers Wages- Title VI S.P.
 864.20 approp.to: Gen.Fund (11020-12.59) Acct.Clk-Wages-Title VI
 556.80 approp.to: Gen.Fund (11020-12.60) Youth Programmer-Rec.Spec.-Wages,Title VI
 1,153.97 approp.to: Gen.Fund (11020-12.61) Arts/Crfts Instr.-Wages-Title VI

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

✓ With regard to three dilapidated houses situated in the northwest section of Harrisonburg, two facing Lee Avenue and one facing Chicago Ave., City Attorney Lapsley reported that sketchy addresses of heirs in California has been a deterrent in filing of a partition suit. In order to expedite the matter and rid the neighborhood of the structures, Attorney Lapsley said that another avenue of action has been decided upon, that being an appraisal on the three houses to determine whether or not materials contained therein are such that someone may demolish the houses for that which may be salvaged. Should this not be the case, the city will attempt to find a contractor to take down the structures, or have work done by city forces. One way or the other, the City Attorney gave assurance that the lots will be leveled prior to the opening of school this year, which will possibly add to the value of the property in settling the partition suit. Mr. Pat Moore, next door neighbor to the houses, informed Council that Mr. Lowell Miller, realtor, had been to the site for the purpose of making an appraisal on same.

✓ Concerning weeded lots and partially constructed church structure in the Madison-Monroe Street area of the City on which a petition had been filed with Council at the June 26th meeting, City Manager Milam reported that: although a permit had been issued for demolition of the structure intended as a church, but never completed, no word has been received as to whether or not same has been demolished; a vacant house on one of the lots has been posted, and some mowing has been done in that area. It was agreed by Council that the City Building Official be instructed to report on the situation at the next regular meeting to be held on August 14th.

✓ The City Manager reminded members of Council that a report from the Planning Commission had been presented on June 26th, recommending that the City purchase the Gambill lots situated on the east edge of Purcell Park, if funds were available, in that the 2-acre tract would blend into the City's Master Park and Recreation Plan. The matter of price had not been discussed at the Commission meeting, which led to instructions for the Assistant City Manager to discuss same with Mr. Gambill, and report back. Mr. Driver said that he had contacted Mr. John Litten of Litten Real Estate, and been advised that the nine 30' lots on Hillside Avenue and seven 30' lots on Butler Street, were actually classified as four 70' lots on Hillside and three 70' lots on Butler, and were being offered for sale as seven lots @ \$ 8,000. each, for a total price of \$ 56,000. for the entire area. He noted that an appraisal figure for the 1.6 acre tract was not too much off the asking price. Inasmuch as there is no sewer line on Hillside Avenue, and no water line on Butler Street, these would have to be installed, should the area be developed for recreational purposes. Mr. Driver reported further that Mr. Gilkerson, City Recreation Director, had estimated a figure of an additional \$ 50,000. to clear and develop the land sometime in the future, but stated a preference for the area to be used for additional parking, rather than picnic area. Following discussion, Councilman Cisney moved that Council express "no interest" in the property at this time. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ Councilman Rhodes, a representative of Council on the Central Shenandoah Planning District Commission, called members' attention to their copies of information dated 7/16/79 from the Commission concerning the Appalachian Regional Commission. He noted that Harrisonburg is not included in a region at the present time, and that the matter is now a state project with federal money coming into the state level. Mayor Erickson offered an opinion that the City's decision would not make any difference insofar as state or federal funds are concerned. It was agreed that action concerning a resolution submitted earlier by the CSPD be deferred until the next regular meeting to allow time for members of Council to absorb information from the Planning District Commission, and to listen to tapes submitted by individuals.

✓ Council was informed that Attorney Steve Bradshaw, attorney for West Side Offices, had been contacted concerning a June 26th request for closing a portion of old S.High Street, and that Mr. Bradshaw stated no objection to a right-of-way being obtained for residents of West Market Street to use the portion for vehicular travel north on High Street or south to Water Street. Following a brief discussion, the matter was deferred until a later date, pending further information.

Councilman Dingleline asked for a report concerning fulltime JMU students not being required to place utility deposits, and said he would like to see some effort made along that line. The City Manager stated that although he had not contacted all utilities concerned, Harrisonburg Electric Commission will place the policy on an experimental basis. Council discussed the matter briefly with an opinion offered by Councilman Cisney that if approved, it could set a precedent for many others to form organizations and make the same request as that presented to Council at the June 12th meeting. The City Manager was asked to further pursue the matter and report back.

For information, City Manager Milam reported that all city department heads had been asked to comply with the president's order for conservation of energy, through regulation of thermostats.

Manager Milam reported that calls are still coming in from the Governor's Office re Executive Order 24, with reports from his office that the gasoline situation in Harrisonburg remains good.

Council was reminded of the joint public hearing to be held by the Rockingham County Board of Supervisors and Harrisonburg City Council on Tuesday, July 31, 7:30 P.M. in the Circuit Court Room, Court House. Public input will be received at that time concerning Harrisonburg's Major Thoroughfare Plan.

At 11:30 P.M., Councilman Cisney moved that Council enter an executive session to discuss appointments to Boards and Commissions, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

On motion duly adopted, the executive session was declared closed at 12:30 A.M. and the regular session reconvened.

Mayor Erickson asked if it was Council's desire, at this time, to appoint one of its members to serve on the study committee for a Civic Center in this area. Councilman Rhodes moved that Councilman Cisney be appointed to serve in that capacity, which motion upon being seconded by Councilman Dingleline, was adopted by a majority vote of Council. Abstaining: Councilman Cisney.

Councilman Dingleline moved that the following be appointed to serve on the Sub-Committee to the Advisory Committee for Downtown Development: Mr. Bill Walton, Chairman; Mr. T.C.Frye, Jr. (manager, Zirkle Paint) and Mr. Jeff Nemoytin (The Body Shop). The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

There being no further business and on motion duly adopted, the meeting adjourned at 12:40 A.M.

N. Arlene Loken
CLERK

Loy Erickson
MAYOR

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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 Walter F. Green, III; Councilmen Elon W. Rhodes, James C. Cisney; Deputy City Auditor Phil Peterman and Chief of Police Richard W. Presgrave. Absent: Councilman Raymond C. Dingledine, Jr.

Minutes of the combined public hearing with the City Planning Commission and regular meeting of Council held on July 24th 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 July, 1979.

From the City Treasurer:

A trial balance report as of close of business on July 31, 1979

From the Police Department:

A report of total number of arrests; parking meter fines collected; cash collected from parking meters; total cash collected all sources in amount of \$ 5,436.82 for month of July, 1979.

From the City Auditor:

Annual financial report as of June 30, 1979.

Financial report for month of July, 1979.

A report of cash discounts saved in payment of vendors' invoices totaling \$ 156.51

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of July, 1979.

✓ City Manager Milam presented a copy of annual report for the Harrisonburg Rescue Squad, Inc., calendar year 1978, required under provisions of the City Code. The report revealed receipts in amount of \$ 65,397. and expenditures of \$ 64,245. He noted that the report, compiled by Keeler Phibbs & Co., would be on file in his office for review.

✓ For information, the City Attorney reported that a Chicken Antitrust Litigation Suit had been instituted in the U.S. District Court, Northern District of Georgia, which will be handled by the Attorney General on behalf of cities and counties in the state of Virginia. He noted that the City of Harrisonburg may, or may not be eligible for a rebate, depending on whether or not poultry or poultry products have been purchased from any of the concerns involved.

✓ For information, City Manager Milam reported notice of a Location Public Hearing scheduled for

Wednesday, August 15th, 7:30 P.M. in the Linville Edom Elementary School auditorium, concerning a road project of 0.50 mile south North Corporate Limits of Harrisonburg to East Interstate Route 42/259 (E. of Broadway). He noted that Assistant City Manager Driver would attend the Hearing as a representative of Harrisonburg, and Mayor Erickson offered an opinion that some comment should be made, in that the project begins in the city. During a brief discussion, members of Council expressed no desire for a stand to be taken by the City on either of the alternative routes.

As a matter of information, the City Manager referred to correspondence from the Harrisonburg Electric Commission, advising that effective with all readings taken after 7/1/79, new municipal electric rates were approved by the Commission, action for which was necessitated by the fact that the city is paying less for power than charged by VEPCO. The new rate to become effective will be 3.5¢ per Kwh plus applicable fuel adjustment. Mr. Gary Green pointed out in the correspondence that the present agreement expired 6/30/79, with negotiations between VEPCO and Virginia Municipal League at the present time. Until the new rate is settled, the city will be billed on the proposed new rate, with any adjustments to be made following settlement of the rate.

The City Manager presented correspondence from Attorney David Penrod dated 8/21/79 enclosing plat and surveyor's description of a portion of the J.T.Houck Addition which has been contracted for purchase by Family Dollar Stores, Inc. of Charlotte, N.C., from Mr. Houck. Inasmuch as the sale involves conveyance of property which is non-conforming to existing dedicated lots in the subdivision, Council was asked to consider vacating the affected portion and permitting a re-subdivision according to the attached survey. Manager Milam noted that two of the lots front on E. Market Street and one on Franklin Street., with new lot lines to lots 5, 18 & 19. Following a brief discussion, Councilman Cisney moved that the matter be referred to the Planning Commission for study and recommendation, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

Correspondence dated 8/10/79 from Mr. Martin Eby was read by the City Manager, requesting rezoning of 13 acres on N. Liberty Street which he owns, from the present M-1 Industrial to R-3 Multiple Family District, which rezoning would permit construction of apartments, lower than density requirement, and provide additional housing units for the city. Mr. Eby requested further that a parcel of land east of the aforesaid property be rezoned to M-1 Industrial from its present zoning of R-2 Residential, to permit expansion of his industrial land. Manager Milam pointed out the area on a map, noting that a portion of R-3 runs through an M-1 Industrial district. Councilman Rhodes moved that the matter be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Councilmen present.

The City Manager presented a final plat of Holiday Hills Subdivision, Section II, received today from Mr. Ken Kline, owner/developer, prepared by James C. Wilkins & Associates, Inc. He noted that same was submitted four days late for Council's consideration according to time allowed under the city code, and suggested that it be referred to the Planning Commission for study and recommendation. According to the City Manager, the final plat is very much the same as the preliminary plat approved earlier by Council, and includes a lot which cul-de-sacs on Waterman Drive. Following a brief discussion, Councilman Cisney moved that the final plat of Holiday Hills Subdivision, Section II, be referred to the Planning Commission, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

Mayor Erickson reminded Council that the matter of a resolution submitted sometime ago by the Central Shenandoah Planning District Commission for cities and counties in Planning District 6 to consider joining the Appalachian Regional Commission, had been tabled at four previous meetings and was listed as an agenda item for this evening's meeting. Inasmuch as members had been allowed sufficient time to absorb information relayed by Councilman Rhodes, a representative on the Commission, as well as that submitted by interested individuals, the Mayor asked if it was their desire to act upon the matter at this time. Councilman Cisney moved that the Central Shenandoah District Planning Commission be advised that the City of Harrisonburg has no desire at this time to become a part of the Appalachian Region, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

For consideration of a second and final reading, City Manager Milam presented and read an ordinance providing for the vacation of lots 3-7, Block A, Section I of Hillandale Subdivision, which lots front on S. High Street. He reminded Council that the ordinance had been approved for a first reading on July 24th, following a public hearing on the matter, and referred at that time to the City Attorney to be drawn in proper ordinance form. Vice-Mayor Green 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 upon being seconded by Councilman Cisney, was adopted by a unanimous recorded vote of Councilmen present. (Refer to Ord. Bk K, page 187).

The City Manager presented a final plat for Hillandale Subdivision, Section I, Block A on City Block map, including revision for vacation of lots 3-7, which plan had been approved by all property owners or developers concerned. He said that should the final plat be approved, the Mayor and Clerk should be authorized to sign boundary and lot descriptions for same. The City Attorney noted that the plat was identical to the original plat with exception of a 9 1/2' strip deleted in same. Following a brief discussion, Councilman Rhodes moved that the revised final plat be approved with authorization for the proper officials to sign same. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

As a follow-up of petition submitted by various business establishments in the Valley Plaza Shopping Center, and Council's appointment of a committee comprised of the Police Chief, City Attorney and Mr. Charles Dahl (manager, DoNuT KING), Chief Presgrave reported as follows: Capt. Stroble was appointed to meet with the committee on August 7th in that he (Chief Presgrave) was attending an FBI Training Session and could not be present, although he met with the others on separate occasions prior to leaving the city for the purpose of expressing the department's suggestions with regard to the problems existing in the area. He presented a report for period April 6, 1979 through July 22, 1979, setting forth activity during those weekends on the Safeway, Burger Chef, DoNuT KING and Roses' lots, with 64 charges made by the police department for various violations (i.e. trespassing; breach of peace; drunk in public; resist-

ing arrest; driving under the influence; drinking in public; runaway, etc.) From the August 7th Committee meeting, the Chief pointed out suggested measures which are now being taken, or may be taken to relieve the situation (i.e. no trespassing signs; merchants employing a Security Officer to patrol the areas and remove loafers & loiterers under the trespass law; use of ABC Board's van to check for ABC violations; possible charge of obstructing free passage of others either on foot or by vehicle; possible re-routing of traffic to stop continuous riding through the lots; possibility of police officers turning children (aged 11-14) over to the Juvenile Domestic Relations Court personnel when found on the lots in early morning hours, etc.) Chief Presgrave said he would like to give the "no trespassing" signs a chance to determine amount of effectiveness, prior to enforcement of other measures, and added that additional signs, other than those posted at the present time, will be placed in the area by the business establishments. The Chief could not give assurance that should the group be removed from the Valley Plaza area, it would not move to another location. Although Mr. Dahl could not be present in tonight's meeting, Mayor Erickson expressed appreciation to him, Chief Presgrave, Capt. Stroble and other officers, and the City Attorney, for their investigation, study and suggestions. Chief Presgrave was asked for monthly reports concerning the situation.

City Attorney Lapsley reported that appraisals had been made on the three dilapidated structures situated on Lee Avenue, which revealed that two of the structures are of no value and should be razed, while the bungalow facing Lee Avenue may possibly be repaired and made usable, adding value when property is sold. He noted that Mr. Gilbert Grimm (one of the heirs) and Asbury United Methodist Church (1/3 owner), had been contacted for permission to demolish the structures, with word being awaited from both parties, prior to further action. Mayor Erickson expressed a hope that demolition could be done prior to school opening, as projected at an earlier meeting.

Mr. John Byrd, City Building Official, was present in the meeting for the purpose of presenting an updated report concerning conditions in the Madison-Monroe Street area, as requested by Council at the last regular meeting. His report included the following facts: (1) abandoned and fire damaged building owned by Mr. Stanford Good, 141 Monroe Street, has been posted, with September 14 set for Mr. Good to comply through abatement by demolition; (2) the general condition and appearance of a dwelling at 795 Madison Street, also owned by Mr. Good, is now occupied and has been improved; (3) a vacant dwelling at 40 Monroe Street is in the process of being improved by conditions of a building permit issued 3/14/79; (4) overgrown lots owned by Mr. Good in the area have been pursued by the police department under its authority; (5) corner lot at 95 Ashby Avenue, owned by Mr. Sam Moore, is ragged in appearance due to rough undergrowth of weeds and cuttings on land left uneven by backfilling of the old foundation work. According to Mr. Byrd, Mr. Moore had requested a variance in 1971 from the Board of Zoning Appeals to construct six dwelling units on the lot, which was denied. As a result of the decision, Mr. Moore constructed four units, and in 1973 again appealed to the Board for two 1-bedroom units, which variance, due to illness, was never used, resulting in the ragged appearance, which, according to Mr. Byrd, is not in violation of building and zoning regulations under his authority to enforce. Councilman Rhodes questioned Mr. Byrd as to what may be done concerning the foundation holding water and breeding mosquitos, to which Mr. Byrd replied that other places in the city hold water also. Councilman Cisney asked if Mr. Moore is presently ill to the point that he cannot comply with improvements, due to appearance to the neighborhood. Mr. Byrd said he found it interesting that the variance was approved but never used, and that although he could not speak to Mr. Moore's health, he felt this was the reason for not following through with the variance. He said that some interest has been expressed for this lot to be made into a community recreational center, which is permissible under an R-2 zone. Mr. A. B. Furr, a resident of Madison Street, said that no more community development is needed in the area, and offered an opinion that it may do no good to contact Mr. Moore about the property in that he was displeased with rezoning of the area. Councilman Cisney moved that the Mayor contact Mr. Sam Moore to determine what can be done about the matter, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present. Manager Milam said that the police department had been cutting weeds in the area between the periods of May 20 - June 20, and August 1 - September 1, but noted limited action which the city is allowed to take under the present building regulations. One provision of the charter, however, does allow the governing body to declare property public nuisance, which, if pursued, would have to be done under the City Attorney's guidance. Following a lengthy discussion, it was agreed that the matter of the Madison-Monroe Street area be placed on each Council agenda, for report, until resolved.

As a follow-up of request by sportsmen at the July 24th meeting of Council for gates to be opened by the City and U.S. Forestry Service for access to the Skidmore Fork area, the City Manager presented a revised COOPERATIVE CONSTRUCTION AND USE AGREEMENT TO SERVE CITY OF HARRISONBURG AND NATIONAL FOREST LANDS IN THE SKIDMORE FORK WATERSHED-ROCKINGHAM COUNTY, and noted that it was basically the same as the one which had been signed by him in August, 1978 (prepared by the Forestry Service), and returned to them with a request that some typographical omissions be included, as well as addition of some new language for clarification. He presented a revised agreement, setting forth the following changes:

- (1) 1st paragraph - changed USC 20 (typographical error) to USC 205.
- (2) Sec. B3 (Forestry Service Shall: from - "Share with the City of Harrisonburg maintenance cost on a pro-rated basis if determined by measured use", to "Share with the City of Harrisonburg maintenance costs from state highway 33 to west edge of city lands on Skidmore Fork, approximately 3 miles, on a pro-rated basis as determined by measured use."
- (3) Sec. C - new paragraph (6) added: "Nothing contained in the agreement shall be construed as creating an easement nor any permanent rights by either party in the lands of the other."

During discussion, Councilman Cisney questioned how the pro-rated share would be handled, to which Mr. George Blomstrom, district ranger, U.S. Forestry Service, replied that it would be done by statistical sampling from traffic counts held on various weekdays and holidays to determine type of traffic into the area (i.e. fishing (city's share); hunting (F.S. share), in that the cost of daily traffic counts would be exorbitant. Vice-Mayor Green asked Mr. Blomstrom for an estimated time for opening of the upper road off Rt. 33 and was informed that cost for correcting the hazardous situation due to poor site distance was not known, but that the road was replaced for protection and management of the area only, rather than for use by the general public. Assistant City Manager Driver said he was not informed in that manner by the Bridgewater Office. Mayor Erickson pointed out that Council had been approached by taxpayers desiring to use the road which was built by use of tax dollars, and requesting that gates be opened by the City

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and Forestry Service. Mr. Blomstrom said that the upper road was not closed "on the spur of the moment", but after much investigation and thought, in order to avoid responsibility of a traffic death due to poor site distance at that point, and noted that the road would not be opened until necessary changes are made. City Manager Milam stated no objection by the city to removing its gates, but said he would like liability removed from city department heads, and placed on the governing body. Councilman Cisney asked how the City could get refund for a road which cannot be used. Mr. Blomstrom replied that the road serves as protection, should a fire develop in the area. Mr. Herman Hale, president of Izaak Walton League, said he was not told earlier by the Forestry Service that the road had been built for protection and management, and not for use by the general public, and questioned how it is just now being said that the road was built to replace a public access road, in that the City Council had advised at the last meeting that the road was built by the City according to Highway specifications. Mr. Blomstrom reiterated the fact that the road was constructed for protection and management. Mr. Hale then asked when funds would be available by the City and Forestry Service for constructing a road. Mayor Erickson noted possible completion date in 1982 provided funds are available, and a Forestry Service Engineer said the project was scheduled for the latter part of 1981, noting further that work will be done with regard to surveys, etc. this summer and fall, with project scheduled in the 1981 budget. He offered an opinion that there was no way to make the upper entrance safe because of traffic coming off Rt. 33, and noted the fact that there is site distance "coming out" onto 33, but not "going in." Manager Milam pointed out that the road could be used for emergency use, should someone be trapped in the area. Councilman Cisney asked representatives of the Forestry Service if favorable consideration might be given concerning use of the upper road for exit only, in that the site distance is sufficient, to which Mr. Blomstrom replied in the affirmative, stating that something could be worked out. The Forestry Service Engineer, however, said he felt the 1-way would not be abided by. Following the lengthy discussion, Councilman Cisney moved that the City sign the Cooperative Agreement, as presented this evening with revisions, and write a letter to supplement same for 1-way on the upper road, and that the letter state responsibility of the Forestry Service for marking the road and placing appropriate signs at the upper road, and the City's responsibility for marking the lower road and removing "no trespassing" signs around Switzer Lake, with the letter to be signed by both bodies. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Councilmen present. Mr. Blomstrom said it would be in order to void the original agreement signed in 1978.

The City Manager informed Council of an easement request by the U.S. Forestry Service for a roadway in the Hopkins Gap area east of Rt. 33, and presented an easement draft prepared by the Forestry Service, for consideration. He noted that a request for easement last winter for 2.95 acres in the same survey area was not approved for conveyance of title for right-of-way. Mr. George Blomstrom, district ranger, U.S. Forestry Service, explained that the land in request lies along the highway between Dry River and physical barriers, and that the road proposed for construction would allow access to management and timber sale activities. He noted that a total of 3,000 permits had been issued last year, with 1500 to the City. He mentioned benefits which would be derived through wild life improvements. When questioned by Councilman Cisney as to whether the city would reap income from timber which may be on the right-of-way, Mr. Blomstrom said there would be salable timber and that if the road, programmed for 1980, is built, a buyer for the timber would be found for the owner, and on the portion not used for the road construction, timber would be preserved for the owner. Vice-Mayor Green moved that the easement be granted. Councilman Cisney asked Mr. Blomstrom if he could give an estimate of board feet of timber by year 1981. Mr. Blomstrom said he would check into that information and notify his findings. Councilman Rhodes questioned the fact that the amount to be paid for the easement was not included in the rough draft, and Manager Milam said that a sum had not been discussed. Councilman Cisney seconded the motion of Vice-Mayor Green, subject to value of the easement. The amended motion was adopted by a unanimous vote of Councilmen present. The City Manager was asked to get with a representative of the Forestry Service and work out amount for easement, and other details.

Vice-Mayor Green moved that a supplemental appropriation in amount of \$ 20,351.57 to appropriate monies received for labor from the Virginia Employment Commission- Title 6, Title 6 Spec. Proj. & Title IID for months of May and June, 1979, be approved for second and final reading, a first reading having been approved on July 24th, and that:-

\$ 9,733.71 chgd. to: General Fund (1005.00) Recoveries & Rebates.
 10,617.86 chgd. to: General Fund - Unappropriated Fund Balance
 1,040.80 approp. to: Gen. Fund (4040-12.50) Pur. Agent-Wages-Title IID
 1,175.49 approp. to: Gen. Fund (4110-250.00) Soc. Security-FICA- on Wages under
 Title 6, Title 6 S.P. & Title IID
 990.96 approp. to: Gen. Fund (6015-12.50) Police Court-Wages-Title IID
 3,671.76 approp. to: Gen. Fund (9020-12.50) Fire Dept.-Title 6 & Title IID Wages-
 Firemen & Dispatchers
 1,072.53 approp. to: Gen. Fund (10110-12.01) St. Dept.-Wages-Title 6- Laborer
 366.85 approp. to: Gen. Fund (11020-12.03) Park Sec. Officer-Wages-Title IID
 1,270.72 approp. to: Gen. Fund (11020-12.50) Recreation Spec.-Wages-Title IID
 994.70 approp. to: Gen. Fund (11020-12.52) Janitor-Wages-Title 6
 1,033.51 approp. to: Gen. Fund (11020-12.53) Clk/Typst/Rcpt-Wages-Title IID
 1,009.20 approp. to: Gen. Fund (11020-12.55) Janitor-Wages-Title IID
 1,823.16 approp. to: Gen. Fund (11020-12.57) Concessionaire Wages-Title 6
 3,326.92 approp. to: Gen. Fund (11020-12.58) Laborers Wages-Title 6 S.P.
 864.20 approp. to: Gen. Fund (11020-12.59) Acct. Clk-Wages-Title 6
 556.80 approp. to: Gen. Fund (11020-12.60) Youth Programmer-Rec. Spec.-Wages, Title 6
 1,153.97 approp. to: Gen. Fund (11020-12.61) Arts/Crfts Instr-Wages-Title 6

which motion upon being seconded by Councilman Cisney, was adopted by a unanimous recorded vote of Councilmen present.

A request was presented from the City School Board Office for approval of a supplemental appropriation in amount of \$ 3,000. to provide funds for replacement of window shades at Spotswood; chair/desk seats at H.H.S. and purchase of miscellaneous equipment. It was noted that funds had been provided in the original school budget request, but deleted due to funding problems. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:-

\$ 3,000. chgd. to: School Fund - Unappropriated balances.

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\$ 2,000. approp.to: School Fund (1205-215.01) Maint.Sch.Plant- Repair
Replacement Furniture & Equip.

1,000. approp.to: School Fund (1900-403.00) Cap.Outlay- Furn. & Equipment
which motion upon being seconded by Councilman Cisney, was adopted by a unanimous recorded vote of Councilmen present.

✓ A request was presented from the Water/Sewer Superintendent for approval of a supplemental appropriation in amount of \$ 45,000. from Sewer Fund, Unappropriated Fund Balance, into Water Fund, Unappropriated Fund Balance, due to insufficient funds for project. Councilman Cisney moved that the appropriation be approved for a first reading, and that:-

\$ 45,000. chgd.to: Sewer Fund - Unappropriated Fund Balance
45,000. approp.to: Water Fund - Unappropriated Fund Balance

which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Councilmen present.

✓ The City Manager presented a request from the Water/Sewer Superintendent for approval of a supplemental appropriation in amount of \$ 45,000. due to insufficient funds for installation of a water line for James Madison University. He noted that funds would be drawn from Water Fund, Unappropriated Fund Balance, same having been transferred from the Sewer Fund, Unappropriated Fund Balance, just prior to this request. Manager Milam explained that the amount represents difference in cost of line installed in front of the building and cost of the 12" line under Interstate 81, which he then traced on a map. Following a brief discussion, Councilman Cisney moved that the appropriation be approved for a first reading, and that:-

\$ 45,000. chgd.to: Water Fund- Unappropriated Fund Balance
45,000. approp.to: Water Fund (7-79.23) 12" line for JMU

which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous recorded vote of Councilmen present.

✓ Council was reminded by the City Manager that a supplemental appropriation in amount of \$ 5,000. had been approved for a first reading on January 23, 1979, representing 50% of a \$ 10,000. Grant awarded by the Commission Under the Local Government Challenge Program, for establishment of a Fine Arts Museum at 301 S.Main Street. He noted that a final reading of the appropriation had been tabled until such time as it could be learned how the funds would be expended, etc. A budget outline of projected activities to be supported by the Grant including: paint & renovation; burglar alarm system; fire protection system; and lighting & display equipment, was presented, and the Mayor asked members' desire concerning a final reading of the appropriation. Councilman Cisney moved that the appropriation be approved for second & final reading, and that:-

\$ 5,000. chgd.to: General Fund - Unappropriated Fund Balance
5,000. approp.to: General Fund (15030-390.03) Non-Departmental- Support of
Community & Civic Organizations- Chap. of the Va. Museum of Fine Arts

which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Councilmen present.

✓ The City Manager presented separate reports from the City's Arbitration Board (comprised of John G. Leake, chairman; Billy H. Kuykendall and Donald Evans) concerning charges against Mr. Carson Rinker, paid city fireman, suspended from his job following police investigation and press reports of recording devices installed on private phone lines into the No. 1 Fire Station. The majority report by Messrs. Leake & Kuykendall revealed that charges against Mr. Rinker had been dropped following the hearing on July 17th after an offer was made by the City Attorney to withdraw suspension and probation. The minority report filed by Mr. Evans concurred in the majority report, but included recommendations that the City Council reimburse Mr. Rinker for reasonable attorney fees and that Council make a complete investigation of the matter, independent of the City Manager. Following a brief discussion, Councilman Rhodes moved that Council accept the majority report and consider the minority report, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Councilmen present.

✓ Council was reminded by the City Manager that a report of the Planning Commission had been accepted at the last regular meeting which included a recommendation for the closing of a portion of Hillcrest Drive from Maplehurst Ave. northward to the C-W Railroad, provided a favorable report is received from a Board of Viewers. He noted further that the matter was deferred, pending additional information concerning access to the railroad area, and presented correspondence from the Railroad, Harrisonburg Electric Commission and James Madison University, with the following requests, if closed: C-W Railway wishes to reserve the right to enter upon the property for the purpose of maintenance and such related matters as its operation may require; HEC expressed no objection to the closing providing all, or a specified part, remains a permanent easement for overhead and underground utilities and suggesting a 15' strip adjacent to the Ney property as minimum easement requirement; JMU stated no objection with the understanding that the action of closing the portion of street would not restrict the flow of traffic in and out of the JMU campus over Hillcrest Drive and Maplehurst Avenue. Manager Milam offered an opinion that a new state statute, mentioned by the Planning Director at the last meeting should be further investigated, whereby a city may charge property owners for land derived from the closing of alleys, deadend streets, etc., in that this is indicated in the statute. Councilman Cisney moved that the following persons be appointed to comprise a Board of Viewers to view the portion of Hillcrest Drive and report, in writing, whether or not there would be any inconvenience in closing of that portion: Messrs. P.H.Hardy, T.H.Lowery and John H. Byrd, Sr. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present. The Clerk was instructed to send each Viewer, all correspondence pertinent to the matter.

✓ City Manager Milam presented and read the following report submitted from a duly appointed Board of Viewers comprised of Messrs. P.H.Hardy, T.H.Lowery and John H. Byrd, Sr., dated July 31, 1979:

"The undersigned, John Byrd, Sr., T.Harry Lowery and P.H.Hardy, who were appointed by the City Council of Harrisonburg, Va., July 24, 1979, to view an alley located between the home of Mrs. Noland Canter of 288 Franklin St. and Mr. and Mrs. Richard Sheehan of 294 Franklin Street extending from Franklin St. to E.Bruce Street.

The undersigned respectfully report that they did, on July 30, 1979,

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meet and view the above described alley and do hereby report that in our opinion no inconvenience would result from discontinuing the said alley. The vote was unanimous.

Respectfully submitted this 31st day of July, 1979."

Following discussion, Councilman Rhodes moved that an ordinance effecting the closing be approved for a first reading, with additional information to be made available prior to a second & final reading concerning a new state statute which indicates that a city may place a charge on property owners for land derived from alley and street closings. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

✓ The City Manager read a letter from City Auditor R. William Shifflet, advising that he would retire from that position effective August 1, 1979, and stating that it had been a privilege serving in that capacity. Vice-Mayor Green moved that Mr. Shifflet's retirement be accepted with regrets, and that Mr. Shifflet be sent a letter of appreciation for services rendered as Auditor for the City of Harrisonburg. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

✓ During a discussion of appointments to various Boards & Commissions, Mayor Erickson asked members if they desired to appoint someone to serve the remainder of Dr. Helbert's term on the Harrisonburg Re-development & Housing Authority which will expire on November 29, 1980, in that Dr. Helbert had moved outside the City and submitted his resignation. Vice-Mayor Green moved that Mr. Lyle Sweet, 530 S. Mason St., be appointed to fill the unexpired term, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

✓ Correspondence dated 7/30/79 from the Central Shenandoah Planning District Commission was presented in which it was noted that since 1969 the State of Virginia has been working to establish a Statewide Emergency Medical Service System, with Planning District 6 designated as an emergency medical service region. Request was made for each jurisdiction in the Planning District to appoint one representative to serve on a Regional EMS Council. Further noted was that establishment of the organization would benefit the entire region and the Regional Council would help insure standardization of equipment and training for local emergency medical service units by increasing quality of services available, as well as increased funding which may be available to the region. Inasmuch as the correspondence was submitted by Dr. Richard Smith, Jr., Director of Emergency Services RMH, and Sharon Angle, Regional Planner, it was agreed that appointment of a representative be deferred in order to allow time for Vice-Mayor Green to discuss with Dr. Smith the possibility of his serving in that capacity.

✓ For information, the City Manager reported that letters of appreciation had been sent to Drs. Helbert, Gardner and Byers for their services on the Board of Health.

✓ Correspondence dated 7/17/79 was presented from Messrs. Donn L. Devier, City Engineer, and James W. Blauch, Acting Chmn. of the Plumbing Board, enclosing a revised schedule of fees proposed by the Board for the Plumbing Division of Inspections. In view of rising costs and the fact that fees had not been revised since 1973, favorable consideration of the proposed schedule by Council, was requested. During a review of the schedule, the City Attorney noted that amounts were considerably higher than those under the present schedule, with possibility of inspection fees accounting for this fact. City Manager Milam said that adoption of permit fees, as revised, for both residential and commercial, would bring them more in line with other fees. Following discussion, Vice-Mayor Green moved that an ordinance amending Section 20-27 of the City Code be approved for a first reading, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous recorded vote of Councilmen present.

✓ Members' attention was called to their copies of a Review Draft of the Code of Harrisonburg, submitted by PRM Law Publishers of Atlanta, Ga. The City Manager asked Council's consideration of a first reading of the proposed ordinance, noting that in the recodification, all type had been set on electronic machines, and that revisions submitted had been reviewed by all departments and officials, with relationship to some section, and that comments had been received concerning same. Some additional corrections were pointed out by Manager Milam and discussed. He noted that when an ordinance is approved, it would be printed within the new code book and returned to Council. Following discussion, Councilman Cisney moved that the ordinance be approved for a first reading, as it appeared in the draft copy, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Councilmen present.

✓ Assistant City Manager Driver informed Council that the matter of making the two block area of Main Street, between Grattan and Campbell Streets, 1-way northward had been discussed over the years, with no action taken. He pointed out that two lane traffic extends from the south corporate limits of the City, all the way through Main Street, with exception of the two blocks, and offered an opinion that approval for those blocks to be made 1-way should be given prior to Council's next meeting in that painting of lines on the reconstruction portion from Grattan Street southward, will be affected by the decision. Vice-Mayor Green moved that approval be granted for conversion of the two blocks of S. Main Street (Grattan to Campbell) to 1-way, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

✓ Council was reminded by the City Manager that Mr. Kenneth Frantz, General Manager of Harrisonburg Electric Commission, was present in the July 24th meeting to advise that futile efforts had been made with owners of properties south and east of Monument Avenue for necessary easements to construct an electric line. At that time, the attorney for HEC and the City Attorney were instructed to confer with the owners to determine what may be worked out. He noted that since that meeting, correspondence, by certified mail with return receipt requested, had been sent to George S. Aldhizer, II, Esq., Registered Agent, Rocco Chickens, Inc. (July 26) and to Mr. Robert E. Wease, owner of another parcel of property (August 2), setting forth final offers for easements to provide for construction and operation of the transmission line. He noted that the letters stipulated a two day period from dates mailed, for acceptance of the offer. If not received, sums would be paid into the Circuit Court of Rockingham County, Va., and certificates recorded in the Clerk's Office of that Court as provided by law, which action would transfer title to the rights-of-way easements to the City, thus enabling it to proceed with construction of the electric line. Further noted was the fact that unless amounts so deposited were accepted in full settlement for the easements within a 30 day period, condemnation proceedings by the City would be in

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order. Manager Milam recommended that authorization be granted for the Harrisonburg Electric Commission to proceed with condemnation at the proper time, should final offers not be accepted. Following a brief discussion, Vice-Mayor Green moved that the City Manager's recommendation be approved, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Councilmen present.

✓ City Manager Milam advised Council that he had received notice of a Virginia Municipal League Conference scheduled for September 23-25th in Roanoke, and reminded members that this would be in conflict with Council's regular meeting on September 25th. Mayor Erickson asked that a decision be made concerning the two meetings. Vice-Mayor Green moved that Council's regular meeting on September 25th be cancelled in lieu of the League Meeting, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

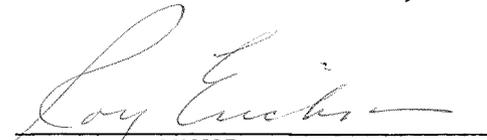
✓ City Manager Milam pointed out highlights of his Monthly Progress Report for the month of July, 1979, and called attention to a separate report on Central Stores Inventory for fiscal year 1978-79. He noted the fact that a shortage of \$ 3,103.39 was detected between total inventory as of 6/30/79 and closing inventory book, with the shortage representing a percentage of 2.05%, exceeding that allowed under Sec. 2-134 of the City Code. When corrections have been made concerning errors in posting of various unit prices, Manager Milam explained that the inventory would come within the allowable percentage. The report was for information.

✓ Mr. Kenneth White, president of the Virginia Taxpayers Association, praised Council's action in rejecting regionalism as proposed in resolution from the Central Shenandoah Planning District Commission, and commented that "this is perhaps the most important decision Council has taken this evening." Janet Wampler of Grottoes concurred in Mr. White's praise of the governing body's action.

At 10:45 P.M., Councilman Rhodes moved that Council enter an executive session for the purpose of discussing a legal matter, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Councilmen present.

At 11:40 P.M. on motion duly adopted, the executive session was declared closed, and the regular meeting reconvened and adjourned.


CLERK


MAYOR

Tuesday, August 21, 1979

At a special 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 Walter F. Green, III; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney; Deputy Auditor Phil Peterman and Chief of Police Richard W. Presgrave. Absent:- none.

City Manager Milam read the special meeting call, with primary purpose being that of meeting with the Harrisonburg Redevelopment & Housing Authority concerning acquisition of land, personnel and legal matters.

Mayor Erickson noted that the meeting should begin with a review of where we have been and where we are now, insofar as the Downtown Development Program, with an added thought that some of the matters may be of an executive nature (i.e. legal matters) which may necessitate an executive session.

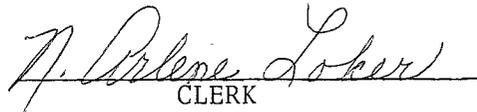
✓ Mr. Alan Siff, Consultant with the firm of Harland Bartholomew & Associates, gave background information concerning Grants awarded the City of Harrisonburg, beginning with the 1976 Grant for Westover Park, which project was completed and put into operation, in good time. He called attention to the fact that for the first time since the middle 60s, when the Wolfe Street Parking lot involved the Housing Authority, the City received \$ 525,000. to do some work in the Elizabeth-Main Street area, and while the area was commercial in nature, it was the desire of City Council to do some revitalization as to housing, with activities centered around the former Kavanaugh Hotel building. Following this, the City was awarded a second Grant of \$ 500,000. in 1977 to push the project ahead by renovation of the hotel. Due to excess cost, the designs were turned down and decision made to move the site farther north on Main Street, with construction of a new facility for the elderly and handicapped. In order to further this along, a third Grant of \$1 million was approved, bonds floated, etc. which has resulted in construction of a 61-unit facility ready for occupancy this fall. Mr. Siff noted that within a period of 30-36 months, the City has made a rapid stride. Although some properties have been assembled in the area between Elizabeth & Rock Street, Mr. Siff pointed out the need to assemble even more in that the structural conditions will have great effect on commercial which may consider coming into the area. The Valley Mall has had an effect on this. He said that some are upgrading and improving their own properties, which will relieve the situation to some extent. Mr. Siff noted that the entire amount of the first Grant has been expended; approximately 30% of the 1977 Grant, and approximately \$ 400,000. of the \$1 million Grant. He said that the R & H Authority will now move into the role of greater responsibility and assume operational responsibility for the facility. A long range objective of the City is needed, in terms of plans and utilization of the development program which will be around. He suggested that plans and projections could be based on other cities that were funded by HUD in any year. Programs are reviewed on a performance basis (i.e. how quickly a project is completed; expending of funds; meeting of goal). Mr. Siff pointed out a need for the rehabilitation portion of the program to be "put into place" here in the City, and said that means should be available for further funding to occur. The City's program needs to be "massaged and tinkered with" in order to make it work. When asked by Mr. John Sowers, Chairman, R & H Authority, to elaborate on other programs, Mr. Siff noted that although some land has been assembled, it has not been cleared as yet, with ability necessary to coordinate activities. He said that a decision should be considered for a workable plan under the Virginia Housing Authority Law, with 100% clearance project, in that the law has been changed to allow for commercial rehabilitation. Seeking aid through a federal program would help in redevelopment of some of the area. He discussed various means whereby

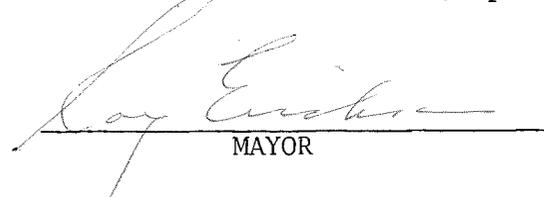
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the program might be financed, possibly with the help of a local bank loan. City Building Official Byrd asked where the City stands at the present time, and its obligation. Mr. Siff said that environment around the new facility needs to be improved, with care taken not to allow an atmosphere other than residential. He noted limited constraints in time, for use of HUD funds, but stressed the fact that a decision is necessary re "What shall be residential and what shall be commercial", with a "push forward", with objective of commercial development over into the area of Liberty Street. When all land is assembled, and a firm plan laid out, Mr. Siff said that a developer will talk. In answer to a question raised by the R & H Authority Manager, Tommy Williamson, as to their responsibility, Mr. Siff replied that it would be to assist City Council in housing and economic development, with recommendations, etc., and pointed out a need for someone experienced who can lead and give directions, as well as inform the general public. He said that Harrisonburg is still looking good in HUD's eyes, but a question at this time could be "has the horse gotten fired in the program execution?" The City could meet the October 15th application filing date for funding, if a Plan is in order. City Manager Milam noted limited personnel working on the program, and introduced Mr. Jim Deskins, program administrator for the Section 8 project, who is presently working on three programs, and Mrs. Sarah Milam, working on the relocation aspect of the project (housing units for elderly & handicapped). He noted further that Assistant City Manager Driver, City Building Official Byrd and City Attorney Lapsley are assisting with the program parttime. To quote Manager Milam, "We do not have eleven people on our football team." He offered an opinion that the City is not in a position to put together an application by the October 15th deadline.

At 9:00 P.M., on motion duly adopted, Council entered an executive session with members of the R & H Authority; Mr. Williamson; Mr. Siff; Mr. Deskins; Sarah Milam and some city staff members, to discuss legal matters and personnel matters, pertinent to this evening's meeting call.

At 10:50 P.M., on motion duly adopted, the executive session was declared closed, special meeting reconvened, and adjourned.


CLERK


MAYOR

At a combined public hearing and regular meeting 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 Walter F. Green, III; Councilmen Raymond C. Dingledine, Jr.; Deputy Auditor Phil Peterman and Chief of Police Richard W. Presgrave. Absent: Councilman James C. Cisney.

A representative of Station WVPT explained that the purpose of lights, cameras, sound equipment, etc. around the room were for the purpose of providing an instruction program for high school students. It will show how a Council meeting is conducted, including citizen input.

Minutes of the regular meeting of August 14, 1979 were read and approved as corrected; minutes of a special meeting held on August 21, 1979 were read and approved.

✓ City Manager Milam presented correspondence dated 8/15/79 from the Central Shenandoah Planning District Commission advising that the application for a Section 8 Rental Assistance project would be reviewed by the Physical Resources Committee and full Commission on September 17, 1979 in Fishersville, Va. Any comments by the governing body concerning the proposal were requested no later than September 14. He reminded Council that the project is proposed for off Mosby Road (s/w section of Harrisonburg) on 12.5+ acres of land, and the same project as that on which comments were requested several months ago, with none expressed by either the governing body or Planning Commission at that time. Manager Milam pointed out that the project proposed by Mosby Heights Associates, Rockville, Md. is for 112 living units (32 buildings), with loan request in amount of \$ 433,248. through the Department of Housing & Urban Development. Correspondence from HUD dated 8/22/79 stated that the application was being reviewed, and also included a request that any objections, or no intention of objection by the City of Harrisonburg, be forwarded as soon as possible in order that the review may be expedited. Following a brief discussion, no comments were offered.

✓ Council was advised that the annual report for Blue Ridge Community College had been received and that the copy will be on file in his office for review, if so desired.

✓ For information, correspondence dated 8/14/79 from the Equal Employment Opportunity Commission, Richmond, Va., was presented, advising that a review of files does not reflect any outstanding charges of employment discrimination pending against the City of Harrisonburg.

✓ The City Manager presented correspondence dated 8/24/79 from Mr. Harry F. Bowman, enclosing a plat of lots on the east side of Vine Street off Old Furnace Rd., which lots are a part of a subdivision and have been replatted to establish new lot lines, by an approved surveyor. Approval of the plat was requested. Vice-Mayor Green moved that the plat and request be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ At 8:06 P.M., Mayor Erickson closed the regular session temporarily and called the evening's public hearing to order. City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper on August 9th and 23rd:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, August 28, 1979, at 7:30 P.M. in the City Council Chamber, Municipal Building, 345 S. Main Street, to consider the following rezoning request:

To rezone Lot 8 in Block BB, Page 34 of City Map, from R-2 Residential to M-1 Industrial. Said lot fronts on north side of E. Johnson Street and is 220 feet east of Fairmont Foods, Inc. Owners are H. T., A. L.; R. D. and M. T. Fitzgerald and Others. Purpose: to allow Fairmont Foods to build a warehouse.

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

CITY OF HARRISONBURG- Marvin B. Milan, City Manager

Planning Director Sullivan made reminder that the City Planning Commission had recommended rezoning of the lot in a report presented at the regular meeting of Council on July 24, which reads as follows:

"Attorney Thomas Wilson, representing Hosie T. and R. Daniel Fitzgeralds, explained to the Commissioners that his clients will construct a warehouse on E. Johnson Street, approximately 80' east of the Fairmont Foods-Interstate Tire & Battery building, if Lot 8 is rezoned. Mr. Sullivan pointed out the proposed project on the site plan, noting that adjacent residential and commercial property owners have not expressed objections. Mr. Wilson added that the warehouse will screen off the view of commercial activity north of the Fitzgerald property. Mr. Rhodes noted that Mr. Alfred Howard of 75 E. Johnson Street said he didn't object to the warehouse proposal.

Chairman Kuykendall asked for objections from the floor and there being none, he closed the public hearing.

Mr. Fleming then moved that the Planning Commission recommend to City Council that Lot 8, Block BB on Page 34 of the City Map be rezoned from R-2 Residential to M-1 Industrial District. Mrs. Bowman seconded the motion and all members present voted in favor..."

Mr. Sullivan pointed out the location of Lot 8 on maps, situated northeast of downtown Harrisonburg, and noted that an ordinance had been approved by City Council on July 24th effecting the closing of a 10' alley which runs from the northern side of E. Johnson Street, 169' to another alley which parallels East Johnson Street and bordered on both sides by Fitzgerald properties. He pointed out that ample parking would be provided for the warehouse, as well as the Fairmont Foods building which also houses Interstate Tire & Battery. Further noted by the Planning Director was the fact that the project had been supported by all concerned, with no opposition to the warehouse or rezoning expressed by neighbors. Mayor Erickson called on anyone present desiring to be heard either for or against the rezoning request. There being no one, the Public Hearing was declared closed at 8:14 P.M. and the regular session reconvened.

Mayor Erickson asked members if they desired to take action concerning the rezoning request discussed in this evening's public hearing. Councilman Dingleline moved that the recommendation of the Planning Commission for rezoning of Lot 8 from R-2 Residential to M-1 Industrial be approved. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Councilmen present.

For information, City Attorney Lapsley reported that Asbury United Methodist Church Board of Trustees had approved demolition of the two structures facing Lee Avenue, in writing, which places the City in the position of finding a contractor, or someone else, to demolish them. He noted the fact that there was one legal aspect of the matter which he desired to discuss with Council during an executive session, later in the meeting.

The Mayor reported that he had not been able to contact Mr. Sam Moore concerning his lot in the Madison-Monroe Street area, but that he had personally viewed the area and felt it would be very difficult to remove the weeds without the use of a bulldozer. On motion of Councilman Rhodes, seconded by Vice-Mayor Green, and a unanimous vote of Councilmen present, the matter was deferred until the next regular meeting to allow time for Mr. Moore to be contacted.

Chief of Police Presgrave reported that during the preceding 27 days of this month, desired results and marked improvements have been observed in the Valley Plaza Shopping Center area, with very little activity over the past few weekends. When questioned, the Chief said he had not located any shifting of the activity. The report was for information.

Councilman Rhodes moved that a supplemental appropriation in amount of \$3,000. requested by the City School Board for replacement of window shades at Spotswood School; chair/desk seats at HHS and purchase of miscellaneous equipment, be approved for second & final reading, first reading having been approved on August 14th, and that:

\$ 3,000. chgd. to: School Fund - Unappropriated Balances
2,000. approp. to: School Fund (1205-215.01) Maint. School Plant-
Repair/Repl. Furn. & Equip.
1,000. approp. to: School Fund (1900-403.00) Cap. Outlay-Furn. & Fixtures

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

Councilman Dingleline moved that a supplemental appropriation in amount of \$ 45,000. requested by the Water/Sewer Superintendent due to insufficient funds for a project, be approved for second and final reading, a first reading having been approved on August 14th, and that:

\$ 45,000. chgd. to: Sewer Fund - Unappropriated Fund Balance
45,000. approp. to: Water Fund - Unappropriated Fund Balance

which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous recorded vote of Councilmen present.

City Manager Milan reminded Council that a supplemental appropriation in amount of \$ 45,000. had been approved for a first reading on August 14th due to insufficient funds in proper account for installation of a 12" water line for James Madison University. He explained that the project will increase water at Port Republic Road from the present 8" line, for future development, and that this line will eventually tie in with the 18" line in the vicinity of Rockingham Memorial Hospital. Councilman Rhodes moved that the appropriation be approved for second and final reading, and that:

\$ 45,000. chgd. to: Water Fund - Unappropriated Fund Balance
45,000. approp. to: Water Fund (7-79-23) 12" line for JMU

which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous recorded vote of Councilmen present.

A request was presented from the City's Recreation Director for approval of a supplemental appropria-

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tion in amount of \$ 125.49 in order to transfer a refund of overpayment for City Park water/sewer services which involved repair of leak. Vice-Mayor Green moved that the appropriation be approved, and that:

\$ 125.49 chgd.to: General Fund (1005) Recoveries & Rebates.

62.74 approp.to: General Fund (11020-362.00) Parks & Recreation- Sewer Service

62.75 approp.to: General Fund (11020-363.00) Parks & Recreation- Water Service

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

✓ A request from Assistant City Manager Driver was presented for approval of a supplemental appropriation in amount of \$ 861.25, from the General Fund Recoveries & Rebates Account, into the proper account for use in the City's Energy Recovery Plant project. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved, and that:

\$ 861.25 chgd.to: General Fund (1005.00) (Real. Rev.) Recoveries & Rebates.

861.25 approp.to: General Fund (10340-72.01) Refuse & Garb.Coll-Cap.Outlay-
Energy Recovery Plant

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

✓ The City Manager presented a request from the City School Board Office for approval of a supplemental appropriation in amount of \$ 36,405.00, representing anticipated Federal funds, for special In-Service Project. The request form stated further that the program is a joint project for Harrisonburg, Page County, Highland County, Greene County and Shenandoah County. The program will provide needed in-service training on teaching handicapped children in regular classroom environment, and finances will be processed through the city school budget as per agreement with special education department of the State Board of Education. Following a review of the various purposes for which the funds would be earmarked, Councilman Dingleline moved that the appropriation be approved for a first reading, and that:

\$ 36,405.00 chgd.to: School Fund (R-28)Receipts from Fedunds- Spec.In Ser. Project

4,000.00 approp.to: School Fund (1209-109.01) Fed.Programs- Comp.Clerical

6,400.00 approp.to: School Fund (1209-134.11) Fed.Programs- Comp.Sub.Teachers

5,000.00 approp.to: School Fund (1209-135.01) Fed.Programs- Comp. Director

550.00 approp.to: School Fund (1209-214.02) Fed.Programs- Rental of Equip.

600.00 approp.to: School Fund (1209-218.00) Fed.Programs- Telephone

3,255.00 approp.to: School Fund (1209-220.00) Fed.Programs- Travel Expenses

15,900.00 approp.to: School Fund (1209-299.00) Fed.Programs- Other Inst.Costs

700.00 approp.to: School Fund (1209-305.00) Fed.Programs- Inst. Supplies

which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Councilmen present.

✓ Council was reminded by the City Manager that an ordinance effecting the closing of an alley running from the northern side of Franklin Street to the southern side of Bruce Street, located between 288 and 294 Franklin Street had been approved on August 14th. Mayor Erickson asked members' wishes concerning second & final reading of same. Planning Director Sullivan informed Council that still a third party, not included in the request for closing, is involved. City Attorney Lapsley said he had not investigated the state statute as yet which indicates that a City may place a charge on property owners deriving additional land through alley and street closings. It was agreed that final reading of the ordinance be deferred until such time as the situation may be further investigated by the Planning Director and City Attorney.

✓ A first reading having been approved on August 14th, Councilman Rhodes moved that an ordinance amending Sec. 20-27, Paragraph (e) of the City Code relating to Plumbing Permit Fees, 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. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Councilmen present. (Refer to Ord. Bk. K, page 189).

✓ Council was reminded by City Manager Milam that following presentation at the last regular meeting on August 14th of an ordinance adopting a Revision and Codification of the Ordinances of the City of Harrisonburg entitled "The Code of the City of Harrisonburg, Va." providing for the repeal of certain ordinances not included therein, with certain exceptions, and for other purposes set out, the ordinance had been approved for a first reading. He reiterated the fact that all departments had reviewed their sections, and that any errors will be corrected prior to final printing. City Attorney Lapsley remarked that the royal blue loose leaf hard bound book should be most attractive, and much easier to use. Following discussion, Vice-Mayor Green 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. The motion was seconded by Councilman Rhodes and adopted by a unanimous recorded vote of Councilmen present. (Refer to Ord. Bk K, page 190).

✓ Assistant City Manager Driver reported that a recent audit report of the City's Comprehensive Employment & Training Act (CETA) program, had been received. He noted that the report reveals an approximate amount of \$ 36,000. which is expected to be refunded by the City, which was revealed also in the 1977 audit, and explained at that time to the CETA office in a satisfactory manner. He anticipated no problem in again resolving the situation which involves beginning dates and termination dates of various employees under the program. Mr. Driver informed Council that effective October 1st of this year, the whole format for the program is being changed, with one requirement being that of mandatory training program and specialized people. Also, those persons employed under the program for a period of 18 months will be terminated permanently. From a total of 25 slots, Mr. Driver pointed out that the City presently has 15, with remaining positions allocated as follows: The United Way, (7); Historical Society, (1); WVPT (1); Big Brothers/Big Sisters, (1). Council was informed that Rockingham County has agreed to handle the City's CETA program in that it has ample office space, well staffed. Those employees holding city positions under the program will be employed by the County, turn in their own time sheets, and receive salary checks through the County's pay roll. Mr. Driver reported that the City has received an approximate \$ 600,000. in CETA funds since instituting the program in 1975. The report was for information.

The following Planning Commission report from a meeting held on August 15, 1979 was read by the City Manager:

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"Mr. Steven Weaver, Attorney for Winston O. Weaver, presented a proposed 12.959 acre industrial plat, explaining that his father purchased the property from the Shenandoah Presbytery and Frank Liskey. Located west of N. Main Street and north of Charles Street, the M-1 Industrial District tract will have access through undeveloped Albert Street from Charles Street. A July 19, 1979 letter to City Council requests the City to take into its street system a new 60' street from N. Main Street to the 12.959 acre site. Mr. Winston Weaver told the Commission that 'one of the top Fortune 500 Corporations' is interested in building a plant on the property, but they need two access streets. The Director noted that the proposed 60' street is shown between the Frank Liskey home and the Shenandoah Presbytery Regional Office, and it enters N. Main only 100' off-center from another 'paper' street situated on the east side of N. Main. The proposed Strawberry Ridge housing development will open the east-side street to serve said proposed development. Mr. Milam reported that the City has discussed improvements on Charles Street and Albert Street in regard to this proposal.

Mr. Williams then moved for the Planning Commission to recommend approval of the 12.959 acre industrial plat, including establishment of the 60' right-of-way from N. Main Street into the site as part of the subdivision. Mr. Rhodes seconded the motion and all members voted in favor of the motion. The Director added that Mr. Weaver's July 19th letter requests the City to construct the 60' street, but as part of a subdivision, it is up to the developer to build it according to City specifications..."

Mr. Sullivan pointed out the area on a map, noting particularly Charles and Albert Streets as one entrance, and proposed new street as second entrance. It was agreed that the 100' off-set would not be desirable, due to 'whipping around' of traffic. Mr. Weaver informed Council that the project would be 100% landscaping, with assurance that the developer would cooperate insofar as construction of the new street. Mayor Erickson referred to the Planning Commission report which stated that since the street is a part of the subdivision, it was up to the developer to construct same. Attorney Steven Weaver said he had no recommendation or request at this time, but that if it was felt necessary for the developer to come before Council concerning the matter, this could be arranged. Councilman Rhodes moved that Council approve the Planning Commission's recommendation (including construction of the street by the developer), which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Councilmen present.

City Manager Milam read the following report submitted by the Planning Director from a meeting of the Planning Commission held on August 15, 1979:

"...The Planning Director reviewed preliminary sketches of a 'solar patio home' drawn for Northfield Land Corporation, noting that Mr. Kenneth Patrick desires to build this 22' x 72' single family dwelling on existing lots in Northfield Estates. He also reviewed the proposed R-4 text amendments which were discussed on July 18th, which would allow a 'zero lot-line' development, with certain set-backs as a 30' front yard and a 10' minimum side yard setback. Mr. Patrick then described his proposed 'solar patio home' plan and suggested that the 10' side yard proposal be changed to say 'an average of 10' side yard setback' between units. Dr. Shank asked Mr. Byrd to respond. Mr. Byrd said he feels the R-4 District is the zone in which to allow innovative and urban concepts such as the patio home on a zero lot-line. He suggested the Commission review Mr. Patrick's 'immediate plan' for the first 6 or so patio homes, rather than amend the ordinance. Mr. Sullivan said an amendment is necessary first, or refer the matter to the Board of Zoning Appeals for a setback variance request. Mr. Fleming observed that a conflict of opinion exists. Mr. Byrd questioned the validity of staff personnel issuing 'discretionary' variances. Will Lawyers Title Review approve such administrative action? Dr. Shank expressed fear that Messrs. Sullivan and/or Byrd could be accused of making 'arbitrary' decisions. Mr. Fleming expressed concern that if the Ordinance is amended, will it have to be amended again due to producing an undesirable result? Mr. Milam then outlined the concept and intent of the R-4 Planned Unit Residential District, including the requirement that all R-4 master plans and amendments to these plans have to come before the Commission and City Council for approval, therefore he sympathized with the developer's desire to construct something 'new.'

Mr. Fleming concluded the discussion with a motion for the Planning Commission to recommend amending Article V, R-4 Planned Unit Residential District to allow zero lot-line housing with an average side yard setback of 10' between structures, to be administratively approved by the Planning Director and the Building Official when groups of six or more zero lot-line dwellings are submitted on a site plan. Mr. Milam seconded the motion and all members present voted in favor of the motion..."

Mr. Sullivan said he had seen this type of development only in larger suburban areas, and noted that in order to fit the eight homes proposed for existing lots in Northfield Estates, something would have to be reduced in size. The developer requests a no setback for front yards, which Mr. Sullivan opposed, in that all properties in the city have front yard setbacks of at least 30'. City Manager Milam pointed out that R-4 Planned Unit Development exists only in the northeast section of the city at the present time, which is the only place this type of development could occur. Its purpose is to provide greater use of land by constructing small homes on small lots. Following discussion, Councilman Dingledine moved that Council accept the Planning Commission report and schedule a public hearing for Tuesday, October 9th, 7:30 P.M., which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Councilmen present. The City Manager was instructed to properly advertize the hearing.

The following resolution submitted by Mr. Carlson Booth, a member of the Blue Ridge Community College Board of Trustees, was presented and read by the City Manager for consideration of Council approval:

WHEREAS Blue Ridge Community College has made post-secondary education accessible to many citizens seeking technical careers, college transfer programs, and continuing education, and

WHEREAS the educational services of the College are made available to

the citizens at low cost and within commuting distance,

NOW, THEREFORE BE IT RESOLVED that the City Council of Harrisonburg does support and encourage the purpose, direction, and administration of Blue Ridge Community College, and regards that institution as a valuable asset to this community and to those who benefit from the College's instructional services.

Mayor

Attest:

Clerk

Vict-Mayor Green moved that the resolution be approved, with authorization for the Mayor and Clerk to sign same, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

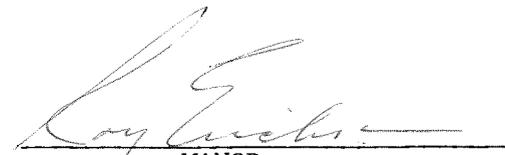
A Memo was presented from Mr. George Miller, President, Rockingham Stamp Club, requesting permission to: use the city seal on envelopes during the City's Bicentennial; city to pay cost of making the cancellation HUB; and city to set the exact date of the 200th anniversary. Councilman Dingledine, a member of the Bicentennial Commission, said that although he had done some research, he had been unable to pinpoint an exact date. He noted that he would continue to pursue the matter, with report back to Council.

For information only, Assistant City Manager Driver reported that he had attended the public hearing held on August 15th at the Linville Edom Elementary School concerning a road project proposed for 0.50 mile south North Corporate Limits of Harrisonburg to East Interstate Route 42/259 (E. of Broadway), on behalf of the City of Harrisonburg. His only comments offered were that the City is interested in improving the portion within the city limits, and that the City desired to take no stand on either of the alternative routes.

At 9:20 P.M. on motion of Councilman Dingledine, seconded by Councilman Rhodes and a unanimous vote of Councilmen present, Council entered an executive session for the purpose of discussing a legal matter.

At 10:05 P.M., on motion duly adopted, the executive session was declared closed; regular session reconvened and adjourned.


CLERK


MAYOR

At a regular meeting of Council held in the Council Chamber this evening at 7:30 PM there were present: Vice-Mayor Walter F. Green, III; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Councilmen Raymond C. Dingleline, Jr., Elon W. Rhodes, James C. Cisney; Deputy City Auditor Phil Peterman and Chief of Police Richard W. Presgrave. Absent: Mayor Roy H. Erickson.

Vice-Mayor Green presided over the meeting in the absence of the Mayor, and called the meeting to order.

Minutes of the combined public hearing and regular meeting held on August 28th were read and approved.

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 August, 1979.

From the City Treasurer:

A trial balance report as of close of business on August 31, 1979

From the Police Department:

A report of total number of arrests; parking meter fines collected; cash collected from parking meters; total cash collected all sources in amount of \$ 7,471.43 for month of August, 1979.

From the City Auditor:

A financial report for the month of August, 1979

A report of cash discounts saved in payment of vendors' invoices for month of August, 1979, totaling \$ 125.44.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of August, 1979.

City Manager Milam presented the financial report prepared by the Auditor of Public Accounts, Richmond, for the Harrisonburg Juvenile and Domestic Relations District Court, with receipts and disbursements of \$ 131,099. He noted that the report was for fiscal year ended June 30, 1979, and a copy would be on file in his office for review.

An audit report for the Shenandoah Valley Juvenile Detention Home Commission for fiscal year ended June 30, 1979, prepared by the CPA firm Yancey & Anderson, Staunton, Va., was presented by the City Manager. The report revealed revenue in amount of \$ 120,140.87 and expenses in total amount of \$326,396.09 with \$ 231,561.82 of that amount reimbursable by the state, leaving balance of Commission Expense \$ 94,834.27. Four new participants: Albemarle, Augusta, Charlottesville and Rockingham each paid \$ 52,500. (total: \$210,000.), with federal and state funds totaling \$ 224,868. Manager Milam noted that a copy of the report would be on file in his office.

City Manager Milam presented revised plats for a portion of Westhampton Subdivision and Lots 4 & 5 of Section 4, Southampton Subdivision, submitted for approval by J. R. Copper, Agent for V.W. Nesselrodt and Henry Clark. On motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of

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Councilmen present, the plats were referred to the City Planning Commission for study & recommendation.

✓ For information, City Attorney Lapsley reported that Assistant City Manager Driver had been checking on someone to demolish two of the dilapidated structures on Lee Avenue which have been a matter of concern since June of this year. The bungalow facing Lee Avenue will remain for inclusion in sale of the lots. No city forces are available at the present time to undertake the project. He noted that the firm of David A. Reed & Sons, Inc. has consented to remove the structures at an estimated cost of \$ 4,000. - \$ 4,500., which amount will be charged against the estate when settled. Work will commence around October 1st. Councilman Cisney moved that the City Attorney be authorized to proceed, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Councilmen present.

✓ For information of Council, City Manager Milam reported that conditions in the Madison-Monroe Street area had been improved as follows: as of today, 141 Monroe demolition had begun; 40 Monroe Street has been completed as a duplex unit; 795 Madison Street has been cleaned up; and 95 Ashby Street, owned by Mr. Sam Moore, remains in the hands of the Mayor for contact concerning steps which may be taken to improve that situation. He noted that Mayor Erickson is out of town at the present time, and will possibly be in touch with Mr. Moore upon his return.

✓ Chief of Police Presgrave reported that improvements continue in the Valley Plaza Shopping Center area with regard to groups congregating and causing various types of disturbances. He noted that only 13 charges had been made since the last report, with no indication of the problem arising elsewhere in Harrisonburg. The report was for information.

✓ The following Planning Commission report from a meeting held on August 30th was read by the City Manager:

"The Director reported that since City Council will have only one meeting in September, and the Commission's regular meeting will come after Council's meeting, a recommendation regarding IMCO's rezoning application is needed earlier than anticipated. Mr. Sullivan then reviewed the Plan of Development, illustrating IMCO's desire to construct a 250' x 200' storage building on the south side of the existing plant. Most of the present employee parking lot will be covered by the addition, thus IMCO is applying for rezoning of approximately one acre of R-2 property along West Market Street's north side, from Brook Avenue to a point opposite Academy Street. IMCO owns the area involved, and the site plan illustrates 152 employee parking spaces plus loading and unloading areas. Three dwellings will be removed, and a 15' planting strip along W. Market Street will be included in the expansion. It was also noted that storm water from over half of the site will be directed to W. Elizabeth Street's storm pipe and a graveled parking area plus the planted buffer strip will absorb most of the storm water. When W. Market Street is rebuilt in the future, a new storm water system will be installed according to State Highway Specifications.

Dr. Shank concluded the review with a motion that the Planning Commission recommend to City Council that IMCO's rezoning application to change Lots 26 through 31, Block R, Page 35 of the City Block Map from R-2 Residential to M-1 Industrial be granted. Mr. Williams seconded the motion, based on the Plan of Development as submitted by IMCO Container Company, which includes a landscaped buffer strip on West Market Street, the Brook Avenue corner, and the east border area from W. Market St. to W. Elizabeth St., plus satisfactory resolution to the storm water run-off which will occur as a result of the new construction. All members present voted in favor of the motion..."

Mr. Sullivan presented the Plan of Development, noting that one house at the corner of W. Market Street and Brook Avenue will be removed, as well as two at the other end of the block. Additional shrubbery will be planted with existing trees along W. Market Street, which will serve as a buffer, in that the south side of W. Market is residential. Employees of IMCO will enter the parking lot off Wolfe Street on the east side of the present plant. He explained that the three residences on the east side of Brook Avenue between Wolfe and Market Streets are not a part of the plan, in that two are privately owned, and the third, although owned by IMCO, will be rented. Councilman Cisney moved that the Planning Commission report be accepted and a public hearing scheduled for Tuesday, October 9th, 7:30 PM, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Councilmen present. The City Manager was instructed to properly advertise the hearing.

✓ City Manager Milam presented and read the following Planning Commission report from a meeting held on August 30th:

"The Commissioners reviewed the Final Plan for Section II in Holiday Hills, and the staff review sheet which recommends the paved width of this extension of Waterman Drive the same as now exists on Waterman Drive from Chicago Avenue to Taliaferro Drive. The Director noted that the 10 proposed lots are in the R-1 Single Family Zone, and a cul-de-sac will terminate Waterman Drive approximately 100' from Virginia Route 42. Mr. Milam noted that a fire hydrant will be required on the cul-de-sac and the water line will have to be an 8" rather than a 6" line, since the revised City Code was adopted on August 28th. It was also noted that a 20' drainage easement will direct storm water across the rear portion of Lot 45 and into a natural runoff area in the County.

Mr. Williams moved that the Planning Commission recommend to City Council the approval of the Final Plan for Section II, Holiday Hills Subdivision, subject to the comments made and the staff review sheet details. Mr. Fleming seconded the motion. Voting in favor of the motion: Mrs. Bowman; Messrs. Williams, Fleming, Shank and Kuykendall. Voting against: none. Abstaining from the vote: Mr. Milam..."

Mr. Sullivan pointed out location of the 10 lots on an overall neighborhood map, with Waterman Drive coming in from the west side of the City in a diagonal approach, which would be a slight curve and circle comprised of the vacant lots. Waterman Drive cul-de-sacs, with water and sewer easements going over to Virginia Avenue (Rt. 42). He noted that an identical plan was approved by Council earlier this year. Following discussion, Councilman Cisney moved that the Planning Commission recommendation be approved, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of

DDJ551

Councilmen present.

With regard to the upgrading of Harrisonburg's Thoroughfare Plan through the year 1995, City Manager Milam reminded Council of the public hearing held at the Court House on July 31st jointly with the Rockingham County Board of Supervisors, at which time considerable citizen input was received in opposition of Waterman Drive being considered as a through street. He noted that comments had also been offered by various city staff members concerning the City's decision to cul-de-sac Waterman Drive in that it runs through a residential area, in order to prevent heavy through traffic onto Rt. 42 (Virginia Avenue). This arrangement was also revealed in the Major Arterial Street System approved in the middle 60s. For consideration of approval, Manager Milam presented and read the following proposed resolution:

BE IT RESOLVED that the Harrisonburg City Council has reviewed the Harrisonburg Thoroughfare Plan as proposed by the Virginia Department of Highways & Transportation and approved the plan with one exception as follows:

Plate 8 of said plan - omit Route 33 - Route 42 connection between Route 42 and Taliaferro Drive, an all residential section.

Waterman Drive at said location is not recommended by the current approved Major Arterial Street System adopted cooperatively by the Virginia Department of Highways, the Department of Commerce, Bureau of Public Roads, City of Harrisonburg, and the Housing and Home Finance Agency dated January 1966 (See Plate 13 of current approved plan).

This resolution unanimously adopted by Harrisonburg City Council in regular session, September 11, 1979.

Mayor

Attest:

Clerk

Councilman Cisney moved that the resolution be approved, and the motion was seconded by Councilman Rhodes. Councilman Dingleline offered a personal opinion that it was important to adopt the resolution in order to re-emphasize Council's position re Waterman Drive and to give some assurance to the residents of Holiday Hills Subdivision that Council's intent is to not route heavy traffic through the residential area. The motion was adopted by a unanimous vote of Councilmen present, with authorization for the Vice-Mayor to sign the resolution in the absence of the Mayor.

Council was reminded by the City Manager that an ordinance closing an alley between properties located at 288 and 294 Franklin Street had been approved for a first reading on August 14th, with second and final reading deferred pending further information concerning a new state statute providing for property owners to be charged for land derived through alley and street closings. He presented correspondence from the City Planning Director setting forth land values for three property owners involved in the proposed closing, namely: Mrs. N. M. Canter, Sr., Mr. Richard Sheehan, and Mr. Robert Alexander. Correspondence was then presented from the Commissioner of Revenue setting out square footage and market value of the alley, as well as amounts to be charged each of the property owners based on 90¢ per square foot. Councilman Cisney expressed concern that the property owners were not aware of the state statute when request was instituted for the closing, in that many other alleys have been closed in the past, with no charge placed by the City. Although he had no objection to the closing, Councilman Dingleline said he felt that all concerned should be made aware of the new procedure, and suggested the possibility of Council adopting a proper ordinance which could be applied to all requests for closing of alleys and portions of streets. City Attorney Lapsley said that the City could proceed under the state law, if so desired. Following discussion, it was agreed that the matter be deferred, pending further study concerning an ordinance, etc.

The following report from a duly appointed Board of Viewers comprised of Messrs. P.H.Hardy, T.H. Lowery and John H. Byrd, Sr., was presented and read:

"We have inspected the portion of Hillcrest Drive from Maplehurst Avenue northward to the Chesapeake and Western Railroad property as requested by Council upon request by adjoining property owners, Mrs. Ney and Mr. Ewing, and given our full consideration to the closing of said portion of this street right-of-way. We have also read correspondence from the C & W Railroad, the Harrisonburg Electric Commission and James Madison University concerning access to the railway area. All of those heretofore mentioned have given their approval to the requested closing of this street, but with special considerations.

If closed, the C & W Railroad wishes to reserve the right to cross such property in the future for the purpose of maintenance and such related matters as its operation might require. The Harrisonburg Electric Commission requests that all or a specified part of the land released by underground utilities, and suggest that a fifteen foot (15') wide strip adjacent to the Ney property be set aside as a permanent easement. James Madison University expressed no objection to the closing as long as such action would in no way disrupt the present traffic flow to and from the JMU campus.

We, the Board of Viewers, have agreed that we find no inconvenience to be caused by the closing of said portion of Hillcrest Drive, as previously described, but we are of the opinion that the City should establish and retain the necessary easements to satisfy the requests of the involved correspondents."

From an investigation into the closing from the standpoint of a new state statute which provides that a City or County may place a charge on property owners for land derived through alley and street closings, the City Manager presented correspondence from the Planning Director setting forth land values of the two properties involved in the proposed closing. It was unanimously agreed that further action be delayed to allow sufficient time for the possibility of placing an ordinance on the book, to be investigated, which would place action of charging property owners for land derived, in compliance with the state law.

Councilman Dingleline moved that a supplemental appropriation in amount of \$ 36,405.00 requested by the City School Board for special project with various other counties which involves teaching handicapped children in regular classroom environment, be approved for second & final reading, a first reading having been approved on August 28th, and that:

- \$ 36,405.00 chgd.to: School Fund (R-28 Recpts. from Fed.Funds-Spec. In-Ser.Proj.
- 4,000.00 approp.to: School Fund (1209-109.01) Fed.Programs- Comp. Clerical
- 6,400.00 approp. to: School Fund (1209-134.11) Fed.Programs- Comp. Sub. Tchrs

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\$ 5,000.00 approp.to: School Fund (1209-135.01) Fed.Programs- Comp. Director
 550.00 approp.to: School Fund (1209-214.02) Fed.Programs- Rental of Equip.
 600.00 approp.to: School Fund (1209-218.00) Fed.Programs- Telephone
 3,255.00 approp.to: School Fund (1209-220.00) Fed.Programs- Travel Expense
 15,900.00 approp.to: School Fund (1209-299.00) Fed.Programs- Other Inst.Costs
 700.00 approp.to: School Fund (1209-305.00) Fed.Programs- Inst. Supplies

which motion upon being seconded by Councilman Cisney, was adopted by a unanimous recorded vote of Councilmen present.

A request was presented from the City School Board Office for approval of a supplemental appropriation in amount of \$ 14,031.00 to pay tuition for two handicapped children as required under Public Law 94-142, in that the School Board cannot adequately provide the needed services. It was noted that the tuition would be paid by the school system with 60% of the total cost reimbursable by the state. Following a brief discussion, Councilman Dingleline moved that the appropriation be approved for a first reading, and that:

\$ 8,418.60 chgd.to: School Fund (R-12B) Recpts. from State Funds- Spec.Educ.-Other
 5,612.40 chgd.to: School Fund - Unapprop. Balances

14,031.00 approp.to: School Fund (1201-221.03) Other Inst.Costs- Tuition pd.Private Schools

which motion upon being seconded by Councilman Cisney, was adopted by a unanimous recorded vote of Councilmen present.

The City Manager presented a request from Mr. Ralph Smith, Superintendent of Streets, for approval of a supplemental appropriation in amount of \$ 20,000. from account of Recoveries & Rebates, into proper account, representing labor and material to repair fire damage to compactor. He noted that the work has been completed and recommended approval of the appropriation. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 20,000. chgd.to: General Fund (1005.00) Recoveries & Rebates- (non-rev.recpts.)

20,000. approp.to: General Fund (10340.00-272.00) Refuse Collection

which motion upon being seconded by Councilman Cisney, was adopted by a unanimous recorded vote of Councilmen present.

City Manager Milam reminded Council that a supplemental appropriation in amount of \$ 5,000. had been approved for second & final reading on August 28th, representing a Grant from the Commission of the Arts & Humanities, for establishment of a Fine Arts Museum at 301 S.Main Street. He noted that it was not his understanding when the Grant was applied for, that the City would be required to place matching funds, which fact has been recently brought to his attention through correspondence dated 9/5/79 from the Commission. The correspondence advised that unless the City has provided an amount of \$ 5,000. in cash, the amount of Grant must be returned immediately. Although he felt that it may be the desire of Council to return the money, Manager Milam presented an appropriation request for consideration, in that the property at 301 S.Main Street is owned by the City, with any improvements thereto proving beneficial to the City. He noted that should the appropriation be approved, the City would pay the bills as they are received, which would provide proper accounting of the funds. During discussion, members reviewed projected use of the funds: paint & renovation; burglar alarm system; fire protection system; lighting & display equipment. Concern was expressed re supervision of the work, etc. Following discussion, Councilman Dingleline moved that the appropriation be approved for a first reading with a stipulation that accounting for use of the money be received, as well as plans for work supervision, prior to a final reading, and that:

\$ 5,000. chgd.to: General Fund - Unappropriated Fund Balance

5,000. approp.to: General Fund (15030-390.03) Non-Departmental- Support of Community
 & Civic Organizations- Mass. Chap. of the Va. Museum of Fine Arts

which motion upon being seconded by Councilman Cisney, was adopted by a unanimous recorded vote of Councilmen present.

For information of Council and recordation in minutes of this meeting, City Manager Milam presented correspondence from the Harrisonburg-Rockingham Community Services (Chapter 10) Board, listing the following officers elected for fiscal year 1979-1980: Chairman, Mr. Edward S. Long, Jr.; Vice-Chairman, Mrs. Mary B. Bradshaw; Secretary, Mr. Ronald D. Hodges; Treasurer, The Reverend John E. Sayre.

Correspondence from the Harrisonburg Junior Womens' Club was presented, requesting permission for partial use of sidewalks surrounding Court Square on Saturday, September 22nd, 10:00 A.M. to 6:00 P.M. for displaying of art work at the organization's 6th Annual Arts and Crafts Festival. Following a brief discussion, Councilman Cisney moved that the request be granted, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

Councilman Dingleline, a member of the Harrisonburg-Rockingham County Independence Bicentennial Commission, reported that he had investigated further to determine an official date for the City's celebration next year, by placing a call to the State Library. He was advised that the Speaker of the House of Delegates signed a Bill declaring Harrisonburg a Town on July 1, 1780, and because of the fact that the governor had no veto power, the Bill became effective with the Speaker's signature. Following discussion, Councilman Dingleline moved that July 1, 1980 be designated as the anniversary date, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Councilmen present. By separate motion, Councilman Dingleline moved that Mr. George Miller, President of the Rockingham Stamp Club, be authorized to proceed, as requested, with use of the City's seal on envelopes for the bicentennial, preparation of the cancellation HUB, with official date of July 1st. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present. During the discussion, Council was reminded that the Rockingham County Board of Supervisors had rejected plans for the City to construct a replica of the old springhouse on Court Square in that trees and shrubbery would have to be removed from the Court House lawn. It was agreed that plans be continued for the springhouse as a feature of the bicentennial observance, with hopes that an agreement might be reached with the County.

The City Manager informed Council that a change is being anticipated in the postal service which will affect Harrisonburg and some other cities, for all incoming mail to be re-routed to Charlottesville for validation. This is not, however, supposed to affect local mail bearing zip 22801 from one city

location to another. The policy of outgoing mail being validated in Charlottesville was put into effect in 1978. Manager Milam said he was appreciative of the postal service desiring more efficiency, but was also in sympathy with the local post office, should working hours be reduced, etc. Following discussion, the Clerk was instructed to write Harrisonburg's representatives: The Hon. J. Kenneth Robinson, The Hon. Harry F. Byrd, Jr. and The Hon. John Warner, for further information concerning the postal service change.

For information, City Manager Milam reported that he had signed an easement on August 30th, granting right-of-way to the U.S. Forestry Service for construction of a road in the Hopkins Gap area east of Rt. 33 (on Dry River) for and in consideration of \$ 1,200. An estimated total easement value of timber in amt. of \$ 860. was set forth in a report submitted by Mr. George Blomstrom, District Ranger.

Council was reminded by the City Manager that action was taken at the August 14th meeting authorizing the City to sign the Cooperative Agreement with the U.S. Forestry Service for road construction in the Skidmore Fork area, with a stipulation that a letter supplement the agreement whereby the Forestry Service would agree to open the upper road for exit onto Rt. 33, in that site distance is sufficient "going out." He reported that the Agreement had been signed on August 30th by the City and Forestry Service, with supplement provided.

The City Manager informed Council that signatures of a majority of the elected officials was necessary in order to renew the policy for Public Liability Insurance, and further that signatures of three elected officials were required prior to the police department seeking quotations from another company for that type of insurance. On motion by Councilman Rhodes, seconded by Councilman Dingleline, and a unanimous vote of Councilmen present, the signatures were provided.

Council discussed the untimely death of Vinton's Mayor Gus Nicks, who was also serving as 1st Vice-President of the Virginia Municipal League and would have been installed President at the League meeting in Roanoke later this month. It was noted that under the League's line of succession, Mayor Roy Erickson, who is now serving as 2nd Vice-President, would move into the presidency. Manager Milam said he had indicated that the City of Harrisonburg would assume some of the obligations planned by the town of Vinton (i.e. table arrangements for the banquet), if agreeable with the governing body, with other details to be worked out later. He had also indicated to Richmond that the City of Harrisonburg has resources and clerical staff to support Mayor Erickson during the next year. Councilman Dingleline suggested that letters of sympathy be sent to Mayor Nicks' family and also to the town of Vinton. Following discussion, Councilman Dingleline moved that the City proceed with plans to assume some of Vinton's obligations for the League meeting, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present. The Clerk was instructed to write the letters of sympathy.

At 9:10 P.M. Councilman Rhodes moved that Council enter an executive session to discuss a legal matter. The motion was seconded by Councilman Dingleline and adopted by a unanimous vote of Councilmen present.

On motion duly adopted, the executive session was declared closed at 10:00 P.M. and there being no further business, the regular session was adjourned.

N. Palmer Lopez
CLERK

Walter S. Green
VICE-MAYOR

DDJ550

At combined public hearings and regular meeting 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 Walter F. Green, III; Councilmen Raymond C. Dingle, Jr., Elon W. Rhodes, James C. Cisney; Deputy City Auditor Phil Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on September 11th 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 activities in the various departments and said office for the month of September, 1979.

From the City Treasurer:

A trial balance report as of close of business on September 28, 1979.

From the Police Department:

A report of total number of arrests; parking meter fines collected; cash collected from parking meters; total cash collected all sources in amount of \$ 5,963.13 for month of September, 1979.

From the City Auditor:

A financial report for the month of September, 1979.

A report of cash discounts saved in payment of vendors' invoices totaling \$ 196.93 for month of September, 1979.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of September, 1979.

✓ The City Manager presented correspondence dated 10/3/79 from Litten Real Estate, Inc. expressing a desire to rezone property from R-2 Residential to R-3 Residential, in order to build an office building on the corner of S. Main St. and Maryland Avenue. It was noted that the adjoining land on two sides is presently zoned R-3. He pointed out that the area requested for rezoning is one lot adjoining C & W Railroad and fronting on Maryland Avenue, and said that following a report from the City Planning Commission, the request would require a public hearing. On motion of Councilman Cisney, seconded by Councilman

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Rhodes, and a unanimous vote of Council, the request was referred to the Planning Commission for study and recommendation.

✓ City Manager Milam presented a financial report for the Shenandoah Valley Airport Commission as of June 30, 1979, prepared by R. L. Persinger & Company (CPA) of Staunton, Va. He pointed out the fact that all contributions of the political subdivisions are basically the same, and that a copy of the report would be on file in his office for review. The Mayor, a representative of the City on the Commission, brought Council up-to-date insofar as improvements at the airport (i.e. extension of runway, road system, new hangar, etc.) and said that boardings of Piedmont are increasing, with five runs per day.

✓ For information, the City Manager presented a financial report prepared by A. M. Pullen & Co. (CPA) for the Harrisonburg Electric Commission, for period ended 6/30/79.

✓ Correspondence dated 9/25/79 from Attorney David Penrod (Hoover, Hoover, Penrod & Davenport) was presented and read, requesting that a previous request for vacation of a portion of the J.T.Houck Subdivision be reinstated, in that due to a misunderstanding, the request was withdrawn when it reached the Planning Commission for review, earlier. On behalf of the Houcks and Family Dollar Stores, Inc. (owners and prospective purchaser, respectively), Council's consideration for vacation of the affected portion and replacement with a new plat, was asked. A specific request was noted, namely: that the transaction not affect Franklin Street, in that it was the desire of those concerned for that street to be opened for public use. Both new and old plats were enclosed with the correspondence. City Manager Milam said that an interpretation of the Virginia Law had been received by Lawyer's Title Insurance for vacation of a plat when sale of lots and creation or resubdivision of lots is involved. Following a brief discussion, Councilman Cisney moved that the request for the J.T.Houck Subdivision be reactivated through the Planning Commission, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Correspondence dated 9/26/79 from the company Vice-President, Mr. Frank Nowaczek, stating that "Warner Cable Corporation hereby extends and renews the franchise as provided in your ordinance known as 'Harrisonburg Community Antenna Television Company Franchise Ordinance' under which we are now operating." Following a brief discussion, Mayor Erickson said he would write the company, acknowledging receipt of the correspondence.

✓ For information, the City Manager presented a court order entered on September 5, 1979 for appointment by the judge of the following five persons to comprise a Board of Assessors, for a term of one year each: Messrs. Elmer B. Kaylor, Robert L. Brumback, T.Harry Lowery, Richard L. Suter and John H. Byrd, Sr. Further noted by Manager Milam was the fact that the foregoing persons had all been approved to take the "Basic Training Course for Assessment Officials" which was held September 18 & 19 in Blacksburg.

✓ At 8:00 P.M., Mayor Erickson closed the regular session temporarily and called the first public hearing of the evening to order. City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper on September 20th and October 4th:

The Harrisonburg City Council will hold a public hearing on Tuesday, October 9th, 1979, 7:30 P.M. in the City Council Chamber, Municipal Building, 345 S.Main Street, to consider the following rezoning request:

To change from R-2 Residential to M-1 Industrial, Lots 26 through 31, Block R, Page 35 of City Block Map. These lots are located on the north side of W. Market St., between Academy St. and Brook Avenue. Purpose: to expand employee parking lot for IMCO Container Company.

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

CITY OF HARRISONBURG, Marvin B. Milam, City Manager

Planning Director Sullivan displayed the zoning map and architectural drawings of the proposed IMCO warehouse. He noted that the industry has requested rezoning of the area along West Market Street comprised of five lots numbered 26-31, to industrial, in order to provide an employee parking lot. Full grown trees along the street will remain in tact, and additional shrubbery will be planted, and fence placed, to serve as a 15' buffer strip between the parking lot and residences on the south side of West Market Street. Two of the five lots are presently vacant, with three remaining houses between Brook Ave. and Academy Street, owned by IMCO, to be demolished. Mr. Sullivan informed Council that residents were present in the Planning Commission public hearing, and expressed no objections when the plan was reviewed. Attention was called to the Planning Commission report presented to City Council on Sept. 11th, as follows:

"The Planning Director reported that since City Council will have only one meeting in September, and the Commission's regular meeting will come after Council's meeting, a recommendation regarding IMCO's rezoning application is needed earlier than anticipated. Mr. Sullivan then reviewed the Plan of Development, illustrating IMCO's desire to construct a 250' x 200' storage building on the south side of the existing plant. Most of the present employee parking lot will be covered by the addition, along W. Market Street's north side, from Brook Avenue to a point opposite Academy Street. IMCO owns the area involved, and the site plan illustrates 152 employee parking spaces plus loading and unloading areas. Three dwellings will be removed, and a 15' planting strip along W. Market Street will be included in the expansion. It was also noted that storm water from over half of the site will be directed to West Elizabeth Street's storm pipe and a graveled parking area plus the planted buffer strip will absorb most of the storm water. When West Market Street is rebuilt in the future, a new storm water system will be installed according to State Highway Specifications.

Dr. Shank concluded the review with a motion that the Planning Commission recommend to City Council that IMCO's rezoning application to change Lots 26 - 31, Block R, Page 35 of the City Block Map from R-2 Residential to M-1 Industrial be granted. Mr. Williams seconded the motion, based on the Plan of Development, as submitted by IMCO Container Company, which includes a landscaped buffer strip on W. Market Street, the

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Brook Avenue corner, and the east border area from West Market Street, to West Elizabeth Street, plus satisfactory resolution to the storm water run-off which will occur as a result of the new construction. All members present voted in favor of the motion..."

Mr. Eugene Caldwell, Manager of Facilities Engineering for IMCO Container Corporation, informed Council that the present warehouse which is under lease, will have to be given up, which results in a need for the proposed warehouse construction. Further noted was that the proposed warehouse will cover up the present employee parking area, thus necessitating the new parking lot off W. Market Street. He pointed out that the new lot will provide approximately 152 parking spaces, and that the new warehouse will be a single story structure. Mr. Sullivan said that by a vehicular count, 89 is the greatest number of spaces required on any one shift, and offered an opinion that the new lot will relieve the situation of street parking. Assistant City Manager Driver made an observation that a storm water problem will exist, in that no outlets or drains are there to carry the water down W. Market St. to Willow Street. He quoted an estimated cost of \$ 25,000. - \$ 30,000. and asked if the City desired to take responsibility for this obligation. According to Mr. Driver, the lot will be graveled, on which water has a tendency to stand, rather than run off. He said that water from the warehouse will go through the system on West Elizabeth Street and noted that if W. Market Street is rebuilt in the future, a storm water mechanism would have to be put in. In reply to a question raised by a resident of the area as to whether or not this rezoning request might be used as a "stepping stone" for future expansion, Mr. Caldwell said there were no further plans for expansion following completion of the warehouse addition. There being no others present desiring to be heard, Mayor Erickson closed the public hearing at 8:20 P.M. and the regular session reconvened.

✓ Mayor Erickson asked if members desired to take action on the rezoning request discussed in this evening's public hearing. Councilman Cisney moved that the rezoning request of IMCO Container Corp. be approved and that City Maps be changed to reflect rezoning of lots 26-31 to M-1 Industrial, which motion was seconded by Vice-Mayor Green. Mr. D.P. Davis, Jr., architect for the IMCO expansion, reported that the parking lot will be crushed stone with grass growing in it, which is a method used for slowing down storm water runoff and allowing more to be absorbed prior to reaching paved areas. City Manager Milam pointed out that the only time a developer is required to provide a storm water system is when land is subdivided. Under rezoning, the matter is passed on to the Planning Commission and City Council for approval or rejection. He noted that some residents in this particular area had expressed concern about water on their lawns which may be a result of the IMCO expansion, and said that the City will have to assume responsibility for the problem, if it develops. The motion to approve the rezoning request was adopted by a unanimous recorded vote of Council.

At 8:28 P.M., the Mayor again closed the regular session temporarily and called the second public hearing of the evening to order. City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper on September 20th and October 4th:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, October 9, 1979, at 7:30 P.M. in the City Council Chamber, Municipal Building, 345 S. Main Street, to consider the following amendments to Article E, R-4 Planned Unit Residential District, Harrisonburg Zoning Ordinance:

(Proposed amendments are underlined)

1. Sec. 10-3-73, Use Regulations, "A building or premises shall be used only for the following purposes", under (2) Townhouses, Group Housing Projects, and Zero Lot-Line Dwellings.
2. Sec. 10-3-74, Area and Dimensional Regulations, under (1) No structure or addition to a structure shall be erected within a distance of less than 20 feet from another structure, except zero-lot-line dwellings, which must have an average of 10 feet between structures on at least one side.

Add the following: (2) Where zero lot-line dwellings are constructed, only one side yard shall be required and the front yard must have a minimum 30 foot setback from the street. A rear yard is not required. (3) When groups of six or more zero lot-line dwellings are submitted as a site plan, the Planning Director and Building Official may administratively approve their location and arrangement.

All persons interested or affected by these items will have an opportunity to express their views at this public hearing.

CITY OF HARRISONBURG - Marvin B. Milam, City Manager

Planning Director Sullivan noted that the proposed amendment would affect R-4 Residential areas only, and discussed the plan for 8 zero lot-line "patio homes", and group of townhouses proposed in the first section of Northfield Court Development, northeast Harrisonburg. He pointed out that the 8 homes would be 22' x 52' with at least an average of 10' side yards. No opposition was expressed with regard to the Plan at the Planning Commission's public hearing, according to Mr. Sullivan, and he called Council's attention to the following report from the Commission meeting on August 15th, presented at the regular meeting of Council held on August 28th:

"...The Planning Director reviewed preliminary sketches of a 'solar patio home' drawn for Northfield Land Corporation, noting that Mr. Kenneth Patrick desires to build this 22' x 72' single family dwelling on existing lots in Northfield Estates. He also reviewed the proposed R-4 text amendments which were discussed on July 18th, which would allow a 'zero lot-line' development, with certain set-backs as a 30' front yard and a 10' minimum side yard setback. Mr. Patrick then described his proposed 'solar patio home' plan and suggested that the 10' side proposal be changed to say 'an average of 10' side yard set-back' between units. Dr. Shank asked Mr. Byrd to respond. Mr. Byrd said he feels the R-4 District is the zone in which to allow innovative and urban concepts such as the patio home on a zero lot-line. He suggested the Commission review Mr. Patrick's 'immediate plan' for the first 6 or so patio homes, rather than amend the ordinance. Mr. Sullivan said an amendment is necessary first, or refer the matter to the Board of Zoning Appeals for a set-back variance request. Mr. Fleming observed that a conflict of opinion exists. Mr. Byrd questioned the validity of staff personnel issuing 'discretionary' variances. Will Lawyers Title Review approve such administrative action? Dr. Shank expressed fear that Messrs. Sullivan and/or Byrd could be accused of making 'arbitrary' decisions. Mr. Fleming expressed

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concern that if the Ordinance is amended, will it have to be amended again due to producing an undesirable result? Mr. Milam then outlined the concept and intent of the R-4 Planned Unit Residential District, including the requirement that all R-4 master plans and amendments to these plans have to come before the Commission and City Council for approval, therefore he sympathized with the developer's desire to construct something 'new.'

Mr. Fleming concluded the discussion with a motion for the Planning Commission to recommend amending Article V, R-4 Planned Unit Residential District to allow zero lot-line housing with an average side yard setback of 10' between structures, to be administratively approved by the Planning Director and the Building Official when groups of six or more zero lot-line dwellings are submitted on a site plan. Mr. Milam seconded the motion and all members present voted in favor of the motion..."

When asked by Council whether the small single family homes would be an advantage or liability, Mr. Mike Patrick, developer, replied that the proposed "patio homes" would not use any more land than duplexes and townhouses, and would provide more open space than detached homes. Further noted was a lesser cost to an owner, as well as a more handsome dwelling with landscaping than that resulting from 8 townhouses in a row. Mr. Sullivan said that easements would be provided for owners to use a neighbor's side yard for painting house, or other maintenance, in the event there would not be sufficient room to place a ladder, etc. There being no others to be heard, the public hearing was declared closed at 8:44 P.M. and the regular session reconvened.

Mr. Mike Patrick said he would like to try the "patio home" type of structure in this area, as discussed in this evening's public hearing, in that they have been well received in other areas. He pointed out that the developer will maintain the lawns and provide nice patios, landscaping and fencing. Mayor Erickson asked if members desired to take action on the Zoning Ordinance Amendment for R-4 Planned Unit Development. Councilman Rhodes moved that an ordinance amending Article E, R-4 Planned Unit Residential District of the Harrisonburg Zoning Ordinance be approved for a first reading and referred to the City Attorney to be drawn in proper ordinance form. The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council.

Dr. James Armstrong, President of Blue Ridge Community College, was present in the meeting for a brief report. He thanked Council for its continued support and said that the college is "alive and well", although it had been erroneously reported through news coverage that the school would be closed because of low enrollment. He noted that Blue Ridge is filling its mission, with full program offerings, and more students this fall than ever before. Dr. Armstrong said that the five localities may be asked for an "on going" nominal appropriation at some future date. Mayor Erickson expressed appreciation to Dr. Armstrong for his report.

For information, Councilman Raymond Dingleline, a member of the Harrisonburg-Rockingham County Independence Bicentennial Commission, reported on the following preliminary plans for Harrisonburg's Bicentennial next year: poultry festival parade with a Harrisonburg Bicentennial theme; a bicentennial quilt in the process of being made by 18 city churches; a brochure in the planning stage along with various special promotions; a concert by the U.S. Army Band on April 7th, etc. He said that a homecoming weekend over July 4th will possibly be held at Westover & Hillandale Parks with barbeque and other special events, and suggested that City Council plan a special commemoration for July 1st, the actual date that Harrisonburg's charter was signed in 1780. Dr. Dingleline pointed out the fact that the Bicentennial Committee is a carryover from a group which planned the county's Bicentennial in 1978, and that the county and city members are working together to plan the city's observance.

Mr. Kenneth L. Frantz, General Manager of the Harrisonburg Electric Commission, and Mr. Nelson Hawkins, Chairman of the Commission, appeared before Council with a request to borrow funds in amount of \$ 400,000. for completion of a construction project. He noted that Council had granted permission in May of this year for funds in that amount to be borrowed, and expressed a hope that this will be the last request for funds. Mr. Frantz asked that 3 years be a stipulation if permission was granted. Vice-Mayor Green moved that HEC be authorized to borrow an amount of \$ 400,000. for a three year period at a negotiable rate of interest, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

City Manager Milam informed Council that the Boundary & Acquisition Map makes reference to Title 36 and is in the hands of the governing body for approval of the HARRISONBURG REDEVELOPMENT & CONSERVATION PLAN FOR THE CENTRAL CITY REDEVELOPMENT & CONSERVATION AREA. He suggested that a public hearing be scheduled for the latter part of this month, following the Planning Commission meeting to be held on the third Wednesday, in order that the Commission report may be in readiness at that time. If approved, Manager Milam said that the total area will be in the hands of the Redevelopment & Housing Authority, and advised that bid opening for demolition of five structures in the area will be this Friday, October 12th. He presented a resolution approved by the R & H Authority approving the Plan and setting out their findings as to its eligibility for approval by the governing body under requirement of Title 36, Code of Virginia 1950, as amended, for redevelopment and conservation plans concerning blighted and deteriorated areas of the Locality. Following discussion, Councilman Dingleline moved that a public hearing be scheduled for Tuesday, October 23rd, 7:30 P.M. with instructions for the City Manager to properly advertise same, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council. Councilman Rhodes moved that the resolution of the R & H Authority be approved, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

Concerning a long standing matter of dilapidated houses on Lee Avenue, City Attorney Lapsley reported that two of the structures had been razed, with a bungalow left standing for the purpose of possibly adding value to the sale of the land. The report was for information.

Although omitted as an agenda item, Councilman Rhodes asked for an updated report on the Madison-Monroe Street area, particularly property owned by Mr. Sam Moore. Contact still remains to be made with Mr. Moore concerning improvements to the property. It was agreed that the matter be carried on each agenda until finalized to Council's satisfaction.

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City Manager Milam read Sec. 15.1-366 of the Virginia state law approved by the General Assembly in 1979, effective 7/1/79, allowing cities and counties to place a charge on property owners for additional land derived through alley and street closings, and said that the parties would have to agree with amount. Councilman Cisney offered an opinion that this should not apply to areas where discussions are held re price of appraised easements to be maintained by the City, and that this fact should be kept in mind when negotiations are underway with property owners for requested closings. City Attorney Lapsley said he felt it would be more acceptable with a local law, rather than simply going by the state statute. Following a brief discussion, Council asked the City Attorney to draw up a rough ordinance draft for consideration of approval. Mrs. Ney, one of the requestors for the closing of a deadend street at Hillcrest Drive & Maplehurst Ave. northward to the railroad, questioned how parking could be prohibited in that street area, should the additional land not be purchased. Mayor Erickson said that an ordinance would be considered in a month or so, with decision made concerning her inquiry at that time.

City Manager Milam reminded members that an appropriation in the amount of \$ 5,000., representing the City's Matching Funds with a Grant from The Commission of the Arts & Humanities for establishment of a Virginia Arts Museum at 301 S.Main Street, had been approved for a first reading on September 11th, with information re use of the funds and work supervision to be obtained prior to a second & final reading. He noted that correspondence dated 10/2/79 had been received from David Rood, President, Rockingham Chapter, Virginia Museum of Fine Arts, advising that a joint committee is currently gathering estimates for work proposed to be done by use of the Grant Funds (i.e. lighting, exterior painting, minor interior renovation, fire protection and security systems, etc.) New estimates were necessitated in that records of original budget allotments were not kept. Manager Milam suggested that if approved, the total lump sum of \$ 10,000. not be turned over to the organization, but rather that invoices be submitted as funds are needed for improvements and repairs to the city owned building. Following discussion, Councilman Rhodes moved that the appropriation be approved for second & final reading, with a stipulation that invoices go through the proper procedure for expending of city funds, with prior approval of all invoices by the City Manager, and that:

- \$ 5,000. chgd.to: General Fund - Unappropriated Fund Balance
- 5,000. approp.to: General Fund (15030-390.03) Non-Departmental- Support of
Community & Civic Organizations- Massanutten Chapter of the Va.
Museum of Fine Arts

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council.

Councilman Cisney moved that a supplemental appropriation in amount of \$ 14,031.00 requested by the City School Board in order to pay tuition for two handicapped children be approved for second & final reading, a first reading having been approved on September 11th, and that:

- \$ 8,418.60 chgd.to: School Fund (R-12B) Receipts from State Funds- Spec.
Education- Other
- 5,612.40 chgd.to: School Fund - Unappropriated Balances
- 14,031.00 approp.to: School Fund (1201-221.03) Other Inst. Costs- Tuition
Pd.Private Schools

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

Councilman Cisney moved that a supplemental appropriation in amount of \$ 20,000. requested by the Superintendent of Streets in order to place funds for labor & materials to repair fire damage to compactor, from Recoveries & Rebates, into proper account, be approved for second and final reading, a first reading having been approved on September 11th, and that:

- \$ 20,000. chgd.to: General Fund (1005.00) Recoveries & Rebates- (non-Rev. Recpts.)
- 20,000. approp.to: General Fund (10340.00-272.00) Refuse Collection

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

A request was presented from the Parks & Recreation Director for approval of a supplemental appropriation in amount of \$ 1,087.64 in order to reimburse the City for Employer's Share of FICA for manager, staff, and enrollees of Young Adult Conservation Corps (YACC) for 4/1/79 through 9/30/79. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

- \$ 1,087.64 chgd.to: YACC Revolving Fund
- 1,087.64 approp.to: General Fund (4110-250.00) Employer's Retirement Admin.
Social Security

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

A request was presented from Mrs. Sarah S.Milam, HUD Coordinator, for approval of a supplemental appropriation in amount of \$ 5,837.63, to place funds into account for HUD projects. It was noted that the Department of Housing & Urban Development requires that funds generated through the use of the 1977/78 Grant be returned for project use, and that the above funds represent reimbursement for a mistake in billing by the firm of Harland Bartholomew & Associates and amounts received in rents. Following a brief discussion, Councilman Cisney moved that the appropriation be approved for a first reading, and that:

- \$ 2,960.00 chgd.to: General Fund - Unappropriated Fund Balance
- 2,877.63 chgd.to: General Fund (1005.00) Recoveries & Rebates
- 2,560.00 approp.to: General Fund (10220-72.02) Downtown Dev.
- 3,277.63 approp.to: General Fund (10220-72.03) " "

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

A request was presented from Chief of Police Presgrave for approval of a supplemental appropriation in amount of \$ 898.17 in order to reimburse account of Special Police for monies paid out for various work performed for other agencies, and to reimburse School Account for special police training paid from that account originally. Councilman Dingledine moved that the appropriation be approved, and that:

- \$ 300.33 chgd.to: General Fund (1005) Recoveries & Rebates (8/1/79)
- 97.20 chgd.to: " " " " " (8/17/79)

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\$ 25.00 chgd.to: General Fund (1005) Recoveries & Rebates (8/9/79)
 475.64 chgd.to: " " " " " (9/12/79)
 422.53 approp.to: General Fund (9010-11.08) Spec.Police
 475.64 approp.to: General Fund (9010-330.01) Schools

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

✓ The City Manager presented a request from the Parks & Recreation Director for approval of a supplemental appropriation in amount of \$ 100.00 from account of Recoveries & Rebates into Hillandale Park Account, representing restitution by four local boys, under court order, for cutting trees on park property. Councilman Cisney moved that the appropriation be approved, and that:

\$ 100.00 chgd.to: General Fund (1005) Recoveries & Rebates
 \$ 25.00 each for daily receipts of 9/11/79; 9/14/79; 9/18/79; 9/20/79
 100.00 approp.to: General Fund (10025-271.00) Hillandale Park- Maint. & Repairs-
 Buildings & Grounds

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

✓ Mayor Erickson reminded members that request had been made by the Central Shenandoah Planning District Commission in July of this year for Council to appoint one representative to serve on a Regional Emergency Services Council, and asked if they desired to take action at this time. Following a brief discussion, Vice-Mayor Green moved that Dr. G. Edward Chappell, Jr., residing at 1648 Central Avenue, Harrisonburg, be appointed to serve on the EMS Council, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ City Manager Milam referred to correspondence dated 10/2/79 from the Central Shenandoah Planning District Commission requesting any comments the City may have concerning additional facilities proposed through the Virginia Mennonite Home (180 nursing home beds and 150 elderly housing units), which is scheduled for review on October 15th in Fishersville, Va. He said that to the best of his knowledge, the City should have no objection or submit any comments. Vice-Mayor Green expressed concern re present overload of the city's systems (water & sewer) in that area, and offered an opinion that although nursing and elderly care facilities are needed, a joint plan must be worked out between the Park View Sanitary District and City of Harrisonburg toward replacement of undersized lines. Manager Milam pointed out the fact that connections made in that area are supposed to meet with his approval, although supplied thru the District. He reminded Council that the 20-year contract with the Park View Sanitary District expires the end of this year. When question was raised by Vice-Mayor Green concerning the sewer situation in that area, Assistant City Manager Driver said that the lines are overflowing due to size and infiltration. Mayor Erickson remarked that the City should advise the present lines are incapable of handling the additional water and sewer needs of the proposed facilities. Following discussion, the City Manager was instructed to write the Central Shenandoah Planning District Commission, expressing concern of Council about water and sewer demands for the project and requesting that action be delayed, in that no plan of the project has been received by the City for review.

✓ For information, City Manager Milam reported that HUD approval had been granted for the Section 8 final proposal with firm commitment of funds in amount of \$ 625,884. for the Heritage Haven project (Va. Mennonite Home). He noted that the Grant provides for five elderly housing units.

✓ The City Manager reported for information that HUD approval had been granted for the Mosby Heights Development consisting of 112 living units.

✓ Council was advised by the City Manager that following a discussion of change and proposed change in local postal service by re-routing mail to Charlottesville for validation, letters were written by the Clerk, as instructed on September 11th, to the City's state representatives, for clarification. He presented a reply from Sen. Harry Byrd, Jr. stating that the Postal Service was being contacted regarding the matter, and correspondence from Rep. J. Kenneth Robinson, pointing out his objection of rigidity in the area and sectional center concept of mail handling of the U.S. Postal Service. He noted that although some theoretical advantages in the system have been put forward, it has seemed inescapable to him that there has been a deterioration in service from that formerly enjoyed. Mr. Robinson stated in the correspondence that although it seems to be the prevailing view of all committees of Congress having oversight responsibilities, that overall efficiency and cost effectiveness have been advanced by this shift away from local mail processing, he is requesting a definitive statement from the Postal Service as to the changes under consideration for handling in the Charlottesville area, and the claimed justification for them. To date, a reply has not been received from Sen. John Warner. Manager Milam informed Council of a public hearing scheduled for Thursday, October 18th, 7:30 PM in Staunton City Hall, Staunton, Va. He said that Staunton has been bypassed insofar as a change in its local postal service, possibly through efforts of the Staunton Chamber of Commerce. According to the City Manager, there is some concern among local postal service employees as to relocation or loss of employment under the proposed change. Following discussion, it was unanimously agreed that the local Chamber of Commerce be provided with correspondence to and from the representatives, as well as date, time and place of the public hearing in Staunton.

✓ Following a ten year wait, Assistant City Manager Driver reported to Council that final inspection had been made on the S.Main Street project, September 28th. He noted that some minor things have yet to be done.

✓ The City Manager informed Council that bids would be opened for over a mile of pipe and other water improvements in the eastern section of Harrisonburg, on November 14th.

✓ Following a brief discussion, Councilman Rhodes moved that a proper resolution be prepared in recognition of Miss Carter Wilson (a local resident) for receiving the crown as Miss World America, and extending congratulations of Council for this achievement. The motion was seconded by Vice-Mayor Green and adopted by a unanimous vote of Council.

At 10:35 P.M., on motion of Vice-Mayor Green, seconded by Councilman Cisney, and a unanimous vote of Council, members entered an executive session to discuss personnel and real estate.

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Mayor Erickson declared the executive session closed at 11:55 P.M. by motion adopted, and reconvened the regular session.

✓ Councilman Dingleline moved that a special meeting be scheduled for Wednesday, October 17th, 12:29 PM in the Council Chamber, to discuss the City's reassessment of real estate with the Commissioner of Revenue and recently appointed Board of Assessors. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

There being no further business, the meeting was adjourned at 11:57 P.M.

N. Arlene Lopez
CLERK

Ray Erickson
MAYOR

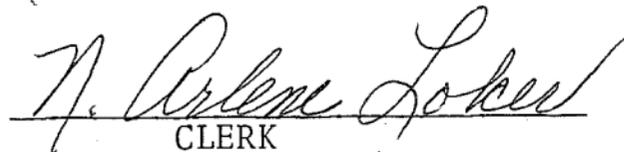
Wednesday, October 17, 1979

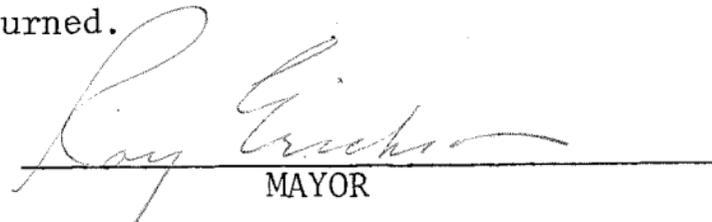
At a special meeting of Council held in the Council Chamber today at 12:29 P.M. there were present: Mayor Roy H. Erickson; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Walter F. Green, III; Councilmen Raymond C. Dingleline, Jr., Elon W. Rhodes, James C. Cisney; Deputy Auditor Phil Peterman. Absent: Chief of Police Richard W. Presgrave.

Mayor Erickson welcomed Commissioner of Revenue Victor Smith and Assessors T.H. Lowery, Richard L. Suter, John H. Byrd, Sr., Elmer Kaylor and Robert Brumback, all of whom were present for the purpose of discussing the City's 1980 Reassessment with Council. He noted that inasmuch as a personnel matter would be involved in the discussion, an executive session may be in order. Councilman Rhodes moved that Council enter an executive session with those concerned in today's discussion, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote.

At 1:45 P.M., Councilman Rhodes moved that the executive session be closed and special session reconvened, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote.

There being no further business, the meeting was adjourned.


CLERK


MAYOR

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Tuesday, October 23, 1979

At a combined public hearing and regular meeting held in the Council Chamber this evening at 7:30 PM there were present: Vice-Mayor Walter F. Green, III; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Councilmen Raymond C. Dingledine, Elon W. Rhodes, James C. Cisney; Deputy City Auditor Phil Peterman and Chief of Police Richard W. Presgrave. Absent: Mayor Roy H. Erickson.

Vice-Mayor Green presided over the meeting in the absence of the Mayor who was attending a meeting out of town.

Minutes of the combined public hearings and regular meeting held on October 9th were read, and approved as corrected.

For information of Council, City Manager Milam presented a summary of the Virginia State Rail Plan 1979 Update. He noted that the Plan and Survey on Rail Service would be file in his office.

A financial report for the City of Harrisonburg as of June 30, 1979, prepared by the CPA Firm of Keeler & Phibbs, was presented by the City Manager. He noted that the report encompassed revenues, expenditures, encumbrances and transfers for the following funds: General; School; Water; Sewer; Transportation; VPA; Central Garage & Central Stores; Sinking and Trust and Agency. He said that copies of the report would be available. A second report for the Harrisonburg Elderly Housing & Downtown Rehabilitation Project as of 6/30/79, prepared by the same firm, was presented. Manager Milam called Council's attention to total Program Year 1977 Community Development Block Grant Funds allocated to the City in amount of \$ 500,000., less total Program Year '77 drawn by the City in amount of \$ 389,784., leaving a balance of funds still available from HUD Program Year '77 adjusted resources of \$ 110,216. Another fact pointed out by the City Manager was an amount of \$ 167,904., representing the first contract payment to N.C. Monroe Construction Co. which was mistakenly paid by HUD funds rather than by the \$1.6 million bond issue, with corrective check then sent to HUD. In relation to the financial reports, correspondence was presented which had been sent the CPA Firm by the City Manager and Deputy City Auditor concerning city records for examination, as well as correspondence from the firm setting out recommendations and comments with regard to their audit of those records, including Revenue Sharing Funds. Manager Milam noted that all reports would be on file in his office for review, if so desired.

Correspondence from City Treasurer M.A. Firebaugh dated 10/19/79 was presented, asking advice of Council regarding advertisement of delinquent real estate for years 1976, 1977 and 1978, as unpaid. Reference was made to Chapter 9, Section 16 of the City Code which sets forth this requirement. Councilman Cisney moved that the City Treasurer be so authorized and directed, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

At 8:04 P.M., Vice-Mayor Green closed the regular session temporarily and called the evening's public hearing to order. City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper on October 12th and October 19th:

"The Harrisonburg City Council will hold a public hearing at 7:30 p.m. on the 23rd day of October, 1979 in the City Council Chambers, 345 S. Main St., Municipal

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Building, Harrisonburg, Virginia.

The purpose of this hearing is to provide Harrisonburg citizens an opportunity to articulate needs, express preferences about proposed activities, assist in the selection of priorities, and otherwise participate in the development of a Central City Redevelopment and Conservation Plan under the City's Community Development Program.

All interested persons or organizations will be offered an opportunity to be heard, either in person or by counsel and written statements may be filed at or prior to this hearing. The submission of views and proposals regarding the Redevelopment and Conservation Plan, particularly by low and moderate income persons, residents of blighted areas in the community, and neighborhood organizations is encouraged.

On September 25, 1979, the Harrisonburg Redevelopment & Housing Authority passed a resolution to adopt a Central City Redevelopment & Conservation Plan which City Council will review at the public hearing. Information regarding boundaries, objectives, land use, procedures and techniques to be used in the plan are available for review in the Community Development Office, 345 South Main Street, or at the Harrisonburg Redevelopment and Housing Authority, 286 Kelly Street.

City of Harrisonburg, Va. - Marvin B. Milam, City Manager"

Messrs. Al Siff and John Hodges of the firm of Harland Bartholomew & Associates, Consultants for the Redevelopment & Housing Authority, were present in the hearing for the purpose of presenting background information and update report on the City's proposed Central City Redevelopment Plan, and improvements of conditions presently existing. Mr. Siff explained the Boundary & Acquisition Map for those present, which encompasses the area: N.Main Street (east); W. Elizabeth Street (south); intersection of N.Main & Noll Drive (north); jagged line following the back property lines on the east side of N.High Street (west). He pointed out the fact that the rehabilitation program is new to the City of Harrisonburg and that the objective is improvement of housing which may be in deteriorating condition, and purpose is to make funds available for residents or property owners to bring their homes up to standard, thereby extending life of those properties. He said this could be done by: (a) direct loan from community development funds by the Housing Authority to the owner, at a low rate of interest, to encourage property improvements; (b) use some of the R & H funds in cooperation with local banks to leverage money, resulting in a higher rate of interest. Mr. Siff explained that under the rehabilitation portion of the program (concentrated in the Collicello Street area west of N. Liberty St.), a deferred loan for extreme cases of hardship could be made to property owners, which would be a Grant along with a loan; under the redevelopment portion of the program (concentrated in the Kavanaugh Hotel block and block immediately to the north which includes the Elderly Housing Project), some acquisitions have already been made by the City through use of community development funds, inspection of the various properties was made by city personnel, with report submitted concerning conditions. Forms were then rated under criteria used over the past 18 years. He noted that the area includes 96 properties (69.8% blighted or deteriorated), and 75 structures (78.7% blighted or deteriorated). Mr. Siff said he felt that funds are available to carry out the City's program, adding that the plans were made to be amended as circumstances may dictate or warrant. Assistant City Manager Driver offered an opinion that the City needs to know "where we are going and what we are going to do, prior to getting into the acquisition of additional properties." He expressed concern about two pieces of property on Main Street between Wolfe & Rock Streets (former location of Julius Restaurant, and building presently housing Nat's Fine Clothes and Breckinridge Sound) not being included, and noted problems which could result from their elimination, and said that Main St. may be hurt if all properties are not improved. Further noted by Mr.Driver was that a verbal commitment had been made that certain properties would be left, and offered an opinion that the City has some obligation. Mr. Siff explained that they were trying to work within available funds for the project, with anticipated determination of properties by the governing body, in that the Plan can be amended. Mr. Eddie Bumbaugh of Bumbaugh Buick, Inc. (n/e corner of W. Wolfe & N. Liberty Streets) offered support of Council's intention and action in developing downtown Harrisonburg and revitalization of the area, but said he had no certainty as to what is actually intended. Additional property has been purchased, with demolition of dilapidated property and cleaning of Black's Run. He pointed out that if they can acquire a permanent boundary, their existing property will be improved, allowing them to retain their business within the city limits. Mr. Bumbaugh asked that the Plan be amended to remove their property from the proposed redevelopment area, with negotiations to be carried out with the City for additional property and improvements. Vice-Mayor Green said it was certainly not the intent of Council to move that business out of the City, and Councilman Cisney raised a question as to whether or not a plan may be submitted whereby the Bumbaugh property could be removed. Attorney Steven Weaver spoke on behalf of Frank Cline & Son, Inc., and reminded Council of a previous request for closing of a 10' alley running south from W. Gay Street between N. Main St. & Noll Drive, immediately in the rear of other real estate owned by his client, which matter was tabled in view of future plans which may be made by the City for that area. He explained that his client owns property between W.Rock & W. Gay Streets which has a service station and had purchased lots along Black's Run, adjoining that property (separated by the 10' alley) in order that it may prove beneficial to the other property. Should the latter be included in the redevelopment area, Attorney Weaver said it would mean a sacrifice to Mr. Cline in that he had maintained the area for several years. Although there are no present plans for the property, he pointed out that a larger area could be made available, if the properties were combined, thus providing the possibility of a sale for a rather large operation. He requested the right for his client to purchase the property back from the City, if acquired, or for some policy to be established allowing adjoining property owners to purchase same for expansion. Vice-Mayor Green said he would hope that the whole Plan at this time, is a simulation. Mr. Warren Beam, owner of Troy Laundry, said that his business prefers not to move, and would like to work with the R & H Authority to improve the property, but did inquire as to what assurance they would have that the business would not be included in the redevelopment area at some future time, in that some improvements have already been made. Mr. Siff pointed out the fact that it was not the intent of the program to take property from an owner, but rather, to assist owners in improvements. There being no others to be heard, the public hearing was declared closed at 8:55 p.m. and the regular session reconvened.

City Manager Milam read the following Planning Commission report from a meeting held on October 17, 1979 concerning the City's Redevelopment & Conservation Plan:

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"...Following a review of maps showing structural conditions and properties designated for acquisition, Mr. James Deskins, Director of New Programs for the city's Redevelopment and Housing Authority, explained the proposed 'Central City Redevelopment and Conservation Plan.' Harland Bartholomew & Associates have written the plan and the Redevelopment Authority has approved it. Mr. Milam noted that City Council will hold a public hearing on October 23rd, and if adopted, the boundaries will be officially established so that the Authority can proceed with the redevelopment and conservation activities. Mr. Deskins noted that the plan includes both private and public redevelopment plus conservation and rehabilitation of private properties. He emphasized that no 'final plan' has actually been decided on by the Authority, but adoption now will give the Authority the legal tools as permitted by Title 36, Code of Virginia, for implementing a redevelopment and conservation project.

Mr. Rhodes questioned the closing of Creek Avenue to vehicular traffic and he noted that deterioration is worse at E. Wolfe and Community Streets. Mr. Rhodes added that today's approach to redevelopment is much more acceptable when compared to the old urban renewal 'bulldozer' methods. Dr. Shank asked if there is a time limit for implementing the plan. Mr. Deskins described the relocation assistance, rehabilitation loans, and other choices involved in today's program which did not exist in the urban renewal method.

Mr. Milam concluded the discussion and review with a motion for the Commission to recommend approval of the proposed 'Central City Redevelopment and Conservation Plan' and boundaries as shown on maps. Mr. Rhodes seconded the motion and all members present voted in favor..."

Manager Milam then presented a resolution for Council's consideration of approval, titled: RESOLUTION OF CITY COUNCIL OF HARRISONBURG, VIRGINIA, APPROVING THE HARRISONBURG REDEVELOPMENT AND CONSERVATION AREA, which resolution was read in its entirety, as follows:

WHEREAS, under the provisions of Title 36, Code of Virginia, as amended, the Harrisonburg Redevelopment and Housing Authority (herein called the Authority) shall not initiate any redevelopment project until the City Council of the City of Harrisonburg (herein called the Governing Body) has approved a plan which provides an outline for the development or redevelopment of an area and is sufficiently complete (1) to indicate its relationship to definite local objectives as to appropriate land uses and improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements; (2) to indicate proposed land uses and building requirements in the area; (3) to indicate the land in the area to be made available to private enterprise for redevelopment and that land which is to be made available to public enterprise for redevelopment; and (4) to indicate the method for temporary relocation of persons living in such areas; and also the method of providing (unless already available) decent, safe and sanitary dwellings in the locality substantially equal in number to the number of substandard dwellings to be cleared from the area at rents within the financial reach of the income groups displaced from such substandard dwellings; and

WHEREAS, under the provisions of Title 36, Code of Virginia 1950, as amended, an Authority shall not initiate any conservation project until the Governing Body has approved a plan for the conservation of certain blighted, deteriorated and deteriorating areas of the locality which plan provides an outline for the conservation, development or redevelopment of the area, affords maximum opportunity for conservation, rehabilitation or redevelopment by private enterprise consistent with the ends to be achieved, and is sufficiently complete to indicate: (1) its relationship to definite local objectives as to appropriate land uses and improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements; (2) any conditions and limitations on acquisition on property; (3) proposes land uses for the properties to be acquired; (4) any conditions and limitations including time limitation under which property shall be made available for rehabilitation or redevelopment by public or private enterprise; (5) standards of design, construction, maintenance, and use of property and other measures to be taken or recommended toward elimination and prevention of blight; (6) method for temporary relocation of any persons living in such; and also the method for providing decent, safe, sanitary dwellings in the locality substantially equal in number to the number of substandard dwellings to be cleared from the area, at rents within financial reach of the income groups displaced from such substandard dwellings; and

WHEREAS, there has been prepared and recommended to the Governing Body for review and approval (and attached hereto) a Harrisonburg Redevelopment and Conservation Plan (herein called the Plan) for the Central City Redevelopment and Conservation Area dated September, 1979, consisting of 23 pages and 3 exhibits, supported by the following supplementary material, data and recommendations not a part of the Plan: "Harrisonburg Community Development Program Area, Report on Eligibility, September, 1979" and encompassing the area described on the boundary description in the attached Plan dated September, 1979, in the City of Harrisonburg, State of Virginia (herein called the Locality); and

WHEREAS, the Governing Body has caused studies to be made of the location, physical condition of structures; land uses; environmental influences; and social cultural and economic conditions of the redevelopment and conservation area comprising the Plan and as a result of the studies it has been determined that the areas are blighted areas and that they are detrimental and a menace to the safety, health, and welfare of the inhabitants and users thereof and of the Locality at large, because:

Based on a survey of the 96 properties and 75 structures in the Central City Redevelopment and Conservation Area, 67 properties (69.8 percent) and 59 structures (78.7 percent) were found to be blighted or deteriorated and, in addition, the area suffers from such environmental deficiencies as overcrowding or improper location of structures on the land, unsafe, congested, poorly designed or otherwise deficient streets; inadequate public utilities or facilities, and topographic difficulties which prevent proper development; and

Based on a survey of the 50 properties and 36 structures in the Central City Redevelopment Area, 30 properties (60.0 percent) and 23 structures (63.9 percent) were found to be blighted or deteriorated and in addition, the area suffers from such environmental deficiencies as overcrowding or improper location of structures on the land; unsafe, congested, poorly designed or otherwise deficient streets; inadequate public utilities or facilities; and topographic difficulties which prevent proper development; and

Based on a survey of 46 properties and 39 structures in the Central City Conservation Area, 37 properties (80.4 percent) and 36 structures (92.3 percent) were found to be blighted or deteriorated and in addition, the area suffers from such environmental deficiencies as refuse accumulation, high noise and vibration levels and discontinuity of the scale, age and character of development and land use;

WHEREAS the Plan has been approved by the Authority as evidenced by the copy of said Authority's duly certified resolution approving the Plan, which is attached hereto; and

WHEREAS a general plan has been prepared and is recognized and used as a guide for the general development of the Locality as a whole; and

WHEREAS, the Authority has prepared a program for the relocation of individuals and families that may be displaced as a result of carrying out the Plan; and

WHEREAS the members of the Governing Body have general knowledge of the conditions prevailing in the redevelopment and conservation areas and of the availability of proper housing in the Locality for the relocation of individuals and families that may be displaced by the program and, in the light of such knowledge of local housing conditions, have carefully considered and reviewed such proposals for relocation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

1. That it hereby found and determined that the redevelopment and conservation areas delineated in the Plan are blighted and deteriorated areas and qualify as eligible areas under Title 36, Code of Virginia 1950, as amended.
2. That the Plan, having been duly reviewed and considered, is hereby approved, and the City Clerk be and is hereby directed to file said copy of the Plan with the minutes of this meeting.
3. That is hereby found and determined that, where clearance is proposed, the objectives of the plan cannot be achieved through rehabilitation of portions of the conservation areas delineated in the Plan.
4. That it is hereby found and determined that the Plan conforms to the general plan of the Locality.
5. That it is hereby found and determined that the plans for the redevelopment and conservation areas delineated in the Plan will afford maximum opportunity, consistent with the sound needs of the Locality as a whole, for the redevelopment or conservation of the areas by private enterprise.
6. That it is hereby found and determined that the program for the proper relocation of individuals and families displaced in carrying out the Plan in decent, safe, and sanitary dwellings in conformity with acceptable standards if feasible and can be reasonably and timely effected to permit the proper prosecution and completion of the Plan; and that such dwellings or dwelling units available or to be made available to such displaced individuals and families, are at least equal in number to the number of displaced individuals and families, are not generally less desirable in regard to public utilities and public and commercial facilities than the dwellings of the displaced individuals and families in the area comprising the program, are available at rents or prices within the financial means of the displaced individuals and families, and are reasonably accessible to their places of employment.
7. That, in order to implement and facilitate the effectuation of the Plan hereby approved, it is found and determined that certain official actions must be taken by this Body with reference, among other things, to the vacating and removal of alleys, and other public ways, the establishment of new public facilities and other public action, and, accordingly, this body hereby (a) pledges its cooperation in helping to carry out the plan, (b) requests the various officials, department, boards, and agencies of the locality having administrative responsibilities in the premises likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Plan, and (c) stands ready to consider to take appropriate action upon proposals and measures designed to effectuate the Plan.

Mr. John Hodges said that amendments to the Plan are anticipated, based on discussion in this evening's public hearing, and noted that the Plan does have flexibility. Mr. Siff said there was no objection to including those properties into the Plan of Redevelopment, as mentioned in this evening's public hearing, but added that funds should be available for the acquisition. Further noted was the fact that should private property owners submit plans for improvements which meet approval of Council, an amendment to the Plan would be necessitated, following a public hearing. Councilman Rhodes moved that the two properties located at 201 and 227 N. Main St. (former location of Julias Restaurant and building presently housing Nat's Fine Clothes and Breckinridge Sound) be changed on the map from the white area (exemption) to blue area (redevelopment area), which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous recorded vote of Councilmen present. After further discussion, Councilman Rhodes moved that approval of the Planning Commission's recommendation and Resolution Approving the Redevelopment & Conservation Plan, be included in the prior motion, with authorization for Vice-Mayor Green to sign the resolution on behalf of the City, be included in the prior motion. This motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Councilmen present.

DD15510

The following report from a meeting of the City Planning Commission held on October 17th was presented and read:

"The Director presented maps showing revisions on a portion of Westhampton Subdivision and in Section 4 of Southampton Subdivision, Lots 4 & 5. In April 1979, these subdivisions were approved by the Commission. Mr. J. R. Copper, Land Surveyor, explained to the Commission that the original lot lines were not being moved, but the owners, Henry Clark and V.W. Nesselrodt, want to divide them into 'townhouse' lots. The Director noted that the holding pond and 24" storm water pipe has been installed and any additional runoff will be satisfactorily handled according to the City Engineering Office. Mr. Copper also explained that a portion of 'Wakefield Place' is being redesigned so that the roadway will be 30' from Mr. Norman Stern's house. Mr. Rhodes concluded the discussion with a motion that the Planning Commission recommend approval of the revised plans for Westhampton Subdivision and Lots 4 & 5, Section 4, Southampton Subdivision. Mrs. Bowman seconded the motion and all members present voted in favor..."

Mr. Sullivan explained that the developers desire to record a new series of seven lots, and noted that an objection by Mr. Stern concerning the street being too close to his garage had been resolved by the developers and Mr. Stern. Councilman Cisney moved that the Planning Commission's recommendation be approved, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Councilmen present.

The City Manager presented an updated report concerning conditions of properties in the Madison-Monroe Street area, as follows: (1) 141 Monroe St. - burned structure has been demolished with small office and main warehouse structure still standing. Office structure sufficiently barricaded to keep trespassers out and although warehouse not totally barricaded, structure is safe (according to Building Inspection Dept.), and new windows have been installed; (2) 40 Monroe St. - structure has been completed and all final inspections made. Outside painted and garage still standing; no change since last report on properties at 795 Madison Street and 95 Ashby Avenue. Manager Milam further reported that according to the Chief of Police, property located at Madison & Monroe has complied with the city ordinance, having been cleared of weeds twice this year during the two cutting periods. It was agreed that the matter be continued on each agenda, until improvements are completed.

An ordinance amending Section 10-3-73, Use Regulations and 10-3-74, Area and Dimensional Regulations, of the City's Zoning Ordinance, was presented for consideration of a second and final reading, a first reading having been approved on October 9th. Amendments to the Zoning Ordinance would allow zero lot-line dwellings in an R-4 Residential Area. Councilman Cisney moved that the ordinance be approved for second & final reading with authorization for the Vice-Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book. The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Councilmen present. (Refer to Ord. Bk K page 191).

With regard to a new state statute providing for a City or County to place a charge on property owners for land derived through street and alley closings, City Attorney Lapsley presented an ordinance for consideration of approval, amending Section 6-1-22 of the City Code titled Fee for Processing Applications and Section 6-1-23 titled Payment for Street or Alley Vacated. Inasmuch as the sum for processing the application must be determined by Council and set forth in the ordinance, it was agreed that action concerning a first reading be deferred until the next regular meeting.

The City Manager asked that Council consider approving for second & final reading an ordinance for vacation of an alley running from the northern side of Franklin Street to the southern side of Bruce Street, located between 288 and 294 Franklin Street, which was approved for a first reading on August 14th. He noted that a second reading had been tabled pending further investigation into a new state statute providing for charge to be placed against property owners for land derived through street and alley closings, and pointed out the fact that request for this particular alley closing had been made prior to knowledge of the state statute. A report from the Planning Commission recommending the closing if favorable report was received from a Board of Viewers, was presented to Council in July of this year, as well as a report from the Viewers reporting no inconvenience would result from the closing. The ordinance was approved for a first reading, following receipt of the two reports. Following a brief discussion, Councilman Cisney moved that the ordinance be approved for second & final reading with authorization for the Vice-Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Councilmen present. (Refer to Ord. Bk K page 192).

Councilman Cisney moved that a supplemental appropriation in amount of \$ 1,087.64 requested by the Director of Parks & Recreation in order to reimburse the City for Employer's Share of FICA for manager, staff, and enrollees of Young Adult Conservation Corps (YACC) for 4/1/79 through 9/30/79, be approved for second & final reading, a first reading having been approved on October 9th, and that:-

- \$ 1,087.64 chgd.to: YACC Revolving Fund
- 1,087.64 approp.to: General Fund (4110-250.00) Employer's Retirement Admin.- Soc. Security

which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous recorded vote of Councilmen present.

Councilman Dingledine moved that a supplemental appropriation in amount of \$ 5,837.63 requested by Mrs. Sarah Milam, HUD Coordinator, in order to place funds into account for HUD projects, be approved for second & final reading, a first reading having been approved on October 9th, and that:

- \$ 2,960.00 chgd.to: General Fund - Unapprop. Fund Balance
- 2,877.63 chgd.to: General Fund (1005.00) Recoveries & Rebates
- 2,560.00 approp.to: General Fund (10220-72.02) Downtown Development
- 3,277.63 approp.to: General Fund (10220-72.03) Downtown Development

which motion upon being seconded by Councilman Cisney, was adopted by a unanimous recorded vote of Councilmen present.

A request was presented from Police Chief Presgrave for approval of a supplemental appropriation in amount of \$ 765.02 in order to reimburse funds that were spent for schols from account of Police Schools - Travel. Councilman Rhodes moved that the appropriation be approved, and that:

- \$ 765.02 chgd.to: General Fund (1005) Recoveries & Rebates
- 765.02 approp.to: General Fund (9010-330.01) Police Schools- Travel

which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Councilmen present.

Following a brief discussion, it was agreed that appointment of two members to serve on the Rockingham County CETA Review Committee, be deferred until the next regular meeting.

For information of Council, City Manager Milam reported that four bids had been opened on Friday, October 12th for demolition of properties located at 27, 37, 37 1/2 W.Rock Street, 245 Creek Avenue and 139 N.Main Street, as follows: United Wreckers & Excavators, Inc., Martinsburg, W.Va. (\$8,900.); David A. Reed & Sons, Harrisonburg (\$14,950.); S.B.Cox, Inc., Richmond, Va. (\$16,000.); Meadowbrook Construction Co., McGaheysville, Va. (\$48,500.). He noted that the City will sign a lengthy contract with the low bidder, United Wreckers & Excavators, Inc. Assistant City Manager Driver pointed out the fact that one of the properties involved in the demolition is presently under condemnation proceedings, which should be finalized prior to demolition. Manager Milam said that the City would have to contact the contractor re that particular property, and Council asked the City Attorney to look into the situation for possible completion of the proceedings within the 60 day period allowed for awarding of a contract.

City Manager Milam presented and read the following proposed resolution which is necessary for filing of an application for Litter Control Grant:

WHEREAS the City Council recognizes the existence of a litter problem within the boundaries of Harrisonburg, and

WHEREAS, the Virginia Litter Control Act of 1976 provides, through the Department of Conservation and Economic Development, Division of Litter Control, for allocation of public funds in the form of Grants for the purpose of enhancing local litter control programs, and

WHEREAS, having reviewed and considered the Regulations and the Application governing administration and use of said funds,

BE IT RESOLVED THAT THE CITY COUNCIL:

Hereby endorses and supports such a program for the City of Harrisonburg as is indicated in the attached Application Form LC-GI, and

Hereby authorizes Mr. Marvin B. Milam to plan, budget, and apply for a Grant, which if approved, will be used to fund said Program, and

Hereby requests the Department of Conservation and Economic Development, Division of Litter Control, to consider and approve said Application and Program, said Program being in accord with the Regulations governing use and expenditure of said funds.

Adopted on: _____

Councilman Cisney moved that the resolution be approved with authorization for the City Manager to sign same on behalf of the City of Harrisonburg, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

The City Manager presented a proposed ordinance amending Article V, paragraph 2 of the City's Sewer Use Ordinance, submitted and recommended by Mr. Marvin Armstrong, Chief Operator of Water & Sewerage Treatment, in order to bring that section of the code into compliance with the state code. The amendment will require a N.P.D.E.S. Discharge Certificate prior to approval by the Water/Sewer Superintendent for discharge of stormwater and/or unpolluted drainage through publicly owned conveyance elements. Following a brief discussion, Councilman Cisney moved that the ordinance be approved for a first reading and referred to the City Attorney to be drawn in proper ordinance form, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Councilmen present.

Correspondence dated 10/9/79 from the Commission of Game and Inland Fisheries was presented, advising that a regulation change for Silver Lake was being considered which would allow Sunday fishing. Inasmuch as Silver Lake is the only public body of water in the state closed to Sunday fishing, the City's opinion concerning any opposition to the change was requested. Council discussed the matter briefly and agreed that residents in the area of the Lake be contacted for their views, and that the Mayor of Dayton also be contacted and advised of the request, prior to any action and reply to the Commission.

For information of Council, Assistant City Manager Driver reported that a contract had been entered with the firm of William F. Cosulich, New York, for the City's Solid Waste (Heat Recovery) project, and that a meeting will be held on November 6th with two potential customers for purchase of steam.

Assistant City Manager Driver reported for information that removal of tree limbs throughout the City resulting from the October 10th snow storm could cost in the neighborhood of \$ 20,000. and could require several weeks, in that some residents have decided to prune their trees while removing broken branches. Two chippers and six men are being utilized this week on the project.

City Manager Milam reminded Council that when the matter of additional facilities at Virginia Mennonite Home was discussed at the last regular meeting, concern was expressed about the size of utility lines from Rt. 42 to Kratzer Road, as well as the fact that a plan had not been received by the City for review. He called attention to an article published in the daily newspaper following that meeting which noted the City's concern. Correspondence was then received from Mr. Earl Greaser, Director of Development, Virginia Mennonite Home, Inc., stating surprise that the City had questioned the project when the application had been submitted to HUD after a letter was received in August of 1978 stating that lines were sufficient to take care of the addition. Further noted was that the County's plan to extend the water & sewer lines was approved by the State Water Control Board in 1978. Manager Milam explained that the letter from the City stating sufficient lines had been written following a request from a Virginia Mennonite Home representative for a statement to accompany the application, and that although he was

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under the impression that plans had been received, they have not been received to date. Councilman Rhodes, a member of the Central Shenandoah Planning District Commission, reported that he had attended the October 15th meeting in Fishersville when the project was reviewed, and that action taken at that meeting was to approve the project, contingent on plans to the City.

The City Manager reported that he was in receipt of a bill in amount of \$ 3,361. from David A. Reed & Sons, Inc. for demolition of the dilapidated Lee Avenue structures. The City Attorney was instructed to place a lien against the estate for reimbursement of that amount.

The City Manager informed Council that recent correspondence from Representative J. Kenneth Robinson had indicated that all information would be considered, prior to any decision re incoming mail to Harrisonburg being validated in Charlottesville.

There being no further business and on motion of Councilman Dingledine, seconded by Councilman Cisney and a unanimous vote of Councilmen present, the meeting adjourned at 10:40 P.M.

N. Arlene Loken
CLERK

Walter S. Greenfield
VICE-MAYOR

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 Walter F. Green, III; Councilmen Raymond C. Dingleline, Jr., Elon W. Rhodes; Deputy City Auditor Phil Peterman and Chief of Police Richard W. Presgrave. Absent:- Councilman James C. Cisney.

Minutes of the combined public hearing and regular meeting held on October 23, 1979, were read and approved.

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 October, 1979.

From the City Treasurer:

A trial balance report as of the close of business on October 31, 1979.

From the Police Department:

A report of total number of arrests; parking meter fines collected; cash collected from parking meters; total cash collected all sources in amount of \$ 5,890.33.

From the City Auditor:

A financial report for the City of Harrisonburg, Va. for month of October, 1979.

A report of cash discounts saved in payment of vendors' invoices for month of October, 1979, totaling \$ 353.95.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of October, 1979.

From the City Clerk:

An updated calendar of unfinished matters through regular meeting of October 23, 1979.

✓ The City Manager presented correspondence dated 10/30/79 from the Virginia Municipal League enclosing a schedule of Fall Regional Meetings which will be co-sponsored by the Virginia Association of Counties. He noted that the meeting nearest Harrisonburg will be held on December 12th, 6:00 P.M. at the Holiday Inn Downtown, Staunton, Va. Members desiring to attend were asked to notify his office prior to November 21st in order that reservations may be made. Mayor Erickson pointed out the fact that Legislators from our different districts in the general area will be present to discuss legislative concerns with invited members of the General Assembly, and that local officials will have an opportunity to discuss concerns with state representatives.

✓ For information of Council and recordation in minutes of this meeting, City Manager Milam presented correspondence dated 10/23/79 from Mr. Richard L. Parker, Vice-President & General Manager, WVPT Public Television, enclosing check for \$1 as payment in full for one year's lease for the telecommunications facility site at the City Landfill.

✓ For information, the City Manager presented a revised Letter of Credit from the Department of Housing & Urban Development which had been requested by the City, in that the amount of \$ 167,904. had been mistakenly drawn from the HUD account which should have been charged to the Bond Issue. Although there is no increase in the Grant, \$ 167,904. was shown in favor of the City, with total authorization for downtown development of \$ 2,489,904.

✓ Correspondence dated 10/1/79 from Wetsel Seed Company was presented and read, offering to sell the City a building on W. Market Street, Liberty St. and Graham Street, along with vacant lot on N. Liberty & W. Market Streets for the amount of \$ 160,000. It was noted that the property would be turned over to the Real Estate Brokers in the near future at a higher asking price. Manager Milam asked Council guidance as to whether he should negotiate the sale or inform Wetsel's of no interest. He noted that the property had been under consideration in the past, but offered an opinion that there was no reason for acquisition by the City at the present time. Following a brief discussion, Councilman Dingleline moved that Wetsel's be advised that the City is not interested in purchasing the property at this time. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

✓ Correspondence from William M. and Doris Jean Reed, dated 10/19/79, was presented by the City Manager, requesting consideration of Council re the closing of a deadend alley off East Rock Street across from

the No. 4 Fire Station. It was noted that the alley is of no use to anyone at the present time, but if closed, could be used for their parking in that they are the only ones owning cars in that area. This would leave the street more open for general traffic and fire engines. According to the correspondence, the requestors have been maintaining the area by clearing it of trash and other debris for the past four years. Councilman Rhodes moved that the request be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Councilmen present.

✓ For information and recordation in Council minutes, a report submitted by the Electoral Board (Frances G. Ore, Chairman; Earl H. Wetsel, Member; Frank S. Warren, Secretary) from the November 6th election, was presented by the City Manager as follows, with no challenging votes cast on any of the positions:

- SENATE: W.E. "Ernie" Schlabach (1,478); Nathan H. Miller (1,766)
- HOUSE OF DELEGATES: Roger A. Ritchie (1,776); I. Clinton Miller (1,825); Kevin G. Miller (1,546); Bonnie Paul (1); Betty Joe Walker (1)
- COMMONWEALTH'S ATTORNEY: David I. Walsh (2,422); Noble R. Dooley, Jr. (1); Lawrence Hoover, Jr. (1); James Sipe (1); Louis Jolly (1)
- SHERIFF: Glenn M. Weatherholtz (2,785); Leon Gale Riggelman (304); Quiet Please (6); Noble R. Dooley (1)
- CLERK OF COURT (for unexpired term to end of 12/31/83)
L. Wayne Harper (2,465); J. Brisco Dellinger (754)
- SHENANDOAH VALLEY DISTRICT (Soil and Water Conservation)
Harold H. Bush (1,494); James E. Thornton (1,417); Juanita Sanders (2); Robert L. Schultz (1); Joseph Acker IV (1)

✓ Council was informed by the City Manager that he had received a letter from Attorney W.W. Wharton on 10/31/79 advising that American Express Company planned to purchase from Warner Communications, Inc., 50% of their stock, with name to be changed to Warner Amex Cable Communications, Inc. A request was made in the letter for City Council to approve transfer of the Antenna Television Franchise of the City of Harrisonburg. Manager Milam noted that although an amendment to the Harrisonburg Community Antenna Television Franchise Ordinance had been drawn for consideration at this time, two readings of same would be required prior to final adoption. In further researching the situation, it had been determined that the ordinance would not have to be amended, but rather, that a resolution would be sufficient. He read the following proposed resolution:

*"On the request of Warner Cable Corporation to the Council of the City of Harrisonburg by letter dated October 26, 1979:
BE IT RESOLVED by the Council of the City of Harrisonburg in regular session assembled this 13th day of November, 1979, as required by Section 23 of the Harrisonburg Community Antenna Television Company Franchise ordinance, that Warner Communications, Inc. and Warner Cable Corporation, its subsidiary, be and they are hereby granted approval to sell 50% of the stock of Warner Cable Corporation to American Express Company (so that after such sale is closed American Express Company will own 50% and Warner Communications, Inc. will own 50% of the stock of Warner Cable Corporation), and to change the name of Warner Cable Corporation to Warner Amex Cable Communications, Inc."*

Vice-Mayor Green moved that the resolution be approved, which motion was seconded by Councilman Dingleline, who then raised a question as to whether or not any change in policy was anticipated by the new corporation. Representatives of the corporation replied in the negative. The motion was adopted by a unanimous vote of Councilmen present. During further discussion, a question was raised by Vice-Mayor Green concerning interpretation of the Franchise Ordinance, in that a letter from Warner Cable had been received, giving 6 months notice to Council that it was renewing the franchise, as provided. Attorney Wharton said he was in hopes that Council was not interpreting the letter to be an annual renewal, but rather for an 8-year period, in order that the company may have an operating contract. City Attorney Lapsley stated that he had asked Attorney George Aldhizer for an interpretation, but has received no reply, and offered an opinion that the ordinance section is ambiguous. Mayor Erickson said that pending an interpretation of the ordinance, he had responded to the letter of renewal simply by acknowledging its receipt. The City Attorney was asked to have information for presentation at the next regular meeting. Manager Milam noted that the City has interpreted the ordinance to be one year renewals following the initial eight (8) years, and offered an opinion that in view of the letter from Warner, the City should reply between now and April 1st. In discussing anticipated improvements and facilities, Mr. Harold Reinen of Warner Cable noted that a site location for transmitter to receive additional stations has not been determined. Following discussion, it was agreed that further exploration should be made on the part of both the City and Cable Company re interpretation of the Franchise Ordinance.

✓ For consideration of a first reading, City Manager Milam read a proposed ordinance establishing a policy for sale of streets and alleys in closings, amending Section 6-1-22 titled: "Fee for Processing Application: and Section 6-1-23: "Payment for Street or Alley Vacated." He informed Council that the maximum amount allowed for processing an application under the state statute is \$100. and in view of various amounts suggested during discussion at the last regular meeting, recommended an amount of \$ 50. which is halfway between \$0 and \$100 allowed by the state. Further pointed out was the fact that requests would go through the proper procedure (i.e. Planning Commission & Board of Viewers), with the requestor assuming responsibility for payment allowed each Viewer for services rendered, plus filing fee and purchase of additional land derived through the closing based on assessed value. Following discussion, Councilman Dingleline moved that the ordinance be approved for a first reading with inclusion of the \$50. filing fee, and the motion was seconded by Councilman Rhodes. When question was raised by Councilman Dingleline about consideration of adjustment in the event of an easement, it was agreed that the ordinance would cover easement negotiations. The motion was adopted by a unanimous recorded vote of Councilmen present.

✓ With regard to the matter of conditions in the Madison-Monroe Street area which has been under investigation for some time and carried on Council agendas for updated reports by city officials, with improvements shown in all instances with the exception of property at 95 Ashby Avenue owned by Mr. Sam Moore, the following suggestions for amending the City Code were presented through correspondence from

DD1550

Chief of Police Presgrave and Building Official Byrd:

- (1) A "buildable" lot would be defined as a subdivided and duly recorded plat of land of ten thousand (10,000) square feet area or less which is not improved by any permitted building or structure, but which has been disturbed by grading, filling, clearing or placement of unnatural debris for the purpose of a future building site.
- (2) This lot would be required to be left safe from dangerous gulleys, crevices, ridges, etc., as approved by the Building Official, and suitable grade elevations and drainage measures as approved by the City Engineer.
- (3) It would be further required that such lot be maintained in comparable appearance to adjoining lots if adjoining lots are improved with buildings. This would be waived in the case of tract development where the majority of surrounding lots is of common ownership, and/or within an area of constant building activity, but held under the weed ordinance as enforced by the Police Department.

Manager Milam noted that should an ordinance be drawn, based on the suggestions, and approved, it would apply to substandard lots which may be encountered in the future. Although information was not available when question was raised as to the number of lots presently located within the City which could be considered "buildable" lots, it was noted that the information would be obtained. Following discussion, Councilman Rhodes moved that action be deferred and that the ordinance suggestions, along with number of lots, be referred to the Planning Commission for review and consideration. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Councilmen present.

✓ The City Manager presented for consideration of approval, an ordinance effecting the closing of an alley between 362 and 374 E. Market Street, and presented background information which included the following facts: original closing request was made by Dr. E.E.Rorrer in 1974; following report and recommendation from the Planning Commission and report by a duly appointed Board of Viewers, Council, in regular session on June 25, 1974, approved an ordinance for first reading and referred same to the City Attorney to be drawn in proper form; the Planning Commission recommended that the alley be closed, provided Dr. Rorrer reimbursed the City its share of the 1970 paving costs and provided a 10' utility easement be dedicated to the City for future utilities; payment by Dr. Rorrer for 1/2 the paving cost received 2/8/79 in amount of \$ 98.00 which amount was deposited with the City Treasurer. Manager Milam said he was not sure that several years could elapse between two readings of the ordinance, and Councilman Dingleline mentioned the fact that changes in the situation could have taken place in that period of time. City Attorney Lapsley observed that the 10' easement should be included in the ordinance. Manager Milam suggested that the ordinance might be considered for a first reading at this time, rather than final reading, with corrected ordinance to be presented at the next regular meeting following investigation and additional information from the Planning Commission. After further discussion, Councilman Dingleline moved that the request be referred back to the Planning Commission for review and report, which motion, upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Councilmen present.

✓ Council was reminded of an earlier request from Rockingham County for appointment of two members to serve on the CETA Review Committee, in that it has assumed responsibility for the City's portion of that program. Mayor Erickson asked if members desired to take action at this time. Following a brief discussion, Councilman Dingleline moved that Mr. John E. Driver (Assistant City Manager), and Mr. Cecil F. Gilkerson (Parks & Recreation Director) be appointed to serve on the Review Committee as representatives of the City. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

✓ For information only, the City Manager called Council's attention to a new section of the City Code under Article A- Section 3-6-1 (c) which reads as follows: he terms of office of members of all boards, commissions, advisory councils and authorities now in existence or hereafter created shall be limited to two (2) successive terms."

✓ For consideration of a second & final reading, the City Manager presented and read an ordinance amending Section 7-3-82 of the City Code, providing a requirement for a N.P.D.E.S. certificate prior to discharge of industrial cooling water and unpolluted process waters into the publicly owned conveyance elements. Councilman Rhodes 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. The motion was seconded by Councilman Dingleline, and adopted by a unanimous recorded vote of Councilmen present. (Refer to Ord. Bk K page 193).

✓ With regard to a prior request for closing of a portion of Hillcrest Drive at Maplehurst Avenue northward to the C-W Railroad, Manager Milam presented and read a proposed ordinance for consideration of a first reading. During discussion, various requests for rights and easements in that area by HEC, JMU and the C-W Railway were mentioned, all of which had been recommended for consideration by the Planning Commission and Board of Viewers. Inasmuch as those considerations were not included in the proposed ordinance, Councilman Rhodes moved that it be approved for a first reading at this time, with correction, and referred back to the City Attorney to be redrawn in proper form prior to a final reading. The motion was seconded by Vice-Mayor Green and adopted by a unanimous recorded vote of Councilmen present. A suggestion was offered that proper publicity be made that all future requests for street and alley closings will come under provisions of the state statute and amended section of City Code, whereby the requestor will pay filing fee, Board of Viewers' fee, and assessed value of additional land derived.

✓ City Manager Milam presented correspondence dated 11/1/79 from the Virginia State Library, advising that Rockingham Public Library officials were being notified that a grant-in-aid of \$ 13,313. had been approved for fiscal year 1979-80, with funds to be spent for purchase of library books, materials and equipment, library staff salaries, and travel by library staff or library board members to professional meetings. He requested consideration of approval by the governing body and authorization to sign the requested authorization form. Following a brief discussion, Vice-Mayor Green moved that the City Manager be so authorized and directed, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

Correspondence dated 9/25/79 from the Rockingham Savings & Loan Association (Mason & Gay Streets) was presented by the City Manager, requesting favorable consideration of their being added to the City's approved list of depository institutions for city funds. It was noted that all municipal deposits are insured up to \$ 100,000. by the Federal Savings & Loan Insurance Corporation, and that Council approval would allow them to bid on Certificates of Deposit or other depository accounts. Manager Milam reminded Council that this was not the first request by a Savings & Loan, in that the American Federal Savings & Loan (East Market St.) had made request in 1978. He pointed out the fact that if approved, various sections of the City Code would have to be amended, in that provision at present, is for commercial banks only, and further, that a resolution must be approved, setting forth names of the present Finance Committee (to include Vice-Mayor Green who replaced former Vice-Mayor Denton), and make provision for inclusion of Savings & Loan Associations to receive deposits of excess city funds. Council was informed that on Thursday of each week, quotations are received from local banks for periods of 30, 60, 90, 180 and 360 days, of interest rate and amount to be received for those periods of time, with only two banks reporting weekly at the present time. Manager Milam suggested that the City offer \$ 100,000. to the Savings & Loan Association, based on their bid for that particular week. Following discussion, Vice-Mayor Green moved that the City Attorney be instructed to prepare an ordinance amending various code sections involved in the change, for consideration of a first reading at the next regular meeting, and the City Manager to present an amended resolution at the proper time for approval. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.

Council discussed briefly the City's two parking decks, during which it was mentioned that complaints were being received re leaking at the Municipal Deck on Liberty Street. The Clerk was instructed to write the Harrisonburg Parking Authority and request a reply as to what measures are planned to correct the situation.

The City Manager presented the following facts concerning the City's new computer equipment: contract awarded in the Fall of 1978; first payment of \$ 66,000. to National Cash Register Company in December, 1978, in order that the equipment might be installed; equipment was installed this November, although August 1st was the anticipated installation date; contract drawn for three payments and since it was assumed that the second payment in amount of \$ 56,417.85 was due August 1st, a check was mailed NCR with funds drawn from various accounts in that the amount was not appropriated in this year's budget; the check was returned to the City with notification that payment was not due until 15 months after installation of the equipment, but the city was advised by NCR that the check would be accepted, if returned, although interest charge on the equipment would not be reduced; a third payment is due in 1981, funds for which can be appropriated in the next fiscal year. Manager Milam noted two options with regard to the second payment: return the check to NCR, or cancel the returned check and appropriate funds in the next fiscal year. He informed Council that City Treasurer Firebaugh had stated a preference for the check to be cancelled and funds appropriated for payment. Council was advised that the City has two backups on the new equipment: Valley National Bank and Waynesboro. Following discussion, the City Manager was authorized to go through proper procedure to cancel the check and prepare an appropriation request form in that amount.

The City Manager presented and read correspondence dated 11/8/79 from IMCO Container Company, requesting consideration of Council for the closing of a 12' dedicated public alley situated north of West Market Street and east of Brook Avenue. Purpose stated for the closing request was the fact that the alley is within or bordered by IMCO property recently rezoned M-1 Industrial. Manager Milam said he would like to write to IMCO advising of the procedure for closing of an alley under the recent ordinance amendment which provides for the requestor to pay filing fee, payment to Board of Viewers, and purchase of additional land at assessed value. Further noted was the fact that a problem could arise from the closing, in that the alley borders two houses that were not rezoned. Councilman Rhodes moved that the request be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council. The City Manager was asked to write IMCO concerning the new procedure for closings.

Inasmuch as a quorum will not be present for the next regularly scheduled meeting of Council on Tuesday, November 27th, City Manager Milam recommended that the meeting be cancelled, and the next meeting be held on the regular meeting date, December 11th. On motion of Councilman Dingledine, seconded by Vice-Mayor Green, and adopted by a unanimous vote of Councilmen present, the City Manager's recommendation was approved.

At 9:40 PM, Councilman Rhodes moved that Council enter an executive session for the purpose of discussing real estate acquisition. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.

At 11:15 P.M., on motion duly adopted, the executive session was declared closed and the regular session reconvened. There being no further business, the meeting was adjourned.

N. Arlene Lopez
CLERK

Ray E. ...
MAYOR

DD15510

Monday, November 19, 1979

At a special 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 Clerk N. Arlene Loker; Vice-Mayor Walter F. Green, III; Councilmen Raymond C. Dingle, Jr., Elon W. Rhodes, James C. Cisney; Deputy City Auditor Phil Peterman and Chief of Police Richard W. Presgrave. Absent: City Attorney Norvell A. Lapsley.

City Manager Milam read the special meeting call, primarily to discuss terms of sewer line contract for R. R. Donnelley Company.

✓ Mayor Erickson suggested that Council enter an executive session in that a legal matter would be

discussed, as stated in the agenda. Councilman Rhodes offered a motion to that effect, which motion was seconded by Councilman Dingleline and adopted by a unanimous vote of Council.

At 9:55 P.M., Councilman Rhodes moved that the executive session be closed and regular session reconvened. The motion was seconded by Councilman Cisney and adopted by a unanimous vote of Council.

In presenting a summary of Council's discussion, Vice-Mayor Green offered the following facts and motion:

"We negotiated a contract with Rockingham County in good faith on March 15, 1979 to supply Donnelley with water and sewer -

- (1) 'Water, solely for the use of the R.R. Donnelley Company, will be furnished at the end of the City water main presently in place at the corporate limits of the City of Harrisonburg on Route 753.'
- (4) 'Sewer services, solely for the use of the R.R. Donnelley Company, will be furnished by the City at the end of the City's sewer main presently in place at the corporate limits of the City of Harrisonburg, on Route 753.'

We have been asked as of this date, verbally, to reconsider this contract - namely, the County has proposed a sewer line looping down Black's Run from Donnelley to the Park View Sanitary District line - hence into the City's line on Kratzer Road. There has been no proposal that we have seen for a water line change.

We must recognize that water and sewer services for future development should supply the same area.

This new proposal raises many problems for the City - the main of which is increased infiltration through a 12" line from Park View. The City Engineers, etc. feel that this problem must be addressed on the front end of this new proposal, that is, the City cannot handle this increased flow. The County and Sanitary District must correct this infiltration at the source, and now!

The County is proposing a 7200+ foot line instead of the 3600' line, and pump down Kratzer Road - this plan has merit for future development.

We again will agree to meet with the Board of Supervisors to discuss these alternatives.

I move that we notify the County, by letter, of our willingness to consider a new contract - after we receive a set of plans for water and sewer lines to supply Donnelley."

The motion was seconded by Councilman Rhodes and adopted by a unanimous vote of Council.

There being no further business and on motion duly adopted, the meeting adjourned at 10:15 P.M.


CLERK


MAYOR

Tuesday, December 11, 1979

At a combined public hearing and regular meeting 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 Walter F. Green, III; Councilmen Raymond C. Dingleline, Jr., Elon W. Rhodes, James C. Cisney; Deputy City Auditor Philip Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on November 13th were read and approved as corrected; minutes of the special meeting held on November 19th were read and approved.

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, 1979.

From the City Treasurer:

A trial balance report as of close of business on November 30, 1979.

From the Police Department:

A report of total number of arrests; parking meter fines collected; cash collected from parking meters; total cash collected all sources in amount of \$ 7,373.95

From the City Auditor:

A financial report for the City of Harrisonburg, Va. for month of November, 1979

A report of cash discounts saved in payment of vendors' invoices for month of November, 1979, totaling \$ 293.07

From the Department of Utility Billing:

A report of water, sewer and refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of November, 1979

For information, the City Manager presented and read a letter dated 11/19/79 from Mr. Owen Shifflett, expressing personal appreciation to Council, and that of Bowhunters of Rockingham, for opening the road around Switzer Dam, which action made Skidmore Fork area available for hunting.

Correspondence from Mr. C.W.Ewing dated 11/20/79 was presented and read, in which he submitted notification (required every 5 years) that he desired his private alley (although used by the public) situated adjacent to his buildings occupied by Rhodes Candy Company and another tenant, and connecting West Market Street & West Elizabeth Streets, to remain private. Councilman Dingleline moved that the notification be recorded in minutes of this meeting and that the City Manager be authorized to sign a copy of Mr. Ewing's letter, and return, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

Correspondence from Warner Cable Corporation to Mayor Erickson was presented and read, in which appreciation was expressed for Council's action in approving a resolution effecting the sale of 50% of Warner's stock to American Express Company, and name change to Warner Amex Cable Communications, Inc.

At 7:50 PM, Mayor Erickson closed the regular session temporarily and called the public hearing to order. City Manager Milam read the Notice of Hearing as advertised in the Daily News Record newspaper:

NOTICE OF PUBLIC HEARING
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
HARRISONBURG, VIRGINIA

SECOND NOTICE IS HEREBY GIVEN pursuant to Sec. 570.402(f)(1), (iii), page 45973, Rules and Regulations of the Federal Register, Vol. 41, No.202, Monday, October 18, 1976 and the Harrisonburg Citizens' Participation Plan as amended, the Harrisonburg City Council will hold the second of two public hearings at 7:30 P.M. on the 11th day of December, 1979 in the Council Chambers, 345 S. Main Street, Municipal Building, City of Harrisonburg, Virginia.

The purpose of these hearings is to provide Harrisonburg citizens the opportunity to articulate needs, express preferences about proposed activities, assist in the selection of priorities, and otherwise participate in the development of amendments to the Community Development Block Grants B-77-DN-0120. Information will be made available concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken and other important requirements.

The proposed amendments would allow funds remaining in the FY-77, FY-88 Community Development Block Grant Program to be applied to the acquisition, relocation, and demolition of blighted properties in the Target Area encompassed by West Elizabeth Street, North Liberty Street, Noll Drive and North Main Street.

All interested persons or organizations will be offered an opportunity to be heard, either in person or by counsel, and written statements may be filed at or prior to these hearings. The submission of views and proposals regarding the Community Development Program, particularly by low and moderate income persons, residents of blighted areas of the community, and neighborhood organizations is encouraged.

Persons interested in reviewing the Community Development Block Grant Program may do so at the following locations: Harrisonburg Redevelopment & Housing Authority, 159 S.High Street; Community Development Office, 345 S.Main Street.

CITY OF HARRISONBURG - Marvin B. Milam, City Manager

Mrs. Sarah Milam, HUD Coordinator, made opening statements which included the fact that this evening's hearing is a follow-up of earlier meetings, and that plans and guidelines for the Redevelopment Program have been set, with funds from the Fiscal Years 1977 and 1978 to be spent. The program has reached a point where HUD will be requested to give more authority for use of the funds by spreading out same over the two block area. Mr. John Hodges, representative of the firm of Harland Bartholomew

& Associates, noted that a budget to implement the Program would be presented during this evening's discussion, and said that a third amendment has been made to the '77 Grant to provide for that money to be spent. He noted that the City is urged to "get with it" and results are requested. Mr. Hodges pointed out that the purpose of the amendment is to implement Title 36 Program with 100% federal funding, and not to change the program. The amendment will recognize the Redevelopment & Housing Authority's involvement in the project by acquisition, and carrying out policies set forth by City Council. He discussed the amendment for funds totaling \$ 871,000., noting amounts for various aspects of the project to be applied against the FY '77 and '78 funds, and breakdown of that amount in the proposed budget as submitted by the R & H Authority. Of the total amount, \$ 253,000. will be used from the FY '77 funds and \$ 618,000. from the FY '78 funds. Mr. Hodges presented an architectural drawing of the Elderly Housing Project area which depicted 18 parking spaces; a gazebo; entrance off Main Street (1st floor) and entrance on ground floor for parking. He informed Council and those present that the overall concept has been approved by the R & H Authority, provision for which is made in its proposed budget. Another fact pointed out by Mr. Hodges was that a consumer survey will be made to determine the effect Valley Mall has on the downtown area, with results to be used as a comparison with the 1976 survey conducted for the area. When a citizen raised a question concerning rezoning of the area and the City's plan to buy buildings and land in the area, Mr. Hodges explained that there would be no rezoning, but rather, that the City does plan to purchase most of the properties, with allowances made for any business or private owner, so desiring, to upgrade their own properties with private rehabilitation plans.

There being no others desiring to be heard, the public hearing was declared closed at 8:05 PM and the regular session reconvened.

The following proposed resolution was read by the City Manager for Council's consideration of approval:

RESOLUTION APPROVING COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING FILING OF AN AMENDMENT.

WHEREAS, the Housing and Community Development Act of 1974, as amended, had provided the City of Harrisonburg, Virginia, with Federal assistance in the form of Community Development Block Grant funds to carry out eligible community development activities for Fiscal Year 1977 under said Act; and

WHEREAS, the Housing and Community Development Act of 1977, as amended, has provided the City of Harrisonburg, Virginia, with Federal assistance in the form of Community Development Block Grant funds to carry out eligible community development activities for Fiscal Year 1978 under said Act; and

WHEREAS, the City Council of the City of Harrisonburg, Virginia, has caused to be prepared amendments to the Community Development Programs for Fiscal Year 1977 and for Fiscal Year 1978 for the full amount of Federal funds to which the City is entitled; and

WHEREAS, the City Council has reviewed said applications and has held at least two public hearings on the community development program to assure citizen participation and comment with regard to the development of program activities and has further provided for and encouraged citizen participation through its Citizen Participation Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia, that:

1. The amendments to the Community Development Program for Fiscal Year 1977 and Fiscal Year 1978, for the City of Harrisonburg, Virginia, as represented by the community development activities set forth in Applications for Discretionary Grants dated December, 1979 are hereby approved.

2. The City Manager is authorized to file said applications, including all understandings and assurances contained therein, with the United States Department of Housing and Urban Development.

3. The City Manager is hereby designated as the authorized representative of the City of Harrisonburg, Virginia, and is directed to act as such representative in connection with the applications and to provide such additional information as may be required.

Councilman Rhodes moved that the resolution be approved, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council. The Mayor and Clerk were authorized to sign the resolution on behalf of the City. Following a thorough review of the proposed R & H budget (item by item) by the City Manager, Councilman Cisney moved that it be approved, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council. When questions were raised by Council concerning progress of the J.R. (Polly) Lineweaver Apartments, Mr. Jim Deskins, Projects Administrator of the R & H Authority, reported that prospective residents are presently being interviewed, with leases to be in readiness for signatures after December 20th. He said that no problems were anticipated in occupying all of the units and that renters will be moved in by floors, with a target date of the second week in January set for completion of the moving. City Manager Milam requested that a special meeting of Council be scheduled for the purpose of touring the new Elderly Housing Facility with the R & H Authority, architect, HUD Coordinator, and Housing Manager. After further discussion, Wednesday, December 19th, 12:30 PM was agreed upon for the special meeting.

For consideration of a second & final reading, City Attorney Lapsley presented and read an ordinance which he had redrawn for the closing of a portion of Hillcrest Drive, to include reservation of the right for the City of Harrisonburg to enter the said parcel for installation & maintenance of any and all utilities that it may deem necessary, and further to reserve for the use of the Chesapeake-Western Railway an easement to cross the parcel to the railroad, with any personnel or equipment which may be necessary. Following discussion, it was agreed that action concerning a second reading of the ordinance be deferred to allow time for the City Attorney to review the ordinance with Mrs. Beth Ney and Mr. C.W. Ewing, requestors.

For consideration of a second & final reading, an ordinance amending Title 6 of the Harrisonburg City Code, Section 6-1-22 titled: FEE FOR PROCESSING APPLICATIONS; and Section 6-1-23 titled: PAYMENT

FOR STREET OR ALLEY VACATED, was presented and read. A fee of \$ 50.00 for processing the application had been approved when ordinance was approved for a first reading. Councilman Dingedine moved that the ordinance be approved for 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, upon being seconded by Councilman Cisney, was adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 196).

The following report and recommendation submitted from a meeting of the Planning Commission held on November 21, 1979 was presented and read by the City Manager:

"...Chairman Kuykendall opened the Public Hearing concerning the rezoning application for Litten Real Estate, Inc., as advertised in the Daily News Record:

'The Harrisonburg Planning Commission will hold a Public Hearing to consider the following rezoning request: To change from R-2 Residential to R-3 Multiple Dwelling District, Lots 102 and 103, Block 1, Page 18 of the City Block Map. These vacant lots are located on the northwest corner of S. Main Street and Maryland Avenue. Litten Real Estate, Inc. is the applicant. Purpose: to construct a real estate office and five townhouse dwelling units. All persons interested will have an opportunity to express their views at this Public Hearing...'

Mr. John Litten, realtor, described the site plan which shows a small real estate office structure facing S. Main Street and a 5-unit townhouse project facing Maryland Avenue, with access to both buildings from Main Street and Maryland Avenue. He noted that development of the corner will improve the appearance of the intersection and the neighborhood. The following comments were received: Mr. David Updike, 75 Fairview Avenue, asked about storm water control. He noted that storm water has been a problem on W. Fairview for years. He also asked if the townhouses will be 'for sale' or rental units. Mr. Litten said he plans to rent, not sell the units. Mrs. Jean Grimes of 40 Weaver Avenue asked if traffic on S. Main and Maryland will cause ingress and egress problems. Mr. Norwood Beery of 1215 S. Main Street expressed concern that rezoning the corner to R-3 will open up the area, but he agreed the corner needs improvement. He added that having a professional office should be quieter than apartments.

The Director reported that City Staff reviewed the site plan and feels the traffic circulation will be satisfactory and the new storm drainage pipe recently installed from West Fairview under the C-W Railroad will handle extra storm water. He suggested to Mr. Litten that a buffer of landscaping and curbing be installed along the north side of both Lots 102 and 103 as a protection for the adjacent property owners.

There being no further comments, Chairman Kuykendall closed the hearing. Mr. Fleming then offered a motion that the Planning Commission recommend to City Council that Lots 102 and 103, Block 1, Page 18 of the City Block Map be rezoned from R-2 Residential to R-3 Multiple Dwelling District. Mr. Williams seconded the motion and all members present voted aye..."

City Manager Milam reminded Council that this would require a public hearing in that the request involves rezoning of an area. Vice-Mayor Green moved that Council accept the report of the Planning Commission and schedule a public hearing for Tuesday, January 22nd, 7:30 PM, with instructions for the City Manager to properly advertise same. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

The City Manager reminded Council that the matter of closing an alley on E. Market Street had been referred back to the Planning Commission for further review, in that a period of years had elapsed between the original request and payment by Dr. Rorrer of 1/2 the 1970 paving cost, in February of this year. The following Planning Commission report from its November 21, 1979 meeting was then read:

"...The Commissioners reviewed a map showing a 10' alley located between 362 and 374 E. Market Street. The Director explained that Dr. Eugene Rorrer owns the lots on both sides of the alley, and on June 25, 1974 City Council approved the closing on first reading, subject to Dr. Rorrer paying 1/2 the cost of paving the alley and obtaining a 10' utility easement. The matter has not been completed, but on February 15, 1979, Dr. Rorrer's payment of \$ 98.00 was received. After Mr. Milam added that the City Attorney is preparing the ordinance to close the alley, which includes retaining a 10' utility easement for the City, Mr. Fleming moved that the Commission reinstate its recommendation to close the alley between 362 and 374 E. Market Street. Mr. Williams seconded the motion and all members voted in favor..."

Following reading of the ordinance, Councilman Cisney moved that same 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 City's Ordinance Book. The motion was seconded by Vice-Mayor Green and adopted by a unanimous recorded vote of Council. (Ord. Bk K, page 195).

City Manager Milam read the following report and recommendation from a meeting of the Planning Commission held on November 21, 1979:

"The Commissioners reviewed a map of Mr. Harry F. Bowman's five lots on Vine Street. The Director pointed out that three existing lines are proposed to be relocated, in order to eliminate the present problem of lines passing through structures. Mr. Bowman's existing shop building, which is located adjacent to Vine Street with no front setback, will be removed. The shifting of lot lines will help establish more satisfactory side yards and a 5' strip of land will be added to Vine Street's east side for future widening. Mr. Byrd added that Mr. Bowman had discussed the situation with him several months ago.

Mr. Rhodes offered a motion to recommend to City Council that Lots 14 through 17, Block E, Page 32 of City Block Map, in Hilltop Farm Subdivision and owned by Mr. Harry F. Bowman, be vacated. Mr. Fleming seconded the motion and all members present voted in favor.

The Director noted that Mr. Bowman has a resubdivision plat ready for

recordation in the County Clerk's Office. It was drawn by Bernelle Hill, C.L.S. on May 31, 1978. Once the vacating of existing lines is completed, he will record his 1978 plat..."

Following a review of the lot location, and discussion, Vice-Mayor Green moved that the recommendation of the Planning Commission be approved. The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Council.

The following Planning Commission report and recommendation from a meeting held on November 21, 1979, was presented and read:

"...The Commissioners reviewed maps of the J.T. Houck Addition, where Family Dollar Store, Inc. is constructing a building on Lots 6, 7 and portions of 5, 18 and 19. Attorney David Penrod, who represents Family Dollar Stores, Inc., reported that the Houcks are not opposed to the creation of two new lots as shown on Map 'B'.

Mr. Fleming offered a motion to recommend to City Council that Lots 4, 5, 6, 7, 18 and 19, Block J, Page 28 of City Block Map in the J.T. Houck Addition be vacated. Mr. Williams seconded the motion. Mr. Byrd noted that the Houcks are trying to develop in a piecemeal fashion; why don't they vacate all of their lots? Mr. Sullivan reported that the Houcks opposed this a few years ago and the City did not want to close Franklin Street or Long Avenue at the time. Chairman Kuykendall asked if Family Dollar Stores owns the land they are building on? Mr. Penrod said they do own the 36,174 sq. foot lot which was surveyed by City Engineer Devier and has already been recorded in the Clerk's Office. The motion to approve the vacating of lots was then approved unanimously. The Commissioners instructed the Director to meet with Clerk of Court Wayne Harper and see what can be done to handle these resubdivisions properly."

Following discussion, Councilman Dingleline moved that the Planning Commission's recommendation be approved. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

Although the J. R. "Polly" Lineweaver Apartments (Elderly Housing Facility) had been discussed earlier in this meeting, the following comments submitted by the Planning Director from a Commission meeting held on November 21, 1979, were read for information of Council:

"...Mr. Byrd described and explained the site plan for the J.R. "Polly" Lineweaver Apartments which was drawn by Harland Bartholomew & Associates for the Redevelopment & Housing Authority. He emphasized that the Authority officially accepted the plan last night (Nov. 20, 1979) after reviewing it and an alternate one which included more land to the rear side of the new 62-unit housing project. Mr. Byrd pointed out the features of the plan; a parking lot for around 18 autos, a fenced-in lawn and garden area, a gazebo on the lawn, and a service and delivery area off Creek Avenue on the south side of the structure. Mr. Fleming stated that more visitors' parking spaces should be allowed. Mr. Rhodes asked if the 16 or more trees will be planted and Mr. Sullivan suggested the gazebo be designed along the lines of the Old Spring House which used to stand on Court Square.

Mr. Byrd again stated that the Housing Authority has approved the site plan. The Director added that it is the Planning Commission's duty to review plans for public projects and report its findings to City Council..."

During a brief discussion of appointments to various Boards & Commissions, it was noted that the first term of Mr. Robert F. Moss on the Harrisonburg Electric Commission will expire on Dec. 31, 1979 and that he would be eligible to serve a second term. Councilman Rhodes moved that Mr. Moss be reappointed to the Commission for a term of three (3) years, to expire on December 31, 1982, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Councilmen present.

Council was reminded that Mr. James E. Hughes has been serving the unexpired term of Mrs. Susan Tysinger on the Parks & Recreation Commission, which term will expire on December 31, 1979. Mayor Erickson asked members if they desired to take action with regard to an appointment at this time. Councilman Cisney moved that Mr. Hughes be reappointed to the Parks & Recreation Commission for a term of four (4) years, expiring on December 31, 1983, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

Correspondence dated 11/30/79 from Mr. P.H. Hardy was presented and read, submitting his resignation on the Harrisonburg Board of Zoning Appeals as of the last meeting which was held on October 22, 1979. Mr. Hardy expressed pleasure in serving on that Board since March, 1939. Councilman Dingleline moved that Mr. Hardy's resignation be accepted, with regrets, and that a letter be written to him expressing appreciation for his many years of service to the Board. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

The City Manager read correspondence from Mr. Robert C. Williams dated 12/5/79 in which he reminded Mr. John Byrd, City Building Official, that his term on the City Planning Commission would expire on December 31, 1979, and submitted his resignation effective as of that same date from the Board of Zoning Appeals on which he has been serving as a representative of the Planning Commission. Councilman Cisney moved that Mr. Williams' resignation from the Board of Zoning Appeals be accepted, with letter of appreciation to be sent. The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Council.

Correspondence dated 12/3/79 from Mr. David Rood, Coordinator, Rockingham-Harrisonburg Alcohol Safety Action Program, was presented, with which he enclosed letters from Judge John Paul and Judge Beverly Bowers, submitting their resignations from the ASAP. He noted that both had devoted much time and energy to the work of the Commission in its formative years. A need was expressed to amend the chartering resolutions in order that the Commission may resume its membership of six, or possibly expand to eight members. Further suggested was that the Commission be empowered to establish its own Nominating Committee so that a full and active membership can be maintained without interruption. On motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote of Council, the resignations of Judge Paul and Judge Bowers were accepted. No action taken at this time re amending

the chartering resolutions or empowering the Commission to establish a Nominating Committee.

✓ Mr. John Driver, Assistant City Manager and Secretary of the Harrisonburg Department of Transportation Safety Commission, stated that a traffic signal study for various intersections, requested by Council in January of this year, had been made by the State Department of Transportation and Safety. That report was presented to the Commission members at the October 2nd meeting for review and study. Mr. Driver presented the following recommendations of the Commission, after its discussion with the Assistant Traffic & Safety Engineer for the Department of Highways and Transportation:

1. Intersection Rt. 33 (E. Market & Mason Sts.)--replace present traffic light with 8-phase computerized light.
2. Intersection Rt. 33 (E. Market & Reservoir Sts.)--reject recommendation of Highway Department for traffic light in that the Commission fears a hazard of icy conditions on the East Market Street hill.
3. Intersection Rt. 33 (E. Market St. & Country Club Rd.)--add a separate right turn lane for the Country Club Road approach.
4. Intersection Rt. 33 (E. Market St. & Cantrell Ave.)--approve portion of state Highway report and place traffic light at this intersection.
5. Intersection of Port Road & Hillcrest Drive--reject recommendation of Highway Dept. for flashing light.

Mr. Driver asked Council for favorable consideration of the Commission's recommendations, and added yet another, namely: that outdated traffic lights on Main & Liberty Streets be modernized. He suggested that this be included with the foregoing recommendations, as one project, and expressed a desire to travel to Richmond to discuss with the Virginia Department of Highways & Transportation the possibility of gaining approval for an urban street project, which, if approved, would result in 90% of the total cost being paid by the state. Following discussion, Vice-Mayor Green moved that Mr. Driver be authorized to pursue the project through the Virginia Department of Highways & Transportation, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council. Councilman Rhodes moved that the recommendations as set forth by the Harrisonburg Dept. of Transportation Safety Commission be approved, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

✓ The City Manager presented a request from the City School Board for approval of a supplemental appropriation in amount of \$ 2,500. in order to appropriate anticipated receipts for a nutrition education project, with funds to not be expended unless approval for reimbursement from the state is received. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 2,500. chgd.to: School Fund (R-18) Antic. Recpts.- Recpts.from State
School Funds - Other State Funds.
2,500. approp.to: School Fund (1201-299.00) Other Inst. Costs.

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

✓ A request was presented from the City School Board for approval of a supplemental appropriation in amount of \$ 8,370. in order that the City Transportation Department might be reimbursed for special education transportation to Staunton each day. Two pieces of correspondence were attached to the request form, namely: from Mr. Barry Hensley, Ed. D., requesting that the Harrisonburg City School System assume the responsibility for transporting the three handicapped children from Harrisonburg to Staunton; and from Mr. Wayne Kine, Superintendent of City Schools, advising Mr. Hensley that inasmuch as an amount had not been budgeted for this purpose, request would be made to City Council for an additional appropriation of \$ 8,370. (projected figure for a nine month period). Following discussion, Councilman Cisney moved that the appropriation be approved for first reading, and that:

\$ 8,370. chgd.to: School Fund - Unappropriated Balances.
8,370. approp.to: School Fund (1203-219.02) Pupil Trans.- Trans. by Public Carrier

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

✓ The City Manager presented a request from the City School Board for approval of a supplemental appropriation in amount of \$ 16,881. in order to appropriate anticipated receipts to be received in excess of original budget estimates. It was noted that the funds will be used for other instructional costs, replacement of equipment, additional equipment, purchase of Title I equipment and to upgrade custodial maintenance and cafeteria salaries due to increase in federal minimum wage law. Following a brief discussion, Councilman Dingleline moved that the appropriation be approved for a first reading, and that:

\$ 1,604. chgd.to: School Fund (R-2) Antic. Recpts.- Incentive Payment
300. chgd.to: School Fund (R-7) " " - Gifted and Talented
1,000. chgd.to: School Fund (R-17AL) " " - Voc. Ed. FTE
1,500. chgd.to: School Fund (R-21A) from Fed.Funds- Elem. & Sec.Ed.Act.-Cap.Outlay
6,000. chgd.to: School Fund (R-26) Public Law 874 - from Fed.Funds
3,500. chgd.to: School Fund (R-37) from Local Funds, Rebates
2,977. chgd.to: School Fund (R-35) from Local Funds- Cafeterias
3,900. approp.to: School Fund (1201-299.00) Other Inst. Costs- Sch.Food Services
2,977. approp.to: School Fund (1204-399.02) Comp.Cafeteria Employees- Oper.Sch.Plant
3,750. approp.to: School Fund (1205-119.00) Comp.Custodian- Maint. School Plant
2,500. approp.to: School Fund (1205-119.02) Comp.Maint.Employees- Maint. School Plant
1,650. approp.to: School Fund (1205-215.01) Repair & Repl. Furn.-Fed.Programs
1,500. approp.to: School Fund (1209-1230.03) Title I Equip.- Instr. Cap.Outlay
604. approp.to: School Fund (1900-403.00) Furn. & Equip.

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

✓ A request was presented from Mr. Cecil Gilkerson, Director of City Parks & Recreation, for approval of a supplemental appropriation in amount of \$ 1,200., which amount is needed for emergency repair to exterior walls, west side of Community Activities Center. It was noted that moisture is coming through walls and causing plaster to come off racquetball court, and that the walls had been

plastered twice previously. Following a brief discussion, Councilman Dingleline moved that the appropriation be approved for a first reading, and that:

\$ 1,200. chgd.to: General Fund - Unappropriated Fund Balance

1,200. approp.to: General Fund (11027-271.00) Community Activities Center

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

A request was presented from the Superintendent of Streets for approval of a supplemental appropriation in amount of \$ 9,621. in order to replace funds expended for special tree limb and brush collection from October 16, 1979 through November 15, 1979. Assistant City Manager Driver, in reply to a question raised by Council, reported that the damage resulting from the October 10th snow had cost the City in the neighborhood of \$ 15,000. - \$ 18,000. and included rental of a brush chipper and payment of extra salaries during the cleanup period. Following discussion, Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 9,621. chgd.to: General Fund - Unappropriated Fund Balance

3,654. approp.to: General Fund (10110-292.00) St.Inspect.- Repair & Maint.-

Rental of Equipment

5,337. approp.to: General Fund (10330-12.00) St.Cleaning- Wages

630. approp.to: General Fund (10330-212.00) St.Cleaning- Other Mat. & Supplies

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

A request from Assistant City Manager Driver was presented for approval of a supplemental appropriation in amount of \$ 53,503.85 representing a portion of the second payment to National Cash Register Company for computer equipment recently installed, which payment is actually due in November, 1980. Council was reminded that action had been taken at the last regular meeting to cancel a returned check in amount of \$ 56,417.85 (total amount of second payment), and make appropriation form for the payment, even though it would mean that interest charge on the equipment would not be reduced. Manager Milam explained that inasmuch as funds were not provided for in the City's budget when second payment was first made, the total amount of \$ 56,417.85 had been drawn from Unappropriated Fund Balances of three different accounts, namely: General, Water and Sewer. The request for \$ 53,503.85 represents amount drawn from the General Fund. Vice-Mayor Green moved that the appropriation be approved for first reading, and that:-

\$ 53,503.85 chgd.to: General Fund- Unapprop. Fund Balance

53,503.85 approp.to: General Fund (4035-76.00) Data Process.-Office Equip.& Computer

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

A request was presented from Assistant City Manager Driver for approval of a supplemental appropriation in amount of \$ 1,200. representing amount drawn from the Water Fund to pay portion of second payment for recently installed computer equipment. Vice-Mayor Green moved that the appropriation be approved for first reading, and that:

\$ 1,200. chgd.to: Water Fund - Unappropriated Fund Balance

1,200. approp.to: Water Fund (7-76.03) Cap.Outlay- Mach. & Equip.- computer

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

A request was presented from Assistant City Manager Driver for approval of a supplemental appropriation in amount of \$ 1,714. representing amount drawn from the Sewer Fund, Unappropriated Fund Balance, to pay portion of second payment for recently installed computer equipment. Councilman Dingleline moved that the appropriation be approved for first reading, and that:

\$ 1,714. chgd.to: Sewer Fund - Unappropriated Fund Balance

1,714 approp.to: Sewer Fund (7-76.03) Cap.Outlay- Mach. & Equip- Computer

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

Council's attention was called to correspondence dated 11/26/79 from the Commissioner of Revenue, in which data concerning the City's Business & Professional Licenses was included. A request was made for Council to appoint a study committee to begin revising the City's present Business & Professional License Ordinance in order to bring it into compliance with a new state statute approved this year by the General Assembly, with revision to be made prior to January 1, 1983. It was suggested further that the committee consider no adjustments to the present ordinance until that date, with new rates to be entered in one step rather than amending the ordinance in years 1981, 1982 and 1983. It was agreed by Council that the matter be deferred to allow time for members to study information submitted by Commissioner of Revenue Smith.

Council was informed by the City Manager that City Engineer Devier was in receipt of correspondence from Mr. Don Krueger, Director of Public Works for Rockingham County, requesting written approval for the County to seek bids for sewer line crossings, Rt. 11, south, with three plan sheets enclosed with the correspondence. Inasmuch as Mr. Devier has stated that plans for the crossings appear to be in order, the City Manager recommended that they be approved, and the County be granted authorization to receive bids on the project. Following a brief discussion, Councilman Dingleline moved that the City Manager's recommendation be approved, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

City Manager Milam informed Council that funds for downtown development must be transferred from the City's Public Works section of the budget now that Title 36 has been approved, and suggested that a Revolving Fund be established for handling all development funds. He noted that arrangements need to be worked out with the Deputy City Auditor and Mr. John Sowers of the Harrisonburg Redevelopment & Housing Authority, in that the R & H Authority is now responsible for carrying out the project under Title 36. He noted that the City will continue to handle all invoices for downtown development through the Revolving Fund when established. Following a brief discussion, the City Manager was instructed to meet with those concerned and establish the necessary fund.

City Manager Milam presented four easements and a deed dating back to the early 70s for rights-of-way conveyed by the City to the Regional Sewer Authority across City Landfill area, and for sale of a piece of land to the Sewer Authority for construction of a metering station in 1977 at the City Landfill. He noted that all seemed to be in order and recommended that the Mayor and Clerk be authorized to sign the documents. Councilman Cisney moved that the proper officials be authorized to sign the four easements and deed, if they meet with the Legal Counsel's approval. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

The City Manager presented correspondence dated 11/29/79 from Mr. William O'Brien, County Administrator, in which administrative concerns were expressed, and request made for the City to approve the contract between the City and Park View Sanitary District. He suggested that before any contracts are entered into, the City receive complete plans for lines as they now exist in the Park View Sanitary District. No further action taken at this time.

City Manager Milam requested that Council schedule a one hour special meeting for the purpose of discussing Waterworks Improvements for the City, sometime during the week of Christmas. Following a brief discussion, the meeting was scheduled for Thursday, December 20th, 7:30 P.M. in the City Council Chambers.

Inasmuch as the next regular meeting would be on December 25 (Christmas), it was agreed that the meeting be cancelled.

For Council's information and recordation in minutes of this meeting, Councilman Dingleline presented the following names of those persons currently serving on the Harrisonburg-Rockingham County Independence Bicentennial Commission:

Mr. Nelson Alexander, co-chmn.- Rt. 8, Box 87
 Rev. Lloyd T. Sprinkle, co-chmn- 934 Chicago Ave.
 Dr. Raymond Dingleline, 320 W. View St.
 Mrs. Harriet Cooley, 763 S. Mason St.
 Mr. Austin Loewner, 116 S. High St.
 Ms. LeAnn Cloud, Rt. 8
 Dr. Martha Caldwell, 216 Governor's Lane
 Mrs. J. Richard Funkhouser, 1077 S. Main St.
 Ms. Susan Passmore, 301 S. Dogwood Drive
 Mr. W.E. Wilkins, Rt. 1, Box 211, Linville, Va.
 Ms. Lorraine LaPrevotte, Rt. 1, Box 143, Hinton, Va.
 Mrs. Mary Fairfax, 431 E. Gay St.
 Mr. Rob Howarth, 225 Orchard Lane

At 10:05 P.M. Councilman Rhodes moved that Council enter an executive session to discuss personnel and a legal matter. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

At 11:45 PM on motion duly adopted, the executive session was declared closed and the regular session reconvened. There being no further business, the meeting was adjourned.

N. Arlene Loker
 CLERK

Ray Green
 MAYOR

Wednesday, December 19, 1979

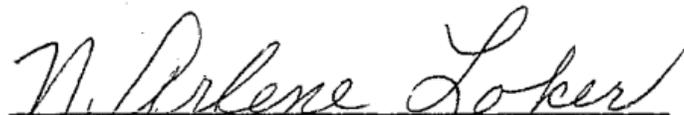
At a special meeting of Council held this afternoon at 12:30 PM, the following members of Council and City Staff were present: Mayor Roy H. Erickson; Councilmen Raymond C. Dingle, Jr., Elon W. Rhodes, James C. Cisney; Assistant City Manager Driver; Clerk N. Arlene Loker and Building Official John Byrd. Also present: members of the Harrisonburg Redevelopment & Housing Authority; Mr. Jim Deskins, Director of New Programs for the City's R & H. Authority; Mrs. Sarah Milam, HUD Coordinator.

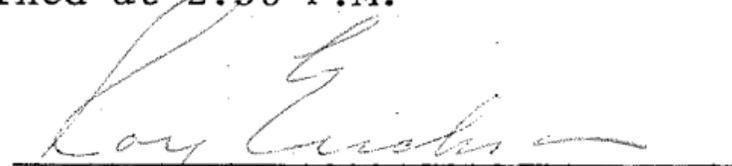
The special meeting was called by the Mayor for a tour of the Elderly Housing Facility located at 265 N. Main Street.

✓ Following lunch at Famous Restaurant, and prior to the walking tour of the J.R. "Polly" Lineweaver Apartments, Building Official John Byrd made opening statements and presented floor plans and landscape designs. He noted the following facts: construction was begun in September 1978 with projection of 15 months for completion; weather has delayed cleaning outside of the building; plans have been approved by the Redevelopment & Housing Authority and presented to the Planning Commission and City Council; the schematic plan sets forth trees, shrubs, walk, patio, gazebo, garden plots, with fencing & grade designed to discourage pedestrian traffic through the area from Main & Rock Streets; building comprised of 62 living units (efficiencies with 404 sq. feet of floor space and one bedroom efficiencies with 662 sq. feet of space) - eleven units reserved for the handicapped with no wheelchair barriers; word has been received from N.C. Monroe Construction Company that the building is sufficiently completed for move-in early next year (second week in January anticipated); building will not be conveyed to the Housing Authority until all work has been completed and final o.k. rec'd from the Dept. of Housing & Urban Development. During the tour, Mr. Byrd explained that the building was designed with security and public safety as top priority items (basic construction of stacked concrete modules for complete fireproofing) and an elaborate sprinkler & alarm system to insure quick detection in the event of a fire (during the day the alarm sounds in the Manager's Office and at night is switched to the Custodian's apartment - also tied in with the City's Fire Department); each apartment equipped with nurse call system for any type of emergency - complete kitchens - carpet and drapes; individual heating & cooling controls; individual balconies for the one bedroom efficiencies. Laundry facilities provided on each floor as well as refuse chutes to trash compactor on lower floor. Mr. Deskins said that all apartments have been rented with 130 applications received and waiting list of approximately 70. The rent, which includes utilities, will be \$230. per month for an efficiency and

\$250. per month for one bedroom efficiency. Tenants will pay only 15% or 25% of their total monthly income, with balance subsidized by HUD. When screening applications, priorities were set as follows: people relocated because of the redevelopment work in the downtown area; veterans; disabled elderly (age 62 or over considered elderly); and first come, first serve basis. A security deposit will be required which is equal to amount of rent being paid by a tenant. A question and answer period followed the guided tour during which time the Manager, Mrs. Lillian Coxe of Elkson, Va., was introduced.

There being no further business, the meeting adjourned at 2:30 P.M.


CLERK


MAYOR

At a special 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; Clerk N. Arlene Loker; Vice-Mayor Walter F. Green, III; Councilmen Raymond C. Dingleline, Jr., Elon W. Rhodes, James C. Cisney; Deputy City Auditor Philip Peterman. Absent: City Attorney Norvell A. Lapsley and Chief of Police Richard W. Presgrave.

City Manager Milam read the following special meeting call:

"An emergency existing, there will be a special meeting of the City Council, called by the Mayor, to be held in the Council Chamber on Thursday, Dec. 20, 1979, at 7:30 PM to consider the following matters and take necessary action thereon:

1. Waterworks Improvements for the City of Harrisonburg:
 - a. Division I
 - b. Division II
 - c. Division III"

The City Manager reported bids received as follows:

Division I - 18" water line (from new tank on corner of Vine & Washington Streets. south and west to Franklin St.) Aaron J. Conner, Roanoke (\$680,877.00); Hammond-Mitchell, Covington, Va. (\$757,790.73)

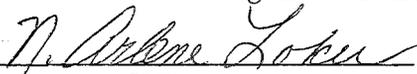
Division II - Tank Foundation, Lines, Vaults & Controls - Hammond-Mitchell, Covington, Va. (\$533,961.65); Wilkins Construction Co., Amherst, Va. (\$365,192.00); Brock & Davis, Waynesboro, Va. (\$517,900.00); Worsham Construction, Manassas, Va. (\$518,148.00)

Division III - 2.5 million gallon Water Storage Tank - PDH Hydrostorage, Franklin, Tn. (\$312,400.00); Brown Steel Cont., Newnan, Ga. (\$340,415.00); Fisher Tank Co., Chester, Pa. (\$352,400.00); Chicago Bridge & Iron, Philadelphia, Pa. (\$359,900.); Crom Corp., Gainesville, Fla. (\$377,540.00); Reco Construction Co., Richmond, Va. (\$411,412.00); Caldwell Tanks, Louisville, Ky. (\$413,000.00)

Correspondence dated 12/5/79 from Aaron J. Conner offered two alternative bids of \$ 500,013.00 and \$ 472,703.00 with the proviso that the City assume responsibility for paving, replacement of curb & gutter, repairing damages to any parallel sewer lines, etc. The City Manager noted that following recommendation of the City's Consulting Firm, Wiley & Wilson, through correspondence dated 12/5/79, for Divisions II and III to be awarded the low bidders (Wilkins Construction & PDH Hydrostorage, respectively), and to allow additional time for a study of the alternatives offered by Aaron J. Conner, he and the Water/Sewer Superintendent had met with engineers from that firm yesterday. Their current recommendation is for the City to reject the bid of Aaron J. Conner for Division I and to redesign the water line project and re-advertise same. Manager Milam offered an opinion that inasmuch as the City had been requested to assume certain responsibilities for the line work, that the entire project should be undertaken by a crew of five city employees, with one from the Water Department and one from the Street Department to form the nucleus, which should save a considerable amount of money, with an approximate one year period for completion. According to the City Manager, a total appropriation of \$ 925,349.00 is set up in the present budget for water improvements, which would leave a balance in the neighborhood of \$ 250,000. toward the City's water line project after awarding the contracts to low bidders for Divisions II and III. Additional funds would not be necessitated until the next fiscal year. Mr. Donn Devier, City Engineer, presented verbal picture of the elevated tank on concrete slab (80' in diameter and 68' high), and building to house pump equipment. Water/Sewer Superintendent Edgar Loker, traced the water line and noted that the pumps will operate until the tank is full, and then cut off automatically. This will provide increased water pressure in the northern and eastern areas of the City and adjacent Rockingham County. Manager Milam pointed out the fact that problems may be encountered in laying the line due to other service lines at various elevations, gas lines, etc., but offered an opinion that the City can complete the project for the engineering estimate of \$ 396,000. During discussion, concern was expressed about the wide gap between bids for the tank, and although an explanation was not available, Council was advised that the Consulting Firm had checked credentials of the low bidder prior to recommending acceptance. Following discussion and on recommendation of the City Manager, Vice-Mayor Green moved that Council approve the awarding of contracts to the low bidders for Divisions II and III, and set up a City Work Crew for Division I (7,000' of 18" water line). The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Council. Manager Milam said that the contracts would be awarded tomorrow by letter and that a work crew will be set up from the Water and Street Departments.

At 8:30 PM, Councilman Rhodes moved that Council enter an executive session for the purpose of briefly discussing personnel. Motion seconded by Councilman Rhodes and adopted by unanimous vote.

At 8:45 PM, on motion duly adopted, the executive session was declared closed and special session reconvened. There being no further business, the meeting was adjourned.


CLERK


MAYOR