

Tuesday, January 13, 1981

At a combined public hearing and regular meeting held in the Council Chamber this evening at 7:30, 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 Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on December 23rd were approved as read.

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, 1980.

From the City Treasurer:

A trial balance report as of close of business on December 31, 1980.

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 \$ 5,448.56, for month of December, 1980.

From the City Auditor:

A financial report for the City of Harrisonburg, Va.- month of December, 1980.

A report of cash discounts saved in payment of vendors' invoices for month of December, 1980, totaling \$ 278.40.

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 December, 1980.

✓ A request was presented from Eby Feed Service, Inc., to subdivide property on the south side of South Avenue consisting of 6.455 acres, into two industrial tracts; one fronting on South Avenue to consist of 43,423 sq. feet; the remaining 5.458 acres to be served by a proposed right-of-way. The land, both developed and undeveloped, is zoned M-1 Industrial. City Manager Milam called attention to an attached plat, and noted that a building is already erected on a portion of the land. Councilman Rhodes moved that the plat 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.

✓ At 7:45 PM, Mayor Erickson closed the regular session temporarily and called the evening's public hearing to order. The following notice, advertised in the Daily News Record newspaper on December 24, 1980 and January 7, 1981, was read:

"The Harrisonburg City Council will hold a Public Hearing on Tuesday, January 13, 1981, at 7:30 P.M. in the City Council Chamber, Municipal Bldg., in accordance with Sections 15.1-431 and 15.1-482 (b), Code of Virginia, to vacate certain lot lines by Ordinance of the Governing Body. Lot Lines to be

vacated are between Lots 68 and 69 and Lots 12 and 13 of the Ira Moore Addition, Block G, Page 41 of the City Block Map. These lots are located the east side of North Main Street and west side of Moore Street.

All persons interested or affected by these matters will have an opportunity to express their views at this Public Hearing.

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

Attention was called to the following report from a November 19th meeting of the City Planning Commission, presented to Council at the regular meeting of November 25th:

"...The Commissioners reviewed a map drawn by City Engineer Donn Devier, showing the 'vacation of old lot line and subdivision of Lots 68 and 69 as shown on map of lots owned by Ira H. Moore lying on the east side of the Lee Highway'. Mr. Byrd reported that he wants to review a zoning variance that was processed concerning Lots 68 and 69, and since a house is located on Lots 12 and 13 near or on the existing lot line, it should be drawn on the map by Mr. Devier.

Mr. Fleming moved that the Planning Commission recommend that City Council hold a public hearing to vacate the lot line between Lots 12 and 13 and Lots 68-69, and establish a new lot line 24.60' south of the present line, subject to Mr. Byrd's review of the variance and Mr. Devier adding the house location to the map. Mrs. Bowman seconded the motion and all members present voted in favor of the motion."

City Manager Milam pointed out location of the lots on a map, and noted that although a public hearing had been scheduled for December 23rd, request was made by the Law Firm of Hoover, Hoover, Penrod & Davenport for the hearing to be postponed until this time. Mayor Erickson called on anyone desiring to be heard, and Charles Chenault and Dale Davenport, representatives of the firm, explained the situation as follows: In the rear of Lots 12 and 13 there is a dwelling, and the lots involved were originally laid out in four parcels. Lots 68 and 69 were sold by Ms. Sarah Holsinger to Ms. Grace Walter, and boundary lines are formed by a fence across those lots. The house on Lots 12 & 13 is close to the boundary line, which results in little or no back yard. The Planning Commission agreed to subdivide Lots 68 and 69, and make new boundary lines which would leave two smaller parcels numbered 68A and 69A. The old property line will be vacated to combine the small parcels with Lots 12 & 13, thus providing back yards, and resulting in two parcels of property.

There being no others desiring to be heard, the Hearing was declared closed at 7:52 P.M. and the regular session reconvened.

(Vice-Mayor Green entered the meeting and was recorded present).

The City Manager presented for consideration of a first reading, an ordinance effecting vacation of lot lines and resubdivision of lots, as discussed in this evening's public hearing. Following discussion, Councilman Cisney moved that the ordinance be approved for a first reading, with further information to be obtained, prior to second & final reading, concerning Mr. Byrd's investigation into the zoning variance and addition of house location to the map by Mr. Devier, as set out in the Planning Commission report. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council.

During a discussion of appointments to various Boards & Commissions, Council was reminded that the second term of Mr. Walter Trobaugh, Jr. on the Building Code Board of Appeals had expired as of November 30, 1980. Councilman Dingledine moved that Mr. James W. Gilkeson, Jr., 1048 South Dogwood Drive, be appointed to the Board for a term of five (5) years, expiring on November 30, 1985. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

Council was reminded that a vacancy has been created on the Blue Ridge Community College Board by the resignation of Mr. William Grow, and the Mayor asked Council's wishes regarding same. Councilman Dingledine moved that Mrs. Harold T. (Libby) Lindsey, 495 S. Main Street, be appointed to fill the unexpired term to June 30, 1981. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

The Mayor noted that Mrs. Betty Morris has been serving an unexpired term on the Upper Valley Regional Park Authority which expires on January 24th, and asked Council's wishes re an appointment, effective on that date. Councilman Rhodes moved that Mrs. Morris be reappointed to serve her first full term as a member of the Authority (4 years) expiring January 24, 1985. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

Councilman Dingledine moved that a supplemental appropriation in amount of \$ 200,000.00 for payment of various annexation expenses, be approved for second & final reading, a first reading having been approved on December 23rd, and that:

\$ 200,000. chgd.to: General Fund- Unapprop. Fund Balance
100,000. approp.to: General Fund (9108-1010.01) Annexation- Other Per. Services
100,000. approp.to: General Fund (9108-1010.02) Annexation- Eng. Fees

The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Council.

A request was presented from the Community Development Coordinator for approval of a supplemental appropriation in amount of \$ 2,965.00, representing Program Income which must be expended prior to Community Development Block Grant Funds. Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 2,965. chgd.to: General Fund- Real.Revenue- Recoveries & Rebates
2,965. approp.to: C. D. Revolving Fund

The motion was seconded by Councilman Dingledine, and 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 \$ 4,834.00 in order to appropriate funds to reimburse textbook rental fund for State Aid to be received for free or rental textbook systems. A Memo from the Department of Education, Richmond, Va., was attached to the request, advising of the City's eligibility to receive the amount

of \$ 4,834.00, based on payment of \$ 2.00 each for 2,417 pupils. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:

\$ 4,834. chgd.to: School Fund (R-5) Recpts. from State School Funds- Free or Rental Textbook Systems

4,834. approp.to: School Fund (1201-326.00) Other Inst.Costs- Textbks.furn.free
The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council.

✓ For consideration of second & final reading, an ordinance amending Sec. 12-1-51 of the City Code—Sec. 12-1-51.1 titled "Itinerant Dealers in Precious Metals and Stones", was presented. The ordinance had been approved for a first reading on December 23rd, subject to one word change due to typographical error. Councilman Rhodes 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. The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 221).

✓ Correspondence dated 1/8/81 was presented and read from Mr. Ray V. Sonner, Vice-President, James Madison University, Division of University Relations, enclosing the following proposed resolution for Council's consideration of approval:

WHEREAS, Phi Delta Kappa is an international organization for men and women in education and has the purpose of promoting quality education, with particular emphasis on public supported education; and

WHEREAS, Phi Delta Kappa will celebrate the 75th anniversary of its founding on January 24, 1981; and

WHEREAS, the Shenandoah Valley Virginia Chapter of Phi Delta Kappa was formed in 1971 and its membership includes 150 educators from Harrisonburg and other cities and counties in the Shenandoah Valley; and

WHEREAS, Phi Delta Kappa has made innumerable contributions toward the improvement of quality in education, both nationally and locally:

THEREFORE, BE IT RESOLVED, that the Harrisonburg City Council does hereby proclaim that the week of January 18 - 24 shall be designated as "Phi Delta Kappa Week" in the City of Harrisonburg.

Following reading of the resolution, Councilman Dingledine moved that it be approved, and that the week of January 18 - 24 be designated "Phi Delta Kappa Week" in the City. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ The City Manager presented correspondence from the Virginia Municipal League, advising that each full member locality may nominate one person (either elected or appointed official) to serve on each of six policy committees, with deadline of February 20th for submission of names. Mayor Erickson said he would have some suggestions for the various committees. It was agreed that the matter be deferred until the next regular meeting in order to allow time for persons to be contacted.

✓ For information, correspondence was presented from the City Treasurer, advising that in accordance with Council's resolution of October 28, 1980, delinquent real estate taxes for 1978 & 1979 will be advertised in the Daily News Record newspaper on January 19th, 21st and 24th.

✓ City Manager Milam announced that February 5th has been scheduled for "Elected Officials' Day" by the Virginia Municipal League, and that will send in the registration form for those members of Council desiring to attend. Mayor Erickson said this is a very successful day, primarily for the Legislature, with reception held in the evening.

✓ Vice-Mayor Green registered complaint(s) he had received concerning the flashing light at the intersection of Virginia Ave. and Third Street, in that it is unsafe for children walking to Waterman School; also, the intersection at Gay & Broad Streets which is considered unsafe due to location of the stop sign. Chief Presgrave said that improvements were made at the Gay-Broad intersection several years ago with regard to site distance, extension of yellow no-parking lines, etc. Assistant City Manager Driver noted that about as many accidents occur at the Virginia Ave.-Third St. intersection, since installation of the flashing light on advice of a consultant. Councilman Rhodes called attention to the intersection of Gay & Mason Streets, and offered a suggestion for consideration of left turn lights. Following discussion, Councilman Rhodes moved that the three intersections: Virginia Ave. & Third St.; Gay & Broad; Gay & Mason, be referred to the Harrisonburg Dept. of Transportation & Safety Commission, for study and recommendation. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ Assistant City Manager Driver informed Council that the Solid Waste Plant had been advertised on January 5th, and bids will be opened on February 11th, at 2:00 P.M. in the City Council Chamber. He noted that the project is not as streamlined as in the beginning when estimated to cost \$7 1/2 million, and that the present rough estimate is \$5 million. Forty-five separate plans have been sent to contractors, with a hope that bids in that price range will be received. According to Mr. Driver, the steam agreement has been "around and around" and has to be signed by the City, University, and Attorney General's Office. JMU has requested that the City sign the agreement first. He asked that the City Manager be authorized to sign the agreement on behalf of the City of Harrisonburg, or if desired, copies of the final form would be sent to each member of Council for review, prior to the signing. He pointed out that the agreement assures the City of a steam customer, whereby JMU agrees to purchase steam for a period of 20 years, with cost based on present day fuel rate. This rate will vary over the 20-year period, and JMU will receive a 10% reduction through purchase of steam, on any other fuel which may be purchased. Mr. Driver noted further that the site has been cleared and the City Attorney is presently working on an agreement for the facility to be placed on University land. The steam agreement has been reviewed by the City Manager and will not become effective until completion of the plant. Manager Milam offered an opinion that it may be more helpful in Richmond if the document is signed by the Mayor. Councilman Cisney offered a suggestion that this matter be discussed further in this evening's executive session, which met with Council's approval.

At 8:29 P.M., Councilman Rhodes moved that Council enter an executive session to discuss per-

sonnel, real estate, and a legal matter, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

At 10:10 P.M., on motion of Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Council, the executive session was declared closed and the regular session reconvened.

✓ Councilman Rhodes moved that Assistant City Manager Driver be requested to supply members with copies of the proposed steam agreement with JMU, for review. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

For information and recordation in Council minutes, the City Manager presented Notice from the Circuit Court Judge that on January 8th, terms of the Board of Assessors: Messrs. Kaylor, Brumback, Lowery, Suter and Byrd, were extended until the 31st day of March, 1981.

✓ Mayor Erickson asked members if they desired to make an appointment at this time, to fill one vacancy on the Harrisonburg Redevelopment & Housing Authority, in that Mr. Walter Green's second term expired on November 29, 1980. Councilman Cisney moved that Mr. Malcolm N. Cockerham of 1150 Stuart Street, Harrisonburg, be appointed for a term of four (4) years on the Authority, expiring November 29, 1984. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ Council was reminded of two vacancies created on the City Planning Commission through expiration of two terms on December 31st, and members were asked if they desired to fill the vacancies at this time by making appointments. Councilman Rhodes moved that Mr. C. Robert Heath, 1115 Chestnut Drive, Harrisonburg, be appointed to replace Mr. Kuykendall, for his first full term of four (4) years, expiring on December 31, 1984. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council. Vice-Mayor Green moved that Mr. Walter R. Trobaugh, Jr., 690 New York Avenue, Harrisonburg, be appointed to replace Dr. Charles Shank, for his first full term of four (4) years, expiring on December 31, 1984. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council. Messrs. Kuykendall and Shank had completed their second terms, and were ineligible for reappointment.

✓ Councilman Dingledine moved that Mayor Erickson be authorized to write the Department of Transportation, suggesting that many of the slots at the Shenandoah Valley Airport could be better divided for commuter service. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

There being no further business, and on motion by Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Council, the meeting was adjourned at 10:16 P.M.

H. Arlene Lopez
CLERK

Ray Erickson
MAYOR

Tuesday, January 27, 1981

At a combined public hearing and regular meeting held in the Council Chamber this evening at 7:30, 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 Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on January 13th were approved as corrected.

✓ The City Manager announced that due to a verbal request from the Surveyor, the matter of a revised Master Plan for Strawberry Ridge was being withdrawn from this evening's agenda.

✓ A request was presented from Mr. Gerald E. Myers for the closing of an alley adjacent to his lots numbered 8 and 9 on Third Street, in that the square footage of the alley is needed to meet the 8,000' required for construction of a duplex on Lot No. 9. A \$50.00 filing fee and map showing lot location, accompanied the request. Following a brief discussion, Councilman Rhodes moved that the request be referred to the City Planning Commission for study and recommendation. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ At 8:13 P.M., Mayor Erickson closed the regular session temporarily and called the evening's public hearing to order. The following Notice of Hearing, advertised in the Daily News Record newspaper on January 8th and 22nd, was read by the City Manager:

"The Harrisonburg City Council will hold a Public Hearing on Tuesday, January 27, 1981, at 7:30 P.M. in the City Council Chambers, Municipal Bldg., in accordance with Sections 15.1-431 and 15.1-482(b), Code of Virginia, to vacate certain lot lines by Ordinance of the Governing Body. Lot lines to be vacated are between Lots 8 and 9 and 29 through 34 of the Masters & Brown-Red Hill Addition, Block S, Page 27 of the City Block Map. Lots 8 and 9 are located on the south side of Hawkins Street and Lots 29 through 34 are located on the north side of Norwood Street, approximately 400 feet east of Reservoir Street.

All persons interested or affected by these matters will have an opportunity to express their views at this Public Hearing.

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

Attention was called to the following Planning Commission report, presented to Council on December 23rd, concerning the Lot vacation request:

"...The Commissioners reviewed a map showing Lots 8 and 9 and 29 through 34 in the 'Masters and Brown-Red Hill Addition', drawn by Mr. J. R. Copper, Surveyor. Mr. Copper explained that Mr. Ken Kline, owner, wants to vacate

these lines in order to construct apartments on the land, which is between Hawkins and Norwood Streets. Mr. Byrd reported that a sink hole area will be filled in and used for some of the off-street parking, and the old Beach house has already been demolished in preparation for the apartments, to be built by Mr. S. Rexrode.

Mr. Fleming moved that the Planning Commission recommend to City Council that the Lot Lines as described be vacated, and that Council hold the necessary public hearing in January 1981. Mr. Milam seconded the motion and all members present voted in favor..."

Planning Director Sullivan pointed out the location of lots involved on a map, and noted that this is part of a project for rebuilding of the Hawkins-Norwood Street area. There being no others present, desiring to be heard, the public hearing was closed at 8:28 P.M., and the regular session reconvened.

✓ For consideration of a first reading, City Attorney Lapsley presented and read a proposed ordinance for vacation of lot lines in the Masters & Brown-Red Hill Addition between Lots 8 and 9, and 29 through 34, which matter had been discussed in this evening's public hearing. Councilman Cisney moved that the ordinance be approved for a first reading, which motion, upon being seconded by Councilman Dingledine, was adopted by a unanimous recorded vote of Council.

✓ The following Planning Commission report from a meeting held on January 21st was read:
"Chairman Fleming moved to the second Public Hearing and the legal advertisement was read from the Daily News Record:

'...The Planning Commission proposal to expand the B-1 Central Business District east on E. Market Street and East Water Street to include all of the parcels owned by Dale Wegner and Richard Chew (Lots 7 and 8 and 28 thru 34 in Block A, Page 26 of City Block Map). Planning Commission proposes this as an addition to the area advertised in November 1980 and discussed during a public hearing on November 19, 1980...'

The Director described the Zoning Map and noted that tonight's hearing adds one Dale Wegner parcel and four Richard Chew parcels to the proposed B-1 area to what was advertised for the November hearing. Mr. Milam asked if any new construction will automatically be allowed a zero setback in the proposed B-1 areas. Mr. Sullivan said each development will need to be reviewed as it relates to the established setback averages in each situation, but under B-1, the developer will not be required to provide off-street parking or be limited to a three story height. Mr. Rhodes asked why we haven't proposed expanding B-1 to the south of Bruce Street. The Director noted that the Commission held a public hearing in mid-1978 to consider expanding the B-1 to Warren Street on the south and up East Market Street to Ott Street on the east, but this proposal was tabled by the Commission.

There was no opposition expressed from the audience. Chairman Fleming closed the hearing and Mr. Rhodes then offered a motion that the Planning Commission recommend to City Council that the B-1 Central District be expanded north to East Johnson Street, and east to a line approximately 400 feet east of Mason Street as shown on the attached map. Mrs. Bowman seconded the motion and all members present voted in favor..."

Planning Director Sullivan pointed out locations involved in the proposed expansion and noted that the Redevelopment & Housing Authority is in favor of the no setback type proposal, although it has not been expressed in writing, and the Law Firm of Litten, Sipe & Miller, 250 E. Market Street, feels the expansion of B-1 will be inducive to community development. Following discussion, Councilman Cisney moved that the Planning Commission report be accepted and a public hearing scheduled for Tuesday, February 24th, at 7:30 P.M. The motion was seconded by Councilman Rhodes and adopted by a unanimous vote of Council. The City Manager was instructed to properly advertise the Hearing in the Daily News Record newspaper.

✓ City Manager Milam presented and read the following Planning Commission report from a meeting held on January 21st:

"...The Commissioners reviewed a revised site plan drawn by Mr. J.R. Copper, land surveyor, concerning Mr. Neil Turner's rezoning application for 4.3 acres located east of the East Market Street-Country Club Road intersection. Mr. Copper explained that Mr. Turner will dedicate a 29' strip leading into the site, and additional right-of-way for a 60' Vine Street to connect with the next development (Gunsmoke-Reherd Acres). The existing 12' East Hawkins Street plus the 29' strip will permit a 41' street into the proposed 32-unit apartment complex. Mr. Fleming noted that a 60' street will not be too useful until an additional 19' of land is obtained from the Billhimer estate. The Director noted that the proposed High's Store will be on a corner lot, and a 30' setback is required off both streets, therefore rezoning will force High's to seek a hardship variance from the Board of Zoning Appeals. Mr. Copper reported that High's hasn't approved the layout shown on the Site Plan and isn't aware of the variance problem. Mr. Steven Blatt reminded the Commissioners that the City will be given a good portion of Vine Street if this project is approved. Mr. Milam agreed and added that a 42' right-of-way off Country Club Road will be satisfactory until the overall Vine Street loop is complete from E. Market St. to N. Main Street. He also asked that the developer dedicate the triangle to the City where proposed Vine Street curves into Gunsmoke's property. He concluded that expansion of the R-4 zone up to the B-2 General Business District is good zoning practice. Mr. Rhodes noted that the Market-Country Club Road intersection will have to be reworked for traffic flow when Vine Street is opened.

Mr. Milam then moved that the Planning Commission recommend the rezoning of 4.3 acres from R-1 Single Family Residential to R-4 Planned Unit Residential District for Neil Turner. Mrs. Bowman seconded the motion and all members voted aye..."

Planning Director Sullivan pointed out the area on a map, and reiterated points set out in the

Planning Commission report. Following discussion, Councilman Dingleline moved that Council accept the Planning Commission report and schedule a public hearing on the matter for Tuesday, February 24th, 7:30 P.M., which motion, upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council. The City Manager was instructed to properly advertise the hearing in the Daily News Record newspaper.

The following Planning Commission report from a meeting held on January 21st was presented and read by the City Manager:

"...The Commissioners reviewed a revised preliminary plan for a proposed subdivision located on a 5.4 acre site east of Summit Street and near the Beth El Synagogue and the City's reservoirs. The Director noted that East Gay Street is shown as extending through the site and connecting an existing 20' alley. In December, the Commission disapproved a proposed cul-de-sac on the first plan submitted for review. Mr. J.R. Copper, land surveyor, told the Commission that the revised plan still provides for 18 townhouse lots but 32 apartments, 4 less than shown on the first plan. Mr. Sullivan reported that Mr. Eddie Ney has reviewed the proposal and Beth El favors East Gay Street as shown on the revised plan.

Noting that a final plan will have to come later and the Commissioners comments in December have been carried out on this proposal Mr. Milan moved that the Commission recommend approval of Ken Kline's preliminary subdivision for his 5.4 acre site between Summit Street and Tower Street. Mr. Rhodes seconded the motion and all members present voted in favor..."

Planning Director Sullivan pointed out the area on a map, and noted that the 20' alley referred to in the report, is not actually open. The plan, recommended by the Commission is only preliminary, and a final plan will be submitted at a later date. Following a brief discussion, Councilman Rhodes moved that the Planning Commission's recommendation be approved, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

Correspondence dated 1/21/81 from Warner Amex Cable Communications, Inc., was presented and read by the City Manager, which correspondence included the following requests: to lease a portion of City property at Tower Street, adjacent to the reservoirs, for the purpose of maintaining, operating and constructing a 5.0 meter television satellite receiver, and a 10' x 10' building to house equipment; permission for ingress and egress to the site and access to the existing fenced area; the right to erect future telecommunications devices; extend underground cable to the existing pole line nearby in order to provide electrical services to the building and CATV services to the community. In exchange for approval of the lease, Warner agreed to make monthly payments to the City of Harrisonburg, based on a 12-year lease, with incremental increases every three years, as follows: 1-3 years, \$75/month; 3-6 years, \$100/month; 6-9 years, \$125/month; 9-12 years, \$150/month. City Manager Milan noted that this would be the better location for the satellite receiver in order to get back to the relay station, and that a small area of approximately 30' x 30' would be ample for construction of the building. A 6' fence with barbed wire protects the reservoirs. A number of other locations had been looked into, including property near the City's Landfill. Council was informed that the proposed lease arrangements are recommended by the City Engineer, Water/Sewer Superintendent and City Manager, in that this particular property is not needed at the present time, or in the foreseeable future. Funds received from Warner Amex will be deposited in the Water Fund (1502.01) "Rental of General Properties." Councilman Cisney suggested that the lease be approved, with a provision that it be terminated at the same time the Warner franchise expires, and offered a motion to that effect. The motion was seconded by Councilman Rhodes. City Attorney Lapsley said he felt that a proper lease should be drawn and signed by the City and Warner Amex. It was agreed that a lease be drawn by the City Attorney, based on recommendation of the City Officials, and that this be incorporated as a part of the above motion. The motion, as amended, was approved by a unanimous vote of Council. Mr. Chuck Stigberg, Manager of Warner Amex, expressed appreciation for Council's action, and noted that the Harrisonburg site location should result in improvement of picture quality received by television viewers.

For consideration of approval, the City Manager called attention to copies of the proposed steam agreement between the City of Harrisonburg and James Madison University, which had been sent each member of Council following the last regular meeting. He noted that the Assistant City Manager had pointed out highlights of the agreement at the last meeting, which document is primarily to assure the City of a steam customer, and that it will not be in effect until completion of the Solid Waste Plant. Following a brief discussion, Councilman Dingleline moved that the following agreement be approved and made a part of minutes of this meeting, with authorization for the Mayor to sign same on behalf of the City of Harrisonburg. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

AGREEMENT made and entered into this 27th day of January, 1981, by and between the CITY OF HARRISONBURG, VIRGINIA (hereinafter "City"), and JAMES MADISON UNIVERSITY, of South Main Street, Harrisonburg, Virginia (hereinafter "University"), an institution of higher education, created and existing under and by virtue of the laws of the Commonwealth of Virginia and supported in whole or in part with monies of the Commonwealth.

W I T N E S S E T H :

WHEREAS, City plans to construct, own, operate and maintain a Solid Waste Resource Recovery Facility for the disposal of solid waste and for the production of steam energy; and

WHEREAS, in the event that City constructs such a Facility and owns, operated and maintains it, City desires to sell to University and University desires to purchase from City steam energy;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter stated, the parties agree as follows:

1. City shall proceed with due diligence to construct the said Solid Waste Resource Recovery Facility (hereinafter "Facility") in accordance with plans and specifications developed and prepared by William F. Cosulich Associates, P. C., consulting engineers, in order to produce steam energy through the incineration of solid waste. In addition thereto, City shall construct, at its sole expense, steam lines and appurtenances

thereto to enable it to deliver steam energy to University at a point, or points, to be agreed upon by the parties and as is shown on Exhibit 1 and such additional points as may be agreed upon from time to time by the parties.

2. All steam lines and appurtenances thereto (including but not limited to metering and recording devices) constructed and installed by City pursuant to this Agreement on University's premises shall remain the property of City and shall not become the property of University. City shall have reasonable access to that portion of University's premises upon which said steam lines and appurtenances are constructed at all reasonable times during the term of this Agreement.

3. City shall provide and install at City's sole expense equipped metering stations as indicated in Exhibit 1. Each metering station shall be equipped as indicated in Exhibit 2, or as is otherwise agreed to in writing, and shall provide for the continuous automatic metering, chart recording and totalizing of steam flow and metering and chart recording of pressure and temperature. Steam flow meters will automatically compensate for temperature and pressure. City is to maintain the calibration and operation of such metering equipment. The parties are entitled to have their representatives observe and inspect metering equipment at all reasonable times and, upon request, to examine and copy all charts within the control of the other. City will, upon written request from University, cause a mutually acceptable qualified third party to test the metering equipment in the presence of a representative of each party. A report of such test will be given to each party. If University requests a test, University shall bear the cost of testing unless the equipment requested to be tested is in error by more than 5%. If meter calibration exceeds 5%, appropriate payment adjustment will be made to the billing immediately preceding the testing.

4. University shall inspect, maintain and repair, if necessary, the entire steam distribution system on its property, as shown in Exhibit 1, except for the metering stations. Should the University fail to exercise due diligence in making the required inspection, maintenance and repair, then the City may proceed to do so. The costs thereof, whether performed by the University or City, shall be borne as follows:

<u>Line/Juncture</u>	<u>% Obligation</u>	
	<u>City</u>	<u>University</u>
Line A	100	--
Line B	--	100
Juncture ABC	100	
Line C	100	

5. Nothing in this Agreement shall render City liable to University for the structural, mechanical, thermal or electrical sufficiency or efficiency of any heating or air conditioning system, nor any part thereof, nor any other steam-using device or system, whether that of University or a third party.

6. It is the intent of the City to generate and deliver to the University -- and the University agrees to purchase -- on a continuous (24 hours) basis, the minimum amount of 3335 pounds of steam energy per hour, for a minimum of 300 days per annum, inclusive of Saturdays and Sundays but not of holidays observed by City. Such minimum shall go into effect on December 31, 1982, or such earlier date as is fixed by City by written notice delivered seven days in advance to University or such other day as the parties agree in writing. 100 PSIG Superheated Steam energy will be delivered to University at the point of connection to the University steam lines, or as otherwise agreed to in writing. The steam energy shall be flow regulated as University from time to time requests. In addition, if City is able to produce steam energy acceptable to University on a reasonably reliable schedule in excess of the minimum specified in this paragraph, with its waste-fired steam generator equipment from and with available acceptable waste, City agrees to sell and deliver to University and University to purchase such additional amount of steam energy up to the maximum steam energy requirements of University, that in the sole and exclusive opinion of University can be efficiently integrated with University's own steam energy requirements. The maximum steam energy requirements of University will vary with the seasons of the year. If City is able to provide a steady and reliable supply of steam energy in excess of the minimum hourly amount provided for herein, the parties agree to negotiate an increase of such hourly minimum of steam energy.

7. For purposes of this Agreement, one thousand pounds of steam is defined as one thousand pounds of water converted into steam.

8. The amount University shall pay for steam energy purchased by University under Paragraph 6 shall be calculated in accordance with Exhibit 3. In the event that the University expresses the desire to utilize coal and demonstrates the availability of coal and its capability to do so, to the satisfaction of the City, then Exhibit 3 shall be modified to reflect the University's added capability to fire coal.

9. City shall deliver monthly to University an invoice for payment of steam energy purchased by University during the preceding 30-day period. Such invoice is due and payable within 60 days from receipt of invoice.

10. Should University become more than three (3) months in default of payment pursuant to the terms of this Agreement, then City may diminish or stop, as it sees fit, furnishing and delivering steam to the University until University cures said default.

11. University shall not install or maintain in its heating or air conditioning system any automatic valve, device or apparatus whereby the supply of steam to be furnished and delivered by the City may be cut off or diminished.

12. Except in cases of emergency, University shall not turn its entire heating or air conditioning system, nor a majority (as measured by steam consumption) thereof either on or off without giving City notice thereof eight hours or more.

13. University shall exercise reasonable care in the safekeeping of City's property on University's premises. No person, except a duly authorized official or employee of City shall be permitted to break or replace a City seal or lock, or to alter or interfere with the operation of a meter or its connections, a steam meter regulating valve, steam pressure regulator, or any other item of service equipment furnished or installed by City.

14. University shall provide suitable space, acceptable to the City, for the proper installation, inspection, protection and maintenance of City's meters and service equipment. If possible, metering equipment shall be installed below grade so as not to create an unsightly image. Where electrical supply is required for the operation of City's meters or meter regulating valves, the City shall furnish and install all wiring and equipment necessary to provide such supply, and will make the final connection of such wiring to its electric service.

15. Where City provides a valve in the service line, it shall be University's duty to keep the valve box cover clear and accessible at all times to facilitate operation of the valve in an emergency.

16. Except as otherwise provided herein, all repairs to steam piping and equipment owned by University shall be made by University and it shall maintain the piping and equipment in the condition required by the authorities having jurisdiction. In case of any substantial leakage or escape of steam, University shall give immediate notice thereof to City.

17. Neither by inspection or non-rejection, nor in any other way, does City give any warranty, expressed or implied, as to the adequacy, safety or other characteristics of any structures, equipment, wires, mains, pipes, appliances or devices owned, installed or maintained by University or leased by University from third parties.

18. Any change requested by University in the point(s) of service or location of the service pipe, provided such change is approved by City, will be made at the expense of University.

19. Steam energy sold and delivered by City to University may not be sold or delivered by University to others without the express written consent of City.

20. University shall maintain and continuously or intermittently operate its own steam energy and production system to supplement steam energy purchased from City. University shall not permanently close down its capacity to produce steam energy without at least one year prior thereto informing City in writing thereof. A permanent close-down by University of its capacity to produce steam energy shall not increase City's liability to University under Paragraph 28 hereof.

21. University agrees that all condensate of steam supplied by City will be treated by University and returned for City's boiler use. City will furnish, at its own expense, all make-up feed water for City's boiler(s) and will at its own expense deaerate and chemically treat all make-up boiler feed water so as to provide University with non-corrosive, non-scaling steam energy. Any chemicals to be used by City shall be submitted to University for approval, and if no written objection is delivered to City within thirty (30) days after submission to University, then City may proceed to use such chemicals until such time as University by written notice to City withdraws its approval. The chemicals used by City will be subject to periodic review by University at its expense. In the event that University does not approve for use or withdraws its approval for use chemicals which are generally accepted by the industry, for use to treat boiler feed water so as to provide non-corrosive, non-scaling steam energy, University will pay the difference in cost between such chemicals and other chemicals approved for use by University. City will use its best efforts to purchase chemicals approved by University at the lowest cost and will provide University with such documentation as University requests to verify any additional cost payable hereunder by University.

22. Except as provided for herein, this Agreement may not be assigned by either party without the prior written consent of the other party hereto, which consent shall not be unreasonably withheld. City may, without such consent, assign its interest and obligations hereunder to another entity, provided City, to the extent permitted by law, guarantees such entity's performance of all obligations described herein.

23. City shall, at no cost to University, accept University's acceptable solid waste generated daily by University when delivered to City's Facility and City shall, at no cost to University, process same. "Acceptable solid waste" means all solid waste of the types historically accepted and disposed of by the City, including all ordinary household, municipal, commercial and industrial wastes, but excluding waste materials generated by the razing of buildings and other structures (including roads and fences) and wastes requiring special handling or procedures (such as pathological and hazardous wastes).

24. City will give University immediate notice, by the quickest means reasonably possible, of any unplanned interruption or diminution of the supply or significant change in pressure, temperature or flow of steam energy, and give as much advance notice as possible (at least 24 hours) of all planned interruptions of the supply or significant change in pressure, temperature or flow of steam energy. All planned interruptions or diminutions of the supply or significant change in pressure, temperature or flow of steam energy, as well as the resumption by City of full supply, will be coordinated with University so as to minimize the impact of same on University. City shall not be liable for any damages incurred by University by reason of any "shut-down," planned or unplanned, for which notice has been given to University.

25. City shall be excused from supplying and University shall be excused from purchasing steam energy, as required under Paragraph 6 hereof, for such period of time that City is unable to supply or University is unable to use steam energy of the quality or at the minimum quantity specified in Paragraph 6 because of fire, flood, shortage of power, riot, national emergency, strikes, acts of God, unusually

severe weather conditions, catastrophic events, substantive regulatory changes, or other causes beyond the reasonable control of City or University, or by reason of any order of judgment of a court of competent jurisdiction prohibiting or restraining the City from supplying or University from purchasing steam.

26. This Agreement shall be for a term of twenty (20) years commencing on December 31, 1982, or an earlier date as fixed by City under Paragraph 6, or a later date due to the happening of an event specified in Paragraph 36. Notwithstanding anything to the contrary, if prior to said date City should deliver and University should accept steam energy, then City shall be paid for the same under Paragraph 33. The City shall have the option to extend this Agreement for an additional period of five (5) years, in which case the City shall give to the University written notice of its intention to do so at least two (2) years prior to the termination hereof.

27. In the event University desires to obtain interruption insurance for its educational facilities, City agrees, upon reasonable notice, to permit inspection of its facilities by a representative of the insurance company.

28. While it is the City's intent to operate and deliver steam energy on all days as stipulated in Paragraph 6, the City shall additionally make reasonable efforts to operate on such other days as University has need for steam energy if University requests such delivery in writing, and if suitable acceptable wastes are available to City in sufficient quantity, in which case University shall be responsible for additional labor and other costs.

29. University may, after the commencement of the term of this Contract, upon thirty (30) days' written notice to City, terminate this Agreement upon any one or more of the following:

a. Failure of City to supply steam energy as specified in Paragraph 6 in accordance with the terms of this Agreement.

b. Persistent or repeated breach by City of this Agreement which directly and substantively adversely affects University facilities or directly and substantively adversely affects the conduct of University business.

c. University is forced to incur, to its detriment, planned and unplanned interruptions, diminutions or fluctuation in the supply of steam energy which are greater than is reasonably expected from a properly maintained and operated oil-fired boiler of the same age as City's Facility having the capacity to sufficiently provide steam energy of the quality and at the minimum quantity specified under Paragraph 6.

d. Persistent or repeated breach, failure or refusal of City to perform its obligations in accordance with this Agreement.

e. There is a substantive change in the applicable law which alters the very essence and basis of this Agreement and precludes City or University performance.

30. City may terminate this Agreement upon thirty (30) days' written notice to University upon any one or more of the following reasons:

a. Failure of University to properly pay for steam energy purchased as required by this Agreement.

b. Persistent or repeated breach, failure or refusal by University to perform its obligations in accordance with this Agreement.

c. City is never able, prior to December 31, 1982, to reasonably furnish to University steam energy as required by Paragraph 6 or steam energy within such other parameters as is agreed to in writing by University.

d. There is a substantive change in the applicable law which alters the very essence and basis of the Agreement and precludes City or University performance.

31. The exercise of the right of termination shall be in addition to and not in substitution for such other rights to damages or otherwise as either party might have and shall not affect any accrued liabilities hereunder through the date of termination, except that the exercise of the right of termination shall be without other rights to damages if such termination is pursuant to Paragraphs 29.e., 30.c., or 30.d. If an event, as specified in Paragraph 25, precludes operation of the Facility as a steam energy producer from solid wastes or results in University being unable to use steam energy available from City, then either party may terminate this Contract without liability.

32. City shall construct, operate, maintain and modify the Facility so that it shall comply with applicable Federal, Commonwealth and local regulations with regard to ambient air quality.

33. University agrees to buy from City and pay for any steam energy utilized by it prior to the scheduled commencement of the term of this Agreement and agrees to pay for such steam energy an amount equal to the amount calculated in accordance with Exhibit 3.

34. It is understood that City shall be subject to safety inspection shut downs, and that during this time City shall not be obligated to furnish steam energy. Such shut downs shall be coordinated with University.

35. In the event that City, for whatever reason, does not commence or complete construction of the Facility, both parties are relieved of all obligations hereunder.

36. In the event construction of the Facility is delayed for any period or periods because of fire, flood, shortage of power, riot, national emergency, strikes, weather conditions, catastrophic events, inability to obtain required materials, delays caused by subcontractors, or other causes beyond the control of City, the date for the commencement of the term of this Agreement shall be extended for the period or periods of such delays.

37. Should University close down permanently, then University shall at least one (1) year prior thereto inform City in writing thereof.

38. The word "Notice" wherever used in this Agreement shall mean written notice mailed to the party named in the notice at its current business address and such notice so mailed shall be deemed given as the date said notice is mailed.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in their respective names by a duly authorized officer and have caused their respective seals to be affixed and attested as of the date first above written.

WITNESS: _____ CITY OF HARRISONBURG, VIRGINIA
BY: _____
TITLE: _____
DATE: _____

WITNESS: _____ JAMES MADISON UNIVERSITY
BY: _____
TITLE: _____
DATE: _____

Approved as to Form and Substance

Assistant Attorney General
DATE: _____

EXHIBIT 1 (sketch- location of plant)

EXHIBIT 2

SPECIFICATIONS FOR STEAM FLOW METERING SYSTEM

GENERAL REQUIREMENTS:

1. A flow nozzle shall be used as the primary flow measuring element.
2. Piping configuration shall satisfy straight length requirement for flow nozzles as specified by ASME codes.
3. The flow nozzle shall be laboratory calibrated to establish the discharge coefficient within a tolerance of plus or minus 0.25%.
4. All instrumentation shall be electronic type, consisting of digital and/or analog as required to provide the most accurate measuring system.
5. Steam flow measurement shall be pressure and temperature compensated. Unit of measurement shall be lbs./hr. and shall be continuously integrated and totalized.
6. In addition to individual component calibration, a system calibration shall be performed in the shop and in the field under actual operating conditions.

EXHIBIT 3

PRICING SCHEDULE

1. PRICING FORMULA:

Amount payable for steam = Avg. Fuel Cost x (Fuel/Steam Ratio) x 1000's of pounds x Energy
energy purchased during during billing of steam used Discount
the billing period period during billing Factor
period

2. DEFINITIONS:

a. General:

\$	-	Dollars	F.O.	-	No. 6 Low Sulfur Fuel Oil
Gal.	-	Gallon			150,000 BTU/GAL (0.15 MMBTU/GAL)
CF	-	Cubic Feet	N.G.	-	Natural Gas
M	-	Thousand			1000 BTU/CF (1 MMBTU/MCF)
MM	-	Million			
AVG	-	Average			
JMU	-	James Madison University			

b. Avg. Fuel Cost = Delivered Cost of F.O. (\$/MMBTU) Delivered Cost of N.G. (\$/MMBTU)
(\$/MMBTU) Available to JMU during Billing+Available to JMU during Billing+ (\$/MCF)
Period Period = (0.15 MMBTU/Gal)
2 2

c. Fuel/Steam Ratio = 1.25 MMBTU/1000 Pounds of Steam

d. Energy Discount Factor = 90% = 0.90

Mr. Carroll Hughes, President of Consumat Systems, Inc., Richmond, Virginia, informed Council that his firm would like to submit a bid on the City's proposed Solid Waste Plant, but offered an opinion that the specifications and plans set out in the bid advertisement could result in a \$10 million dollar project, when it could be constructed for an approximate amount of \$3 million. He said it would cost \$ 20,000.- \$30,000. for his firm to respond re the Harrisonburg installation, and requested an addendum to the specifications in order that a bid may be submitted for their modular steam producing system. Assistant City Manager Driver suggested that Consumat submit a bid with its own specifications at the February 11th opening, should they desire to place their modular unit within the building, and quote a price on same. He pointed out that all bids will have to be

discussed with the engineers, and final approval or rejection of bids would be the decision of City Council. Further noted by Mr. Hughes was the fact that Consumat is a national leader in building the plants, with ten completed, and because of their experience, set forth the following two requirements, should they place a bid: (a) total system responsibility; (b) city request bids for an operating contract. City Manager Milan offered an opinion that the other firms should have an addendum also, or bids should not be approved. During the discussion, Councilman Cisney twice requested clarification of Mr. Hughes' \$3 million estimate on the project, with statement confirmed. Mr. Driver said he felt certain that other bidders were not all interested in an operating contract. Following discussion, Mayor Erickson said that the decision to submit a bid would be that of Consumat Systems, Inc.

✓ For consideration of second & final reading, City Manager Milan presented an ordinance vacating lot lines between Lots 68 and 69, and Lots 12 and 13 of the Ira Moore Addition. He noted that the ordinance had been approved for first reading on January 13th, following Council's public hearing. Correspondence and sketch were presented from Building Official Byrd, assuring that the plat is in conformance with applicable zoning standards, and recommending approval. Councilman Cisney 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. The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 222).

✓ Councilman Dingledine moved that a supplemental appropriation in amount of \$ 2,965.00 for expending Program Income for Community Development, be approved for second & final reading, a first reading having been approved on January 13th, and that:

\$ 2,965. chgd.to: General Fund- Realized Revenue- Recoveries & Rebates

2,965. approp.to: C.D.Revolving Fund

The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council.

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 4,834.00, requested by the City School Board in order to appropriate funds to reimburse textbook rental fund for State Aid to be received for free or rental textbook systems, be approved for second & final reading, a first reading having been approved on January 13th, and that:

\$ 4,834. chgd.to: School Fund (R-5) Rcpts.from State School Funds- Free or Rental Textbook Systems

4,834. approp.to: School Fund (1201-326.00) Other Inst.Costs- Textbooks Furn.Free

The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council.

✓ A request was presented from the Director of Social Services for approval of a supplemental appropriation in amount of \$ 6,600. representing increase in Refugee Resettlement Program/persons/ assistance; and change of personnel in the services division. Following a brief discussion, Councilman Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 2,300. chgd.to: VPA Fund (2400-2401.02) Revenue- Categorical Aid--Admin.

4,300. chgd.to: VPA Fund (2400-2401.05) Revenue- Categorical Aid-- Aid to Dep. Children & Refugees

2,025. approp.to: VPA Fund (5301-1001.01) Dir.of Soc.Services--Services (Salaries)

275. approp.to: VPA Fund (5301-2014.01) FICA, Retirement, Group Ins. Pay.

4,300. approp.to: VPA Fund (5302-5705.01) Aid to Dep.Children & Indo-Chinese Refugees

The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Council.

✓ With regard to nomination of city officials to serve on six policy committees of the Virginia Municipal League, Mayor Erickson announced the following:

COMMUNITY DEVELOPMENT:	R.J.Sullivan,Jr.- City Planning Director
EFFECTIVE GOVERNMENT :	Dr. Walter F. Green, III - Vice-Mayor
ENVIRONMENTAL QUALITY:	Mr. James C. Cisney - City Councilman
HUMAN DEVELOPMENT:	Mr. John E. Driver, Assistant City Manager
PUBLIC SAFETY:	Mr. Richard W. Presgrave - Chief of Police
TRANSPORTATION:	Mr. Elon W. Rhodes - City Councilman

✓ Assistant City Manager Driver presented a slide presentation of downtown improvements: brick work, landscaping, street signs and street lights. He noted that the planning was done by city staff, without the help of a consultant, and that he had personally made daily inspection tours of work underway in order to plan the project step by step. Councilman Dingledine moved that Mr. Driver, and others involved, be commended on initiative shown in carrying out the beautification project.

✓ Councilman Rhodes moved that a resolution be prepared, congratulating J.O. (Jack) Marsh, a native of Harrisonburg, on his appointment by President Reagan to serve as Secretary of the Army. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

At 9:30 PM, Councilman Rhodes moved that Council enter an executive session to discuss a legal matter. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

At 11:00 P.M., on motion duly adopted, the executive session was declared closed, the regular session reconvened, and adjourned.

N. Arlene Lopez
CLERK

Ray Erickson
MAYOR

Tuesday, February 10, 1981

At a regular meeting of Council held in the Council Chamber this evening at 7:30 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 Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the January 27th meeting were 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 January, 1981

From the City Treasurer:

A trial balance report as of close of business on January 30, 1981

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 \$ 5,208.50 for month of January, 1981.

From the City Auditor:

A financial report for the City of Harrisonburg, month of January, 1981

A report of cash discounts saved in payment of vendors' invoices for month of January, 1981, totaling \$ 424.51.

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 January, 1981.

✓ Correspondence dated 2/4/81 was presented and read from the Law Firm of Litten, Sipe & Miller, representing Mr. Robert Y. Frazier, owner of approximately 83 acres of land at the intersection of West Market Street and Waterman Drive (partly in the City and partly in Rockingham County). It was noted that Mr. Frazier desires to convey 38.437 acres to Sherwood Land Development Company (A Virginia Company owned by Mr. Frazier), by two deeds; 37.978 acres and 0.459 acres. Immediately following conveyances to the Virginia Company, the 0.459 acre parcel will be conveyed to a third party. Plats illustrating the two parcels were enclosed with the correspondence. Due to the fact that this would constitute subdivision of land, Councilman Dingleline moved that the plats be referred to the City Planning Commission for study and recommendation. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ The City Manager presented and read correspondence from the Law Firm of Julias, Blatt & Blatt, representing Vern D. Michael and V. Erwin Michael, owners of a parcel of land at 1139 S. High St. It was pointed out that a portion of the property was conveyed in March, 1979, by the Michaels, to Lloyd Keppel, III, comprised of 8,208 sq. feet, subject to a 5' right-of-way which was retained by the conveyors. Resubdivision approval at that time was not approved by the City. The Michaels have obtained a building permit for construction of apartment units on the remaining 20,729 sq. feet, along with a 15' right-of-way purchased from Lowell V. and Lucille Sharpes. A request was made for necessary steps to be taken by the City for approval of the resubdivision. Plats of the resubdivision and deed conveying the 15' right-of-way, were enclosed with the correspondence. Following a brief discussion, Councilman Rhodes moved that the plats be referred to the City Planning Commission for study and recommendation. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ Correspondence dated 2/5/81 was presented and read from Mr. Tom Shumate, Surveyor, on behalf of The Madison Group, owners of Block E and Tract 7, Section Two, University Court Townhouses (southeast Harrisonburg: west of Reservoir St. and south of Cantrell Ave.). A request was made for the closing and vacating of Camelot Lane, along with all Block and lot lines in Block E. It was noted that although Camelot Lane was first dedicated to serve the Group's land, it has been determined that no further development will occur to the east, resulting in no purpose being served by the street. An enclosed plat set forth an extension of the Block and tract northward in order to develop 10 lots in Block E, rather than the eight existing lots. Following a brief discussion, Vice-Mayor Green moved that the request and plat be referred to the City Planning Commission for study and recommendation. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ A group of city employees from the Sanitary, Street, Water/Sewer and Central Garage departments of the City were present in the meeting as a follow-up of a petition signed by 62 employees, requesting a fair and just cost-of-living increase in salaries. Mr. Donald Showalter served as spokesman for the group and informed Council that they were not demanding anything, but requesting that the governing body take a look at the salary scale of its employees, as compared to the scale in surrounding communities. Mr. James Sheets called attention to the increased cost of fuel, electricity, gasoline, food, etc. Mayor Erickson stated that the problem was understood, and pointed out the fact that there are many problems in operation of the city. Noted further was that this is the time for requests to be made by the various department heads, to the City Manager, for the coming fiscal year beginning July 1, 1981, with the City Manager's responsibility of putting together a package, resulting in a balanced budget, for Council's review. Councilman Dingleline informed those present that a great deal of consideration is given when the budget is reviewed and studied, which would be the case for 1981-82. Mayor Erickson added a note that it was difficult to treat any one group, without treating all in the same manner. Appreciation was expressed by the spokesman for being permitted to appear before the meeting.

✓ For consideration of a second & final reading, the City Manager presented an Ordinance vacating lot lines between LOTS 8 and 9, and 29, 30, 31, 32, 33 and 34 of the Masters & Brown-Red Hill Addition, a first reading having been approved on January 27th. Councilman Cisney 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. The motion was seconded

by Councilman Dingledine, and adopted by a unanimous recorded vote of Council. (Ord. Bk K, pg.223).

✓ Councilman Cisney moved that a supplemental appropriation in amount of \$ 6,600. requested by the Director of Social Services, representing increase in Refugee Resettlement Program persons/ assistance; and change of personnel in the services division, be approved for second and final reading, a first reading having been approved on January 27th, and that:

\$ 2,300. chgd.to: VPA Fund (2400-2401.02) Revenue- Categorical Aid- Admin.

4,300. chgd.to: VPA Fund (2400-2401.05) Revenue- Categorical Aid--Aid to
Dep. Children & Refugees

2,025. approp.to: VPA Fund (5301-1001.01) Dir.of Soc.Services- Services (salaries)

275. approp.to: VPA Fund (5301-2014.01) FICA, Retirement, Group Ins. Pay.

4,300. approp.to: VPA Fund (5302-5705.01) Aid to Dep.Children & Indo-Chinese Refugees

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council.

✓ A request was presented from the City School Board for approval of a re-allocation of funds within school appropriations in amount of \$ 6,230. due to the fact that various items included in the school's 1981-81 budget under Rental/Lease Equipment have not materialized, and funds are needed in other categories of school operation and maintenance. Following a review of the transaction, and brief discussion, Councilman Dingledine moved that the transfer be approved, and that:

\$ 6,230. trans.from: School Fund (1206-214.02) Fixed Charges-Rental/Lease Equip.

2,230. trans.to: School Fund (1201-305.00) Other Inst. Costs- Inst. Supplies

4,000. trans.to: School Fund (1205-215.02) Maint.of Sch.Plant- Repair & Repl. of
Furn. & Fixtures.

The motion was seconded by Vice-Mayor Green, and 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 \$ 5,893.66 in order to appropriate unanticipated receipts to allow purchase of badly needed equipment. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:

\$ 5,164.29 chgd.to: School Fund (R-26) Realized Revenue- Rcpts.from Fed.Funds- Pub.Law 874

729.37 chgd.to: School Fund (R-40) Realized Revenue- Rcpts. from Other Funds- Sale
of Supplies

5,893.66 approp.to: School Fund (1205-215.01) Maint.of Sch.Plant- Repair & Repl.
Furn. & Fixtures

The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council.

✓ Council received a request from the Superintendent of Streets for approval of a supplemental appropriation in amount of \$ 9,812.50 due to the fact that funds are insufficient to recover costs of non-budgeted expenses incurred during the first six months of this fiscal year. Following a review of attached statement setting out amounts involved, Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:

\$ 9,812.50 chgd.to: General Fund (1901.01) Recoveries & Rebates

4,731.25 approp.to: General Fund (4102-1010.01) St.Inspect.- Other Per.Services

2,493.75 approp.to: General Fund (4107-5400.01) Traffic Eng.-Other Mat. & Supplies

2,587.50 approp.to: General Fund (4203-3004.01) Refuse Collection- Repairs to
Mach. & Equipment.

The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council.

✓ A request was presented from Chief of Fire Austin for approval of a supplemental appropriation in amount of \$ 2,720. in order to replace funds already expended in order to carry out contract with JMU for lease of Pumper Truck for irrigation purposes. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 2,720. chgd.to: General Fund (3201-1001.05) Recoveries & Rebates

2,720. approp. to: General Fund (3201-1001.05) Firefighter Salaries

The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council.

✓ City Manager Milam presented a request from the Director of Parks & Recreation for approval of a supplemental appropriation in amount of \$ 1,155.26 in order to transfer reimbursements from various companies to appropriate general operating budgets for previous costs incurred. Following a review of breakdown of reimbursements, Councilman Dingledine moved that the appropriation be approved for a first reading, and that:

\$1,155.26 chgd.to: General Fund (1901.01) Recoveries & Rebates

40.00 approp.to: General Fund (7101-3004.02) Maint. & Repairs- Furn. & Fixtures

484.21 approp.to: General Fund (7101-3004.04) Maint. & Repairs- Bldgs. & Grounds

31.05 approp.to: General Fund (7104-3004.04) Maint. & Repairs- Bldgs. & Grounds

600.00 approp.to: General Fund (7104-5400.01) Other Mat. & Supplies

The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Council.

✓ City Manager Milam presented a report from the Board of Assessors; Messrs. Suter, Lowery, Brumback, Kaylor and Byrd, advising that the biennial reassessment of all real estate in the city (taxable & tax exempt) had been completed, with hearings scheduled for February 9 - 11 and 16 - 18. The report revealed 5,512 taxable properties with land value of \$ 89,238,200. and improvements \$269,535,200., totaling \$358,773,400. (70 1/2%) - 232 tax exempt properties with land value of \$13,888,970. and improvements \$136,014,450., totaling \$149,903,420. (29 1/2%); overall appraisement value for the 5,744 properties, \$508,676,820. (100%). It was noted in the report that the 100% value of taxable city real estate as of 12/31/80 was \$256,974,410. and that the tax base has been appreciated by \$101,798,990., or an increase of 39% over the former base. A final report will be submitted, following the scheduled hearings. Vice-Mayor Green said he would like an explanation concerning the 39% increase of taxable city real estate since the last reassessment which was conducted two years ago, and offered an opinion that the public was also in need of an explanation. Councilman Cisney pointed out that no matter how much the value of property may increase, Council controls the tax liability by the rate of taxation which is set. Following discussion, it was agreed that the Board Members be invited to the next meeting of Council to further clarify the increase.

For information of Council, the City Manager reported as follows on the City's water supply, in view of the present drought: North River normal flow, 600 million gallons per day (down to approximately 369 million); Dry River normal flow of 80 million gallons per day (down to 2.4 million); Switzer Dam at full capacity; city reservoirs at full capacity; and Silver Lake maintaining its levels.

City Manager Milam informed Council that approval of Bill 1231 (elimination of service charges in lieu of taxes on state properties) would have an impact on the City of Harrisonburg through a biennium revenue loss of approximately \$ 208,000. from the service charge imposed on state properties. He noted that the funds are not included in the state budget, and should the Bill be defeated, an amendment of the Appropriations Act would be necessary in order to provide for the funds. Further noted was the fact that the cities of Richmond and Lexington would be exempt, due to the large percentage of tax exempt properties in those two cities. He offered an opinion that the City should derive some service charge from the James Madison University due to the services rendered via police & fire protection; street light construction, etc. Both he and the Mayor have discussed the situation with legislative representatives.

Councilman Rhodes asked for a progress report on the changing of parking meters at the Wolfe Street parking deck to provide for some all-day parking, in that the matter had been discussed some months ago. Manager Milam noted that the Parking Authority seemed to be in agreement with the suggestion, prior to the Christmas holidays, but that nothing further has been reported, to date. Councilman Rhodes said he felt the lot may be used more if some of the meters (possibly along the Mason Street side) were changed for all-day parking. It was agreed that the Authority be contacted concerning its intentions in the matter.

For information, the City Manager advised Council that he had granted permission to the C & W Railway to close Water Street for up to a week (between S.Liberty & S.High St.) in order that the bridge over the railroad tracks may be prepared for the transporting of a 100 ton piece of equipment from the crippled Three Mile Island nuclear plant in Pennsylvania, enroute to the North Anna nuclear power plant.

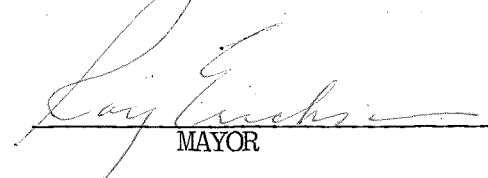
At 8:35 P.M., Councilman Dingledine moved that Council enter an executive session to discuss personnel, legal and real estate matters. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

At 10:00 P.M., on motion of Councilman Dingledine, seconded by Councilman Cisney, and a unanimous vote of Council, the executive session was declared closed and the regular session reconvened.

City Manager Milam reminded Council that a CPA firm is employed each year for auditing of city records, and that this may be done at any time. Following a brief discussion, Vice-Mayor Green moved that the firm of Keeler, Phibbs & Company be employed for the City's 1980-81 fiscal year audit, in that they are familiar with the city's system. 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 was adjourned.


CLERK


MAYOR

Tuesday, February 24, 1981

At combined public hearings and regular meeting held in the Council Chamber this evening at 7:30, 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; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: Councilman James C. Cisney.

Minutes of the regular meeting held on February 10th were approved as corrected.

✓ Messrs. T. Harry Lowery, Richard L. Suter, John H. Byrd, Sr., Robert L. Brumback and Elmer B. Kaylor, members of the Harrisonburg Board of Assessors, were present in the meeting on invitation of Council, to clarify a reported 39% increase over the former base of the previous reassessment of real estate in the city. Mr. John Byrd, Chairman, presented the following final report for the biennial reassessment, including both taxable and tax exempt properties:

"This report is to amend and finalize our report made subsequent to the first read-out of the computer submitted as of January 26, 1981.

After the changes and corrections were made following the six days conferences with the property owners, the final journals reveal the following:

5,512 Taxable Parcels: Land Value \$ 88,861,800.; Improvement Value \$267,646,550.; - Total: \$ 356,508,350. (.704%)

232 Tax Exempt Parcels: Land Value \$ 13,888,970.; Improvement Value \$ 136,014,450. - Total: \$ 149,903,420. (.296%)

5,755 Total Appraised Value: \$ 506,411,770. (100%)

The new 100% taxable real estate value in the City of Harrisonburg, Va., is \$ 356,508,350., as of January 1, 1981. The 100% value of taxable real estate as of January 1, 1979, was \$ 256,974,100. The tax base has been appreciated by \$ 99,533,940., which is an increase of 38.7% over the former base."

Chairman Byrd noted that new construction in the City of approximately \$31.5 million over the past two years, has had a decided effect on the increase, as well as sales of over \$40 million, current inflation 12-13%, and less purchasing value of the dollar. He said that the Board had been guided

by a competent and experienced appraiser, and introduced Mr. David Hickey of The Blue Ridge Appraisal Firm, to further elaborate on the reassessment of real estate, and answer any questions of Council. Mr. Hickey informed Council that the first step in the reassessment, was a market study of sales in the City over the past four years of 1,347 pieces of property. Characteristics of each piece of property were reviewed to determine how the sales fell in line with the market. Each piece of property was looked at according to its own merit (size, number of rooms, basement area, number of baths, etc.) A study was made of 84 sales between 1974 and 1980 of properties which were sold and resold, with gains in value of 16 1/2% a year during that period of time. Although the most recent reassessment totals reveal an increase of nearly 40% over the past two years, Mr. Hickey pointed out the fact that \$31.5 million in new construction had taken place, with approximately \$8 million of that amount representing tax exempt property, which would reduce the new taxable construction to \$23.5 million. When this is added to the value of taxable real estate two years ago, the actual increase is 29.6%. A primary reason for the sharp rise in the value of Harrisonburg real estate, according to the appraiser, is demand, in that people "really want to live in this city." When question was raised by Vice-Mayor Green concerning uneven increases in one city block, ranging from 10% to 50%, Mr. Hickey replied that he had no answer in that he had not been involved in the 1978 reassessment, but added that "all property owners had been treated equally." He offered an opinion that the previous reassessment (the first to be based on 100% of fair market value) had not dealt enough with recent sales in the city. Mr. Byrd reported 158 complaints by property owners during the six day conference period, with adjustments made on approximately 50% of that number, amounting to approximately \$2 million dollars worth of change, and noted further that the complaints by property owners numbered about the same as two years ago, when 84 property values were adjusted. He suggested that the next reassessment or properties include a closer look at those which have been increased in the number of rooms, renovations and improvements to rooms, etc., as well as any rooms which may no longer be in use, and that those homes be entered in order to arrive at a fair reassessment figure. This year's study reflected some increase due to improvements made by the City in the downtown area, and the loss of some stores in the downtown area was also taken into consideration. Mr. Byrd said he felt the reassessment figures are "as correct as they can be", and noted that setting of the tax rate, based on the new values, is up to Council. Following discussion, Councilman Dingleline moved that the report be accepted, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present. Appreciation of Council was expressed to the Board members, Mr. Hickey, and Mr. George Freeman of the Commissioner of Revenue's Office, for the difficult task which they had undertaken in the reassessment of city real estate.

For information, City Manager Milam reported that he was in receipt of seven copies of a report on the Harrisonburg-Rockingham County Annexation Case, compiled by the Commission on Local Government, and that a copy of same would be on file in his office for public review.

At 8:15 P.M., the Mayor closed the regular session temporarily and called the evening's first public hearing to order. Manager Milam read the following Hearing notice as advertised in the Daily News Record newspaper on February 5th and 19th:

"The Harrisonburg City Council will hold a public hearing on Tuesday, February 24, 1981, at 7:30 P.M. in the City Council Chambers to consider the following rezoning proposal:

To expand the B-1 Central Business District north to E. Johnson Street, using Noll Drive and N. Main Street as a boundary, then along Johnson Street to a 20' alley situated immediately east of Roses' Store, then southward along said alley to E. Rock Street, then south along a 10' alley to E. Wolfe Street. A proposed expansion of the B-1 Central Business District to east of Mason Street is proposed from E. Elizabeth Street to Water Street, to include all parcels between Mason Street eastward on the north side of a 10' alley as shown on the City Block Maps and on the south side to include all parcels owned by Dale Wegner and Richard Chew.

This proposed rezoning from B-2 General Business to B-1 Central Business will eliminate setback and off-street parking requirements in the areas described above.

All persons interested will have an opportunity to express their views at this public hearing.

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

Attention was called to the following Planning Commission report which had been presented to Council at the January 27th meeting:

"...The Planning Commission proposal to expand the B-1 Central Business District east on E. Market Street and E. Water Street to include all of the parcels owned by Dale Wegner and Richard Chew (Lots 7 and 8 and 28 through 34 in Block A, Page 26 of the City Block Map). Planning Commission proposed this as an addition to the area advertised in November 1980 and discussed during a public hearing on November 19, 1980..."

The Director described the Zoning Map and noted that tonight's hearing adds one Dale Wegner parcel and four Richard Chew Parcels to the proposed B-1 area to what was advertised for the November hearing. Mr. Milam asked if any new construction will automatically be allowed a zero setback in the proposed B-1 areas. Mr. Sullivan said each development will need to be reviewed as it relates to the established setback averages in each situation, but under B-1, the developer will not be required to provide off-street parking or be limited to a three story height. Mr. Rhodes asked why we haven't proposed expanding B-1 to the south of Bruce Street. The Director noted that the Commission held a public hearing in mid-1978 to consider expanding the B-1 to Warren Street on the south and up E. Market Street to Ott Street on the east, but this proposal was tabled by the Commission.

There was no opposition expressed from the audience. Chairman Fleming closed the hearing and Mr. Rhodes then offered a motion that the Planning Commission recommend to City Council that the B-1 Central Business District be expanded north to E. Johnson Street, and east to a line approximately 400 feet east of Mason Street as shown on the attached map. Mrs. Bowman seconded the motion and all members present voted in favor..."

Planning Director Sullivan elaborated on the Commission's recommendation and pointed out boundaries for the expansion, on a map. There being no others present, desiring to be heard, the Hearing was declared closed at 8:18 P.M. and the regular session reconvened.

✓ Mayor Erickson asked members' wishes concerning the Planning Commission report recommending expansion of the B-1 Central Business District discussed in this evening's Public Hearing. Councilman Dingledine moved that the recommendation be approved, with changes to be made on maps in the appropriate city departments. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

✓ At 8:21 P.M., Mayor Erickson called the evening's second public hearing to order and the following Notice, advertised in the Daily News Record newspaper on February 5th and 19th, was read by the City Manager:

"The Harrisonburg City Council will hold a Public Hearing on Tuesday, February 24, 1981, at 7:30 P.M. in the City Council Chambers, Municipal Bldg., to consider the following rezoning request:

To change from R-1 Single Family Residential to R-4 Planned Unit Residential District, Lots 14, 18 and 19, Block L, Pagw 28 of City Block Map. These vacant lots are located east of the E. Market St.-Country Club Rd. intersection. Requestor is Neil Turner, purpose: to develop 32 apartments and a convenience store. A development plan of the 4.3 acre proposal is available for review in the Planning Commission Office, Municipal Building.

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

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

Council's attention was called to the following Planning Commission report which had been presented to Council on January 27th:

"The Commissioners reviewed a revised site plan drawn by Mr. J.R. Copper, land surveyor, concerning Mr. Neil Turner's rezoning application for 4.3 acres located east of the E. Market St.-Country Club Rd. intersection. Mr. Copper explained that Mr. Turner will dedicate a 29' strip leading into the site, and additional right-of-way for a 60' Vine Street to connect with the next development (Gunsmoke-Reherd Acres). The existing 12' E. Hawkins Street plus the 29' strip will permit a 41' street into the proposed 32-unit apartment complex. Mr. Fleming noted that a 60' street will not be too useful until an additional 19' of land is obtained from the Billhimer estate. The Director noted that the proposed High's Store will be on a corner lot, and a 30' setback is required off both streets, therefore rezoning will force High's to seek a hardship variance from the Board of Zoning Appeals. Mr. Copper reported that High's hasn't approved the layout shown on the site plan and isn't aware of the variance problem. Mr. Steven Blatt reminded the Commissioners that the City will be given a good portion of future Vine Street if this proposed project is approved. Mr. Milam agreed and added that a 41' right-of-way off Country Club Road will be satisfactory until the overall Vine Street loop is complete from E. Market Street to N. Main Street. He also asked that the developer dedicate the triangle to the City where proposed Vine Street curves into Gunsmoke's property. He concluded that expansion of the R-4 zone up to the B-2 General Business District is good zoning practice. Mr. Rhodes noted that the Market-Country Club Rd. intersection will have to be reworked for traffic flow when Vine Street is opened.

Mr. Milam then moved that the Planning Commission recommend the rezoning of 4.3 acres from R-1 Single Family Residential to R-4 Planned Unit Residential District for Neil Turner. Mrs. Bowman seconded the motion and all members present voted aye..."

Planning Director Sullivan pointed out the location on two maps and noted that rather than spot zoning, this would be an extension of an existing R-4 zone. He said that the Site Plan shows the 32 apartments and convenience store, with proposed Vine Street serving the area. Attorney Steven Blatt, counsel for Mr. Turner, noted that Vine Street will be extended into Country Club Road, and offered an opinion that ample land dedication is being made to the City. Further noted was an opinion that the development should not add a burden to the traffic situation. Mr. Ken McNulty, 807 Country Club Road, informed Council that he lives almost across from the proposed development, and said it was well and good for Mr. Blatt to say they were doing all they could to accommodate the City. He said there are times during the day when traffic is almost unbearable, especially when Kawneer workers are getting off from work. Mr. Edwin Garth, 811 Country Club Road, asked what this development would do to residential property in the area, and Mayor Erickson replied that he would guess it would be more valuable. Ms. Mary Grim, 830 N. Hawkins Street, asked what price range the apartments would be, and Mr. Blatt replied there was no way of telling. She asked how far the proposed street would be built and said she was under the impression that a 50' is required. She noted further that she felt residents would not desire the apartments and that they would decrease other property values in that area. When another resident offered an opinion that it would be a mistake to cut down on a requirement, in that a wider street is required, Mr. J.R. Copper, Surveyor, explained that they had worked with the Planning Commission to try for a feasible situation. A 40' street will be built from the Billhimer property line, in that the estate is tied up in a lifetime right, but Mr. Turner will dedicate 60' from his property to the Billhimer property. Mr. Robert Frank, 805 Country Club Road, offered an opinion that a convenience store would depreciate values. Mr. Gerald Spence, owner of two properties in the area, said he felt that traffic would increase from the apartments and convenience store. When question was raised again concerning the type of apartments proposed, and price range, Mr. Turner said he had originally planned to construct one bedroom apartments renting for approximately \$190. per month, but that he now feels there may be a need for two bedroom apartments. Planning Director Sullivan pointed out that the Planning Commission does not ask how much an apartment will cost, what style it will be, or income of renters. The Commission deals with the matter of density, site distance, off-street parking, open green space, etc. The R-4 Planned Unit Development permits single family houses, rental apartments and neighborhood commercial which can only be a small type of convenience store. He noted that the Planning Commission has compromised on a sharp curve which will be accepted by the Highway Department, provided the right-of-way can be acquired. The curve will cause slowing down of traffic. Mr. Sullivan informed

Council and those present, that the Commission hearing had been held in November, 1980, with matter reviewed in December, and decision laid over until January. There being no others desiring to be heard, the Hearing was declared closed at 9:00 P.M. and the regular session reconvened.

✓ Mr. J.R. Copper, Surveyor, reiterated the fact that Mr. Turner will dedicate a 29' strip from Country Club Road along the parallel of Hawkins Street, to the existing 12' East Hawkins Street, which will permit a 41' street into the 32 apartment complex, and an additional right-of-way for a 60' Vine Street to connect with the Gunsmoke-Reherd Acres developments. Vice-Mayor Green moved that Council accept the report of the Planning Commission and table action on the request of Mr. Turner until such time as members have an opportunity to digest comments from this evening's Hearing and to make a field trip to the proposed site of the development. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.

✓ The following report from a February 18th meeting of the Planning Commission, was presented and read by the City Manager:

"...Attorney William Smith, a member of The Madison Group, developer of University Court townhouses near Camelot Hall Nursing Home, explained to the Commissioners a proposed resubdivision of property owned by his organization. The nursing home plans to acquire a 3.85 acre tract located behind the present Camelot Hall structure, and Lantz Construction Company plans to acquire a 2.76 acre tract located along the north boundary of the nursing home property. Mr. Sullivan reported that existing utility easements located on both proposed parcels will not be relocated or otherwise affected, and although the 3.85 acre parcel will be land-locked, it will be consolidated with Camelot Hall Nursing Home and access off Reservoir Street will be available for a planned addition to the nursing home. The other proposed parcel will have a 216' frontage on Reservoir Street.

Mr. Rhodes offered a motion for the Commission to recommend approval of the resubdivision of Madison Group property into two parcels, located adjacent to Camelot Hall Nursing Home. Mrs. Bowman seconded the motion and all members voted in favor..."

Planning Director Sullivan pointed out location of the two parcels on a map and noted that the intended use for the parcel to be acquired by the Construction Company is not known at this time, but could attract professional offices. Following a brief 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 Councilmen present.

✓ City Manager Milam presented and read the following report from a Planning Commission meeting held on February 18th:

"...Attorney James V. Lane, representing Mr. Robert Y. Frazier, explained to the Commissioners that Mr. Frazier is conveying 38.4 acres of his land on the west side of Waterman Drive to Sherwood Land Development Company, which is owned by Mr. Frazier. He also plans to convey a 20,000 sq. foot lot to a third party. This lot will have 100' frontage on Waterman Drive and it will be adjacent to the Pepsi Cola Bottling Company. Mr. Lane added that no improvements are planned, nor will any be necessary on the city's part. The Director reviewed the properties as they appear on the City Block Map, adding that the land is zoned M-1 Industrial inside the City and A-1 Agricultural in the County. (Most of the proposed 38.4 acre tract is just west of the present City Limits at the south end of Park View).

Mr. Heath concluded the review with a motion for the Commission to recommend approval of the resubdivision proposed by Robert Y. Frazier for his Sherwood Land Development Company. Mr. Trobaugh seconded the motion and all members voted in favor..."

Planning Director Sullivan pointed out location of the one lot being requested by Mr. Frazier for resubdivision, and noted that the action would result in establishment of a small lot at the Pepsi Cola Bottling Company. Following a brief discussion, Councilman Dingledine moved that the recommendation of the Planning Commission be approved. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Councilmen present.

✓ The following report, submitted by the Planning Director from a meeting of the Planning Commission held on February 18th, was presented and read:

"...Attorney Steve Blatt, representing Vern and Erwin Michael, owners of a 20,729 sq. foot lot located behind a dwelling at 1139 S. High Street, explained to the Commission that his clients need City approval of a resubdivision plat drawn by Robert L. Shiflet, Land Surveyor, dated July 21, 1978. On March 31, 1979, the Michaels sold the house and lot at 1139 S. High Street to Lloyd Keppel. In addition, a 15' private right-of-way along the southwest side of these properties is now a part of the Michael property, but two other adjacent property owners, Mr. and Mrs. Claude Liskey and Virginia Craftsmen, retain their right to have access to South High Street. A ten-unit apartment structure has been built on the back lot and is to be sold as soon as this subdivision matter is settled.

Mr. Trobaugh offered a motion for the Commission to recommend approval of the resubdivision of the Michael-Keppel property at 1139 S. High Street, with the provision that Mr. and Mrs. Claude Liskey and Virginia Craftsmen retain their right to have access to S. High Street via the 15' private lane. Mr. Heath seconded the motion and all members voted in favor..."

Planning Director Sullivan pointed out location of the lot requested for resubdivision as well as the 15' private lane. Councilman Rhodes moved that the Michael-Keppel request be approved as recommended by the City Planning Commission, which motion, upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Councilmen present.

The following report from a February 18th meeting of the City Planning Commission, was read by the City Manager:

"...The Director explained to the Commissioners that Mr. Gerald E. Myers plans

to construct a duplex on the south side of Third Street, between N. Liberty and Collicello Streets, if the City will close a 10' alley from the street back to the end of Lots 8 and 9 of Block U, Page 40, City Block Map. Mr. Sullivan noted that the alley has never been opened and there are no utilities in the alley. Mr. Sullivan added that the portion of the 10' alley running east-west behind Lots 9, 10, and 11 is not part of this request.

Mr. Rhodes moved that the Commission recommend the 10' alley extending 122.4' south off Third Street, be closed, and City Council appoint a Board of Viewers to study the request, and report its findings. Mrs. Bowman seconded the motion and all members voted in favor..."

Planning Director Sullivan noted that the 10' strip is only a paper alley, and that the Viewers should be sure to view only that portion of same which is designated by color orange on the attached sketch. Following a brief discussion, Vice-Mayor Green moved that Council accept the report of the Planning Commission and appoint a Board of Viewers comprised of Messrs. T.H. Lowery, John Byrd, Sr. and P.H. Hardy, to view the said section of alley and report whether there would be any inconvenience in the closing of same, and if so, what. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

The following Planning Commission report from a February 18th meeting was presented and read:

"...The Director reviewed the Zoning Map, illustrating the location of Shenandoah Investment Corporation's property on the northeast corner of South Main Street and Maplehurst Avenue. Chairman Fleming asked Mr. Byrd about the 'grandfather status' of the house in the back yard. Mr. Byrd reported it has been occupied by more than two unrelated people since before the city adopted zoning regulations, thus it is covered by the 'grandfather clause.' At present, three unrelated people rent this house. Mr. Trobaugh noted that if rezoned to R-2, the main house could be divided into two apartments. Mr. Rhodes asked if this request is 'spot zoning'? The Director replied that it more of a gerrymandering, since R-2 exists directly across S. Main Street but not along the east side where these lots are located. Mr. Byrd suggested the Commission consider these points: the owner has increased use of the back yard house via the grandfather clause, and the business just to the north, which the owner says makes his house less desirable for single-family use, was self-incurred by the owner. Chairman Fleming noted that financial gain is the requestor's key consideration.

Mr. Heath said one party is interested in rezoning while a lot of people are not. He then offered a motion that the Planning Commission recommend denial of Shenandoah Investment Corporation's application to rezone Lots 2 and 3, Block L, Page 18 of the City Map from R-1 Single Family Residential District to R-2 Residential. Mrs. Bowman seconded the motion and all members present voted in favor of the motion..."

Council was informed that a large delegation from the Maplehurst Area were present at the Commission's Public Hearing in opposition to the rezoning request. Councilman Dingledine moved that the recommendation of the Planning Commission be upheld, and the rezoning request of Shenandoah Investment Corporation, denied. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Councilmen present.

During a brief discussion of appointments to various Boards and Commissions, Councilman Rhodes moved that Mr. Michael Patrick (Vice-President of Park Crest Builders, Inc.), 1040 N. Moore Street, Harrisonburg, be appointed to fill the unexpired term of Mr. Dwight Miller on the Building Code Board of Appeals, which term will expire on November 30, 1981. Mr. Miller submitted his resignation some time ago. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.

Through an excerpt from minutes of a January 27th meeting of the Harrisonburg Department of Transportation & Safety Commission, Council was advised that Dr. Richard Smith has stated that he prefers not to serve on the Commission and would like his letter of July 31, 1980, submitting his resignation, to be accepted. Members were reminded that although Dr. Smith had moved out of the City, a legal opinion had been obtained concerning his continuance as a member of that Commission, after which time Dr. Smith was to have been contacted re his willingness to remain a member. Councilman Dingledine moved that Dr. Smith's resignation be accepted, with regrets, and that a letter of appreciation be sent. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

Councilman Dingledine moved that a supplemental appropriation in amount of \$ 5,893.66 requested by the City School Board in order to appropriate unanticipated receipts to allow purchase of badly needed equipment, be approved for second & final reading, a first reading having been approved on February 10th, and that:

\$ 5,164.29 chgd. to: School Fund (R-26) Realized Revenue- Receipts from Fed. Funds-

Public Law 874

729.37 chgd. to: School Fund (R-40) Realized Revenue- Receipts from Other

Funds- Sale of Supplies

5,893.66 approp. to: School Fund (1205-215.01) Maint. of School Plant- Repair &

Repl. Furn. & Fixtures

The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

Councilman Rhodes moved that a supplemental appropriation in amount of \$ 9,812.50, requested by the Superintendent of Streets due to insufficient funds for recovery of costs of non-budgeted expenses incurred during the first six months of this fiscal year, be approved for second & final reading, a first reading having been approved on February 10th, and that:

\$ 9,812.50 chgd. to: General Fund (1901-01) Recoveries & Rebates

4,731.25 approp. to: General Fund (4102-1010.01) St. Inspec.- Other Per. Services

2,493.75 approp. to: General Fund (4107-5400.01) Traffic Eng.- Other Mat. & Supplies

2,587.50 approp. to: General Fund (4203-3004.01) Refuse Coll.- Repairs to Mach & Equip.

The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Council.

✓ Vice-Mayor Green moved that a supplemental appropriation in amount of \$ 2,720. requested by the Chief of Fire in order to replace funds already expended to carry out contract with JMU for lease of Pumper Truck for irrigation purposes, be approved for second & final reading, a first reading having been approved on February 10th, and that:

\$ 2,720. chgd.to: General Fund (1901-01) Recoveries & Rebates

2,720. approp.to: General Fund (3201-1001.05) Firefighter salaries

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Councilmen present.

✓ Councilman Dingledine moved that a supplemental appropriation in amount of \$ 1,155.26 requested by the Recreation Director in order to transfer reimbursements from various companies to appropriate general operating budgets for previous costs incurred, be approved for second & final reading, a first reading having been approved on February 10th, and that:

\$ 1,155.26 chgd.to: General Fund (1901.01) Recoveries & Rebates

401.00 approp.to: General Fund (7101-3004.02) Maint. & Repairs- Furn. & Fixtures

484.21 approp.to: General Fund (7101-3004.04) Maint. & Repairs- Bldgs. & Grounds

31.05 approp.to: General Fund (7104-3004.04) Community Activities Center-

Maint. & Repairs- Bldgs. & Grounds

600.00 approp.to: General Fund (7104-5400.01) Community Activities Center-

Other Mat. & Supplies

The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Councilmen present.

✓ A request was presented from the City School Board for approval of a transfer of funds within school appropriations in amount of \$ 2,225.20, in order to transfer gifted and talented funds from areas in the budget which are in excess of program needs, to area in which funds are required to carry out programs. Following a brief discussion, Councilman Rhodes moved that the transfer be approved, and that:

\$ 1,725.20 trans.from: School Fund (1201-305.00) Other Inst.Costs- Inst. Supplies

500.00 trans.from: School Fund (1900-403.00) Cap.Outlay- Furn. & Equip.

2,225.20 trans. to: School Fund (1201-299.00) Other Inst.Costs- Other Inst.Costs

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Councilmen present.

✓ City Manager Milam presented a request from the City School Board for approval of a supplemental appropriation in amount of \$ 13,665.00 in order to appropriate excess anticipated receipts from State Special Education Funds to partially cover cost of tuition assistance for special education children attending private schools. It was noted that after applying \$ 12,591.00 (representing 60% state reimbursement), and \$ 1,074.00 (representing other excess funds applied) to the total cost of tuition assistance for three children in amount of \$ 20,985.00, a balance of \$7,320. would remain. This balance will be made up from existing appropriations if at all possible, or if necessary, a request will be made for an appropriation from other excess revenues, or unappropriated balance. Following a brief discussion, Councilman Dingledine moved that the appropriation be appvd. for a first reading, and that:

\$ 13,665.00 chgd.to: School Fund (R-12B) Antic. Repts.- Repts.from State School Funds (Spec. Education Other than Salaries)

13,665.00 approp.to: School Fund (1201-221.00) Other Inst. Costs- Tuition Pd. Other Div.

The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Councilmen present.

✓ The City Manager presented a request from the City School Board for approval of a supplemental appropriation in amount of \$ 1,046.80 in order to appropriate additional receipts from state for Gifted and Talented. Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:

\$ 1,046.80 chgd.to: School Fund (R-7) Antic. Repts.- Repts.from State School Funds- Gifted and Talented

175.00 approp.to: School Fund (1201-220.00) Other Inst.Costs- Travel-Inst.Personnel

246.80 approp.to: School Fund (1201-299.00) Other Inst.Costs- Other Inst.Costs

625.00 approp.to: School Fund (1203-219.02) Pupil Trans.-Services-Trans.by Pub.Carrier

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Councilmen present.

✓ A request was presented from Assistant City Manager Driver for approval of a supplemental appropriation in amount of \$ 57,313.17 from the Unappropriated Fund Balance, in order to pay engineering fees on the City's Energy Recovery Plant. Mr. Driver pointed out that the funds would be replaced and used for the future South High Street project when Bonds are sold for the Energy Recovery project. Following a brief discussion and review of the invoices for payment, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 57,313.17 chgd.to: General Fund- Unappropriated Fund Balance

57,313.17 approp.to: General Fund (4203-7010.01) Refuse Coll.- Cap.Outlay-

Energy Recovery Plant

The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Councilmen present.

✓ A request was presented from the Director of Social Services for approval of a supplemental appropriation in amount of \$ 3,300.00, representing additional foster care cost for the care of children and also an increase in the number of foster care children needing assistance. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:

\$ 3,300.00 chgd.to: VPA Fund (2401.04) Foster Care

3,300.00 approp.to: VPA Fund (5302-5708.01) Bur.of Pub.Assistance- F.C.

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Councilmen present.

City Manager Milam called members' attention to their copies of the Consolidated Annual Report for 1980, submitted by Chief of Fire Austin. The information was distributed for Council members to have an opportunity to review statistics, etc. contained therein.

City Manager Milam referred to a proposal submitted by Craigie, Inc., Investment Bankers, Richmond, Va., for financing the City's Heat Recovery Project and other related items. He asked members to review the proposal and advise him of any other firms from which a quotation is desired, and further, to set guidelines if it is the desire of Council to move in another direction.

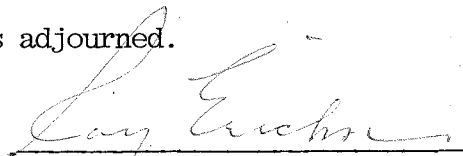
For information, Councilman Rhodes reported that some all-day parking meters had been installed along the Mason Street side of the Wolfe Street Parking Deck.

At 10:00 P.M., Vice-Mayor Green moved that Council enter an executive session to discuss real estate acquisition. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

At 11:00 P.M., the executive session was declared closed, on motion duly adopted, and the regular meeting reconvened.

There being no further business, the meeting was adjourned.


CLERK


MAYOR

Tuesday, March 10, 1981

At a regular meeting of Council held in the Council Chamber this evening at 7:30, there were present: Mayor Roy H. Erickson; 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 Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: City Manager Marvin B. Milam. (sitting in the the City Manager, Assistant City Manager John E. Driver).

Minutes of the regular meeting held on February 24th were approved as read.

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, 1981.

From the City Treasurer:

A trial balance report as of close of business on February 27, 1981

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 \$ 6,920.11 for month of February, 1981.

From the City Auditor:

A financial report for the City of Harrisonburg, Va., month of February, 1981.

A report of cash discounts saved in payment of vendors' invoices for month of February, 1981, totaling \$ 147.16.

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, 1981.

Mayor Erickson extended a cordial welcome to boy scouts from Den 5, Pack 40, who were present in the meeting, as a part of their citizenship activities.

✓ Mr. Ernest James, representing the Harrisonburg-Rockingham Chamber of Commerce, was present in the meeting to present the following resolution for Council's consideration:

WHEREAS, the citizens of Harrisonburg and Rockingham County enjoy a broad range of common interests, and many activities reflecting this community of interest have been successfully consolidated; and

WHEREAS, the City of Harrisonburg and Rockingham County have been involved in an annexation suit since 1975, prosecution of which has placed a heavy demand on the financial resources of both jurisdictions and has made obvious to the citizens of the community the distrust and lack of cooperation that exists; and

WHEREAS, there is a growing feeling in the community that its citizens can no longer afford the kind of disunity and distrust which have so often characterized city-county relations; and

WHEREAS, a large number of people spoke out in favor of exploring the feasibility of a unified government at the public hearing of the Local Government Commission on December 3, 1980; and

WHEREAS, the Commission has now released its findings and recommendations. In its concluding comment, the Commission, alluding to the considerable expression of sentiment in favor of a merger of the two governments at the public hearing, strongly encouraged 'the citizens and the elected leadership in the area to explore fully (the) option' of merger or consolidation; and

WHEREAS, the Commission also noted that Virginia law offers broad opportunity for political subdivisions in Virginia to develop governmental structures and relationships adapted to local needs; and

WHEREAS, the Commission further noted that whatever the ultimate disposition of the annexation case the opportunity remains for the citizens of Harrisonburg and Rockingham County to 'seek the changes they deem appropriate in their local government arrangements,'

NOW, THEREFORE, BE IT RESOLVED that the Harrisonburg-Rockingham Chamber of

Commerce respectfully requests the governing bodies of Harrisonburg and Rockingham County to cooperate with each other in appointing a joint commission to study and evaluate possible ways of promoting city and county cooperation, including full consideration of the feasibility of unifying the two political subdivisions into one city or county. The joint commission should include appropriate representation from the towns and the county-at-large totaling fifteen members, with fifteen members from the city.

BE IT FURTHER RESOLVED that upon completion of this evaluation, the commission submit its conclusions and recommendations to the City Council and to the County Board of Supervisors.

Mr. James reminded Council that the Chamber represents both the city and county, and noted further that it was the consensus that the Chamber not undertake the study, but to petition the two governments to have a long-range study made of advantages and disadvantages of unification. Mayor Erickson said that Council could appreciate efforts of the Chamber and various individuals, and gave assurance that the resolution would be reviewed, with any action taken which may prove to be worthwhile.

✓ Dr. William Beasley, representing the Harrisonburg-Rockingham Chamber of Commerce, was present in the meeting to present the following 6-Point Highway Program which had been approved by the Chamber's Board of Directors for presentation to Harrisonburg City Council, Rockingham County Board of Supervisors, and Town Councils of Broadway and Timberville:

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 several years,) we strongly feel this project should take precedence over what we understand is the planned project for improvement of US Route 33 West from west city limits of Harrisonburg to Route 613. A public hearing on the Route 42

Project was held in the summer of 1979 with some 175 people attending. Almost all people present indicated it was urgent that Route 42 be improved.

Interstate II. Improve the Route 81 - Route 659 (Port Republic Road) interchange to meet current highway standards. The existing 2 lane bridge on Route 659 over I-81 currently carries 12,169 vehicles per day with heavy turning movements on and off I-81 at each end of the bridge.

Urban III. Improve South High Street from Grace Street to south city limits of Harrisonburg. This is currently 1 1/2 miles of two-lane road, bottle-necking four lane Route 42 from the south, four-lane High Street from the north, and four-lane Cantrell Avenue from the east.

Primary IV. Dual-lane US 340 from Elkton to Shenandoah.

Urban V. Improve approximately 1/2 mile of Route 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.

Dr. Beasley pointed out that the first priority in this year's program for location of State Route 42 between Harrisonburg and Broadway-Timberville, was second on the listing last year, but moved up this year due to the number of accidents and number of people using this route. He expressed the Chamber's appreciation for the support of Council on scheduled projects, and its continued interest in our rapidly developing area. Councilman Dingledine expressed pleasure in the proposed improvement of the Port Republic Road interchange, and Mayor Erickson expressed concern about increased traffic on S. High Street, resulting in bottle-necking by the four-lanes from the south, north and east. Following discussion, Councilman Cisney moved that the 5-Point Highway Program be approved, which motion, upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ For information, Assistant City Manager Driver announced that the Department of Highways and Transportation has scheduled the annual pre-allocation public hearing for the interstate, primary, and urban highway systems and public transportation for 10:00 A.M., Wednesday, April 22, 1981, in the auditorium of the Staunton District Office on Rt. 11 (Commerce Road) in Staunton.

✓ Members of the City School Board were present in the meeting for the purpose of presenting the proposed 1981-82 budget. Mr. Francis Turner, Chairman, presented the budget in total amount of \$ 6,737,515.00, and elaborated on the various items making up the requested \$ 801,082.00 overall increase of which the city's portion would be \$ 559,115.00 over last year, making payment of approximately \$4.4 million. He noted that the 11% increase in teachers' salaries is necessary if the city is to keep its good teachers, and attract the best new teachers. Of the total \$ 476,002.00 requested for salary increases and increments, one new position was included, namely: Elementary Counselor. Mr. Turner informed Council that teachers' salaries in Harrisonburg are not competitive, which could lead to teachers seeking other alternatives due to the current rate of inflation. In conclusion, he said that the Board had worked diligently with the budget, in several meetings, and had gone over each item very carefully. Although aware of, and sympathetic with City Council's problems in the overall financing of the city operation, Mr. Turner asked favorable consideration, and adoption of the School Board's proposed budget. Mayor Erickson gave assurance that the budget would be reviewed in Council's budget study sessions.

✓ City Treasurer Marshall Firebaugh and Commissioner of Revenue Smith reviewed with Council their proposed budget requests for salaries and expenses for fiscal year 1981-82, prior to presentation of same to the State Compensation Board on March 18th. Mr. Firebaugh said he felt his requests in total amount of \$ 119,233.00 (based on 50-50 by state and city) were conservative, and noted that the 15% salary increases were in anticipation of annexation by the City which would add a greater work load in his office. An amount of \$ 2,400.00 was included for extra office help during automobile license and tax times. The Capital Outlay provides for purchase of two NCR Remittance Processing Machines, in that the mechanical machines presently in use, have served useful lives. Mr. Smith informed Council that his budget in total amount of \$ 122,152.00 is based on inflationary increases

and in preparation of anticipated annexation work load increase. Salaries reflect a 15% increase. Capital Outlay provides for new office equipment and furniture, in that the office will, hopefully, be remodeled this year. Mr. Smith said the Compensation Board would like some expression of Council as to its reaction to the budget requests. Council members agreed, generally, that it is difficult to make any commitment before the overall city budget requests are studied. Vice-Mayor Green moved that Council accept the reports, and that something be worked out that would not be binding on the 15% salary increases. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ With regard to three intersections in the City which had been referred by Council, on January 13th, to the Harrisonburg Department of Transportation & Safety Commission for study and recommendation, the following report from a February 24th meeting of the Commission was presented by Mr. John Driver, Secretary:

Virginia Avenue and Third Street: The Committee recommended traffic signals be installed with a warning sign north of Third Street on Virginia Avenue. In a 10-hour period, over 1,600 vehicles entered this intersection from Third Street. On a speed check of 4,000 vehicles on Virginia Avenue, the average speed was 33 miles per hour, and during the days a check was made, only one child crossed the intersection going to school. There were 8 accidents at this intersection during the year of 1980. Wayne King made a motion that the Commission accept the Committee's report and recommend it to City Council. Nelson Fitzwater seconded the motion and all members voted aye.

Mason and Gay Streets: The Committee recommended that left turn lights be installed at the intersection. In a 10-hour period there were 1,878 vehicles making left turns in this intersection, also there were 5 accidents at this intersection during the year of 1980. Chief Presgrave made a motion that the Commission accept the report of the Committee and recommend it to City Council. Jean Grimes seconded the motion and all members voted aye.

Broad and Gay Streets: Needs no improvements with the exception of possibly extending the yellow lines on the curb on the south side of Mason Street west of Broad Street. The property owner is the only one that parks in this area and would be contacted before painting the curb. During the calendar year of 1980 there were only 2 accidents at this intersection which is one of the lowest in the City. Wayne King made a motion that the Commission accept the report of the committee and recommend it to City Council. John Driver seconded the motion and all members voted aye.

Mr. Driver noted that if the recommendations were approved by Council, funds would be appropriated in the 1981-82 budget, in that it would take that long to receive the necessary equipment. Councilman Cisney moved that the recommendations of the Commission be approved, with funds appropriated in next year's budget for the necessary equipment. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ Vice-Mayor Green moved that a supplemental appropriation in amount of \$ 13,665.00 requested by the City School Board in order to appropriate excess anticipated receipts from State Special Education Funds to partially cover cost of tuition assistance for special education children attending private schools, be approved for second & final reading, a first reading having been approved on February 24th, and that:

\$ 13,665. chgd.to: School Fund (R-12B) Antic.Receipts- Rcpts.from State School Funds (Spec. Ed. other than salaries)
13,665. approp.to: School Fund (1201-221.00) Other Inst.Costs- Tuition Paid Other Divisions.

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 \$ 1,046.80 requested by the City School Board in order to appropriate additional receipts from state for Gifted & Talented, be approved for second & final reading, a first reading having been approved on February 24th, and that:

\$ 1,046.80 chgd.to: School Fund (R-7) Antic. Rcpts.- Rcpts. from State School Funds- Gifted and Talented.
175.00 approp.to: School Fund (1201-220.00) Other Inst.Costs- Travel- Ins.Personnel
246.80 approp.to: School Fund (1201-299.00) Other Inst.Costs- Other Inst.Costs.
625.00 approp.to: School Fund (1203-219.02) Pupil Trans.Ser.-Trans.by Pub.Carrier

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council.

✓ Councilman Dingledine moved that a supplemental appropriation in amount of \$ 57,313.17 requested by the Assistant City Manager in order to pay engineering fees on the City's proposed Solid Waste Project, be approved for second & final reading, a first reading having been approved on Feb. 24th, and that:

\$ 57,313.17 chgd.to: General Fund- Unapprop. Fund Balance
57,313.17 approp.to: General Fund (4203-7010.01) Refuse Coll.-Cap.Outlay- Energy Recovery Plant

The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Council.

✓ Councilman Cisney moved that a supplemental appropriation in amount of \$ 3,300.00 requested by the Director of Social Services, representing additional foster care cost for the care of children and also an increase in the number of foster care children needing assistance, be approved for second & final reading, a first reading having been approved on February 24th, and that:

\$ 3,300.00 chgd.to: VPA Fund (2401-04) Foster Care
3,300.00 approp. to: VPA Fund (5302-5708.01) Bur.of Pub.Assistance- F.C.

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council.

Correspondence dated March 2, 1981 from Dr. C. Robert Showalter was presented and read, in which he tendered his resignation immediately as a member of the Mental Health & Mental Retardations Services (Chapter 10) Board, due to a change in his teaching schedule which would make his attendance at meetings, impossible. Councilman Dingledine moved that the resignation be accepted, with regrets, and a letter of appreciation be sent Dr. Showalter for his services on that Board. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

For information, Assistant City Manager Driver informed Council that of the \$ 15,000. which had been appropriated in this year's budget for lights, wiring, and other improvements at Memorial Stadium, all necessary work had been completed for approximately \$ 12,000. The excess funds will be used for purchase of light bulbs, and other incidentals.

Mayor Erickson asked members if it was their desire to act on the rezoning request of Mr. Neil Turner which had been discussed in Council's public hearing on February 24th, in that sufficient time has been allowed for further thought and visit to the location of the proposed development. Vice-Mayor Green said that the main concern seems to be the intersection at E. Market Street and Country Club Road, taking into consideration the proposed extension of Vine Street, and asked if the situation had been checked out with the Highway Department. Assistant City Manager Driver replied that this particular intersection had not been studied by the Highway Department, but that an east-west loop around the city had been considered some time ago. He suggested that the Department could be asked to look at the proposed plan of development and determine whether or not the convenience store would interfere with the interchange. Councilman Rhodes, a representative of Council on the City Planning Commission, informed Council that re-working the intersection at Market/Country Club Road had been suggested at the Commission's January 21st meeting, when the rezoning request was recommended to Council for approval. Mr. Driver offered an opinion that traffic from the proposed development should not be as bad as that from the Kawneer Plant, and said he doesn't see why it would be that much of a problem. Attorney Steve Blatt informed Council that a decision was desired tonight, in that his client has an option on the property which will expire April 1st. Councilman Rhodes offered a motion that the recommendation of the Planning Commission be approved, with Assistant City Manager checking with the Highway Department concerning re-working of the East Market/Country Club Road intersection. Vice-Mayor Green said that the two residences on E. Market Street are not in accord with the proposed convenience store, and Mr. Turner replied that the store should serve as a convenience to all in the area. Councilman Dingledine said he has been impressed with Council's attention toward people in the neighborhoods that are involved in rezoning requests, and felt if someone could develop more single family residences in this area, it may be a better plan. He expressed a personal problem where rezoning is requested in a neighborhood where there is public opposition. Planning Director Sullivan said he envisions Vine Street coming into being all the way to North Main Street, and feels the two residences situate on E. Market Street, and down to East Hawkins Street, is logical business expansion. He noted the possibility of future commercial at the two residences in the not too distant future, even if the area in question at this time, is not rezoned. Vice-Mayor Green said he would second the motion of Councilman Rhodes, with a contingency that the City Manager, Assistant City Manager and Highway Department work with the developer, and advise Council at its next regular meeting, as to how the interchange could be designed to handle the flow of traffic. Further discussion ensued when Attorney Blatt asked if the contingency could mean that the rezoning would not be approved until the interchange question is resolved. City Attorney Lapsley offered a suggestion that the original motion might be reconsidered, as well as the second to that motion. Councilman Cisney moved that the original motion be reconsidered, which received a second by Councilman Rhodes, and a unanimous vote of Council. Councilman Rhodes then re-stated his motion that "the Planning Commission recommendation be approved, with Assistant City Manager Driver to check with the Highway Department concerning re-working of the intersection at E. Market and Country Club Road." A recorded vote was called for by the Mayor, with the following results: voting aye: Councilman Rhodes; Voting no: Councilmen Dingledine, Cisney, Green and Erickson. Councilman Cisney offered a motion that Council approve the recommendation of the Planning Commission for rezoning the 4.3 acres from R-1 Single Family Residential District to R-4 Planned Unit Residential District. The motion was seconded by Councilman Rhodes, with recorded vote as follows: voting aye: Councilmen Cisney, Rhodes, Erickson; voting no: Councilmen Dingledine and Green. A second motion was made by Vice-Mayor Green to instruct the City Manager and Assistant City Manager to work with the Highway Department and developer in a review of the Vine-Market-Country Club Rd. interchange, and present at the next regular meeting of Council on March 24th, a plan of design which would handle the traffic flow. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

At 9:17 P.M., Councilman Rhodes moved that Council enter an executive session, on request of the City Manager, to discuss legal, personnel, and real estate matters. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

At 10:15 P.M., on motion of Councilman Dingledine, seconded by Councilman Cisney, and a unanimous vote of Council, the executive session was declared closed and the regular session reconvened.

Vice-Mayor Green offered a motion that Craigie, Incorporated, of Richmond, Virginia, be appointed to serve as the City's Investment Bankers. 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 was adjourned.

N. Robert Showalter
CLERK

Ray Erickson
MAYOR

Tuesday, March 24, 1981

At a regular meeting of Council held in the Council Chamber this evening at 7:30, 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 Philip L. Peterman and Chief of Police Richard W. Presgrave.
Absent: none.

Minutes of the regular meeting held on March 10th were approved as corrected.

The Clerk distributed copies of an updated Calendar of Unfinished Matters through meeting of March 10th.

Mr. Meriwether German, Executive Director of the Shenandoah Valley Travel Association, appeared before Council with a request that the City's contribution to the non-profit organization be increased from \$ 120.00 to \$ 500.00 for fiscal year 1981-82. Each member of Council was presented with information concerning the organization which included a brochure, 1981 calendar of events, etc. Mr. German noted that the travel center in New Market, Virginia, is visited annually by approximately 50,000 people, which benefits the City of Harrisonburg through sales to tourists passing through, resulting in local tax receipts of \$ 13,000. and state tax receipts of \$ 40,000. for the year 1979. If approved, the additional contribution would not only increase the figures and assist the City of Harrisonburg in its tax revenues, but would provide for expansion of services by the organization. Following the presentation of information and request for increase, Mayor Erickson gave assurance that it would be considered during preparation and review of the City's 1981-82 budget.

Council's attention was called to the preliminary draft of the 1980 Comprehensive Plan for the City of Harrisonburg, prepared for the City Planning Commission by Harland Bartholomew & Associates, Inc., Richmond, Virginia; William G. Borders, Consulting Economist; and the Planning Management Systems of Harrisonburg, Survey and Data Collection. Preparation of the report was financed in part through an urban planning grant from the Department of Housing & Urban Development, under provisions of Section 701 of the Housing Act of 1954, as amended, Project VA. P-1097. The following report from the Planning Commission meeting of March 18th was then read:

"...Chairman Fleming reviewed the status of the 1980 Comprehensive Plan, prepared by Harland Bartholomew & Associates under contract with the Planning Commission. In January, the Commission met with HEC to discuss proposed wording, particularly under a section discussing utilities. In addition, minor changes have been made on ten other pages of the 85-page document.

Mr. Fleming read the following proposed addition at the end of the introduction, page 3: 'While the Plan or accompanying maps or exhibits may show existing utility lines or facilities, or fail to show such lines or facilities, neither shall be construed to mean that such facilities must be constructed or that they cannot be constructed and no amendment to the Comprehensive Plan shall be necessary to allow construction. This Comprehensive Plan shall at all times be construed as being a guide and advisory only, and in and of itself shall not be construed to regulate or control the use of private property in any way, except as to any such part as has been implemented by ordinances duly enacted by the City Council.'

The Commissioners discussed the meaning of this proposed paragraph, which had been submitted for consideration by Messrs. Litten and Sipe, H.E.C.'s attorneys. Mr. Milam stated that he feels it is in order. Mr. Heath then moved that the introduction section be amended to include said paragraph. Mrs. Bowman seconded the motion and all members of the Commission voted in favor.

Chairman Fleming moved on to pages 69-70 and asked for comments regarding this section, 'Other Public and Private Utilities.' A discussion over whether to say copies of utility plans 'are encouraged to be filed' or 'should be filed' resulted in agreement to stick with 'encouraged.' Mr. Trobaugh offered a motion for the Commission to accept the rewritten section on 'Other Public and Private Utilities' as suggested by the Planning Director and revised by Messrs. Litten and Sipe. Mr. Rhodes seconded the motion and all members of the Commission voted in favor.

Chairman Fleming then asked if further changes were needed or desired in the 85-page proposed 1980 Comprehensive Plan. Mr. Trobaugh offered a motion that the Commission present the Plan to City Council for its review and favorable consideration. Mrs. Bowman seconded the motion, amending it to say 'the Planning Commission accepts the Plan as a guide for the City.' All members of the Commission voted in favor of the motion, as amended..."

Planning Director Sullivan explained six maps which were on display and will be included in the final document, pointing out: Physical Condition; Major Thoroughfare Plan; Community Facilities; Neighborhood Areas; Existing Land Use and Arterial Pattern including Land Uses Beyond the City Limits. He noted that the preliminary draft of the 1980 Comprehensive Plan is for Council's review and subject to a public hearing. He said that the Commission had gone through the document, with most of the changes underlined. Two sections of the City Code recommended for amendment (8-1-15 and 10-1-6) with regard to operation of the Harrisonburg Electric Commission, were touched upon by the Director, and are included in a separate report for presentation at this meeting. Following discussion, Vice-Mayor Green moved that the preliminary draft be accepted for review, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council. Manager Milam said that a Public Hearing could be scheduled at a later date, following review of the Plan, and Director Sullivan suggested that it be acted upon as soon as possible, in that it will depict areas outside the city limits.

The following Planning Commission report from a March 18th meeting was presented and read:

"...Chairman Fleming asked for comments on the Electric Commission's proposal to amend Sec. 8-1-15 of the City Code, 'Erection of Structures Over or Under Streets.' In summary, the amendment will require H.E.C. to have a public hearing before constructing any transmission line of more than 50,000 volts. Mr. Sullivan suggested adding substations to the public hearing list. Mr. Milam asked Mr. Fleming if he feels this proposal is unusual or unfair. Mr. Fleming said that Shenandoah Valley Electric Coop. has to obtain permits from the county and follow county zoning regulations, but no public hearing is held. HEC Superintendent Frantz said H.E.C. has no problem with adding 'substation' to the proposed amendment. He also reported that if adopted, a

hearing would likely come up once every five years.

Mr. Trobaugh offered a motion for the Planning Commission to recommend that City Council amend Section 8-1-15 of the City Code. Mrs. Bowman seconded the motion. Dr. Eneedy suggested the name of the Section 8-1-15 be changed to: 'Erection of Structures; Public Hearing Requirements.' Mr. Rhodes reported that Mr. Ray Wine of 43 Monument Avenue has called saying he still feels any public hearing should be held by the Planning Commission rather than HEC. In conclusion, the motion passed unanimously.

Chairman Fleming then asked for comments on HEC's proposal to amend Section 10-1-6 of the City Code, describing the Planning Commission's duties under 'Approval of construction of public ways, buildings, etc.' The proposal is to add the following: '...and provided further that this ordinance shall not apply to the Harrisonburg Electric Commission and still further the referral to the Planning Commission may be waived by the City Council in any instance when Council deems it advisable to do so.' Mr. Litten said HEC is asking that they be excluded from the provisions of Section 10-1-6, but City Council can send HEC's proposals to the Planning Commission for review and comments if it wants to. Mr. Milam noted that the Redevelopment & Housing Authority and the Parking Authority are autonomous and not required to submit proposals to the Planning Commission.

Mr. Rhodes moved that the proposed amendment to Section 10-1-6 be forwarded to City Council for its consideration. Dr. Eneedy seconded the motion. Mr. Heath noted that we are in essence exempting HEC and modifying the force or purpose of the section and perhaps the entire Section 10-1-6 needs review. Mr. Rhodes withdrew his motion and Mr. Heath offered a substitute motion for the Planning Commission to recommend that Section 10-1-6 be amended as stated above, and the entire section be reviewed by Council and the City Attorney. Mr. Trobaugh seconded the motion and all members voted in favor..."

City Manager Milam then presented correspondence from the Harrisonburg Electric Commission in which request was made for amendments to Sections 8-1-15 and 10-1-6, as discussed in the Planning Commission meeting, with enclosed proposed wording of amendments, noting the changes. Councilman Cisney offered an opinion that Section 10-1-6 should apply to HEC, as well as the City. He moved that the proposed amendments be referred to the City Attorney for review and report to Council at its next regular meeting, and that members also review the proposed amendments between now and April 14th. The motion was seconded by Councilman Rhodes and adopted by a unanimous vote of Council.

✓ Correspondence dated 3/24/81 was presented and read from Mr. Kenneth L. Frantz, General Manager of the Harrisonburg Electric Commission, advising that the Commissioners had "unanimously passed a motion recommending that Section 8-1-25 of the City Code be amended" and enclosing wording of the recommended amendment. It was noted that amendment of the Section titled "Short Term Loans and Negotiable Notes" would increase HEC's borrowing capacity for periods not to exceed one year from \$100,000. to \$ 500,000. and delete the reference to the maximum interest rate to be paid. Besides the fact that plant facilities have increased in value, it was pointed out that HEC's monthly power bill is approaching \$1 million, which necessitates increasing short term borrowing capacity. Following discussion, Councilman Cisney moved that an ordinance amending Section 8-1-25 be approved for a first reading, and referred to the City Attorney to be drawn in proper ordinance form prior to a second and final reading. The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council.

✓ The following report from a March 18th meeting of the City Planning Commission was presented and read:

"...The Director presented a map and letter from Mr. Tom Shumate, Surveyor, requesting the City to close a dedicated paper street, Camelot Lane, which is in Section 2 of University Court Townhouse Development. The letter also requests re-subdivision of eight existing townhouse lots into ten lots, assuming Camelot Lane is closed. Mr. Sullivan reviewed a map, pointing out that Camelot Nursing Home has just purchased the property immediately east of Camelot Lane, so they should be contacted if a Board of Viewers is appointed. He also noted that Mr. Shumate's request to re-subdivide cannot be addressed until the street matter is settled. Mr. Trobaugh then moved that the Planning Commission recommend to City Council that Camelot Lane be closed, and a Board of Viewers be appointed to review the subject and report their findings. Mr. Milam seconded the motion and all members voted in favor..."

Following a brief discussion, Councilman Dingledine moved that Council accept the report of the Planning Commission and appoint a Board of Viewers comprised of Messrs. T.H. Lowery, John H. Byrd, Sr., and P.H. Hardy, to view Camelot Lane and report whether there would be any inconvenience in the closing, and if so, what. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ The following report from a March 18th meeting of the City Planning Commission was read:

"...The Director presented a letter from Attorney Charles McNulty, requesting official action to vacate certain lot lines in the Fry Addition. Mr. McNulty's letter concerned the lot line between 37 and 45 Weaver Avenue, whereby an exchange of land is proposed by Annie C. Eddins and James P. Lincoln, Jr. Mr. Trobaugh questioned the necessity for these details coming before the Commission. All of the Commissioners expressed a desire to find an easier way to clear up these transactions. Since the problem basically concerns clearing up deeds for title insurance, none of the requests have been turned down or altered, but a public hearing is the only way to 'officially' satisfy the lawyers who are going this route. By consensus, the Commission agreed to refer the request to City Council and a public hearing..."

Following a brief discussion, Councilman Cisney moved that Council accept the report of the Planning Commission and schedule a public hearing on the matter for Tuesday, April 14, 1981, 7:30 P.M. in the City Council Chambers. The motion was seconded by Councilman Rhodes and adopted by a unanimous vote of Council, and the City Manager was instructed to properly advertise the Hearing.

✓ The following report submitted by the Planning Director from a Commission meeting held on March 18th, was presented and read:

"...The Commissioners reviewed a letter dated March 13, 1981 and maps from Attorney Steve Blatt, requesting that the City approve the 1959 re-subdivision of Lot 11 of the John Paul Addition. The property is located on the south side of Franklin Street extended. It is presently owned by Mr. and Mrs. W. Neil Turner, and they are attempting to sell it to Michael Brothers. Title clearance is needed, as the 1959 resubdivision activity was not 'officially' reviewed by the City.

Mr. Rhodes moved that the Commission recommend approval of the resubdivision.

Mr. Heath seconded the motion and all members voted in favor..."

City Manager Milam referred to a letter of March 13th which he had received from Attorney Blatt, advising that his clients were owners of Lots 13, 15 and a portion of Lot 11 which is under contract for purchase by Michael Brothers, and requesting approval for the resubdivision of Lot No. 11 which was first resubdivided in 1959, with no approval obtained from the City. Planning Director Sullivan then presented the following revised statement, replacing the report previously read:

"...The Commissioners reviewed a letter dated March 13, 1981 and maps from Attorney Steven Blatt, requesting that the City approve the 1959 resubdivision of Lot 11 of the John Paul Addition. It is presently owned by Mr. and Mrs. W. Neil Turner, and they are attempting to sell it to Michael Brothers. Title clearance is needed, as the 1959 resubdivision activity was not 'officially' reviewed by the City. The Director noted that Page 27, City Block Map shows only Lots 9 and 10, while Mr. Blatt's information indicates Lots 11, 13 and 15.

The consensus of the Commissioners was that approval of Mr. Blatt's re-subdivision request be granted by City Council, to clear up the 1959 activity which was not officially done at this time..."

Mr. Sullivan pointed out that Lot 10 is the one desired by Michael Brothers, while Lot 9 is the site of a residence, and offered an opinion that a public hearing should be held before a decision is reached concerning the resubdivision. Assistant City Manager Driver questioned whether this resubdivision should, or should not comply with the City's Subdivision Control Ordinance requirements. Attorney Blatt noted that this subdivision originated prior to the present requirements. Following a lengthy discussion, Councilman Cisney moved that the resubdivision request be referred back to the City Planning Commission for further review, and a proper motion by the Commissioners. The motion was seconded by Councilman Dingledine, and adopted by a unanimous 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 \$ 1,265., in order to transfer funds from instructional supplies to capital outlay- equipment, to provide funds to purchase two specialized programmable calculators to be used in teaching of remedial math. Following a brief discussion, Councilman Dingledine moved that the transfer be approved, and that:

\$ 1,265. trans. from: School Fund (1201-305.00) Other Inst. Costs- Inst. Supplies

1,265. trans. to: School Fund (1900-403.00) Cap. Outlay- Furn. & Equip.

The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council.

✓ For information, the City Manager informed Council that he had been advised through correspondence from the Department of Housing & Urban Development, that the City's application for a Grant of \$1.8 million under the department's Small Cities Community Development Block Grant Program, had been reviewed by the area office, with final determination that it did not fall within the highest priority for allocation of limited funds. Harrisonburg's rating in a range of 707 to 573, was 457. A list of eleven cities and towns within that range was enclosed, and the City of Harrisonburg was urged to maintain its interest in the Community Development Block Grant Program, and submit a proposal next year.

✓ Correspondence dated 3/11/81 from the Department of Utility Billing was presented and read, in which recommendation was made for various utility deposits to be written off city records in that they are unclaimed, and services discontinued with the city. Consumers in whose names the deposits were placed are either deceased, or not able to be located by the department. Following a review of the list totaling \$ 358.00, Councilman Cisney moved that the Billing Department be authorized to write the listed deposits off city records. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ The following report, submitted by a duly appointed Board of Viewers comprised of Messrs. T.H. Lowery, John H. Byrd, Sr. and P.H. Hardy, was presented and read:

"Conforming with our appointment as a Board of Viewers by the City Council at a regular meeting held on Tuesday, February 24, 1981; regarding the request made by Mr. Gerald E. Myers, owners of Lots 8 and 9 of Block U, Page 40, City Block Map; for the closing of a paper alley now separating said lots which face on Third Street, between N. Liberty and Collicello Streets. Our attention was directed by a recording of a meeting held by the City Planning Commission on February 18, 1981.

We, the appointed Viewers, have visited the alley and given our attention to the conditions contained in our appointment. We have found no reason to think that the closing of the said alley would cause any inconvenience, and recommend that the alley be closed.

It was discovered however, that the marked copy of the City Map submitted at the time of the request made by the City Planning Commission, was in error and did not agree with the description used by Mr. Rhodes' motion of Feb. 18th. We are attaching to this report a corrected copy from the Planning Office which conformed to the correct description of said alley."

Following discussion, Councilman Cisney moved that the recommendation of the Viewers be approved, and that an ordinance effecting the closing of said alley 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 Rhodes, and adopted by a unanimous recorded vote of Council.

✓ With regard to a motion of Council for the City Manager and Assistant City Manager to work

with the Highway Department and developer in drawing a design for the E. Market St./Country Club Road and proposed extension of Vine Street interchange, which could handle the traffic flow in the future when the 32 apartment complex/convenience store development is completed, Assistant City Manager Driver reported as follows: The City's Major Thoroughfare Plan, which reflects Vine Street as a link from E. Market St. to N. Main Street, was reviewed with highway officials at the Staunton District Office, when the matter was discussed. He presented a sketch of the intersection by the officials, which calls for a 4-lane Vine Street. Mr. Driver suggested that for the present time and until the year 2000, 2-lanes (similar to Cantrell Avenue.) would be sufficient, but added that the 4 lanes, as designed for the interchange, could be constructed in the area between the new curb and the existing pavement (resulting from necessary construction work on E. Market St.), with no trouble or interference with the proposed convenience store. A 4-lane highway can be built on a 60' right-of-way. The report was for information.

✓ Councilman Dingleline offered an opinion that in view of the successful basketball season by the JMU "Dukes" and the HHS "Blue Streaks", recognition of their achievements should be expressed. He moved that proper resolutions be drawn and made record in minutes of this meeting. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council. The resolutions are as follows:

✓ "WHEREAS, James Madison University provides athletic, cultural, economic and sound enrichment by its location in Harrisonburg; and

WHEREAS, the citizens of the community take pride in the growing reputation of the University; and

WHEREAS, the achievement of the James Madison University basketball team in being invited to participate in the 1981 NCAA basketball tournament and the manner in which the 'Dukes' played and conducted themselves reflected great credit on the players and the coaching staff and provided favorable recognition of the University and the City of Harrisonburg,

NOW, THEREFORE, BE IT RESOLVED that the City Council of Harrisonburg extends congratulations to Coach Lou Campanelli, his staff and each of the 1980-81 'Dukes' and assures them of the pleasure and pride they brought to the Harrisonburg Community."

(signed)

Roy Erickson, Mayor

✓ "WHEREAS, Harrisonburg High School provides education, cultural and athletic opportunities for the young adults of the City; and

WHEREAS, the citizens of Harrisonburg take great pride in the accomplishment of the members of the basketball team, the coaching staff, and the success they accomplished this past season,

NOW, THEREFORE, BE IT RESOLVED that the City Council extends congratulations to the coaching staff and each of the 1980-81 'Blue Streaks' and assures them of the pleasure and pride they brought to the Harrisonburg Community."

(signed)

Roy Erickson, Mayor

There being no further business, and on motion of Vice-Mayor Green, seconded by Councilman Dingleline, and a unanimous vote of Council, the meeting was adjourned at 9:15 P.M.

N. Arlene Loker
CLERK

Roy Erickson
MAYOR

Tuesday, April 14, 1981

At a combined public hearing and regular meeting held in the Council Chamber this evening at 7:30, there were present: City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney; Vice-Mayor Walter F. Green, III; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: Mayor Roy H. Erickson and City Manager Marvin B. Milam. (sitting in for the City Manager, Mrs. Mary Sue Blosser, Administrative Assistant to the City Manager).

Vice-Mayor Green presided over the meeting, in the Mayor's absence due to illness, and called the meeting to order.

Minutes of the regular meeting held on March 24th were approved as read.

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, 1981.

From the City Treasurer:

A trial balance report as of close of business on March 31, 1981.

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 \$ 7,252.53. for month of March, 1981.

From the City Auditor:

A financial report for the City of Harrisonburg, Va., month of March, 1981.

A report of cash discounts saved in payment of vendor's invoices for month of March, 1981, totaling \$ 291.87.

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, 1981.

✓ Correspondence dated 8/6/80 was presented from Mr. Jerry Williams in which request was made for the closing of the 10' alley which joins the west side of his property at 135 East Johnson St., and extends southward to Kelly Street. Mrs. Blosser noted that following receipt of the correspondence, a letter had been written to Mr. Williams, explaining the proper procedure to be followed, and that the \$ 50.00 request fee has been received. 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 Councilmen present.

✓ Council received a request through correspondence dated 4/8/81 from Messrs. H. Gifford Wenger and H. W. Wenger, Executors for the estate of L.H. Wenger, requesting vacation of all previous and existing lot lines on Lots 7 and 8, Section E, Sheet 18 of the City Block Map (vicinity of West Weaver Avenue and Walker Street). On motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote of Councilmen present, the plat and request were referred to the City Planning Commission for study and recommendation.

✓ Correspondence dated 4/9/81 from Mr. John G. Litten, Litten Real Estate, was read, in which a request was made to subdivide a parcel of land adjoining the firm and fronting on Maryland Avenue, into four lots, suitable as location for for-sale townhouses. It was noted that the land is presently zoned R-3, and meets all requirements of the Subdivision Control Ordinance. Following review of the attached plat, Councilman Dingledine moved that the request and plat be referred to the City Planning Commission for study and recommendation. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

✓ Council received the 1981-82 budget for the Harrisonburg Electric Commission, with a suggestion from Vice-Mayor Green that it be placed on the agenda for the next regular meeting, when the City Manager will be present.

Council's attention was called to the financial report for the Harrisonburg Elderly Housing and Downtown Rehabilitation Project, dated 11/3/80, and prepared by the firm of Keeler, Phibbs & Co., CPA. From the report, Mrs. Blosser pointed out total program year 1977 funds available for disposition as \$ 172.00 and total program year 1978 funds available for disposition as \$ 205,421.00. The Vice-Mayor suggested that this report be placed on Council's agenda for the next regular meeting, when the City Manager will be present.

✓ Mrs. Blosser informed Council that on March 31, 1981, VEPCO had made request for a rate increase, copy of which will be on file in the City Manager's Office for review.

✓ At 7:50 P.M., Vice-Mayor Green closed the regular session temporarily and called the evening's public hearing to order. The following notice, advertised in the Daily News Record newspaper on March 26th and April 9th, was read:

"The Harrisonburg City Council will hold a Public Hearing on Tuesday, April 14, 1981, at 7:30 P.M. in the City Council Chamber, Municipal Building, in accordance with Sections 15.1-431 and 15.1-482 (b), Code of Virginia, to vacate certain lot lines by ordinance of the Governing Body. Lot lines to be vacated are between Lots 37 and 45 Weaver Avenue.

All persons interested or affected by these matters will have an opportunity to express their views at this Public Hearing.

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

Planning Director Sullivan called Council's attention to the upper portion of the attached plat, showing 399 sq. feet of land which will be conveyed to Mr. James P. Lincoln, Jr. by Ms. Annie C. Eddins, and on the lower left, setting out 344 sq. feet which will be conveyed to Ms. Eddins by Mr. Lincoln. He noted that the deed is ready for signatures of the two parties, and that an ordinance can be written following this Hearing, if the request for vacation of lot lines is approved. There being no others present, desiring to be heard, the Public Hearing was declared closed at 8:00 P.M. and the regular session reconvened.

✓ Councilman Cisney moved that an ordinance effecting the vacation of lot lines between Lots 37 and 45 Weaver Avenue, discussed in this evening's Public Hearing, 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 Rhodes, and adopted by a unanimous recorded vote of Councilmen present.

Vice-Mayor Green noted that the matter listed as item No. 6 on this evening's agenda- "Downtown Retail Merchants Association", had been resolved, and would be withdrawn.

✓ City Attorney Lapsley presented and read, for consideration of a second & final reading, an ordinance amending Section 8-1-25 of the City Code, titled: "Short Term Loans and Negotiable Notes." He pointed out the changes from the present section, namely: increasing Harrisonburg Electric Commission's borrowing capacity from \$ 100,000. to \$ 500,000., and deleting maximum rate of interest. Councilman Dingledine moved that the ordinance be approved for second 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 Cisney, and adopted by a unanimous recorded vote of Councilmen present. (Refer to Ord. Bk K, page 224).

✓ The following report submitted by a duly appointed Board of Viewers comprised of Messrs. John H. Byrd, Sr., P.H. Hardy and T.H. Lowery, was presented and read:

"We, the undersigned, have visited the property known as Camelot Lane. We have also talked to Mr. Jones, Manager of Camelot Nursing Home, whose property adjoins Camelot Lane on the west side. Mr. Jones expressed no objection to the closing of this lane.

Since there is no objection and closing of this land will cause no inconvenience, we believe this lane should be closed.

Respectfully submitted this 31st day of March, 1981."

Council was reminded that request for the closing was made by Mr. Tom Shumate, Surveyor, along with a request to resubdivide eight existing lots in the University Court Townhouse Development into ten

lots. A report from the Planning Commission was presented at Council's March 24th meeting, recommending closing of Camelot Lane and appointment of a Board of Viewers, prior to any action concerning the resubdivision of lots in Section 2 of University Court Townhouse Development. Councilman Cisney moved that an ordinance effecting the closing of Camelot Lane 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 Rhodes, and adopted by a unanimous recorded vote of Councilmen present.

During a discussion of appointments to various Boards & Commissions, it was noted that a vacancy exists on the Community Mental Health & Mental Retardation Services (Chapter 10) Board, due to the resignation of Dr. Robert Showalter. Councilman Dingleline moved that Dr. Jon McIntire of 520 South Mason Street, Director of Counseling & Student Development Center at James Madison University, be appointed to fill the unexpired term which will expire as of July 1, 1981. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

Council was reminded that the first terms of Messrs. William A. Julias and Francis E. Turner would expire on the City School Board as of June 30th this year, and Vice-Mayor Green asked members if they desired to take any action at this time. Councilman Cisney moved that the two members be reappointed for a second three year term each, expiring on June 30, 1984. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

Councilman Dingleline made reminder that the one year terms of all members of the Price-Rotary Senior Citizens Center Advisory Board will expire as of May 1st this year, and moved that the following be reappointed to the Board for one year terms, expiring May 1, 1982: Dr. Raymond C. Dingleline, Jr.; Mrs. Lakey S. Logan; Mrs. Wilhelmina H. Johnson; Mrs. Henrietta Huffman; R. J. Sullivan, Jr.; Mrs. Pauline Riddle; C. W. Kestner; Gregory R. Versen and Mrs. Idah Payne Suter. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

Correspondence dated 4/3/81 from Mr. Ralph W. Cline was read, in which he tendered his resignation from the Industrial Development Authority, effective May 15, 1981, due to involvement in other community activities. Councilman Rhodes moved that the resignation be accepted, with regrets, and letter of appreciation be sent Mr. Cline. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

Council briefly discussed a portion of street from N. Main, westward into the AMP Plant, which has been offered to the city as a right-of-way by Mr. Winston Weaver, as a gift. It was agreed by Councilmen present that following further clarification of the exact location, maintenance, etc., that a letter be written Mr. Weaver, concerning the offer.

Correspondence was presented from the Virginia Poultry Federation, Inc., in which request was made for authorization to issue vendor's permits on May 16th, the day of the Grand Poultry Festival Parade. Vice-Mayor Green reminded members that this has been the procedure for the past several years. Councilman Cisney moved that the Federation be so authorized, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

A request was presented from the City School Board for approval of a transfer of funds within school appropriations in amount of \$ 35,000., due to need of funds in various categories, from excess funds in others. Following a review of items involved, Councilman Dingleline moved that the transfer be approved, and that:

- \$ 10,000. trans. from: School Fund (1201-299.00) Other Inst. Costs- Other Inst. Costs
- 12,000. trans. from: School Fund (1206-210.00) Fixed Chgs.- Insurance
- 8,000. trans. from: School Fund (1206-295.00) Fixed Chgs.- Employer Cont. for Frng. Benefits
- 5,000. trans. from: School Fund (1208-134.01) Adult Education- Comp. Inst. Personnel
- 3,000. trans. to: School Fund (1203-219.02) Pupil Trans.- Trans. by Pub. Carrier
- 6,000. trans. to: School Fund (1205-215.01) Maint. Sch. Plant- Repair or Replacement Equip.
- 20,000. trans. to: School Fund (1205-311.00) Oper. Sch. Plant- Fuel
- 6,000. trans. to: School Fund (1900-403.00) Cap. Outlay- Furn. & Equip.

The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Councilmen present.

Council received a request from the City School Board for approval of a supplemental appropriation in amount of \$ 9,878.69 in order to appropriate revenues in excess of budget estimates to cover anticipated cost of over-runs on fuel oil due to increase in per gallon cost. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

- \$ 4,766.00 chgd. to: School Fund (R-4) Real. Revenue- Rcpts. from State Funds- Foster Home Children
- 1,980.00 chgd. to: School Fund (R-37) Real. Revenue- Rcpts. from Other Funds- Rebates
- 557.69 chgd. to: School Fund (R-40) Real. Revenue- Rcpts. from Other Funds- Sale of Supplies
- 2,575.00 chgd. to: School Fund (R-45) Real. Revenue- Rcpts. from Other Funds- Tuition from Another City/County
- 9,878.69 approp. to: School Fund (1205-311.00) Oper. Sch. Plant- Fuel

The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Councilmen present.

A request was received by Council from the Director of Transportation for approval of a supp. appropriation within Revenue Sharing Account in amount of \$ 4,200., due to insufficient funds in proper category to pay for Amco Brake Lathe. Following a brief discussion, Councilman Cisney moved that the appropriation be approved for a first reading, and that:

- \$ 4,200. chgd. to: Revenue Sharing (PTS 79-80) Pub. Taxi Trans.- Bus Stop Structures
- 4,200. approp. to: Revenue Sharing (PTM-79-80 Pub. Taxi Trans- Mach. & Equip.

The motion was seconded by Councilman Dingleline, and adopted by a unanimous recorded vote of Councilmen present.

A request was presented from Mr. Ralph Smith, Superintendent of the Street Department, for

approval of a supplemental appropriation in amount of \$ 6,750., in order to recover a portion of funds paid out for bridge inspection fees to consulting engineers. It was noted that the requested amount represents reimbursement from the Virginia Department of Highways & Transportation on a total amount of \$ 14,600. Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 6,750. chgd.to: General Fund (1901-01) Recoveries & Rebates

6,750. approp.to: General Fund (4102-3004.07) St.Inspect.- Repairs & Maint.-
Maint. & Replacements, Annexed Area

The motion was seconded by Councilman Dingledine, and adopted b y a unanimous recorded vote of Councilmen present.

✓ For consideration of approval, a request was presented from the Community Development Coordinator for a supplemental appropriation in amount of \$ 2,665.00, representing Program Income, which must be expended before Federal Community Development Block Grant Money. Councilman Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 2,665. chgd.to: General Fund (1901.01) Real.Revenue- Recoveries & Rebates

2,665. approp.to: C.D.Revolving Fund

The motion was seconded by Councilman Cisney, and adopted b y a unanimous recorded vote of Councilmen present.

✓ A request was presented from City Manager Milam for approval of a supplemental appropriation in amount of \$ 166,791.14, in order to allocate interest earned on Revenue Sharing Funds, for Engineering Services - all Municipal Departments and Schools. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 166,791.14 chgd.to: Revenue Sharing- Real.Revenue- Interest Earned

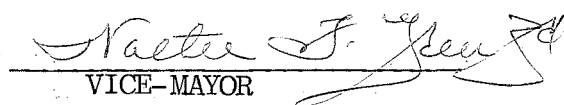
166,791.14 approp.to: Revenue Sharing (ES80-81) Eng.Services- for all Municipal
Departments and Schools

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Councilmen present.

✓ On motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Councilmen present, a letter will be sent to Mr. Lathan D. Mims upon his retirement as General Manager of the Daily News Record.

There being no further business and upon motion duly adopted, the meeting was adjourned at 8:12 P.M.


CLERK


VICE-MAYOR

Tuesday, April 28, 1981

At a regular meeting of Council held in the Council Chamber this evening at 7:30, there were present: Mayor Roy H. Erickson; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent:- Vice-Mayor Walter F. Green, III.

Minutes of the regular meeting held on April 14th were approved as read.

✓ City Manager Milam reviewed with Council the 1981-82 fiscal year budget for the Harrisonburg Electric Commission, noting total revenue in amount of \$ 11,269,285.00; total operating expenses of \$ 9,372,703.00; leaving net operating profit of \$ 1,896,582.00. He pointed out that the Commission is required, by ordinance, to submit 7 copies of its proposed budget to the City Manager. Following the review, Councilman Rhodes moved that Council accept the proposed budget for HEC. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

✓ The City Manager presented each member of Council with a correction, by the Philadelphia Office of HUD, of page 4 to the Financial Report for the Harrisonburg Elderly Housing and Downtown Rehabilitation Project as of November 3, 1980, concerning total Program Year 1978 Funds available for Disposition, from a \$1 million Grant. The original report, submitted to Council at the April 14th meeting, showed the total funds available as \$ 205,421.00. The corrected total of \$ 226,364.00 was due to the addition of total Program Year 1978 Funds Held by the Recipient, in amount of \$20,943.00. Following a complete review of the report, Mayor Erickson noted that a copy would be on file in the City Manager's Office, for review.

✓ Council's attention was called to copies of the Harrisonburg Redevelopment & Housing Authority's audit report for years 1979 and 1980, as of December 31, 1980, prepared by the CPA Firm of Robert J. Tauriainen. Manager Milam noted that although he had not found time to review the report, he felt that the City's 100 public housing units were included, as well as the Elderly Housing Facility. Councilman Dingledine moved that the report be accepted, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

✓ A report of financial data of Warner Amex Cable of Harrisonburg's operation for the year 1980, compiled and submitted by J. Patrick Dugan, CPA for Warner, as required under the franchise agreement, was presented by the City Manager. He noted from the report, assets of \$ 954,858.00 and liabilities in the same amount. Councilman Cisney suggested that Mr. Stigberg be asked what the accumulated depreciation of plant and equipment was for the year 1979, in that the report does not give a comparative balance. Councilman Dingledine said that Warner Amex has completed its electronic equipment, and when all is installed, the company should be prepared to expand services, with additional ones available. Manager Milam informed Council that he had visited the storage room, on invitation, and had seen several hundred thousand dollars worth of equipment. Councilman Cisney commended Mr. Chuck Stigberg on keeping Council up-to-date with progress reports. On motion of

Councilman Dingleline, seconded by Councilman Cisney, and a unanimous vote of Councilmen present, the report was accepted.

A petition containing fifty-four signatures, submitted by the Parent-Teacher-Student Association of Keister Elementary School, was presented to Council, requesting the Harrisonburg School Board to determine the number of students being generated by the recently completed Mosby Heights Apartments, and the closing of Anthony Seeger School, and to plan appropriate accommodations for them in advance of their arrival at Keister next August. Correspondence to City Council from Mrs. Jean Grimes, President of the PTSA Association, was read, in which concerns were expressed of increased enrollment this Fall, without prior planning. A request was made for the School Board to consider a mini school census this summer, if necessary, to determine the number of students entering the school in the Fall from the apartments, and to seriously consider the appropriateness of continuing to accept tuition paying county students into the already large classes. Councilman Cisney asked Mrs. Grimes if the petition had been transmitted to the City School Board, to which she answered in the affirmative. Councilman Rhodes asked if Anthony Seeger would definitely be closed, and Councilman Dingleline noted that the school would be in operation one more year, and then closed, unless there were some changes. Following discussion, Councilman Cisney moved that the petition be referred to the School Board, with request for a report back to Council concerning future enrollment at Keister School, expansion plans, etc. The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Councilmen present.

Mr. Eddie Bumbaugh and Ms. Mary Ann Hardy were present in the meeting on behalf of The Mental Health Association of Harrisonburg-Rockingham County, to present two documents proclaiming the month of May as MENTAL HEALTH MONTH: (1) Certificate of Recognition signed by Governor John N. Dalton; (2) the following resolution for consideration of approval by the Harrisonburg City Council, and signature of Mayor Erickson:

ON BEHALF OF the citizens of Harrisonburg, the public services provided by the Harrisonburg-Rockingham Mental Health Association, a non-profit citizens advocacy group supported by the United Way, is hereby acknowledged.

WHEREAS, the Mental Health Associations' purposes are to promote mental health, prevent mental illness and improve the care and treatment of the mentally ill, and;

WHEREAS, the Mental Health Association of Harrisonburg-Rockingham is celebrating its 25th year since its founding and in those 25 years has founded or helped to initiate the following services for the citizens of this community:

Massanutten Mental Health Center; Community Counseling Center, Incl; Listening Ear; First Step, Inc.; Community Services Board; Services to Children 0 - 2 years old; Family Support Center, and;

WHEREAS, the Mental Health Association provides legislative, educational and program services to the community to help reduce the stigma attached to mental illness and encourage a positive mental health attitudes.

NOW, THEREFORE, we, the City Council and Mayor do hereby proclaim May, 1981 as Mental Health Month and also to be the 25th Anniversary of the Harrisonburg-Rockingham Mental Health Association and do call upon the citizens of Harrisonburg to join and support all the activities promoted by the Association especially those occurring during May, 1981, listed below:

*May - 2, Family Fun Day; May 7, Press Conference and Reception;
May 27 - Community Forum*

Mayor

(SEAL)

Date _____

On motion of Councilman Dingleline, seconded by Councilman Cisney, and a unanimous vote of Councilmen present, the resolution was approved, with authorization for the Mayor to sign same on behalf of the City.

Mr. Ernest James appeared before Council on behalf of the Harrisonburg-Rockingham Chamber of Commerce, for the purpose of requesting City Council to give serious consideration to the resolution for improving areas of cooperation between the city and county, and possible consolidation of services. He noted that contrary to whatever may be discussed re timing, it is the serious attempt of the Chamber to have a study done to improve areas in both the city and county. Councilman Cisney said he was interested in establishment of a committee, but asked several questions of Mr. James: Cisney: Has there been any objectives or guidelines established to work with?

James: The Chamber cannot do this, but has indicated some areas of interest. It is requested that the committee come up with guidelines for approval of both governing bodies. Experts have recommended that the study be begun by a committee.

Cisney: Are you suggesting that the Council should establish guidelines before it appoints members to a committee? Unless you know what the committee is going to do, you don't know whom to select to serve.

James: Offered a personal opinion that he saw nothing wrong with either approach, and that the Chamber would be delighted to either work with the governing body in approving guidelines and making appointments, or to ask the committee to perform the task of establishing guidelines.

Cisney: Feels the committee will need some overall supervision, and asked if the Chamber would be willing to take this responsibility.

James: The Chamber has not been asked to do so. The Board of Directors will stand ready to support and help in any way it can, in the serious endeavor.

Cisney: Said he felt the Chamber should be willing to work out guidelines, due to the distrust and disunity suggested in the resolution.

James: If Council would like for the Chamber to suggest some guidelines, he would be happy to go back to the Study Committee.

Cisney: Feels this should be done before forming a committee, and that the committee should do a thorough investigation into all aspects. If a referendum is called for, it will be done. The study will be both time consuming and costly. He asked if there was knowledge of a study on file which was done a few years ago by the county re consolidation of the towns and county, which should be a help to the committee.

James: The Chamber has a copy of this.

Manager Milan: A study was made in 1977 by an attorney. He questioned representation on the Committee.

James: It has been suggested to the county that the towns be included, in order to get an honest look at the situation.

Mayor Erickson: The city has specific duties to residents of the local government. The general public is not fully aware of the relationship between the city and county on various projects, in which they work hand-in-hand. He questioned that if a list is made of what they do, setting aside those things that are not done, what losses would be involved in the different areas?

Cisney: Wants to be sure the people on the committee know what they are going to be asked to do before they are placed on the committee. Members should be made up of knowledgeable people in municipal and county management.

Mayor: The resolution has been set aside, because of the involvement for the past two months, and there is a need to wrap up some things before taking action on this particular request. He expressed a hope that all who are interested in consolidation, are aware of the depth, and details involved.

James: The Chamber wants to know if the study can begin.

Cisney: Would the Chamber be willing to draw up guidelines, and prepare a proposed budget for cost of the study?

James: If a request is made, the Chamber will respond, and seriously do whatever it can, with resources available. "I'm awaiting a request."

Following the lengthy discussion, no action was taken by Council at this time.

During a discussion of appointments to various Boards & Commissions, it was noted that Mrs. Harold T. (Libby) Lindsey's partial term on the Blue Ridge Community College Board would expire on June 30th of this year. Councilman Dingledine moved that Mrs. Lindsey be appointed to her first full 4-year term on the Board, expiring June 30, 1985. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

Councilman Cisney moved that a supplemental appropriation in amount of \$ 9,878.69 requested by the City School Board in order to appropriate revenues in excess of budget estimates to cover anticipated cost of over-runs on fuel oil due to increase in per gallon cost, be approved for a second & final reading, a first reading having been approved on April 14th, and that:

\$ 4,766.00 chgd.to: School Fund (R-4) Real.Revenue- Rcpts.from State Funds- Foster Home Children

1,980.00 chgd.to: School Fund (R-37) Real.Revenue- Rcpts.from Other Funds- Rebates

557.69 chgd.to: School Fund (R-40) Real.Revenue- Rcpts.from Other Funds- Sale of Supplies

2,575.00 chgd.to: School Fund (R-45) Real.Revenue- Rcpts.from Other Funds- Tuition from another City/County

9,878.69 approp.to: School Fund (1205-311.00) Oper.Sch.Plant- Fuel

The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Councilmen present.

Councilman Rhodes moved that a supp. appropriation in amount of \$ 4,200.00 requested by the City's Transportation Director in order to transfer funds within the Revenue Sharing Account, due to insufficient funds in proper category to pay for Amco Brake Lathe, be approved for second and final reading, a first reading having been approved on April 14th, and that:

\$ 4,200. chgd.to: Revenue Sharing (PTS-79-80) Pub.Taxi Trans.- Bus Stop Structures

4,200. approp.to: Revenue Sharing (PTM-79-80) Pub.Taxi Trans.- Mach. & Equip.

The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Councilmen present.

Councilman Cisney moved that a supplemental appropriation in amount of \$ 6,750.00 requested by the Superintendent of the Street Department in order to recover a portion of funds paid out for bridge inspection fees to consulting engineers, be approved for second & final reading, a first reading having been approved on April 14th, and that:

\$ 6,750. chgd.to: General Fund (1901.01) Recoveries & Rebates

6,750. approp.to: General Fund (4102-3004.07) St.Inspection- Repairs & Maint.- Maint. & Replacements Annexed Area

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Councilmen present.

Councilman Dingledine moved that a supplemental appropriation in amount of \$ 2,665. requested by the Community Development Coordinator, representing Program Income which must be expended before Federal Community Development Block Grant Money, be approved for second & final reading, a first reading having been approved on April 14th, and that:

\$ 2,665. chgd.to: General Fund (1901.01) Real.Revenue- Recoveries & Rebates

2,665. approp.to: C.D.Revolving Fund

The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Councilmen present.

Councilman Rhodes moved that a supplemental appropriation in amount of \$ 166,791.14, requested by the City Manager in order to allocate interest earned on Revenue Sharing Funds for Engineering Services- all Municipal Departments and Schools, be approved for second & final reading, a first reading having been approved on April 14th, and that:

\$ 166,791.14 chgd.to: Revenue Sharing- Real.Revenue- Interest Earned

166,791.14 approp.to: Revenue Sharing (ED80-81) Eng.Services

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Councilmen present.

A request was presented from the Assistant City Manager for approval of a supplemental appropriation in amount of \$ 2,444.00, in order that a fund may be established for a Litter Control Grant

which has been received by the City. Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 2,444. chgd.to: General Fund (1901.01) Recoveries & Rebates

2,444. approp.to: General Fund (4108-5414.01) Highway & Street Beautification-Litter Control

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Councilmen present.

✓ City Manager Milam presented a request from the City School Board for approval of a supplemental appropriation in amount of \$ 11,659.00 in order to appropriate anticipated funds to be received from insurance company to allow the Thomas Harrison Jr. High School auditorium for fire damage. An itemized statement of items, repair costs, etc. accompanied the request. Following a brief discussion, Councilman Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 11,659.00 chgd.to: School Fund (R-51) Antic.Repts.- Rcpts.from Other Funds-

Insurance Adjustments

325.00 approp.to: School Fund (1205-119.00) Maint.Sch.Plant- Comp.Custodial Employees

5,774.00 approp.to: School Fund (1205-215.01) Repair & Reple.Equip.

5,000.00 approp.to: School Fund (1205-290.01) Cont.Srvs.Bldgs. & Grounds

560.00 approp.to: School Fund (1205-399.01) Bldg.Materials

The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Councilmen present.

✓ Council received a request from the City School Board for approval of a supplemental appropriation in amount of \$ 21,000. in order to provide funds for temporary loan to Massanutten Voc. Tech Center, in order that they may meet their financial obligations in full, prior to receiving anticipated state reimbursement. Noted further was the fact that the funds will be repaid as soon as the reimbursement is received. Attached to the request was correspondence from the Voc. Tech Center to the School Superintendent, requesting a temporary loan of \$ 21,000., representing 14% of the total \$ 150,000. being requested from the governing bodies. Following discussion, Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 21,000. chgd.to: School Fund (R-55) Antic. Rcpts.- Rcpts.from Loans, Bonds & Investments- Temp. Loans

21,000. approp.to: School Fund (1201-221.00) Other Inst. Costs- Tuition Pd. Other Div.

The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Councilmen present.

✓ City Manager Milam presented and read the following report submitted by the Planning Commission from a Commission meeting held on April 15th:

"...The Commissioners reviewed the proposed site plan of Summit Heights Subdivision, located in northeast Harrisonburg between Summit Street and the Beth El property. Mr. J. R. Copper, land surveyor, submitted a revised Final Plan, reflecting the 15' and 20' easements requested by City Staff and the Planning Commission in March. Mr. Copper explained the easement locations and described the improvements for off-street parking along East Gay Street where 18 'for-sale' townhouses will be constructed. In addition, a second fire hydrant will be placed in the 5.4 acre development, which will also include eight 4-unit apartment houses.

Mr. Heath concluded the review with a motion that the Commission recommend to City Council that the Final Plan for Summit Heights Subdivision be approved, based on the revisions submitted by J.R.Copper. Mrs. Bowman seconded the motion and all members present voted in favor..."

Planning Director Sullivan pointed out the location on a large plat, and noted that the Subdivision would bring about continuance of East Gay Street, and satisfy the Beth El property. He informed Council that following a review by City Staff of a curved street request of Beth El, additional easements were acquired. The entire package was redrawn to provide for small islands in front of the townhouses for cars to turn around when coming out of private driveways, rather than having to back out onto the street. Following discussion, Councilman Cisney moved that the recommendation of the Planning Commission be approved. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

Council received a report from the Planning Commission meeting of April 15th, recommending approval of the resubdivision of Section 2 of University Court Townhouse Development, in that an ordinance closing Camelot Lane had been approved for a first reading. Planning Director Sullivan requested that the report be accepted by Council at this time, with no action regarding the resubdivision until such time as the ordinance has been finally approved. City Manager Milam explained that an ordinance cannot be approved for final reading in instances where a property owner derives additional land through a closing, until such time as he has been supplied with pertinent information as to description of the land, etc., and payment has been made by the requestor as documented that the Planning Commission's recommendation for the resubdivision of Section 2 was made, on the assumption that the closing of Camelot Lane would be finalized by this meeting. Following discussion, Councilman Dingledine moved that Council accept the report of the Planning Commission, and instruct the City Manager to have the matter placed on Council's agenda for its next regular meeting. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

✓ The following Planning Commission report, from an April 15th meeting, was presented and read:

"...The Commissioners reviewed Attorney Steve Blatt's request that a 1959 resubdivision of Lot 11 in the John Paul Addition be 'officially approved', so that he can clear the title for transfer of the property on Franklin Street extended from Mr. Neil Turner to Michael Brothers, Inc. Mr. Trobaugh asked if this and probably many other lot line resubdivisions which have occurred in the past can't be 'grandfathered' by the City. Mr. Blatt responded that as an attorney, he has a 'title objection' to what has been going on, and he suggested the City amend its subdivision ordinance to give an administrator the power to approve such matters without the lengthy process of going through the Commission and City Council.

Mr. Heath also expressed hope that City Council could grant some form of blanket approval to all previous minor lot line changes. He concluded the discussion with a motion recommending that City Council approve Mr. Blatt's request to resubdivide Lot 11 in the John Paul Addition, located on the south side of Franklin Street extended. Mrs. Bowman seconded the motion and all members present voted in favor..."

Planning Director Sullivan displayed a map from the Court House, showing Lots 11, 13 and 15, and noted that the action recommended is official approval of the new lot line on Lot 11, which was established in 1959. He elaborated on the need for a simpler method of dealing with such requests, possibly of an agent carrying out the administrative end. City Attorney Lapsley expressed a hope that changes would be forthcoming in the state legislature, dealing with lot lines, etc. Following discussion, Councilman Dingleline 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 Councilmen present.

City Manager Milan informed Council that a News Bulletin from the Office of Local Government Management Relations dated 4/1/81, had been received, setting forth various General Assembly actions, which included an increase in travel reimbursement from 18.5¢ per mile, to 20¢ per mile, effective July 1, 1981. An added notation stated that the effective date should be April 1, 1981. A Memo from the Harrisonburg Department of Social Services advised that the Welfare Board had approved the increase effective April 1, 1981, as approved by the Code, and expressed appreciation for Council's cooperation in implementing this rate for the Agency. Manager Milan pointed out the fact that some employees in the various city departments, and personnel of the City Schools, use their private cars in their work, and requested consideration of Council in approving the increase, by motion. Following discussion concerning the difference in effective dates mentioned, Councilman Cisney moved that Council approve the increase in travel reimbursement from 18½¢ to 20¢ per mile, effective July 1, 1981. The motion was seconded by Councilman Rhodes. Councilman Dingleline offered a substitute motion that the matter be deferred until the next regular meeting on May 12th, in order that the correct effective date of the increase may be determined. This motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

For consideration of a second & final reading, the City Attorney presented an ordinance effecting the vacation of lot lines in the Fry Addition, between 37 and 45 Weaver Avenue, which ordinance had been approved for a first reading on April 14th. Councilman Cisney 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. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Councilmen present. (Refer to Ord. Bk K, page 225).

The City Attorney presented and read, for consideration of a first reading, an ordinance amending Section 8-1-15 of the City Code, titled: "Erection of Structures; Public Hearing Requirements." He noted that the amendment provides that the Harrisonburg Electric Commission hold a public hearing prior to final decision concerning construction of any transmission lines or substation of more than 50,000 volts, with proper notification of such Hearing. Under the present ordinance, a Hearing is not held, unless specifically requested. Following a brief discussion, Councilman Cisney moved that the ordinance be approved for a first reading. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Councilmen present.

For consideration of a first reading, City Attorney Lapsley presented and read an ordinance amending Section 10-1-6 of the City Code, titled: "Approval of Construction of Public Ways, Buildings, etc." He pointed out that the present ordinance provides that no street, square, park or other public way, ground or open space, public building or structure, shall be constructed or authorized in the city...and no public utility, whether publicly or privately owned, shall be constructed or authorized, until submitted to and approved by the Planning Commission. The amended ordinance provides further that "this ordinance shall not apply to the Harrisonburg Electric Commission, and still further, the referral to the Planning Commission may be waived by the Council in any instance when the Council deems it advisable to do so." Councilman Dingleline said he could not understand the need, advisability, or desirability of the added proviso, nor how Council could justify the elimination of HEC from acquiring approval of the Planning Commission, and therefore, could not support the ordinance as presented. After further discussion, Councilman Rhodes moved that action on the ordinance be deferred until the next regular meeting on May 12th. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

For information, the City Manager reported to Council re federal & state grants which the City's Transportation Department will be receiving, to cover a portion of the deficit for operations in past years, as well as a grant of \$ 402,000. for purchase of buses. Although unable to determine the exact total of all grants to be received, in that some of the figures do not agree, he estimated an amount of \$ 500,000. A separate account will be established to handle the funds in the 1981-82 budget. Manager Milan said that forms will be prepared to apply for the reimbursements, in that the money must be spent prior to application for the grant, which has been in the making for several years.

Assistant City Manager Driver presented the following resolution to Council, for consideration of approval:

WHEREAS, the City of Harrisonburg has received a State Grant for Litter Control; and
 WHEREAS, it is the desire of the City to use this grant to promote cleaning up private property and public right-of-ways within the City,
 NOW, THEREFORE, I, Roy Erickson, Mayor of the City of Harrisonburg, do proclaim May 4th through May 8th to be Harrisonburg Beautification Week.

Mayor

Mr. Driver noted that a portion of the \$ 2,444. dollar Grant would be spent on beautification of the Central Business Area, and a portion for use by the Pilot Club for its project of showing films to elementary school students, awarding prizes, etc. On motion of Councilman Dingleline, seconded

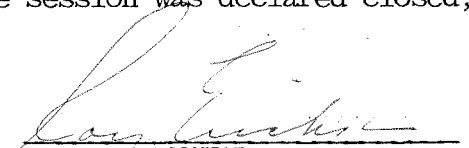
by Councilman Cisney, and a unanimous vote of Councilmen present, the resolution was approved.

✓ Mayor Erickson expressed appreciation for the work which was done by the department heads and their assistants in gathering pertinent information for use in the City's Annexation Case which was finalized last week. Councilman Dingledine moved that Council go on record as expressing appreciation to the City Manager, Assistant City Manager, Department Heads, and others, for the fine work they have done in the matter. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present. City Manager Milam said that all department heads were dedicated to the work, and had done an excellent job. He said the presentation was excellent on the part of the city, and that any benefits derived, will be for the future.

At 9:37 P.M., Councilman Rhodes moved that Council enter an executive session to discuss personnel and real estate. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

At 10:25 P.M., on motion duly adopted, the executive session was declared closed, the regular session reconvened and adjourned.


CLERK


MAYOR

At a combined public hearing and regular meeting held in the Council Chamber this evening at 7:30, 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 Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on April 28, 1981, were approved as read.

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, 1981.

From the City Treasurer:

A trial balance report as of close of business on April 30, 1981.

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 \$ 8,646.80.

From the City Auditor:

A financial report for the City of Harrisonburg, Va., month of April, 1981.

A report of cash discounts saved in payment of vendor's invoices for month of April, 1981, totaling \$ 863.60.

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, 1981.

✓ City Manager Milam presented final statements for the Harrisonburg-Rockingham Regional Sewer Authority for the nine month period ended 3/31/81, submitted by Mr. James H. Roadcap, Jr., Executive Director of the Authority, prepared in accordance with Section 707 of the Bond Resolution. He noted total assets and liabilities in amount of \$ 18,232,463.36 and total operating expenses of \$523,826. Contributions from four political subdivisions were as follows: Bridgewater, \$ 44,839.53; Dayton, \$ 109,334.19; Harrisonburg, \$ 331,291.01; and Rockingham County, \$ 38,361.55. Mayor Erickson informed Council that final inspection of the facility has been made by a representative of the E.P.A., and the Authority is awaiting final payment from the government.

✓ Mr. John F. (Jack) Miller, III, President of the Shenandoah Valley Oil Heat Association, was present in the meeting as a follow-up of his correspondence to the City Manager, dated April 28, 1981. He informed Council that Senate Bill 831 has been passed, with effective date of October 1, 1981, rather than July 1, 1982, for the 3% sales tax exemption on heating oil. The exemption will apply to artificial or propane gas; wood; coal; and home heating oil used for domestic consumption. The Association is requesting that the other 1% sales tax be dropped. Mr. Miller noted that although the Association has edification, the exemption is not final as of this date. The request will also have to be taken before the Rockingham County Board of Supervisors. The 1% exemption is not mandated, but will be asked for compliance by each locality. Guidelines will be forwarded to City Council, upon receipt of same. City Manager Milam said that in order to write off the 1% sales tax, the anticipated loss to the City of approximately \$ 19,000. (based on total sales for 1980), will have to be compared to figures based on the city's 10% utility tax which is levied on electricity, gas, telephone and water. Following discussion, no action was taken at this time concerning elimination of the 1% sales tax.

✓ For information, the May Progress Report, submitted by Mr. Chuck Stigberg, Manager of Warner Amex Cable Communications, Inc., was presented by the City Manager, stating the following facts: The electronic upgrading is 90% complete, with expected connection to the new services, for first subscribers, as the latter part of May; the first shipment of converters has been delayed until mid-May; decision has not been reached by the court concerning carriage of additional independent TV stations in the Harrisonburg system, and until that is final, satellite alternates will be offered in place of the proposed independent networks: WDCA-TV Channel 20; WTBS-Atlanta; WOR- New York and UPI. It was explained that although UPI was proposed originally as a part of the five-channel optional satellite service, the United Press International slow-scan news service is in question as to its long-term availability due to internal financial difficulty. The report concluded with the following statement: "Barring any potential delivery problems from vendors, Warner Amex

will launch the premium services in late May."

✓ Correspondence dated 5/6/81 from Steven Blatt, representing Michael Brothers, Inc. (a Virginia Corporation), was presented and read by the City Manager. The correspondence advised that the corporation had recently purchased a portion of Lot 11, together with Lots 13 and 15 in the John Paul Addition, with deed recorded in the Clerk's Office, and that the City had recently granted a resubdivision request for that portion of lot. Request was made for vacation of the boundary line on Lot 13 in the Addition, in order that the property purchased by Michael Brothers shall become one undivided tract or parcel of land. Councilman Dingleline 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.

At 8:05 PM., Mayor Erickson closed the regular session temporarily and called the evening's public hearing to order. The following Notice of Hearing, as advertised in the Daily News Record newspaper on April 11th and 13th, was read:

"There will be a Public Hearing on May 12, 1981 at the Harrisonburg City Council Chambers. This Hearing will be to discuss Harrisonburg's application for Section 18 funds under the Urban Mass Transportation Act of 1964. These funds will be for operating assistance, administrative assistance and capital assistance.

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

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

Mr. Reggie Smith, Transportation Director, noted that two proposed resolutions were before the governing body for consideration of approval, with regard to an application of \$ 509,750. through the Virginia Department of Highways & Transportation, under the Urban Mass Transportation Act of 1964. The amount, representing federal funding of \$ 382,675.00; state funding of \$ 79,230.00; and local funding of \$ 47,845.00, would be used for purchase of three 30-passenger buses (\$110,000.00 each), administration of the bus system, and reimbursement for 50% of the operating losses which the bus system suffers. The application also includes an amount of \$ 40,000. for purchase of one extra engine with components. Mr. Smith informed Council that under President Reagan's proposal, funds for operating expenses would be discontinued, and more funds allowed for capital and administration. When question was raised concerning the need for an extra engine, Mr. Smith replied that it would be used to replace ailing engines or parts, and reduce time lost for bus repairs, and added that a 35-40% increase in bus riders has been realized over the past three months. Inasmuch as the buses are quite costly, there will be a need for trained drivers and special care of the vehicles. The City Manager stated that the proposed application, if approved, will be in addition to a Grant of \$ 450,000. already approved for operating expenses, administrative costs and construction of bus shelters. There being no others present desiring to be heard, the Hearing was declared closed at 8:16 P.M. and the regular session reconvened.

✓ The following resolution (first of two proposed with regard to the City's application for Transportation Grant) was presented and read, for consideration of Council's approval:

BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia, that the City Manager of the City of Harrisonburg is authorized, for and on behalf of the City of Harrisonburg, to execute and file an application to the Virginia Department of Highways & Transportation, Commonwealth of Virginia, for a grant of Federal Public Transportation Assistance authorized under Section 18 of the Urban Mass Transportation Act of 1964, as amended, in the amount of \$ 382,675.00 to assist in the operating, capital and administrative cost of local public transportation services, to accept from the Virginia Department of Highways & Transportation, grants in such amount as may be awarded, and to authorize the City Manager to furnish to the Virginia Department of Highways & Transportation such documents and other information as may be required for processing the grant request; and

FURTHER, BE IT RESOLVED that the City Manager is authorized, for and on behalf of the City of Harrisonburg, to execute and file an application to the Virginia Department of Highways & Transportation, Commonwealth of Virginia, for a grant of transportation special revenues authorized under budget item 640 of the 1980 Acts of the General Assembly - Chapter 760, Item 640, Financial Assistance for Mass Transit - in the amount of \$ 1,900.00 to defray fifty percent (50%) of the local matching share for administrative expenses and in the amount of \$ 77,330.00 to defray ninety-five percent (95%) of the local matching share of the City of Harrisonburg for capital costs of an approved Federal Grant, to accept from the Virginia Department of Highways & Transportation, grants in such amount as may be awarded, and to authorize the City Manager to furnish to the Virginia Department of Highways & Transportation, such documents and other information as may be required for processing the grant request.

The Harrisonburg City Council certifies that the funds shall be used in accordance with the requirements of the UMTA, Section 18 Program and the State Appropriation Act of 1980, that the City of Harrisonburg will provide matching funds in the ratio as required, and that the record of receipts and expenditure of funds granted the City of Harrisonburg may be subject to audit by the Virginia Department of Highways & Transportation, and by the State Auditor of Public Accounts.

Clerk of Council

Following a brief discussion, Councilman Cisney moved that the resolution be approved, with authorization for the Clerk to sign same on behalf of Council. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

The second proposed resolution was then read, as follows:

BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia, that the City of Harrisonburg does support and encourage a study of marketing and operating practices for the city.

FURTHER, BE IT RESOLVED that the City of Harrisonburg designates Mr. Reggie

Smith, Director, Department of Public Transportation, to serve on the Advisory Committee for this study.

Clerk of Council

On motion of Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Council, the resolution was approved, with authorization for the Clerk to sign same on behalf of Council.

✓ Assistant City Manager Driver reported to Council that a total of five bids on the City's Steam Plant had been opened last Wednesday, with Whiting Turner Contracting Company, Baltimore, Md., submitting the lowest bid in amount of \$ 7,179,000.00. He offered an opinion that the first four bids (all in the \$7 million range) were competitive, although slightly higher than anticipated. Consultants for the City will tabulate the bids and update the feasibility study, and have representation at the next meeting of Council on May 26th to discuss feasibility of the project, based on bids received. Mr. Driver said he could see no reason for re-bidding the plant, in that the bids would undoubtedly increase by that time. Further noted was that an engineer with the consulting firm of Wiley & Wilson, felt the bids were good, and had said that his firm had worked with three of the companies submitting bids, including the low bidder, Whiting Company. Mr. Driver mentioned that Alternate No. 1 "Modular Unit" received no bids, and had been added due to the fact that in January of this year, Consumat Systems, Inc., of Richmond, Va., had requested an addendum to the specifications to allow for a modular unit within the building; Alternate No. 2 for a back-up crane is not needed; and Alternate No. 3 for a tire slicer is not necessary, in that the work can be done for less cost than bids submitted. He said that an engineer will bring Council a price for installation of only one furnace, rather than two, with reduction in price, but said he does not favor this because of the type of building the City will construct to house equipment for burning refuse to produce steam heat. City Manager Milam reported that he and the Assistant City Manager have an appointment in New York next Thursday and Friday, for the purpose of obtaining bond ratings.

✓ For consideration of a second & final reading, the City Attorney presented an ordinance amending Section 8-1-15 of the City Code, titled: "Erection of Structures; Public Hearing Requirements." Council was reminded that the amendment provides that the Harrisonburg Electric Commission hold a public hearing prior to a decision regarding construction of any transmission lines or substation of more than 50,000 volts. Councilman Rhodes moved that the ordinance, approved for first reading on April 28th, 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. The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 226).

✓ An ordinance amending Section 10-1-6 of the City Code, titled: "Approval of Construction of Public Ways, Buildings, etc." was presented and read, for consideration of a first reading. Council was reminded that the ordinance had been presented at the April 28th meeting, with action deferred at that time due to question raised during discussion, of HEC's elimination from the requirement that its projects be submitted to, and approved by the City Planning Commission. Councilman Dingledine reiterated his feelings from that meeting, as to the advisability, desirability, or need for this proviso in the proposed ordinance, and moved that the matter be referred back to the Planning Commission for further study. Vice-Mayor Green and Councilman Rhodes agreed that no purpose would be served in referral back to the Commission, in that a report had been submitted to Council at its March 24th meeting, in which recommendation was made for approval of the proposed ordinance, including elimination of The Harrisonburg Electric Commission projects from review, and for the entire section 10-1-6 to be reviewed by the City Attorney. The motion of Councilman Dingledine was lost for lack of a second. Councilman Rhodes moved that the ordinance be approved for first reading, as presented. The motion was seconded by Vice-Mayor Green, and adopted by a majority recorded vote of Council. Voting aye: Councilmen Rhodes, Cisney, Green and Erickson. Voting nay: Councilman Dingledine.

✓ Mayor Erickson reminded Council of two vacancies on the Harrisonburg Industrial Authority, one by expiration of term and the other by resignation. He recommended that Dr. Jackson E. Ramsey of 282 Franklin Street, Harrisonburg, Professor at James Madison University, be appointed to that Authority. Councilman Rhodes moved that Dr. Ramsey be appointed to serve the unexpired term of Mr. Ralph Cline, which expires on April 24, 1983. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ Councilman Cisney informed Council that he had talked with Mr. Ernest James, representative of the Harrisonburg-Rockingham Chamber of Commerce, since the last regular meeting, and had given much thought to a proposed resolution for consolidation of city/county services which had been presented at the March 10th meeting, with action deferred due to other pressing issues before the governing body. He suggested the following manner in which the Chamber might set guidelines for the proposed study committee:

- 1) Areas to be studied: schools, police department, fire department, utilities (water, sewer and electricity), recreation, solid waste, taxing zones or land use zones, type of government (city or county), voter representation, etc.
 - a) The study would not go into operating details but would deal with administrative and service structure.
 - b) Would attempt to give estimated cost increases or savings on changes made.
- 2) The Chamber would serve as the support organization for the Committee, assisting with typing, reproduction, research and general supervision.
- 3) The Chamber would call the first meeting to organize the Committee, present the guidelines and operating budget.
- 4) The Chamber would decide under the guidelines if paid consultants are going to be employed before preparing an expense budget.
- 5) Funding of any expense budget by Harrisonburg and Rockingham (including the towns) would be calculated proportionally on one of the following methods: (a) population; (b) 1982 operating budget; or (c) taxable real estate values.
- 6) If the Chamber should agree to these suggestions and secure the concurrence from the county, the city would appoint its members after approval of the guidelines and funding, if funding is required.

During discussion, Vice-Mayor Green agreed the guidelines were necessary, prior to appointment of a Committee. Mayor Erickson said he had hopes that the matter could wait, until it is seen what the total future will be, in view of the judges' decision in the annexation case. He agreed that the study will require very careful evaluation. Councilman Cisney said he felt these suggestions would establish procedure, and that the Chamber could reply, concerning same. Councilman Rhodes agreed with the suggestions, but offered an opinion that appointment of 15 members each by the city and county would result in a burdensome number of people involved, and that 5 members from each, should be adequate. The Mayor asked members to think about the suggestions for the time being. Councilman Cisney said he would like some expression from Council, and offered a motion that the suggestions be used as a guideline, with added suggestion for reduced membership, with the Chamber being so informed. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

Councilman Dingleline moved that a supplemental appropriation in amount of \$ 2,444.00 requested by the Assistant City Manager in order that a fund may be established to handle a Litter Control Grant which has been received by the City in that amount, be approved for second & final reading, a first reading having been approved on May 14th, and that:

\$ 2,444. chgd.to: General Fund (1901.01) Recoveries & Rebates

2,444. approp.to: General Fund (4108-5414.01) Highway & Street Beautification-Litter Control

The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Council.

Vice-Mayor Green moved that a supplemental appropriation in amount of \$ 11,659.00, requested by the City School Board in order to appropriate anticipated funds to be received from an insurance company for fire damage to Thomas Harrison Auditorium, be approved for second & final reading, a first reading having been approved on May 12th, and that:

\$ 11,659. chgd.to: School Fund (R-51) Antic. Rcpts.- Rcpts.from Other Funds-Insurance Adjustments

325. approp.to: School Fund (1205-119.00) Maint.Sch.Plant- Comp. Custodial Employees

5,774. approp.to: School Fund (1205-215.01) Repair & Repl. Equip.

5,000. approp.to: School Fund (1205-290.01) Cont.Srvs.Bldgs. & Grnds.

560. approp.to: School Fund (1205-399.01) Bldg.Materials

The motion was seconded by Councilman Dingleline, and adopted by a unanimous recorded vote of Council.

Councilman Cisney moved that a supplemental appropriation in amount of \$ 21,000.00, requested by the City School Board in order to provide funds for temporary loan to Massanutten Voc. Tech Center, be approved for second & final reading, a first reading having been approved on May 12th, and that:

\$ 21,000. chgd.to: School Fund (R-55) Antic. Rcpts.- Rcpts.from Loans, Bonds & Investments- Temp. Loans

21,000. approp.to: School Fund (1201-221.00) Other Inst.Costs.- Tuition Pd.Other Div.

The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council.

A request was presented from the Chief of Fire for approval of a supplemental appropriation in amount of \$ 1,350.00 in order that funds which have been received from sale of surplus and used equipment and hose might be appropriated to the proper account. Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:

\$ 1,350. chgd.to: General Fund (1901.01) Recoveries & Rebates

1,350. approp.to: General Fund (3201-7001.00) Mach. & Equip.

The motion was seconded by Councilman Dingleline, and adopted by a unanimous recorded vote of Council.

City Manager Milam presented for consideration of approval of first reading, an Appropriation Ordinance making appropriation of funds for necessary expenditures to the City of Harrisonburg for fiscal year ending June 30, 1982. In his Budget Message to Council, Manager Milam noted that the proposed budget, in total amount of \$ 21,320,852. (up 11% over the present year) had been balanced, with no increase in taxation: real estate will remain at \$.65 and personal property at \$ 2.65, with other existing revenues from sales taxes, business licenses, etc. remaining the same. The proposed plan suffers a \$ 100,000. income cutback under legislation passed earlier this year which prohibits all localities in Virginia (except Richmond) from imposing a service charge on state-owned properties that are otherwise tax exempt. For several years, the City has charged James Madison University with the service fee. Manager Milam reviewed each fund, showing comparison with the present fiscal year, of increase or decrease in appropriation, and noted that it was indicative of the increases in Municipal operations which were offset by increases in revenue. During a review of appropriations to various organizations, question was raised regarding a request by the joint State, County, City, Regional Health Department for \$ 83,483.00 local commitment, which represents an increase of \$ 21,309. (34%) over the present fiscal year. It was agreed that Vice-Mayor (Dr.) Green contact Dr. Caplen of the local Health Department for further clarification of the request. On recommendation of the City Manager, the proposed budget provides for an increase in automobile stickers, motorcycles, motor driven bicycles or scooter bikes and duplicate certificates requested, in that the present charges have been in effect since 1966. Yet another recommendation is for an increase in dog license tax, since no change has been made since the City's existing ordinance which was adopted around the year 1950. In concluding his budget message, the City Manager stated that "The latest tax rate studied in Virginia Cities and Selected Counties prepared in 1980- Joint Report No. 39 Virginia Municipal League and Institute of Government, University of Virginia, show State average tax rate of \$ 1.12 in Virginia cities and that Harrisonburg still has one of the lowest tax rates of Virginia cities. It is felt that services provided are among the best and the financial status of the City is healthy and sound." Following discussion, Councilman Cisney moved that the Appropriation 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. Councilman Dingleline then moved that Council schedule a public hearing on the 1981-82 proposed budget for Tuesday, May 26th, 7:30 PM in the City Council Chambers, and that the City Manager be instructed to properly advertise the Hearing in the Daily News Record newspaper. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ Correspondence dated 5/7/81 from Mr. Wayne King, Superintendent of City Schools, was presented and read, in which permission of Council was requested for the School Board to apply for funding in amount of \$ 1,512,000.00 from the Literary Loan Fund. It was noted that on motion duly adopted, the School Board had authorized the Superintendent to request permission of Council to apply for the loan which will be used for construction of eight classrooms to each of the three city elementary schools for increased enrollment, if needed. Of the total amount, \$ 504,000. would be used at each of the schools for added classrooms. Following a brief discussion, Vice-Mayor Green moved that permission be granted. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ City Manager Milan reminded Council that the matter of increasing travel reimbursement for employees using private vehicles in their work, had been deferred until this time, in order that the correct effective date of the change may be determined. He noted that two significant changes were set out by the Department of Welfare, Commonwealth of Virginia, for updating the Administrative Manual, Volume I, namely: increasing reimbursement from 18½¢ per mile, to 20¢ per mile; and effective date as April 1, 1981. An added notation to the news bulletin from the Office of Local Government Management Relations had also changed the date from July 1, 1981 to April 1, 1981. Manager Milan requested that Council consider approval of the increase and date. Following a brief discussion, Councilman Dingledine moved that Council approve the increase in travel reimbursement from 18½¢ to 20¢ per mile, effective April 1, 1981. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ For consideration of a second & final reading, the City Attorney presented an ordinance effecting the closing of Camelot Lane, located east of Mountain View Drive. The ordinance had been approved for a first reading on April 14th. Attorney Lapsley referred to correspondence he had sent the City Manager and Governing Body in which he referred to Section 15.1-366 of the Code of Virginia, on which he based an opinion that the city could not legally charge the subdivider (owner of the lots on each side of Camelot Lane) for that particular piece of property. The state code section provides that any county, city or town may require additional land, acquired through closings, to be purchased by any person or persons, other than the subdivider. A personal opinion of Mr. Lapsley was that it did not seem fair to charge the subdivider for this property since the land belonged to the subdivider originally, particularly since no improvements had been built on it, and the City had assumed no responsibility for it. He advised Council that the City Code, Sec. 6-1-23, should be amended to include the exact language of the state code section. Following a brief discussion, Councilman Cisney moved that the ordinance for closing of Camelot Lane 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 Council. (Ord. Bk. K, page 227).

✓ The following report from an April 15th meeting of the City Planning Commission which had been accepted by Council at the April 28th meeting, with action deferred pending final adoption of an ordinance closing Camelot Lane, was presented and read:

"...The Commissioners reviewed a plat drawn by Surveyor Tom Shumate of Waynesboro, showing ten proposed townhouse lots in Section 2 of University Court. Mr. Sullivan reported that City Council held a first reading on the closing of Camelot Lane on April 14th, therefore consideration of this resubdivision request cannot be taken up since establishment of ten townhouse lots is dependent on using the land which is part of Camelot Lane. The Director pointed out that the ten proposed lots will have a common area of 0.55 acre in front of the units for parking and walkway, and the development will be a continuation of University Court which has been developing on Mountain View Drive over the past few years.

Mr. Rhodes then moved that the Commission recommend approval of the resubdivision of Section 2 of University Court Townhouse Development. Mr.

Trobaugh seconded the motion and all members present voted in favor..."

Vice-Mayor Green 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.

✓ Councilman Dingledine informed Council that he had been contacted by Rockingham Savings & Loan Association, re quotations to the City for investment of excess city funds, and expressed a desire for the Association to be advised of its eligibility. Following a brief discussion, Council agreed that the matter be referred to the City Attorney for review of the present city code section concerning the matter, and report back to Council.

There being no further business and on motion duly adopted, the meeting was adjourned at 10:10 P.M. until Thursday, May 14th, 8:30 P.M., at which time Council will study the proposed City of Harrisonburg Budget for fiscal year 1981-82.

N. Arlene Loker
CLERK

Ray E. Enoch
MAYOR

Thursday, May 14, 1981

At an adjourned meeting of Council held in the Council Chamber this evening at 8:30, there were present: Mayor Roy H. Erickson; City Manager Marvin B. Milam; Clerk N. Arlene Loker; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney; Vice-Mayor Walter F. Green, III. Absent: City Attorney Norvell A. Lapsley; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave.

✓ Mayor Erickson noted that the meeting of Tuesday evening had been continued until this time, primarily for Council to review the proposed 1981-82 City of Harrisonburg budget. City Manager Milam reviewed, in detail, the General Fund, elaborating on increase or decrease proposed for each City department, and reasons for same. During discussion of appropriations to various agencies, Vice-Mayor Green clarified the increase requested by the Health Department, as mandated state programs.

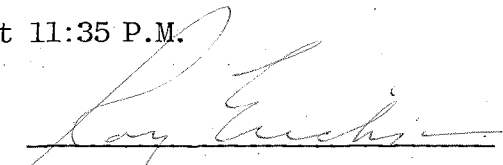
✓ Manager Milam called for a break in the study, to allow representatives of the Harrisonburg Retail Merchants Association to discuss a problem with Council. Mr. Bob Howarth, Mr. Dick Moore and Miss Teri Denton (past presidents and current president, respectively) informed Council of the need for a promotional type of director for the business core of the City, in that fulltime people do not have the time to devote to promotion. The Association would be responsible for over-seeing responsibilities of the Director, provide office space and incidental operating expenses, but does not have resources for the salary and benefits. An annual salary of \$ 10,000. was suggested, and the Association is in a position to employ a well-qualified individual, whose services would be available June 1st of this year. The position could be placed on a trial basis, with direction from City Council concerning promotional activities, etc. An effort would be made for increasing membership in the Retail Merchants Association, by providing more benefits as an incentive. Councilman Cisney offered an opinion that Council has to be very careful about drawing money from the general fund for one particular area of the city, when businesses in other areas also pay business licenses. Vice-Mayor Green noted that property owners in the downtown area should upgrade their properties, and the representatives replied that this would also be undertaken by the Director. Mayor Erickson expressed appreciation for the information brought before Council, and gave assurance that the matter would be considered further by Council.

Council resumed its review of the budget, discussing revenue and capital outlay for the various offices and departments of the City. Inasmuch as the hour was late, Mayor Erickson suggested that members review the remaining funds of the budget, and contact the City Manager with any observations or questions concerning same, prior to his leaving the city next week, on business.

✓ Vice-Mayor Green offered a suggestion that the City may employ an individual to coordinate activities, and develop the City, as a whole, working under the City Manager in promotional programs through contact with hotels, businesses, etc. and to help coordinate activities sponsored by businesses, JMU and special interest groups, with city officials and the media. Councilman Cisney said he was in favor of a city employed individual, in that he (or she) would work for the City, as a whole. Councilman Dingleline suggested a "matching fund" in which the City would be willing to match any figure that merchants could raise. Following discussion, it was agreed that the City Manager contact the Virginia Municipal League or other state localities which have similar promotional offices or personnel, for comments and ideas.

On motion duly adopted, the meeting adjourned at 11:35 P.M.


CLERK


MAYOR

Tuesday, May 26, 1981

At a combined public hearing and regular meeting held in the Council Chamber this evening at 7:30, 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, 3rd; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on May 12th and adjourned meeting held on May 14th, were approved as read.

Correspondence dated 5/5/81 from J.R. Copper, Jr. (Land Surveyor), Agent for Michael Brothers Construction Company, was read, in which request was made for approval of a resubdivision of a portion of Lot 11, Lots 13 and 14 in the John Paul Addition. City Manager Milam noted that a plat of the proposed resubdivision was attached to the correspondence, and recommended that it be referred to the Planning Commission for review and report. On motion of Councilman Cisney, seconded by Councilman Dingledine, and a unanimous vote of Council, the matter was so referred.

The City Manager presented correspondence dated 5/14/81 from J.R. Copper, Jr. (Land Surveyor), Agent for Hurst Brothers, and called attention to a plat for a proposed two lot subdivision adjacent to Easthampton and Liberty Square (east end of Vale Circle). Councilman Dingledine moved that the plat be referred to the City Planning Commission for study and recommendation. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

Council received copies of the Report on Audit of Commonwealth Revenues for fiscal years ended 6/30/80 and 6/30/79, prepared by the Auditor of Public Accounts from accounts and records of M. A. Firebaugh, City Treasurer. City Manager Milam noted receipts for 1980 in amount of \$ 699,451.00, and for 1979, \$ 599,656.00. Attention was called to the following quote from the auditor: "the examination disclosed that proper accounting had been made for all recorded receipts and that the records had been prepared in an excellent manner." Councilman Dingledine added that "this is something we have come to expect of Mr. Firebaugh's records." The report will be on file in the City Manager's Office.

For information, the City Manager noted that an application for rate change had been filed by VEPCO in February of this year, and that he has the complete application in his office for review. The Mayor questioned how this may affect the City's contract with HEC, to which there was no answer available.

At 7:55 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 May 13th:

NOTICE IS HEREBY GIVEN, that a Public Hearing on the 1981-82 City of Harrisonburg budget, as submitted and amended, will be held in the Council Chamber in the Municipal Building, at 7:30 P.M. on the 26th day of May, 1981, 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.

MARVIN B. MILAM, City Manager

Manager Milam reviewed appropriations proposed for the various funds, as set out in the advertised summary, with net appropriation of \$ 16,875,258.00, and noted that the only difference in the summary and appropriation ordinance (considered for second & final reading at this time) is inclusion of personal services, other operating expenses, and capital outlay shown in the ordinance. The only citizen desiring to be heard was Ms. Betsy Knighton, Executive Director of the Mental Health & Mental Retardation Services (Chapter 10) Board, who expressed appreciation to Council for its consideration of community services. The public hearing was declared closed at 8:06 P.M. and the regular session reconvened.

✓ Mayor Erickson asked members if they desired to act on the proposed Appropriation Ordinance for the 1981-82 budget, at this time. Vice-Mayor Green said he had gone over the budget with Dr. Caplen of the Health Department for clarification of increase in appropriation requested from the City. Dr. Caplen advised that the increase over last year is actually 17%, rather than 33%, and that the department has no control over state funding which is spent for salaries. There is some question at the present time concerning part-time people. The clinic is funded 50-50 by the city and county, with two separate set of books kept on the transactions. To date, the estimated over-expenditure of the city's budget is \$ 6,087.00. Manager Milam noted that a request would be presented later in this meeting for an appropriation in that amount. Councilman Dingleline moved that the Appropriation Ordinance, up for consideration of a second reading, be deferred, pending the outcome re tax rate from the June 9th public hearing, which is mandatory due to increase in assessment of city properties. Councilman Cisney offered an opinion that the ordinance should be acted upon and approved for second reading, pending amendments that may occur from the public hearing. City Manager Milam said that Council is obligated to adopt the budget, with right reserved to amend, if necessary. Councilman Dingleline withdrew his motion. Councilman Rhodes moved that the Appropriation Ordinance for the 1981-82 City of Harrisonburg budget be approved for second reading. The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council.

✓ Councilman Cisney moved that a supplemental appropriation in amount of \$ 1,350.00 requested by the Chief of Fire in order that funds which have been received from sale of surplus and used equipment and hose might be appropriated to the proper account, be approved for second & final reading, a first reading having been approved on May 12th, and that:

\$ 1,350. chgd.to: General Fund (1901.01) Recoveries & Rebates

1,350. approp.to: General Fund (3201-7001.00) Mach. & Equip.

The motion was seconded by Councilman Dingleline, and adopted by a unanimous recorded vote of Council.

✓ A request was presented from the Director of Social Services for approval of a transfer of funds within the department in amount of \$ 940.00 in order to meet end of fiscal year expenses for FICA, Retirement, Group Insurance, etc. Councilman Dingleline moved that the transfer be approved, and that:

\$ 940.00 trans.from: VPA Fund (5301-1001.03) Admin.-Services- Salaries

940.00 trans. to: VPA Fund (5301-2014.01) Admin.- FICA, Retirement, Group Ins., etc.

The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ Council received a request from the Director of Social Services for approval of a transfer of funds within that department in amount of \$ 500.00 in order to meet end of fiscal year expenses for communications, gas, lubricants, tires, etc. Councilman Rhodes moved that the transfer be approved and that:

\$ 500.00 trans.from: VPA Fund (5301-1001.05) Admin.- Elig. PA (salaries)

200.00 trans.to: VPA Fund (5301-5200.01) Admin- communications

300.00 trans.to: VPA Fund (5301-5408.01) Admin.- Gas, Lub., Tires

The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ The City Manager presented a request from the Social Services Director for approval of a transfer of funds from Capital Outlay to regular fund in amount of \$ 1,320.00 in order to meet fiscal year expenditures for FICA, retirement, group insurance, etc. Councilman Dingleline moved that the transfer be approved, and that:

\$ 1,100.00 trans.from: VPA Fund (7000-7002.01) Cap.Outlay- Office Equip.

220.00 trans.from: VPA Fund (7000-7005.01) Cap.Outlay- Auto Equip.

1,320.00 trans.to: VPA Fund (5301-2014.01) Admin.- FICA, retirement, group ins.

The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council.

✓ A request was presented from Mr. John H. Byrd, Jr., City Building/Zoning Official, for approval of a supplemental appropriation in amount of \$ 749.00 in order to appropriate refund of previously expended funds. City Manager Milam noted that it was refund of a duplicate payment. Vice-Mayor Green moved that the appropriation be approved, and that:

\$ 749.00 chgd.to: General Fund (1901.01) Recoveries & Rebates

749.00 approp.to: General Fund (4302-5101.01) Gen.Properties

The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Council.

✓ The City Manager presented a request from Mr. James H. Vass, Administrative Supervisor of the State Health Department, for an appropriation from the City of Harrisonburg in amount of \$6,087.00, representing the City's local share of the fiscal year 1980-81 operating deficit. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:

\$ 6,087.00 chgd.to: General Fund- Unapprop. Fund Balance

6,087.00 approp.to: General Fund (5101-5601.01) Contrib. to State Health Dept.

The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council.

✓ A request was received from the City School Board for approval of a supplemental appropriation in amount of \$ 7,769.33 in order to appropriate unappropriated balance and revenues realized in excess of budget estimate to cover federal and state mandated tuition for special education students. Following a brief discussion, Councilman Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 6,446.09 chgd.to: School Fund- Unapprop. Balance

952.51 chgd.to: School Fund (R-37) Real.Revenues- Rebates

370.73 chgd.to: School Fund (R-40) Real.Revenue- Sale of Supplies

7,769.33 approp.to: School Fund (1201-221.00) Other Inst.Costs- Tuition Pd. Other Div.

The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council.

✓ For consideration of second & final reading, the City Manager presented an ordinance amending Sec. 10-1-6 of the City Code entitled: "Construction of Public Ways, Buildings, etc.", which ordinance had been approved for a first reading on May 12th. He reminded members that under the amendment, construction of a street, square, park or other public way, public building or structure, as well as public utilities, must receive approval of the City Planning Commission, with a proviso that the Harrisonburg Electric Commission be exempted from same. It further provides that referral to the Planning Commission may be waived by Council in any instance when the Council deems it advisable to do so. Councilman Cisney 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. The motion was seconded by Councilman Rhodes, and adopted by a majority recorded vote of Council. Voting aye: Councilmen Rhodes, Cisney, Green and Erickson. Voting nay: Councilman Dingledine. (Refer to Ord. Bk K, pages 228 & 229)

✓ City Attorney Lapsley informed Council that a situation had arisen recently in a requested street closing which resulted in no charge for the additional land to the requestor who was also the subdivider and owner of land on both sides of the portion closed. He noted that the city code Sec. 6-1-23 entitled: "Payment for Street or Alley Vacated", lacks one item included in the state code. He presented an ordinance amending that section, for consideration of a first reading, by adding the following sentence: "This section shall not be applicable when such alteration or vacation occurs on motion of the City Council without application of any other person, nor shall this section be applicable to the subdivider of the subdivision in which said street or alley is located." Councilman Cisney moved that the ordinance be approved for a first reading, which motion, upon being seconded by Councilman Dingledine, was adopted by a unanimous recorded vote of Council.

✓ With regard to a proposed ordinance authorizing issuance of public improvement bonds for construction of the Solid Waste Energy Recovery Plant on JMU property, City Manager Milam recommended that action of a first reading be deferred, at least until the next meeting of Council, pending final determination of total financing of the project. He said that at the present time, it appears to some, that the project is not feasible, and that he would like more time to restructure the package and bring in a new document for approval. Assistant City Manager Driver said he had talked with engineers today, and that some minor reductions had been made in the low bid for construction of the plant. When the project was first considered, the estimated cost was in the neighborhood of \$3 million, and now stands at approximately \$7 million, primarily due to the rate of inflation. He informed Council that the firm of Whiting-Turner Contracting Company (low bidder) had been requested, and had agreed to extend the bid for 30 days, which will allow time for Council to accept or reject same. Should the City be forced to go another direction (i.e. Landfill), Mr. Driver noted that it would prove costly, with no return to the City. He volunteered to gather figures for both methods of refuse disposal, for further review. Manager Milam reviewed with Council the \$15 million bond issue package, with breakdown of the various costs. Based on a 15-year pay period and 11% interest, as well as a 10-year refinancing clause which would allow the bonds to be re-called and refinanced in the year 1992. He noted that inclusion of interest payments as part of the bond issue is a new experience for Harrisonburg, and that on other projects, the city had been able to set aside 20 - 25% of the anticipated cost and have it ready to meet early construction expenses. Mr. Larry Wales, (City's Financial Advisor) stated that the total amount of \$ 15,230,000. was too much for the City to undertake at the present time, and said he did not want to enter into a project that could jeopardize the credibility of the community. He offered an opinion that reductions may be made in the bond issue in order to bring it down at least to \$11 million, which would be a more realistic figure. Mr. Wales noted that although the first five years of operating the plant would be critical, cost of this and the Landfill site would be about equal, after which time the Landfill would cost more than the steam plant. Following a lengthy discussion, during which time Council agreed, generally, that the reductions should be investigated, Mr. Wales expressed a hope that he could present a brighter picture by the next meeting of Council. Inasmuch as part of the financial outlook is due to earlier estimate of burning 85 tons of refuse daily in the plant which will be designed to burn 100 tons, with only about 60 tons available at the present time, Mr. Driver said he felt certain the remaining tonnage could be acquired.

At 8:50 P.M., and on request of the City Manager, Councilman Rhodes moved that Council enter an executive session to discuss personnel and a legal matter. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

At 10:15 P.M., on motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote, the executive session was closed and the regular session reconvened.

✓ Councilman Cisney moved that the firm of Whiting-Turner Contracting Company (low bidder) be requested to extend its bid for construction of the steam plant for a period of 30 days, beginning June 5th, with no increase in contract price. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

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

N. D. Lapsley
CLERK

Ray Erickson
MAYOR

A P P R O P R I A T I O N O R D I N A N C E
OF THE CITY OF HARRISONBURG, VIRGINIA

For the Fiscal Year Ending June 30, 1982

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 1982. 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, 1982.

Paragraph One - City Council and Clerk (1101)

For the current expenses and capital outlay of the CITY COUNCIL AND CLERK, a division of the Legislative Department, the sum of forty-one thousand, six hundred ten dollars and no cents (\$41,610.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$21,302.00
(2) Other Operating Expenses	17,808.00
(3) Capital Outlay	2,500.00

Paragraph Two - Office of City Manager (1201)

For the current expenses and capital outlay of the OFFICE OF CITY MANAGER, a division of the General and Financial Administration, the sum of fifty-six thousand, seven hundred nineteen dollars and no cents (\$56,719.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$49,544.00
(2) Other Operating Expenses	6,875.00
(3) Capital Outlay	300.00

Paragraph Three - Office of City Attorney (1204)

For the current expenses of the OFFICE OF THE CITY ATTORNEY, a division of the General and Financial Administration, the sum of eight thousand, six hundred forty dollars and no cents (\$8,640.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 8,000.00
(2) Other Operating Expenses	640.00

Paragraph Four - City Auditor (1207)

For the current expenses and capital outlay of the CITY AUDITOR, a division of the General and Financial Administration, the sum of ninety-eight thousand, four hundred eighty dollars and no cents (\$98,480.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$77,980.00
(2) Other Operating Expenses	17,500.00
(3) Capital Outlay	3,000.00

Paragraph Five - Independent Auditor (1208)

For the current expenses of the INDEPENDENT AUDITOR, a division of the General and Financial Administration, the sum of seven thousand, seven hundred dollars and no cents (\$7,700.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 7,700.00
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Paragraph Six - Commissioner of Revenue (1209)

For the current expenses and capital outlay of the COMMISSIONER OF REVENUE, a division of the General and Financial Administration, the sum of one hundred thirteen thousand, one hundred twenty-three dollars and no cents (\$113,123.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$94,994.00
(2) Other Operating Expenses	12,429.00
(3) Capital Outlay	5,700.00

Paragraph Seven - Board of Real Estate Assessors (1210)

For the current expenses of the BOARD OF REAL ESTATE ASSESSORS, a division of the General and Financial Administration, the sum of twenty-one thousand dollars and no cents (\$21,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$20,000.00
(2) Other Operating Expenses	1,000.00

Paragraph Eight - City Treasurer (1213)

For the current expenses and capital outlay of the CITY TREASURER, a division of the General and Financial Administration, the sum of one hundred twenty-one thousand, one hundred thirty-four dollars and no cents (\$121,134.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 93,134.00
(2) Other Operating Expenses	17,900.00
(3) Capital Outlay	10,100.00

Paragraph Nine - Retirement Board (1217)

For the current expenses and contributions of the RETIREMENT BOARD, a division of the General and Financial Administration, the sum of three hundred sixty-one thousand, one hundred twenty-four dollars and no cents (\$361,124.00) is appropriated from the General Fund to be apportioned as follows:

(1) Contribution to Retirement for City Employees	\$361,124.00
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Paragraph Ten- Data Processing (1220)

For the current expenses and capital outlay of the DATA PROCESSING, a division of the General and Financial Administration, the sum of one hundred seventy-seven thousand, two hundred fifty-four dollars and no cents (\$177,254.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 72,554.00
(2) Other Operating Expenses	54,700.00
(3) Capital Outlay	50,000.00

Paragraph Eleven - Purchasing Agent (1222)

For the current expenses and capital outlay of the PURCHASING AGENT, a division of the General and Financial Administration, the sum of fifty-two thousand, three hundred thirty-seven dollars and no cents (\$52,337.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 43,697.00
(2) Other Operating Expenses	5,640.00
(3) Capital Outlay	3,000.00

Paragraph Twelve - Delinquent Tax Collector (1224)

For the current expenses of the DELINQUENT TAX COLLECTOR, a division of the General and Financial Administration, the sum of five thousand, one hundred fifty dollars and no cents \$5,150.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 4,000.00
(2) Other Operating Expenses	1,150.00

Paragraph Thirteen - Electoral Board and Officials (1301)

For the current expenses of the ELECTORAL BOARD AND OFFICIALS, a division of the Board of Elections, the sum of twenty-one thousand, five hundred ninety-four dollars and no cents (\$21,594.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 17,669.00
(2) Other Operating Expenses	3,925.00

Paragraph Fourteen - Juvenile & Domestic Relations Court (2105)

For the current expenses of the JUVENILE & DOMESTIC RELATIONS COURT, a division of the Judicial Administration, the sum of eleven thousand, seven hundred sixty dollars and no cents (\$11,760.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,000.00
(2) Other Operating Expenses	10,760.00

Paragraph Fifteen - County Court (2111)

For the current expenses of the COUNTY COURT, a division of the Judicial Administration, the sum of one thousand dollars and no cents (\$1,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 1,000.00
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Paragraph Sixteen - Lunacy Commission (2112)

For the current expenses of the LUNACY COMMISSION, a division of the Judicial Administration, the sum of one thousand, twenty-five dollars and no cents (\$1,025.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,000.00
(2) Other Operating Expenses	25.00

Paragraph Seventeen - Police Department (3101)

For the current expenses and capital outlay of the POLICE DEPARTMENT, a division of the Department of Public Safety, the sum of seven hundred fifty thousand, three hundred six dollars and no cents (\$750,306.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$588,056.00
(2) Other Operating Expenses	108,250.00
(3) Capital Outlay	54,000.00

Paragraph Eighteen - Fire Department (3201)

For the current expenses and capital outlay of the FIRE DEPARTMENT, a division of the Department of Public Safety, the sum of three hundred sixty-six thousand, nine hundred twenty-three dollars and no cents (\$366,923.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$231,773.00
(2) Other Operating Expenses	88,150.00
(3) Capital Outlay	47,000.00

Paragraph Nineteen - City and County Jail (3302)

For the current expenses of the CITY AND COUNTY JAIL, a division of the Department of Public Safety, the sum of twenty-one thousand, one hundred forty-two dollars and no cents (\$21,142.00) is appropriated from the General Fund to be apportioned as follows:

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

Paragraph Twenty - Building Inspection (3401)

For the current expenses and capital outlay of the BUILDING INSPECTION, a division of the Department of Public Safety, the sum of eighty-eight thousand, three hundred two dollars and no cents (\$88,302.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 80,102.00
(2) Other Operating Expenses	6,500.00
(3) Capital Outlay	1,700.00

Paragraph Twenty-One - Game Warden (3502)

For the current expenses of the GAME WARDEN, a division of the Department of Public Safety, the sum of seventeen thousand, fifty-seven dollars and no cents (\$17,057.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,573.00
(2) Other Operating Expenses	15,484.00

Paragraph Twenty-Two - Coroner (3503)

For the current expenses of the 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 - Emergency Services (3505)

For the current expenses of EMERGENCY SERVICES, a division of the Department of Public Safety, the sum of ten thousand, three hundred twenty dollars and no cents (\$10,320.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 2,250.00
(2) Other Operating Expenses	8,070.00

Paragraph Twenty-Four - General Engineering (4101)

For the current expenses and capital outlay of the GENERAL ENGINEERING, a division of the Department of Public Works, the sum of seventy thousand, eighty-nine dollars and no cents (\$70,089.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 65,379.00
(2) Other Operating Expenses	2,710.00
(3) Capital Outlay	2,000.00

Paragraph Twenty-Five - Street Inspection, Repairs & Maintenance (3102)

For the current expenses and capital outlay of the STREET INSPECTION, REPAIRS & MAINTENANCE, a division of the Department of Public Works, the sum of seven hundred thirty-six thousand, forty-five dollars and no cents (\$736,045.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$289,930.00
(2) Other Operating Expenses	215,115.00
(3) Capital Outlay	231,000.00

Paragraph Twenty-Six - Street Lighting (4104)

For the current expenses of STREET LIGHTING, a division of the Department of Public Works, the sum of one hundred ninety-nine thousand, eight hundred twenty-eight dollars and no cents \$199,828.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$199,828.00
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Paragraph Twenty-Seven - Traffic Engineering (4107)

For the current expenses and capital outlay of TRAFFIC ENGINEERING, a division of the Department of Public Works, the sum of sixty thousand, four hundred forty-six dollars and no cents (\$60,446.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 24,341.00
(2) Other Operating Expenses	24,605.00
(3) Capital Outlay	11,500.00

Paragraph Twenty-Eight - Highway & Street Beautification (4108)

For the current expenses and capital outlay of the HIGHWAY & STREET BEAUTIFICATION, a division of the Department of Public Works, the sum of thirty-seven thousand, two hundred forty-nine dollars and no cents (\$37,249.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 24,599.00
(2) Other Operating Expenses	7,650.00
(3) Capital Outlay	5,000.00

Paragraph Twenty-Nine - Street Cleening (4202)

For the current expenses and capital outlay of STREET CLEANING, a division of the Department of Public Works, the sum of eighty thousand, six hundred ninety-one dollars and no cents \$80,691.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 37,106.00
(2) Other Operating Expenses	40,085.00
(3) Capital Outlay	3,500.00

Paragraph Thirty - Refuse Collection (4203)

For the current expenses and capital outlay of the REFUSE COLLECTION, a division of the Department of Public Works, the sum of two hundred ninety-seven thousand, eight hundred eighty-six dollars and no cents (\$297,886.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$204,311.00
(2) Other Operating Expenses	54,575.00
(3) Capital Outlay	39,000.00

Paragraph Thirty-One - Insect and Rodent Control (4206)

For the current expenses of the 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

Paragraph Thirty-Two - General Properties (4302)

For the current expenses and capital outlay of the GENERAL PROPERTIES, a division of the Department of Public Works, the sum of eighty-one thousand, ninety-four dollars and no cents (\$81,094.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 20,244.00
(2) Other Operating Expenses	42,850.00
(3) Capital Outlay	18,000.00

Paragraph Thirty-Three - Downtown Rehabilitation Project (4304)

For the capital outlay of the DOWNTOWN REHABILITATION PROJECT, a division of the Department of Public Works, the sum of ninety-four thousand dollars and no cents (\$94,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Capital Outlay	\$ 94,000.00
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Paragraph Thirty-Four - Local Health Department (5101)

For the current expenses of the LOCAL HEALTH DEPARTMENT, a division of the Health and Welfare Department, the sum of eighty-three thousand, four hundred eighty-three dollars and no cents (\$83,483.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 83,483.00
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Paragraph Thirty-Five - Mental Health & Mental Retardation (5202)

For the current expenses of the MENTAL HEALTH AND MENTAL RETARDATION, a division of the Health

and Welfare Department, the sum of thirty-four thousand, seven hundred ninety-seven dollars and no cents (\$34,797.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 34,797.00
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Paragraph Thirty-Six - Bureau of Parks & Recreation (7101)

For the current expenses and capital outlay of the BUREAU OF PARKS & RECREATION, a division of Parks, Recreation and Cultural, the sum of two hundred ninety-two thousand, five hundred sixteen dollars and no cents (\$292,516.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$203,441.00
(2) Other Operating Expenses	62,850.00
(3) Capital Outlay	26,225.00

Paragraph Thirty-Seven- Hillandale Park (7102)

For the current expenses of HILLANDALE PARK, a division of Parks, Recreation and Cultural, the sum of eighteen thousand, nine hundred eighty-four dollars and no cents (\$18,984.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 12,584.00
(2) Other Operating Expenses	6,400.00

Paragraph Thirty-Eight - Riven Rock Park (7103)

For the current expenses of RIVEN ROCK PARK, a division of Parks, Recreation and Cultural, the sum of three thousand, one hundred forty dollars and no cents (\$3,140.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 2,640.00
(2) Other Operating Expenses	500.00

Paragraph Thirty-Nine - Community Activities Center (7104)

For the current expenses and capital outlay of COMMUNITY ACTIVITIES CENTER, a division of Parks, Recreation and Cultural, the sum of one hundred forty-six thousand, one hundred ninety dollars and no cents (\$146,190.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 87,250.00
(2) Other Operating Expenses	54,440.00
(3) Capital Outlay	4,500.00

Paragraph Forty - National Guard Armory (7105)

For the current expenses and capital outlay of the NATIONAL GUARD ARMORY, a division of Parks, Recreation and Cultural, the sum of twenty-four thousand, thirty-eight dollars and no cents (\$24,038.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 10,868.00
(2) Other Operating Expenses	10,670.00
(3) Capital Outlay	2,500.00

Paragraph Forty-One - Simms Recreation Center (7106)

For the current expenses and capital outlay of the SIMMS RECREATION CENTER, a division of Parks, Recreation and Cultural, the sum of fourteen thousand, three hundred ninety-one dollars and no cents (\$14,391.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 10,922.00
(2) Other Operating Expenses	1,969.00
(3) Capital Outlay	1,500.00

Paragraph Forty-Two - Westover Swimming Pool

For the current expenses and capital outlay of the WESTOVER SWIMMING POOL, a division of Parks, Recreation and Cultural, the sum of thirty-five thousand, eight hundred forty-nine dollars and no cents (\$35,849.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 27,484.00
(2) Other Operating Expenses	7,265.00
(3) Capital Outlay	1,100.00

Paragraph Forty-Three - Planning Commission (8101)

For the current expenses of the PLANNING COMMISSION, a division of Community Development, the sum of forty-four thousand, thirty-one dollars and no cents (\$44,031.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 40,131.00
(2) Other Operating Expenses	3,900.00

Paragraph Forty-Four - Board of Zoning Appeals (8104)

For the current expenses of the BOARD OF ZONING APPEALS, a division of Community Development, the sum of one thousand, four hundred seventy dollars and no cents (\$1,470.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 720.00
(2) Other Operating Expenses	750.00

Paragraph Forty-Five - Harrisonburg Parking Authority (8106)

For the current expenses of the HARRISONBURG PARKING AUTHORITY, a division of Community Development, the sum of eighty-eight thousand, eight hundred dollars and no cents (\$88,800.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 37,635.00
(2) Other Operating Expenses	51,165.00

Paragraph Forty-Six - Non-Departmental (09)

For subsidizing the City's Public Utilities, and for aiding the activities of independent, civic, charitable, and other organizations, the sum of five hundred ninety-one thousand, six hundred seventy-three dollars and no cents (\$591,675.00) is appropriated from the General Fund to be apportioned as follows:

9102	Insurance - Employees	\$239,000.00
9103	Insurance and Bond Premiums	91,600.00
9104	Support of Community and Civic Organizations:	
5604.01	State Chamber of Commerce	150.00
5604.02	Chamber of Commerce (AMA Parade \$275)	2,675.00
5604.03	County Rest Room	1,900.00
5604.04	Rockingham Library Association	65,870.00
5604.05	Salvation Army	2,000.00
5604.06	Rescue Squad (Gas and Oil)	825.00
5604.07	Shenandoah Valley, Inc.	500.00
5604.09	Commission - Regional Juvenile Detention Home	3,650.00
5604.10	Shenandoah Valley Soil & Water Conservation District	1,000.00
5604.11	Blue Ridge Community College	200.00
5604.12	Rockingham County Historical Society	500.00
5604.14	Central Shenandoah Planning District	4,929.00
5604.15	Valley Program for Aging Services	5,720.00
5604.16	WVPT - Public Television	2,400.00
5605.01	Other Non-Departmental	1,000.00
9105	Joint Expenses - Rockingham County:	
3009.02	Payment to Rockingham County	99,000.00
9106	Airport:	
5601.01	Subscriptions & Contributions	25,000.00
9107	Dues to Municipal League:	
5607.01	Dues to Virginia Municipal League	2,754.00
5608.01	Dues to National League of Cities	1,000.00
9108	Annexation:	
1010.01	Other Personal Services	20,000.00
1010.02	Engineering Fees	20,000.00

Paragraph Forty-Seven - Indebtedness Requirement General Fund (10)

For the payment of the interest on and the retirement of bonds of the City of Harrisonburg, Virginia, the sum of two hundred sixty-seven thousand, six hundred ninety-three dollars and no cents (\$267,693.00) is appropriated from the General Fund to be apportioned as follows:

(1) Serial Bonds and Interest	\$267,693.00
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Paragraph Forty-Eight - Transfers to Other Funds (11)

For supplementing the revenue of other funds the sum of four million, four hundred forty-five thousand, five hundred ninety-six dollars and no cents (\$4,445,596.00) is appropriated from the General Fund to be apportioned as follows:

(1) Central Garage Fund	\$ 30,493.00
(2) Central Stores Fund	16,542.00
(3) Virginia Public Assistance	76,801.00
(4) Schools	4,245,000.00
(5) Public Transportation	76,760.00

Paragraph Forty-Nine - Reserve for Contingencies (12)

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, 1982	\$10,136,504.00
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To be provided for from the following anticipated
and estimated revenue which is as follows:

Anticipated Cash Balance July 1, 1981	\$ 292,977.00
General Property Taxes (estimated)	2,926,634.00
Other Local Taxes (estimated)	3,538,104.00
Permits, Privilege Fees and Regulatory Licenses (estimated)	42,364.00
Fines and Forfeitures (estimated)	101,062.00
Revenue from Use of Money & Property (estimated)	233,185.00
Charges for Services (estimated)	413,936.00
Miscellaneous Revenue (estimated)	753,700.00
Recovered Costs (estimated)	160,465.00
Payments in Lieu of Taxes (estimated)	5,535.00
Non-Categorical Aid (estimated)	815,059.00
Shared Expenses (Categorical) (estimated)	122,754.00
Categorical Aid (estimated)	403,784.00
Non-Revenue Receipts (estimated)	20,800.00
Transfers (estimated)	306,145.00

Total General Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1982	\$10,136,504.00
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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, 1982:

Paragraph One - 17A - Administration

For the current expenses of the ADMINISTRATION OF THE DEPARTMENT OF EDUCATION, the sum of one hundred forty-four thousand, nine hundred thirty-six dollars and no cents (\$144,936.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Administration	\$ 144,936.00
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Paragraph Two - 17B-1 - Regular Day School

For the current expenses of REGULAR DAY SCHOOL, the sum of three million, one hundred eighty-five thousand, thirty-five dollars and no cents (\$3,185,035.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Regular Day School	\$ 3,185,035.00
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Paragraph Three - 17B-2 - Other Instructional Costs

For the current expenses of OTHER INSTRUCTIONAL COSTS, the sum of four hundred eighty-four thousand, twenty-four dollars and no cents (\$484,024.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Other Instructional Costs	\$ 484,024.00
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Paragraph Four - 17C - Attendance and Health Services

For the current expenses of ATTENDANCE AND HEALTH SERVICES, the sum of twenty-nine thousand, one hundred seventy-one dollars and no cents (\$29,171.00) is appropriated from the City School Fund to be appropriated as follows:

(1) Attendance and Health Services	\$ 29,171.00
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Paragraph Five - 17D1 - Pupil Transportation Services

For the current expenses of PUPIL TRANSPORTATION SERVICES, the sum of thirty-one thousand, three hundred eight dollars and no cents (\$31,308.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Pupil Transportation Services	\$ 31,308.00
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Paragraph Six - 17E - School Food Services

For the current expenses of SCHOOL FOOD SERVICES, the sum of five hundred ten thousand, nine hundred dollars and no cents (\$510,900.00) is appropriated from the City School Fund to be apportioned as follows:

(1) School Food Services	\$ 510,900.00
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Paragraph Seven - 17F1 - Operation of School Plant

For the current expenses of OPERATION OF SCHOOL PLANT, the sum of four hundred eighty-five thousand, four hundred thirty dollars and no cents (\$485,430.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Operation of School Plant	\$ 485,430.00
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Paragraph Eight - 17Fe - Maintenance of School Plant

For the current expenses of MAINTENANCE OF SCHOOL PLANT, the sum of one hundred seventy-three thousand, eight hundred sixty-eight dollars and no cents (\$173,868.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Maintenance of School Plant	\$173,868.00
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Paragraph Nine - 17G - Fixed Charges

For the current expenses of FIXED CHARGES, the sum of seven hundred thirty-three thousand, two hundred twenty dollars and no cents (\$733,220.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Fixed Charges	\$733,220.00
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Paragraph Ten - 17H - Summer Schools

For the current expenses of SUMMER SCHOOLS, the sum of twenty-eight thousand, two hundred forty-three dollars and no cents (\$28,243.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Summer Schools	\$ 28,243.00
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Paragraph Eleven - 17I - Adult Education

For the current expenses of ADULT EDUCATION, the sum of twenty thousand, eight hundred six dollars and no cents (\$20,806.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Adult Education	\$ 20,806.00
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Paragraph Twelve - 17J - Federal Programs

For the current expenses of FEDERAL PROGRAMS, the sum of four hundred fifteen thousand, nine hundred fifty-two dollars and no cents (\$415,952.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Federal Programs	\$415,952.00
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Paragraph Thirteen - 19 - Capital Outlay

For the capital outlay of the DEPARTMENT OF EDUCATION, the sum of fifty-two thousand, eight hundred six dollars and no cents (\$52,806.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Capital Outlay	\$ 52,806.00
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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 nineteen thousand, seven hundred ninety-nine dollars and no cents (\$219,799.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Serial Bonds & Interest	\$219,799.00
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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, 1982	\$6,515,498.00
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To be provided for from the following
Anticipated Revenue, which is as follows:

Receipts From State School Funds	\$1,278,181.00
Revenue from Federal Funds	539,477.00
Receipts from Other Funds	419,640.00
Receipts from Loans, Bonds, & Investments	33,200.00
Receipts from City Funds	4,245,000.00

Total School Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1982	\$6,515,498.00
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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, 1982:

Paragraph One - Administration (1)

For the current expenses of ADMINISTRATION OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of thirty-one thousand, four hundred seventy-eight

dollars and no cents (\$31,478.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 29,853.00
(2) Other Operating Expenses	1,625.00

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 one hundred sixty-five thousand, two hundred forty-two dollars and no cents (\$165,242.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 8,437.00
(2) Other Operating Expenses	156,805.00

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 fifty-five thousand, thirty-eight dollars and no cents (\$255,038.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 93,218.00
(2) Other Operating Expenses	161,820.00

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 twenty-one thousand, seven hundred sixty dollars and no cents (\$21,760.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 20,735.00
(2) Other Operating Expenses	1,025.00

Paragraph Five - Miscellaneous (5)

For setting aside reserves for depreciation and payment of taxes, the sum of two hundred seventy-three thousand, seventy-eight dollars and no cents (\$273,078.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Depreciation	\$215,859.00
(2) Taxes	57,219.00

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 ninety-three thousand, two hundred seventy dollars and no cents (\$193,270.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$127,870.00
(2) Other Operating Expenses	65,400.00

Paragraph Seven - Capital Outlay (7)

For capital improvements in the WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one hundred fifty-three thousand dollars and no cents (\$153,000.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Capital Outlay	\$153,000.00
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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 fifty-nine thousand, eight-six dollars and no cents (\$259,086.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc.	\$259,086.00
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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 fifty-five thousand, thirty dollars and no cents (\$155,030.00) is appropriated from the Water Fund to be apportioned as follows:

(1) To General Fund, Share of Accounting, Collecting & Data Processing	\$ 88,460.00
(2) To General Fund - Insurances	21,500.00
(3) To General Fund - Retirement & Social Security	22,500.00
(4) To Central Garage Fund	10,164.00
(5) To Central Stores Fund	12,406.00

Paragraph Ten - Transfers to Other Funds (10)

For sharing the cost of operation of other funds the sum of forty-one thousand, dollars and no cents (\$41,000.00) is appropriated from the Water Fund to be transferred as follows:

(1) To General Fund - Utility Tax \$ 41,000.00

S U M M A R YExpenditures and Revenue

Total Water Fund Appropriations for the
Fiscal Year Ending June 30, 1982 \$1,547,982.00

To be provide- for from the following
Anticipated Revenue, which is as follows:

Other Local Taxes (estimated)	\$ 49,964.00
Permits, Privilege Fees and Regulatory Licenses (estimated)	118,566.00
Revenue From Use of Money & Property (estimated)	51,100.00
Charges for Services (estimated)	1,151,978.00
Recovered Costs (estimated)	10,000.00
Non-Revenue Receipts (estimated)	60,550.00
Transfers (estimated)	105,824.00

Total Water Fund Revenue (estimated)
for the Fiscal Year Ending June 30, 1982 \$1,547,982.00

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, 1982:

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 thirty-one thousand, four hundred eighty-three dollars and no cents (\$31,483.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 29,853.00
(2) Other Operating Expenses	1,630.00

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 five hundred forty-six thousand, three hundred sixty dollars and no cents (\$546,360.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 29,960.00
(2) Other Operating Expenses	516,400.00

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 ninety-nine thousand, nine hundred twenty-nine dollars and no cents (\$199,929.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 90,629.00
(2) Other Operating Expenses	109,300.00

Paragraph Four - Miscellaneous (4)

For setting aside reserve for depreciation and the payment of taxes, the sum of one hundred fourteen thousand, nine hundred sixteen dollars and no cents (\$114,916.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Depreciation	\$ 91,061.00
(2) Taxes	23,855.00

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 four hundred sixty-one thousand, two hundred twenty-two dollars and no cents (\$461,222.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Capital Outlay	\$461,222.00
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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 nine thousand, one hundred eighty-seven

dollars and no cents (\$209,187.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc. \$209,187.00

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, twenty-nine dollars and no cents (\$155,029.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) To General Fund - Share of Accounting, Collecting & Data Processing	\$ 88,460.00
(2) To General Fund - Insurance	21,500.00
(3) To General Fund - Retirement & Social Security	22,500.00
(4) To Central Garage Fund	10,164.00
(5) To Central Stores Fund	12,405.00

S U M M A R Y

Expenditures and Revenue

Total Sewer Fund Appropriations for the Fiscal Year Ending June 30, 1982	\$1,718,126.00
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To be provided for from the following Anticipated Revenue, which is as follows:

Other Local Taxes (estimated)	\$ 3,100.00
Permits, Privilege Fees and Regulatory Licenses (estimated)	5,000.00
Revenue from Use of Money & Property (estimated)	91,590.00
Charges for Services (estimated)	1,334,965.00
Recovered Costs (estimated)	52,000.00
Revenue from Federal Government	91,320.00
Non-Revenue Receipts (estimated)	20,150.00
Transfers from Other Funds	120,001.00

Total Sewer Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1982	\$1,718,126.00
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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 purposed herein specified for the fiscal year ending June 30, 1982:

Paragraph One - Director of Social Services (5301)

For the current expenses of the DIRECTOR OF SOCIAL SERVICES, a division of the Department of Social Services, the sum of two hundred fifty-seven thousand, one hundred eighty-three dollars and no cents (\$257,183.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Personal Services	\$ 197,394.00
(2) Other Operating Expenses	59,789.00

Paragraph Two - Bureau of Public Assistance (5302)

For the current expenses of the BUREAU OF PUBLIC ASSISTANCE, a division of the Department of Social Services, the sum of eighty-two thousand, five hundred twenty-four dollars and no cents (\$82,524.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 82,524.00
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Paragraph Three - Hospitalization & Medical Services (5304)

For the current expenses of the HOSPITALIZATION & 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) Hospitalization	\$ 500.00
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Paragraph Four - Social Services Bureau (5309)

For the current expenses of the SOCIAL SERVICES BUREAU, a division of the Department of Social Services, the sum of forty-nine thousand, six hundred forty-eight dollars and no cents (\$49,648.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 49,648.00
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Paragraph Five - Capital Outlay (7000)

For the capital outlay of the DEPARTMENT OF SOCIAL SERVICES, the sum of eight hundred dollars

and no cents (\$800.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Capital Outlay	\$ 800.00
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S U M M A R Y

Expenditures and Revenue

Total Virginia Public Assistance Fund Appropriations for the Fiscal Year Ending June 30, 1982:	\$390,655.00
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To be provided for from the following
Anticipated Revenue which is as follows:

Recovered Costs (estimated)	\$ 3,000.00
Categorical Aid (estimated)	310,854.00
Transfers from Other Funds (estimated)	76,801.00

Total Virginia Public Assistance Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1982	\$390,655.00
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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, 1982:

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 ninety-eight thousand, twenty-nine dollars and no cents (\$98,029.00) is appropriated from the Central Garage Fund to be apportioned as follows:

(1) Personal Services	\$ 81,759.00
(2) Other Operating Expenses	12,770.00
(3) Capital Outlay	3,500.00

S U M M A R Y

Expenditures and Revenue

Total Central Garage Fund Appropriations for the Fiscal Year Ending June 30, 1982	\$ 98,029.00
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To be provided for from the following
Anticipated Revenue, which is as follows:

Revenue From Use of Money & Property (estimated)	\$ 47,208.00
Transfers From Other Funds (estimated)	50,821.00

Total Central Garage Fund Revenue (estimated) For the Fiscal Year Ending June 30, 1982	\$ 98,029.00
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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, 1982:

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 forty-one thousand, three hundred fifty-three dollars and no cents (\$41,353.00) is appropriated from the Central Stores Fund to be apportioned as follows:

(1) Personal Services	\$ 21,448.00
(2) Other Operating Expenses	9,905.00
(3) Capital Outlay	10,000.00

S U M M A R Y

Expenditures and Revenue

Total Central Stores Fund Appropriations for the Fiscal Year Ending June 30, 1982	\$ 41,353.00
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To be provided for from the following
Anticipated Revenue, which is as follows:

Transfers From Other Funds (estimated)	\$ 41,353.00
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Total Central Stores Fund Revenue for the Fiscal Year Ending June 30, 1982	\$ 41,353.00
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SECTION VII - 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, 1982:

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 eight hundred seventy-two thousand, seven hundred five dollars and no cents (\$872,705.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$244,925.00
(2) Other Operating Expenses	159,850.00
(3) Capital Outlay	467,930.00

S U M M A R YExpenditures and Revenue

Total Public Transportation Fund Appropriations for the Fiscal Year Ending June 30, 1982	\$872,705.00
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To be provided for from the following
Anticipated Revenue, which is as follows:

Charges for Services (estimated)	\$300,000.00
Recovered Costs (estimated)	4,000.00
Non-Categorical Aid (estimated)	456,945.00
Transfers From Other Funds (estimated)	111,760.00

Total Public Transportation Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1982	\$872,705.00
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TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH VIII IN THIS
ORDINANCE FOR THE FISCAL YEAR ENDING JUNE 30, 1982
RECAPITULATION

Section I	(General Fund)	\$10,136,504.00
Section II	(School Fund)	\$ 6,515,498.00
Section III	(Water Fund)	\$ 1,547,982.00
Section IV	(Sewer Fund)	\$ 1,718,126.00
Section V	(Virginia Public Assistance Fund)	\$ 390,655.00
Section VI	(Central Garage Fund)	\$ 98,029.00
Section VII	(Central Stores Fund)	\$ 41,353.00
Section VIII	(Public Transportation Fund)	\$ 872,705.00

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 \$0.65 (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 1981; 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 for the collection and disposal of refuse, and where such real estate are exempt from taxation under Section 58-12 of the Code of Virginia. Pursuant to Section 58-16.2 Code of Virginia, as amended, rate of service charge shall be Thirteen Cents (\$0.13) per annum per \$100.00 of assessed valuation, payable on or before December 5, 1981. The above service charge shall apply to all real property except those specifically exempted from the service charge as provided in said section. (Such as property owned by the Commonwealth, hospitals, cemeteries, churches, etc.)

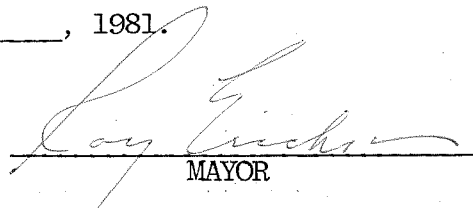
That the salaries, wages and allowances set out in detail in the budget statement, and adopted by the City Council for the fiscal year beginning July 1, 1981, and ending June 30, 1982, both dates inclusive, be, and they are hereby authorized and fixed as the maximum compensation to be allowed officers 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 from

one department to another when extra work is transferred from one department to another.

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, 1981.

Given under my hand this 26th day of May, 1981.


MAYOR

ATTESTE:


CLERK OF COUNCIL

At a combined public hearing and regular meeting held in the Council Chamber this evening at 7:30, 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, 3rd; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on May 26th were approved, as read.

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, 1981.

From the City Treasurer:

A trial balance report as of close of business on May 31, 1981.

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 \$ 7,392.11

From the City Auditor:

A financial report for the City of Harrisonburg, month of May, 1981.

A report of cash discounts saved in payment of vendor's invoices for month of May, 1981, totaling \$ 215.26

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, 1981.

Correspondence dated 6/5/81, with attached sketch of location, was presented and read by the City Manager. A request was made by Dr. Joseph Enedy, 420 Eastover Drive (Lot 2 of Eastover Subdivision) and Ms. Audrey Price, 410 Eastover Drive (Lot 1 of Eastover Subdivision) for vacation of the line between the two lots in order that 2,240 square feet may be transferred, which will not affect area requirements in the R-1 Zone. It was noted that a violation of Section 31-26 of the Harrisonburg Zoning Ordinance exists, in which a 10' sideyard is required, in that a garden in use by the Enedys lies within the area to be transferred. The violation was suspected and confirmed when a survey was made, prior to construction of a fence between lots 2 and 3. 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 presented correspondence from Dr. G. Edward Chappell, Jr., a Council apptd. representative on the Regional Emergency Services Council. In the correspondence, Dr. Chappell advised that Mr. Tom Swartz, Field Coordinator with the Central Shenandoah EMS Council, is requesting a reply from the Harrisonburg City Council, indicating the desirability of continuing the Emergency Medical Services Council, which information will be used in applying for Federal money. It was further noted that this non-profit group desires to coordinate emergency medical care in the Shenandoah Valley and make use of Federal grants to upgrade emergency medical care. Following a brief discussion, Councilman Rhodes moved that Council indicate its desire for continuation of the Emergency Medical Services Council, with notification of same forwarded to Mr. Swartz. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

A request, plus petition signed by 260 residents of northeast Harrisonburg, was presented by Mr. Marcus Sampson (representing the Community Concerns Committee of the NAACP, for repair and re-opening of the Harris Swimming Pool which has been closed since July, 1979, due to damage by vandalism, problem in keeping qualified personnel, etc. He informed Council that the pool represents an inexpensive outlet for the community, in that many of the families in the area are single-parent families with no transportation across town to Westover Park, where a daily fee of \$.75 is charged. He suggested the possibility of placing a no-parking zone to discourage loiterers; barbed wire fence to discourage vandalism; additional lighting & police protection, with age limit of 2 to 12 years of age for those using the facility, and daily fee of \$.50 which is felt to be sufficient. Mayor Erickson received the petition on behalf of Council, and assured Mr. Sampson that Council would review the list of signatures and suggestions of the NAACP, to determine what may be done. He added that the City has a major investment in Westover Pool, which was designed to serve the entire City.

Correspondence from Mr. Richard Chew was presented and read in which he advised that he is contract purchaser of a vacant lot located at 735 S. Main St. (lot no. 2), and is purchasing a strip of land approximately 2½' wide from lot no. 1 to the south of lot no. 2. He requested approval of a change in property line and noted that a plat would be submitted to the Planning Commission prior

to its next meeting. Vice-Mayor Green moved that the request be referred to the Planning Commission for study and recommendation. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

At 7:45 P.M., Mayor Erickson closed the regular session temporarily and called the evening's public hearing to order. Manager Milan read the following Notice of Hearing as advertised in the Daily News Record newspaper on Thursday, May 7th:

NOTICE OF PUBLIC HEARING
TAX INCREASE

The City of Harrisonburg proposed to increase the real estate property tax levies by 27.3% (percentage calculated by dividing the proposed levy derived from the real estate tax by the previous year's levy derived from the real estate tax, and subtracting one hundred percent). Individual property taxes may however increase at a percentage greater than or less than the above percentage.

The public notice of effect in tax increase as a result of the biennial general reassessment is pursuant to Section 58-785.1 Code of Virginia.

The proposed real estate tax rate for 1981 is \$.65 per \$100 of assessed valuation, which, when combined with the estimated assessed value of real estate of 1981 of \$ 343,267,830., will result in an estimated real estate tax levy of \$ 2,237,241. The real estate tax rate for 1980 is \$.65 per \$100 of assessed valuation, which, when combined with the assessed value of real estate for 1980 of \$ 269,622,500., will result in a real estate tax levy of \$1,752,546. (less exemptions for the elderly and/or delinquents).

Major use of the increased levy:

<i>School Board increase</i>	<i>\$ 445,000.</i>
<i>Public Transportation increase.....</i>	<i>6,760.</i>
<i>Welfare increase</i>	<i>9,924.</i>
<i>Health Department increase</i>	<i>21,309.</i>
<i>Police Department increase</i>	<i>86,161.</i>
<i>Fire Department increase</i>	<i>32,109.</i>
<i>Recreation Department increase</i>	<i>45,151.</i>
<i>Rockingham Library Association increase</i>	<i>7,020.</i>

Rolled Back (Lowered) Rate Necessary to Offset increased Assessment: The tax rate which would levy one percent more than the amount of real estate tax levied last year, when multiplied by the new total assessed value of real estate with the exclusions of new construction or to improvements to property and assessments by the State Corporation Commission would be \$0.515 per \$100 of assessed value. This rate will be known as the rolled back (lowered) tax rate.

If the rolled back (lowered) tax rate is in effect for the calendar year 1981, it will result in a reduction of approximately \$ 524,105. in revenue, and would require a reduction of like amount in expenditures from the above mentioned items in order to balance the General Fund Budget and will curtail substantially General Fund supported services.

A Public Hearing on the proposed tax levy will be held Tuesday evening, June 9, 1981, at 7:30 P.M. in the City Council Chambers, Municipal Building, 345 S. Main St., Harrisonburg, Virginia.

The hearing shall be open to the public and the Council shall permit persons desiring to be heard, an opportunity to present oral testimony within such reasonable time limits as shall be determined by the governing body.

CITY OF HARRISONBURG- Marvin B. Milan, City Manager

The Mayor called on anyone desiring to be heard. Mr. John O'Flaherty of West Grattan Street, posted nine copies of the City's Public Hearing Ad on a newspaper page, signifying the Ad as only 1/9 of a page, rather than the 1/8 page size required by state law. He pointed out possible illegalities in informing the public of an increase in taxes, even though the rate remains the same, and further, that the City is vulnerable to court challenges in that the Ad did not specify that the tax rate is "proposed." Mr. Melvin Nutter said he had appeared before the Assessment Board concerning an increase of valuation from \$ 26,000. two years ago, to \$ 40,000. in the most recent reassessment, for his house on Stuart Street, and that the Board intimated that any house in the City should bring at least \$ 40,000., regardless of its condition. Mr. Jay Funston of Central Avenue, said that his home was over-valued, and made comparison of assessed value of a house of comparable size on the same street, with many more improvements. He offered an opinion that if the present tax rate is held constant, as proposed, it will result in a large inflationary jump, with present salaries not keeping up with inflation rate. City Manager Milan explained that he had delivered the advertisement of tonight's public hearing to the Daily News Record Advertising Department, along with a copy of the state code, outlining section re size of Ad required as 1/8 page, and the size was selected by them. When questioned by Councilman Cisney as to whether anyone was hurt by the size of the Advertisement, Mr. O'Flaherty countered that although there was possibly no damage to the City or public, it was a technicality. There being no others desiring to be heard, the public hearing was declared closed at 8:00 P.M. and the regular session reconvened.

Vice-Mayor Green expressed some kinship with Messrs. Nutter and Funston in feeling that the reassessment of properties is too high, and said that the Board had been asked by Council to explain the 39% increase in property values. The Board's explanation was: increase in new construction in the City, as well as property sales; current inflation rate and less purchasing value of the dollar, and that the actual increase was only 29.6%. Dr. Green pointed out the fact that the most recent reassessment of properties was only the second, since the state required that tax rates be based on 100% of fair market value, and that the reassessment of two years ago was only a start toward that goal. Councilman Cisney offered an opinion that the market value is too high, and Councilman Dingledine expressed shock upon receiving assessment value of his property. He questioned how market value could actually be determined. Mr. Funston said that the Board had gone with square footage, and made no attempt to determine fair market value. They did not even go inside houses, as far as he knew. He noted that some of the homes had been greatly improved, which must have had some effect on others less improved.

✓ In discussing appointments to various boards & commissions, it was noted that the unexpired term which Dr. Jon McIntire had been filling on the Mental Health & Mental Retardations Services (Chapter 10) Board, would expire on July 1st of this year. Councilman Rhodes moved that Dr. McIntire be appointed to his first full term of three (3) years, expiring July 1, 1984. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ Councilman Cisney moved that a supplemental appropriation in amount of \$ 6,087.00 requested by the State Health Department, representing the City's local share of the fiscal year 1980-81 operating deficit, be approved for second & final reading, a first reading having been approved on May 26th, and that:

\$ 6,087. chgd.to: General Fund- Unappropriated Fund Balance

6,087. approp.to: General Fund (5101-5601.01) Contrib.to State Health Dept.

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 \$ 7,769.33 requested by the City School Board in order to appropriate unappropriated balance and revenues realized in excess of budget estimate to cover federal and state mandated tuition for special education students, be approved for second & final reading, a first reading having been approved on May 26th, and that:

\$ 6,446.09 chgd.to: School Fund- Unappropriated Balance

952.51 chgd.to: School Fund (R-37) Real.Revenue- Rebates

370.73 chgd.to: School Fund (R-40) Real.Revenue- Sale of Supplies

7,769.33 approp.to: School Fund (1201-221.00) Other Inst.Costs- Tuition Pd.

Other Divisions

The motion was seconded by Councilman Rhodes, and 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 \$ 644.46 in order that funds may be supplemented due to remodeling of detective area. Councilman Cisney moved that the appropriation be approved, and that:

\$ 379.57 chgd.to: General Fund (1901.01) Recoveries & Rebates

264.89 chgd.to: General Fund (4101.01) Recoveries & Rebates

644.46 approp.to: General Fund (3101-7002.00) Furn. & Fixtures

The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ The City Manager presented a request from the City School Board for approval of a transfer of funds within school appropriations in amount of \$ 136.66 in order to close out all account balances and transfer them to accounts where these balances may be utilized. Following a brief discussion, Councilman Cisney moved that the transfer be approved, and that:

\$ 110.00 trans.from: School Fund (RS SMV 80-81) Motor Vehicles

26.50 trans.from: School Fund (RD SAB 80-81) Alter to Bldgs.

.16 trans.from: School Fund (RS SSR 79-80) Simms Shade Repl.

136.66 trans. to: School Fund (RS SFE 80-81) Equipment

The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ A request was presented from the City School Board for approval of a transfer of funds within the department in amount of \$ 15,000. in order to transfer unneeded funds to cover anticipated appropriation deficit. It was noted that this is an in-and-out transaction, and that funds will not be spent unless reimbursement funds are available. Councilman Dingledine moved that the transfer be approved, and that:

\$ 15,000. trans.from: School Fund (1204-310.00) School Food Service- Sch.Lunch
and Milk Subsidy

15,000. trans. to: School Fund (1209-299.00) Fed.Programs- Alt. Ed.Partic.Wages

The motion was seconded by Vice-Mayor Green, and 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 \$ 10,650.00 in order to cover unanticipated expenses for tuition paid other divisions; unanticipated expenses for homebound instruction and special education; and for instructional supplies due to increased prices. Following a review of accounts involved in the transaction, Councilman Dingledine moved that the transfer be approved, and that:

\$ 50.00 trans.from: School Fund (1202-220.00) Attend. & Health Serv.- Travel -
School Psychologist

200.00 trans.from: School Fund (1202-316.00) Attend. & Health Serv.- Medical &
Dental Supplies

1,200.00 trans.from: School Fund (1203-219.02) Trans.Services- Trans. by Pub.Carrier

5,700.00 trans.from: School Fund (1207-134.01) Summer School- Comp.Inst.Personnel

275.00 trans.from: School Fund (1208-109.01) Adult Educ.- Comp.Inst.Personnel

750.00 trans.from: School Fund (1208-134.01) Adult Educ.- Comp.Inst.Personnel

125.00 trans.from: School Fund (1208-220.00) Adult Educ.- Travel Exp.

800.00 trans.from: School Fund (1208-299.00) Adult Educ.- Other Inst.Costs

50.00 trans.from: School Fund (1208-305.00) Adult Educ.- Inst.Supplies

500.00 trans.from: School Fund (1900-205.01) Cap.Outlay- Arch.Fees

1,000.00 trans.from: School Fund (1900-403.00) Cap.Outlay- Furn. & Equip

2,100.00 trans. to: School Fund (1201-221.00) Other Inst.Costs- Tuition Pd. Other Div.

6,000.00 trans. to: School Fund (1201-299.00) Other Inst.Costs- Other Inst.Costs

2,550.00 trans. to: School Fund (1201-305.00) Other Inst.Costs- Inst. Supplies

The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Council.

✓ Council received a request from the City School Board for approval of a supplemental appropriation in amount of \$ 1,048.00 in order to appropriate funds received in excess of budget estimate for textbook system. Following a brief discussion, Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 1,048.00 chgd.to: School Fund (R-5) Rpts.from State School Funds- Free or rental
textbook systems- (Antic. Rpts.)

1,048.00 approp.to: School Fund (1201-320.00) Inst.Costs.- Textbooks furn.free

The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council.

✓ The City Manager presented a request from Chief of Fire, Austin, for approval of a supplemental appropriation in amount of \$ 4,932.02 in order to replace already expended funds for salaries and uniforms for dispatchers. The amount represents Rockingham County's share of salaries for Dispatchers from 3/23/81 to 6/30/81. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 4,932.02 chgd.to: General Fund (1901.01) Recoveries & Rebates

4,000.00 approp.to: General Fund (3201-1001.06) Dispatchers

932.02 approp.to: General Fund (3201-5400.01) Other Mat. & Supplies

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council.

✓ A request was presented from Mr. Reggie Smith, Transportation Director, for approval of a supplemental appropriation in amount of \$ 50,566.60 in order to pay the local share for administrative & operating assistance Fiscal Year 79-80. City Manager Milam explained that this represents the City's share under Section 18 Grant. Councilman Rhodes moved that the appropriation be appvd. for a first reading, and that:

\$ 50,566.60 chgd.to: Transportation Fund (2404.10) Sec. 18 Assistance

50,566.60 approp.to: Transportation Fund (5805.01) Sec. 18 Payment - Local Share

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council.

✓ The following report from a May 27th Planning Commission was presented and read:

"...The Commissioners reviewed an April 18, 1981 letter from H. Gifford and H. W. Wenger, Executors of the L.H. Wenger Estate, requesting that lot lines separating Lots 7 and 8, on Page 18 of the City Block Map be vacated. A map of the lots and surrounding area was reviewed, and the Commissioners learned that the undeveloped property is zoned R-3 Multiple Dwelling District; it contains approximately 31,200 sq.feet, the only access is via a 12' right-of-way off South Avenue known as 'Walker Street,' and an existing City sewer line bisects the two lots. The L.H. Wenger Estate is having the property re-surveyed and the plan to sell it as one tract. Mr. Sullivan reported that apartment builders have been showing interest in the site and City Staff will have to review any proposals that may eventually be submitted to Mr. Byrd's department. The next immediate step will be for City Council to have a public hearing to consider vacating the lot lines involved.

Mr. Heath moved that the Planning Commission recommend that City Council schedule a public hearing to consider the request for vacating the lot lines shown on Page 18, City Block Map, between Lots 7 and 8 on Block E. Mr. Trobaugh seconded the motion and all members present voted in favor..."

Councilman Rhodes moved that Council accept the report of the Planning Commission and schedule a public hearing on the request for Tuesday, July 14, 7:30 P.M. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ City Manager Milam presented and read the following report from a May 27th meeting of the City Planning Commission:

"...The Commissioners reviewed a May 6, 1981 letter from Attorney Steven Blatt, requesting the City to vacate 'the boundary line of Lot No. 13 in John Paul's Addition, the plat thereof being duly of record in the Clerk's Office aforesaid in Deed Book 24, at Page 50, and also in Deed Book 511, at page 296...' Mr. Blatt told the Commissioners that Michael Brothers recently purchased the remaining portion of Lot 11, and Lots 13 and 15 from Neil Turner, and they need this vacating to be processed in order to develop the total area as a group housing project.

Mr. Trobaugh moved that the Planning Commission recommend that City Council schedule a public hearing to consider the request for vacating the lot line between Lots 13 and 15 in the John Paul Addition, situated on the south side of Franklin Street extended. Mr. Rhodes seconded the motion and all members present voted in favor..."

Councilman Cisney moved that the Planning Commission report be accepted and a public hearing scheduled for Tuesday, July 14th, 7:30 P.M. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ Council received a report from a public hearing held by the City Planning Commission on May 27th, with recommendation for Council's acceptance of four proposed amendments to the City's Zoning Ordinance, and scheduling a public hearing date on same. Councilman Cisney moved that the report be accepted and public hearing scheduled for Tuesday, July 14th, at 7:30 P.M. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ City Manager Milam referred to a resolution of the City Planning Commission dated 10/16/80, recommending adoption of three plans (representing elements of the Comprehensive Plan of the Central Shenandoah Planning District Commission), namely: (a) Land Use Element (Sept. 1980); (b) a Housing Element (Sept. 1980); and an Economic Development Strategy (June 1980), subject to adjustment of certain figures re Harrisonburg's population density in 1975. A resolution, submitted by Mr. Jennings Morris, Chairman of the District Commission was presented, stating adoption of the plans on Jan. 19, 1981, and recommendation for each governing body to adopt the plans as general guides. Manager Milam noted only limited copies of the Plans for review, and said there was no extreme emergency for approval of same at this time. It was agreed that the matter be deferred until the next regular meeting and the City Manager was instructed to place same on the agenda for that meeting.

✓ For consideration of second & final reading, the City Attorney presented an ordinance amending Section 6-1-23 of the City Code, entitled: "Payment for Street or Alley Vacated." He reminded members that the amendment was proposed in order to bring this section into compliance with the State Code, with provision that a subdivider not be charged for land derived in the closing of a street or alley within his subdivision. The ordinance was approved for a first reading at the May 26th meeting. Following a brief discussion, Councilman Cisney 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. The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council. (Ord. Bk K, pg. 230)

City Manager Milam informed Council that following a request from Ms. Joanne H. Johnston for the granting of a dance permit for Turtle's Ltd., located at 61 Court Square, he had referred same to the Chief of Fire, Building/Zoning Official, and Chief of Police, for investigation of the premises, and comments. He noted that replies from the three sources indicate no objection to issuance of the permit, subject to compliance with the City Code, by the management. Following a brief discussion, and on motion of Vice-Mayor Green, seconded by Councilman Cisney, and a unanimous vote of Council, a dance permit for Turtle's, Ltd., was granted.

City Manager Milam reminded Council that a proposed ordinance authorizing issuance of public improvement bonds in the maximum amount of \$ 15,250,000.00 for construction of the Solid Waste Energy Recovery Plant on JMU land, had been presented at the last regular meeting, with action of a first reading deferred until this time, pending re-structuring of the package for financing same. Several documents have been prepared since that time for Council's consideration: an amended ordinance for bonds in maximum amount of \$ 12 million, has now been further amended in amount of \$10,450,000.00, with wording the same as the prior two ordinances. He read the proposed ordinance which provides for the bonds to mature at time, or times not exceeding 40 years from their date, and to bear interest at such rate, or rates not exceeding maximum rate authorized by law at the time the bonds are sold. The ordinance further provides authorization for funds to be borrowed, not to exceed amount of the bond issue, in anticipation of issuance and sale of bonds. Manager Milam requested approval of the ordinance at this time for a first reading, and asked that members consider a special call meeting for Friday of this week to take action with regard to a second and final reading. Timing of the action would allow Craigie, Inc., latitude of 2 - 3 weeks to check market value, etc., in anticipation of making an offer to purchase the bonds from the City, the latter part of this month. He noted that the earliest closing date on the bonds would be around July 27th. Mr. Mike Grow, Municipal Finance Representative for Craigie, Inc., said he would contact the rating agencies tomorrow with information re the restructured package, and total amount of bond issue, as amended. A list would be sent to investors by the 23rd of this month, and offer made by Craigie, Inc. around the 29th or 30th to purchase the bonds. Manager Milam reviewed, in detail, re-structuring of the package, which includes elimination of payment to James Madison University for land, from the bond issue, as well as other reductions. He noted that meetings had been held with representatives of JMU, Vice-Mayor Green, Assistant City Manager Driver, Mr. Mike Grow, and himself, resulting in arrangements for the \$2 1/2 million to be paid the University by the City over a 5-year period in cash or in kind services. At this point, Manager Milam presented and read the following Memorandum, with a request that it be considered for approval, by motion, with recordation in Council minutes to serve as a policy for the City in future years:

It is the consensus of City Council that the Convocation Center and the Waste Recovery Facility will enhance the total business community because of the need of the participants for community services such as lodging, meals, transportation service, as well as the resulting business shopping. And the Solid Waste Facility will provide a very necessary municipal facility.

Therefore, the City Council wishes to advise James Madison University that the City will make available certain funds and/or in kind services as follows:

A. It is hereby determined to be necessary and expedient for the City of Harrisonburg (a) to construct a solid waste energy recovery facility and related capital improvements (the "Facility"), on property owned by, and leased from the Visitors of James Madison University (the "University"), (b) in return for these arrangements necessary for the operation of the facility as outlined in paragraph B of this motion. The City will provide within five (5) years from this date:

1. \$ 2,500,000. in cash or in kind services or materials as follows:

*Due 1 Nov. 1981 - \$500,000. cash or in kind services
Due 1 Nov. 1982 - \$500,000. cash or in kind services
Due 1 Nov. 1983 - \$500,000. cash or in kind services
Due 1 Nov. 1984 - \$500,000. cash or in kind services
Due 1 Nov. 1985 - \$500,000. cash or in kind services*

2. \$500,000. annual payments or in kind services or combination of cash or equivalent services to be determined by the University and the City in order for the University to complete construction of the Convocation Center, which, in turn, is expected to benefit the economy of the City.

3. The City "in kind services" shall include but not be limited to the following:

- a. Finish grade rights-of-way to steam facility and/or Convocation Center.*
- b. All weather surface treatment*
- c. Utilities of suitable size for the steam facility and over-sized for future development on James Madison University property.*
- d. Additional access roads to better serve steam and convocation facilities with the intention of building a new highway from State Route 710 to U.S. Route 33.*
- e. Re-construction of Route 710 (if annexed)*
- f. Grading and surface treatment of parking facilities.*
- g. Curb, gutters and sidewalks*

B. James Madison University will provide to the City of Harrisonburg, in return for the above, the following:

- 1. Conveying a suitable site for the steam facility*
- 2. Entering into twenty (20) year long term agreement to purchase steam.*
- 3. Acquiring suitable rights-of-way from State Route 710 to steam facility and to Port Republic Road.*
- 4. Rough grading of new right-of-way between Route 710 and Route 659.*
- 5. Providing other necessary ingress and egress to steam facility.*

6. Acquiring all necessary Federal, State, Local construction and operating permits.
7. Assist the City with James Madison University present steam related personnel to operate new steam waste recovery facility in order for the City to reduce its annual operation and maintenance expenses.
8. Section 23 of the Agreement to purchase steam dated 4 March 1981 to be amended to delete the words "at no cost to University."

Section 23 to read as follows:

23. City shall accept University's acceptable solid waste generated daily by University when delivered to City's Facility and City shall process same. "Acceptable solid waste" means all solid waste of the types historically accepted and disposed of by the City, including all ordinary household, municipal, commercial and industrial wastes, but excluding waste materials generated by the razing of buildings and other structures (including roads and fences) and wastes requiring special handling or procedures (such as pathological and hazardous wastes.)
9. The University shall design steam absorption chillers air conditioning in the Convocation Center to use steam in lieu of electricity as presently designed.
10. The University, during regular academic year, will purchase all steam produced by the City's facility, and will convert other buildings on campus as soon as steam production becomes available.

Further discussion was held, which entailed daily tonnage of refuse collected; steam absorption chillers to be designed for the proposed Convocation Center of JMU which would use steam in lieu of electricity, estimated cost of an alternative in acquiring a Landfill site, etc. Councilman Cisney asked if the City Manager and Assistant City Manager, as chief administrators of the City, were comfortable with the project as it now stands. Mr. Driver gave a full vote of confidence, and suggested that future Revenue Sharing Funds be set aside for the plant. City Manager Milam took a stand on the positive side (not too high on the scale), and recommended proceeding with the project, although noting that it will mean that City departments may be forced to live with less money, and perhaps a reduction in personnel over the next several years, as resources are stretched to meet interest payments on the bonds and early operation costs of the system. Members of Council agreed that the plant, which has been in the making for a number of years, is the only alternative for disposal of waste which will see a return to the City in the future, in that the present Landfill Site has only a few more years life-expectancy. Mr. Larry Wales, the City's Financial Advisor, said he felt comfortable with the bond issue as amended to the reduced amount of \$ 10,450,000. Councilman Rhodes moved that the Ordinance authorizing Issuance of the Bonds, be approved for a first reading. The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council. It was agreed that a special meeting be held on Tuesday, June 16th, 1:00 P.M., for action concerning a second & final reading on the ordinance, in that Friday, suggested by the City Manager, was not a suitable date. Vice-Mayor Green moved that the Memorandum, as presented and read, be approved, and the Clerk instructed to record same in full, in minutes of this meeting, to serve as a policy for the City in the future. This motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council.

There being no further business, and on motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Council, the meeting was adjourned at 10:06 P.M.

N. Glenn Lohr
CLERK

Ray E. Eicher
MAYOR

Tuesday, June 16, 1981

At a special meeting of Council held in the Council Chamber today at 1:00 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, 3rd; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney; City Auditor Philip L. Peterman, and Captain Stroble (sitting in for Chief of Police Presgrave).

Mayor Erickson called the meeting to order and 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 Tuesday, June 16, 1981, at 1:00 P.M. to consider the following matters and take necessary action thereon:

1. Second reading of an Ordinance Authorizing the Issuance of Public Improvement Bonds of the City of Harrisonburg, Virginia, in the Maximum Amount of \$ 10,450,000.
2. Other matters.

Manager Milam informed Council that no significant changes had been made in the ordinance since its approval for a first reading on June 9th, and that he had received the preliminary official statement from Craigie, Inc., indicating the amended amount of bond issue (\$10,450,000), with some corrections still necessary prior to final printing. He noted that the bond market is declining (somewhat in our favor), and that the Wall Street Journal is predicting a continuing decline in bond interest, which could result in less than 10% on the public improvement bond issue. A request has been made by Craigie, Inc., for Council to schedule a special meeting on Monday, June 29th, for the purpose of receiving the City's Underwriters' offer to sell the bonds. Manager Milam anticipated, allowing for time requirements for various transactions, closing date on the bonds for 30 days following the special meeting. Following a review of the preliminary statement, Councilman Cisney offered a suggestion for arrangements to be made for immediate transfer of the check into a

local bank, or banks, rather than carrying the check in that amount from New York to Harrisonburg. Following discussion, Councilman Dingledine moved that the Ordinance Authorizing Issuance of Public Improvement Bonds in Maximum Amount of \$ 10,450,000. 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 Cisney, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, pages 231-232). It was agreed that a special meeting be scheduled for Monday, June 29th, 1:00 P.M., in the Council Chamber, as suggested by Craigie, Inc.

Mayor Erickson called attention to a letter from the Selective Service System, in which Council was requested to select 3 to 5 citizens to serve as standby members of the Selective Service Board, in the event there should be a draft call due to national emergency. An information sheet, enclosed with the letter, provides for names to be forwarded to the proper Authorities in Georgia. He asked that members be thinking about the matter, for decision at a later date.

There being no further business and on motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote, the meeting was adjourned at 1:26 P.M.

N. Eugene Lober
CLERK

Ray Erickson
MAYOR

Tuesday, June 23, 1981

At a regular meeting of Council held in the Council Chamber this evening at 7:30, 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, 3rd; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on June 9th were approved as read; minutes of the special meeting of June 16th, approved as corrected.

Mr. T.W. Alexander, Assistant District Engineer for the Virginia Department of Highways and Transportation, appeared before Council and advised that the Commission feels it is good for a representative to meet once a year with governing bodies. He noted that the cost of maintenance has risen so as to "cut into" the amount of money for construction and improvements. This will affect some improvements proposed for the City of Harrisonburg, as well as communities all over the state, in that some projects will be delayed. Mr. Alexander informed Council that localities will begin losing federal funds in 1983-84, with a necessity to lay off some engineers and designers. Another impact will be less construction projects. He said that "we have a very fine system, and it would be a shame to let it go to pot." Mr. Alexander expressed a desire for Council to become familiar with the funding in order to know what to recommend to the state legislature, and asked support of Council in making "its voices heard." Mayor Erickson told Mr. Alexander that he had presented a grim story, and expressed a hope that the City will be able to take care of the Highway System which we have. He extended an invitation for him to come back to meetings, at any time.

City Manager Milam said he would like for agenda item I (request of Donald Kuhns to hook to city water line south of Holiday Inn) to be discussed following this evening's meeting (in executive session) in that it is a legal matter.

Mr. Britt Gilbert, owner and developer of the Burnshire Dam in Woodstock, appeared before City Council with a request to purchase, lease, or acquire by some other mutual arrangement, the City's abandoned hydro electric plant south of McGaheysville (Island Ford) for rehabilitation of same. He informed Council that besides rehabilitation of the Burnshire Dam which is near completion, and abandoned in 1954, he had just finalized negotiations to purchase another small electric plant in Edinburg which was abandoned in 1959. He has been advised of VEPCO's willingness to purchase power, and under the law, he is entitled to sell to other utilities. According to Mr. Gilbert, he has the experience, equipment & personnel to restore the dam and construct a power house, which would not only enhance the area, but serve as a standby electrical power source for pumps in the event that water from the river would be used in the future as a source of supply. To his knowledge, Mr. Gilbert said the swampy river bottom area would serve no purpose for development. He was advised by the Water Superintendent to present his request to Council, in that the area may be included in future plans of the City. (In correspondence dated 3/25/81, an offer of \$ 80,000. was made by Mr. Gilbert for purchase of the old electric hydro electric plant site and water rights). He noted that the power plant operation would require only about 1/4 of the approximate 30 acre site, with the remaining 3/4 available for recreational purposes or water use. He said that "not one drop of water would be removed from the river" in that it would come in at 800' and leave at 780', transforming the motion of the water, into power. When questioned by Councilman Cisney, whether he would be interested in leasing the site on the basis of gross income from operation of the plant, Mr. Gilbert said that although he would prefer a basis of net income, gross would be easier, and one of the options that could be traded back and forth, meaning: gross income, flat payment, or a combination of the two. City Manager Milam explained that the land had been purchased by the City in 1903, was later transferred to the Harrisonburg Electric Commission, and back to the Water Department about five years ago. Other proposals, including an offer from the Norfolk & Western Railway, have been made to purchase the land, but all were rejected in that the site has been looked at as a potential future source of water supply. He noted that Mr. Gilbert's suggestion for use of the city plant is the first to survive and get on a Council agenda, and said that a lease arrangement might be considered, if drawn up in such a way that the City's water rights would be protected. He pointed out the fact that water crises exist all over the country, with some due to development of energy taking priority over development of water. Again, Mr. Gilbert stressed the fact that he was not interested in the City's water rights and that his project would result in no water loss to the City. Following a lengthy discussion, Mr. Gilbert was asked to present his plan to the City Manager and City Staff, for a more definite proposal which may be presented to Council.

✓ Councilman Cisney moved that a supplemental appropriation in amount of \$ 1,048.00, requested by the City School Board in order to appropriate funds received in excess of budget estimate for textbook system, be approved for a second & final reading, first reading having been approved on June 9th, and that:

\$ 1,048.00 chgd.to: School Fund (R-5) Rcpts.from State School Funds- Free
or Rental Textbook Systems (antic.)

1,048.00 approp.to: School Fund (1201-320.00) Other Inst.Costs.- Textbooks
furnished free.

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council.

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 4,932.02, requested by Chief of Fire, Austin, in order to replace already expended funds for salaries and uniforms for dispatchers, be approved for second & final reading, a first reading having been approved on June 9th, and that:

\$ 4,932.02 chgd.to: General Fund (1901.01) Recoveries & Rebates

4,000.00 approp.to: General Fund (3201-1001.06) Dispatchers

932.02 approp.to: General Fund (3201-5400.01) Other Mat. & Supplies

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council.

✓ Councilman Dingledine moved that a supplemental appropriation in amount of \$ 50,566.60, requested by the Director of Transportation in order to pay the local share of administrative and operating assistance for Fiscal Year 1979-80, be approved for second & final reading, a first reading having been approved on June 9th, and that:

\$ 50,566.60 chgd.to: Transportation Fund (2404.10) Sec. 18 Assistance

50,566.60 approp.to: Transportation Fund (5805.01) Sec. 18 Payment- Local Share

The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council.

Councilman Rhodes moved that item 5 on the agenda, appointments to Boards and Commissions, be discussed in this evening's executive session. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ The following Planning Commission report, from a meeting held on June 17th, was presented and read for Council's consideration:

"...The Commissioners studied a Final Plan for the Michael Brothers' Rolling Hills Townhouse Subdivision, a 12-lot proposal located on the south side of Franklin Street Extended on a 1.13 acre tract of land. The Director discussed the Subdivision Review Sheet, emphasizing City Staff's acceptance of Franklin Street improvements to be made by the developer: installing of an 8" water line by the developer to serve the project, installing of 6" sewer lines by the developer from the project to Hawkins Street via existing public alleys, and control of storm water across the project to the 10' alley east of the site. Land Surveyor J.R.Copper explained the layout of the project, explaining the 'Court-like' arrangement with a common area in the center and two parking lot areas off Franklin Street. The parking lots will be owned by a homeowner's association but the common area will be the individual townhouse yards forming an open green space, protected from disruption by an easement. Mr. Copper also reported that Michael Brothers will reatin one of the four-unit structures to rent out and attempt to sell the other townhouses individually. Mr. Trobaugh asked why the front entrances face outward instead of toward the court yard. Mr. Copper replied that Mr. Byrd requested that the units face outward since four units will face Franklin Street and the court yard will in effect become a collective back yard for the development.

Mr. Trobaugh concluded the review with a motion that the Planning Commission recommend approval of the Final Plan for Rolling Hills Townhouse Subdivision, subject to City Engineering Department acceptance of the utility plans and street plans submitted by Mr. Copper. Mr. Heath seconded the motion and all members voted aye..."

Planning Director Sullivan displayed a sketch of the Subdivision location, orienting it to the neighborhood, noting a wooded area to the northeast and Dollar General as the nearest store. Mr. Copper said that the water line would be extended and fire hydrant installed. A sewer line will be brought up from Hawkins Street for individual sewer connections. The townhouses will be for-sale units, and built in stages. He offered an opinion that the subdivision will be a definite improvement, and an asset to the community. Following discussion, Vice-Mayor Green 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.

✓ Council received the following Planning Commission report from a June 17th meeting, for consideration:

"...The Commissioners reviewed two letters and some maps concerning vacation of existing lot lines and establishment of new lines. The first was a request by Audrey Price and Joseph Eneydy, of 410 and 420 Eastover Drive, respectively. The boundary between the two lots will be moved 25.5' on the rear side of the lots and Dr. Eneydy will purchase 2,240 sq. feet from Mrs. Price. It will correct a side setback violation involving the Eneydy home. The overall size of both lots will continue to be above the R-1 zoning regulations.

Mr. Trobaugh offered a motion that the Planning Commission recommend the relocation of the lot line, and that the City Council hold a public hearing to vacate the existing line, subject to any utility easements being preserved. Mrs. Bowman seconded the motion and all members voted in favor.

The second letter, from Richard L. Chew, requested that the lot line between Lots 1 and 2 of Block L, Page 25 of the City Block Map be moved 2.5' southward. Mr. Chew told the Commission he is the contract purchaser of Lot 2, and the change will increase the size of Lot 2 by 464 square feet, to a total of 14,020 sq. feet. The property is

zoned R-3 Multiple Dwelling District and seven apartment units could theoretically be placed on the lot. Judge Hamilton Haas owns Lots 1 and 2 at present.

Mr. Trobaugh moved that the Planning Commission recommend the relocation of the lot line, and that City Council hold a public hearing to vacate the existing line, subject to any utility easements being preserved.

Mr. Rhodes seconded the motion and all members present voted in favor..."

Councilman Cisney moved that the report of the Planning Commission be accepted, and a public hearing scheduled on the two requests for Tuesday, July 14th, 7:30 P.M. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

City Manager Milam referred to three documents which had been before members for review, representing elements of the District Comprehensive Plan, and asked that they be adopted as general guides. He read the following resolution submitted by the Planning Commission on October 16, 1980, requesting Council's approval, following the adoption of the document by the Central Shenandoah Planning District Commission, and copy of that resolution forwarded to the District Commission:

"WHEREAS, the City of Harrisonburg participated in the creation of the Central Shenandoah Planning District Commission under the provisions of the Virginia Area Development Act; and

WHEREAS, the Virginia Area Development Act requires the preparation and adoption of a Comprehensive Plan by the Planning District Commission; and

WHEREAS, the Central Shenandoah Planning District Commission has prepared a Land Use Element dated September 1980, a Housing Element dated Sept. 1980, and an Economic Development Strategy dated June 1980 as elements of the Comprehensive Plan; and

WHEREAS, the Central Shenandoah Planning District Commission has submitted them to the Harrisonburg Planning Commission as required by the Virginia Area Development Act; and

WHEREAS, the Harrisonburg Planning Commission has reviewed these documents as required with respect to their effect; and

THEREFORE BE IT RESOLVED that the Harrisonburg Planning Commission finds that the above referenced plans are compatible with the goals and objectives established in the City's plans; and so informs the Central Shenandoah Planning District Commission that the documents present a positive influence for the City; and

FURTHER BE IT RESOLVED the Harrisonburg Planning Commission recommends that upon adoption of the plans by the Central Shenandoah Planning District Commission, that the Harrisonburg City Council adopt the plans as a general guide for the City and its development,

Subject to adjusting Figures 7 & 8, pages 85 and 87 in the Economic Development Strategy document, to show that Harrisonburg's population density in 1975 was in the 500 plus persons per sq.mile (Fig. 7) and the percent of population increase, 1960-1975, was in the 0-49 percent increase category (Fig. 8) throughout the entire City."

Manager Milam noted that a resolution has now been received from the District Planning Commission, stating approval of the documents in January of this year, and recommending for same to be adopted by each member jurisdiction to be used as general guides. Mayor Erickson said he felt secure in the City Planning Commission and its recommendation. Following discussion, Councilman Rhodes moved that the resolution, submitted last Fall by the City Planning Commission, be approved. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council. Councilman Rhodes said that the population question will be corrected.

The City Manager reminded Council that the Harrisonburg-Rockingham Historical Society had been granted permission to continue use of the Sipe House through June 30th of this year, and that the time should be evaluated by Council concerning whether or not an extension would be granted. He reported that the maintenance and cost is better than last year, although some expenses are greater than anticipated in the City's budget. The Society has been permitted to use only the main and second floors for its museum and research center, and at the present time, the ground floor is being renovated to house the Central Emergency Dispatch System for the City and County, which will include an office for the Chief of Fire. Manager Milam offered no reason why the Society should not be granted permission to use the main and second floors, with the City retaining the ground floor for its use. Following a brief discussion, Councilman Dingledine moved that the Harrisonburg-Rockingham Historical Society be authorized to continue use of the present portion allowed in the Sipe House, located at 301 S. Main Street, until June 30, 1982, with annual renewals by City Council. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council. Planning Director Sullivan informed Council that the Society has a present membership of 420 - 440, and appreciates use of the property.

The City Manager presented correspondence from Mr. James H. Roadcap, Jr., Executive Director of the Harrisonburg-Rockingham Regional Sewer Authority, requesting that the Authority's Blue Cross/Blue Shield Insurance contract be included with that of the City, which would be a considerable saving to the Authority, as well as for the employees who pay the full amount for family coverage. Comparative figures set out in the correspondence, revealed a saving for the Authority of \$4,973.52 per year with 17 employees, and the employee would save \$ 384.48 per year on his family plan, if the Authority enjoyed the same insurance rates as the City of Harrisonburg. Further noted was the fact that combination of the two contracts would see a saving for the City in its local share of the Authority's budget. Manager Milam informed Council that the plan had been discussed, with a general feeling that if the City could realize the saving, it should be approved, providing the City Auditor would accept the Authority's check and handle it in some manner, other than running it through the City's books. He said that another look could be taken next year concerning inclusion of the Authority, on an annual basis. City Auditor Peterman said it could be handled in the same manner as the School Board, Harrisonburg Electric Commission, etc., whereby the Sewer Authority would keep its own records and make its own payments to the Blue Cross/Blue Shield Company. Following discussion, Councilman Cisney moved that the City Manager work out a solution for inclusion of

the Sewer Authority's insurance with the City of Harrisonburg, with no change in the City's record keeping. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

For information, the City Manager read the following Memo from the Superintendent of City Schools, and said he felt this should satisfy a request of the Keister School Parent-Teacher-Student Association for plans to take care of increased enrollment:

"As of Monday, June 15, 1981, we had 40 students from Mosby Heights Apartments that will be attending Keister School. The apartments are approximately two-thirds filled, therefore, we are anticipating another 20 students from Mosby Heights, making a total of approximately 60 students attending Keister School from this apartment complex.

We are proceeding with plans for the eight (8) additional classrooms at Keister. We have been advised that the classrooms should be available for use by October 1, 1982. In the meantime, we plan to house the additional students the best way that we can."

For information, the City Manager called members' attention to their copies of a preliminary statement from Craigie, Inc., which arrived late this afternoon, and should be reviewed in detail by Council. He referred to an impressive list of 24 Underwriters, from which the City's Investment Bankers will form a syndicate to purchase the City of Harrisonburg's \$ 10,450,000. Public Improvement Bonds. According to the pay schedule, Manager Milam pointed out that the interest rate should range from 8.40% at the beginning in 1984, to 10.7% in 20 years. To his knowledge, he reported the City's bond issue as being the only one so far this year in the state of Virginia. Following review of the information, Council was informed that the special meeting for Monday, June 29th, 1:00 P.M., had been confirmed with Craigie, at which time an offer will be received for purchase of the bonds, and Council will approve a "Resolution Authorizing the Issuance and Sale of the \$10,450,000. Public Improvement Bonds, Series of 1981, of the City of Harrisonburg, Va., Heretofore Authorized, and Providing for the Form, Details and Payment Thereof." As an added note of information, Manager Milam reported an A+ credit rating for the City of Harrisonburg by Moodys, and an A-rating by Standard & Poor, which places the City in the "Upper Medium Grade" of investment credit.

Manager Milam called attention to the brochure submitted by Whiting-Turner Contracting Company, selected for construction of the City's Solid Waste Plant, and said he was very impressed with the projects listed and financial statement, as well as other information received regarding the firm.

A complaint was registered by Councilman Rhodes concerning traffic on N. Blue Ridge Drive, since completion of Meadowlark Drive, in that he had been asked for assistance in the problem. He noted that 15 - 20 children reside in the area. Following a brief discussion, Councilman Rhodes moved that the matter be referred to the Police Chief for investigation and report. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

Councilman Dingledine, a representative of City Council on the Parks & Recreation Commission, reported that the Commission had discussed a request for the re-opening of Harris Swimming Pool (which matter had been referred by Council), and felt there was no assurance that problems which had prevailed before, would not continue. Further taken into consideration was the expense to the City in providing the olympic swimming pool at Westover Park to serve the entire City. Following discussion at the June 15th meeting, the Commission recommended that "Council appropriate the necessary funds for construction of a spray pool at Northeast Park, and not re-open Harris Pool, and that a letter of explanation be sent to Marcus Sampson concerning operational problems." Councilman Dingledine offered a personal opinion that something should be worked out for construction of a spray pool, estimated to cost in the neighborhood of \$ 3,500., and noted that bids would have to be received. Councilman Cisney said he was in hopes that the Recreation Commission could find the funds. Following discussion, Councilman Dingledine offered a motion that the City Manager work with the Recreation Director in financing a spray pool for Northeast Park. Vice-Mayor Green then suggested that the following also be considered: (1) working out a "pool bus" route to provide transportation to Westover Park from all sections of the City; (2) reduced bus rates for a bus load; (3) arrive at a decision concerning definite plans for the property at Harris Pool. Councilman Cisney then seconded the original motion, including the suggestions for consideration offered by Vice-Mayor Green, and the motion was adopted by a unanimous vote of Council.

At 9:35 P.M., Councilman Dingledine moved that Council enter an executive session to discuss legal and personnel matters. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

At 10:50 P.M., on motion duly adopted, the executive session was closed and the regular session reconvened.

Councilman Dingledine moved that the City Attorney be authorized to recommend the name of Mr. Forrest C. Palmer, a JMU Professor, to the Circuit Court Judge, for appointment to the Board of Zoning Appeals, inasmuch as Mr. Trobaugh's second term had expired on March 20th of this year. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

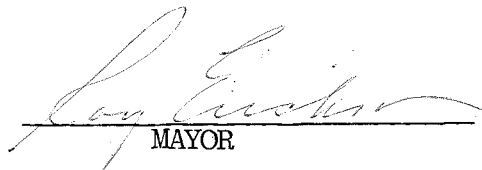
Councilman Rhodes moved that Dr. Charles L. Shank, 1110 Moffett Terrace, be appointed to a term of four years on the Harrisonburg Industrial Development Authority, expiring April 24, 1985, noting that a vacancy exists due to the expiration of Mr. Nelson Liskey's second term. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

Council was reminded that the second term of Mr. James Logan on the Welfare Board would expire on June 30th and that he is not eligible for reappointment. Vice-Mayor Green moved that Mrs. James R. (Doris) Sipe, 487 Myers Avenue, be appointed to the Board for a term of four (4) years, beginning June 30th, and expiring on June 30, 1985. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

Council was informed by Councilman Dingledine, a member of the Parks & Recreation Commission, that the Commission had, at its June 15th meeting, accepted the resignation of Mr. Robert Rosen, in that he would be moving to Pittsburgh July 1st to begin work with a new company. He then moved that the resignation be accepted, with regrets, and letter forwarded to Mr. Rosen, expressing Council's appreciation for his service on the Parks & Recreation Commission. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council. Councilman Cisney then offered a motion that Mr. Robert G. Dinsmore, Jr., 1070 Chestnut Drive, be appointed to fill the unexpired term of Mr. Rosen, which will expire on December 31, 1983. This motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

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


CLERK


MAYOR

Monday, June 29, 1981

At a special meeting of Council held in the Council Chamber today at 1:00 P.M., there were present: Mayor Roy H. Erickson; City Manager Marvin B. Milam; Clerk N. Arlene Loker; Vice-Mayor Walter F. Green, 3rd; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: City Attorney Norvell A. Lapsley.

The following Meeting Call was read by the City Manager:

"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 Monday, June 29, 1981, 1:00 P.M., to consider the following matters and take necessary action thereon:

1. Consideration of "Bond Resolution" - Offer to Purchase \$10,450,000. Public Improvement Bonds, Series of 1981, Craigie Incorporated on behalf of the Underwriters listed in Exhibit B."

City Manager Milam called attention to several documents before this meeting concerning the \$ 10,450,000. public improvement bonds for construction of the City's Solid Waste Energy Recovery Plant on JMU land, including a Public Notice which will be advertised in the Legal Section of the Daily News Record newspaper on Wednesday, July 1st, if the Resolution Authorizing Issuance and Sale of the Bonds is approved today. He introduced the following persons, present in the meeting: Mr. Conard Mattox, III (representing the City's Bond Attorneys: Mays, Valentine, Davenport & Moore of Richmond, Va.); Mr. George B. Pugh, Jr., Vice-President of Craigie, Inc. (Investment Bankers); and Mr. Larry Wales of Municipal Advisors, Virginia Beach, Va. (City's Financial Advisor). Manager Milam said he would ask Council to authorize the proper officials to sign the contract with Whiting-Turner Contracting Company (low bidder), for construction of the steam plant, and also to authorize the City Auditor to establish a special fund (following Transportation Fund), to handle funds for the Solid Waste project, including bond proceeds. Mr. Pugh presented each member with copies of "Pricing Memorandum" and "Offer to Purchase \$10,450,000. Public Improvement Bonds, Series of 1981." He explained steps which had been taken by his firm, leading up to the present offer to purchase, noting that last week, the bond market was extremely difficult. When the bonds were first offered, in \$ 5,000. increments and interest rates ranging from 8.4% to 10.7%, the bonds sold well. However, offers on the second 10 years with interest rates of 10.3% to 10.7% were slow. In referred to the Order List of purchasers, Mr. Pugh pointed out that State Farm had agreed to purchase the last five years, providing the top interest rates would be raised to a range of 10.6% to 11%. In comparing the City's interest rates with Houston, Texas, California and Oregon, Mr. Pugh noted that Harrisonburg's present rate of 8.40% to 11% drew more interest than a \$ 19.7 million issue floated last week by the state of Oregon. Mr. Mattox then presented the following RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$ 10,450,000 PUBLIC IMPROVEMENT BONDS, SERIES OF 1981, OF THE CITY OF HARRISONBURG, VIRGINIA, HERETOFORE AUTHORIZED, AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF, which was read in its entirety:

WHEREAS, the issuance of \$10,450,000 Public Improvement Bonds of the City of Harrisonburg was authorized by ordinance adopted by the Council of the City of Harrisonburg on June 16, 1981, to provide funds, together with other funds that may be available, to finance construction of a solid waste energy recovery facility on property presently owned by, and leased from the Visitors of James Madison University.

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

1. There are hereby authorized to be issued and sold \$10,450,000 Public Improvement Bonds, Series of 1981 of the City of Harrisonburg, Virginia.

2. The Bonds shall be coupon bonds without privilege of registration, shall be designated "Public Improvement Bonds, Series of 1981," shall be dated August 1, 1981, shall be in the denomination of \$5,000. each, shall be numbered from 1 to 2,090, inclusive, shall mature, subject to prior redemption as hereinafter provided, in numerical order on August 1 in each of the years and in the principal amounts set forth below and shall bear interest as provided therein, first interest coupon payable February 1, 1982 and semi-annually thereafter on the first day of August and February in each year until paid:

Year	Principal Amount
1984	\$ 80,000.
1985	85,000.
1986	95,000.
1987	105,000.
1988	115,000.
1989	125,000.
1990	140,000.

<u>Year</u>	<u>Principal Amount</u>
1991	\$ 150,000.
1992	600,000.
1993	660,000.
1994	725,000.
1995	800,000.
1996	875,000.
1997	965,000.
1998	1,060,000.
1999	1,170,000.
2000	1,285,000.
2001	1,415,000.

Both principal and interest shall be payable in lawful money of the United States of America at the principal office of First & Merchants National Bank, Richmond, Virginia, or at the principal office of Bankers Trust Company, New York, N.Y. at the option of the holder thereof.

3. The Bonds which mature on August 1, in the years 1992 through and including 1996 are subject to redemption prior to maturity at the option of the City on or after August 1, 1991, in whole at any time or in part on any interest payment date, upon payment of the principal amount of Bonds to be redeemed plus accrued interest to the redemption date, plus a premium of .25% of such principal amount for each 12 month period or part thereof between the redemption date and the stated maturity date of the Bonds to be redeemed. If less than all of the Bonds subject to redemption under this paragraph are called for optional redemption, the Bonds to be redeemed shall be selected by the City Auditor in such manner as he may determine to be in the best interests of the City.

The Bonds which mature on or after August 1, 1997 are subject to redemption prior to maturity at the option of the City on or after August 1, 1996, in whole at any time or in part on any interest payment date, upon payment of the principal amount of Bonds to be redeemed plus accrued interest to the redemption date. If less than all of the Bonds subject to redemption under this paragraph are called for optional redemption, the Bonds to be redeemed shall be selected by the City Auditor in such manner as he may determine to be in the best interest of the City.

The City Auditor shall cause notice of the call for redemption identifying the Bonds to be redeemed to be published at least once in a financial newspaper published in New York, N.Y., and in a newspaper of general circulation published in Richmond, Va. the publication dates of which shall be not less than 30 nor more than 60 days prior to the redemption date. On or before the redemption date, the City shall make funds appropriately available to pay the principal amount of the Bonds called and accrued interest to the redemption date and the premium, if any. Bonds thus called and provided for shall not bear interest after 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

CITY OF HARRISONBURG, VIRGINIA

Public Improvement Bond, Series of 1981

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 August 1, _____, and to pay interest thereon from the date hereof until payment at the rate of _____ per cent (____%) per year, payable semi-annually on August 1 and February 1 upon presentation and surrender of the attached coupons as they become due. Both principal and interest on this bond are payable in lawful money of the United States of America at the principal office of First & Merchants National Bank, Richmond, Virginia, or at the principal office of Bankers Trust Company, New York, N.Y., at the option of the holder hereof.

This bond is one of an issue of \$10,450,000 public improvement 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 June 16, 1981, 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 a solid waste energy recovery facility on property presently owned by, and leased from the Visitors of James Madison University, a state university located in the City of Harrisonburg.

The bonds which mature on August 1, in the years 1992 through and including 1996 are subject to redemption prior to maturity at the option of the City on or after August 1, 1991, in whole at any time or in part on any interest payment date, upon payment of the principal amount of bonds to be redeemed plus accrued interest to the redemption date, plus a premium of .25% of such principal amount for each 12 month period or part thereof between the redemption date and the

stated maturity date of the bonds to be redeemed. If less than all of the bonds subject to redemption under this paragraph are called for optional redemption, the Bonds to be redeemed shall be selected by the City Auditor in such manner as he may determine to be in the best interests of the City.

The bonds which mature on or after August 1, 1997 are subject to redemption prior to maturity at the option of the City on or after August 1, 1996, in whole at any time or in part on any interest payment date, upon payment of the principal amount of bonds to be redeemed plus accrued interest to the redemption date. If less than all of the bonds subject to redemption under this paragraph are called for optional redemption, the bonds to be redeemed shall be selected by the City Auditor in such manner as he may determine to be in the best interest of the City.

The City Auditor shall cause notice of the call for redemption identifying the bonds to be redeemed to be published at least once in a financial newspaper published in New York, N.Y. and in a newspaper of general circulation published in Richmond, Virginia, the publication dates of which shall be not less than 30 nor more than 60 days prior to the redemption date. On or before such redemption date, the City shall make funds appropriately available to pay the principal amount of the bonds called, and the premium, if any, and accrued interest thereon to the redemption date. Bonds so called and provided for shall not bear interest after such redemption date.

The full faith and credit of the City of Harrisonburg are irrevocably pledged for the payment of principal of, premium, if any, 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 signature of the Mayor and the Clerk, and this bond to be dated August 1, 1981.

COUNTERSIGNED:

_____ (SEAL) Clerk, City of Harrisonburg Virginia	_____ Mayor, City of Harrisonburg Virginia
---	--

(FORM OF COUPON)

No. _____ \$ _____
 February

On August 1, 19____, unless the bond to which this coupon is attached has been duly called for prior redemption and payment of the redemption price made or provided for, the City of Harrisonburg, Virginia, will pay to the holder hereof _____ (Dollars) (\$_____) in lawful money of the United States of America at the principal office of _____, Virginia or _____, New York, New York, at the option of the holder hereof, being the semi-annual interest then due on its Public Improvement Bond, Series of 1981, dated August 1, 1981 and numbered _____.

6. 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. 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, if any, and interest as the same respectively become due and payable.

7. After consideration of the methods of sale of general obligation bonds and current conditions of the municipal bond market, and after consultation with representatives of the City and Municipal Advisors Incorporated, the City's financial consultants, it is hereby determined that it is in the best interest of the City to accept the offer of Craigie Incorporated to purchase the Bonds for resale to the public, and the Bonds are hereby awarded to Craigie Incorporated in accordance with the terms of its offer which has been presented at this meeting and is attached hereto as Exhibit A. 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.

8. The preliminary official statement describing the City and the Bonds, distributed at this meeting (the Preliminary Official Statement) is hereby approved and the distribution of the Preliminary Official Statement by Craigie Incorporated, upon the terms provided therein, to prospective purchasers of the Bonds is hereby ratified and approved. The Mayor and City Manager shall make such changes in the Preliminary Official Statement not inconsistent with this resolution as are necessary to complete the Preliminary Official Statement as a final Official Statement (the Final Official Statement). The City Manager shall arrange for delivery to Craigie Incorporated of a reasonable number of copies of the Final Official Statement to be delivered to the persons to whom Craigie Incorporated initially sells the Bonds.

9. The Mayor and the Clerk and such other 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 investment will not violate the provisions of § (c) of the Internal Revenue Code of 1954, as amended, and the arbitrage regulations issued pursuant thereto. Such certificate shall be in such form as may be requested by bond counsel for the City.

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, as soon as possible after such filing but in any event 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 purpose for which the Bonds are to be issued and (2) the amount of such Bonds.

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

12. This resolution shall take effect immediately.

The Undersigned Clerk of the City of Harrisonburg, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a special meeting of the Council of the City of Harrisonburg duly called and held on the 29th day of June, 1981, and of the whole thereof so far as applicable to the matters referred to in such extract.

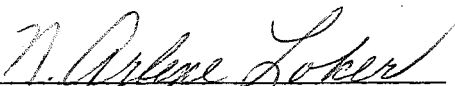
WITNESS my hand and the seal of the City of Harrisonburg, Virginia, this _____ day of June, 1981.

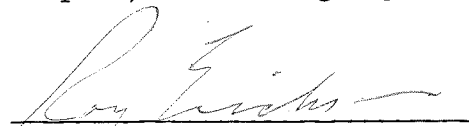
Clerk, City of Harrisonburg
Virginia

(SEAL)

Councilman Cisney moved that the Resolution Authorizing the Issuance and Sale of \$10,450,000. Public Improvement Bonds be approved, including Exhibit A (Offer of Craigie, Inc. to purchase the Bonds), and other exhibits submitted by the firm of Mays, Valentine, Davenport & Moore (supplemental opinion of Bond Counsel, Schedule of payment by years and amounts, etc.) The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council. Voting "aye": Councilmen Dingledine, Rhodes, Cisney, Green and Erickson. Voting "nay": none. On recommendation of the City Manager, the following two motions were then adopted: Councilman Dingledine moved that the proper officials be authorized to sign the contract with Whiting-Turner Contracting Company for construction of the City's Solid Waste Energy Recovery Plant. The motion was seconded by Councilman Rhodes and adopted by a unanimous recorded vote of Council. Vice-Mayor Green moved that the City Auditor be authorized and directed to establish a special fund for deposit of bond proceeds, and handling of all transactions pertaining to the Solid Waste Project. 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 2:10 PM.


CLERK


MAYOR

Tuesday, July 14, 1981

At combined public hearings and regular meeting held in the Council Chamber this evening at 7:30, 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, 3rd; Councilmen Raymond C. Dingleline, Jr., Elon W. Rhodes, James C. Cisney; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on June 23rd were approved as corrected; minutes of the special meeting held on June 29th, approved as read.

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, 1981.

From the City Treasurer:

A trial balance report as of close of business on June 30, 1981.

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 \$ 6,516.19.

From the City Auditor:

A report of cash discounts saved in payment of vendor's invoices for month of June, 1981, totaling \$ 240.91.

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, 1981.

Correspondence was presented from Mr. Reggie Smith, Director of Transportation, enclosing two bids for two buses, proposed to be purchased by the City Transportation Department. The low bid, in amount of \$ 207,800. was submitted by the Blue Bird Body Company of Ft. Valley, Georgia, while the second bid of \$ 208,764.16 was submitted by the Transportation Manufacturing Company of Roswell, New Mexico. The City Manager reviewed the low bid as follows: cost of each bus, \$ 98,400.; fare boxes and additional options for each, \$ 5,500.; total cost for two buses, \$ 207,800. He noted that each bus will accommodate 31 passengers, and be equipped with air-conditioning and wheelchair lifts. The earliest delivery date for the buses will be approximately 365 days from receipt of the order. Federal and State funding will pay 99% toward purchase price. Following discussion, it was agreed by Council that the contract be awarded the low bidder, Blue Bird Body Company.

Through correspondence dated 6/24/81 from the Area Manager, Department of Housing & Urban Development, the City Manager reported successful completion and closeout of Community Development Block Grant No. B-77-DN-51-0120 in total amount of \$ 500,000.00, with expenditures as follows: Acquisition of real property (north of Elizabeth St.), \$ 311,996.00; Code Enforcement, \$152,348.00; Relocation payments & assistance, \$ 5,400.00; Planning and management development, \$ 26,084.00; Administration, \$ 4,172.00. Manager Milam informed Council that an audit had been done on the project in April of this year, and recommended that the report be approved, in order to finalize the closeout with HUD. On motion of Councilman Dingledine, seconded by Councilman Rhodes, and a unanimous vote of Council, the closeout report was approved.

At 7:55 P.M., Mayor Erickson closed the regular session temporarily and called the evening's first public hearing to order. The following Notice of Hearing, advertised in the Daily News Record newspaper on June 25th and July 9th, was read:

"The Harrisonburg City Council will hold a Public Hearing on Tuesday, July 14, 1981, at 7:30 P.M. in the City Council Chamber, Municipal Building, in accordance with Sections 15.1-431 and 15.1-482 (b), Code of Virginia, to vacate certain lot lines by Ordinance of the Governing Body. Lot Lines to be vacated are between Lots 7 and 8, Block E, Page 18 of the City Block Map, presently in the L. H. Wenger Estate north of West Weaver Avenue, and the lot line between Lots 13 and 15 in the John Paul Addition, shown in Deed Book 24, Page 50 and in Deed Book 511, Page 296. These lots are on the south side of Franklin Street extended.

Also to be vacated and relocated 25.5 feet, is the lot line between Lots 1 and 2, Block F on Page 15 of the City Block Map. These lots are owned by Audrey Price and Joseph Eney. They are in Eastover Subdivision. Also the lot line between Lots 1 and 2, Block L on Page 25 of the City Block Map. This lot line will be relocated 2.5 feet; both lots are on South Main Street, presently owned by Hamilton Haas.

All persons interested or affected by these matters will have an opportunity to express their views at this Public Hearing.

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

Planning Director Sullivan reminded Council, and others present in the meeting, that the Planning Commission had submitted reports on each of the requests, and reiterated the reasons for vacation of the lot lines in each instance. Mayor Erickson suggested that each request be acted upon separately, in order that anyone present, desiring to be heard, may be given that opportunity.

The following Planning Commission report from its meeting on May 27th concerning the L.H.Wenger Estate, was read:

"The Commissioners reviewed an April 18, 1981 letter from H. Gifford and H.W.Wenger, Executors of the L.H.Wenger Estate, requesting that lot lines separating Lots 7 and 8, Block E, on Page 18 of the City Block Map be vacated. A map of the lots and surrounding area was reviewed, and the Commissioners learned that the undeveloped property is zoned R-3 Multiple Dwelling District, it contains approximately 31,200 sq. feet, the only access is via a 12' right-of-way off South Ave. known as 'Walker Street', and an existing City sewer line bisects the two lots. The L.H.Wenger Estate is having the property re-surveyed and they plan to sell it as one tract. Mr. Sullivan reported that apartment builders have been showing interest in the site and City Staff will have to review any proposals that may eventually be submitted to Mr. Byrd's department. The next immediate step will be for City Council to have a public hearing to consider vacating the lot lines involved.

Mr. Heath moved that the Planning Commission recommend that City Council schedule a public hearing to consider the request for vacating the lot lines shown on Page 18, City Block Map, between Lots 7 and 8 on Block E. Mr. Trobaugh seconded the motion and all members present voted in favor..."

Mr. John Monger, III, said he was under the impression that the lot had already been sold. Mr. Sullivan pointed out the fact that vacation of the lot lines does not affect rezoning, and should be treated in this manner. There were no others present, desiring to be heard. Manager Milam read the following Planning Commission report from its meeting of May 27th, concerning request to vacate lot line in the John Paul Addition:

"The Commissioners reviewed a May 6, 1981 letter from Attorney Steven Blatt, requesting the City to vacate the boundary line of Lot No. 13 in John Paul's Addition, the plat thereof being duly of record in the Clerk's Office aforesaid in Deed Book 24, at page 50, and also in Deed Book 511, at page 296..." Mr. Blatt told the Commissioners that Michael Brothers recently purchased the remaining portion of Lot 11, and Lots 13 and 15 from Neil Turner, and they need this vacating to be processed in order to develop the total area as a group housing project.

Mr. Trobaugh moved that the Planning Commission recommend that City Council schedule a public hearing to consider the request for vacating the lot line between Lots 13 and 15 in the John Paul Addition, situated on the south side of Franklin St. extended. Mr. Rhodes seconded the motion and all members present voted in favor..."

There being no one present desiring to be heard re this request, Mayor Erickson moved to the next request for lot line vacation, and the following Planning Commission report, covering the last two requests, was read:

"...The Commissioners reviewed two letters and some maps concerning vacating of existing lot lines and establishment of new lines. The first was a request by Audrey Price and Joseph Eney, of 410 and 420 Eastover Drive, respectively. The boundary between the two lots will be moved 25.5' on the rear side of the lots and Dr. Eney will purchase the 2,240 square feet from Mrs. Price. It will connect a side setback violation involving the Eney home. The overall size of both lots will continue to be above the R-1 zoning regulations.

Mr. Trobaugh offered a motion that the Planning Commission recommend the relocation of the lot line, and that City Council hold a public hearing to vacate the existing line, subject to any utility easements being preserved. Mrs. Bowman

seconded the motion and all members voted in favor.

The second letter, from Richard L. Chew, requested that the lot line between Lots 1 and 2 of Block I, Page 25 of the City Block Map be moved 2.5 feet southward. Mr. Chew told the Commission he is the contract purchaser of Lot 2, and the change will increase the size of Lot 2 by 464 square feet, to a total of 14,020 square feet. The property is zoned R-3 Multiple Dwelling District and seven apartment units could theoretically be placed on the lot. Judge Hamilton Haas owns Lots 1 and 2 at present.

Mr. Trobaugh moved that the Planning Commission recommend the relocation of the lot line, and that City Council hold a public hearing to vacate the existing line, subject to any utility easements being preserved. Mr. Rhodes seconded the motion and all members present voted in favor..."

Mayor Erickson called on anyone present, desiring to be heard with regard to the vacation of Lot lines in Eastover Subdivision, and on South Main Street. There being no one, the public hearing was declared closed at 8:06 P.M., and the regular session reconvened.

The Mayor asked Council's wishes concerning the matters discussed this evening for vacation of lot lines. Councilman Cisney moved that ordinances for each of the four lot line vacations be approved for first reading, with preservation of any utility easements on lot line vacations on Eastover Drive and S. Main Street, as recommended by the City Planning Commission, and referred to the City Attorney to be drawn in proper ordinance form. The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Council.

At 8:07 P.M., Mayor Erickson closed the regular session temporarily and called the second public hearing of the evening, to order. The following public hearing notice, advertised in the Daily News Record newspaper on June 25th and July 9th, was read:

"The Harrisonburg City Council will hold a Public Hearing on Tuesday, July 14, 1981, at 7:30 P.M., in the City Council Chamber, Municipal Bldg., 345 S. Main Street, to consider the following text amendments in the Harrisonburg Zoning Ordinance:

1. Proposed changes of the Height Restrictions in B-1 Central Business, B-2 General Business, M-1 and M-2 Industrial Districts: Sections 10-3-94, 10-3-114 and 10-3-124, Area and Dimensional Regulations..Maximum Building Heights...proposed to read: "Six (6) stories or seventy-five (75) feet for habitable structures; non-habitable structures would be limited by technical and environmental standards." Section 10-3-133, paragraph 3 will be reviewed. It states: "The limitations on the number of stories shall not apply to structures used exclusively for non-habitable purposes, but they would be governed by technical, and environmental standards."

2. Proposed changes in Section 10-3-32, General Modifications, paragraph (a), proposed to read..."every part of the required yard setback shall be devoid of functional or ornamental devices which tend to obstruct open space or connect accessory structures beyond a maximum projection of 2'8" to be allowed for the reasonable use of architectural treatment and functional elements such as solar devices and chimneys."

3. Proposed changes in Section 10-3-135, Yards, paragraph (1) b. front yards, proposed to read..."Uncovered and/or unenclosed service station fuel pumps and pump islands, and all other volatile pump systems may be located within the front setback requirements provided they are not less than 15 feet from any property line or easement, and not less than 50 feet from the property line of any dwelling or dwelling district. Covered or enclosed pump operations are not classified as accessory buildings, and shall comply with standard principal building setbacks for the district concerned." Paragraph (2) a., side yards, proposed to read..."A carport or other roofed and/or unenclosed structure, when attached to a principal building, is considered part of such building and is subject to the side setbacks otherwise required for the zoning district in which they are built."

4. Proposed changes in Section 10-3-140, Town House Regulations, paragraph (5) a., side yards, proposed to read..."Each town house group of more than four (4) attached units shall have a minimum side yard of fifteen (15) feet. Town house groups of four (4) or less attached units shall meet the minimum setbacks, otherwise required for the zoning district in which they are built, but in no case shall the open side setback for town houses be less than ten (10) feet."

Proposed new paragraph "e", End: "End lots created by the planning of end units for a series of more than four (4) attached town houses, but end lots not considered corner lots, shall have a minimum open side setback of fifteen (15) feet. In no case shall the setback distance between groups of more than four (4) attached town house groups be less than thirty (30) feet."

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

CITY OF HARRISONBURG- Marvin B. Milam, City Manager

The following report, from a public hearing on the proposed Zoning Text Amendments, held by the City Planning Commission on May 27th, was then read:

"Vice-Chairman Eneedy opened the Public Hearing and the Director read the legal advertisement as published in the Daily News Record. There were no comments for or against item #1. Mr. Sullivan asked for comments on limiting the height of non-habitable structures by 'technical and environmental standards.' Mr. Byrd explained that several reviews by state and federal agencies occur for such projects as the hospital addition, J.M.U. structures, and industrial complexes. The Environmental Protection Agency imposes strict technical and environmental requirements and the State Fire Marshall's Office imposes numerous safety regulations. A few

structures in Harrisonburg exceed the 75' or six story height limit, such as Eagle Hall at J.M.U., Rocco's storage structure, Rockingham Mill and the Farm Bureau storage structure. Mr. Byrd suggested Section 10-3-133 be re-written to say: 'The limitations on the number of stories shall not apply to structures used exclusively for non-habitable purposes, but they would be governed by technical and environmental standards.' Mr. Carl Poulson of Rocco Feeds then told the Commission that the feed business must be allowed to build storage structures above the 75' height limit. Mr. Steve Bird of Rockingham Milling Company, agreed.

There were no comments against items 2, 3, or 4. Mr. Byrd stated that the Board of Zoning Appeals has dealt with these issues and feels these text changes will help in the enforcement and intent of the regulations. Mr. Heath added that he understands any existing situations not conforming to these changes are protected by the 'grandfather clause.'

Mr. Byrd reported that the Board of Zoning Appeals also recommends the 4th amendment. Land Surveyor J.R. Copper stated that he feels the change will be especially helpful in the R-2 zones where lots are already recorded and being resubdivided for townhouse development. Mr. Sullivan asked if the 10' side setback should be limited to clusters of two or three units only, thus requiring 15' side yards when a four-unit cluster is built. The Commissioners decided that 15' side yards should only be required when clusters of five or more units are built.

Mr. Trobaugh concluded the discussion with a motion that the Planning Commission recommend to City Council that all four Amendments to the Zoning Ordinance be accepted and scheduled for Public Hearing. The only change in the advertised amendment is for Section 10-3-133, paragraph 3 to read: 'The limitations on the number of stories shall not apply to structures used exclusively for non-habitable purposes, but they would be governed by technical and environmental standards.' Mr. Rhodes seconded the motion and all members present voted in favor..."

Building/Zoning Official Byrd pointed out that the proposed changes are intended to clear up terminology and problems, which have been misinterpreted. He reviewed the changes proposed, and noted that they have been recommended by the Board of Zoning, as well as the City Planning Commission. There being no others present desiring to be heard, the Hearing was declared closed at 8:20 P.M. and the regular session reconvened.

✓ Mayor Erickson asked Council's wishes concerning the proposed Zoning Text Amendments discussed in the Public Hearing. Councilman Dingledine moved that an ordinance effecting the changes 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 vote of Council.

✓ City Manager Milam presented four letters which he had sent by certified mail to owners of properties on Norwood Street, which properties were determined to be deteriorated, dilapidated and unsafe for human habitation by the Building Inspection Department of the City. In each instance, he had set out Section 15-3-1 of the City Code, which requires notification of proposed demolition and removal of debris, and time the matter would be discussed by Council and acted upon, in order to afford those individuals an opportunity to appear on his, or her, own behalf. The letters specified the time as Tuesday, July 14th, 7:30 P.M. and extended an invitation for the owners to be present, if so desired. Mayor Erickson suggested that each of the properties be acted upon separately, with those individuals present, given an opportunity to be heard:

- (1) Ms. Audrey Wood Michael, 424 East Rock Street (520 Norwood St.)

Manager Milam informed Council that the letter was sent by certified mail, and receipt signed. Inasmuch as no one was present concerning this property, the Mayor asked Council's wishes. Councilman Rhodes moved that the Building Inspection Department be authorized to proceed with demolition of the property and clearing of debris, under Section 15-3-1 of the City Code. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

- (2) Ms. Anna Dean, c/o Herbert H. Dean, Rt. 4, Box 35, Harrisonburg (539 Norwood St.)

Manager Milam stated that this letter had also be sent by certified mail, with receipt signed. There being no one present to be heard, Councilman Cisney moved that the Building Inspection Department be authorized to proceed with demolition under City Code Section 15-3-1. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

- (3) Mrs. Ellois E. Roberts, c/o Elizabeth E. Beach, 289 N. Main Street (569 Norwood St.)

Manager Milam noted that this letter was sent first to the North Main Street address, and following advisement, to the same street number on West Water St. A receipt form was signed, and turned in to his office. City Attorney Lapsley questioned relationship of the property owner, and person letter was sent in-care-of. Following a brief discussion, Vice-Mayor Green moved that authorization be granted, under the City Code, Section 15-3-1, for the property at 569 Norwood Street to be demolished, subject to clarification by the City Attorney that proper notice was given. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

- (4) Mr. Albert Donovan, Rt. 6, Harrisonburg (571 Norwood Street)

Mr. Donovan was present in the meeting, along with Mr. John H. Monger, III, who served as spokesman. He asked how much time would be allowed Mr. Donovan to dispose of his property, in that he would like to donate the structure to the City Fire Department for use in its training program. A period of 60 days was suggested. Vice-Mayor Green moved that the owner be advised that the dwelling at 571 Norwood Street shall be demolished, and premises cleared, within 60 days. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ Correspondence dated 7/1/81 was presented from the Virginia State Library, Richmond, Virginia, advising the City Manager that an \$ 81,528.00 grant-in-aid had been approved for the Rockingham Library, which funds must be used for library books, materials & equipment, library staff salary supplements and travel by library staff or library board members to professional meetings. A form was enclosed to be signed by the City Manager and returned, prior to receipt of the grant and expenditure of funds. Following a brief discussion, Councilman Dingledine moved that Council approve the Library Grant and expenditure of funds, with authorization for the City Manager to sign, and return the requested form. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ For consideration of a first reading, City Manager Milan presented an "ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES FOR THE CONSTRUCTION OF THE SOLID WASTE ENERGY RECOVERY FACILITY AND OTHER RELATED CAPITAL IMPROVEMENTS OF THE CITY OF HARRISONBURG, VA., FOR THE SANITATION 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." He reviewed estimated revenue and proposed expenditures in amount of \$ 10,217,487., setting out total capital outlay in amount of \$ 8,892,000.; total debt service, \$ 562,687., and contingencies, \$ 762,800. Council was informed that Assistant City Manager Driver had been designated as "Project Manager" and had been requested to devote 10 hours per week to same. The contractor will set up quarters at the site about the middle of this month, and begin construction in August. Completion is anticipated for August, 1982. Tentative closing date on the \$ 10,450,000. public improvement bond issue is scheduled for August 4th, in New York. Following discussion, Councilman Cisney moved that the ordinance be approved for first reading, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council.

✓ City Manager Milan presented correspondence dated July 8, 1981 from Mrs. Ruth Shifflett, Utility Billing Department, enclosing a listing of delinquent utility accounts in total amount of \$ 1,907.96, and a request that they be charged off as uncollectable. Council reviewed the list of discontinued services, particularly those with unpaid accounts in large amounts. Manager Milan explained that although the accounts would be charged off records, it did not mean that efforts to collect amounts due, would be discontinued. If, for instance, any of those customers should apply for service with the City in the future, the unpaid amount would have to be paid, prior to service being turned on. Following discussion, Councilman Cisney moved that the Utility Billing Department be authorized to charge off the individual accounts totaling \$ 1,907.96, which motion, upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

✓ Council was informed by the City Manager of a desire to purchase a piece of property comprised of 0.538 acres, located on the north side of Route 33, west, for the purpose of relocating the City's pumping facility off the highway. The city has a 60 day option to purchase. He noted that an offer of \$ 10,000. has been made, and the City would maintain ownership of the lot until a later date. On motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote of Council, the matter was referred to the City Planning Commission for study and recommendation.

✓ City Manager Milan presented and read a Memorandum from Dr. James Armstrong, President of Blue Ridge Community College, advising that a request of Highland County to be affiliated with the BRCC Service Region had been approved by the College Board on July 8, 1981. Approval of this action by all of the sponsoring localities (Augusta County, Rockingham County, Harrisonburg, Staunton and Waynesboro) was requested, as well as approval of the constitution of an Ad Hoc Committee by the existing college board for the purpose of establishing representation and allocation of membership and funding for the reconstituted BRCC Board, in the event that addition of Highland County to the region is approved by all five localities. Manager Milan noted that addition of the county has been recommended by Mr. Jack Booth, a representative of Harrisonburg on the College Board, in that quite a number of students from Highland County attend the college. Following a brief discussion, Councilman Cisney moved that the Harrisonburg City Council go on record as approving the addition of Highland County to the Blue Ridge Community College Region, and Constitution of an Ad Hoc Committee by the existing College Board. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ The following resolution was presented, 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 street mileage 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 1971, that are eligible for maintenance payment totaling 1.216 miles (2.432 lane miles).

Said streets being listed on accompanying U-1 (7-1-72) Virginia Department of Highways & 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 July 1, 1981.

Attest:

Mayor

Clerk

On motion of Vice-Mayor Green, seconded by Councilman Rhodes, and a unanimous vote of Council, the resolution was approved, following review of the streets involved, with authorization for the proper officials to sign same.

✓ City Attorney Lapsley presented, for consideration of a first reading, an ordinance amending the Harrisonburg Community Antenna Television Company Franchise Ordinance, Section 31 (c) and addition of sub-section (j) to Section 34. Council was reminded that a resolution had been approved in November, 1980, indicating that should Warner Amex make certain improvements, and acquire addi-

tional services in cable tv, the franchise, which expired April 1, 1980, would be renewed for a period of eight years. Councilman Cisney suggested that should the ordinance be approved, minutes of this meeting show that the 8-year renewal period will expire on April 1, 1988, taking into consideration the one year which has lapsed since expiration of the original franchise. Manager Milam noted that progress reports are being submitted by Warner Amex, bringing up-to-date information concerning improvements in cable service, and additional services currently being provided throughout the City. Following discussion, Councilman Cisney moved that the ordinance amending the Harrisonburg Community Antenna Television Company Franchise Ordinance, be approved for a first reading. The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council.

✓ For consideration of approval, the City Attorney presented an ordinance amending Section 4-2-12 of the Harrisonburg City Code, entitled: "Court Costs Assessments for Acquisition of Law Books, etc." He informed Council that he was in receipt of correspondence from the Chairman of JMU's Joint Law Library Committee, advising that Senate Bill No. 544 was passed, which Bill increases the amount that a county, city, or town may assess for acquisition of law books, from \$ 1.00 to \$ 2.00, effective 7/1/81. Attorney Lapsley noted that the funds are used to maintain the Laird L. Conrad Memorial Law Library at James Madison University. Councilman Dingledine 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.

✓ City Manager Milam presented the following reports, submitted by M.A. Firebaugh, City Treasurer:

List of delinquent taxes on Real Estate and Tangible Personal Property for 1980, required by Chapter 20, Section 58-978 of the Tax Code of Virginia, and Article 9, Section 2-124 of the City Code.

Revised list of delinquent taxes on Tangible Personal Property for 1979, required by Chapter 20, Section 58-978 of the Tax Code of Virginia.

Report of delinquent taxes remaining unpaid at the close of fiscal year ending June 30, 1981:

Year	Tax	Amount
1976	Personal Property	\$ 1,085.85
1977	Personal Property	544.81
1978	Personal Property	348.32
1978	Real Estate	559.62
1979	Real Estate	2,768.76

Manager Milam reviewed the lists with Council, and noted that they would be on file in his office, for review. On motion of Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Council, the reports were accepted, as submitted.

✓ When question was raised by Councilman Rhodes concerning progress toward a prior request for the re-opening of Harris Swimming Pool at Northeast Park, the City Manager reported that following the last meeting of Council, he had discussed the matter with Recreation Director Gilkerson and Jim Deskins, Executive Director of the Redevelopment & Housing Authority. He noted that a spray pool for small children is currently being constructed at the park, which had been agreed upon by Council and the Recreation Department, instead of re-opening the pool. Councilman Rhodes said he was aware of the spray pool, but expressed concern about bus scheduling for transporting swimmers to Westover Park, by special bus. Manager Milam pointed out the fact that regular buses run on-the-hour to all areas of the City, and added that supervision on a free bus is very difficult, which is a concern of the Transportation Department. Councilmen Dingledine and Rhodes agreed that the regular bus schedule would not work for this particular purpose, and that something should be worked out immediately by the Transportation Department for pool busing at a low fee. Vice-Mayor Green suggested the possibility of working with some of the petitioners for volunteer parents to supervise the children to and from Westover Park. When he suggested further that Mr. Gilkerson should be asked to report at the next meeting re implementation of the program, Councilman Dingledine said that the City had made certain commitments, and that the Recreation Department should be ordered to proceed with plans for a special bus and schedule.

At 9:35 P.M., on request of the City Manager, Councilman Rhodes moved that Council enter an executive session to discuss legal matters. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

At 10:45 P.M., the executive session was declared closed and the regular session reconvened and adjourned, on motion of Councilman Cisney, seconded by Councilman Dingledine, and a unanimous vote of Council.

N. Arlene Lober
CLERK

Loy E. Green
MAYOR

APPROPRIATION ORDINANCE
OF THE CITY OF HARRISONBURG, VIRGINIA

FOR THE SANITATION FUND

✓
AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES FOR THE CONSTRUCTION OF THE SOLID WASTE ENERGY RECOVERY FACILITY AND OTHER RELATED CAPITAL IMPROVEMENTS OF THE CITY OF HARRISONBURG, VIRGINIA, FOR THE SANITATION 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.

ESTIMATED REVENUE:

Interest on Investments	\$	000	
General Obligation Bond Proceeds		<u>10,217,487.</u>	
TOTAL ESTIMATED REVENUE			\$ 10,217,487.

PROPOSED EXPENDITURES:

Capital Outlay:

Construction-Incineration & Steam Generation	\$	7,179,000.	
Construction- Steam Line		670,000.	
Engineering		400,000.	
Inspection		100,000.	
James Madison University Payment		500,000.	
Bond Issue Fees		<u>43,000.</u>	
Total Capital Outlay	\$	8,892,000.	

Debt Service:

General Obligation Bond Principal	\$	000	
General Obligation Bond Interest		561,687.	
Handling Charges		<u>1,000.</u>	
Total Debt Service	\$	562,687.	

Other:

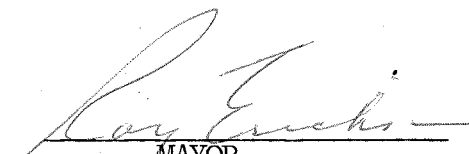
Contingencies	\$	<u>762,800.</u>	
Total Other	\$	762,800.	

TOTAL PROPOSED EXPENDITURES


\$ 10,217,487.

This ordinance shall become effective July 28, 1981.

Given under my hand this 28th day of July, 1981.


MAYOR

ATTEST:


CLERK

Tuesday, July 28, 1981

At a regular meeting of Council held in the Council Chamber this evening at 7:30, there were present: Mayor Roy H. Erickson; City Manager Marvin B. Milam; Clerk N. Arlene Loker; Vice-Mayor Walter F. Green, 3rd; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent:- City Attorney Norvell A. Lapsley.

Minutes of the regular meeting held on July 14th were approved as read.

✓ The City Manager presented and read a petition signed by twenty-eight residents, as follows:

"We, the residents of West Wolfe Street, Brook Avenue and Chicago Avenue, petition the City Council of Harrisonburg to do away with parking on the above streets except for permit parking for residents and guests.

Due to the increased traffic (cars) and the influx of heavy trucks using

these streets, we, the residents, view this as a potential hazard to both life and property."

Richard Gibson of 422 West Wolfe Street informed Council that traffic has built back up since the City took steps last summer to relieve the situation, and that because of parked vehicles and through traffic, the turn off Brook Avenue, is really dangerous. IMCO Container Company has posted signs, asking employees not to park on the streets, but this is not followed. He presented a number of photographs of traffic conditions on the streets. Mrs. Juanita Taylor, 415 West Wolfe Street, complained of having to back blindly onto Wolfe Street, from private driveways, when vehicles are parked on both sides of the drive, and traffic going both ways on Wolfe Street. She pointed out further the danger to children when cars come up the hill. When asked if the residents had contacted IMCO with the problem, Mrs. Taylor replied that they had, and that the company had agreed to post notices for employees. Mrs. Margaret (Peg) Crawford, 105 N. Brook Avenue, made an observation that IMCO has provided an excellent parking lot, with better security measures there, than on the streets, but that some employees have said it is "too far to walk from the lot to the plant." She pointed out that delivery trucks to the plant add to the problem. Mr. Donald Gibson of 422 West Wolfe St. informed Council that his employers at Marval Poultry solved a similar problem in Dayton by three measures: (1) ticket for illegal parking outside facility provided; (2) car towed for second violation; and (3) employee fired for third violation. He suggested this as a possibility for IMCO to follow. Planning Director Sullivan reminded Council that when IMCO officials requested rezoning of the West Market Street frontage for its parking lot, plant officials had pledged that the private lot would be used by employees. He said "he would like to see this carried out." During discussion, suggestions of restricted 2-hour parking and prohibiting through truck traffic on West Wolfe Street were offered by members of Council. Following discussion, Councilman Cisney moved that the petition be referred to the Harrisonburg Department of Transportation & Safety Commission for study and recommendation to Council, and that the Mayor be asked to write a letter to officials of IMCO, urging further efforts on their part in requiring employee parking on their lot off West Market Street. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ Correspondence dated 7/11/81 from John and Jim Monger (J-M Apartments) was presented and read, in which interest was expressed to purchase a parcel of City owned land located on the west side of Kile Street and the south side of Grattan Street, in that they presently own the land north of this property. Reference to location was City Block Map, page 25, Block K, Lot 22. Manager Milam informed Council that someone else had made request to purchase this particular parcel of land a few years ago, and that should Council decide to sell, it would have to be put up for public auction. Councilman Cisney moved that the matter be referred to the City Planning Commission for study and recommendation as to whether or not the parcel should be offered for sale. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ For information of Council, City Manager Milam reported that the City's application for a Litter Control Grant had been approved in amount of \$ 2,444., covering period January 1981 through June, 1982, with stipulation that all the funds be spent during that time. Total amount received by the City for the same period, for Litter Control, is \$ 4,888.00.

✓ City Manager Milam presented correspondence dated 7/14/81 from Mr. Ronald E. Conner, Regional Director, Department of Health - Division of Water Programs, enclosing Commonwealth of Virginia, Department of Health Waterworks Operational Permit, effective June 1, 1981. It was noted that the permit indicates a design capacity of 7.6 million gallons per day, which is an exception granted under Section 3-24 of the Waterworks Regulations, and issued with the following considerations: (1) the City of Harrisonburg agrees to notify the Department when the water treatment facility is treating solely North River water; (2) the Department strongly recommends that the City purchase a Zeta meter or equivalent instrument for use at the water treatment facility; (3) the City of Harrisonburg must continue to meet the filter effluent turbidity operational limit of 0.5 turbidity units. The correspondence praised the City Water Treatment Facility for the finished water quality which has been excellent throughout the three year experimental period, and for the excellent operational expertise which has been demonstrated at the facility. The amended operational permit nullifies the permit issued the City of Harrisonburg in 1977 for capacity of 5 million gallons per day. Councilman Dingledine moved that Water/Sewer Superintendent Loker, Chief Plant Operator Marvin Armstrong, and others involved at the City's Water Treatment Facility, be commended for the fine report. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ Council was reminded that an ordinance amending Section 31 (c) and Section 34 of the Harrisonburg Community Antenna Television Company Franchise had been approved for a first reading on July 14th, effecting renewal of the franchise for Warner Amex Cable Communications Company for eight (8) years, expiring on April 1, 1988. Mayor Erickson asked Council's wishes concerning final approval. 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. The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 233).

✓ For consideration of second & final reading, an ordinance amending Section 4-2-12 of the City Code entitled: "Court costs assessments for acquisition of law books, etc.", was presented by the City Manager. He reminded members that the ordinance had been approved for a first reading on July 14th, and would increase from \$ 1.00 to \$ 2.00 the assessment for acquisition of law books, which funds are used to maintain the law library at James Madison University. Councilman Rhodes 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. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Councilmen present. (Refer to Ord. Bk K, page 234).

✓ City Manager Milam presented an ordinance, for consideration of final reading, amending the following sections of Harrisonburg's Zoning Ordinance: 10-3-94; 10-3-104; 10-3-114; 10-3-124; 10-3-132; 10-3-133; 10-3-135 and 10-3-140. Members were reminded that a Public Hearing was held on July 14th concerning the Zoning Text Amendments, with ordinance approved for a first reading at

that time. 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. The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, pages 235, 236).

For consideration of second & final reading, City Manager Milam presented an ordinance for vacation of the line between Lots 7 and 8 of the A.W. Miller Addition, which had been approved for a first reading on July 14th. He reminded Council that the request had been made by executors of the L.H. Wenger Estate, in order that the property might be sold as one parcel. Councilman Cisney 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. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 237).

City Manager Milam presented an ordinance, for consideration of a second & final reading, vacating line between Lots 13 and 15 of the John Paul Addition. He reminded Council that Michael Brothers had recently purchased the remaining portion of Lot 11, and Lots 13 and 15 from Neil Turner, with vacation of the lot line necessary in order to develop the total area as a group housing project. The ordinance was approved for a first reading on July 14th. Following a brief discussion, Councilman Cisney 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. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 238).

City Manager Milam reminded Council that an ordinance had been approved for a first reading on July 14th, for vacation of lot line between Lots 1 and 2 of Eastover Subdivision. Request had been made by Mrs. Audrey Price and Dr. Joseph Eney, of 410 and 420 Eastover Drive, respectively, to correct a side setback violation involving the Eney home. Mayor Erickson asked Council's wishes concerning final approval of the ordinance. Councilman Cisney 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. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 239).

For consideration of second & final reading, an ordinance was presented for the vacation of line between Lots 1 and 2 of the Haas Second Addition. Council was reminded that the request for vacation was by Mr. Richard Chew, contract purchaser of Lot No. 2 in order to increase the size of that lot by 464 square feet, to a total of 14,020 square feet. Mayor Erickson asked Council's wishes, noting that the ordinance had been approved for a first reading on July 14th. Councilman Cisney 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. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 240).

The following Planning Commission report from a meeting held on July 15, 1981, was presented:

"...Planning Director Sullivan referred to a plat of Manor Townhouses, dated June 19, 1981, drawn by Bobby L. Owens, Land Surveyor. The plat illustrates four townhouse lots, a common area lot for parking use, and the Litten Real Estate lot on the northwest corner of South Main Street and Maryland Ave. Each townhouse lot has over 2,000 square feet of area as required by the City. A site plan was also reviewed, which shows ten parking spaces, a 20' access easement for vehicles across the back yards of the townhouse lots, and shrubbery along the north boundary of the site. Dr. Eney asked Mr. Litten to establish a buffer of plantings along the boundary line between his office lot and the townhouse structure, as required in the zoning regulations when a professional office is constructed beside a dwelling. Mr. Litten agreed to this addition and Mrs. Bowman's suggestion that a ground cover planting may be more suitable than white pines on the steep bank along the north boundary of the site. Mr. Litten told the Commissioners that he is renting the townhouses now, but wants to be able to sell them individually in the future. When asked about the four ground-level rooms facing the back yards, Mr. Litten said they can be used as guest bedrooms or recreation rooms. On a field trip, the Commissioners observed that these ground-level rooms were equipped with kitchenettes and full baths. One is already occupied, but the space above is empty. The Commissioners observed that if the townhouses are sold, the owner may live on the upper two floors and rent out the ground-level 'efficiency.' If this occurs, the plan doesn't allow for enough off-street parking.

Mr. Milam noted that the structure is attractive and well-built, but the parking area is insufficient for the design (potentially eight separate living units) and the owners of the three western lots would have to give easements to allow other residents access to their homes. He then moved that the Commission recommend denial of the Manor Townhouses Subdivision. Mr. Trobaugh seconded the motion and all members present voted in favor..."

Planning Director Sullivan informed Council that Mr. Litten had requested that this matter be set aside for the time being, in that he would like to come to a meeting with his attorney, to present their viewpoints on the subject. Councilman Rhodes moved that the report of the Planning Commission be accepted and that the matter be placed on Council's agenda for the regular meeting on Aug. 11th. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

The City Manager presented and read the following Planning Commission report from a meeting held on July 15, 1981:

"...The Commissioners reviewed a preliminary site plan showing 40 apartment units on a 3-acre site at the east end of Vale Circle and just south of the Liberty Square Apartments. Mr. J.R. Copper, Land Surveyor, told the Commissioners

this was the best layout he could come up with to economically develop this site. He pointed out that the Hurst Brothers, who have an option to buy the land, will build the units at least two feet above the 100-year Blacks Run flood plain. Mr. Copper said the request to divide the site into two parcels is being submitted so that the Hursts could sell some or all of the structures in the future. Mr. Sullivan told the Commissioners that only 20 apartments can be served by a private parking lot, therefore two private lots are shown. However, there is little separation between the two. The end result is a massive parking area, apartment structures, and Blacks Run. He suggested the City Staff, Mr. Maupin of Soil Conservation Service, Mr. Copper and the Hurst Brothers meet and come up with a more acceptable layout. Mr. Copper said that what he has presented is the only feasible layout. The Hursts need to know if the City will approve the 2-lot resubdivision or not.

Mr. Trobaugh moved that the Planning Commission recommend denial of the Hurst Brothers' proposed resubdivision of the three acres east of Vale Circle. Mrs. Bowman seconded the motion and all members present voted aye..."

Planning Director Sullivan informed Council that Hurst Brothers have given up their option to purchase the land and are no longer involved in development of same. Therefore, the Commission's report stands as it is. Should anyone else submit development plans for the area, Mr. Sullivan noted that reviews by city staff and the Commission would start at the beginning. Councilman Dingledine moved that the report of the Planning Commission for denial of the resubdivision be approved, which motion, upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

The following Planning Commission report from a meeting held on July 15th was presented and read, for consideration of Council:

"...Chairman Fleming reported that the City's Water and Sewer Department has requested City Council to approve the purchase of a .538 acre parcel on U.S. Route 33 near Dale Enterprise, to locate an underground pumping station for the water distribution system. At present, an existing pumping station is located in the highway department's right-of-way. Mr. Milan said he doesn't anticipate any problems concerning county zoning, and the City by state statute has the authority to construct water distribution systems 'in and outside the City.'

Mr. Trobaugh moved that the Planning Commission recommend to City Council that the Water and Sewer Department purchase the .538 acre of land from Roy and Lucy Coakley, located on the north side of U.S. Route 33 near Dale Enterprise, for use as an underground pumping station. Dr. Eneedy seconded the motion and all members voted aye..."

Manager Milan noted that purchase price of the land is \$ 10,000. Following a brief discussion, Vice-Mayor Green moved that the recommendation of the City Planning Commission be approved, which motion, upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

The City Manager presented, for consideration of second & final reading, "AN ORDINANCE MAKING APPROPRIATION OF THE SOLID WASTE ENERGY RECOVERY FACILITY AND OTHER RELATED CAPITAL IMPROVEMENTS OF THE CITY OF HARRISONBURG, VIRGINIA, FOR THE SANITATION 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." He reminded members that the ordinance had been approved for a first reading on July 14th and that the City Auditor had been authorized at that meeting to establish the Sanitation Fund, following the City's Transportation Fund, and numbered 9, to handle all transactions for the City's Solid Waste Project. Councilman Cisney moved that the ordinance be approved 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 Minute Book. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Council. (Refer to Minute Bk "O", page 201).

The City Manager informed Council that the bond closing for the Solid Waste Project is scheduled for August 3rd and 4th in New York, and presented the following "Resolution Authorizing the City Auditor and City Treasurer to Utilize Electronic Wire Transfer of Funds for the Purpose of Investment", should such a document be necessary:

WHEREAS, it is in the best interest of the City of Harrisonburg to earn the maximum amount of interest on the proceeds of the Solid Waste and Energy Recovery Facility Bond Issue,

BE IT RESOLVED by the Council of the City of Harrisonburg, Virginia, that Philip L. Peterman, City Auditor, and Marshall A. Firebaugh, City Treasurer or Gloria B. Olivas, Deputy City Auditor and Beverly A. Simmons, Deputy City Treasurer, be authorized to utilize electronic wire transfer of funds, if necessary, in order to facilitate prompt investment of said funds.

ADOPTED and APPROVED this 28th day of July, 1981.

Attest:

Clerk

Mayor

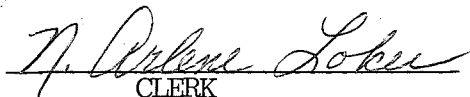
On motion of Vice-Mayor Green, seconded by Councilman Cisney, and a unanimous vote of Council, the resolution was approved, and the proper officials authorized to sign same.

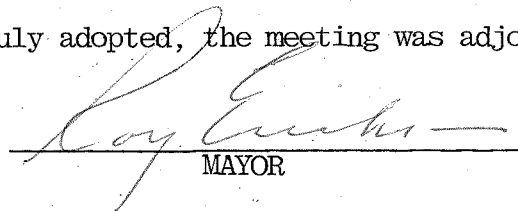
At 8:35 P.M., on request of the City Manager, Councilman Dingledine moved that Council enter an executive session to discuss a legal matter. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

At 10:20 P.M., on motion duly adopted, the executive session was closed and the regular session reconvened.

✓ Vice-Mayor Green offered a motion to authorize temporary connection of Rockingham Warehouse Center to the City's 12" water main at the end of line, U.S. 11 south; all costs are to be borne by the requestor, and the water used solely for the requestor; there will be no mixture of other water sources; the rate will be a flat rate according to the existing printed schedule in the Harrisonburg City Code; this authorization for the temporary connection for use of water will expire 31 December 1981. 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 was adjourned.


CLERK


MAYOR

Tuesday, August 11, 1981

At a regular meeting of Council held in the Council Chamber this evening at 7:30, 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, 3rd; Councilmen Elon W. Rhodes, James C. Cisney; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: Councilman Raymond C. Dingledine, Jr.

Minutes of the regular meeting held on July 28th were approved as read.

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, 1981.

From the City Treasurer:

A trial balance report as of close of business on July 31m 1981.

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 \$ 8,212.51

From the City Auditor:

Financial reports for the City of Harrisonburg - months of June and July, 1981

A report of cash discounts saved in payment of vendor's invoices for month of July, 1981, totaling \$ 261.67

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, 1981

✓ Correspondence dated 7/29/81 from Mr. J. R. Copper, Jr., Agent for Fred O. Funkhouser, was presented and read, in which request was made for division of 15.219 acres of land by Mr. Funkhouser for conveyance to his children. A plat enclosed, showed two parcels of land within the City along State Route 712 and West Mosby Road at the corporate limits. On motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Councilmen present, the plat was referred to the City Planning Commission for study and recommendation.

✓ Mr. M. A. Firebaugh, City Treasurer, was present in the meeting for the purpose of presenting a list of uncollected personal property taxes and business licenses for the years 1976, 1979 and 1980, totaling \$ 5,859.72. He noted that every effort had been made to collect the accounts, which had proven to be futile, and requested authorization to charge them off city records as uncollectable. Reasons for the unpaid amounts were listed as either "out of business", or "bankrupt." Council was informed that should the accounts be charged off, it would not mean that the unpaid amounts would not be collected in the future, should any of those listed, come back in to the City. City Attorney Lapsley stated that the accounts listed "bankrupt" are closed, but that some judgements have been obtained on others listed. When question was raised as to whether or not a lien may be taken against any real estate owned by those owing the City, Attorney Lapsley replied in the affirmative. Following discussion, Councilman Cisney moved that the City Treasurer and City Auditor be authorized to charge the listed accounts off city records as uncollectable. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Councilmen present.

✓ As a follow-up of his letter dated 7/30/81 to the City Manager, Judge John A. Paul appeared before Council with a request for joint funding, on a 50-50 basis by the City and County, for the Division of Court Services, to share the \$ 16,000. salary and benefits for a Program Director, with office space and equipment to be made available through the court budget. He informed Council that the program was begun with funding under the Comprehensive Employment & Training Act (CETA), which is no longer available. Inasmuch as the services have proven useful and beneficial via restitution for victims of crimes, as well as to alleged criminals, the judge offered an opinion that they should be continued, and expressed a hope that 50% of the salary cost would eventually be supported by fees charged for services. A joint County/City resolution was suggested, whereby a Harrisonburg-Rockingham Criminal Justice Advisory Commission would be established to serve in an advisory capacity to the Court, comprised of four members appointed by the County, four by the City, the Commonwealth's Attorney, Sheriff and Police Chief. Fees for services would be set by the Court, on advisement of the Commission, which, along with City/County funding, would place no burden on the taxpayer. During discussion, some question was raised concerning the 50-50 share of funding, and Judge Paul stated that any funding arrangement by the two governing bodies would be acceptable. Following discussion, Councilman Rhodes moved that the City Manager contact County representatives to discuss the proposal, and bring a recommendation back to Council. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

✓ A request was presented from the Director of Finance for City Schools for approval of a supplemental appropriation in amount of \$ 5,494.93 in order to provide funds from the School's Unappropriated Balance account to replace the 1977 auto now being used by driver education. In a Memo from the Director to the School Superintendent and School Board, attached to the request, it was noted that funds for this purpose had been included in the School's 1981-82 budget, but was deleted due to budget constraints. Further noted was the fact that funds were available from the 1980-81 School balance. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 5,494.93 chgd.to: School Fund- Unappropriated Balance

5,494.93 approp.to: School Fund (1205-215.02) Maint. School Plant- Repair or Replace, Motor Vehicle

The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Councilmen present.

✓ Council received a letter dated 7/28/81 from Thomas A.L. Hook, a member of the Harrisonburg School Board, submitting his resignation due to business and personal matters which do not allow sufficient time to serve. He expressed appreciation for the valued friendships and the opportunity to have served on such a worthwhile Board. Vice-Mayor Green moved that Mr. Hook's resignation be accepted, with regrets, and that a letter be written, expressing appreciation for his services on the School Board. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

✓ City Manager Milam reminded Council that action concerning a Planning Commission recommendation for denial of the proposed resubdivision for Manor Townhouses at the intersection of South Main St. and Maryland Avenue, had been deferred until this meeting, in compliance with a request of the owner. He presented correspondence dated 8/6/81 from Attorney Steven Blatt, representing Mr. John G. Litten, requesting that the matter be referred back to the Planning Commission to be reconsidered, based on additional information which is now available concerning the various issues raised with regard to Mr. Litten's proposal. On motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Councilmen present, the request was granted, and matter referred back to the Planning Commission.

Representatives of the recently organized "Citizens for the Downtown": Mr. Robert Bersson, Mr. Steve Gibbons, and Miss Teri Denton, were present in the meeting to stress an urgent need for revitalization of the downtown area of Harrisonburg, and to request Council support in funding the salary for a fulltime Coordinator to promote business throughout all areas of the City. Mr. Bersson emphasized the need for unity in city development and recommended a "partnership" of individuals, businesses and government, with financing a united effort. Mr. Gibbons expressed concern about further decline of the downtown area which could result in the inability of people to solve community and social problems. A letter was read from Mr. Darryl Nash, urging preservation and restoration of old buildings in the City. Miss Denton, President of the Retail Merchant's Association, expressed appreciation for improvements in the downtown area which have been made by the City, but concern about vacant stores, parking, crime, retail merchandizing, as well as the larger area through annexation which must be promoted. She stressed the urgent need for a fulltime Coordinator, or Director, with sufficient time to promote the entire city area, and not just the downtown, and asked that the Downtown Advisory Committee, appointed some time ago by Council, be re-instated. Mayor Erickson said he could see no reason why the committee couldn't be active again. He noted further that any elected official is concerned about the downtown and a greater proportion of income to the city, but that serving as councilmen, it is difficult to dictate to the business world., how to conduct its business. The City will continue to make the downtown attractive. Miss Denton explained that the Director would be a facilitator, coordinator and stimulator, rather than a dictator, and would work with all existing agencies, businesses, groups and individuals, but added that the City of Harrisonburg budget has been prepared and is in effect for this fiscal year. Councilman Cisney offered an opinion that the Program will receive more support if the "Citizens for Downtown" come in with a laid-out program and some financial assistance from merchants, etc. Following the lengthy discussion, Mayor Erickson said that the program "bears a study", and volunteered to ask members of the Downtown Committee to meet, and to get in touch with Miss Denton concerning the matter discussed this evening.

Following a review of the financial reports by the City Auditor, the City Manager reviewed his Monthly Progress Report which included the following report: signing of the \$ 10,450,000. Public Improvement Bonds by the Clerk of Council took place on Monday, August 3rd at the Signature Company in New York, which was followed by a Pre-closing Conference at the Bankers Trust Company. On Tuesday, August 4th, the City Treasurer, City Manager and Clerk attended the closing at the Bankers Trust Company, along with Jay Johnstone of Mays, Valentine, Davenport & Moore; George Pugh and Mike Grow of Craigie, Inc.; John Ashton of Hunton & Williams, and Larry Wales of Municipal Advisors, Inc., New York, N.Y. Manager Milam reported a smooth closing with funds wired to the Virginia National Bank in Harrisonburg, and the net proceeds of \$ 10,122,112.27 invested in a one (1) day Repurchase Agreement at an interest rate of 18.3%, with interest earned of \$ 5,145.41. On Wednesday, August 5th, investments were made in the Virginia National and Spotswood Banks of Harrisonburg covering period August 12, 1981 through August 4, 1982, with total interest earned during that period of \$ 887,802.64. The report was for information.

At 9:00 P.M., Councilman Rhodes moved that Council enter an executive session to discuss real estate and personnel.

At 10:15 P.M., on motion of Councilman Cisney, seconded by Vice-Mayor Green, and a unanimous vote of Councilmen present, the executive session was closed and the regular session reconvened.

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

N. Arlene Loker
CLERK

Ray Erickson
MAYOR

Tuesday, August 25, 1981

At a regular meeting of Council held in the Council Chamber this evening at 7:30, 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, 3rd; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney; City Auditor Philip L. Peterman. Absent: Chief of Police Richard W. Presgrave. (sitting in for the Chief, Captain Stroble).

Minutes of the regular meeting held on August 11th were approved as corrected.

✓ Correspondence dated 8/19/81 was presented and read from Hosie T. Fitzgerald, requesting rezoning of 129 Franklin Street from R-2 Residential, to B-2 General Business. It was noted that rezoning of the lot which adjoins Shomo-Lineweaver Parking Lot (zoned General Business), would allow use of the building for office space, rather than four apartments. A check in amount of \$ 75.00 to cover filing fee, was enclosed. Vice-Mayor Green moved that the matter be referred to the City Planning Commission for study and recommendation. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ City Manager Milam presented and read correspondence from Terry L. Spitzer, requesting vacation of existing lot lines between lots 13, 14 and rear portion of lot 15 on the west side of Madison Street, in order to enlarge the parcel for development with a three-unit apartment structure. It was noted that the lots are recorded on Sheet 40, Block P, of the City Block Map, and are zoned R-2 Residential. On motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Council, the matter was referred to the City Planning Commission for study and recommendation.

✓ As a follow-up of correspondence dated August 19th, Mr. Wayne King, Superintendent of City Schools, and Mr. Robert Brooks, Administrative Assistant to the Superintendent, were present in the meeting to request authorization of City Council to submit an application for additional funding in amount of \$ 120,000. through the Literary Loan Fund for construction of additional classrooms at Keister Elementary School, along with three alternates. Mr. King informed Council that of three bids received for the construction, the low base bid, submitted by Ellis and Company, Harrisonburg, was in amount of \$ 548,900.00. He noted that when the original application was filed for a loan of

\$ 504,000.00 (which has been approved), 12,000 square feet was estimated at \$ 42.00 per square foot. Actual footage of the addition is 12,467, and the cost is over \$ 44.00 per square foot. Mr. Brooks pointed out that bids were also received on the following three Alternates, deemed necessary at Keister School, as quoted by Ellis and Company: (1) replace existing oil burners with new combination natural gas/No. 2 fuel oil, including all related electrical work, piping, etc., \$ 25,306.00; (2) new combined Communication System to serve original building and new additions, \$ 10,020.00; (3) replace existing electric heating coils with new hot water heating coils, including piping, controls, electrical work, complete, \$ 7,851.00. Mr. King noted that funds are available through the Literary Loan Fund, and that authorization of Council is necessary prior to submitting application for \$ 120,000., over a 20-year period, at 3% interest. Following discussion, Vice-Mayor Green moved that authorization be granted for submitting the application, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Mayor Erickson reported that since the last regular meeting of Council, he had attended a regular meeting of the Parks & Recreation Commission, for the purpose of informing the members of a problem re total acreage required at Waterman School in order to allow funding through the Literary Loan Fund for construction of additional classrooms at the school, which matter had been presented and discussed by Council on August 11th. The following Agreement was presented and read, for consideration of approval:

"This agreement is between the Harrisonburg City Council and the Harrisonburg City School Board concerning 6.243 acres of City owned land adjacent to the Waterman Elementary School Site.

The Harrisonburg City Council recognizes the need for the Waterman Elementary School site to have at least 12 acres of land for use, including playground and physical education areas, in order to obtain a State Department of Education literary loan for the expansion of that school to a capacity of 600 students. This increase to be provided by an addition of 8 new classrooms.

WHEREAS, the City School Board has title to only 7,185 acres at Waterman School, it needs the use of 6.243 acres of City owned land adjacent to that site in order to meet State Department of Education requirements. Therefore, subject to the Harrisonburg Parks & Recreation Department absolute control of the tennis court facilities of 120' x 100' plus one acre immediately adjacent thereto, being not more than 1 1/4 acres, leaving at least 12 acres to the access of the School Board, the Harrisonburg City Council hereby agrees and guarantees that the Harrisonburg Parks & Recreation Department maintains and operates all park land and recreational programs in the City according to prior agreements between the School Board and the City Recreation Department and in accordance with said prior agreements, they will not deny the City School Board access to that land.

While it is contemplated that this property will never be disposed of, should this acreage be discontinued as a park or disposed of for any reason, the Harrisonburg City School Board shall have first refusal on its procurement as School Board property.

Mayor

Attest:

Clerk

Following a brief discussion, Councilman Cisney moved that the Agreement be approved, as read. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ City Manager Milam called members' attention to their copies of the Annual Update, 3-Year Plan for Aging Services, for period from October 1, 1980 to September 30, 1983. He noted that Councilman Dingledine serves as a member of the Price Rotary Senior Citizens Center Board of Director and also the Advisory Board. Mr. R.J. Sullivan, Jr. serves on the Board of Directors. Councilman Dingledine informed Council that the report had been reviewed by the Advisory Board, and moved that it be approved. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ Correspondence dated 8/18/81 was presented and read from Cheryl S. Richards, Co-Chairman, Fine Arts Committee, Harrisonburg Junior Women's Club, requesting permission to use sidewalks surrounding Court Square on Saturday, September 12th, in keeping with the Club's 8th Annual Arts & Crafts Festival. It was noted that in case of rain, the Festival would be held on Sunday, September 13th, and that adequate space would be left for public use during the festival activities. Councilman Cisney moved that permission be granted the Junior Women's Club for use of the sidewalks as requested. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ Councilman Dingledine moved that a supplemental appropriation in amount of \$ 5,494.93 requested by the City School Board in order to replace a 1977 auto now being used by driver education, be approved for second & final reading, a first reading having been approved on August 11th, and that:

\$ 5,494.93 chgd.to: School Fund - Unappropriated Balance

5,494.93 approp. to: School Fund (1205-215.02) Maint. School Plant- Repair or Repl. Motor Vehicle

The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council.

✓ City Manager Milam presented correspondence from Mr. Ronald Brubeck, President, Central Shenandoah Emergency Medical Services Council, advising that the present term of Dr. G. Edward Chappell, Jr. would expire on October 1st of this year, and requesting that a representative be appointed for a three year term, prior to that date. Mayor Erickson asked Council's wishes. Councilman Cisney moved that Dr. Chappell be reappointed to the EMS Council for a second term, expiring on October 1, 1984, which motion, upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

✓ The City Manager presented and read an ordinance, Section 15-2-30, entitled "Dog License Tax", and reminded members that recommendation had been made for an increase in his 1981-82 budget message, in that no change had been made since the City's existing ordinance which was adopted around the year 1950. The ordinance, to be considered for a first reading, would establish a charge of \$ 6.00 per dog (both male and female), with a \$ 4.00 charge for spayed females and successfully neutered males. Vice-Mayor Green offered an opinion that a flat charge of \$ 6.00 per dog (regardless of sex) would be an easier transaction to handle, and pointed out the fact that sterilization does not always

result in non-productive dogs. City Attorney Lapsley noted that the lower fee for unsexed dogs had been a tradition, as an incentive to reduce canine population. Following discussion, Vice-Mayor Green moved that the ordinance, with change to set out a straight charge of \$ 6.00 per dog, be approved for a first reading. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council.

✓ Assistant City Manager Driver requested that Council approve an increase in refuse collection and dumping at the City's Landfill, effective September 1, 1981, in order that the Sanitary Department may be self-supporting, and not rely on the General Fund for operation. He noted that the proposed increases would more than balance the present budget, and recommended that the surplus amount, over and above expenditures of the department, be placed in the Heat Recovery Project. It was pointed out that Section 6-2-21 of the City Code, entitled: "Collection and Removal", empowers the City Manager to adopt and enforce rules, regulations and fees governing refuse collection, as he may deem necessary, eliminating the need for an ordinance when fees are established by Council. The proposed rates are as follows:

Residential, \$ 5.00 per month (presently \$ 3.00)
 Business, \$ 11.00 minimum (presently \$ 7.00 minimum)
 estimated amount of increase, \$ 126,552.00

For City Landfill:

Minimum Charge, \$ 1.00	(presently \$.50)
Pick Up - No Sides, \$ 1.50	(" \$1.00)
Trailer Pulled by Car, \$ 2.50	(" \$2.00)
Single Axle Dump Truck, \$ 6.00	(" \$4.00)
Commercial & other Stake Trucks \$6.	(" \$4.00)
Tandem Axle Dump Truck, \$10.00	(" \$6.00)
Packer Truck up to 10 yds. \$10.00	(" \$6.00)
Packer Truck- 10 to 18 yds, \$14.00	(" \$8.00)
Packer Truck- 19 to 29 yds, \$18.00	(" \$10.00)
Packer or Open Truck-	
30 yds. and over \$ 22.00	(" \$14.00)

estimated annual increase \$ 12,000.00

Mr. Driver pointed out that although the new rates would be in effect on September 1st, they will not be reflected on bills until October, and that although the increases are a tremendous hike percentage-wise, they are not that much in dollar amounts. City Manager Milam informed Council that fees collected through the increases would help meet the cost of contracting with other haulers (which may be necessary for a few months), or expanding the City's trash collection crews, in view of the recent annexation decision which takes effect on December 31st of this year. Councilman Rhodes pointed out the fact that starting the refuse collection increase in September will coincide with the beginning of the heating season (with possible increase in cost of fuel), and that although it had been stated that the increases would not amount to that much in actual dollars, he felt that an increase of a dollar or two does make a difference in some cases. Following discussion, Vice-Mayor Green moved that authority for increases in refuse collection and dumping fees, as set forth in this evening's recommendation, be granted the City Manager, with effective date of September 1, 1981. The motion was seconded by Councilman Cisney, and adopted by a majority vote of Council. Voting aye: Councilmen Dingledine, Cisney, Green and Erickson. Voting nay: Councilman Rhodes.

Inasmuch as the Virginia League Conference is scheduled for September 20 - 22 in Charlottesville, and Council's next regular meeting would be on Tuesday, the 22nd, Council agreed that the regular meeting date be tentatively scheduled for Tuesday, September 29th. Manager Milam asked members to advise him this evening as to whether or not they will be attending the Conference, for registration purposes.

✓ Assistant City Manager Driver reported that the Heat Recovery Project is moving along on schedule, and noted that Dr. Deyerle has given the City a temporary easement across his land for a roadway, as well as water and sewer lines.

At 8:40 P.M., Councilman Cisney moved that Council enter a brief executive session to discuss personnel. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

At 9:15 P.M., on motion of Councilman Cisney, seconded by Councilman Dingledine, and a unanimous vote of Council, the executive session was closed and the regular session reconvened.

There being no further business, the regular session was adjourned, on motion duly adopted.

N. Prudence Lober
 CLERK

Ray Erickson
 MAYOR

Tuesday, September 8, 1981

At a regular meeting of Council held in the Council Chamber this evening at 7:30, there were present: City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Walter F. Green, 3rd; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: Mayor Roy H. Erickson.

In the absence of the Mayor, Vice-Mayor Green presided over the meeting.

Minutes of the regular meeting held on Tuesday, August 25th, were approved as read.

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, 1981.

From the City Treasurer:

A trial balance report as of close of business on August 31, 1981.

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 \$ 4,860.19

From the City Auditor:

A financial report for the City of Harrisonburg, Va., month of August, 1981.

A report of discounts saved in payment of vendor's invoices for month of August, 1981, totaling \$ 114.19

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, 1981.

For information, the City Manager called Council's attention to a State Corporation Commission Order, setting the Hearing date for October 6, 1981, 10:00 A.M. in the Jefferson Building, Richmond, Va., on Columbia Gas of Virginia's application for a 2.4 million dollar annual rate increase. The notice was sent to customers of the company, and local governments.

City Manager Milam called members' attention to their copies of the Shenandoah Valley Airport Commission, Financial Statements as of 6/30/81, prepared by the CPA Firm of Forrest Arehart Assoc., Waynesboro, Virginia. He noted that some statements concerning reports, are usually made by Mayor Erickson, a member of the Shenandoah Valley Airport Commission, who is on vacation at this time.

Vice-Mayor Green registered complaints re the problem of Starlings roosting in the Ott Street area, particularly on the undeveloped Sibert and Wolfe properties. He noted that not only are the birds a nuisance insofar as noise, but are damaging to autos and pose a health hazard. Councilman Dingleline informed Council that he has also been receiving complaints. Chief of Police Presgrave reported that devices which have frightened birds away in the past, have proven unsuccessful, and only caused the birds to move to another location. Complaints are currently from the Ott Street and South Avenue areas. He said he had gone to the state, in that it is responsible for such situation, and been advised that the foam spray is being used in some localities, which, when used, results in freezing of the birds in winter weather. This, and the cutting of problem trees, were the only alternatives offered by the Chief. When asked for an opinion, City Attorney Lapsley agreed that the birds are a public nuisance, and that the possible solution to the problem would have to be found. He suggested that an agreement be reached with landowners, prior to the cutting of any trees. Following discussion, Vice-Mayor Green named a committee comprised of: Councilman Dingleline, Chief Presgrave, Parks & Recreation Director Gilkerson, and Ms. Cherry Shifflett, Business Director of the S.P.C.A., to obtain information and outline a program, within the next couple of weeks, for a solution to the problem, and bring a report to Council. He noted that the committee could call on the Fire Chief for assistance, if necessary.

The City Manager noted that an ordinance, Section 15-2-30, entitled: "Dog License Tax" was approved for a first reading at the last regular meeting on August 25th, with change in rates for all dogs, regardless of sex, at \$ 6.00, rather than \$ 6.00 for a male; \$ 6.00 for a female; and \$ 4.00 for a successfully spayed or neutered dog, as set out in the ordinance submitted by the City Attorney. It was felt that the one charge would be a simpler transaction for all concerned. He presented, for consideration of a second & final reading, a revised ordinance to that effect. Ms. Cherry Shifflett, Business Director of the S.P.C.A., was present in the meeting as a follow-up of her letter of 9/2/81, in opposition to the straight rate of \$ 6.00. She informed Council that the Society encourages and supports the higher fee for licensing of unneutered animals in that they cause more problems in the community, if not confined by owners. A lower rate of possibly \$ 2.00 was urged for those sterilized, in that it would result in fewer unwanted animals for the Shelter to care for; more pet owners would be forced to have pets vaccinated against rabies, purchase tags and keep them on their own properties; higher revenue for the City for animal control expenditures in costs incurred for the Shelter. She informed Council that less than 25% of city owned dogs are licensed, and approximately 35% of dogs in the county. "Someone would have to go door-to-door to determine those not licensed", she added. Councilman Cisney reported that according to records in the City Treasurer's Office, 901 licenses were sold in the past year as follows: 416 for males, 90 for females, and 395 for unsexed. The current license fee is \$ 2.00 for a female and \$1.00 for a male and spayed female. The Director expressed unfairness in the same charge for a neutered male dog and an unspayed female. Vice-Mayor Green said he had checked with three veterinarians and learned that no less than \$ 50.00 is charged for spaying a female dog, and offered an opinion that the \$ 2.00 fee suggested, would not encourage the owner to spend that much for spaying, particularly when the average life-span of a dog is 15 years. When he expressed concern that the Shelter had refused, sometime ago, to keep a dog just overnight, in an emergency situation, Ms. Shifflett replied that it is not a policy of the Shelter to board animals; that it could result in a law suit, should the animal contract some disease while there. Marilyn Jarrells, owner of two dogs, both sterilized, objected to paying the same license fee as other owners who allow their dogs to "breed at will." Vice-Mayor Green noted that others have expressed opinions that pet owners should share in expenses for the Dog Warden, etc. Ms. Shifflett countered with "The S.P.C.A. also helps non-pet owners by cutting down on problems in the community." She added that sterilization of pets is an educational encouragement psychological procedure. The Vice-Mayor said he would like for something to be worked out by the Society for emergency situations, and the Director offered an opinion that the people should be responsible for their own pets. During discussion, increasing the fine for failure to purchase license (presently \$ 10.00), was mentioned. Following the lengthy discussion, Councilman Rhodes moved that the ordinance, as originally proposed, setting out license fees as \$ 6.00 for a male dog; \$ 6.00 for a female dog; and \$ 4.00 for unsexed dogs, 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 Cisney, and adopted by a unanimous recorded vote of Councilmen present. (Refer to Ord. Bk K, page 241).

For Council's consideration, City Manager Milam presented the possibility of the City leasing, or purchasing a new building for the Transportation Department Headquarters, located on E. Washington Street. He noted that should either arrangement be desired, the matter would have to be referred

to the City Planning Commission for study and recommendation. Mr. Reggie Smith, Transportation Director, was present in the meeting to elaborate on the need for quarters, etc. He reported that the building which is presently housing the transportation operation, will be torn down by Rocco, Inc. (owner), but that additional time is being allowed the City to find another location. At the existing location, Mr. Smith reported a traffic problem, as well as inadequate garage space and storage. Some of the buses have to be parked on the Safeway Store parking lot. His office, and the secretarial office, are presently located in the Municipal Building. Out-dated plumbing and electrical services, inadequate phone & radio system, etc., add to morale problems. The new structure, located on East Washington Street and bordered on two sides by City owned alleys, would be energy efficient with natural gas, and could be, according to the Director, maintained for about the same amount as the present building, with more parking space for all vehicles, and easy access to and from the building. Should a new building be constructed in the downtown area, a large piece of land would be required, whereas it is felt that the proposed location would serve the department's needs very well. Manager Milam informed Council that after considering this location for the second or third time, he had decided to bring the matter to Council. He noted further that the owners, Mr. John Serrell, has offered to sell the 50' x 60' metal insulated building, on the 100' x 150' lot, to the City for \$ 115,000., with a small down payment and 8 - 9 year payout, or to lease the property. He will be glad to show any members of Council through the building. Manager Milam offered an opinion that the property would serve the needs of the Transportation Department on the northeast side of the City, but noted that the City would have to contract with a nearby service station to supply the need for three types of gasoline. Mr. Smith pointed out that the City's two lots would allow room for future expansion of the operation. Following discussion, Councilman Rhodes moved that the matter be referred to the Planning Commission for study and recommendation. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

City Manager Milam called attention to minutes of the June 9, 1981 meeting, at which time Council approved a Memorandum setting out an agreement between the City of Harrisonburg and James Madison University, whereby the City would pay to the University an amount of \$ 2,500,000. over the next five years, in cash and/or in-kind services for the Steam Plant Site, in return for certain provisions by the University for purchase of steam from the City, etc. He informed Council that approval of an Agreement, by the City and University, is necessary, in order to receive state funding for construction of the University's Convocation Center. After pointing out slight changes from the original Memorandum, adopted on June 9th, Manager Milam presented and read the following Contract for consideration of approval:

THIS CONTRACT, made and entered into this ____ day of September, 1981, by and between THE CITY OF HARRISONBURG, VIRGINIA, a Virginia Municipal corporation, party of the first part, hereinafter called the "City", and JAMES MADISON UNIVERSITY, party of the second part, hereinafter called the "University."

W I T N E S S E T H :

That the parties hereto covenant and agree as follows:

(1) The City will pay to the University for the considerations hereinafter enumerated the sum of TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00) as follows:

1981 - \$ 500,000.00 cash
1982 - \$ 250,000.00 in-kind services and
\$ 250,000.00 cash
1983 - \$ 500,000.00 cash
1984 - \$ 500,000.00 cash
1985 - \$ 500,000.00 cash

(2) The University, will, in consideration of the payments enumerated in Paragraph (1) above, provide to the City the following:

- (a) Convey a suitable site for the construction of the solid waste disposal heat recovery steam plant.
- (b) Enter into a twenty (20) year agreement with the City for the purchase of steam produced by said plant.
- (c) Acquire suitable rights-of-way from State Route 710 to the steam plant and to Port Republic Road.
- (d) Provide rough grading for new right-of-way mentioned in (c) above.
- (e) Provide any other necessary ingress and egress to said steam facility both during and after construction.
- (f) Acquire all necessary Federal, State and Local construction and operating permits for said plant.
- (g) Assist, if possible, in the operations of the plant with University personnel who are presently employed in the University steam plant.
- (h) Pay to the City in accordance with the City's rate schedule the cost of dumping all University solid waste at said plant.
- (i) Design steam absorption chillers for the air conditioning unit at the new Convocation Center and use steam in lieu of electricity for the operation of said air conditioning system.

This Agreement, executed in duplicate, this ____ day of September 1981.

THE CITY OF HARRISONBURG, VIRGINIA

By _____

ATTESTE:

Clerk

JAMES MADISON UNIVERSITY

By _____

ATTESTE:

During discussion, question was raised by Council re omission of language in the revised Agreement, as stated in Paragraphs 8 and 10 of the Memorandum approved on June 9th, dealing with acceptance of solid waste from the University by the City, and the University's promise to purchase all steam produced by the City's facility and to convert other buildings on campus as soon as steam production becomes available. Vice-Mayor Green suggested that he, along with the City Manager and Assistant

City Manager, JMU President Carrier and Mr. Bill Merck of JMU Faculty, meet for a review of the original agreement (Memorandum) of June 9th. Following discussion, Councilman Cisney moved that the contract be approved, conditioned upon Sections 8 and 10 which were questioned, with authorization for the Vice-Mayor to sign the contract on behalf of the City of Harrisonburg, following the review suggested by Dr. Green. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Councilmen present.

✓ A request was presented from the Director of Social Services for approval of a supplemental appropriation in amount of \$ 1,266.51 in order to return to General Relief, monies that had been used to care for Social Security beneficiaries until their checks arrived. Following a brief discussion, Councilman Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 1,266.51 chgd.to: VPA Fund (1901.01) Recoveries & Rebates
1,266.51 approp.to: VPA Fund (5302-5701.01) General Relief

The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Councilmen present.

✓ City Manager Milam presented a request from the City School Board for approval of a supplemental appropriation in amount of \$ 5,000. in order to appropriate unanticipated receipts from federal funds for grant for gifted and talented program. It was noted that these funds, in addition to state gifted & talented funds, are included in the School's 1981-82 budget. Following discussion, Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 5,000.00 chgd.to: School Fund (R-28F) Antic. Rcpts- Rcpts.from Federal Funds-
Other Fed.Funds TASK
804.00 approp.to: School Fund (1201-134.21) Comp. Elem.Sub Tchrs.
804.00 approp.to: School Fund (1201-134.22) Comp. Sec. Sub Tchrs.
372.00 approp.to: School Fund (1201-220.00) Travel Exp.- Instructional
1,620.00 approp.to: School Fund (1201-236.01) In Service Trng.
100.00 approp.to: School Fund (1201-299.00) Other Inst.Costs
893.07 approp.to: School Fund (1201-305.00) Instructional Supplies
300.00 approp.to: School Fund (1203-219.02) Pupil Trans. Services- Trans.
by Public Carrier
106.93 approp.to: School Fund (1206-295.00) Fixed Chgs.- Employers Cont. Frng.Benefits

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Councilmen present.

✓ Council received a request from the City School Board for approval of a supplemental appropriation in amount of \$ 10,000., in order to appropriate unanticipated receipts from state for remedial education program at Thomas Harrison Jr. High School. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 10,000.00 chgd.to: School Fund (R-8) Antic. Rcpts- Rcpts.from State School
Funds- Remedial Education.
6,190.00 approp.to: School Fund (1201-109.01) Other Inst.Costs- Comp. Tchr.Aides
200.00 approp.to: School Fund (1201-236.01) In Serv.Trng.-
1,707.70 approp.to: School Fund (1201-305.00) Instructional Supplies
1,052.30 approp.to: School Fund (1206-295.00) Fixed Chgs.-Employer Contr. for
Fringe Benefits
850.00 approp.to: School Fund (1900-403.00) Cap.Outlay- Furn. & Equip.

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Councilmen present.

✓ City Manager Milam presented a request from the City School Board for approval of a supplemental appropriation in amount of \$ 624,000.00 in order to provide funds to pay architect and contractor for construction of classrooms at Keister Elementary School. Council was reminded that funds are anticipated through the Literary Loan Fund, in that application has been submitted and approved for \$ 504,000. for the project, with application for an additional \$ 120,000. approved by Council. Following a brief discussion, Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 624,000. chgd.to: School Fund (R-55) Antic. Rcpts.- Rcpts. from Loans, Bonds,
Investments, Literary Fund Loans.
31,200. approp.to: School Fund (1900-205.01) Cap.Outlay- Architect Fees
592,800. approp.to: School Fund (1900-601.01) Cap.Outlay- New Buildings

The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Councilmen present.

✓ Vice-Mayor Green noted that Mayor Erickson was scheduled to make a statement at this meeting concerning appointment of members to a Chamber of Commerce Study Committee, but is on vacation. He will talk with the Mayor concerning a statement at the next regular meeting.

✓ Action was deferred on appointment of a School Board member to fill the vacancy created by Mr. Tom Hook's resignation.

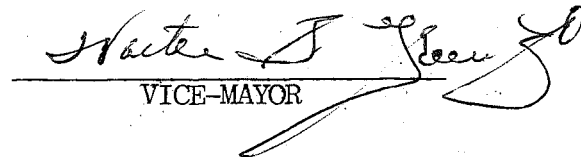
✓ The City Manager called members' attention to their signed copies of the Annexation Court Order.

✓ City Manager Milam presented a Virginia Tax Bulletin, advising that the local 1% tax will continue to apply to heating fuels for domestic consumption, even though they will be exempt from the 3% state sales and use tax as of October 1, 1981, except on localities enacting ordinances for exemption. The Notice was for information, with no action taken by Council.

✓ Inasmuch as the next regular meeting had been only tentatively scheduled at the last meeting, due to its conflict on September 22nd with the Virginia Municipal League Conference, Councilman Cisney moved that it be scheduled for Tuesday, September 29th, 7:30 PM. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.

There being no further business, and on motion of Councilman Dingledine, seconded by Councilman Cisney, and a unanimous vote of Councilmen present, the meeting was adjourned at 9:25 P.M.


CLERK


VICE-MAYOR

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: Mayor Roy H. Erickson; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney; Vice-Mayor Walter F. Green, 3rd; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on September 8th were approved as read.

For Council's information, the City Manager presented a communication from the State Corporation Commission, advising that the Continental Telephone Company had filed application to increase station connection charges by \$ 1,464,266.00. By order of the Commission, the company will be required to publish notice of its application in local newspapers in its service area, and give direct notice to its customers no later than 10/26/81.

City Manager Milam called members' attention to their copies of Financial Statements of the Harrisonburg Electric Commission for years ended 6/30/81 and 1980, prepared by the C.P.A. Firm of A.M. Pullen & Company. He noted from the report, current assets and liabilities of \$ 10,705,134.00. Mayor Erickson pointed out that the report would be on file in the office of City Manager, and at H.E.C. for review, if desired.

Attorney Franklin Blatt appeared before Council as a follow-up of his letter dated September 16th, to City Manager Milam. On behalf of his clients, Tanies G. and Paula Rontopoulos, he requested approval of a dance permit for a new establishment at 153 S. Main Street, former location of Ney's House of Fashion. He noted that it would be a restaurant/amusement type of establishment, with an added attraction of an electronically operated bucking bull. According to the architect, Mr. Blatt reported that 8% of the floor area on the level of the building will be the dance area. He pointed out that his clients are applying for a beer license only, at this time, and explained that should they ever wish to apply for a mixed drink beverage license, they would be exempt from the requirement of a dance permit, since the state law only requires such a permit if the dance floor area exceeds 10% of total floor area. City Manager Milam informed Council that following receipt of Mr. Blatt's letter, he had referred the request to the Chief of Fire, Building/Zoning Official, and Chief of Police, for an investigation of the premises, and report. According to correspondence from each official, no problems were encountered which would prohibit issuance of a dance permit. Following discussion, Vice-Mayor Green moved that the request be approved, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council. Attorney Blatt asked that the permit be issued in the name of "The Branding Iron West."

The City Manager presented correspondence and attached plat, received today from Mr. J.R. Copper, Jr., Agent for Clinton Hensley, requesting re-subdivision of Lots 1-A, 2-A, 2-B and 3, Block M, Section B, Rolling Hills Subdivision. He noted that the development location is the corner of Reservoir Street and Dutch Mill Court. On motion of Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Council, the plat was referred to the City Planning Commission for study and recommendation.

The following Planning Commission report from a September 16th meeting, was presented and read:

"...The Commissioners received an August 17, 1981 letter from Harrisonburg Electric Commission Assistant Manager Michael York, which enclosed a set of drawings of a proposed expansion of H.E.C.'s warehouse on North Liberty Street. He asked for comments or any suggested changes that should be made. Mr. Sullivan reported to the Commissioners that the 127' x 80' addition will be 20' from a nearby alley, it will be a metal building very similar to the existing warehouse and a nearby Good Printing Company structure. The area is zoned M-1 Industrial and the proposal will be appropriate in the area.

Mr. Trobaugh moved that the Planning Commission recommend approval of the proposed H.E.C. warehouse as submitted by H.E.C. Mrs. Bowman seconded the motion and all members voted in favor..."

Mr. Sullivan noted that the report was self-explanatory, and called Council's attention to drawings of the proposed expansion, posted on the bulletin board. Following a brief discussion, Councilman Rhodes moved that the recommendation of the Planning Commission for approval of the expansion, be approved. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

City Manager Milam presented and read the following Planning Commission report from a September 16th meeting:

"...The Commissioners received an August 20, 1981 letter from Mr. Terry L. Spitzer, with a plat surveyed by City Engineer Donn Devier, showing a proposed re-subdivision of Lots 84 through 88 in Ashby Park Subdivision. The Director explained that Mr. Jennings Shiflett desires to purchase Lots 84 and 85 and parts of Lots 86, 87 and 88, in order to have an L-shaped 12,000 square foot parcel to construct a 3-unit apartment which would face Madison Street. He pointed out that an existing house on Lots 86-87 would come short of the 7,000 square foot lot requirement in the R-2 Residential zone, and the existing garage would be sitting on the new proposed lot line, thus another violation. Mr. Byrd noted that his proposal would create two variance situations and appears to be 'forced' in order to come up with one extra apartment unit.

Mr. Heath moved that the re-subdivision request by Terry L. Spitzer be denied, since it would create two violations of zoning. Mr. Milam seconded the motion and all members voted aye..."

Manager Milam called attention to an attached plat, showing division of Lot 86, as a 90° angle onto Lot 87. Following a brief discussion, Councilman Dingleline moved that the recommendation of the Planning Commission for denial of the request, be approved. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ Planning Director Sullivan reviewed with Council, a 24-hour Traffic Flow Report for the City of Harrisonburg, prepared in his office from Virginia Department of Highways data. He pointed out that 35 counts are made each year in April, while schools are still in full session. Mr. Sullivan called attention to a map posted on the bulletin board, and pointed out highlights from the current report, showing comparison of vehicular traffic for years 1970, 1975, 1980 and 1981, noting those streets with the highest count. During discussion, Councilman Dingleline suggested the possibility of adding Cantrell Avenue, between Ott & East Market Streets, in the next count, in order to determine how many vehicles are taking that particular route.

✓ Council was reminded that a committee had been appointed by the Vice-Mayor at the last regular meeting to investigate the problem of birds roosting in two areas of the City, and called on Councilman Dingleline for a report. He informed Council that the committee had met a few days after the last meeting, and discussed the Ott Street and South Avenue areas from the standpoint of the noise, bird droppings, and health hazard to residents. It was felt that the Health Department should be contacted, and that Cherry Shifflett of the S.P.C.A. should be asked to contact the Humane Society in Washington. A reply from the Rockingham-Harrisonburg Health Department advised of a visit to two vacant properties, which do represent a general potential health hazard because of the large amount of droppings found on the trees and ground. It was suggested that the bird habitats be eliminated by cutting out the heavy undergrowth, which would result in the birds migrating to a less populated area. According to a report from the Humane Society, methods of shooting, poisoning and even PA-14 (freezing agent) were not encouraged, due to various problems. The most efficient and economical method suggested was the draping of nylon netting over the roosting areas which deters birds from landing. One other suggestion was the placing of some owls and hawks in the area, which would discourage landing of other birds. Councilman Dingleline offered an opinion that the method of nylon netting should be looked into. City Manager Milam informed Council that upon receipt of estimated cost from local landscapers to cut problem trees and clean up underbrush, it was felt that the project could be undertaken by city equipment and manpower for less cost to the City. He reported that letters had been sent to six owners of vacant properties in the areas of Ott Street and South Avenue, giving notice that some of the trees would be cut and underbrush cleared by September 30th, at no cost to the owners, with only one reply, to date. Attorney David Penrod, owner of northernmost property on Grattan Street extended, has advised that he plans to build a house on his property and would like some of the trees to remain, although those along the alley may be cut. He expressed a desire to be present when any of the trees are being cut. Manager Milam said that the City is ready to move out equipment tomorrow, if the birds are declared a public nuisance. Councilman Dingleline moved that the birds be so declared, and the City Manager authorized to proceed immediately with the necessary equipment to cut problem trees and clear out underbrush in the areas of Ott Street and South Avenue. The motion was seconded by Vice-Mayor Green. City Attorney Lapsley suggested that a formal notice be given owners prior to any cutting on their properties, even though previous letters had set out September 30th for completion. Mayor Erickson registered only one concern he had received, that of interference with wild life if the low shrubbery is cut. Attorney Lapsley said he wants to be sure that property owners are given proper notice. Councilman Dingleline offered an opinion that the owners should be notified immediately, by phone, if appropriate, in order not to delay the project. The City Attorney was instructed to contact the owners, and the motion which had been made and seconded, was adopted by a unanimous vote of Council.

✓ Action was deferred on appointment of a member to the City School Board, and it was agreed that any correspondence concerning same, be filed, along with other information, for review.

✓ With regard to a resolution presented to Council sometime ago by the Harrisonburg-Rockingham Chamber of Commerce requesting appointment by Council of seven members to serve on a joint City/County Study Committee concerning various recommendations of the Chamber, Mayor Erickson referred to his letter of September 24, 1981 to the Changer, which he feels is the general attitude of Council. In that correspondence, he expressed a wish to "postpone any decision re recommendations of the Chamber Board and Study Committee until such time as the present annexation litigation has been entirely completed and Harrisonburg's responsibilities to the annexed area be properly planned and put into action." At this point, Councilman Cisney offered a motion that: "Council concur with the revised set of guidelines for the proposed City/County Study Committee as set forth in the letter dated August 19, 1981 from Marlin P. Alt, Chairman, Study Committee on Local Government, to Mayor Erickson, City of Harrisonburg, and that the City Council will appoint seven citizens to represent the City on the Study Committee no later than January 31, 1982." The motion was seconded by Councilman Dingleline. Mayor Erickson said that until annexation has been totally completed, he would stay in limbo on the matter, as he felt it is known by the newspapers that an appeal will be made by the County, which may result in another year before annexation is final. He expressed a desire to see one thing decided, and determination of needed services, prior to undertaking another. Councilman Cisney explained that the January 31, 1982 date was set out in his motion to allow time for the City to know whether or not there will be a year's delay. If no delay, the committee could then be appointed, with the possibility of some residents in the new area, serving. Councilman Dingleline said he felt that "none of us" want to block any effort to improve quality of government, and that he endorses appointment of a Study Committee. He questioned whether or not the year 1982 should be spelled out in the motion. Following discussion, Councilman Cisney revised his original motion in the last statement as follows: "and that the City Council will appoint seven citizens to represent the City on the Study Committee no later than January 31st, following the completion of the annexation trial with Rockingham County." Councilman Dingleline seconded the revised motion, which was then adopted by a unanimous vote of Council.

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 1,266.51, requested by

the Director of Social Services in order to return to General Relief, monies that had been used to care for Social Security beneficiaries until their checks arrived, be approved for second and final reading, a first reading having been approved on September 8th, and that:

\$ 1,266.51 chgd.to: VPA Fund (1901.01) Recoveries & Rebates
 1,266.51 approp.to: VPA Fund (5302-5701.01) General Relief

The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Council.

✓ Councilman Dingledine moved that a supplemental appropriation in amount of \$ 5,000., requested by the City School Board in order to appropriate unanticipated receipts from federal funds for grant for gifted and talented program, be approved for second & final reading, a first reading having been approved on September 8th, and that:

\$ 5,000.00 chgd.to: School Fund (R-28F) Antic. Rcpts.- Rcpts. from Fed.Funds-
 Other Fed. Funds TASK

804.00 approp.to: School Fund (1201-134.21) Comp. Elem.Sub. Tchrs.
 804.00 approp.to: School Fund (1201-134.22) Comp. Sec. Sub. Tchrs.
 372.00 approp.to: School Fund (1201-220.00) Travel Expense- Instructional
 1,620.00 approp.to: School Fund (1201-236.01) In Serv. Trng.
 100.00 approp.to: School Fund (1201-299.00) Other Inst. Costs
 893.07 approp.to: School Fund (1201-305.00) Inst. Supplies
 300.00 approp.to: School Fund (1203-219.02) Pupil Trans. Services-
 Trans. by Pub. Carrier

106.93 approp.to: School Fund (1206-295.00) Fixed Chgs.- Employers Cont.Frng.Bnfts.

The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Council.

✓ Councilman Cisney moved that a supplemental appropriation in amount of \$ 10,000., requested by the City School Board in order to appropriate unanticipated receipts from state for remedial education program at Thomas Harrison Jr.High School, be approved for second & final reading, a first reading having been approved on September 8th, and that:

\$ 10,000.00 chgd.to: School Fund (R-8) Antic. Rcpts. from State School Funds-
 Remedial Education.

6,190.00 approp.to: School Fund (1201-109.01) Other Inst.Costs- Comp.Tchr.Aides
 200.00 approp.to: School Fund (1201-236.01) In Serv. Trng.
 1,707.70 approp.to: School Fund (1201-305.00) Inst. Supplies
 1,052.30 approp.to: School Fund (1206-295.00) Fixed Chgs.- Employer Contr. for
 Fringe Benefits
 850.00 approp.to: School Fund (1900-403.00) Cap.Outlay- Furn. & Equip.

The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council.

✓ Vice-Mayor Green moved that a supplemental appropriation in amount of \$ 624,000., requested by the City School Board in order to provide funds to pay architect and contractor for construction of classrooms at Keister Elementary School, be approved for second & final reading, a first reading having been approved on September 8th, and that:

\$ 624,000. chgd.to: School Fund (R-55) Antic. Rcpts.- Rcpts.from Loans,
 Bonds, Investments, Literary Fund Loans
 31,200. approp. to: School Fund (1900-205.01) Cap.Outlay- Arch.Fees
 592,800. approp. to: School Fund (1900-601.01) Cap.Outlay- New Bldgs.

The motion was seconded by Councilman Dingledine, and 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 \$ 1,105.33, in order to "place back funds that were expended in the accounts of Other Materials & Supplies, and Special Police." It was noted that the funds to be used for replacement, had been received through an insurance check to cover damages to clothing at a fire, and a check from Hose Co. #4 for officers working the lawn party. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

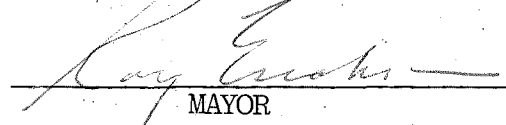
\$ 1,105.33 chgd.to: General Fund (1901.01) Recoveries & Rebates
 912.20 approp.to: General Fund (3101-5400.01) Other Mat. & Supplies
 193.13 approp.to: General Fund (3101-1001.07) Spec.Police

The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council.

✓ For consideration of a first reading, City Manager Milam presented an "ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY CAPITAL EXPENDITURES OF THE CITY OF HARRISONBURG, VIRGINIA, FOR THE REVENUE SHARING FUND, ENTITLEMENT PERIOD TWELVE." He called attention to Proposed Revenue and Proposed Expenditures in total amount of \$ 531,648.07. This amount represents Anticipated Revenue of: Interest on Unappropriated Revenue Sharing, \$ 34,403.07, and Revenue Sharing Entitlement Period Twelve, October 1, 1980 to September 30, 1981, \$ 497,245.00. Proposed expenditures to Municipalities were pointed out, as follows: To compensate Rockingham County for Water Facilities in Annexed Area, \$ 301,648.07; To compensate Rockingham County for Sewer facilities in Annexed Area, \$ 200,000.00; and Engineering or Legal Services, All Municipal Departments, \$ 30,000.00. He noted that the payments are in compliance with requirements of the City, as set out in one section of the Annexation Order, and reminded members that a public hearing must be held on the ordinance, prior to a second & final reading. Vice-Mayor Green moved that the ordinance be approved for a first reading, and public hearing scheduled for Tuesday, October 13th, 7:30 P.M. The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council.

There being no further business, and on motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote of Council, the meeting was adjourned at 8:45 P.M.


 CLERK


 MAYOR

APPROPRIATION ORDINANCE

OF THE CITY OF HARRISONBURG, VIRGINIA

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 REVENUE:

Unappropriated Revenue Sharing (Interest)	\$ 34,403.07
Revenue Sharing Entitlement Period Twelve- October 1, 1980 to September 30, 1981	<u>497,245.00</u>

TOTAL PROPOSED REVENUE \$ 531,648.07

PROPOSED EXPENDITURES:

Municipal Departments:

To compensate Rockingham County for Water facilities in Annexed Area	\$301,648.07
To compensate Rockingham County for Sewer facilities in Annexed Area	200,000.00
Engineering or Legal Services- All Municipal Departments	<u>30,000.00</u>

TOTAL PROPOSED EXPENDITURES \$531,648.07

This ordinance shall become effective October 13, 1981.

Given under my hand this 13th day of October, 1981.

ATTESTE:

N. Anne Loken
CLERK

Roy Ench
MAYOR

Tuesday, October 13, 1981

At a combined public hearing and regular meeting held in the Council Chamber this evening at 7:30, 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, 3rd; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: Councilman James C. Cisney.

Minutes of the regular meeting held on September 29th were 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 September, 1981.

From the City Treasurer:

A trial balance report as of close of business on September 30, 1981.

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 \$ 9,558.05

From the City Auditor:

A financial report for the City of Harrisonburg, Va., month of September, 1981

A report of cash discounts saved in payment of vendor's invoices for month of September, 1981, totaling \$ 252.01

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, 1981.

✓ The City Manager reviewed with Council a Report on Examination of Financial Statements for the Shenandoah Valley Juvenile Detention Home Commission for year ended 6/30/81, prepared by Anderson, Sheard & White, C.P.A., Staunton, Va. The report revealed a balance in the accumulated interest, as of June 30th, in amount of \$ 35,243.05 and total capital funding of \$ 642,518.00 which includes value of land donated by Staunton; payment by the eight participating localities; state & federal grants. The report will be on file in the office of City Manager for review, if so desired.

✓ Members of Council received a formal invitation to attend the Harrisonburg/Shenandoah Valley Regional Energy Forum on Thursday, October 15th, from 9:30 a.m. to 3:00 p.m. in the Price-Rotary Senior Citizens Center in Westover Park. Guest speakers will be featured and various local agencies will participate in the program. Emphasis will be placed on educating low-income, elderly and disabled people about energy issues and solutions to their own problems. Mayor Erickson noted that the forum has been highly advertised through the news media, and should be most informative.

✓ At 7:50 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 10/1/81:

"The Harrisonburg City Council will hold a public hearing on October 13, 1981, at 7:30 P.M., in the first floor Council Chamber, Municipal Building, 345 S. Main Street. All citizens (especially senior citizens) are invited to attend and provide the Council with written and oral comments and ask questions concerning the entire Fiscal Year 1981-82 Annual Budget and the relationship of Revenue Sharing Funds to that budget. A statement on the proposed uses of Revenue Sharing Funds is summarized below. The Fiscal Year 1981-82 Annual Budget, which was adopted by City Council on May 26, 1981, following a public hearing, and the proposed Revenue Sharing Fund Budget can be inspected by the public from 8:30 a.m. until 5:00 p.m., Monday through Friday in the City Manager's Office, second floor, Municipal Building.

PROPOSED REVENUE SHARING BUDGET

REVENUE:

Unappropriated Revenue Sharing (Interest)	\$ 34,403.07	
Revenue Sharing Entitlement Period Twelve	497,245.00	
TOTAL REVENUE		\$ 531,648.07

EXPENDITURES:

Municipal Departments:

To compensate Rockingham County for Water facilities in Annexed Area	301,648.07	
To compensate Rockingham County for Sewer facilities in Annexed Area	200,000.00	
Engineering or Legal Services- All Municipal Departments	30,000.00	
TOTAL EXPENDITURES		\$ 531,648.07

CITY OF HARRISONBURG, Marvin B. Milam, City Manager

Mayor Erickson called on anyone present who may desire to be heard concerning the proposed Revenue Sharing Budget. There being no one, the hearing was declared closed at 7:55 p.m. and the regular session reconvened.

✓ Councilman Dingledine moved that the Revenue Sharing Appropriation Ordinance for Entitlement Period Twelve Funds, as set out in the public hearing notice, be approved for second & final reading, a first reading having been approved on September 29th, 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. (Refer to Minute Book "O" page 215).

With regard to appointment of a member to fill a vacancy on the City School Board, Mayor Erickson suggested that the matter of personnel be discussed later this evening, possibly in exe-

cutive session.

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 1,105.33, requested by the Police Chief in order to place back funds that were expended in accounts of Other Materials & Supplies, and Special Police, be approved for second & final reading, a first reading having been approved on September 29th, and that:

\$ 1,105.33 chgd.to: General Fund (1901.01) Recoveries & Rebates
 912.20 approp.to: General Fund (3101-5400.01) Other Materials & Supplies
 193.13 approp.to: General Fund (3101-1001.07) Special Police

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Councilmen present.

✓ City Manager Milam presented correspondence from the Virginia State Library, Richmond, Va., dated 9/18/81, advising that the Rockingham Public Library officials were being notified that a Federal grant-in-aid had been approved for fiscal year 1981-82 in amount of \$ 7,000.00. It was noted that the funds must be spent for purchase of library books, materials and equipment, library staff salaries, and travel by library staff board members to professional meetings. Approval of expenditures was requested from the City Manager, on signed authorization form, prior to any expenditures being made. Following a brief discussion, Vice-Mayor Green moved that the City Manager be authorized to sign and return the authorization form, which motion, upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Councilmen present.

The City Manager presented correspondence dated 10/2/81 from Mr. James A. Armstrong, President of Blue Ridge Community College, requesting approval of the governing body for acceptance of Highland County as a full participating member of the BRCC, and to approve or concur with the following policies set forth by the ad hoc committee:

- 1) The Blue Ridge Community College Board be increased from ten to eleven members, one member appointed by Highland County, and the other five localities (Augusta County, Rockingham County, and the Cities of Harrisonburg, Staunton & Waynesboro) each maintaining two members. Each member of the College Board thus constituted will have one vote. The Highland member is to be appointed to a four-year term ending June 30, 1985.
- 2) Each of the six sponsoring localities will contribute for local Board operating expenses, an amount proportional to the representation on the College Board which will be one-eleventh per representative as defined in item 1 (above).
- 3) Highland County will be assessed five percent of the local Board contribution for capital outlay projects, the remaining ninety-five percent to be contributed equally by the other five localities.

Following discussion, Vice-Mayor Green moved that Council approve acceptance of Highland County into full membership, and concur with policies as set out by the ad hoc committee. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

✓ Correspondence dated 10/7/81 from Mr. Wayne King, Superintendent of City Schools, was presented, in which the City Manager was advised that the School Board had taken action at its October 6th meeting to request City Council to allow the Board to borrow an additional \$ 17,000.00 from the Literary Loan Fund for construction of additions to the Massanutten Voc. Tech. Center. The facilities will house a medical/dental program for training of aides, and a business/data processing program. It was noted that the requested amount of \$ 17,000. by the City, and an additional amount of \$ 86,000.00 to be requested by the County, would make up for the shortfall of \$ 103,000. resulting from the cutting of state funds. Manager Milam explained that the County is assuming 84% (\$174,300.) of the local cost totaling \$ 208,500., and the City, 16% (\$33,200.), based on the share of enrollment in the Voc. Tech. Center. Following discussion, Councilman Rhodes moved that the School Board be authorized to apply for additional funding through the Literary Loan Fund for construction at the Massanutten Voc. Tech. Center. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.

During a review of the City Manager's monthly progress report, question was raised concerning how priority was determined in repair of sidewalks in the City. Assistant City Manager Driver informed Council that those in the worst condition were being repaired in each fiscal year, to avoid pedestrians falling on broken ones. He noted that the street department is striving to repair a couple blocks of sidewalks in the City, each year.

✓ Councilman Dingledine registered a complaint received from a resident of Franklin Street, between Mason & Ott Streets, concerning the need for a street light on East Bruce Street, between Mason & Ott. City Manager Milam informed Council that the matter of additional street lights rests on investigation and recommendation of the Assistant City Manager, and noted that the particular area in question, is comprised primarily of garages. Following a brief discussion, the Assistant City Manager was asked to check into the situation on East Bruce Street, and bring in a recommendation concerning the need for a street light.

✓ Councilman Dingledine, a member of a special study committee appointed to work out a solution for ridding certain areas of the City from the problem of birds, expressed appreciation to the City Manager for his efforts in using city equipment and manpower to clear underbrush and cut problem trees in the areas of Ott Street and South Avenue. He said there seems to be fewer birds than a week ago, but pointed out a problem of bird droppings on Ott Street between Grattan and W.View Sts. He suggested that the City be prepared, if the problems persists, to use the freezing chemical suggested by the Humane Society. Manager Milam brought Council up-to-date on where and when the cutting of trees and underbrush had been carried out, and noted that some of the birds were moving to the Purcell Park area. Noted further by the City Manager, was the fact that the project would be continued, and the matter of spraying the freezing chemical from plane or helicopter would be investigated, in that it is not harmful to other animals.


This page missed in
recording Minutes of
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See H. Loken, Clerk

At 8:45 p.m., Councilman Dingledine moved that Council enter an executive session to discuss personnel and a legal matter. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

At 9:30 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened.

Vice-Mayor Green moved that Mr. James R. Wampler, 1114 Rockingham Drive, be appointed to the City School Board for the unexpired term of Mr. Tom Hook, which expires on June 30, 1983. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.

There being no further business, and on motion of Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Councilmen present, the meeting was adjourned at 9:34 p.m.


CLERK


MAYOR

Tuesday, October 27, 1981

At a regular meeting of Council held in the Council Chamber this evening at 7:30, 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, 3rd; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes; James C. Cisney; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on October 13th were approved as corrected.

✓ City Manager Milam presented and read the following report submitted by the Planning Director, from a Commission meeting held on October 21, 1981:

"...The Concensus of all persons present for the Public Hearing to consider rezoning Mr. Fitzgerald's property at 129 Franklin Street was that the R-3 Multiple Dwelling District, which would allow professional offices, would be acceptable, but B-2 General Business would potentially be detrimental.

Noting that Mr. Fitzgerald, Attorney Holmes Harrison and the delegation of

Franklin Street residents favor R-3 versus B-2, Mr. Heath moved that the Commission recommend rezoning 129 Franklin Street from R-2 Residential to R-3 Multiple Dwelling District. Mr. Milam seconded the motion. In further discussion, Dr. Eneedy noted that other 'spot zoning' cases may come up if this move is supported. The motion was then voted on, with four opposed: (Dr. Eneedy, Mrs. Bowman, Mr. Rhodes and Mr. Trobaugh) and three in favor: (Mr. Milam, Mr. Heath, and Mr. Fleming).

Dr. Eneedy, noting that the advertised public notice was for considering rezoning to B-2 General Business, then moved that the Commission deny the request to rezone 129 Franklin Street to B-2 General Business. Mr. Trobaugh seconded the motion and it passed 6-1. (Voting for: Eneedy, Trobaugh, Bowman, Rhodes, Milam, Fleming; voting against: Heath)..."

Planning Director Sullivan informed Council that later in that meeting, the Commissioners had passed another motion, instructing him to re-analyze the situation with city staff, from the standpoint of expanding the R-3 zone in the general area of Mr. Fitzgerald's request. He noted that all residents had not been contacted to determine the number that would be willing to go along with the R-3 zone. Inasmuch as a public hearing would be necessary, Mr. Sullivan pointed out that December would be the earliest time for the Hearing, in that the Commission meeting in November would focus on action re a decision as to whether or not a public hearing should be advertised. Further noted by the Director, was the fact that Mr. Fitzgerald has agreed to accept the R-3 Zoning, should it be recommended, as this would allow professional use of his house. Following discussion, Councilman Dingledine moved that Council approve the Planning Commission's recommendation of denial for rezoning property at 129 Franklin Street from R-2 Residential to B-2 General Business. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

The following report from an October 21st meeting of the City Planning Commission was presented and read:

"...The Director presented a map drawn by Mr. J. R. Copper, Jr., Land Surveyor, showing a 0.73 acre parcel situated on the south side of Miller Circle. He noted that the parcel is between the Golden Corral Restaurant and Skatetown USA, and is part of Bill V. Neff's Miller Acres Subdivision.

Attorney Henry Clark told the Commissioners that this site has been effectively divided for several years, but the plat has never been submitted for City review. The Director reminded the Commissioners that Miller Circle is a paved street with curb and gutter and City utilities are in the street.

Mr. Trobaugh moved that the Planning Commission recommend to City Council that Lot 2 of Miller Acres Subdivision be re-subdivided establishing a 0.73 acre lot between Golden Corral and Skatetown USA. Mr. Heath seconded the motion and all members voted in favor..."

Following a brief review of the attached map, Councilman Dingledine moved that the recommendation of the Planning Commission be approved. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

Council received the following Planning Commission report from a meeting held on October 21, 1981:

"...The Director brought up a proposal from Mr. Fred O. Funkhouser that 15.2 acres of his land on the south side of West Mosby Road be divided into three parcels. In September, the matter was tabled for further information, especially regarding curb and gutter work. The Director reported that curb and gutter was installed on both sides of West Mosby Road to the City Limits, recently. This work was done by the City in conjunction with the widening and rebuilding of West Mosby Road.

Attorney Henry Clark told the Commissioners that Mr. Funkhouser wants to divide his 15.2 acres into three parcels, as gifts to his children. The sizes of the three parcels are 5.955 acres, 4.632 acres, and 4.632 acres. Mr. Milam stated that curb and gutter inside the present city is all that we can require at this time. Any future re-subdividing beyond the City Limits will involve curb and gutter work.

Mr. Trobaugh moved that the Planning Commission recommend to City Council approval of the F.O. Funkhouser re-subdivision of 15.2 acres on the south side of West Mosby Road. Mr. Milam seconded the motion and all members present voted in favor..."

Council's attention was called to the fact that the corporate limit line splits Lot 2 of the request, and that the County would have to approve re-subdivision for that portion which lies within the County, and also be responsible for curb and gutter work in that portion. Following discussion, Councilman Rhodes 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 report from an October 21st meeting, was read:

"...As a follow-up from September's discussion with Mr. J. Monger and his request that the City sell a 9,400 square foot parcel on Kyle Street, Mr. Sullivan showed a map from Mr. Monger indicating possible apartment development on this, plus another City-owned parcel. Both properties are located on the north side of Cantrell Avenue and adjacent to the Walnut Avenue Monger Apartments. Mr. Milam suggested the Commission initiate the street closing process regarding part of Kyle Street, and then the City would have more land to sell via public auction or sealed bid.

Mr. Trobaugh moved that the Planning Commission recommend the City start the proceedings to close a portion of Kyle Street, as shown on attached map, and then offer the total parcel to the public via a public auction or sealed bid. Mr. Rhodes seconded the motion and all members voted in favor..."

City Manager Milam informed Council that should the paper street (55' in width and shown on attached map) be closed, Mr. Monger would own one-half and the City the other one-half. Noted further was the fact that appointment of Viewers would be necessary, and two readings of an ordinance, should the

matter be pursued. Planning Director Sullivan called Council's attention to a 10' alley which runs from Kyle Street to the C-W Railway, which could also be looked into for possible inclusion in the closing, and noted that to his knowledge, no water or sewer lines are located in that alley. When question was raised concerning who would pay for Board of Viewers' services, Manager Milam said he felt that Mr. Monger would pay his proportionate share, but that it would be up to the City Attorney for his interpretation. Following discussion, Councilman Cisney moved that Council accept the Planning Commission report and appoint a Board of Viewers comprised of Messrs. P.H. Hardy, T.H. Lowery and John H. Byrd, Sr., to view the portion of Kyle Street and paper street as designated on the attached map, as well as the 10' alley between Kyle Street and the C-W Railway, and report to Council, in writing, whether or not there would be any inconvenience in the closings, and if so, what. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

City Manager Milam presented and read the following Planning Commission report from an October 21st meeting of the Commission:

"...As a follow-up of a field trip taken on October 14th, the Commissioners discussed several possible locations for the Transportation Department's future dispatch center, garage and storage lot. Chairman Fleming noted that seven privately owned structures were visited during the field trip and six City-owned properties were reviewed and discussed. Dr. Eneidy urged the Transportation Department to submit a proposal of its needs and requirements anticipated ten years from now. He said more specific data is needed if we are to make a valid recommendation. Mr. Milam noted that the Transportation Department provides taxi service, school bus service and charter bus service plus the weekday neighborhood bus schedule, but it has the worst quarters and least amount of space of any City Department. He also reported that the City has an application filed for \$ 500,000. of UMPTA funds, to be used for construction of a bus garage near the old sewage treatment plant, but location of the facility is flexible at this stage. Mr. Milam also reminded the Commission that the dispatch center located 495 Noll Drive, could be moved now to city-owned buildings, such as the Warren-Sipe House, the Municipal Building or Simms School.

Dr. Eneidy concluded the discussion with a motion that the Commission table the seven offers from private property owners to purchase their buildings and parcels, and a more detailed study be presented in the future from City Staff concerning the Transportation Department's future needs. Mr. Rhodes seconded the motion and all members present voted in favor..."

Following discussion, Councilman Dingleline moved that the report of the City Planning Commission be accepted, with further information anticipated following the detailed study by the Commission. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

Mr. John Driver, Secretary of the Harrisonburg Department of Transportation & Safety Commission, presented an extract from a meeting of the Commission held on September 28, 1981, which reads as follows:

"Chairman Rhodes read an extract from the Council meeting of July 28, 1981 concerning parking in the IMCO area. After discussion on what had happened since the Council meeting, Wayne King made a motion that the problem had seemed to solve itself and the commission has no further recommendation to make at this time."

On motion of Councilman Dingleline, seconded by Vice-Mayor Green, and a unanimous vote of Council, the report was accepted.

With regard to the matter of future plans for the Harris Pool, which had been referred to the Parks & Recreation Commission, City Manager Milam presented correspondence from the Director of Parks & Recreation, dated 10/22/81, advising of a motion by the Commission to "recommend to Council that the Harris Pool property be given to the Harrisonburg Redevelopment & Housing Authority and they fill the pool in at once." Manager Milam said he had doubts that the Authority has funds available to either operate the pool or fill it in and develop another facility on the site. He offered an opinion that the matter should be discussed with the Authority, prior to any action by Council to turn the Harris Pool property over, as recommended by the Parks & Recreation Commission. Councilman Rhodes moved that the matter be tabled until such time as the City Manager, or representative of Council, could discuss it with the R & H Authority. The motion was seconded by Vice-Mayor Green. Councilman Dingleline said it was neither practical or desirable to open the pool, but that it should be filled in, so as not to be an eyesore. The motion to table the matter was adopted by a unanimous vote of Council.

For information, Assistant City Manager Driver reported concerning a complaint which had been registered by a resident of Franklin Street and request for a street light on East Bruce Street, between Mason & Ott Streets, which had been referred to him at the last meeting of Council. He noted that about one call comes into his office, weekly, requesting a street light here or there, and that the Harrisonburg Electric Commission also refers calls to him for investigation and recommendation, prior to installing any light poles. Mr. Driver noted further that the policy has been to not install a street light where there are no houses, and reminded Council that the area on Bruce Street is primarily garages. Although the cost of a light is nominal, Mr. Driver said that it could lead to many more such requests, particularly in the area of alleys. When Councilman Rhodes asked whether or not individuals ever place lights over the City, Mr. Driver replied that some had put up their own lights for garages, etc.

Correspondence from M.A. Firebaugh, City Treasurer, dated 10/20/81, was presented and read, in which he requested authorization to advertise as unpaid, delinquent real estate for the years 1979 and 1980. It was noted that such action is a requirement under Chapter 9, Section 16 of the City Code, as amended December 11, 1973. On motion of Councilman Dingleline, seconded by Councilman Cisney, and a unanimous vote of Council, the City Treasurer was so authorized.

City Manager Milam informed Council that the matter of a beginning salary for the position of Treasurer for the City of Harrisonburg, was being brought to its attention for a determination at

this time, rather than waiting until January 1st for a decision, in order that the two candidates running for that office may be so advised. He referred to a letter which he had written the State Compensation Board on October 15th, requesting information concerning salary that would be allowed, in that Mr. Marshall Firebaugh, who has served as treasurer since 1/1/58, was not seeking re-election. In reply to his letter, Manager Milam noted that he had received a call from the Executive Secretary of the Compensation Board, advising him that the state would pay fifty percent (50%) of the salary for treasurer, as set out in the 1980 amendment to the state code (Sec. 14.1-55), according to the population of the City of Harrisonburg, plus the 5% increase allowed under the 1981 code amendment. Code section 14.1-55 reads as follows: "In cities having a population of more than ten thousand but not more than twenty thousand, such salaries (which applies to city treasurers, whether elected or appointed), shall be twenty-two thousand five hundred dollars." The City Manager then referred to Sec. 14.1-58.2 of the 1981 amendment to the state code, which provides for an increase of 5% for salaries, including city treasurers, for fiscal years beginning July 1, 1981. Council was reminded that the present salary for the treasurer is \$ 32,353., which includes both a longevity factor and a city supplement. Should the salary remain at its present level as of January 1st, full amount of the supplement would rest upon the city, over and above amount paid by the state. During discussion, the fact was pointed out that should the City's population be pushed above 20,000 under the pending annexation from Rockingham County, the treasurer's salary would increase to \$ 26,250. which includes the 5% allowed increase under the 1981 state code amendment. Following discussion, Councilman Dingledine moved that the salary of \$ 23,625. be approved for the position of city treasurer as of January 1, 1982, which represents \$ 22,500. allowed by the 1980 state code amendment, plus 5% increase provided for in the 1981 state code amendment. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ Council's attention was called to correspondence dated 10/2/81 from City Treasurer Firebaugh, advising that records and accounts of his office should be audited, with completion as of 5:00 P.M. on December 31, 1981, in that his retirement will be in effect as of that date. Mr. Firebaugh offered his assistance to auditors of Council's choice, in order to have a smooth turnover to his successor. An added note expressed pleasure in serving as Treasurer of the City of Harrisonburg for the past 24 years. City Manager Milam said he had discussed the matter with both the City Treasurer and City Auditor, with some offers received for the audit. City Auditor Peterman said he had talked with Mr. Ken Huffman of the CPA Firm, Keeler & Phibbs, and been advised that auditors of that firm who are currently completing the City of Harrisonburg audit for fiscal year 1980-81, would come back to balance out the Treasurer's records on the designated day, for an approximate fee of \$ 300.00. Following discussion, Councilman Rhodes moved that the firm of Keeler & Phibbs be employed to audit records of the City Treasurer's Office at the end of this calendar year. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council. On behalf of Council, Mayor Erickson praised Mr. Firebaugh for his years of service, and expressed thanks for handling his job "with respect and ability." Wishes were extended for a "wonderful retirement."

✓ The following resolution was presented and read by the City Manager, for consideration of approval:

BE IT RESOLVED, that curfew is hereby declared to be effective and enforced at, and after the hour of 11:00 P.M., on the night of Saturday, October 31, 1981 (Halloween), after which curfew hour it shall be unlawful for any person to be on the streets or public places of the City of Harrisonburg for the purpose of celebrating Halloween.

The provisions of this resolution are designed to curb and limit the celebration of Halloween to appropriate hours, and shall not extend or apply to the use of the City streets or other public places for any other proper purpose.

CITY OF HARRISONBURG

Mayor

Attest:

Clerk

Council was reminded that action concerning a curfew on this particular day of celebration, has been a policy over the past several years. On motion of Councilman Dingledine, seconded by Vice-Mayor Green, and a unanimous vote of Council, the resolution was approved, with authorization for the proper officials to sign same.

✓ For consideration of second & final reading, City Manager Milam presented an ordinance effecting the closing of an alley situated north of West Market Street and east of Brook Avenue, which had been requested by IMCO Container Company. He reminded Council that the ordinance had been approved for a first reading on March 25, 1980, with final reading pending until the closing had been processed and proper payment made by the requestor. Further noted was the fact that payment has been received from IMCO, and all is in order for closing out the transaction by ordinance. The delay was caused primarily due to proper information not being forwarded to IMCO. On motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous recorded vote of Council, the ordinance was 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. (Refer to Ord. Bk K, page 242.)

✓ A request was presented from the City School Board for approval of a supplemental appropriation in amount of \$ 550.00, in order to appropriate unanticipated funds from Virginia Commission for the Arts for touring assistance. It was noted that the funds will be used together with ESEA Title I funds to pay for a performance at Spotswood & Waterman Elementary Schools for students, by a professional theatrical touring group. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved, and that:-

\$ 550.00 chgd.to: School Fund (R-47) Antic. Rcpts.- Payments From Other State Agencies..

550.00 approp.to: School Fund (1201-299.00) Other Inst. Costs.- Other Inst. Costs

The motion was seconded by Councilman Dingledine, and 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 \$ 57,244.76 in order to appropriate unanticipated receipts due to estab-

lishment of the Shenandoah Valley Regional Program for Special Education. It was noted that funds are needed to pay teachers, teacher aides and transportation for this program. Further noted was the fact that state funding is anticipated, and this transaction is an in-and-out category within school accounts. Councilman Dingleline moved that the appropriation be approved for a first reading, and that:

\$ 54,444.76 chgd.to: School Fund (R-37) Antic. Rpts.- Rpts. from Other Funds, Rebates
 2,800.00 chgd.to: School Fund (R-38) Antic. Rpts.- Rpts. from Other Funds- Rent
 2,800.00 approp.to: School Fund (1203-219.02) Pupil Trans. Services- Trans. by
 Public Carrier
 46,186.00 approp.to: School Fund (1209-134.11) Fed. Programs- Comp. Elem. Teachers
 8,258.76 approp.to: School Fund (1209-295.00) Fed. Programs- Fixed Chgs.

The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council.

Council received a request from the Parks & Recreation Director for approval of a supplemental appropriation in amount of \$ 5,853.01 in order to transfer monies to general budget for salaries paid concession employees from 1981 seasonal profit of Westover Pool Concession Stand Account. Following a brief discussion, Councilman Dingleline moved that the appropriation be approved for a first reading, and that:

\$ 5,853.01 chgd.to: Recreation Commission Revolving Fund- P & R Rev.Fund C-1
 4,179.87 approp.to: General Fund (7104-1010.01) Community Activities Center-
 Other Personal Services
 1,308.19 approp.to: General Fund (7107-1010.01) Westover Swimming Pool-
 Other Personal Services
 364.95 approp.to: General Fund (1217-2001.01) Employee's Retirement Admin-
 Social Security

The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Council.

City Manager Milan reported to Council re a piece of property which may or may not be available at Rawley Springs Water Intake, in order to be advised whether or not purchase of same by the City, should be pursued. He noted that the approximate 8 acres is located about 6 - 7 miles upstream, near the foot of the mountain. The City owns most of the river bottom land on the right side of Rt. 33, to the point where Dry River turns into Skidmore Fork. Council was informed that the purchase of mountain land is not as essential to the City as it was, prior to construction of the Water Treatment Plant, and that the City had purchased all land available in order to protect the City's Water Shed from pollution. The tract of land in question is surrounded on three sides by City owned land, and on the back side by national forest land, and this tract is not the only privately owned property in that area. Condemnation was not recommended by the City Manager, in that purchase of the land would have no adverse effect on the City's operation. He informed Council that the land is presently in the hands of several real estate firms; that there may be a problem in getting a clear deed signed by all the heirs; and that a price has not been established. Councilman Cisney said he would like more information re cost of the land, etc., but did not fully endorse purchase of same. Vice-Mayor Green offered an opinion that the land should be City owned. Mayor Erickson said he would like further information, and noted that in looking back over the years, there had always been an interest in land at the City's Water Shed. Assistant City Manager Driver reminded Council that the City had tried to purchase this tract of land around 1950, but the owner had refused to sell. He added that he felt purchase of the land would prove an asset to the City, not only from the standpoint of ownership, but through sale of timber. Following discussion, the City Manager was instructed to investigate the matter, and bring more information to Council.

At 9:05 P.M., Councilman Dingleline moved that Council enter an executive session to discuss a legal matter. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

At 9:45 P.M., on motion duly adopted, the executive session was declared closed, the regular session reconvened, and adjourned.

N. Arlene Lohr
 CLERK

Ray Erickson
 MAYOR

Tuesday, November 10, 1981

At a regular meeting of Council held in the Council Chamber this evening at 7:30, there were present: City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Walter F. Green, 3rd; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: Mayor Roy H. Erickson and Councilman James C. Cisney.

Vice-Mayor Green presided in the absence of the Mayor, and called the meeting to order.

Minutes of the regular meeting held on October 27th were approved as read.

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, 1981.

From the City Treasurer:

A trial balance report as of close of business on October 30, 1981.

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 amt. of \$ 6,815.79.

From the City Auditor:

A financial report for the City of Harrisonburg, Va., month of October, 1981.

A report of cash discounts saved in payment of vendor's invoices, month of October, 1981, totaling \$ 176.10.

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, 1981.

✓ Council's attention was called to the Report on Audit of Commonwealth Revenues collected, from records in the office of City Treasurer, for fiscal year ended 6/30/81, prepared by the Auditor of Public Accounts, Richmond, Va. The report reveals receipts of \$ 838,296.00; remittances of \$ 834,031.00; with balance due in amount of \$ 4,265.00. City Manager Milam noted that copies of the report would be available.

✓ For Council's information, correspondence dated 10/30/81 was presented and read from the Department of Taxation, advising that estimates of the total amount of A.B.C. profits that will be available for distribution to the localities during fiscal year 1982, had been revised downward from \$ 18.9 million to \$ 17.5 million. The revision was made in light of more information about the increased level of appropriation from profits to the Department of Mental Health & Mental Retardation for alcohol abuse programs as provided in the 1980-82 budget. Harrisonburg's revised estimate for 1982 will be in the amount of \$ 64,300. Manager Milam explained that the revision would amount to a shortfall of \$ 5,200., and reduction in city revenue of 7 1/2%, in that an amount of \$ 69,500. is provided in the City's budget.

✓ City Manager Milam informed Council that he had been advised through correspondence from the Director, Office of Revenue Sharing, that Harrisonburg's Statement of Assurances for Entitlement Period 13 funds, had been accepted by that office.

✓ Election results for votes cast in the City of Harrisonburg on General Election Day, Nov. 3, 1981, as submitted by members of the Harrisonburg Electoral Board comprised of Charles McNulty, III, Chairman; Philip H. Maxwell, Vice-Chairman, and Frances G. Ore, Secretary, were as follows:

For Governor of Virginia

Charles S. Robb (2,156); J. Marshall Coleman (2,456); Cora Tucker (11);
Jerry Falwell (1); Pee Wee Rexrode (1)

For Lieutenant Governor of Virginia

Richard J. "Dick" Davis (2,238); Nathan H. Miller (2,274); Quiet T. Please (1);
Jessie Jeffress (7); Robert Sapinger (1)

For Attorney General of Virginia

Gerald L. "Jerry" Baliles (1,868); Wyatt B. Durrette, Jr. (2,581);
James Ghee (7); Roy L. Brown (1)

For Members of the House of Delegates: (15th District)

I. Clinton Miller (3,002); Kevin G. Miller (2,983); William D. Boyer (1);
Richard H. Thompson (1); David Greenagle (1); Richard Sheehan (1);
Margaret Gordon (1); Roger Ritchie (3); Dr. Crystal Theodore (4);
Pee Wee Rexrode (2); Ronald Carrier (1); D.M. Souder (1); Karen George (1);
R. Dingledine (1); Tom Stanton (1); Charles S. McNulty, III (1)

Commissioner of Revenue

Victor J. Smith (3,056); Robert Schurtz (1)

Treasurer

Paul D. Moore (903); Beverly A. Simmons (3,578); Marshall Firebaugh (1)

✓ The following report was presented and read by the City Manager:

"A request by the City Council, under date, Tuesday October 27, 1981, in which a Board of Viewers were appointed to consider a possible closing of a portion of Kyle Street, plus a 10' alley and paper street, and report in writing whether or not there would be any inconvenience in the closing, and if so, what.

The Undersigned Board of Viewers report that in compliance to the above request and the embodied instructions, we interviewed Mr. James Monger, the representative of the various adjacent properties, and he expressed a willingness to submit a sealed bid, or would be an interested bidder if the property were offered for sale by public auction. It is our opinion and recommendation that the above request be granted and we find no inconvenience involved. See map of proposed property involvement herewith."

Paul H. Hardy

T.H. Lowery

John H. Byrd, Sr.

Manager Milam reminded members that a report from the Planning Commission had been presented and accepted at the October 27th meeting, in which recommendation was made for the City to start proceedings to close a portion of Kyle Street, and paper street between Kyle Street and Walnut Lane. Inclusion of the 10' alley between Kyle Street and the C-W Railway had been acted upon at that meeting. Following discussion, Councilman Rhodes moved that Council accept the reports of both the Planning Commission and Board of Viewers, and that the matter be referred to the City Attorney to be drawn in proper ordinance form with regard to the portions to be closed. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present. Further noted was the fact that payment for the Board of Viewers' services would be based on interpretation by the City Attorney, in this particular instance when closings are being initiated by the City.

✓ Vice-Mayor Green registered a complaint he had received concerning a vehicle of a non-handicapped parked in a space designated for the handicapped, on the city street, and suggested that Council consider adoption of a model ordinance, if necessary, to solve situations such as this. City Mgr. Milam noted that a section in the state code provides that if a handicapped person applies for a special license plate and sticker, the vehicle so equipped, is allowed to park in any metered space, as well as those designated for the handicapped. Chief Presgrave informed Council that under the state law, a vehicle with special license and sticker can be parked in a metered space, without feeding a meter, but is considered illegally parked if no license & sticker, even though the City has no specific ordinance. He suggested that a model ordinance be considered, in that State Code

Section 46.1-181.4:1 provides that the governing body of any city, county or town may adopt an ordinance, making it unlawful for a non-operator of a vehicle to park in a space reserved for the handicapped, and further that the ordinance may provide for summons to be issued by police officers without a warrant by the owner of any privately owned parking lot. He said there would be a definite need for such an ordinance, particularly for the Valley Mall parking lot, when that officially becomes a part of the City under annexation. It was agreed that the matter be given further consideration, with no action taken at this time.

✓ Council was reminded by the City Manager of Judge Paul's request at the August 11, 1981 meeting for joint funding by the city and county for support of the Division of Court Services of the General District Court, to share the salary and benefits for a Program Director, in that the position was no longer being funded under the Comprehensive Employment & Training Act (CETA). No action was taken at that meeting, other than a motion for the matter to be discussed with the Board of Supervisors for its reaction to the project. He said he had discussed joint funding with the County Administrator, and was under the impression that it would be on the Board's November 9th agenda, but now understands that the Board meeting was changed to this evening, with this matter not included on the agenda. Manager Milam said he preferred that the matter be delayed a few more weeks, in order to determine action by the Supervisors, in that the County had agreed to continue services of the Director via salary & benefits, through November, 1981, along with city funds which would be exhausted by that time. He offered an opinion that the County should take action first, in that it usually supervises court house operations, with the City then taking action to pay its proportionate share for the Court Services. Following discussion, it was unanimously agreed by Councilmen present, that the matter be deferred.

✓ Correspondence dated 11/2/81 from the Building/Zoning Official was presented and read, advising the City Manager of the necessity to revise various sections under Building Code Regulations: Chapter 2 "Electricity" and Chapter 3 "Plumbing", as soon as possible, in order to comply with the new state regulations concerning examination of contractors, prior to re-licensing in January, 1982. Examination fees have been regulated to offset expenses incurred, and method of charging has been changed. Following a brief discussion, Councilman Dingledine moved that ordinances amending the various sections be 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 recorded vote of Councilmen present.

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 57,244.76, requested by the City School Board in order to appropriate unanticipated receipts due to establishment of the Shenandoah Valley Regional Program for Special Education, be approved for second & final reading, a first reading having been approved on October 27th, and that:

\$ 54,444.76 chgd.to: School Fund (R-37) Antic. Rpts.from Other Funds, Rebates
2,800.00 chgd.to: School Fund (R-38) Antic. Rpts. from Other Funds, Rent
2,800.00 approp.to: School Fund (1203-219.02) Pupil Trans. Services- Trans.
by Public Carrier

46,186.00 approp.to: School Fund (1209-134.11) Fed.Programs- Comp.Elem.Tchrs.
8,258.76 approp.to: School Fund (1209-295.00) Fed.Programs- Fixed Charges

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Councilmen present.

✓ Councilman Dingledine moved that a supplemental appropriation in amount of \$ 5,853.01, requested by the Director of Parks & Recreation in order to transfer monies to general budget for salaries paid concession employees from 1981 seasonal profit of Westover Pool Concession Stand Account, be approved for second & final reading, a first reading having been approved on October 27th, and that:

\$ 5,853.01 chgd.to: Recreation Commission Revolving Fund- P & R Rev.Fund C-1
4,179.87 approp. to: General Fund (7104-1010.01) Community Activities Center-
Other Personal Services.

1,308.19 approp.to: General Fund (7107-1010.01) Westover Swimming Pool- Other
Personal Services

364.95 approp.to: General Fund (1217-2001.01) Employee's Retirement Admin.- Soc.Security.

The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Councilmen present.

✓ Council was reminded by the City Manager that a recommendation by the Harrisonburg Parks & Recreation Commission, to turn the Harris Pool property over to the Redevelopment & Housing Authority, had been discussed at the last regular meeting, and that he had expressed doubt as to whether or not the Authority had funds to fill in the pool and convert it for some other use. He noted that following that meeting, he had discussed the matter with city staff, and arrived at a decision to recommend that the property be sold at public auction or for sealed bids. Prior to any action concerning sale of this piece of property, Manager Milam said it would have to be referred to the City Planning Commission for study and recommendation. In describing the property, Manager Milam said it is 100' wide and 183' in depth, which would allow construction of a four-unit apartment building. A portion of the pool walls may be of sufficient strength for conversion into a building foundation. The property includes a 13' x 24' storage building; is completely fenced; and has sidewalk. Following discussion, and on motion of Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Councilmen present, the matter was referred to the City Planning Commission for study and recommendation. Councilman Dingledine suggested that contractors be contacted, to determine any interest they may have in that particular property.

✓ City Manager Milam informed Council that a proposed Central City Commercial Rehabilitation Loan Program was under consideration by the Redevelopment & Housing Authority, as an incentive to rehabilitation in the Downtown Central Business District. He presented correspondence from Mr. James Deskins, Executive Director of the R & H Authority, advising that Virginia National Bank's Harrisonburg and Charlottesville Offices have stated that they would purchase \$1 million in Housing Authority Bonds to finance the rehabilitation. Inasmuch as the Title 36 Redevelopment & Conservation Area was established to include the area just north and west of the central business district, Manager Milam noted that enlargement of the area by expansion of the boundary would have to be determined and

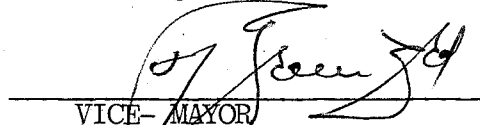
approved, through resolutions of Council and the Authority, to include the downtown business core where many buildings are vacant. Mr. Deskins further advised that the R & H Authority had discussed the matter, and members were in general agreement that this type of program is within the Authority's legal authorization, and is a "highly feasible method of providing below market financing for such rehabilitation." It was suggested that a survey of the expanded area be made by the City's Building Inspection Department, with maps and supporting documentation to be prepared by the City's Planning Department, in order to avoid costly purchases of such services from a consulting firm. Manager Milam informed Council that the bonds would be tax exempt (presently carrying 12% to 13% interest rate), and would be applied for through the R & H Authority. Following discussion, the City Manager was asked to arrange for Council to meet with members of the R & H Authority, in executive session, following the next regular meeting on November 24th.

✓ Assistant City Manager Driver informed Council that the steam plant project is moving along ahead of schedule. He said he had no more information than what he had read in the Daily News Record newspaper concerning a meeting scheduled for tomorrow night by the seven towns to discuss sending refuse to the City of Harrisonburg steam generating plant, rather than burying it in county landfills. Mr. Driver stated an intent to meet with each of the towns at a later date to explain the plant and its operation, and possibly working with the City Attorney after the first of next year to draw up agreements for the towns to consider. Rockingham County may also be asked to consider sending some of its refuse to the steam plant. The report was for information.

City Manager Milam reminded members of a Fall Regional Legislative Meeting of the Virginia Municipal League which is scheduled for December 15, 1981, 6:00 P.M. at the Sheraton Inn, Harrisonburg, and asked those desiring to attend, to contact him for reservation purposes.

There being no further business and on motion of Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Councilmen present, the meeting adjourned at 8:45 P.M.


CLERK


VICE-MAYOR

Tuesday, November 24, 1981

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were

Tuesday, November 24, 1981

At a regular meeting of Council held in the Council Chamber this evening at 7:30, 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, 3rd; Councilman Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on November 10th, were approved as corrected.

For information, the City Manager presented and read a Circuit Court Order, entered as of 9/29/81, appointing Philip H. Maxwell (member of the Republican Party) to serve as a member of the Harrisonburg Electoral Board for an unexpired term beginning September 25, 1981 and expiring on February 29, 1984. It was noted that Mr. Maxwell replaces Paul Denard Moore, who had submitted his resignation earlier.

City Manager Milam reminded Council that decision has been pending, concerning the City's participation in payment of salary and benefits for position of Program Director for the Division of Court Services, awaiting action by the Rockingham County Board of Supervisors. He reported that the Board has now voted to fund 50% of the estimated amount of \$ 13,225. for the remaining seven (7) months in this fiscal year (through June 30, 1982), which amount also includes office supplies, telephone, etc., as well as salary of the Director. He asked Council's wishes re payment by the City on a 50-50 matching basis with the county. The City will be billed in approximately 3 months for its share, which could be charged to the account of "Payment to Rockingham County", or transferred from some other source in the City's budget appropriations. He offered no reason to believe that the position would be funded under the July 1982 budget. Following a brief discussion, Councilman Cisney offered an opinion that the District Court should not expect the two localities to fund the program indefinitely, and moved that the City match County funding for the position of Program Director, from the account "Payment to Rockingham County" for the remaining seven months in this fiscal year, with the understanding that the Division of Court Services will work hard to become self-supporting through court fees, etc., after June of 1982. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

The following Planning Commission report from a meeting held on November 18, 1981, was presented and read:

"...The Director reviewed a site plan showing an eight-unit and 6-unit apartment building proposed by Mr. Clinton Hensley to be located on the south side of Dutch Mill Court in Block M of Rolling Hills Subdivision. In order to construct these apartments, certain existing lot lines need to be removed and new ones drawn. He pointed out that existing apartments are located on Lots 1-A, 2-A, 2-B and 4. The proposed resubdivision will reduce the size of Lots 1-A, 2-A, 2-B, establish Lot 3 and provide space on an enlarged Lot 4. The Final Plan, drawn by Mr. J.R. Copper, Land Surveyor, was also reviewed. Mr. Milam noted that the apartment on Lot 1-A doesn't have the required 25' rear yard setback. Mr. Byrd reported that the existing units were laid out several years ago as a cluster or group of apartments, disregarding lot lines.

Mr. Heath concluded the discussion, after noting that lot sizes and off-street parking requirements will be met, and moved that the Commission recommend approval of the resubdivision of Lots 1-A, 2-A, 2-B, 3 and 4 in Block M, Rolling Hills Subdivision, and that the City Council hold a Public Hearing to vacate certain lot lines crossing Lots 3 and 4. Mr. Trobaugh

seconded the motion and the following members voted in favor: Messrs. Heath, Trobaugh, Rhodes, Eneedy, Fleming and Mrs. Bowman. Voting against: none; abstaining: Mr. Milam..."

Councilman Rhodes informed Council that the Planning Commission members had seemed satisfied with the resubdivision of lots, and that the only question raised at the meeting was: no 25' rear yard setback on Lot 1-A. He moved that the Planning Commission report be accepted, and a public hearing on Lots 3 and 4 be scheduled for Tuesday, December 22nd, 7:30 P.M. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council, with instructions for the City Manager to properly advertise the Hearing in the Daily News Record newspaper.

✓ The following report from a November 18th meeting of the City Planning Commission was presented and read:

"...The Director described the location and size of the City-owned Harris Swimming Pool property on Kelley Street, noting that the Parks & Recreation Department has not operated the facility for two years and does not desire to renovate the facility. The Housing Authority has indicated they do not have funds to remodel or acquire the facility. City staff has suggested the 18,340 sq. foot property be sold, since it is in an R-2 zone and is served by water and sewer. Mr. Milam reviewed the City Council minutes, beginning in 1956 when the Cavalier Community Club requested the City to establish a swimming pool in the northeast section. By 1958, the pool was constructed. About \$ 4,600. was raised by public subscription and the City spent \$ 21,000. Mr. Milam concluded that the property is city-owned with no strings attached.

Mr. Trobaugh stated that the Parks & Recreation Commission feel it is in bad shape and too expensive to reopen, and the Westover Swimming Pool complex is large enough and central to the entire City. He then moved that the Planning Commission recommend to City Council that the Harris Swimming Pool property, consisting of 18,350 square feet, be offered for sale by public auction or sealed bid. Mr. Heath seconded the motion and all members voted in favor..."

City Manager Milam called Council's attention to a drawing by the Planning Director, showing the location, etc., and referred to Council minutes from the 1950s concerning the property. He noted that should the Planning Commission's recommendation to sell the property, be approved, the City could proceed with advertising of same by the method preferred. Following a brief discussion, Councilman Cisney moved that the Planning Commission's recommendation be approved, and that the Harris Swimming Pool property be offered for sale via sealed bid, with the right to reject any and all bids. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council. Manager Milam said that the bids would be opened during a regular meeting of Council, possibly the latter part of December, or in January.

✓ The following Planning Commission report, from a meeting held on November 18, 1981, was presented and read:

"...The Commissioners studied information from Transportation Director Reggie Smith, regarding future numbers of buses and taxis he anticipates in the department. A suggested layout for 35 buses and 52 autos plus room for a 50' x 80' dispatch center-garage structure, using City-owned property on the south side of East Washington Street, was described by Mr. Sullivan. He and Mr. Smith noted that the 1.32 acre area, between Northeast Park and the City reservoirs, would be landscaped to blend in with the park and nearby residences on East Washington Street and Kelley Street. They also suggested the dispatch center-garage building could be placed a substantial distance off East Washington Street. Mr. Milam added that construction of a sewer line for this facility would likely be extended to Kelley Street, where a few homes are on septic tanks and need City sewer service. He noted that most of the department's activity centers in the downtown and northern portions of the City, and locating this facility near City Shops at the old sewer treatment plant would result in a lot of unnecessary travel time for the taxis and buses. A third City-owned site reviewed by the Commission in October, is the Municipal Building area. Mr. Milam also reported that state highway officials have visited the City-owned sites and feel E. Washington Street is a good location.

Mr. Trobaugh offered a motion for the Planning Commission to recommend to City Council that the City Transportation Department locate its future headquarters on City-owned property, on the south side of East Washington Street, between Northeast Park and the City Reservoirs, provided site planning and design of the facilities be landscaped and located so as to blend with the character of the surrounding land uses. Mr. Heath seconded the motion and all members voted in favor..."

The City Manager called Council's attention to a map, showing location of the property, with a cul-de-sac at the end of Kelley Street, and proposed location of the Transportation Headquarters. Planning Director Sullivan presented a sketch of the proposed site, and pointed out location of the dispatch center and garage in the center of the property, facing east on Tower Street; parking areas; fencing; water & sewer lines, etc. Manager Milam offered an opinion that Mr. Sullivan's scheme was the best layout and would accommodate future anticipated vehicles. He noted that it has been determined that city-owned land should be utilized, if not presently being used for park area or otherwise, and that both he and the Transportation Director feel that the East Washington Street location is the most suitable for the department's needs. A disadvantage of lost time in travel would result in locating the headquarters in the City Shop area, in that calls are predominately from the southeast and northeast areas of the City, which includes JMU and the hospital. Manager Milam said he felt that the dispatch center and vehicles should not offend the neighborhood, and the personnel should prove to be good neighbors. One call has been received in his office from a resident of Northfield Estates, expressing concern that they were not given an opportunity to appear at the Planning Commission's public hearing. In respect to those property owners who had offered to sell property to the City for the Transportation Headquarters, Manager Milam expressed

thanks and appreciation. He estimated the cost for the project as \$ 100,000.00, which includes \$ 70,000. for the dispatch center building; \$ 20,000.00 for fencing and landscaping; and \$ 10,000. for gas pumps with credit card system. Council was informed that the Transportation Department will apply for a grant of \$ 100,000. on which the City will have to put up \$ 5,000. in matching funds, which amount is available. Following discussion, Vice-Mayor Green moved that the recommendation of the Planning Commission for locating Transportation Headquarters on City owned land at East Washington Street, be approved, with citizens in the area given an opportunity to be heard. Councilman Rhodes seconded the motion with the proviso that the Planning Commission allow citizen input at its next regular meeting on December 16th. The motion was adopted by a unanimous vote of Council.

City Manager Milam requested authorization of Council to file an application for Transportation Grant in amount of \$ 100,000.00, and presented the following resolution for consideration of approval:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA that the City Manager of the City of Harrisonburg is authorized, for and on behalf of the City of Harrisonburg, to execute and file an application to the Virginia Department of Highways & Transportation, Commonwealth of Virginia, for a grant of transportation special revenues authorized under budget item 621 of the 1978 Acts of the General Assembly - Chapter 850, item 621, State Aid for Capital Costs - in the amount of \$ 100,000. to defray ninety-five percent (95%) of the local matching share of the City of Harrisonburg for equipment, facilities and the associated costs of an approved Federal Capital Grant, to accept from the Virginia Department of Highways & Transportation, grants in such amount as may be awarded, and to authorize the City Manager to furnish to the Virginia Department of Highways & Transportation such documents and other information as may be required for processing the grant request.

The Harrisonburg City Council certifies that the funds shall be used in accordance with the requirements of the Appropriation Act of 1978, that the City of Harrisonburg will provide matching funds in the ratio as required in such Act (five percent (5%) of the local matching share), that the record of receipts and expenditures of funds granted the City of Harrisonburg, as authorized by the Acts of the General Assembly (Chapter 850 - item 621 - State Aid for Capital Costs) may be subject to audit by the Virginia Department of Highways & Transportation and by the State Auditor of Public Accounts, and that funds granted to the City of Harrisonburg for defraying the cost of public transportation capital costs of the City of Harrisonburg shall be used only for such purposes as authorized in the Acts of the General Assembly.

ADOPTED and APPROVED this 24th day of November, 1981

Atteste:

Clerk

Mayor

On motion of Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Council, the resolution was approved.

For consideration of second & final reading, an ordinance amending various sections of the City Code under Title II BUILDING CODE REGULATIONS: Chapter 2 "Electricity" and Chapter 3 "Plumbing" was presented by the City Attorney. He reminded Council that the ordinance was approved for a first reading on November 10th, and referred to him to be drawn in proper ordinance form. Noted further was the fact that the changes deal primarily with examination of contractors, examination fees, etc. and will bring the City's ordinance in compliance with that of the state. 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. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Council. (Ord. Bk K, page 243).

City Manager Milam reminded members that the matter of violations of vehicles parking illegally in spaces reserved for the handicapped, with no special state license plate displayed, had been discussed at the last regular meeting, when a complaint from a citizen had been registered. He noted that since that meeting, a proposed ordinance had been prepared, whereby Sec. 12-1-73 entitled "Parking in spaces reserved for handicapped persons" would be added to the City Code. Chief Presgrave said he had discussed the need for such an ordinance, with the City Attorney, resulting in the proposed ordinance before Council at this time. He explained that the section would not only make it unlawful for an unauthorized vehicle to park in a space designated for the handicapped, but would enable police officers to enter upon parking lots of privately owned shopping centers and business offices for the purpose of enforcing the ordinance, without a formal complaint, written or otherwise. The ordinance sets out a fine of \$ 5.00 for a violation if paid within 48 hours, and an increase to \$ 10.00 after those hours. During discussion, Councilman Rhodes raised a question concerning cards which may be issued to a person, in instances when driving is prohibited due to a physical problem, for a temporary period, and someone else has to drive. Vice-Mayor (Dr.) Green noted that a doctor's certificate could be issued a patient, which could be forwarded to the Division of Motor Vehicles, for issuance of a special permit, which would qualify the person as handicapped, and afford the same privilege as others in using designated parking spaces. Councilman Rhodes offered an opinion that this should be set out in the proposed ordinance. After further discussion, Councilman Cisney moved that the ordinance be approved for a first reading, and referred back to the City Attorney for revision, to include the special permit issued by the D.M.V. The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council.

Council was reminded of a vacancy which will be created on the Building Code Board of Appeals as of November 30, 1981, due to expiration of term currently being filled by Michael Patrick, and the Mayor asked Council's wishes. On motion of Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Council, Mr. Patrick was appointed to serve his first full term of five years, expiring November 30, 1986.

A request was presented from Police Chief Presgrave for approval of a supplemental appropriation in amount of \$ 692.36 in order to replace funds that were paid out for police vehicles involved in accidents---insurance checks received. Councilman Dingledine moved that the appropriation be approved, and that:

\$ 692.36 chgd.to: General Fund (4101.01) Recoveries & Rebates, Insurance

692.36 approp.to: General Fund (3101-3004.03) Maint. & Repairs- Auto Equip.

The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

The City Manager presented a request from the City School Board for approval of a transfer of funds within school appropriations in amount of \$ 2,500., in order to transfer funds appropriated for rental of Data Processing Equipment to Capital Outlay. It was noted in the request that the transaction would allow purchase of an additional CRT and table, for Data Processing. Following a brief discussion, Vice-Mayor Green moved that the transfer be approved, and that:

\$ 2,500. trans.from: School Fund (1206-214.02) Fixed Chgs.- Rental or lease equip.

2,500. trans. to: School Fund (1900-403.00) Cap.Outlay- Furn. & equip.

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council.

A request was presented from the Community Development Coordinator for approval of a supplemental appropriation in amount of \$ 2,206.00, for expending of program income from HUD Grant R-78-DN-51-0120, prior to spending of any Federal Community Development Block Grant Monies. Councilman Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 1,001.00 chgd.to: General Fund (1901.01) Real.Revenue- Recoveries & Rebates

1,205.00 chgd.to: General Fund - Unappropriated Fund Balance

2,206.00 approp.to: C.D.Revolving Fund

The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council.

Council was informed by the City Manager that the County is taking bids from C.P.A.firms for its next year's audit, with proposals to be submitted by December 8th. Inasmuch as the firm of Keeler & Phibbs has been employed for several years for the City's audit, and may submit a proposal to the County for next year, Manager Milan recommended that they be appointed at this time for the City's 1981-82 audit. Following a brief discussion, Vice-Mayor Green moved that the City Manager be authorized to employ the firm of Keeler, Phibbs & Co. for the City's 1981-82 audit. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

At 9:05 P.M., Councilman Dingledine moved that Council enter an executive session with members of the Harrisonburg Redevelopment & Housing Authority, its attorney, and executive director, for the purpose of discussing the proposed Central City Commercial Rehabilitation Loan Program. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

On motions duly adopted by Council, and the R & H Authority members, the executive session was declared closed at 9:40 P.M., and the regular session of Council reconvened.

Following a meeting with members of the Harrisonburg Redevelopment & Housing Authority, Authority Attorney James Sipe, and Mr. Jim Deskins, Executive Director of the Authority, in executive session, to discuss the proposed "Central City Commercial Rehabilitation Loan Program", the following resolution was read for consideration of approval:

RESOLUTION OF THE COUNCIL OF
THE CITY OF HARRISONBURG ADOPTING A REHABILITATION DISTRICT

WHEREAS, the Harrisonburg Redevelopment & Housing Authority has recommended that the City Council, pursuant to the provisions of § 36-52.3 of the Virginia Code, as amended, adopt a resolution declaring that the area of the City of Harrisonburg, as more particularly described in the boundary description and area shown in red upon the boundary map attached hereto and made a part hereof as Exhibits 1 and 2 respectively, is a 'Rehabilitation District'; and

WHEREAS, such area is adjacent to the area embraced in the 'Conservation Plan' previously adopted by the City Council and if said area is not rehabilitated, it is likely to deteriorate to a condition similar to that which existed in the area embraced in the conservation plan; and

WHEREAS, pursuant to Title 36, the Harrisonburg Redevelopment & Housing Authority is unable to assist owners or occupants within the proposed rehabilitation district including the power to lend money and make grants to said owners or occupants until the City Council declares the area as a 'Rehabilitation District':

NOW, THEREFORE, it is hereby

RESOLVED, that the portion of the City of Harrisonburg more particularly described in the boundary description and the red portion of the map attached hereto as Exhibits 1 and 2 respectively is adjacent to an area embraced in a 'Conservation Plan' previously approved by the City Council pursuant to Sec. 36-49.1 and said adjacent area is deteriorating and, if not rehabilitated, is likely to deteriorate to a condition similar to that which existed in the area embraced in the 'Conservation Plan', and be it

FURTHER RESOLVED, that the area described in the boundary description and boundary map attached hereto as Exhibits 1 and 2 is hereby declared and designated as a 'Rehabilitation District' within the meaning of Sec. 36-52.3 of the Virginia Code, as amended, in order to enable the Harrisonburg Redevelopment & Housing Authority to, among other things, encourage and assist property owners within the 'Rehabilitation District' including the power to lend money and make grants to owners or occupants within said district, directed towards the prevention and elimination of deteriorating conditions therein.

ADOPTED and APPROVED this ____ day of ____, 1981

Mayor


Attest:

Clerk

Councilman Cisney moved that the resolution be approved, 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 Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Council, the meeting adjourned at 9:50 P.M.


CLERK


MAYOR

At a regular meeting of Council held in the Council Chamber this evening at 7:30, there were present: Mayor Roy H. Erickson; Clerk N. Arlene Loker; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: City Manager Marvin B. Milam; Vice-Mayor Walter F. Green, 3rd and City Attorney Norvell A. Lapsley.

Minutes of the regular meeting held on November 24th were approved as corrected.

The following regular monthly reports were presented and ordered filed:

From the City Manager:

A report of activities in the various departments and said office for the month of November, 1981.

From the City Treasurer:

A trial balance report as of close of business on November 30, 1981

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 \$ 7,065.11

From the City Auditor:

A financial report for the City of Harrisonburg, Va., month of November, 1981

A report of cash discounts saved in payment of vendor's invoices for month of November, 1981, totaling \$ 202.12

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 November, 1981.

✓ Council was informed through correspondence from the Superintendent of City Schools, of a Legislative Forum on Educational Funding and Salary Incentive Funding for Virginia's Public School Personnel, scheduled for Wednesday, December 16th, in Staunton, Va.

✓ Assistant City Manager Driver informed Council that following the filing of an application through the State Water Control Board for a tax exempt certificate on the City's Heat Recovery Plant for materials and equipment, he had received notice that the application had been approved (primarily because of the plant's value in controlling pollution), and a letter forwarded to the Department of Taxation by the Water Control Board, to this effect. Mr. Driver estimated a saving of well over \$ 100,000., and expressed pleasure in being able to report a positive side of the project.

The Assistant City Manager presented a news release from Delegate Richard Cromwell of Roanoke, announcing a public hearing which will be held by his sub-committee studying the impact of recent court decisions on zoning powers of local governments, on Wednesday, December 16th, beginning at 7:30 P.M. in Fairfax, Va. All private individuals and local government officials were urged to attend the hearing.

✓ Mrs. Barbara Perry-Sheldon, representing other members of the Local Committee for the Year of the Disabled, gave background information concerning formation of the committee, and reported on activities that had been undertaken during this calendar year to make the community more aware of needs of the disabled. These activities included a survey of recreational facilities which revealed that a lot of city programs were not organized for participation by the handicapped; the placing of reminders on unauthorized vehicles parked in spaces reserved for the handicapped; and a campaign urging handicapped people to vote by absentee ballot, in that the city's voting places are inaccessible to them. Some improvements have been made: (i.e. installation of a lift for handicapped people in the pool at Westover Park, by the Pilot Club; and plans by the Lutheran Church for installing special playground equipment in one of the city parks. Council was encouraged to continue to work to provide full participation and equality by designating a group to be an advisory committee to the Council so that barriers identified by the committee represented this evening might begin to be eliminated. Council was also encouraged to enact the ordinance allowing tickets to be given for illegal parking in a handicapped zone. Mayor Erickson accepted a plaque, on behalf of the City, recognizing the City of Harrisonburg as a "community partner" in nationwide efforts to provide for full participation by handicapped people, and offered a personal opinion that formation of an advisory committee sounds interesting, in that this is a good program.

✓ For consideration of a second & final reading, Assistant City Manager Driver presented an ordinance amending the City Code by adding Section 13-1-73 entitled: "Parking in spaces reserved for handicapped persons." He offered a personal opinion that the ordinance seems "one-sided", and needed to define how handicapped spaces should be designated. He made reference to areas with curb markings, which are invisible at night, and said he felt that an unauthorized vehicle should not be ticketed in situations such as this. Chief Presgrave said he felt that the curb markings were no different than yellow on curbs prohibiting regular parking, and that he could see no difficulty in enforcing the ordinance, as written. Noted further was the fact that it may not be feasible to place regular signs for the handicapped (blue background with wheelchair) in parking lots, in

that they may not remain standing. In reply to a question raised, the chief said that private property owners do keep their spaces well painted. Councilman Cisney offered a motion that the ordinance be approved for second & final reading. Councilman Dingleline raised a question concerning wording of the ordinance, in that it does not cover a situation when a handicapped person is being driven by someone else. Chief Presgrave said that as long as the vehicle displays a special permit on the windshield, and the person being driven has a card issued by the D.M.V., the vehicle is not in violation of the ordinance. Councilman Dingleline suggested that this be called to the City Attorney's attention, in order that he may review the ordinance to ensure that people driving a vehicle for a handicapped person, would not be subject to a ticket for using a parking space designated for the handicapped. Councilman Cisney then withdrew his motion for second reading of the ordinance, pending a decision by the City Attorney. Assistant City Manager Driver was asked to contact the City Attorney, and have the matter placed on Council's agenda for the December 22nd meeting.

✓ Council was reminded that Mr. Michael Layman's first term on the Harrisonburg Parks & Recreation Commission would expire on December 31st of this year, and Mayor Erickson asked members' wishes concerning an appointment. On motion of Councilman Dingleline, seconded by Councilman Cisney, and a unanimous vote of Councilmen present, Mr. Layman was appointed to the P & R Commission for a second term of four (4) years, expiring on December 31, 1985.

✓ The Mayor reminded members that the first terms of Messrs. Jack Reich and O. Walton Wine, on the Harrisonburg Electric Commission, would expire on December 31st of this year, and asked their desire concerning appointments. Councilman Cisney moved that Messrs. Reich and Wine be reappointed to serve second terms on the H.E.C., for a period of three (3) years, expiring December 31, 1984. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Councilmen present.

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 2,206.00, requested by the Community Development Coordinator in order to expend Program Income from HUD Grant, prior to spending federal monies, be approved for second & final reading, a first reading having been approved on November 24th, and that:

\$ 1,001.00 chgd.to: General Fund (1901.01) Real.Revenue- Recoveries & Rebates
1,205.00 chgd.to: General Fund- Unappropriated Fund Balance
2,206.00 approp.to: C.D.Revolving Fund

The motion was seconded by Councilman Dingleline, and adopted by a unanimous recorded vote of Councilmen present.

✓ A request was presented from the Chief of Fire, for approval of a supplemental appropriation in amount of \$ 4,406.45 in order to recover funds already expended in reference to Dispatchers funded by Rockingham County. Councilman Dingleline moved that the appropriation be approved for a first reading, and that:

\$ 4,406.45 chgd.to: General Fund (1901.01) Recoveries & Rebates
4,000.00 approp.to: General Fund (3201-1001.06) Dispatchers' Salaries
406.45 approp.to: General Fund (3201-5413.01) Other Oper. Expenses

The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Councilmen present.

✓ Council received a request from the Harrisonburg School Board Office for approval of a transfer of funds within school appropriations in amount of \$ 1,950.00, in order that needed data processing equipment might be purchased. Noted in the request was the fact that purchase of an additional CRT for the Data Processing Department had been approved at the last school board meeting, and that rental of a printer should be considered as soon as possible, in order to make the schools independent of the city for data processing needs, with the exception of using the main processing unit. When question was raised by Councilman Dingleline concerning the need for the schools to be independent of the city with regard to data processing procedures, City Auditor Peterman pointed out that the School Board has, for some time, desired to process its own checks, vouchers, etc. Following a brief discussion, Councilman Rhodes moved that the transfer be approved, and that:

\$ 1,950.00 trans.from: School Fund (1206-214.02) Fixed Chgs.- Rental/lease of Equip.
1,950.00 trans. to: School Fund (1900-403.00) Cap. Outlay- Furn. & Equipment

The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Councilmen present.

✓ A request was presented by the Assistant City Manager, as submitted by the City School Board, for approval of a supplemental appropriation in amount of \$ 55,392.00, in order to appropriate unanticipated increases in special education revenues from the state, and to appropriate funds from unappropriated balance for: tuition for six students under the regional special education program; tuition for two special education students in private schools; transportation costs for special education students by public carrier (60% of each of the costs reimbursable by the state). Further noted was the fact that the amount charged to unappropriated balance would partially defray the 40% local cost for the three items. Councilman Dingleline moved that the appropriation be approved for a first reading, and that:

\$ 47,339.40 chgd.to: School Fund (R-12B) Antic.Repts.- Rcpts.from State Funds
8,052.60 chgd.to: School Fund - Unappropriated balances
31,380.00 approp.to: School Fund (1201-221.00) Instruction- Tuition Pd. Other Divisions
15,012.00 approp.to: School Fund (1201-221.01) Tuition Pd. Private Schools
9,000.00 approp.to: School Fund (1203-219.02) Pupil Trans. Services- Trans.by Pub.Carrier

The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Councilmen present.

There being no further business, and on motion of Councilman Cisney, seconded by Councilman Dingleline, and a unanimous vote of Councilmen present, the meeting adjourned at 8:20 P.M.

W. G. Loken
CLERK

Ray Erickson
MAYOR

Tuesday, December 22, 1981

At a combined public hearing and regular meeting held in the Council Chamber this evening at 7:30, 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, 3rd; Councilmen Raymond C. Dingleline, Jr., Elon W. Rhodes, James C. Cisney; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting on December 8th were approved as corrected.

✓ The following advertisement for public sale of city owned property, as published in the Daily News Record newspaper on December 3, 10, 17 and 21 was read by the City Manager:

PUBLIC SALE
HARRIS SWIMMING POOL PROPERTY

The City Council, City of Harrisonburg, will receive sealed bids until 7:30 P.M., December 22, 1981, for the Harris Swimming Pool property, fronting 100 feet on Kelley Street and running 183.5 feet with Hill Street being known and designated as Lot No. 9, Section A of Hilltop Addition. Said lot is in an R-2 Zone and consists of 18,340 square feet, which allows four (4) dwelling units. The property has a 60' swimming pool, sidewalks and a 13 foot by 24 foot filter house, and entire property has 6 foot high chain link fence, public water and sewer extends to the premises. Pool was constructed in 1958 and plans are available in the City Building and Zoning Official's Office.

Bids may be submitted in a sealed envelope to the City Manager's Office, Second Floor Municipal Building or presented to the City Council no later than the above date, at which time and place all bids will be opened and read aloud. The City Council reserves the right to reject any or all bids.

MARVIN B. MILAM, CITY MANAGER

Two bids were opened and read aloud by the Clerk, as follows:

\$ 6,000. submitted by Mr. V.W.Nesselrodt for Nesselrodt Construction Co.

\$ 3,123.45 submitted by Mr. Nick J. Forkovitch

Mr. Charles Thomas, President of the Harrisonburg NAACP, requested that revenue derived from sale of the pool property be put back into that community on such projects as: lights for the tennis courts, streets, sidewalks, guttering, etc. The City Attorney noted that a 30 day period is normally allowed for a decision to accept or reject bids received. Councilman Rhodes suggested that the matter be further discussed in private, in that he had some questions, and all members agreed to an executive session following this meeting, for that purpose. Councilman Dingleline said he appreciated the suggestion by Mr. Thomas for funds to be used in that general area, and gave assurance that this would be given Council's consideration. Mayor Erickson said that a recommendation would be given the City Manager and others, who will be preparing the City's budget for the next fiscal year.

✓ At 7:50 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 published in the Daily News Record newspaper on December 3rd and 17th:

"The Harrisonburg City Council will hold a Public Hearing on Tuesday, December 22, 1981, at 7:30 P.M. in the City Council Chambers to consider vacating the eastern 100 feet of property lines between Lots 1-A, 2-A, and 2-B, and all of the lot lines between Lots 3 and 4 in Block M, Rolling Hills Subdivision. These lot lines requested to be vacated by owner Clinton Hensley, are situated on the south side of Dutch Mill Court in southeast Harrisonburg.

This action is being taken in accordance with the Code of Virginia, Section 15.1-482 (b). All persons interested in this matter will be granted an opportunity to be heard.

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

City Manager Milam pointed out the lot locations on a map, and pointed out the fact that a public hearing is necessary prior to the vacation of lot lines, as well as two readings of a proper ordinance. Noted further was the fact that a report from the City Planning Commission meeting of November 18, 1981, and presented to Council on November 24th, contained the following motion: "that the Commission recommend approval of the resubdivision of Lots 1-A, 2-A, 2-B, 3 and 4 in Block M, Rolling Hills Subdivision, and that the City Council will hold a Public Hearing to vacate certain lot lines crossing Lots 3 and 4." Mayor Erickson called on anyone who may desire to be heard on the matter. There being no one present, the public hearing was declared closed at 7:55 P.M. and the regular session reconvened.

✓ Councilman Rhodes moved that an ordinance for vacation of property lines between Lots 1-A, 2-A, and 2-B (representing the eastern 100 feet), and all of the lot lines between Lots 3 and 4 in Block M, Rolling Hills Subdivision, 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.

✓ Council was reminded that Mr. Nelson Wetsel's second term on the Harrisonburg Parking Authority had expired on November 28th of this year, and that under the City Code, a member can serve no more than two successive terms. Mayor Erickson asked members' wishes concerning an appointment to that vacancy. Councilman Rhodes said that Mr. Jeffrey A. Nemoytin had expressed an interest in that particular Authority, in that he is the owner of two businesses in downtown Harrisonburg, and could offer suggestions with regard to parking, etc. He offered a motion that Mr. Nemoytin be appointed to serve as a member of the Harrisonburg Parking Authority for his first full term of five (5) years, expiring on November 28, 1986. The motion was seconded by Vice-Mayor Green, and

adopted by a unanimous vote of Council.

✓ A letter dated 12/18/81 from Mr. William C. Harris was read, in which he tendered his resignation as a member and Vice-Chairman of the Harrisonburg School Board, effective January 5, 1982, due to his acceptance of a position with United Virginia Bank, Richmond, Virginia. Mr. Harris said that of all the activities he had been involved in during his ten years in this area, none had been more rewarding than the short time he had served in that capacity. Councilman Dingleline moved that Mr. Harris' resignation be accepted, with regrets, and that a letter of appreciation be forwarded to him. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ Councilman Cisney moved that a supplemental appropriation in amount of \$ 4,406.45, requested by the Chief of Fire in order to recover funds already expended in reference to Dispatchers funded by Rockingham County, be approved for second & final reading, a first reading having been approved on December 8th, and that:

\$ 4,406.56 chgd.to: General Fund (1901.01) Recoveries & Rebates
4,000.00 approp.to: General Fund (3201-1001.06) Dispatchers' Salaries
406.45 approp.to: General Fund (3201-5413.01) Other Oper. Expenses

The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Council.

✓ Councilman Dingleline moved that a supplemental appropriation in amount of \$ 55,392.00, requested by the City School Board in order to appropriate unanticipated increases in special education, and to make appropriations for special education students, be approved for second & final reading, a first reading having been approved on December 8th, and that:

\$ 47,339.40 chgd.to: School Fund (R-12B) Antic. Rpts.- Rpts. from State Funds
8,052.60 chgd.to: School Fund - Unappropriated Balances
31,380.00 approp.to: School Fund (1201-221.00) Instruction- Tuition Pd. Other Div.
15,012.00 approp.to: School Fund (1201-221.01) Tuition Pd. Private Schools
9,000.00 approp.to: School Fund (1203-219.02) Pupil Transportation Service

The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Council.

✓ City Manager Milam presented a preliminary plan of the proposed Transportation Center and noted location as northeast Harrisonburg: east side of E.Washington Street between the city reservoirs at Tower Street and Northeast Park. He called attention to the proposed 50' x 80' building (Dispatch Center and Garage), with three bays, several offices, etc., as well as fence location, parking area for vehicles, and park area. Manager Milam noted that surface drainage would be to the western end of Kelley Street and that a sewer line would have to be worked out in the vicinity of Gay & Summit Streets. Mr. Harold Magee of 931 Old Furnace Road, objected to the property location, noting that a bus garage should never be placed in a residential area, and suggesting there must be a better location to serve the transportation needs. He informed Council that the area is already a drag strip both ways, and that the bus garage would add to the noise and traffic. When Councilman Dingleline questioned whether or not the building would be visible to Old Furnace Road, Manager Milam said he feels the building, which will be about 16' from the ground, would not be visible to Old Furnace Road, but that it would be, from Northfield Estates. He explained the schedule on which the buses, school buses and taxis run, noting that only the taxis will operate on Sundays, with very little vehicular activity in early morning hours during the week. The building will be constructed in such a way as to be compatible in the area, and attractively landscaped. Council was reminded by the City Manager that the East Washington Street location had been recommended by the City Planning Commission, after much review and field trips to several other locations. The City Shop area, already crowded, would be a distance of two miles each way for the transportation vehicles to travel to the central location in the city. The idea of this location was scrapped, along with several others which included the area between the Municipal Building and Daily News Record building. Councilman Cisney moved that the earlier decision of Council to approve the recommendation of the Planning Commission for the Washington Street location, be allowed to stand, and the motion was seconded by Councilman Rhodes. Diane Spreser of Northfield Court, offered an opinion that the building would be an eyesore, with height necessary to accommodate buses, and said she would like to see the matter studied further. Manager Milam pointed out the fact that transportation is considered a utility, and is acceptable for location in any zone. Noted further was the fact that it is the general feeling of all concerned, that city owned land should be utilized for city purposes, rather than additional land purchases. He gave assurance that the building would be made as compatible as possible to the surrounding neighborhood. The motion allowing an earlier decision for the E.Washington Street location to stand, was adopted by a majority vote of Council. Voting aye: Councilmen Rhodes, Cisney, Green and Erickson. Voting nay: Councilman Dingleline.

✓ City Attorney Lapsley presented a revised ordinance establishing Section 13-1-73 of the City Code, entitled: "Parking in spaces reserved for handicapped persons", and explained that the ordinance now provides for a handicapped person to be driven by another party with no violation in parking, if the vehicle is displaying a special license or handicapped parking permit. Question had been raised at the last regular meeting concerning wording of the ordinance, with action deferred, pending review by the City Attorney. 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 pages of the City's Ordinance Book. The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council. (Refer to Ord, Bk k, pg.255).

✓ For consideration of a first reading, an ordinance amending Section 13.1-15 of the City Code "Motor Vehicles & Traffic", under sub-sections (e) and (h), was presented. The City Manager reminded Council that recommendation for increases had been made in his budget message for fiscal year 1981-82, and provision for the additional revenue included in the budget. Should the ordinance for increases not be approved, he noted that appropriations in the various city departments, totaling \$ 50,000. would have to be cut. He informed Council that the present license fees had been compared with other cities, and proposed increases agreed upon by several department heads. The proposed changes were reviewed as follows: Sub-section (e) increase fees from \$ 10.00 to \$ 15.00 on all classes of passenger vehicles except taxicabs, convertible vehicles, buses, motorcycles, scooter

bikes and motor driven vehicles. Sub-section (h) presently provides that in no case shall the fee for all motor vehicles, trailers and semitrailers not designed for transportation or passengers, be less than \$ 10.00 nor more than \$ 50.00, with fee based on gross weight of the vehicle. The amended ordinance sets scale as no less than \$ 20.00 nor more than \$ 64.00, with breakdown of cost based on \$ 2.00 rate per each 1,000 lbs. gross weight of vehicle, ranging from 10,000 lbs. or less, to 31,001 lbs. and over. During discussion, question was raised by Councilman Cisney concerning the fact that sub-sections (f) and (g), referring to taxicabs and convertible vehicles, respectively, set out license fee as \$ 10.00, which appeared not to be compatible with the increase in fee under sub-section (e). It was agreed that the two sections should be included in the ordinance, with increase from \$ 10.00 to \$ 15.00 for those two classes of vehicles. Councilman Cisney moved that the ordinance be approved for a first reading, and referred back to the City Attorney for inclusion of the two sub-sections, (f) and (g) under Section 13.1-15. The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council.

Based on requests received, and a meeting with department heads, Assistant City Manager Driver presented for consideration of Council, the following two recommendations for additional fringe benefits for city employees, effective January 1, 1982:

- (1) paid holiday on employee's birthday
- (2) payment for unused sick leave days upon separation from city, after five years service, 1/4 of sick leave up to maximum of \$ 2,500.

Mr. Driver explained that the paid birthday holiday would increase paid holidays from 8 to 9 per year, with no adverse effect on the city. The payment for unused sick leave should eliminate to some extent, abuse of sick leave time and result in a saving of money to the City in the long run. He noted that guidelines would have to be drawn on the proposals, if approved. When question was raised by Councilman Cisney concerning whether or not a doctor's certificate is required on sick days off, Mr. Driver replied that this was required only of those employees known to abuse sick leave, and does not apply to a day off with a cold, etc. Following discussion, Councilman Cisney moved that Assistant City Manager work out guidelines on the proposals for presentation to Council. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council. As an added note of information, City Manager Milam reported that the monetary annual fringe benefit total per city employee has escalated to \$ 5,000. - \$ 6,000.

City Manager Milam referred to a letter he had received from the Insurance Services Office, Richmond, Va., advising that the City of Harrisonburg, under a recent survey, has been classified from 5 to 3, with reduced rates effective January 1, 1982 on many insured commercial properties within the city. An enclosed grading sheet rated Harrisonburg in the two 10 of a forty-one city survey. He noted that prior to Chief Austin's employment with the City, Harrisonburg had a classification of 6. Also attributed to the improvement in classification, was water supply and services rendered through the City's fire and building codes. Councilman Dingledine said that the City Manager should be commended for progress made.

Correspondence dated 12/11/81 was presented and read from City Treasurer Firebaugh, in which he requested authorization to charge off various outstanding checks on local banks, dates covering years 1976 through 1979, as per lists enclosed. Efforts have been made by the Treasurer's Office to turn the checks (representing payment of invoices, payrolls, etc.) over to the various recipients, with few responses to letters written. Total checks listed are as follows: Virginia National Bank, \$ 715.02; Rockingham National Bank, \$ 664.46; Valley National Bank, \$ 130.27; United Virginia Bank, \$ 267.62. Following a brief discussion, Councilman Rhodes moved that the City Treasurer be authorized to charge the various outstanding checks, as listed, off city records. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

For information, Council was informed that the City Manager had been advised through correspondence from City Treasurer Firebaugh, that he had filed in the Clerk's Office a list of lands delinquent for three years and subject to sale, for the year 1978, in amount of \$ 367.96. Further noted was the fact that the law prohibits any further action by the treasurer. Following a brief discussion, the City Attorney was asked to investigate the matter to determine whether or not a tax lien could be placed against the properties, and if so, what cost would be involved, etc., and report back to Council.

City Manager Milam referred to an excerpt from Council minutes of July 28, 1981, concerning authorization of a temporary connection to the City's 12" water line, US 11 south, for Rockingham Warehouse Center, and noted that expiration date for the connection is December 31st of this year. He said that a monthly flat rate charge of \$ 1,025.00 has been paid, through the month of November. Manager Milam reported no new requests for connections to that particular line, and recommended that the temporary connection for Rockingham Warehouse Center be continued on a month-to-month basis, until such time as another source of supply can be found. Following discussion, Councilman Dingledine moved that the recommendation of the City Manager be approved. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

At 9:45 P.M., Councilman Dingledine moved that Council enter an executive session to discuss real estate and personnel. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

At 10:10 P.M., on motion duly adopted, the executive session was closed and the regular session reconvened.

Councilman Cisney moved that Council acknowledge receipt of two bids on the Harris Pool property, and that the bidders be notified that determination will be made within 30 days with regard to acceptance or rejection of the bids. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

No further action, and on motion duly adopted, the meeting adjourned at 10:15 P.M.

N. Palmer Loken
CLERK

Ray Crooks
MAYOR