

Tuesday, January 12, 1982

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 December 22nd, 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 December, 1981.

From the City Treasurer:

A trial balance report as of close of business on December 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 \$ 4,928.36

From the City Auditor:

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

A report of cash discounts saved in payment of vendor's invoices for month of December, 1981, totaling \$ 185.99

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, 1981

✓ Correspondence dated 1/7/82 from Attorney Thomas Wilson, was presented and read, to which was attached a plat of proposed re-subdivision of Lots 6, 7, 8 and a portion of Lot 9 of the Spotswood Acres Subdivision, which re-subdivision is being requested by Victory Baptist Church, owner of the lots. On motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Council, the request was referred to the City Planning Commission for study and recommendation.

✓ For consideration of Council's approval, the following proposed resolution was presented and read:

*WHEREAS, the Harrisonburg Electric Commission as of January 1, 1981, has been in existence for twenty-five years; and*

*WHEREAS, said Commission was established by Council as a separate unit of city government for the purpose of developing, managing and operating the electric system of the city; and*

*WHEREAS, over the last twenty-five years since said Commission was created, it has developed the electric system into a highly successful, efficient and profitable part of the city government; and*

*WHEREAS, it has provided excellent service and returned a large part of its revenue to the city which has greatly benefited the citizenry of our community;*

*NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Harrisonburg, at its regular meeting held this 12th day of January, 1981, that The Harrisonburg Electric Commission, its present and past commissioners, officers, staff and employees be recognized and commended for their excellent work and dedication in the development and operation of the electric system over the past twenty-five years and for the services rendered our community.*

*Mayor*

Atteste:

*Clerk*

Councilman Dingledine moved that the resolution be approved, with authorization for the proper officials to sign same on behalf of Council. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ Council was reminded by the City Manager that two sealed bids had been received and opened at the last regular meeting on December 22nd, for purchase of the Harris Pool property located in northeast Harrisonburg, as follows: \$ 6,000., submitted by Mr. V.W. Nesselrodt for Nesselrodt Construction Company; and \$ 3,123.45, submitted by Mr. Nick J. Forkovitch. Inasmuch as current value of the property was not known, request was made for the City's Real Estate Appraiser to appraise same and report his determination to the City Manager. According to correspondence dated January 6, 1982, from Mr. Kale B. Barb, Real Estate Appraiser, the property in question is currently valued at \$ 8,000. Although the matter was discussed briefly, with members in general agreement that the highest bid should be considered, Councilman Rhodes expressed a desire for the decision to be deferred in order to allow time for further discussion. Members agreed that this be discussed further during an executive session, following the regular session this evening.

✓ For consideration of a second & final reading, City Manager Milam presented an ordinance for vacation of various lot lines in the Rolling Hills Subdivision, as requested by Mr. Clinton Hensley, which ordinance had been approved for a first reading on December 22, 1981, following Council's public hearing. He called attention to a plat attached to copies of the ordinance showing vacation of the eastern 100' of the lines between Lots 1A, 2A and 2B, and the entire line between Lots 3 and 4, in Block M, of the Rolling Hills Subdivision. 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 256).

✓ For consideration of second reading, the City Manager reviewed with Council a revised ordinance

amending Section 13.1-15 of the city code "Motor Vehicles & Traffic", which includes not only sub-sections (e) and (h) as set out in the original ordinance approved for a first reading on Dec. 22nd, but also sub-sections (d), (f), (g), and (k) all of which apply to license fee charges on various vehicles. He noted that inasmuch as sub-section (j), as presently written, sets a fee for trailer or semi-trailer designed for use as living quarters, and the words motor homes have been added under sub-section (h) of the revised ordinance to be charged according to gross weight of the vehicle, sub-section (j) is being reserved for any future provision. Following the review and discussion, Councilman Dingledine moved that the ordinance, as revised, 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. (Refer to Ord. Bk K, pages 257-258).

✓ Council was informed by the City Manager that request has been made by the Virginia Department of Corrections, and others, for the City of Harrisonburg to participate in a community diversion project, with representation on a Community Corrections Resources Board, and reviewed with members "Guidelines For the Administration of Community Diversion Projects." He explained that the program will offer alternatives to prison terms, by way of financial restitution or community service work. The Board, comprised of representatives appointed by the Circuit Court and participating localities, will be fully funded by the State Department of Corrections. He read the following proposed resolution for Council's consideration of approval:

*WHEREAS, at the request of the Virginia Department of Corrections, and others, the City Council of the City of Harrisonburg, Virginia, hereby authorizes the implementation of the Virginia Community Diversion Program on July 1, 1981 contingent upon one hundred percent (100%) funding from the Commonwealth of Virginia; and*

*WHEREAS, Section 53-128-19 of the Code of Virginia, 1950, as amended, requires that each locality participating in a community diversion project shall be represented on a Community Corrections Resources Board; and*

*WHEREAS, no local funding from the City of Harrisonburg will be required for this project and Rockingham County has agreed to serve as Fiscal Agent, and in the event Rockingham County desires to discontinue as Fiscal Agent, then this Resolution shall become null and void;*

*NOW, THEREFORE, BE IT RESOLVED that a Community Corrections Resources Board is hereby established in the City of Harrisonburg; and*

*BE IT FURTHER RESOLVED that such Board is empowered to conduct diagnostic evaluations and to make recommendations regarding diversion based on a written plan to the Circuit Court Judge of this City.*

*ADOPTED and APPROVED this \_\_\_\_\_ date of January, 1982.*

*Mayor*

*Atteste:*

*Clerk*

Following discussion, Vice-Mayor Green moved that the resolution be approved, with authorization for the proper officials to sign same. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ In compliance with a request by Council, Assistant City Manager Driver presented guidelines for two proposed additional fringe benefits for city employees, namely: paid birthday holiday and partial payment for unused sick leave days. The proposal had been presented to Council at the regular meeting on December 22nd by Mr. Driver, following requests he had received, and meetings with city department heads. He explained that under the heading "Holidays Generally", Employees Birthdays would be added, if approved, with the following statement: "When an employee's birthday falls on a holiday, he/she shall receive the preceeding day for a holiday. If the employee's birthday falls on a Monday holiday, the employee shall receive the following day as a holiday." In his opinion, Mr. Driver noted that this benefit should have no adverse effect on the city's daily operation, and would increase the number of paid holidays from eight to nine. With regard to unused sick leave days, Mr. Driver offered an opinion that the city would benefit more than the employee, should a portion of same be paid when an employee leaves the city after five years of service. If approved, the following statements would apply under the heading "Sick Leave": "an employee with five or more years of service that is separated from the city for any reason will receive pay for 1/4 of his/her accumulated sick leave up to a maximum of \$ 2,500. An employee who is re-employed will not be eligible for sick leave separation until he/she has worked for another period of five years." During discussion, Councilman Cisney questioned whether or not the sick leave policy would actually cure abuse of sick leave days by some employees, and whether or not this payment to an employee would overlap the city's long term disability insurance. Mr. Driver said that in his contact with some industries using the policy, it has worked very well. City Manager Milam said that funds should be provided for the sick leave payments, prior to adoption of a new policy. Councilman Rhodes moved that action concerning payment for sick leave days be deferred until the matter of LTD could be investigated with regard to an overlap in payments. After further discussion, Councilman Rhodes said he would accept a substitute motion. Councilman Dingledine then offered a substitute motion for approval of the paid birthday holiday benefit, retroactive as of January 1, 1982, and deferral of action concerning the policy of partial payment for unused sick leave days. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ Correspondence was presented and read from former City Treasurer Marshall Firebaugh, in which he offered his resignation as Collector of Delinquent Taxes, in that his retirement from position of City Treasurer was effective as of December 31, 1981. He expressed pleasure in having served in this capacity for twenty years, and recommended that Miss Beverly Simmons, newly elected City Treasurer, serve for the remainder of his term which will expire as of December 31, 1982. Manager Milam then presented a letter from Miss Simmons, requesting consideration for appointment as Collector of Delinquent Taxes. Councilman Rhodes moved that Council accept Mr. Firebaugh's resignation as Collector of Delinquent Taxes, with letter of appreciation for his services, to be mailed. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council. Vice-Mayor Green then offered a motion that City Treasurer Simmons be appointed to serve as Collector of Delinquent Taxes for the unexpired term which expires on December 31, 1982. This motion was seconded

by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ City Manager Milam presented for Council's consideration, a two part transaction in various accounts; in order that payment may be made to Rockingham County for public improvements, as follows: a transfer of funds in amount of \$ 127,759.19 from the School's Sinking Fund in order to close same out, into the General Fund Unappropriated Fund Balance account; a supplemental appropriation in amount of \$ 127,759.19 in order to charge same to the General Fund Unappropriated Balance into Debt Service. Following a brief discussion, Councilman Dingledine moved that the transfer be approved for a first reading (although only one reading is required under the city code) and that:

\$ 127,759.19 trans. from: School Sinking Fund

127,759.19 trans. to: General Fund- Unappropriated Fund Balance

The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council. Vice-Mayor Green then offered a motion that the supplemental appropriation be approved for a first reading, and that:

\$ 127,759.19 chgd.to: General Fund- Unappropriated Fund Balance

127,759.19 approp.to: General Fund (9201-91.02) Debt Service- Payments for Assumed Debt.

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

✓ City Attorney Lapsley informed Council that he had looked into the matter of whether or not a tax lien could be placed against delinquent land, as requested at the last regular meeting, and reported that the city could bring suit to sell the properties for taxes due. He noted, however, that this would be an involved procedure through a commissioner and the court, at an estimated cost of \$ 160. per suit. Inasmuch as the individual amounts listed as delinquent on the City Treasurer's report were small, Attorney Lapsley offered an opinion that it would not be worth going through the type of procedure required, whereas a more sizeable amount may prove worthwhile. Added further was the fact that should any of those lands listed as delinquent, be transferred, the unpaid taxes would be collected by the County Clerk's Office when title search is made. The report was for information.

City Manager Milam informed Council that a JMU representative had made request to meet with the governing body in executive session to discuss a real estate matter.

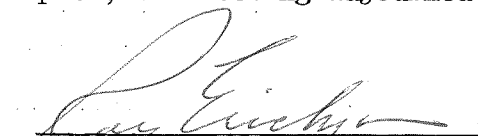
At 9:00 P.M., Councilman Cisney moved that Council enter an executive session to discuss real estate and personnel. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

At 10:36 P.M., on motion of Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Council, the executive session was closed and the regular session reconvened.

✓ Councilman Dingledine offered a motion to accept the high bid of \$ 6,000. for the Harris Pool property, submitted by Nesselrodt Construction Company. 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 adjourned at 10:38 PM.

  
CLERK

  
MAYOR

Tuesday, January 26, 1982

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. 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 January 12th were approved as corrected.

✓ For information, correspondence dated 1/6/82 from the C.P.A. Firm of Keeler, Phibbs & Company, revealed that various transmittal forms prepared in the office of City Auditor for fiscal year ended June 30, 1981, had been prepared in conformity in all material respects with the "Uniform Financial Reporting Manual for Virginia Counties and Municipalities."

✓ Correspondence dated 1/19/82 from the Central Shenandoah Planning District Commission was presented, requesting that the governing body submit the name of a nominee for election to the Executive Committee, on or before April 1st, in that present terms of members will expire on June 30th of this year. Term of committee members is for two years, beginning July 1st of the year elected. City Manager Milam reminded Council that the two representatives on the Commission are Messrs. Elon Rhodes and Robert J. Sullivan, Jr., whose terms will expire June 30, 1983. Following a brief discussion, Councilman Cisney moved that the name of Mr. Elon Rhodes be submitted to the Central Shenandoah Planning District Commission as nominee for re-election to the Executive Committee, which motion, upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

It was unanimously agreed by members that appointments to various boards & commissions be discussed in an executive session, following this evening's meeting.

✓ For consideration of second & final reading, City Manager Milam presented a two-part transaction in order to provide funds for payment to Rockingham County for certain improvements, which had been approved for first readings at the last regular meeting: transfer of funds in amount of \$127,759.19



and supplemental appropriation in like amount. Councilman Cisney moved that the transfer of funds to allow closing out of the School's Sinking Fund Account, into the General Fund Unappropriated Fund Balance, be approved for second reading, and that:

\$ 127,759.19 trans. from: School Sinking Fund

127,759.19 trans. to: General Fund- Unappropriated Fund Balance

The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council. Councilman Dingledine then moved that the supplemental appropriation in amount of \$ 127,759.19 from the General Unappropriated Fund Balance into the account of Debt Service, be approved for second reading, and that:

\$ 127,759.19 chgd. to: General Fund- Unappropriated Fund Balance

127,759.19 approp. to: General Fund (9201-91.02) Debt Service- Payments for Assumed Debt.

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

✓ A request was received from the Superintendent of Streets for approval of a supplemental appropriation in amount of \$ 18,000. for snow & ice removal, due to insufficient funds to cover same, in present budget allocations. City Manager Milam informed Council that only approximately 100 tons of salt is on hand at the present time, although the season began with 560 tons, in that each snowfall requires approximately 30 -50 tons for clearing city streets, parking lots, etc. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 18,000. chgd. to: General Fund- Unappropriated Fund Balance

18,000. approp. to: General Fund (4102-5804.01) St. Cleaning- Snow & Ice Removal

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

✓ The following Planning Commission report from a meeting held on January 20, 1982, was presented and read:

*"...As a follow-up from the Public Hearing held in December, Mr. Hosie Fitzgerald, owner of a 4-unit apartment house at 129 Franklin Street, again asked the Commissioners to recommend rezoning his property from R-2 to R-3. He stated he has a prospective buyer, but isn't positive, and if he can't sell it, he may move his own office into the house if rezoned. Dr. Donna Frantzen, psychiatrist, then told the Commissioners she was still 'interested' in buying Mr. Fitzgerald's property. Mr. Trobaugh questioned the reason for considering R-3 along South Main Street from Franklin to Campbell Streets. The Director noted that R-3 Residential would protect the residential character and appearance which still exists even though the block has been zoned B-2 General Business since the 1950s.*

*Mr. Heath then moved that the Commission recommend these properties to R-3: Hoover/Aldhizer; St. Stephen's Church; Updike; Deyerle's Colonial Apartments; Grove; Baugher; Sellers; Butler and Fitzgerald. Mr. Milam seconded the motion. Dr. Eneedy asked for a delay, since the Commission has not heard from a lot of the property owners involved, and this type of rezoning should be part of an overall City-wide zoning review. He added this is too dramatic a change just to satisfy one owner who isn't positive regarding his plans. The motion was voted on, and it was defeated 5-2.*

*Mr. Milam offered a new motion, that the Planning Commission recommend rezoning these properties to R-3: Hoover/Aldhizer; St. Stephen's Church; Deyerle's Colonial Apartments, and Fitzgerald's. Mr. Heath seconded the motion and it passed, 4-2. (Voting for: Messrs. Milam, Heath, Trobaugh and Rhodes. Voting against: Mrs. Bowman and Dr. Eneedy; abstaining, Mr. Fleming)..."*

Planning Director Sullivan displayed a map of the area and noted that the final motion of the Commission was to change certain areas, with Council's task at this time, to schedule a Public Hearing. Vice-Mayor Green moved that Council accept the report of the Planning Commission and schedule a public hearing for Tuesday, February 23, 1982, 7:30 P.M. in the Council Chambers. 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.

✓ The following Planning Commission report from a January 20th meeting was presented and read:

*"...The Commissioners received a January 7, 1982 letter from Attorney Thomas J. Wilson, requesting approval of a proposed re-subdivision of Lots 6, 7, 8 and portion of 9 in Spotswood Acres Subdivision, Section 8, between Country Club Road and an undeveloped portion of Clay Street. Victory Baptist Church owns the property. A plat, drawn by Surveyor R.F. Jellum shows a proposed six-lot layout, with three lots fronting Country Club Road and three lots fronting Clay Street. The Country Club Road lots have a depth of 125' and square footage of 12,500 or more, and the Clay Street lots have a depth of 215' and square footage of 21,500 or more. Mr. Sullivan reported that the six proposed lots conform to the R-1 Single Family District, water and sewer lines are available for the Clay Street lots at Clay and Allegheny Avenue, and 12" water and sewer trunk lines are located on the south side of Country Club Road. He noted that a power line with easement crosses the front portions of the Country Club Road lots and a rocky bank along this road will be a problem for future driveways if the lots are developed.*

*Reverend William Robertson of Victory Baptist Church indicated that his church has been filling in the area and using undeveloped Clay Street as a parking lot. The church may sell the proposed Country Club Road lots and develop a playground on the proposed Clay Street lots.*

*Mr. Trobaugh concluded the discussion with a motion that the Planning Commission recommend to City Council approval of the proposed re-subdivision for Victory Baptist Church of Lots 6, 7, 8 and portion of 9 in Spotswood Acres Subdivision, Section 9, between Country Club Road and Clay Street. Mr. Rhodes seconded the motion and all members voted aye..."*

Following a brief discussion, and on motion of Councilman Rhodes, seconded by Vice-Mayor Green, and a unanimous vote of Council, the recommendation of the Planning Commission for re-subdivision of lots in Spotswood Acres Subdivision, was approved.

✓ Council was informed by City Manager Milam that an invitation to bid on the William G. Myers Armory addition had been advertised in the Daily News Record newspaper on Monday, December 8, 1981, with bids to be received no later than January 5, 1982, and opened on January 6th. An addendum from Richmond to Mr. Dwight Miller, architect, changed the dates to January 20th and January 21st for receipt of bids and opening. He reviewed the seven bids as follows: Ellis & Company (low bid) \$ 73,497.00; Lantz Construction Company, \$ 79,382.00; J. S. Mathers, Inc., \$ 80,900.00; Adom, Inc., \$ 86,688.00; Construction Enterprises, \$ 91,183.00; Thrall & Son, \$ 94,962.00; Virtexco Corp., \$ 124,664.00. Manager Milam referred to council minutes of February, 1979, which indicated a general agreement of the city that construction would not exceed \$ 50,000. for the approximate 3.5 acres of land to be conveyed by the state. The matter of exchange of vacant land for construction of an addition has been in the making since the early 1970s. On April 9, 1980, a contract was signed by Mayor Erickson and Governor Dalton. Manager Milam called attention to updated plans of the proposed addition consisting of two classrooms and two storage rooms on the actual 3,769 acres of land, and gave a verbal description of the proposed construction and layout of surrounding land, noting location of classrooms and storage rooms as south side of the present Armory building. City Attorney Lapsley reminded members that a period of 30 days is allowed, prior to a decision to accept or reject bids. On motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Council, the matter was deferred until an executive session following this meeting, for further discussion and possible bid decision.

✓ Council was informed by the City Manager that request had been made in March of last year by United Virginia Bank to serve as a depository for the city coin collection from parking meters, along with three other local banks, on a rotating basis. Inasmuch as the matter was not processed at that time insofar as investigation into the ordinance, etc., Manager Milam noted that the request has been made more recently to the office of City Treasurer. He called attention to Sec. 4-1-24 (b) of the city code which provides that the collections are to be turned over to one of the National banks doing business in the city, with key word being National. In order to allow other banks to participate, the ordinance would have to be amended to include the word Commercial banks. An amount in the neighborhood of \$ 8,000. monthly, is presently being rotated among the Virginia National, Rockingham National and Valley National banks. Councilman Cisney said he felt the ordinance should be amended (from a business standpoint) to allow rotation to state banks, and offered a motion that the City Attorney be instructed to prepare a proper ordinance amending that section, for consideration. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ City Manager Milam noted that there has been much publicity since last Fall concerning Individual Retirement Accounts (IRA), and that in order to make this available for city employees, authorization should be granted the City Auditor for establishing deductions as a fringe benefit (tax free). He offered an opinion that this may be a way to encourage individuals to save more money and to save for retirement which would relieve the demand on Social Security. He suggested the use of no more than three institutions for consideration: one bank; one insurance company; one savings & loan. Following discussion, Councilman Cisney moved that the City Auditor be authorized to establish deductions for IRA. Manager Milam said he would work with the City Auditor and City Staff in making a determination re choice of institution. Councilman Rhodes seconded the motion to authorize establishment of deductions, which was adopted by a unanimous vote of Council.

✓ City Manager Milam said that even though information concerning Senate Bills 9, 10, 11 and 12 had been received late, with public hearing held this afternoon at 2 PM, he had talked with Senator Miller's secretary by phone yesterday (following review of the material over the weekend), and indicated that not much had been heard from members of Council, and to his knowledge, no one from Harrisonburg would be attending the Hearing. He noted the possibility of more information being received, following today's Hearing. Members were asked to review the material on hand, and to bring any concerns which they may have, to his office, for referral to Senator Miller.

✓ City Attorney Lapsley presented the deed for sale of the Harris Pool property by the City of Harrisonburg, to Nesselrodt Construction Company, and asked that authorization be granted the Mayor and Clerk to sign the document on behalf of the City, at the proper time. Vice-Mayor Green moved that the proper officials be so authorized, which motion, upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

City Manager Milam said he had a real estate matter to discuss, and asked that this be included in this evening's executive session.

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

✓ In an abrupt manner, a Rockingham County resident, employed as a cab driver by the City's Transportation Department, asked to be heard. He asked the status of the city for snow & ice removal, as well as for safety of the public. In driving a cab over the prior weekend, he noted seeing not one vehicle clearing the streets. Mayor Erickson suggested that his complaint be registered with the City Manager, during regular office hours.

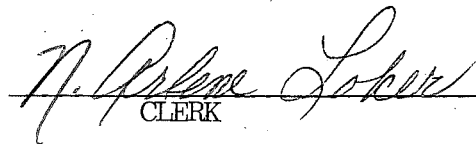
The executive session convened at 8:45 P.M.

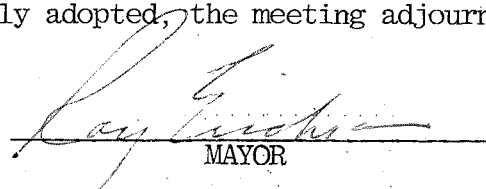
At 9:36 P.M., on motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Council, the executive session was closed and the regular session reconvened.

✓ Council was reminded that the second term of Mr. Warren Braun on the Upper Valley Regional Park Authority had expired on January 24th, and the Mayor asked member's wishes concerning an appointment. Councilman Rhodes moved that Mr. L. Quinn (Larry) Kaylor of 256 North Glenn Lane, Harrisonburg, associate with the law firm of Wharton, Aldhizer & Weaver, be appointed to serve on the Upper Valley Regional Park Authority for a first term of four years, expiring January 24, 1986. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ As a follow-up of further discussion during this evening's executive session, Councilman Cisney moved that the low bid of Ellis & Company, Harrisonburg, in amount of \$ 73,497.00 be accepted for construction of the William G. Myers Armory addition, with funds, other than those presently budgeted, to be charged to the Bureau of Parks & Recreation Capital Outlay Account. 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 adjourned at 9:42 PM.

  
CLERK

  
MAYOR

February 9, 1982

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 January 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 January, 1982.

From the City Treasurer:

A trial balance report as of close of business on January 29, 1982.

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 \$ 5,311.43

From the City Auditor:

A financial report for the City of Harrisonburg, month of January, 1982

A report of cash discounts saved in payment of vendor's invoices for month of January, 1982, totaling \$ 138.97

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of January, 1982.

✓ City Manager Milam presented a petition signed by approximately 148 residents of Harris Gardens, requesting free bus transportation to and from school for Harrisonburg City School students. The list of names was reviewed briefly, with possibility of some duplication in names, noted. Following discussion, Councilman Rhodes moved that the petition be referred to the City School Board. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ Correspondence dated 1/28/82 was presented and read from Attorney Henry Clark, counsel for RMC, Inc. (formerly Rockingham Milling Co.), with plat attached, requesting consideration for relocation of a portion of Chesapeake Avenue in order that extensive remodeling and expansion to its feed mill may be possible. City Manager Milam pointed out the "S" turn presently on that portion of street and noted that the relocation would be made to the east, resulting in a slightly sharper turn between the freight station and feed mill. The proposal would entail the dedication of a small irregular portion on the west side of the street by the city to C-W Railway, and dedication by the railway of an equal portion which it owns on the east side, to the city. Leasing of the railway's portion to RMC, Inc. would be necessitated in order that the expansion may be carried out. Manager Milam offered an opinion that the proposal "looks o.k.", if the proper exchange of land can be arranged. Following a brief discussion, Councilman Cisney moved that the plat 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.

✓ Although request had been made for permission to hold a marathon which would involve the use of certain city streets, as a local service project, and same is listed as an agenda item for this evening's meeting, the requestor had notified by phone that he would not be present, and that the marathon proposal was "off" for the present time. Manager Milam reminded Council that similar events had taken place on prior occasions, with proper approval of the police department and state highway department, and said that if agreeable, he would be happy to work along these lines with the requestor, should a date for the marathon be rescheduled. Councilman Cisney moved that the matter be left in the hands of the city's administration, to be handled in this manner, for any future requests. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ The City Manager presented an audit report of cash, investments and uncollected taxes of the City of Harrisonburg from records in the office of City Treasurer as of December 31, 1981, effective date of Mr. Marshall Firebaugh's retirement as City Treasurer. The report, prepared by the C.P.A. firm of Keeler, Phibbs & Company, noted that examination of the assets totaling \$14,692,712.57, was made in accordance with generally accepted auditing standards, and were, in the firm's opinion, fairly stated on the basis indicated on the statement. Certification, signed by Treasurer Firebaugh and Assistant Treasurer Beverly Simmons, as to knowledge and belief that the audit as stated, was true and correct, was set out on the statement. Following a review of the assets, and brief discussion, Councilman Dingledine moved that Council accept the report, as prepared on Dec. 31, 1981. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ For consideration of a first reading, an ordinance amending Section 4-1-24 of the city code entitled: "Receipt of city revenue, etc.; special procedure for parking meter receipts", under paragraph (b), was presented by the City Manager. He reminded members that the amendment was discussed at the last regular meeting, in view of a request from United Virginia Bank to join with three other local banks, on a rotating basis, to receive parking meter collections. During discussion at that time, it was pointed out that the key word in the present code section was "National", referring to the bank, which would not include other commercial banks engaged in business in the city, to participate. In a review of the ordinance, as presented this evening, Councilman Cisney questioned the fact that the names of four local banks to serve as depositories, were set out in the wording, which, in his opinion, still prohibits participation by other commercial banks. Further noted was the fact that the ordinance should read in such a manner so as not to automatically involve all banks on a rotating basis, but only those desiring to serve as depositories. Following discussion, Councilman Cisney offered a motion that the ordinance be approved for a first reading, and referred back to the City Attorney to be revised along the line of this evening's discussion, prior to second & final reading of same. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Council.

✓ For consideration of Council, an ordinance amending Section 4-1-37 of the city code, entitled: "Depositories", was presented for the purpose of name changes on two of the four banks, as follows: First National Bank changed to Virginia National Bank; and United Virginia Bank/Spotswood changed to United Virginia Bank. During discussion, question arose concerning wording of the ordinance, in that it was felt that other commercial banks engaged in business in the city, desiring to do so, may be permitted to serve as depositories for city funds, provided they could qualify insofar as conformance to state regulations, etc. Following discussion, it was unanimously agreed that the ordinance be reviewed by the Finance Committee comprised of the Mayor, Vice-Mayor and City Manager, prior to any action concerning approval of the ordinance by Council.

✓ For information, the City Manager reported that he had been advised through correspondence dated 1/27/82 from Judge Joshua Robinson, Twenty-Sixth Judicial Circuit, that resolutions had been received from the counties of Page and Rockingham, and the City of Harrisonburg, authorizing implementation of the Virginia Community Diversion Program on July 1, 1982. It was further noted that two members will be appointed by the court to serve on the Board, as promptly as possible.

✓ Councilman Dingledine moved that a supplemental appropriation in amount of \$ 18,000., requested by the Superintendent of Streets for snow & ice removal, be approved for second & final reading, a first reading having been approved on January 26th, and that:

\$ 18,000. chgd.to: General Fund - Unappropriated Fund Balance

18,000. approp.to: General Fund (4102-5804.01) Street Cleaning- Snow & Ice Removal

The motion was seconded by Vice-Mayor Green, 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 \$ 8,565.41, in order to recover funds already expended in reference to Dispatchers funded by Rockingham County. The total amount is being charged to the account of Recoveries & Rebates as follows: \$ 4,236.90 received from Rockingham County; \$ 208.50 representing refund of ticket to Chief Austin through Travel Counsellors, Inc.; \$ 2,834.94 paid by Nationwide Insurance for damages to vehicle; \$ 1,285.07 received from Utica National Insurance Group for damages to vehicle. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 8,565.41 chgd.to: General Fund (1901.01) Recoveries & Rebates

8,565.41 approp.to: General Fund (3201-1001.06) Dispatcher Salaries

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

✓ Council received a request from the Director of Social Services for approval of a supplemental appropriation in amount of \$ 1,800.00, in order to meet the rising cost in nursing home care for clients mandated by the state. A copy of state approval of the Supplemental Allotment Request attached to the request form. On motion of Councilman Dingledine, seconded by Vice-Mayor Green, and a unanimous recorded vote of Council, the appropriation was approved for first reading, as follows:

\$ 1,800. chgd.to: VPA Fund (2400-2401.11) Revenue--Welfare--Categorical Aid- Aux.Grants

1,800. approp.to: VPA Fund (5302-5704.01) Bureau of Pub.Assistance-- Aux.Grants (Mandatory)

✓ Correspondence dated 1/25/82 from the Department of Utility Billing was presented, with attached listing of uncollectable water, sewer & refuse accounts for consumers that have discontinued services with the city. Request was made for authorization to charge the accounts, totaling \$ 964.19 off city records, as uncollectable. City Manager Milam reminded members that charging off accounts does not mean that efforts to collect same will be abandoned, with any of the accounts required to be settled, should service with the city be resumed. Councilman Dingledine asked that assurance be given that amounts listed for JMU students were balances over and above the amount to be paid under the Utility Deposit Assistance Program (UDAP). Following discussion, Councilman Cisney moved that the Department of Utility Billing be authorized to charge the listed amounts off city records. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ Council was informed by the City Manager that correspondence dated 1/25/82 from Mr. Glen D.Pond, Director of the Virginia Supplemental Retirement System, was received in his office, advising that the City of Harrisonburg's employer contribution rate to the system, effective 7/1/82, will be 8.35% of the payroll, which does not include the 5% employee contribution rate which the city may have elected to pay. He noted that this would mean that an amount somewhere in the neighborhood of \$ 100,000. will have to be included in the city's 1982-83 budget to cover the increase. Members reviewed the "Actuarial Valuation as of June 30, 1981" for the City of Harrisonburg, and question was raised by Councilman Cisney as to what had changed in benefit coverage to escalate the increase, particularly in the category of normal cost, which will increase from .88% to 3.99% as of 7/1/82. He offered an opinion that more information is needed concerning the increase, not only for Council's satisfaction, but also in order that the public may be made aware of the cost of living revenue of the City, in that all categories continue to escalate.

Assistant City Manager Driver was commended for his talk at a recent meeting of the Rotary Club, concerning the City's Heat Recovery (steam plant) project. Mr. Driver said that the project is moving along on schedule, although work is not being done at full speed. He noted that bids would be opened tomorrow afternoon on the steam line, with at least five bids, anticipated. When Vice-Mayor Green inquired as to the cost of equipment to be used for X-raying steam joints, Mr. Driver could not quote a definite figure, but offered an opinion that the amount would be less than the cost of steam which may be lost through leaking joints.

Councilman Rhodes stated the following concerns for consideration of a solution:

- (1) need for traffic signal at Mason & Gay Streets.
- (2) water coming down hill on Gay & Kelly Streets, which could be the result of clogged drains.
- (3) water standing at bottom of Pleasant Hill Road which could be from congested drain or stopped up pipes.

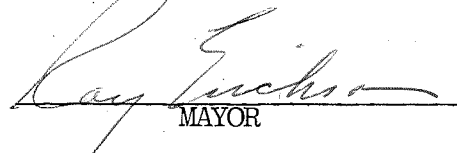
A representative of the Harrisonburg Retail Merchants' Association was present in the meeting to express appreciation for the City's help and cooperation in plans for the 1981 Christmas Parade.

At 8:33 P.M., on motion of Councilman Dingledine, seconded by Vice-Mayor Green, and a unanimous vote of Council, members entered an executive session to discuss personnel.

At 9:20 P.M., on motion duly adopted, the executive session was declared closed and the regular session reconvened.

There being no further business, the meeting adjourned at 9:21 P.M.

  
CLERK

  
MAYOR



Tuesday, February 23, 1982

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 Rhodes, James C. Cisney; City Auditor Philip L. Peterman. Absent: Chief of Police Richard W. Presgrave. (sitting in for the Chief, Lieut. Byrd).

Minutes of the regular meeting held on February 9th were approved as corrected.

For information, the City Manager presented correspondence dated 2/11/82 from Columbia Gas of Virginia, Inc., advising that application had been filed on February 9th with the State Corporation Commission for increased rates amounting to \$ 4,505,000. annually, or 6.4% of total revenue. He reviewed the application briefly with Council, noting that the effective date of increase would be March 15, 1982, if approved, and that a public hearing would undoubtedly be scheduled on the request.

At 7:45 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 February 4th and 18th was read by the City Manager:

*"The Harrisonburg City Council will hold a Public Hearing on Tuesday, February 23, 1982, at 7:30 P.M. in the City Council Chamber, 345 South Main Street, to consider the following rezoning proposal:*

*Rezzone St. Stephen's United Church of Christ property at 358 S. Main Street and 96 Campbell Street from B-2 General Business to R-3 Multiple Dwelling District and rezone the Deyerle Colonial Apartments at 130 Campbell Street, the Lawrence H. Hoover, Jr. property at 111 Campbell St., and the Hosie T. Fitzgerald property at 129 Franklin St. from R-2 Residential to R-3 Multiple Dwelling District.*

*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 on January 26, 1982:

*"As a follow-up from the Public Hearing held in December, Mr. Hosie Fitzgerald, owner of a 4-unit apartment house at 129 Franklin Street, again asked the Commissioners to recommend rezoning his property from R-2 to R-3. He stated he has a prospective buyer, but isn't positive, and if he can't sell it, he may move his own office into the house if rezoned. Dr. Donna Frantzen, psychiatrist, then told the Commissioners she was still 'interested' in buying Mr. Fitzgerald's property. Mr. Trobaugh questioned the reason for considering R-3 along South Main Street from Franklin to Campbell Street. The Director noted that R-3 Residential would protect the residential character and appearance which still exists even though the block has been zoned B-2 General Business since the 1950s.*

*Mr. Heath then moved that the Commission recommend rezoning these properties to R-3: Hoover/Aldhizer, Grove, Baugher, Sellers, Butler, Deyerle's Colonial Apartments, St. Stephen's Church, Updike and Fitzgerald. Mr. Milam seconded the motion. Dr. Eneedy asked for a delay, since the Commission has not heard from a lot of the property owners involved, and this type of rezoning should be part of an overall, City-wide zoning review. He added this is too dramatic a change just to satisfy one owner who isn't positive regarding his plans. The motion was voted on, and it was defeated, 5-2.*

*Mr. Milam offered a new motion, that the Planning Commission recommend rezoning*

✓ these properties to R-3: Hoover/Aldhizer, St. Stephen's Church, Deyerle's Colonial Apartments, and Fitzgerald's. Mr. Heath seconded the motion and it passed, 402. (Voting for: Messrs. Milam, Heath, Trobaugh and Rhodes. Voting against: Mrs. Bowman and Dr. Eneidy; abstaining, Mr. Fleming)..."

Planning Director Sullivan gave background of Mr. Fitzgerald's rezoning request, beginning in August 1981, when he requested that his property located at 129 Franklin Street be rezoned from R-2 Residential to B-2 General Business, to permit professional offices. This was defeated by a 6-1 vote of the Planning Commissioners in October of last year. Another motion was also defeated at that meeting by a 4-3 vote which would have extended an R-3 Residential zoning up the street, in that the Commissioners felt that the whole area needed more study. The Commissioners met in November, 1981, to establish a much larger R-3 area from Campbell Street, north. A public hearing was held by the Commission in December and at that time, opposition was presented by some within the B-2 and R-3 areas. Final action by the Commission, following the December public hearing is reflected in the Planning Commission report which was presented to Council on January 26th and referred to, this evening. Mr. Sullivan noted that the area for rezoning had been reduced, in order that Mr. Fitzgerald's property would not be isolated a block away from the R-3 zoned area, as well as to avoid the idea of spot zoning. The Mayor called on anyone desiring to be heard either for or against the proposed rezoning. Mr. Hosie Fitzgerald expressed appreciation for the consideration and time spent on his request, and informed Council that the property located at 129 Franklin St. had been converted into apartments in 1937, and that he had tried to keep the building in good shape to conform with other properties on the street. Although he has a prospective buyer, Mr. Fitzgerald said he could not be sure the sale would go through, even if rezoned. If not, he anticipates moving his own office to that location. If rezoned, he gave assurance that nothing would be altered in the appearance of the building or parking area, and that the additional traffic would be very little. Mrs. Ruth Baugher of 327 S. Mason Street, presented and read a letter to members of City Council, signed by fifteen residents and property owners in the S. Mason & Franklin Street area, expressing opposition to the rezoning proposal which would change a few dwellings to R-3 Multiple Dwelling, in order to satisfy one property owner's desire to sell or convert his property on Franklin Street into offices. A desire to retain the residential appearance of the area was expressed and the closing statement of the letter reads as follows: "we don't believe an obvious gerrymandering of the zoning is justified because no change of conditions in our stable, residential area is forthcoming or wanted!" Richard Sheehan, 294 Franklin Street, mentioned the fact that R-3 would permit uses other than apartments (i.e. fraternity houses), which he would not like to see on Franklin Street. He requested that the present zoning be retained. There being no others desiring to be heard, the public hearing was declared closed at 8:08 P.M. and the regular session reconvened.

✓ The Mayor asked members' wishes concerning the proposed rezoning of properties on Campbell, Franklin and Main Streets, from B-2 General Business and R-2 Residential, to R-3 Residential, as discussed in this evening's public hearing. Councilman Dingledine expressed concern about the nature of the requested rezoning and asked if anything could be accomplished by referring the matter back to the Planning Commission. Mr. Sullivan said that the idea of moving the R-3 zone northward was to avoid "spot zoning", which had "cropped up" during discussion by the Planning Commissioners. He added further that the Commission anticipates in the near future, a much broader zoning study for the entire city, in that this is a requirement every five years. The Commission will be into a zoning study and re-analysis the latter part of this year, which may, or may not be on six square miles. Councilman Dingledine moved that the proposed rezoning be referred back to the City Planning Commission for inclusion in its overall zoning review, in that more study is needed, and expressions of opposition have been made by residents in the area proposed for rezoning. The motion was seconded by Councilman Cisney. Following a very brief discussion, and mention by Councilman Rhodes that some signers of the letter opposing the rezoning and presented during the public hearing, had not been heard from prior to this time, the motion to refer the matter back to the Planning Commission was adopted by a unanimous vote of Council.

✓ Correspondence dated 2/18/82 was presented from Mr. James Deskins, Executive Director of the Harrisonburg Redevelopment & Housing Authority, advising that the Authority is supportive of the idea of razing the following structures which it owns in the Title 36 Redevelopment & Conservation area:

38 West Elizabeth Street  
50 West Elizabeth Street  
60 West Elizabeth Street  
62 - 64 West Elizabeth Street  
42 West Wolfe Street

Noted further was the fact that the Authority would like to proceed as soon as possible with the demolition, if the necessary funding can be provided by the City. An estimate in amount of \$16,000. has been received, which, in the Director's opinion, appears to be a reasonable amount. City Manager Milam said that funds are available and that the Authority will assume responsibility for the project, with the city paying the bill. Vice-Mayor Green moved that the City Manager be authorized to proceed, in cooperation with the Housing Authority, in demolition of the aforesaid properties, with use of city funds. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ Correspondence was presented from the Central Shenandoah EMS Council in which a 10¢ per capita annual contribution by all participating localities, was proposed, due to very limited funding by the state. Balance of needed funds would be derived through rescue squads, hospitals and other constituent groups interested in the Council. Localities participating in the Emergency Services Council are: Buena Vista; Harrisonburg; Lexington; Staunton; Waynesboro; Augusta; Bath; Highland; Rockbridge and Rockingham. On motion of Councilman Cisney, seconded by Vice-Mayor Green, and adopted by a unanimous vote of City Council, the request was referred for consideration along with other requests, in the City's 1982-83 budget study.

✓ City Manager presented and read a proposed resolution supporting a request of the Shenandoah Shared Hospital Services, Inc., that its property be exempt from taxation. He informed Council that a resolution is required from the governing bodies of communities receiving hospital services, which

resolution should be submitted to the Legislature, prior to adjournment of the General Assembly. Rockingham Memorial Hospital benefits by the Corporation through use of diagnostic equipment, etc. During a review of the resolution, question was raised concerning one statement therein, which is as follow: "WHEREAS, a public hearing was held in accordance with the law prior to the adoption of this resolution." Manager Milam offered an opinion that approval of a resolution would relieve responsibility for a Hearing. Following discussion, Vice-Mayor Green moved that the resolution be approved, with deletion of the statement in question, as follows:

*WHEREAS, in accordance with Section 30-19.04, Code of Virginia, 1950, as amended, the Harrisonburg City Council has examined and considered all of the provisions in Subsection B thereof and has determined as follows:*

- 1. That the Shenandoah Shared Hospital Services, Inc., (the Corporation) is an exempt organization under Section 501 (c) of the Internal Revenue Code.*
- 2. That no alcoholic beverage license has been issued to the Corporation.*
- 3. That no director or officer of the Corporation is paid any compensation by the Corporation.*
- 4. That no part of the net earnings of the Corporation inures to the benefit of any individual, and the major portion of the services provided by the Corporation is generated by funds received from services provided to Rockingham Memorial Hospital (Harrisonburg), King's Daughters' Hospital (Staunton) and Waynesboro Community Hospital (Waynesboro), all three of which are non-profit community hospitals.*
- 5. That the organization does provide services for the common good of the public.*
- 6. That no substantial part of the activities of the Corporation involves carrying on propaganda or attempting to influence legislation, and the Corporation does not participate in or intervene in any political campaign on behalf of any candidate for public office.*
- 7. That the Corporation in no way discriminates on the basis of religious conviction, race, color, sex, or national origin;*

*NOW, THEREFORE, be it resolved that the City Council of Harrisonburg, Virginia, sitting at its regular meeting on February 23, 1982 supports the application of Shenandoah Shared Hospital Services, Inc., for exemption of its property from taxation pursuant to Article X 6 (1) and that the Council recommends to the General Assembly approval of such exemption.*

*APPROVED this 23rd day of February, 1982.*

Roy H. Erickson  
Mayor

Atteste:

N. Arlene Loker  
Clerk of Council

The motion for approval of the resolution, with deletion of the one statement, was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ Correspondence dated 2/18/82 was presented from the Superintendent of City Schools, advising that the School Board had received the petition from residents of Harris Gardens, referred by City Council, requesting free transportation "for Harrisonburg city school students." The Board discussed its plan to provide transportation for the city students when the annexation suit is settled, and agreed that to begin at this point in time, with no definite directions from the court related to annexation, appears not to be feasible. The correspondence was for information, only.

✓ Assistant City Manager Driver pointed out location of a proposed sewer line on US 11, south, between Sellers Furniture Store and Pleasant Valley Road, and parallel to Interstate 81, which would open up sewer service for the entire area. He informed Council that Seven-Eleven Store has purchased a lot opposite Pleasant Valley Road and will run a line from that lot to connect with the Sewer Authority's line, when permission is granted. Mr. Driver said he had discussed the proposal with the City Manager, and offered an opinion that the proposed line is the best long range plan, and that the project would more than likely result in a 4 - 4 vote by Authority members. He quoted an estimated cost of \$ 100,000. for the project, and recommended that the Sewer Authority finance and install the line (no engineering fees necessary), acquire home hook-ons, and bill the City for its share of cost. Councilman Cisney questioned the use of city funds when status of annexation has not been definitely determined. Mr. Driver suggested that an agreement be drawn between the City and Sewer Authority that any hook-ons would be customers of the City. Further noted was the fact that the City has agreed to pay 1/2 the cost of running the short line from Seven-Eleven's lot to the Authority line, total estimated at \$ 38,000. Vice-Mayor Green suggested that the City Manager and Assistant City Manager work with the Sewer Authority and bring in a concrete agreement for consideration. No other action taken at this time.

✓ Council received a summary of four bids which had been received and opened for the steam line to serve James Madison University, broken down into various categories of the work involved, with total bids as follows:

Branch & Associates, Inc., \$ 1,005,000.  
Riddleberger Brothers, Inc., \$ 1,149,261.  
Perry Engineering Co., Inc. \$ 1,332,839.  
The Whiting Turner Contracting Co., \$ 1,629,500.

Assistant City Manager Driver said that the project would be for approximately 4,000' of line, with the engineer's estimated cost of \$ 1.6 million. The matter was discussed briefly, with no decision re acceptance or rejection of the bids at this time.

✓ For consideration of second & final reading, a revised ordinance amending Section 4-1-24 (b) of the City Code entitled: "Receipt of city revenue, etc.; special procedure for parking meter receipts" was presented by the City Attorney. Council was reminded that the original ordinance had

set out the names of four local banks to serve as depositories for the city's coin from parking meters, and had been referred back to the City Attorney to be revised in order that any commercial bank engaged in business in the city could participate, should they so desire. 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 259).

Councilman Dingledine moved that a supplemental appropriation in amount of \$ 8,565.41, 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 February 9th, and that:

\$ 8,565.41 chgd.to: General Fund (1901.01) Recoveries & Rebates

8,565.41 approp.to: General Fund (3201-1001.06) Dispatchers' Salaries

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 \$ 1,800.00, requested by the Director of Social Services in order to meet the rising cost in nursing home care for clients mandated by the state, be approved for second & final reading, a first reading having been approved on February 9th, and that:

\$ 1,800. chgd.to: VPA Fund (2400-2401.11) Revenue--Welfare--Categorical Aid--

Auxiliary Grants

1,800. approp.to: VPA Fund (5302-5704.01) Bur.of Public Assistance--

Auxiliary Grants (Mandatory)

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

Council received a report from the Department of Health on "Method of Financing Local Health Departments", along with the annual budget for fiscal year 1982-83, submitted by Dr. C.W.Caplan, Director of the County Health Department. City Manager Milan noted a requested increase in appropriation from the City of Harrisonburg (representing contribution to the State Health Dept.) from \$ 83,483. to \$ 94,845., which represents a percentage increase in local share from 35% to 40% over the present fiscal year. Councilman Cisney moved that the request be considered along with others, in the 1982-83 budget study. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

At 9:04 P.M., Councilman Cisney moved that Council enter an executive session to discuss a legal matter and personnel. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

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

Councilman Dingledine moved that Council accept the low bid of Branch & Associates, Inc., in amount of \$ 1,005,000. for construction of the steam line to serve James Madison University. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

Following this evening's executive session during which time Council discussed personnel, Councilman Cisney offered a motion that Mr. James R. Messner of 438 Preston Drive, Manager of the International & Contract Division of Kawneer Company, Inc., be appointed to serve the unexpired term of Mr. William C. Harris on the City School Board, which will expire on June 30, 1983. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

There being no further business and on motion duly adopted, the meeting adjourned at 10:03 PM.

*N. Greene Loker*  
CLERK

*Ray Crook*  
MAYOR

Tuesday, March 9, 1982

At a regular meeting of Council held in the Council Chambers 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 February 23rd 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 February, 1982.

From the City Treasurer:

A trial balance report as of close of business on February 26, 1982.

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 \$ 6,603.95, for month of February, 1982.

From the City Auditor:

A financial report for the City of Harrisonburg, Va., month of February, 1982.

A report of cash discounts saved in payment of vendor's invoices for month of February, 1982, totaling \$ 81.28.

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, 1982.



✓ For information, City Manager Milam presented notice from the Supreme Court of Virginia (Record No. 812007, Circuit Court No. L-5550), advising that "upon the petition of the County of Rockingham an appeal is awarded it from a judgment rendered by the Circuit Court of Rockingham County on the 1st day of September, 1981, in a certain proceeding then therein depending under the short style of: City of Harrisonburg, et al. v. County of Rockingham; no bond being required."

✓ Correspondence dated 3/4/82 was presented from Mr. F. Bruce Forward, owner of commercial property with street frontage on S. Carlton, Reservoir & Kenmore Streets in Cloverleaf Shopping Center, requesting resubdivision of Lot 5 (Block N, page 27 of city block map) into six lots, four of which will front on S. Carlton (presently occupied by McDonald's, Arthur Treacher's, Pizza Hut and the China Inn), and the remaining two will front on Kenmore Street, with the larger of the two comprised of 68,976 square feet and the smaller with 10,337 square feet plus a 16' wide easement from the Arby's Restaurant lot to Kenmore Street. It was noted that all of the streets have been constructed and utilities are available for any future development which may be attracted to the Kenmore lots. City Manager Milam referred to the attached resubdivision plat. Following a brief discussion, Councilman Cisney 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.

✓ A rezoning request was received, along with a check in amount of \$ 75.00 representing filing fee, from Attorney Thomas Wilson, counsel for Victory Baptist Church. A plat of the recent resubdivision of Lots 6, 7, 8 and a portion of Lot 9 of the Spotswood Acres Subdivision, Section 8, on the northeast side of Country Club Road was attached to the request, which lots are involved in the request for rezoning from R-1 Residential to R-2 Residential. Mention was made that Harrisonburg Electric Commission has an easement, or the use of an easement on portions of said property fronting on Country Club Road, as shown on the 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 Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ The following report from a March 3rd meeting of the City Planning Commission was presented and read:

*"The Commissioners reviewed a revised Final Plan of Manor Townhouse Subdivision, dated February 9, 1982, showing with use of larger scale, various easements crossing the four-townhouse and one common area layout. A Subdivision Review Sheet was presented by the Director and the Commissioners indicated satisfaction with the provisions spelled out in the 21-page Declaration of Covenants, Conditions and Restrictions for the subdivision, owned by Mr. John G. Litten and located on the north side of Maryland Avenue, between S. Main Street and the C-W Railroad. Councilman Rhodes reported that City Attorney Lapsley reviewed the covenants and found them to be clearly stated and in order. The Director read paragraph C under Article VI which says, '...nothing in this Declaration shall be construed so as to prevent the leasing of any lot for residential purposes provided, however, that each townhouse dwelling unit shall be rented as one (1) entire unit, and the downstairs or other portion of said townhouse dwelling unit shall not be rented or used as a separate dwelling unit as defined in the Zoning and Subdivision Ordinances of the City of Harrisonburg. Further, the owner of each townhouse dwelling unit shall comply with all of the provisions of the Zoning and Subdivision Ordinances of the City...'*

*After Mr. Heath was assured that any notations appearing on the plat (such as 'Parking Lot', 'No Parking', 'Pedestrian Easement') are as binding as the language in the Covenants, he moved that the Commission recommend approval of the Final Plan for Manor Townhouse Subdivision. Mr. Trobaugh seconded the motion. Dr. Eneedy asked if the 20' easement across the back yards was advisable, and it was described as essentially for pedestrian use only. Half of the 20' width is slope or banked area. The motion passed unanimously..."*

Planning Director Sullivan reviewed the covenants and restrictions for the Subdivision which have been reviewed by the Commissioners and City Attorney. He noted that the Surveyor had turned in the map with certified certificate stamp and Attorney Blatt is preparing the second page for proper signatures. Following a brief discussion, Councilman Rhodes moved that the recommendation of the Planning Commission be approved. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ City Manager Milam called attention to printed information provided from the Virginia State Code pertaining to real estate assessments and re-assessments in cities, Local Equalization Boards, etc., along with a Memo for review of changes over the years. He noted that in the 1974 General Reassessment Year, Harrisonburg had a three (3) member Board of Assessors with the same three comprising a Board of Equalization; two appraisers from the State Dept. of Taxation, and one part-time secretary in the Commissioner of Revenue's Office. In 1978, the Virginia law changed to require all cities and counties to convert to the 100% assessment, at which time the state discontinued the services of furnishing appraisers to localities. Harrisonburg again employed a three (3) member Board of Assessors, with the same three serving as an Equalization Board. In addition, a secretary was employed and also Wingate Appraisal Services from Roanoke as consultants - cost \$ 72,204.00. In 1980 (allowed by state law), the Board of Assessors was increased from three (3) to five (5) members and the same served as a Board of Equalization. Blue Ridge Appraisal Company of Staunton was employed as consultants, as well as one secretary, cost - \$ 62,250.00. For the City's 1982 reassessment, the following two alternatives were offered by the City Manager, namely: a five (5) member Board of Assessors, consulting firm and secretary - estimated cost \$ 92,500., or an "In-House" reassessment from the Commissioner of Revenue's Office, utilizing the city's real estate appraiser and two additional certified appraisers and one account clerk to be employed by the city. Inasmuch as there would be no need for a Board of Assessors, a Board of Equalization could be appointed following the reassessment to hear complaints not settled by the appraisers - estimated cost - \$ 39,000. He noted that there had been some feeling in the past re the same personnel serving on both the Board of Assessors and Board of Equalization. If desired, a Board of Assessors could also be appointed for this year's reassessment. An amount of \$ 21,000. is in the city's current budget to provide for an account clerk, appraisers and operating expenses, with no allowance for a Board



of Assessors. Additional amount necessary for this year's reassessment would be appropriated in the 1982-83 budget. Manager Milan referred to the following sections of the State Code: Sec. 58-776 - In Cities, "General Reassessments"; Section 58-776-1 "Annual Assessment and Reassessments in Cities having not more than 30,000 population; Board of Assessors or Equalization; Professional Assessor" - Sec. 58-786 "By Whom Reassessments Made in Cities; Sec. 58-895 "Local Boards of Equalization - Appointment." He noted that although under the law, cities of under 30,000 population may return to reassessments every four years, he would recommend that the city's be conducted each two years due to drastic changes in real estate. This year's reassessment will begin in April and require approximately five months for completion. Following a review of the state law changes, and manner in which past reassessments have been made by the City, Councilman Cisney moved that the City continue on the every two year reassessment with a general reassessment to be made in 1982 by the Commissioner of Revenue's staff working in conjunction with two (2) certified appraisers to be employed by the city with an understanding that their services would be terminated following the reassessment; that no Board of Assessors be appointed, but a Board of Equalization be appointed later in the year following determination of property values in order to hold hearings for complaints on matters not settled by the appraisers. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

City Manager Milan presented a request from the City School Board for approval of a transfer of funds within school appropriations in amount of \$ 3,495.00 from the Account of Fixed Charges, Insurance, for use in other categories. It was noted that due to underestimating an increase in property values when the school budget was prepared, it was not necessary to increase the amount of insurance coverage on buildings. Councilman Rhodes moved that the transfer be approved, and that:

\$ 3,495.00 trans. from: School Fund (1206-210.00) Fixed Chgs. - Insurance  
270.00 trans. to: School Fund (1205-290.02) Oper. & Maint.- Cont. Servs. Equip.  
3,225.00 trans. to: School Fund (1900-403.00) Cap. Outlay- Furn. & Equip.

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

A request was presented from the Superintendent of Streets for approval of a supplemental appropriation in amount of \$ 2,353.89, representing reimbursement for purchase of new street signs. A portion of same will be used for repair of service truck for Central Garage and the remainder for materials & supplies in Traffic Engineering. Councilman Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 2,117.00 chgd. to: General Fund- Realized Revenue  
236.89 chgd. to: General Fund (1901.01) Recoveries & Rebates  
2,117.00 approp. to: General Fund (4107-5400.01) Traffic Eng.- Other Mat. & Supplies  
236.89 approp. to: General Fund (6-1-3004.03) Central Garage- Repairs. & Repl. - Auto Equipment.

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

Council was reminded that the unexpired term presently being filled by Mr. William Blair on the Board of Zoning Appeals will expire on March 20th of this year, and Mayor Erickson asked members' wishes concerning a nomination. Vice-Mayor Green moved that Mr. Blair be submitted as a nominee to the Circuit Court Judge for reappointment to that Board for his first full term of five years. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

Council was informed by the Mayor that Mr. Claude E. Garber, Jr. had advised that he has found it necessary to resign, for personal reasons, as a member of the Upper Valley Regional Park Authority, and that Mr. Garber's second term will not expire until January 24, 1984. No action taken at this time.

The City Manager presented correspondence and copies of proposed budgets for fiscal year 1982-83 from the offices of the Commissioner of Revenue and City Treasurer for salaries and operating expenses, as well as capital outlay. The budgets will be presented to the State Compensation Board on March 25th. Members agreed that the requests be filed by the City Manager, along with others, for the city's budget study.

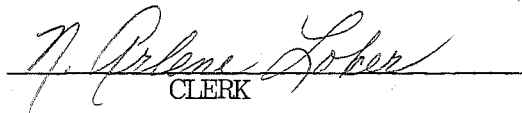
Dr. Ronald Carrier, President of James Madison University, appeared before Council to report concerning the formation of a Harrisonburg Downtown Development Corporation in order to generate business and services in the downtown area, which is a result of interested citizens and property owners. He noted that it will be a non-profit organization, with anticipated membership of 20 - 30 on a Board of Directors, to support existing businesses and seek out new business for the area. In addition, the corporation will give advice and render assistance to persons desiring to establish new businesses; promote activities in the downtown area; work toward physical development of downtown and promote the image of downtown Harrisonburg. The following officers have been named: President: J. Wayne Alley, President of United Virginia Bank; Vice-President: Lyle Sweet; Secretary: James Deskins and Treasurer; Douglas Flory. Dr. Carrier and Attorney Henry Clark will serve as Co-Chairmen of the executive committee. Four committees have been established, namely: (1) Financial and Development (headed by Wayne Alley); (2) Membership and Management (headed by Jack Reich); (3) Appearance and Design (headed by Robert Moss); (4) Public Relations & Promotions (headed by Marion Jenkins). Dr. Carrier noted that a meeting is scheduled for 7:30 A.M. on Thursday, Mar. 11th, at the Harrisonburg Fruit & Produce Offices, at which time final adoption of a document for establishment of the Corporation is anticipated. He said he felt the group will work hard to bring development into downtown Harrisonburg, and Mr. Alley said that all members of the group were in full support of the project and hope to report often to Council, with good results. Mayor Erickson expressed appreciation for efforts of the group and for the work which has been done toward development of the downtown area. He offered Council's support, within the limits of its capability. Vice-Mayor Green informed Dr. Carrier that Lyle Sweet has now decided not to accept the position of Vice-President, due to a potential conflict with his membership on the Harrisonburg Redevelopment & Housing Authority. Dr. Carrier expressed regrets, and said that a replacement would be found for that position.

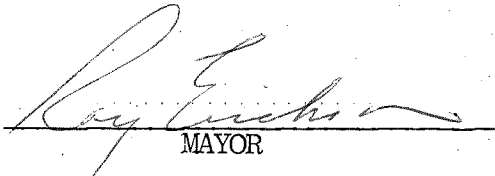
In a review of the financial outlook for Harrisonburg in the coming fiscal year, City Manager

Milam reported that the General Fund for the present year could end with a deficit in the neighborhood of \$ 390,000. as a result of lower than anticipated sales tax revenue; building permit fees; water & sewer connection fees and ABC profits. He noted that the projected shortfall is primarily due to the sluggish economy. The economic condition is expected to affect next year's revenues by a possible 4% overall reduction, which could be compounded by a state-mandated cut in business and professional license fees. Manager Milam said that although the problem is not real critical, it could seem to be so in the eyes of some people. Because of the anticipated drop in revenues, a cut in budget requests of individual city departments is being looked into, for the coming fiscal year which begins July 1, 1982. The report was for information.

At 9:10 P.M., Councilman Rhodes moved that Council enter an executive session to discuss a real estate matter and personnel. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

At 9:30 P.M., on motion duly adopted, the executive session was closed and the regular session reconvened and adjourned.

  
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; 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, 3rd.

Minutes of the regular meeting held on March 9th were approved as read.

✓ For information, the City Manager presented the "Report on Audit" for the Juvenile & Domestic Relations District Court, period 6/30/81, 6/30/80 and 6/30/79, prepared by the Auditor of Public Accounts, Commonwealth of Virginia. It was noted in correspondence from Mr. Charles Tribble, Auditor of Public Accounts, that "in our opinion, the financial statements present fairly the assets and liabilities arising from cash transactions of the City of Harrisonburg Juvenile & Domestic Relations District Court as of June 30, 1981, 1980 and 1979." In a brief review of the report, Manager Milam noted a \$ 52.00 balance, representing difference between receipts and disbursements for 1979, and carried through June 30, 1981.

✓ City Manager Milam called members' attention to their copies of the "Report on Audit of Commonwealth Revenues for period 7/1/81 through 12/31/81", prepared from records in the office of City Treasurer, and submitted by Mr. Charles K. Tribble, Auditor of Public Accounts. Reason for the audit for that particular period, was to determine accountability of former City Treasurer Marshall Firebaugh, whose retirement was effective as of December 31st, and to transfer assets, accounts and records of the office to the new treasurer, Beverly A. Simmons. It was noted in the correspondence that "proper receipts were prepared and executed by the outgoing and incoming officers for all assets of the office which were turned over to the incoming treasurer." From the report, Manager Milam noted receipts in amount of \$ 205,464.; remittances of \$ 149,620.; and amount unremitted of \$ 55,844., which is deposited in the Virginia National Bank.

✓ Correspondence dated 3/12/82 was presented and read from Attorney Henry Clark, on behalf of his client, Mr. Bob Arnold, expressing interest in purchasing from the city a 90' x 90' piece of residue on the corner of Warsaw and Main Streets, which is immediately adjacent to property owned by Mr. Arnold's corporation, and known as J.M.'s (pub & deli). Purpose of the purchase would be to enlarge the establishment. City Manager Milam reminded Council that the residue is from condemnation instituted by the city in order to rebuild S. Main Street at the former location of College Exxon, deed for which is still in the hands of the Highway Department. Noted further was the fact that requests of this nature are usually referred to the City Planning Commission to determine advisability of a sale and recommendation as to whether by public auction or sealed bids. In this case, determination would be made after the deed has been turned over to the city. Following a brief discussion and on motion of Councilman Dingledine, seconded by Councilman Rhodes, and a unanimous vote of Councilmen present, the matter was referred to the City Planning Commission for study and recommendation.

✓ For consideration of a first reading, the City Attorney presented an ordinance enacting Section 10-4-10 of the city code entitled: "Erosion & Sediment Control", for the purpose of adopting Chapter 3 of the Virginia Erosion & Sediment Control Handbook in its entirety, for incorporation, by reference, into the city's code. City Engineer Donn Devier informed Council that the Handbook was adopted in 1975, after much review, and is being used as much as possible, with any changes made which are felt necessary. Adoption of Chapter 3 would bring the city's ordinance in line with state regulations, in that the city's ordinance for erosion & sediment control, as presently written, makes no provision re responsibility for gas & oil drilling, which is a requirement under a 1980 General Assembly amendment. Following a brief discussion, Councilman Rhodes 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 Councilmen present.

(Councilman Cisney entered the meeting and was recorded present).

✓ The following Planning Commission report from a March 17, 1982 meeting was presented and read, concerning a request of RMC, Inc. for relocating a portion of Chesapeake Avenue:

*"...Following a field trip to Chesapeake Avenue, the Commissioners heard*

from Street Superintendent Ralph Smith that retaining wall improvements will be necessary on the east side of Chesapeake Avenue if the street's paved portion is going to be relocated several feet east of its present location. Attorney Henry Clark, representing RMC, Inc., told the Commissioners that RMC, Inc. needs to renovate and remodel the old Rockingham Mill, and by shifting the Chesapeake Avenue right-of-way and the paved road a few feet, loading and unloading will be moved away from the present situation. Mr. Clark noted that the City already has a problem on the east side of Chesapeake Avenue, where the old foundation of the demolished Milling Company Store is obviously separating from the existing pavement. He felt some large boulders and rip-rap is needed where Blacks Run curves just before it flows under Chesapeake Avenue.

Dr. Eneidy asked for RMC's time-table, and Mr. Clark responded that they want to proceed with the improvements immediately. RMC President Jack Reich reviewed the overall plans for an estimated half-million dollar renovation. Building Official Byrd then informed the Commission that he first reviewed plans in October, 1981, and from a planning aspect, many improvements will result for traffic on Chesapeake Avenue and for RMC's loading-unloading activities.

Mr. Rhodes then moved that the Commission recommend approval of the relocation of Chesapeake Avenue and exchange of right-of-way and the Public Works Department and RMC officials work out an agreement of what needs to be done, with costs to be negotiated. Dr. Eneidy seconded the motion and all members present voted in favor..."

Planning Director Sullivan presented two maps setting out the street relocation, etc., and noted that paving and other improvements should be worked out by the City and RMC, Inc. personnel, insofar as cost, etc. Attorney Clark reiterated the fact that Blacks Run is undermining the old foundation of the burned out former Rockingham Milling Company building, which appears to be the only real problem which may be encountered. He suggested that gravel or "other heavy stuff" be dumped there by someone, to serve as a fill-in. Should the project be approved, he informed Council that RMC, Inc. plans to rebuild and re-design the whole exterior of the building at a cost in the neighborhood of \$ 850,000. Mr. Sullivan said that a local C-W Railway representative has expressed satisfaction with the proposed street relocation. He noted further that the present parking area for employees' cars would have to be moved, and fill matter placed in the street area. Councilman Cisney offered an opinion that the plan should relieve traffic congestion from the front of the building, in that it is bottle-necked at the present time. Mr. Sullivan pointed out that other property owners had been given an opportunity to express their views, with no opposition ensuing. Following discussion, Councilman Cisney 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. Mayor Erickson expressed a hope that the City's Public Works Department would work with RMC, Inc. at its earliest convenience, to see that the street is rebuilt.

✓ The following Planning Commission report from a March 17, 1982 meeting, was presented and read:

"The preliminary engineering plans for a 20-unit 'group housing project' known as Madison Square was reviewed by the Commission. In January, developer Jerry Scripture presented his concept of cluster housing to the Commission and Attorney Steve Bradshaw described the proposed ownership of units and joint ownership of the common grounds and parking areas. The Commission expressed general approval. Since that review, the engineering firm, Patton, Harris, Rust and Associates, has drawn a detailed preliminary plat, locating the five proposed buildings, water and sewer lines, easements, and road-parking area. The Director reported that City Engineer Devier and Water and Sewer Superintendent Loker have studied the plans and Building Official Byrd has met with Mr. Scripture's architect. Attorney Bradshaw reported that he is writing the homeowners' association restrictions and covenants for Madison Square. He said the project comes under Harrisonburg's 'group housing' requirements and will not come under the state's condominium laws as such.

Mr. Heath concluded the discussion with a motion that the Commission recommend approval of the preliminary plat for the proposed 20-unit Madison Square group housing project to be built at 1323 S. Main Street, subject to final review and acceptance by City Staff. Mrs. Bowman seconded the motion and all members present voted in favor..."

Planning Director Sullivan noted that the land in question is one acre of vacant land which has gone through rezoning requests for commercial development possibilities, and more recently, for multiple apartments. He referred to a sketch by architect Michael Layman, setting out the apartment units, parking area on the back side, grassy area, sidewalks, etc. The twenty units will be constructed in groups of five (5), with four (4) living units (3 bedroom apts.) in each. Although the Commission is recommending approval of the preliminary plat, Mr. Sullivan noted that the final plat is now ready, and the entire parcel will be shown on the city map as Block 4, with no change as presently set out. Taxing on the units will be divided twenty ways by the Commissioner of Revenue's office, representing each of the individual living units. Attorney Steve Bradshaw noted that the project will come under "group housing" but will not have a normal subdivision layout insofar as streets, roads, etc. It will be residential use, and will provide more revenue to the city. Further noted was the fact that this will be more of townhouse situation than condominium, and the units will be for-sale, either for living purposes, or investments. Upon completion, the units will be turned over to the corporation, with new owners becoming members of the Homeowners' Association, with assessments made for maintenance of the grounds and common-use areas. When question was raised concerning the difference between a condominium and townhouse development, Attorney Bradshaw explained that a condominium purchaser gets everything "within the four walls" of a living unit, while the purchaser of a townhouse, or a unit in a development such as Madison Square, gets the exterior wall, as well. Councilman Dingledine asked Mr. Sullivan if there would be a problem with traffic. The Director replied that the housing development will be in the middle of the block on a straight street, and that one problem could be encountered, namely: a resident coming out and turning north on Main Street, and suggested only one cut in the sidewalk for exit, rather than two. He admitted that the project is a tight package, with the highest density use that the city's ordi-

nance will allow. It was pointed out that the 40 parking spaces would be fully occupied at all times, and should additional guests be visiting in the units, there could be a parking problem. The possibility of using the United Virginia Branch Bank parking lot (opposite the development) was mentioned, with the problem of pedestrians having to cross five lanes of traffic on South Main Street. When Councilman Dingleline asked about adequate fire protection insofar as access to the units by fire equipment. Mr. Sullivan replied that if cars are properly parked, there should be 40' of pavement in the middle portion. Following discussion, Councilman Rhodes moved that the recommendation of the Planning Commission be approved. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

✓ Correspondence dated 3/18/82 was presented and read from Mr. John Brinkman, chairman of the 1982 Harrisonburg/Rockingham Chamber of Commerce Highway Committee, in which he submitted the 1982 five-point program, and advised that three of last year's projects are now complete except for funding, and awaiting construction: Improvement of US 33 and I-81 interchange; Improvement of US 11 from Harrisonburg south city limits to I-81 interchange; Reconstruction of US 340 in Elkton between business 33 and Spotswood Trail. The following five-point program, according to Mr. Brinkman, is also being presented to the Rockingham County Board of Supervisors, Town Council of Broadway, Town Council of Timberville and Town Council of Shenandoah, for consideration of approval:

Primary I. Early decision on the improvement of State Route 42 between Harrisonburg and Broadway-Timberville, as a multi-stage project with first priority going to Harrisonburg, north, approximately three miles, and second priority being Route 259 at Broadway, south, approximately three miles toward Harrisonburg. (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 over 12,500 vehicles per day (in 1980) with heavy turning movements on and off I-81 at each end of the bridge. It is further recommended that traffic signals be installed at the ramps, in the interim, to facilitate traffic flow.

Urban III. Improve South High Street from Grace Street to south city limits of Harrisonburg. This is currently  $1\frac{1}{4}$  miles of 2-lane road, bottlenecking four-lane Route 42 from the south, four-lane High Street from the north, and four-lane Cantrell Avenue from the east.

Urban IV. Improve approximately  $1\frac{1}{2}$  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.

Primary V. Improve US 340 from Elkton to Shenandoah to a dual-lane. This facility is currently carrying approximately 5,415 vehicles per day.

Following review of the proposed projects, and discussion, Councilman Cisney moved that the Harrisonburg/Rockingham Chamber of Commerce Highway Committee's 1982 five-point program be approved. The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Councilmen present.

Following a reminder by the Mayor that Mr. Claude E. Garber, Jr. had notified of his resignation as a member of the Upper Valley Regional Park Authority, Councilman Dingleline moved that the resignation be accepted. The motion was seconded by Councilman Rhodes and adopted by a unanimous vote of Councilmen present.

✓ Councilman Dingleline moved that a supplemental appropriation in amount of \$ 2,353.89, requested by the Superintendent of Streets in order that reimbursement for purchase of new street signs may be used for repair of service truck and materials & supplies in Traffic Engineering, be approved for second & final reading, a first reading having been approved on March 9th, and that:

\$ 2,117.00 chgd.to: General Fund - Realized Revenue  
236.89 chgd.to: General Fund (1901.01) Recoveries & Rebates  
2,117.00 approp.to: General Fund (4107-5400.01) Traffic Engineering-  
Other Materials & Supplies  
236.89 approp.to: General Fund (6-1-3004.03) Central Garage- Repairs &  
Repl. Auto Equipment

The motion was seconded by Councilman Rhodes, 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 \$ 12,604.00 from account of Debt Service into account of Capital Outlay (Furniture & Fixtures), primarily for the purpose of purchasing additional needed band uniforms. Following review of the transaction and brief discussion, Councilman Dingleline moved that the transfer be approved, and that:

\$ 7,330.00 trans.from: School Fund (2000-801.00) Debt Service- Payment of  
Literary Fund Loans  
5,274.00 trans.from: School Fund (2000-803.02) Debt Service- Interest on  
Literary Fund Loans  
12,604.00 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.

✓ A request was presented from Mr. Ralph Smith, Superintendent of Streets, for approval of a supplemental appropriation in amount of \$ 3,778.69 due to insufficient funds for snow & ice removal. It was noted in the request that outstanding bills on the project are in total amount of \$4,828.99, while an amount of only \$ 1,050.30 remains in the March account. Following a brief discussion, Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 3,778.69 chgd.to: General Fund - Unappropriated Fund Balance  
3,778.69 approp, to: General Fund (4202-5804.01) St. Cleaning- Snow & Ice Removal



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

✓ City Attorney Lapsley presented for information, the Circuit Court Notice concerning appointment of William L. Blair to the Board of Zoning Appeals for a term of five (5) years, beginning March 20, 1982 and continuing through March 20, 1987. Mr. Blair had been filling an unexpired term which expired March 20th of this year, and was recommended by Council to be appointed by the Judge for his first full term on that Board.

✓ The City Manager called attention to a report on "Sanitation Fund Investments" on the \$10.4 million bond issue sold last summer. Figures showed a total earned interest of \$ 1,331,646.17 which should be sufficient to meet obligations for fiscal year 1982-83. He noted that completion of the plant is anticipated for October of this year. Assistant City Manager Driver reported that the city is presently working under three contracts on the project, namely: steam plant construction; steam line construction and roadway.

✓ City Manager Milam reviewed with Council the city's current year revenues and called attention to a computer printout sheet, which had been supplied each member. He noted that the anticipated shortfall is growing, and anticipated to be \$ 480,000. (4.8%) for the next fiscal year. Due to a defeat of Senate Bill 291 on the last day of the General Assembly which would have delayed a state imposed rollback in local gross receipts taxes, the City of Harrisonburg stands to lose about 20% of its income from business & professional licenses which are taxed in that manner. Maximum rates on each category of gross receipt taxes were established five years ago in the Legislature to become effective as of 1/1/83, with the city's rates in excess of those maximum amounts. The 5-year delay was intended to allow time for localities to gradually reduce any excessive rates and adjust to lower levels. Inasmuch as the city was anticipating annexation, it chose to retain its rates in order to benefit one year from the newly annexed area which would have been effective 1/1/82. Now that the annexation has been delayed on appeal by Rockingham County, Manager Milam noted that the city is faced with the necessity of imposing the lower rates, which will result in a loss of approximately \$ 180,000. Because of the financial situation, he will be looking to every department in the city to share in budget reductions, which seems inevitable.

✓ The City Attorney presented an ordinance amending Sec. 13.1-15 (h) of the City's Motor Vehicle License, with the following explanation: following a recent revision of various sections under 13.1-15, it became apparent to him that the city's ordinance was in conflict with Section 46.1-65 of the state code which indicates that "the amount of license fee or tax imposed by any county, city or town upon any class of motor vehicle, trailer or semi-trailer shall not be greater than the amount of the license tax imposed by the state on vehicles of any class", which information was relayed to the City Treasurer by letter dated March 18th. Because of this conflict, Section 13.1-15 (h) would have to provide for vehicles 4,000 lbs. or less to be charged a fee of \$ 15.00, which was omitted on the city's revised weight schedule, and the body of the ordinance should establish a fee no less than \$ 15.00, rather than \$ 20.00, as shown in the recent revision. City Manager Milam informed Council that he had instructed the City Treasurer to rely on the City Attorney's letter and charge the rate of \$ 15.00 from date of notification of conflict for light trucks, and to refund over charges prior to that time on this year's license. City Treasurer Simmons noted that refunds had been made to approximately fifty truck owners. Councilman Cisney moved that the ordinance be approved for a first reading, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Councilmen present.

✓ Mayor Erickson informed Council that upon request by Councilman Cisney, he had mailed a telegram to Coach Campanelli, signed "Harrisonburg City Council", extending congratulations to him, and to the "Dukes" basketball team of James Madison University, for its achievement in this year's competition.

✓ For information, City Manager Milam reported that following investigation of various firms for Individual Retirement Account (IRA) investments, city staff had decided upon: Branch Cabell & Co., Mutual of Omaha Insurance Co., and Virginia National Bank. He extended an invitation to members of Council to participate, if so desired.

At 9:40 P.M., Councilman Dingledine moved that Council enter an executive session to discuss a legal matter and personnel. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

At 10:40 P.M., on motion duly adopted, the executive session was closed and the regular session reconvened.

✓ Mayor Erickson reminded members that the resignation of Mr. Claude E. Garber, Jr., as a member of the Upper Valley Regional Park Authority had been accepted earlier in this meeting, and asked their wishes concerning an appointment to fill the vacancy. Councilman Dingledine moved that Mr. John J. (Jack) Broadus of 1656 Central Avenue, Harrisonburg, be appointed to serve the unexpired term to January 24, 1984. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

There being no further business, and on motion duly adopted, the meeting adjourned at 10:45 PM.

*J. D. Lapsley*  
CLERK

*Ray Erickson*  
MAYOR



Tuesday, April 13, 1982

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. 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 March 23, 1982 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, 1982.

From the City Treasurer:

A trial balance report as of close of business on March 31, 1982.

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 \$ 7,925.68 for month of March, 1982.

From the City Auditor:

A financial report for the City of Harrisonburg, Va., month of March, 1982.

A report of cash discounts saved in payment of vendor's invoices for month of March, 1982, totaling \$ 118.33.

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, 1982.

Mrs. Peter Miller, 906 Lee Avenue, appeared before Council along with residents of 904, 908 and 910 Lee Avenue, to discuss the city's alley adjacent to those back properties, and upkeep of same, as well as collection of debris from a neighboring commercial area (including old refrigerators with open doors). She stressed the need for clearing of debris and leveling of the alley between Fifth and Sixth Streets in order that same may be used as access from the rear of properties, inasmuch as flooding occurs in the front portions due to water run-off from the alley which is taken up by the debris. The fact that the area serves as an "eye sore" was noted, along with objections to garbage, rocks, high weeds in adjacent yards, health hazard caused by mosquitos, danger of snakes, as well as the old refrigerators which are out in the open. Councilman Cisney asked if the residents were interested only in access through the alley, or closing of same. The reply was for back access only, and a request was registered for leveling off and cleaning debris from the alley. Councilman Cisney then moved that the Street Department be requested to investigate and report back to Council concerning what can be done to resolve the situation. The motion was seconded by Councilman Dingleline. City Manager Milam made reminder that should it be desired to grade and improve the alley, the normal procedure is for the adjacent property owner to pay 1/2 the cost. He added that the problem of old refrigerators with open doors, should be no problem to resolve. Mrs. Miller stated that grading was not necessary, but simply leveling off of the alley for water flow. Councilman Cisney offered an opinion that the city's Building/Zoning Codes should be investigated for the purpose of cleaning up areas such as this. The motion was then adopted by a unanimous vote of Council.

✓ Council received correspondence dated 3/31/82 from Mr. J.R. Copper, Jr., Land Surveyor, enclosing copies of a site plan prepared for Mr. Neil Turner, showing 36 apartment units on the 3.794 acre parcel at the junction of Country Club Road and proposed Vine Street. City Manager Milam noted that this is a final plan for continuance of development in the area, where a convenience store has been located. Councilman Cisney moved that the Plan be referred to the City Planning Commission for study and recommendation. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ Correspondence dated 3/31/82 was presented and read from Cathy E. Fitzgerald, 336 Chicago Ave., with which she enclosed a plat of a 15' alley between Gay & Green Streets, entering onto Chicago Avenue. Request was made for closing of the alley which adjoins her property, in order that she may extend her driveway and enlarge the rear yard for fencing in. A filing fee of \$ 75. was enclosed. City Manager Milam informed Council that he had returned the check, in that the city code provides for a filing fee of only \$ 50. Councilman Dingleline moved that the request be referred to the City Planning Commission for study and recommendation. The motion was seconded by Vice-Mayor Green. Councilman Cisney received an affirmative reply when he asked whether or not other owners of properties adjacent to the alley would be given an opportunity to purchase, or refuse to purchase additional land which they might acquire in the closing. The motion was adopted by a unanimous vote of Council.

✓ The City Manager presented a Notice from the Farmers' Home Administration, Mr. Lacy K. Rea, Sr., County Supervisor, of a Foreclosure Sale which is scheduled for May 6, 1982, 11:00 A.M. at the County Courthouse, of property located in the Linville District, Rockingham County, Va. Manager Milam said he had investigated to determine if the property had any proximity to the City's watershed, and discovered that it is located west of Broadway, about 1/2 mile in this direction. City Attorney Lapsley informed Council that the Notice had been sent to every governing body in this area, for information.

✓ Mayor Erickson called attention to correspondence he had received from the Assistant Recreation Director, advising that June has traditionally been designated as Parks & Recreation month by the National Recreation & Parks Association. The purpose in stressing the observance is to heighten attention and attendance for park & recreation facilities and programs. Request was made for City Council to approve a model proclamation, designating June as Parks & Recreation Month. On motion of Councilman Dingleline, seconded by Vice-Mayor Green, and a unanimous vote of Council, the Mayor was authorized to sign the Proclamation on behalf of Council.

✓ Mr. Victor Smith, Commissioner of Revenue, requested Council's consideration of a third revision of the Tax Relief Ordinance, Sections 4-2-23 and 4-2-25, due to inflation which is still with us, and the fact that most of the applicants for tax relief are on Social Security which increases for cost-of-living. This has resulted in some of those who apply, becoming marginal insofar as qualifying for relief. The ordinance, if approved would raise gross combined income of the owner or owners from \$ 8,500. to \$ 10,000.; total combined financial worth of owner and spouse from \$ 30,000. to \$ 35,000. etc., with maximum tax relief allowed for a taxable year from \$ 250. to \$ 275. Mr. Smith noted that Social Security has been on the increase for the past several years, and that some people, through no fault of their own, will be out of the financial category for relief from taxation, unless the ordinance is again amended. When question was raised concerning how much the reduction would add to applications for relief, Mr. Smith replied that he did not look for any large number. Following discussion, Councilman Rhodes 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 Harrisonburg City School Board, along with Superintendent Wayne King and School's Director of Finance Paul Quintrell, were present in the meeting for the purpose of presenting the school budget for fiscal year 1982-83. Mr. Bob Amos, Chairman, cited reasons for the requested \$ 576,651. in additional local funding as: Debt Service, \$ 104,000.; Va. Supplemental Retirement System, \$ 60,000.; 8.65% teacher salary increase, \$ 337,651. and stadium, \$ 75,000. The amount for stadium, if approved, will be used for installation of bathrooms in the football stadium, which has been a request by many citizens for several years, according to the Chairman. Superintendent King noted that the state has recommended a 10% increase in salaries for this year and again next year, with only approximately 2.7% committed, with the difference to be the responsibility of the local governing body. He pointed out the fact that Harrisonburg has a high composite index based on wealth and taxable properties, which definitely affects amount of state aid for operation of the school system. Councilman Cisney offered an observation that if no increase is given the city, and the school's request for \$ 4.8 million local funding is granted, the only place to increase city revenue which is on shortfall, would be to increase property taxes by 17¢. Shortfall in revenue is due to reduction in building, water & sewer permits; anticipated loss in ABC profits and professional license fees; reduction in sales tax receipts, etc. Gail Cunningham, President of the Harrisonburg Education Association, offered support for the city's school system and urged favorable consideration by City Council for the budget requests. Mayor Erickson expressed appreciation for statements made in the budget presentation, but noted that the state has mandates which are not financially supported. He offered a hope that all departments will accept "whatever comes out of the 1982-83 budget", in the right manner. Mr. King introduced Messrs. James Wampler and James Messner, newest members of the City School Board.

✓ As a follow-up of two previous contracts which had been mailed to each member of Council by the City Manager for construction and operation of sewer lines on US 11, south (original drawn by the Sewer Authority attorney and a second approved by the County Board of Supervisors with various recommended changes), Mr. John Driver, Assistant City Manager, presented a third contract with the following explanation: The original contract was written by the Authority attorney about a month ago, as discussed and approved by the Authority, with copies forwarded to the County Board on that same day. On Tuesday evening, March 23rd (date of Council's regularly scheduled meeting) a copy of the contract, approved by the Board of Supervisors with various changes typed in, was on his (Mr. Driver's) desk. Inasmuch as he could not recommend approval of the contract, as changed, he called the Sewer Authority's attorney, and asked him to contact the county to determine whether any changes might be made. Mr. Driver informed Council that he could recommend approval of the new contract, as presented this evening, which is basically the same as the original contract, but does incorporate several changes the county had recommended. Following a review of the changes under paragraphs 1, 3, 4, 6 & 8 of the revised contract, Councilman Cisney moved that it be approved by Council, signed by the proper officials, and forwarded to the county. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ For consideration of second & final reading, an ordinance enacting Section 10-4-10 of the City Code, entitled: "Erosion and sediment control" was presented. The ordinance, adopted for a first reading on March 23rd, provides for adoption of Chapter 3 of the Virginia Erosion and Sediment Control Handbook, in its entirety. 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 Rhodes, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, pg 260).

✓ An ordinance amending Section 13.1-15 (h) of the Motor Vehicle License ordinance was presented for consideration of a second & final reading, a first reading having been approved on March 23rd. Council was reminded that following a recent revision of the same section, it had become apparent to the City Attorney that the section made no provision in the weight schedule for vehicles of 4,000 lbs. or less, which should be a fee of \$ 15.00. Under this revision, that weight is added, and wording changed to provide that no fee shall be less than \$ 15.00 on any vehicle, rather than \$ 20.00 as shown on the prior amendment. 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. (Refer to Ord. Book K, page 261).

✓ Council delayed action concerning a Deed, drawn by the law firm of Wharton, Aldhizer & Weaver, conveying the property known as Rockingham-Harrisonburg Halfway House situate on the southeastern side of the Old Warm Springs Turnpike, south of the City Limits of Harrisonburg (referred to as Pear Street Halfway House), to Rockingham County and the City of Harrisonburg, pending further information concerning assessed value of the property, determination of various amounts not filled in on the document, etc. City Manager Milam pointed out the fact that it was understood several years ago that should the operation ever fail, or it become otherwise necessary, the property would be deeded to the county and city.

✓ Council reviewed ten (10) bids submitted for construction of the city's Transportation Center to be located in northeast Harrisonburg, with the low bid submitted by Proehl Construction Company of Forrest, Virginia: base bid, \$ 125,000., representing \$ 33.40 per square foot, project to be completed in 100 days. The invitation to bid on the project was advertised in the Daily News Record newspaper on March 11th, 12th and 13th. City Manager Milam noted that the construction had been estimated in the neighborhood of \$ 90,000. and said that in his opinion, the low bid, which he would recommend accepting, was not that far out-of-line from the original estimate. Council was informed that according to correspondence dated March 21, 1982, Section 18 Program Capital Grant & Operating Assistance (\$100,000.) has been approved by the Department of Highways & Transportation for Harrisonburg's Center, and that application has been submitted for additional funding. An estimated \$ 30,000. is appropriated in this year's budget. The proposed Transportation Project budget for fiscal year 1982-83 sets out total operating expenses of \$ 104,750. (which includes wages, maintenance & fuel); revenues estimated as \$ 21,000., leaving net operating expenses of \$ 83,750. The City will match federal funding on a 50-50 basis of \$ 41,875. Following review of the bids, Councilman Rhodes moved that the low bid of Proehl Construction Company in amount of \$ 125,000. be accepted. 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 \$ 3,778.69, requested by the Superintendent of Streets due to insufficient funds for snow & ice removal, be approved for second & final reading, a first reading having been approved on March 23rd, and that:

\$ 3,778.69 chgd.to: General Fund- Unappropriated Fund Balance

3,778.69 approp.to: General Fund (4202-5804.01) St. Cleaning- Snow & Ice Removal

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

✓ A request from Assistant City Manager Driver was presented for approval of a supplemental appropriation in amount of \$ 3,099.44, in order to appropriate monies that have been received from the state for Litter Control, received last year and not encumbered at the end of the 1980-81 fiscal year. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 2,444.00 chgd.to: General Fund (1901.01) Real.Revenue- Recoveries & Rebates

655.44 chgd.to: General Fund - Unappropriated Fund Balance

3,099.44 approp.to: General Fund (4108-5414.01) Litter Control

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

✓ The City Manager informed Council that he was in receipt of Harrisonburg Electric Commission's annual budget for fiscal year 1982-83, seven copies of which are required to be submitted by April 1st of each year. He noted that a copy would be on file in his office for review.

At 10:00 P.M., 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 10:20 P.M., on motion duly adopted, the executive session was declared closed and the regular session reconvened.

✓ Mr. Bernard Martin, developer, displayed sketches of the proposed layout for the "Triple H Farms" development to be located on the west side of Va. Rt. 42, north of Heritage Haven apartments, and adjacent to Park Village. He noted a five-year plan of development which will be laid out in sections, and comprised of single family homes with basement apartments, duplexes, townhouses and garden apartments. According to Mr. Martin, the county has delayed rezoning 47 acres of the area from A-1 (Agriculture) to R-3 (Residential), and 11 acres from A-1 to B-1 (General Business, pending assurance from the city that water and sewer services will be supplied. Councilman Cisney asked if the development would be according to city standards and requirements, with plans submitted to the city, prior to any development, as stated in a letter of April 9th. In view of a former request of Mr. Orden Harmon, President of Triple H. Farms, Inc., to be included in the city's requested annexation area, Mr. Martin said that the development will be according to the city's standards and requirements. Should the city agree to furnish water and sewer to the development, water and sewer lines will be constructed by Triple H Farms, Inc. to city specifications, with plans submitted for approval. Mr. Martin noted a demand for homes and lots within the development, in spite of high interest rates, and said that construction will proceed as demand arises for living units. Following discussion, Vice-Mayor Green moved that the City grant the request for water and sewer services for "Triple H Farms" only, with Rockingham County to be so informed, in writing. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

There being no further business and on motion of Councilman Dingledine, seconded by Councilman Rhodes, and a unanimous vote of Council, the meeting was adjourned at 10:36 P.M.

*N. Arthur Lober*  
CLERK

*Ray E. Eichen*  
MAYOR

Tuesday, April 27, 1982

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.

Vice-Mayor Green called the meeting to order and presided, in the absence of the Mayor.

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

✓ Correspondence dated 4/23/82 was presented and read from W. Marshall Price, with attached plat for resubdivision of property located at the north end of Walker Street, owned by Virginia Properties, Inc., a partnership composed of Page P. Price, Edmund P. Price, Eleanor P. Price, and himself. It was noted that the plat sets out twelve (12) apartment units, rather than fourteen (14) units which had been approved in November, 1981, by the Planning Commission. According to Mr. Price, the lawn and parking area will be operated and maintained jointly by Virginia Properties (1/2 owner) and himself, with division of the property allowing both parties to assume full title to same. City Manager Milam informed Council that inasmuch as the property would be divided into two new tracts, it must be reviewed by the Planning Commission to determine whether or not it complies with requirements of the city's subdivision control ordinance. On motion of Councilman Dingledine, seconded by Councilman Cisney, and a unanimous vote of Councilmen present, the plat was referred to the City Planning Commission for study and recommendation.

✓ City Manager Milam presented correspondence received today from Mr. Jack DePoy, enclosing a plat for an individual lot which is a portion of the land remaining in the eastern part of the Gunsmoke property located in northeast Harrisonburg. It was noted that since this plan does not show all of the remaining property in this particular tract, a revised plat with all of the tract, and dedication to the city of the remaining portion of Vine Street through the tract, would be submitted to the City Planning Commission for its review, along with the revised plat, when received, and recommendation submitted to Council. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

✓ City Manager Milam presented copies of the 118 page work budget for the 1982-83 fiscal year to members of Council, balanced in total amount of \$ 22,718,690., representing a decrease of \$ 9,078,535. over the present fiscal year, with no increase in taxation. In his Budget Message, Manager Milam pointed out three routes which he could have taken in presenting the budget in balance, with a decision reached to submit a status quo proposal. Options examined included: (1) reducing number of employees in several departments by eliminating the funds for shifting those funds to a department with a higher priority; (2) requiring each department to lay off 10% of its personnel, or the City Manager reducing all wages by reducing the work week; (3) submit a budget based primarily on the current revenue funding levels; (4) submit a budget that would require increased taxation. He offered an opinion that option 3 (status quo) "is not all bad when you consider the erratic economic conditions that all citizens are required to cope with from day to day." Although wages of all city employees are frozen in this year's proposal, Manager Milam pointed out that various changes in employees' benefits should result in more take home pay (i.e. proposed Congressional 10% reduction in income tax as of July 1st, and possible reduction in Blue Cross/Blue Shield employees' premiums). In a review of the budget, by departments, various decreases and some slight increases were pointed out, with Capital Outlay projects, the Public Works Dept. and Water/Sewer Departments absorbing most of the \$ 543,000. in spending reductions. Under the proposed budget, an increase of \$ 131,000. in the overall school budget would have to be expended, based upon the School Board's decision. Following the City Manager's review of the proposed budget, Councilman Cisney moved that Council schedule a work session for Monday, May 3rd, 7:30 P.M. in the Mayor's Office, and schedule a public hearing on the 1982-83 budget for Tuesday, May 11, 7:30 P.M. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present. The City Manager was instructed to advertise the public hearing in the Daily News Record newspaper, along with a synopsis of the proposed budget.

✓ For consideration of a second & final reading, an ordinance amending Sections 4-2-23 and 4-2-25 of the City Code, was presented, a first reading having been approved on April 13th. Amendments to the Real Estate Tax Exemptions sections will raise gross combined income of the owner or owners from \$ 8,500. to \$ 10,000.; total combined financial worth of owner and spouse from \$30,000. to \$ 35,000., etc., with maximum tax relief allowed for a taxable year increased from \$ 250. to \$ 275. Changes are also reflected on the schedule of combined gross income exemptions qualifying for the various percentage reductions. 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 Councilmen present. (Refer to Ord. Bk K, page 263).

✓ The following resolution was presented for Council's consideration of approval:

*WHEREAS, the City Council recognizes the existence of a litter problem within the boundaries of Harrisonburg; and*

*WHEREAS, the Virginia Litter Control Act of 1976 provides, through the Department of Conservation and Economic Development, Division of Litter Control, for the allocation of public funds in the form of Grants for the purpose of enhancing local litter control programs; and*

*WHEREAS, having reviewed and considered the Regulations and the Application governing administration and use of said funds;*

*BE IT RESOLVED that the City Council:*

*HEREBY endorses and supports such a program for the City of Harrisonburg as is indicated in the attached Application Form LC-G-1; and*

*HEREBY authorizes the City Manager to plan, budget, and apply for a Grant, which if approved, will be used to fund said Program; and*

*HEREBY requests the Department of Conservation and Economic Development Division of Litter Control, to consider and approve said Application and Program, said Program being in accord with the Regulations governing use and expenditure of said funds.*

*ADOPTED and APPROVED this \_\_\_\_\_ day of April, 1982.*

Attest:

*Clerk of Council*

Councilman Rhodes moved that the resolution be approved, with authorization for the Vice-Mayor to sign same on behalf of Council. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.



Assistant City Manager Driver informed Council that funds received last year from a Litter Control Grant had not been encumbered at the end of fiscal year 1980-81, and will be approved for second & final reading in this meeting for use in this year's program. He requested approval of the following Proclamation for use of those funds:

*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 rights-of-way within the City;*

*NOW, THEREFORE, I, Roy Erickson, Mayor of the City of Harrisonburg, do proclaim May 3 - May 7, 1982, to be Harrisonburg Beautification Week.*

Councilman Cisney moved that the Proclamation be approved, with authorization for the Vice-Mayor to sign same, in the absence of the Mayor. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.

The following Planning Commission report from an April 21st meeting was presented and read:

*"...The Commissioners reviewed Ms. Cathy Fitzgerald's March 31, 1982 letter and attached map, showing a 15' alley extending 135' from Chicago Avenue eastward to the end of Ms. Fitzgerald's property. Mr. Dan Fitzgerald told the Commissioners that his daughter's lot is only 36.4 feet wide, and she is using the undeveloped alley for driveway and yard space. A fence already separates the alley from the adjacent owner, Mrs. Robert Hivick of 251 West Gay Street. If Mrs. Hivick does not want 1/2 of the alley, Mr. Fitzgerald desires to purchase the entire alley from the City.*

*Mr. Rhodes noted that he visited the site, and reported that while Ms. Fitzgerald has full use of the alley now, she will improve her real estate if she can purchase the strip of land from the City. He then moved that the Commission recommend closing the 15' alley, and a Board of Viewers be appointed by City Council. Mr. Trobaugh seconded the motion and all members present voted in favor..."*

Planning Director Sullivan pointed out the location of the alley on a map and noted that although Mrs. Fitzgerald is in complete control of the alley, she still desires that same be closed, to permit purchase of the additional land. He informed Council that this is a paper alley. Following discussion, Councilman Cisney moved that the request of the Planning Commission be accepted and the following persons be appointed to serve as a Board of Viewers to view the alley and report, in writing, whether or not there would be any inconvenience in closing same: Messrs. John H. Byrd, Sr.; T. H. Lowery and Richard L. Suter. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

The following report from a meeting of the Planning Commission held on April 21st was presented and read:

*"...Mr. Jennings Shifflett appeared before the Commission to request that 250 feet of a 10 foot undeveloped alley be closed near Madison Street. The Director showed a map of the neighborhood to the Commissioners, and Mr. Shifflett explained that Mr. Stanford C. Good and Mr. Terry L. Spitzer also want the alley closed. The Director noted that Mr. Shifflett has submitted the filing fee, and if the alley is vacated, he will consolidate four parcels into enough area for a new apartment or two. He also noted that no utilities are located in the alley, but the City does have a 16" Sewer Trunk Line across the middle of Mr. Shifflett's Lot 11. (see map)*

*Mr. Trobaugh concluded the discussion with a motion that the Commission recommend closing the 10 foot alley, for a distance of 250 feet, and located 150 feet north of and parallel to Madison Street, and a Board of Viewers be appointed. Mr. Rhodes seconded the motion, and all members present voted in favor..."*

Mr. Sullivan pointed out the alley location on a map and noted that it is a paper alley (undeveloped). Following a brief discussion, Councilman Dingledine moved that Council accept the report of the Planning Commission and appoint a Board of Viewers to view the alley and report, in writing, whether or not there would be any inconvenience in the closing: Messrs. John H. Byrd, Sr., T.H. Lowery and Richard L. Suter. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

The following Planning Commission report from a meeting held on April 21st was presented and read:

*"...The Director presented a site plan of a proposed 7-Eleven Store, to be located on the southeast corner of N. Mason and E. Gay Streets, if the H.H. and L. Property is subdivided into two commercial lots. Mr. DeBell of Bengston, DeBell, Elkin and Titus from Centreville, Va., told the Commissioners that the Southland Corporation desires to purchase the 50,836 sq. foot lot bordered by Mason and Gay Streets and a new 7-Eleven Store with gas pumps will be constructed. The existing East Gay Street store will then be closed. The Director reported that City Staff reviewed the site plan and all engineering, utilities, setbacks and landscaping meets their approval. He also reported that Redevelopment & Housing Authority Deskins is familiar with the plan and will report to the Authority.*

*Mr. Heath moved that the Commission recommend approval of the subdivision of H.H. & L.'s Parcel 1, Block C into two commercial lots. Mr. Trobaugh seconded the motion and all members present voted in favor..."*

Planning Director Sullivan called Council's attention to a map attached to the Planning Commission report, and noted that the proposed new store would face North Mason Street, with gas pumps installed in front. The curb cut on E. Gay Street would be widened for exiting of vehicles, which would proceed northward to the traffic light. He pointed out that the request of subdividing the lot is a matter of dividing the L-shaped piece of land in order that purchase of the 50,836 sq. feet, can be carried out. Following a brief discussion, Councilman Rhodes moved that the recommendation of the Planning Commission be approved. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.



✓ From an April 21st meeting of the City Planning Commission, the following report was presented and read:

*"...The Commissioners studied a revised Development Plan of Mr. Neil Turner's 3.79 acre property located behind the new High's Store east of the Country Club Road-East Market Street intersection. His new plan proposed 36 apartment units and subdividing of the site into three lots. The High's Store and 16 apartment units are indicated on the lot and 10 apartment units are shown on each of the other two lots. The Director reported that Mr. Turner will be required to dedicate the right-of-way for Vine St. and participate in the cost of constructing the street, plus install sanitary sewer lines and water lines. An existing 12" water line was installed by the City in East Hawkins Street and through adjacent land owned by Gunsmoke Developers, Inc.*

*Mr. J.R. Copper, land surveyor, told the Commissioners that Mr. Turner will dedicate his portion of proposed Vine Street, and Mr. Turner said he anticipates constructing the curbing on his side of Vine Street. He indicated that storm water from nearby Reherd Acres should not be his responsibility. The Director then reported that proposed Vine Street is shown on the City's Major Thoroughfare Plan as a 60' collector street, and in order to establish the street, the subdivision process is the City's method for connecting Vine from Market to Old Furnace Road. He added that Messrs. DePoy and Pugh have expressed willingness to dedicate their portion of Vine Street to the City this spring. Mr. Rhodes indicated that participation by the various parties in construction of Vine Street will be discussed by City Council and management.*

*Mr. Heath concluded that Mr. Turner is seeking tentative or preliminary approval of both his revised Development Plan and a proposed 3-lot subdivision, which will have to be followed up by a Final Subdivision Plan. Mr. Heath then moved that the Commission recommend to City Council that Neil Turner's revised Development Plan for his 3.79 acre R-4 Planned Unit Area be accepted, plus the preliminary subdivision of the property into three lots. Mr. Trobaugh seconded the motion and all members present voted in favor..."*

Mr. Sullivan pointed out the location on a map and reiterated the fact that Mr. Turner, as a subdivider, will have to dedicate some land, install water and sewer lines, and participate in the cost of street construction. Gunsmoke Developers will also turn over a strip of its land to the City. Inasmuch as a final subdivision plan will have to be submitted by Mr. Turner, Councilman Cisney moved that the Planning Commission's recommendation for acceptance of the preliminary plan be approved. The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Councilmen present.

✓ Concerning the alley in rear of properties in the 900 block of Lee Avenue which had drawn complaints at the April 13th meeting, City Manager Milam informed Council that statements had been submitted by the Police Department, Building/Zoning Department, and Superintendent of the Street Department, following their investigation of the area. The police department reported that four refrigerators outside the commercial establishment were in violation, and that assurance had been given by the owner of Senger's Refrigeration & Appliances that the problem would be corrected, in order to prevent further complaints; the Building/Zoning Official reported that the commercial establishment is clearly within the limits of an M-1 Industrial District, with no specific building code requirements applicable to the matter of complaints registered, unless the continued collection of appliances, debris, etc., should be classified as an "attractive nuisance." Should this be the case, certain security measures (i.e. proper fencing) could be required. It was further noted that the zoning regulations might be modified in order to speak to the buffering of adjacent properties when zoning districts change, for which there is no policy at the present time; the Superintendent of Streets reported that the alleyway lies behind commercial properties and residences on Virginia Avenue, and that during construction of properties facing Virginia Avenue, prior to the 1962 annexation, some fill was placed in the alleyway in question. Some roof drains from one commercial structure releases water directly into the alley, and another residence drain is piped into the alleyway. Some weeds and brush are growing in the alley and along the west edge of same to rear of the Lee Avenue properties. Mr. Smith reported further that the fill matter consists of rock, dirt, and some broken building blocks, which could pose a difficult problem of maintaining the alley by mowing. In order to improve the alley to facilitate maintenance by mowing, an easement from landowners on the west side would be necessitated, for placing dirt and top soil over the rough fill, with an estimated cost of \$ 2,400. for the project, which would serve for maintenance and appearance only. To open the alley for traffic would require extensive fill matter at an estimated cost of \$ 4,080.00, and could only be done through acquisition of construction and slope easements from property owners. In concluding his report, Mr. Smith stated that "city forces are presently installing curb & gutter on Lee Avenue from 5th Street to near 7th Street on the east side. This will eliminate an erosion problem along the pavement edge and will complete curb & gutter on Lee Avenue. The street is also scheduled for repaving." When photographs of the area were passed among members, Councilman Cisney offered an observation that "the area seems to be a collection point for debris from Commercial owners as well as residences." Assistant City Manager Driver pointed out that the area was located in the county prior to the 1962 annexation, and under no zoning ordinance at that time. He offered an opinion that the city could clean up the alley, but that any other improvements could place the city liable. When Councilman Rhodes addressed the matter of some type of buffer separating commercial establishments from residences being a requirement, he was asked, as a member of the City Planning Commission, to discuss this with members of that Commission at some future meeting. Following discussion, Council instructed the City Manager to take the necessary steps to see that the alley is cleared of debris, brush and weeds.

✓ Correspondence dated 4/14/82 was presented and read from Ms. Carolyn Craun, Festival Coordinator (Virginia Poultry Federation, Inc.), requesting permission to issue vendor's permits on this year's Grand Poultry Festival Parade day which will be held on May 22nd. City Manager Milam noted that permits had been handled in this manner over the past several years, with no problems encountered. Councilman Cisney moved that the Federation be granted permission to issue vendor's permits on

parade day during this year's festival. The motion was seconded by Councilman Rhodes and adopted by a unanimous vote of Councilmen present.

✓ In discussing appointments to various Boards and Commissions, it was noted that the terms of two members on the Industrial Development Authority had expired on April 24th of this year. Mr. Bill Walton's first term expired on that date, and the unexpired term which Dr. J.F. Wine had been filling, also expired on that date. Vice-Mayor Green asked members' wishes concerning appointments. Councilman Cisney moved that Mr. Bill Walton be reappointed to the Industrial Development Authority for a second term of four (4) years, expiring on April 24, 1986, and Dr. J.F. Wine be appointed to serve his first full term of four (4) years, expiring on April 24, 1986. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.

✓ Attention was called to the fact that the one year terms of all members presently serving on the Price-Rotary Senior Citizens Center Advisory Board would expire on May 1st of this year, and Vice-Mayor Green asked members' wishes concerning the membership after that date. Councilman Cisney moved that the following persons be reappointed to the Advisory Board for one year terms, expiring on May 1, 1983: Councilman Raymond C. Dingledine, Jr., Chairman; Mrs. Lakey S. Logan; Mrs. Wilhelmina H. Johnson; Mrs. Henrietta Huffman; R.J. Sullivan, Jr.; Mrs. Pauline Riddle; C.W. Kestner; Gregory R. Versen; Mrs. Idah Payne Suter. 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 \$ 3,099.44, requested by the Assistant City Manager in order to appropriate funds received from a Litter Control Grant, be approved for second & final reading, a first reading having been approved on April 13th, and that:

\$ 2,444.00 chgd. to: General Fund (1901.01) Real Revenue- Recoveries & Rebates

655.44 chgd. to: General Fund- Unapprop. Fund Balance

3,099.44 approp. to: General Fund (4108-5414.01) Litter Control

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

✓ Correspondence dated 4/23/82 from the Virginia Municipal League was presented, advising that the date for submitting nominees to serve on the six Policy Committees had been extended to May 14th. Manager Milan noted that those appointed would serve from now until the conclusion of the 1983 General Assembly session. Following discussion, it was unanimously agreed that the following persons be submitted as nominees for reappointment to the six committees, as follows:

Community and Economic Development - R.J. Sullivan, Jr., Planning Director

Effective Government - Dr. Walter F. Green, 3rd, Vice-Mayor

Environmental Government - James C. Cisney, City Councilman

Human Development - John E. Driver, Assistant City Manager

Public Safety - Richard W. Presgrave, Chief of Police

Transportation - Elon W. Rhodes, City Councilman

Councilman Dingledine informed Council that he was in receipt of correspondence from Mr. Raymond F. Ratcliff, President, advising of his one (1) year appointment to serve on the Legislative Committee, and that he acknowledges the appointment. The Clerk was instructed to send in the requested form with names of nominees, prior to the May 14th deadline.

✓ The City Manager informed Council that he had been advised through correspondence from the Virginia Department of Highways & Transportation, that a public hearing will be held on May 24th, 7:30 P.M. at the Rockingham County Court House, enclosing a list of pre-allocation projects. He reviewed the list with members, particularly those of interest to the City of Harrisonburg.

At 9:25 P.M., Councilman Cisney moved that this meeting be adjourned until Monday, May 3rd, 7:30 P.M., at which time the proposed City of Harrisonburg budget for fiscal year 1982-83, as submitted this evening by the City Manager, would be reviewed in the Mayor's Office. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

*N. Arlene Loker*  
CLERK

*W. F. Green, 3rd*  
VICE-MAYOR  
Monday, May 3, 1982

Monday, May 3, 1982

At an adjourned meeting of Council held in the Council Chamber this evening at 7:30 there were present: 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. Absent: Mayor Roy Erickson; City Attorney Norvell Lapsley and Chief of Police Richard W. Presgrave. (sitting in for the Chief, Captain Stroble).

Vice-Mayor Green presided in the Mayor's absence, and noted that this evening's meeting is a continuation of the regular meeting of April 27th, and is being held for the primary purpose of a budget work session. He called on anyone present who may desire to be heard on any matter. There being no one, the City Manager's Budget Message was again reviewed, with no questions concerning same. The matter of a possible 15% reduction in Blue Cross/Blue Shield insurance premiums was mentioned by the City Manager, which are presently paid by 65% city and 35% employee. The School Board assumes 80% of its premiums and employees, 20%. City Auditor Peterman pointed out that the City could either draw against its credit or receive a check for the full amount, and noted that the City's insurance rate had stayed the same as last year because of its good record. Although the proposed budget provides for no employee salary increases, Council discussed the challenge of raising additional revenue to provide for a 5% increase. Councilman Cisney said that about the only way to raise revenue would be to raise property taxes. He suggested a 5¢ tax increase on the present rate of 65¢ per \$ 100 assessed property valuation, with an increase of 6% for all city employees earning \$ 15,000. or less, and 4% increase for those earning above that amount. Vice-Mayor Green offered an opinion that the lower income people really suffer due to the present economic situation

and that more consideration should be given them. He suggested a 6%, 4%, 3%, on salaries of \$10,000. or less; \$ 10,000. - \$ 20,000. and over \$ 20,000., respectively. Councilman Dingledine was not in agreement with a tax increase, but suggested that the City Manager take another look at reducing operating expenses by approximately another \$ 100,000., and that the School Board concentrate on state mandates and eliminate some other things listed in its request. Councilman Rhodes also had no endorsement for a tax increase. Although the School Board had tentatively approved an 8.65% salary increase for teachers, and requested an additional appropriation of \$ 576,000. from the City, the budget, as proposed by the City Manager, provides for an approximate 6.2% increase for teachers, with approximately \$ 141,000. deducted from another school instructional category, which, according to the Finance Director, would have to be made up from the increase proposed for salaries. Councilman Cisney suggested that the School Board submit an audit to Council at the school year's end in order that members may know more about what is going on in the school system. Mr. Paul Quintrell, Finance Director, stated that the school has no separate audit from that which is done by Keeler & Phibbs, CPA, in the overall city audit, but that it does have an auditor for accounts within the school's operation which involves no state or federal funding. When Councilman Cisney asked for a figure of anticipated school surplus for this fiscal year, Mr. Quintrell replied that any figure he would quote would be "only a wild guess." When City Manager Milam was asked if he could see any way to accomplish the suggested percentage increases for salaries of city employees, he replied that he would rework the budget and if possible, reduce operating expenses in the various departments by another 5% - 10%. Councilman Cisney offered an opinion that there would be no use in reducing electricity, fuel, etc. costs, in that those rates will more than likely be higher in 1982-83. Vice-Mayor Green said that the School Board needs to go over its budget and get with Council, prior to any recommendations for changes in the City Manager's proposed budget. Councilman Rhodes suggested that a meeting be scheduled with the School Board, following its regular meeting tomorrow night. Following discussion, 9:00 P.M. was agreed upon, and Mr. Quintrell said he would set up the meeting with the Board, following its regular meeting at the High School. Vice-Mayor Green asked the City Manager to work with the 6, 4, 3% salary increases as suggested. Manager Milam noted that if changes are made in salaries, operating expenses, etc., the appropriation ordinance would not be ready for a first reading by May 11th (date of public hearing), but that it could be approved with amendments. He offered an opinion that neither the Council or the public wish to have property taxes raised, and said he had left a margin of 5% salary increases, in that he felt funds would be sufficient in the various departments. Although operation of Riven Rock (City) Park at Rawley is eliminated in the 1982-83 fiscal year's proposed budget, Manager Milam mentioned the possibility of leasing same to private enterprise, rather than the city spending money for its upkeep. Should this be accomplished, closing the park would not be necessary. At 9:15 P.M., Councilman Rhodes moved that Council enter an executive session to discuss personnel, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Councilmen present.

At 10:13 P.M., on motion duly adopted, the executive session was closed and the regular session reconvened.

Councilman Dingledine moved that "inasmuch as Council has been informed of the Harrisonburg Redevelopment & Housing Authority's willingness for Mr. Jim Deskins to assume responsibility for the Downtown Development Corporation, Council is pleased to approve use of Mr. Deskins' services as Executive Director of Downtown Development." The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

Councilman Dingledine moved that this meeting be adjourned until tomorrow night, Tuesday, May 4th, at 9:00 P.M. in the Council Chambers. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

*N. Arlene Lober*  
CLERK

*J. Green*  
VICE-MAYOR

Tuesday, May 4, 1982

At an adjourned meeting of Council held in the Council Chamber this evening at 9:00 o'clock there were present: City Manager Marvin B. Milam; Clerk N. Arlene Loker; Vice-Mayor Walter F. Green, 3rd; Councilmen Raymond C. Dingle, Jr., Elon W. Rhodes, James C. Cisney; City Auditor Philip L. Peterman. Absent: Mayor Roy Erickson; City Attorney Lapsley and Chief of Police Presgrave. (sitting in for the Chief, Capt. Stroble).

✓ Vice-Mayor Green presided in the Mayor's absence, and noted that the meeting of Monday, May 3rd, had been adjourned until this time in order that Council might meet with the City School Board following its regular meeting at the High School. He said it was felt that the Board would be here this evening with a revised budget, and reductions in various categories, in view of last night's meeting when the present economic problem had been discussed from the standpoint of trying to come up with a balanced budget for operation of the city and school system, based on less anticipated revenue for the 1982-83 fiscal year. The Vice-Mayor pointed out that the city's budget had been cut about as much as it could be, and added that unless absolutely necessary, there would be no increase in property tax rate. He called attention to the fact that the cost for operation of the school system is on the increase and noted that transfers had been coming in recently from Fixed Charges to Capital Outlay, some of which seem to be stock pile orders for next year. He asked Board members, the School Superintendent, and Director of Finance for City Schools, who were present, if there was any way to tighten fixed charges. Mr. Paul Quintrell, Director of Finance, informed Council that an explanation of each transfer accompanies the request, and should there be any questions concerning same, further clarification would be available. Vice-Mayor Green said that the present problem is trimming of operating expenses in all departments. School Superintendent King explained that the school's budget requests begin with each school principal setting out needs for the coming fiscal year, and from there it goes to the Finance Director, School Superintendent, and finally to the School Board for any changes and approval. Councilman Cisney asked what was the least amount the schools could receive in order to operate a viable school system, and said that

Council wants to be fair in determining that amount, with no room left for padding of the school budget in any respect. Mr. William Julias, school board member, said he was not aware of any school funds being held back. Councilman Cisney noted a flurry of appropriation requests in the past 30 - 60 days. Mr. Julias said that the Board would have to make some adjustment on teachers' salaries, even if it means eliminating certain projects and programs. Mr. Quintrell said that if necessary, all but \$ 11,400. of the requested \$ 101,000. in Capital Outlay could be eliminated, \$ 75,000. of which is for restrooms at the stadium. However, in the proposed budget of the City Manager, all School Capital Outlay, with exception of \$ 19,600. was recommended for cutting. Councilman Dingledine asked if a 10% reduction could be made in every respect, other than salaries, to which Mr. King replied in the negative, due to increasing costs of electricity, fuel, etc. Mr. Quintrell noted that although the school system is the biggest department in the city, salaries make up 75% of the operating costs. He informed Council that an amount of only \$ 18,000. will be required of the City for the next fiscal year for the Special Education Program, which is a joint project with Rockingham County, due to federal aid which will be received. The county will pay an amount equal to the City. Mr. King said that should it be necessary, that program could be eliminated. Mr. Bob Amos, Board Chairman, said that such action would place a problem in the regular schools, when children with special needs are placed there. Although the original request from the School Board was for \$ 586,000. in additional funding, which would allow an 8.65% salary increase for teachers, a lesser increase was discussed. Chairman Amos noted that the schools would need \$ 45,000. to \$ 50,000. for each percentage point in teacher raises and that based on a 6% salary increase for teachers, plus an increase of \$ 160,000. in Fixed Charges, an additional amount of \$ 384,000. in local funds would be needed. Chairman Amos said that the only way to cut the school budget further, is by laying off employees, which would be difficult to do without damaging the quality of education in city schools. Superintendent King said that other than the Special Ed Program, he knew of no other programs that could be eliminated. He added a personal opinion that the present situation did not come about because of lack of attention by Council, the School Board or citizens. Councilman Cisney asked the Board what it would do with less than the \$ 4.8 million which had been allowed the schools this year (i.e. cut positions and raise teacher salaries, or retain all present positions). The reply was that the teachers had been approached with this several years ago, and the consensus at that time was to not cut positions. Mr. Amos offered an opinion that the present tax rate of 65¢ per \$100. property valuation, should be increased, if necessary. Although the tax rate is one of the lowest in the state of Virginia, the possibility of an increase was considered, during the discussion.

At 9:50 P.M., on motion of Councilman Dingledine, seconded by Councilman Cisney and a unanimous vote of Councilmen present, Council entered an executive session with members of the School Board, School Superintendent and School's Director of Finance, to discuss personnel.

At 11:20 P.M., on motion duly adopted, the executive session was closed and the regular session reconvened.

No further business, and on motion duly adopted, the meeting was adjourned.

*N. Arlene Lohr*  
CLERK

*J. Green*  
VICE-MAYOR



Friday, May 7, 1982

At a special meeting of Council held in the Council Chamber this afternoon at 1:00 PM 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. Dingleline, Jr., Elon W. Rhodes, James C. Cisney; City Auditor Philip L. Peterman. Absent: Mayor Roy Erickson and Chief of Police Richard W. Presgrave. (sitting in for the Chief, Capt. Stroble).

City Manager Milam read the following special meeting notice:

*"An Emergency existing, there will be a special meeting of the City Council, called by the Vice-Mayor, to be held in the Council Chamber on Friday, May 7, 1982, at 1:00 P.M., to consider the following matters and take necessary action thereon:*

- 1. To discuss 1982-83 Fiscal Year Budget.*
- 2. Other Matters"*

✓ The following notice from the Circuit Court of Rockingham County concerning final discharge of M. A. Firebaugh as Treasurer for the City of Harrisonburg, Virginia, in view of his retirement, effective December 31, 1981, was read:

*On this 5th day of May, 1982, came M. A. Firebaugh, Treasurer of the City of Harrisonburg, by counsel, and it appearing to the Court that the Certificates required by Section 58-933 of the Code of Virginia have been presented, and it further appearing that the notice required by said statute has been published in the Daily News Record newspaper in the City of Harrisonburg, Virginia, once a week for four successive weeks, and a copy of said notice having been posted at the front door of the Court House, and hearing no objection it is ORDERED that M.A. Firebaugh as Treasurer of the City of Harrisonburg is hereby discharged from his duties as such, he having made a proper and final accounting of all funds in his hands as of December 31, 1981 and all tax tickets for the year 1981, all of which having been delivered to his successor in office, who has receipted for same.*

A TRUE COPY

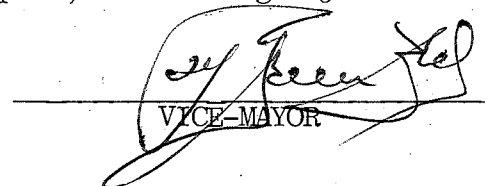
ATTESTE: (signed) Donna Funkhouser  
Deputy Clerk

✓ City Manager Milam called Council's attention to the Notice of Public Hearing Tax Increase

which had been placed, as a paid advertisement in the local newspaper in 1981, setting out increase in real estate property tax levies as mandated under state code section 58.785.1, in that the levy exceeded 1%. He noted that the city will receive \$ 58,000. more in real estate taxes this year due to taxing of new properties for the first time, which is 2.5% increase over this year's real estate tax levy of \$2.29 million, and must be advertised as a tax increase, although no increase is proposed in the 1982-83 budget. City Attorney Lapsley interpreted the code section 58-785.1, noting that it contains language to fit the city's situation. Councilman Dingledine expressed concern over possible wording of the advertisement with regard to tax increase, and suggested that it be carefully stated to specify no increase for the average home owner unless major renovation or additions have been made to the property. In discussing the city's proposed budget for 1982-83, Vice-Mayor Green stated that he, along with the City Manager, Assistant City Manager and City Auditor had tried to work out a school budget in its major categories, similar to the type proposed for the rest of the city, with the knowledge that Council "has no right to tell the School Board anything", and noted that there had been no effort to coerce the political body, or pressure applied by school representatives. The Vice-Mayor expressed objection to a statement which had been made (not by the Board or School representative) that "it was time for Harrisonburg to do something." He said he found some of the arguments by various groups, disheartening. Efforts were made by the committee to rework school figures which would provide for a 6% teacher increase for those earning \$ 10,000 - \$ 20,000., and 4 - 5% for those earning over \$ 20,000., with increments built into the budget. A total amount of \$ 6,763,951. is proposed for the 1982-83 fiscal year, or an increase of \$ 248,453. for operation of schools over the present year. The Board will be asked to work the proposed appropriation within its budget, with assurance that should it prove to be insufficient, possibly six months from now, Council will try to find a way to work out supplemental appropriations. Vice-Mayor Green noted that the proposed figures had met with approval of the School Superintendent and Board member Julias, following a few changes which they felt necessary. The proposal will be taken before the entire School Board, and also the Harrisonburg Education Association today, which may result in some adjustment on the 6% - 4% salary increase proposal. City Manager Milam reviewed the school's figures for expenditures and revenue in the major categories for Council's information and comparison with the original proposal. With regard to the city's budget, Manager Milam pointed out that the percentage of salary increases had been revised from the 6 - 4 - 3% as follows: 6% for employees earning less than \$ 10,000.; 5% for those earning \$10,000 - \$20,000, and 4% for over \$ 20,000. An additional reduction in the General Fund Capital Outlay of \$ 100,000. is proposed and a 6% increase for the Health Department rather than 11% requested. A cash balance of \$ 246,000. is anticipated. Following the City Manager's review, Councilman Cisney moved that Council approve the 1982-83 proposal, based on the City Manager's logic, and authorize purchase of the Ad for a Public Hearing on Tax Increase mandated by the State Code, to be held on May 25, 1982, 7:30 P.M. The motion was seconded by Councilman Dingledine and adopted by a unanimous recorded vote of Councilmen present. Councilman Dingledine moved that appreciation of Council be expressed to Vice-Mayor Green, and others, for the countless hours which had been spent in working out the proposed budget and the motion was seconded by Councilman Cisney, with an added note of appreciation, particularly from the standpoint of the unusual situation in which the budget had to be worked out. The motion was adopted by a majority vote, with Vice-Mayor Green, abstaining.

There being no further business and on motion duly adopted, the meeting adjourned at 2:15 PM.

  
CLERK

  
VICE-MAYOR

Tuesday, May 11, 1982

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 April 27th; adjourned meeting of May 3rd; adjourned meeting of May 4th and special meeting of May 7th were read, and approved with minor corrections.

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, 1982.

From the City Treasurer:

A trial balance report as of close of business on April 30, 1982.

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 \$ 7,207.50, month of April, 1982.

From the City Auditor:

A financial report for the City of Harrisonburg, Va., month of April, 1982.

A report of cash discounts saved in payment of vendor's invoices for month of April, 1982, totaling \$ 340.63.

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, 1982.

Mr. Pablo Cuevas, Vice-President of the Harrisonburg/Rockingham Chamber of Commerce, was present in the meeting to present each member of the Governing Body with brochures and other statistical information concerning Harrisonburg and Rockingham County, and to express appreciation on behalf of the Chamber for Council's cooperation and assistance in programs over the years, and also during

this critical time. Mayor Erickson thanked Mr. Cuevas for his remarks, as well as the information supplied, and noted that Council is cognizant to the Chamber's services insofar as community activities, etc., and asked that the good work be kept up.

City Manager Milan presented a second plan of development submitted by Mr. Jack DePoy, showing entire tract of land along with property dedication of Vine Street over the Gunsmoke property. He reminded Council that a plan had been presented at the April 27th meeting which set out only one individual lot, and did not include the remaining portion of the tract and street dedication. That plan had been referred to the City Planning Commission for review, along with this plat, upon receipt of same. Councilman Dingledine moved that the revised 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 Council.

Correspondence dated 5/11/82 from Mr. J. Kenneth Kline, of Kline Realty, Inc., was presented and read, requesting approval of a proposed resubdivision of lots fronting on Hawkins and Norwood Streets, as set out on an attached plat. Purpose of the resubdivision would be to allow sale of the Norwood Street lot to Gary Green for construction of a 10-unit apartment building. Councilman Rhodes moved that the 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.

At 8:00 P.M., 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, along with a synopsis of the proposed 1982-83 City of Harrisonburg budget, was read:

*NOTICE IS HEREBY GIVEN, that a Public Hearing on said budget as submitted and amended will be held in the Council Chamber in the Municipal Building, at 7:30 P.M. on the 11th day of May, 1982, 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, Virginia, as a public record subject to inspection.*

*Given under my hand the 28th day of April, 1982  
Marvin B. Milan, City Manager*

City Manager Milan reviewed with Council and those present in the meeting, changes which had been made in some of the various funds since figures were set out in the publicized budget synopsis, with total Gross Departmental Appropriations in amount of \$ 23,000,567.00, rather than \$22,718,690.; inter-fund transfers of \$ 4,578,748., rather than \$ 4,434,625; total Net Appropriations of \$18,421,819. rather than \$ 18,284,965. as advertised. Vice-Mayor Green reported that the Health Department's original request for \$ 11,362. in additional local funds, with an amount of only \$5,009. additional funds proposed in the 1982-83 budget, according to the Department, would not be ample for operating expenses. The original request for an 11% increase was based according to the state formula. Further noted was the fact that a request had been presented in February of this year from the Central Shenandoah Emergency Services Council, for a 10¢ per capita increase in appropriation from all participating political subdivisions, which would amount to approximately \$2,000. from the City of Harrisonburg, and that the Council points out that the cities of Waynesboro, Staunton and Harrisonburg will all benefit from hospital services provided. Manager Milan said that the reduced appropriation to the Health Department, as well as no appropriation for Emergency Services had been approved, and that the request from Emergency Services, if granted, would amount to \$ 1,900. Requests of the two organizations will have to have further review. The Mayor called on anyone present desiring to be heard concerning the city's 1982-83 proposed budget.

Gail Cunningham, President of the Harrisonburg Education Association, spoke re the quality of education which is enjoyed in Harrisonburg and urged that it be the #1 priority in order that its excellence may be retained.

Mary Ellen Lyons, President of Waterman Elementary Parent-Teachers Association, informed Council that she has an opportunity to see teachers in action and that they work hard to provide quality education for our children. She expressed a fear that the quality of education may die, unless supported.

William Bullis, teacher at Thomas Harrison Junior High School, said he objected to the word that was "put out" in the school that teachers should not attend tonight's meeting, in that all had been decided about the budget. He offered an opinion that this is a public meeting and that all concerns and comments should be honored.

William Ingham, past president of Waterman P.T.A., urged full funding of the school's original request in that he felt the salary increase for teachers was appropriate. He noted further that the School Board should be allowed to "do its job" and that as a tax payer, he was willing to pay that price.

Richard Sheehan, Economics Instructor at J.M.U., posed a number of questions, some dealing with annexation and the city's steam plant, which were not relevant to this evening's budget hearing. He asked what the average increment for teachers had been for the past two years, and the School's Director of Finance replied "approximately 10%". He asked the teacher's average salary, and was informed approximately \$ 16,000. He questioned Council as to why it was reluctant to raise the city's tax rate from 65¢ to 70¢, even though it may not mean enough revenue for salaries for teachers and others.

William O'Meara expressed pleasure concerning the city's quality of education and Charles Schindler, J.M.U. Instructor, asked if Council would give further consideration to a tax increase, based on comments of this evening. Mayor Erickson replied that the budget can either be approved as proposed, or alterations made at anytime during the year, and that the minutes of the May 4th meeting states as follows: "although the tax rate is one of the lowest in the state of Virginia, the possibility of a tax increase was considered during the discussion."

Joseph Rudmin said that having lived in different areas of the country, he finds that Harrisonburg "does as good a job" in its school system, as any of those places.

Dave Cason pointed out that teachers serve as "surrogate parents" nine months of the year for our children and deserve appropriate salaries for that responsibility.

When pressed further concerning an increase in taxes and full salary increase for teachers, Mayor Erickson said that Council shares with each, the value of education, and that "all of us" have been a part of this growth. He, with eighteen year on Council, along with the other members around the

council table, having served for a period of years, make every effort to do all that can be done for the city as a whole, but that incoming income has to be dealt with justly for all who are working in the community for everyone's welfare. He stated further that Council has to arrive at figures for these economic times, and if possible, to not eliminate any jobs in the city.

Delegate A.R. "Pete" Giesen was present in the public hearing and was asked by the Mayor if he desired to make any comments. Mr. Giesen said that the state does not want to be outfronted, but wants to be competitive, and on this basis, is struggling with recommendations of the State Board of Education. The sub-committee was unanimous in its feelings that the funds should flow back into the localities, with one recommendation in the General Assembly for a change in the density formula. When questioned re the 2.7% allowed Harrisonburg Schools by the state, when 10% was preferred by the state for salary increases (reported to Council by the School's Director of Finance), Delegate Giesen noted that the objective of the assembly was to try, within a two year period, to bring salaries up to national mean (not national average). He explained "mean" as the point midway between the highest and lowest of a set of numbers, and "average" as result of dividing the sum of all figures by the number of figures. He said that the feeling that the state would come up with the entire 10% was incorrect and that the state tried to raise additional funds. Under the formula for school aid, the index for a locality is an important factor in determining amount to be allocated. The index is about 1/2, which means that the state funding would have to be funded about 2/3. Mr. Giesen said he is aware of Council's struggles, but encouraged the members to recognize that for quality education, a locality must have personnel to supply that quality.

Mr. William Julias, City School Board Member, expressed appreciation for the comments and concerns, and said that he wanted everyone to know that countless hours had been spent to come up with a budget, by school officials and city officials, for betterment of teachers. He is aware of the quality of education, and the Board has cut revenue "to the bone", with Council aware that requests for additional appropriations may be necessary sometime during the next fiscal year. He pointed out further that every effort had been made to get some increase in salaries, plus increments for the teachers, which has been accomplished without cutting any positions. The increase is more than minimal and will provide for an increase in increments and salaries for teachers. Mr. Julias said there is nothing more the School Board can do at this time, unless the budget is "put back in their laps" to see what they can do. When Councilman Dingeldine asked what the final figure for salary increase was, Mr. Quintrell replied 5% top of scale plus one step average increment of 1.7%, or total of 6.7%. Mr. Julias noted the difficulty of working from a percentage, and said that several years ago, steps were added in order to combat the problem of lower income people. Should Council grant the schools more money, Mr. Julias said "there is no question as to where we will put it."

There being no others desiring to be heard, the public hearing was declared closed at 9:05 PM and the regular session reconvened.

For consideration of a first reading, City Manager Milam presented the Appropriation Ordinance for the 1982-83 City of Harrisonburg budget, balanced in amount of \$ 23,000,567.00, an increase of \$ 281,877. over the original budget as advertised in the Daily News Record newspaper. He noted that only 10 copies had been prepared, to include some changes in various departments, and setting out no change in the real estate tax rate of 65¢ per \$100. valuation; tangible personal property, machinery & tools and merchants' capital at \$ 2.65 on the \$100 assessed valuation for 1982; 13¢ service charge on properties exempt from regular taxation per \$100 of assessed valuation, representing 20% of the real estate tax, effective July 1, 1982, which will apply to the Highway Department, etc., but not to James Madison University. Following a review by the City Manager of all changes in various departments, Councilman Rhodes moved that the ordinance be approved for first reading, and the motion was seconded by Vice-Mayor Green. Councilman Dingeldine offered an opinion that the budget should be further reviewed, particularly from the standpoint of comments offered in this evening's public hearing, and noted that first reading of the Appropriation Ordinance, prior to a final reading, is a formality. The motion for first reading then received a unanimous recorded vote of Council.

The City Manager presented a report containing financial information for Warner Amex Cable of Harrisonburg, year ended 12/31/81, submitted by Mr. Frederick Beilstein, III, Chief Accounting Officer of Warner Amex Cable Communications, Inc. A copy will be on file in his office for review.

For Council's information, the City Manager presented correspondence from a legal firm in Richmond, representing Augusta County, giving notice of that County filing for immunity from annexation with the cities of Staunton & Waynesboro. He noted that the state code requires notices to all political subdivisions in an entire region, when such actions are filed.

A request was presented from the Chief of Fire for approval of a supplemental appropriation in amount of \$ 6,725.58 in order to recover funds already expended in reference to Dispatchers funded by Rockingham County. It was noted that the funds had been received. Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 6,725.58 chgd.to: General Fund (1901.01) Recoveries & Rebates

5,000.00 approp.to: General Fund (3201-1001.06) Dispatchers' Salaries

1,725.58 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.

The following report from a duly appointed Board of Viewers was presented and read:

*"A request by the City Council, under date of Tuesday, April 27, 1982, in which a board of viewers were appointed to consider the possible closing of a paper alley, 15' wide by 135' long, extending from Chicago Avenue eastward to the end of Ms. Cathy Fitzgerald's property. Said property is at rear of Lots No. 5, 6 and 7, which face on West Gay Street.*

*Your Board of Viewers have visited this property and find, and recommend that the 15' x 135' portion of this alley be closed. We find that no inconvenience will be involved."*

*Respectfully submitted,  
John H. Byrd, Sr.  
Richard L. Suter  
T. H. Lowery*

Inasmuch as the report failed to set out information re division of the alleyway among adjacent



property owners, or sale of entire portion to the requestor, it was agreed that the matter be referred back to the Board of Viewers for a supplemental report and further clarification. Councilman Cisney moved that an ordinance effecting the closing be approved for a first reading, and referred to the City Attorney to be drawn in proper form, following further report from the Viewers and other information. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council.

✓ The following report from a duly appointed Board of Viewers was presented and read:

*"A request by the City Council under date of Tuesday, April 27, 1982 in which a Board of Viewers was appointed to consider the possible closing of a paper alley 10 feet by 250 feet and located 150 feet north and parallel to Madison Street. The alley begins at Monroe Street and ends 250 feet from Monroe Street. This alley is back of lots owned by Mr. Jennings Shifflett, Mr. Terry L. Spitzer and Mr. S. C. Good. Mr. S.C. Good is also the owner of the land on the other side of the alley.*

*Your Board of Viewers have visited his property and find and recommend that the 10 foot alley be closed for a distance of 250 feet, as there being no inconvenience."*

*Respectfully submitted,*

*John H. Byrd, Sr.*

*Richard L. Suter*

*T. H. Lowery*

Council was reminded that the City Planning Commission, in a report presented on April 27th, had recommended closing of the 10' alley for a distance of 250 feet, and appointment of a Board of Viewers. Councilman Cisney moved that the Viewers' report be accepted, and that an ordinance effecting the closing of said portion be approved for a first reading, and referred to the City Attorney to be drawn in proper ordinance form, following receipt of necessary information. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council.

✓ Councilman Dingleline called Council's attention to a situation at the Cantrell Avenue, Reservoir Street traffic light, insofar as left turns, in that there is presently a right turn lane for north-bound traffic, with through and left turn vehicles sharing the same lane. Following a brief discussion, Councilman Dingleline moved that the matter be referred to the Harrisonburg Department of Transportation & Safety Commission for study and investigation, with the possibility of creating a left turn lane at the Reservoir Street intersection. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ The matter of free parking on the Municipal Building lot for persons transacting business in the building was called to Council's attention by Councilman Dingleline, who had been approached with opposition to the charge. Mayor Erickson noted that the meters had been installed in order that persons transacting business might find a parking space, in that prior to meter installation, the spaces were being used by those not transacting business in the Municipal Building. Chief Presgrave pointed out that the only way to strive for a solution, upon removal of meters, would be by marking tires and enforcing a time restriction for parking. No action taken at this time.

There being no further business and on motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote of Council, the meeting adjourned at 9:50 P.M.

*[Signature]*  
CLERK

*[Signature]*  
MAYOR

✓  
A P P R O P R I A T I O N   O R D I N A N C E  
O F   T H E   C I T Y   O F   H A R R I S O N B U R G ,   V I R G I N I A

For the Fiscal Year Ending June 30, 1983

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 1983. 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, 1983.

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, five hundred six dollars and no cents (\$41,506.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$21,698.00
(2) Other Operating Expenses	17,808.00
(3) Capital Outlay	2,000.00

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-eight thousand, nine hundred eighty-two

dollars and no cents (\$58,982.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$51,807.00
(2) Other Operating Expenses	6,875.00
(3) Capital Outlay	300.00

Paragraph Thre - 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 nine thousand, one hundred twenty dollars and no cents (\$9,120.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 8,480.00
(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-six thousand, nine hundred ninety-four dollars and no cents (\$96,994.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$78,494.00
(2) Other Operating Expenses	17,500.00
(3) Capital Outlay	1,000.00

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 eight thousand, sixty-six dollars and no cents (\$108,066.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$94,437.00
(2) Other Operating Expenses	12,429.00
(3) Capital Outlay	1,200.00

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 fifteen thousand, three hundred dollars and no cents (\$15,300.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 8,000.00
(2) Other Operating Expenses	7,300.00

Paragraph Eight - Board of Equalization (1211)

For the current expenses of the BOARD OF EQUALIZATION, a division of the General and Financial Administration, the sum of four thousand, seven hundred dollars and no cents (\$4,700.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 3,700.00
(2) Other Operating Expenses	1,000.00

Paragraph Nine - 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 ninety-eight thousand, nine hundred seventy-two dollars and no cents (\$98,972.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$79,872.00
(2) Other Operating Expenses	17,900.00
(3) Capital Outlay	1,200.00

Paragraph Ten - Retirement Board (1217)

For the current expenses and contributions of the RETIREMENT BOARD, a division of the General and Financial Administration, the sum of five hundred fifteen thousand, three hundred ninety-six dollars and no cents (\$515,396.00) is appropriated from the General Fund to be apportioned as follows:

(1) Contribution to Retirement for City Employees	\$515,396.00
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Paragraph Eleven - 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 thirty-one thousand, eight hundred thirty dollars and no cents (\$131,830.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$71,130.00
(2) Other Operating Expenses	54,700.00
(3) Capital Outlay	6,000.00

Paragraph Twelve - 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, two hundred twenty dollar and no cents (\$52,220.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$45,580.00
(2) Other Operating Expenses	5,640.00
(3) Capital Outlay	1,000.00

Paragraph Thirteen - Delinquent Tax Collector (1224)

For the current expenses of the DELINQUENT TAX COLLECTOR, a division of the General and Financial Administration, the sum of four thousand, two hundred dollars and no cents \$4,200.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 3,500.00
(2) Other Operating Expenses	700.00

Paragraph Fourteen - 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 Fifteen - Juvenile & Domestic Relations Court (2105)

For the current expenses of the JUVENILE & DOMESTIC RELATIONS COURT, a division of the Judicial Administration, the sum of ten thousand, seven hundred fifty dollars and no cents (\$10,750.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,000.00
(2) Other Operating Expenses	9,750.00

Paragraph Sixteen - 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 Seventeen - Lunacy Commission (2112)

For the current expenses of the LUNACY COMMISSION, a division of the Judicial Administration, the sum of eight hundred twenty-five dollars and no cents (\$825.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 800.00
(2) Other Operating Expenses	25.00

Paragraph Eighteen - 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 thirty thousand, eight hundred seventy-four dollars and no cents (\$730,874.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$616,624.00
(2) Other Operating Expenses	108,250.00
(3) Capital Outlay	6,000.00

Paragraph Nineteen - 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 forty-one thousand, five hundred thirty dollars and no cents (\$341,530.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$243,380.00
(2) Other Operating Expenses	88,150.00
(3) Capital Outlay	10,000.00

Paragraph Twenty - 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 eighteen thousand, six hundred ninety-one dollars and no cents (\$18,691.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 8,591.00
(2) Other Operating Expenses	10,100.00

Paragraph Twenty-One - Building Inspection (3401)

For the current expenses of the BUILDING INSPECTION, a division of the Department of Public Safety, the sum of ninety thousand, four hundred forty-six dollars and no cents (\$90,446.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$83,946.00
(2) Other Operating Expenses	6,500.00

Paragraph Twenty-Two - Game Warden (3502)

For the current expenses of the GAME WARDEN, a division of the Department of Public Safety, the sum of sixteen thousand, six hundred fifty-seven dollars and no cents (\$16,657.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,573.00
(2) Other Operating Expenses	15,084.00

Paragraph Twenty-Three - 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-Four - Emergency Services (3505)

For the current expenses of EMERGENCY SERVICES, a division of the Department of Public Safety, the sum of nine thousand, five hundred twenty dollars and no cents (\$9,520.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 2,250.00
(2) Other Operating Expenses	7,270.00

Paragraph Twenty-Five - 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-seven thousand, one hundred ninety-six dollars and no cents (\$77,196.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$65,986.00
(2) Other Operating Expenses	2,710.00
(3) Capital Outlay	8,500.00

Paragraph Twenty-Six - Street Inspection, Repairs & Maintenance (4102)

For the current expenses and capital outlay of the STREET INSPECTION, REPAIRS & MAINTENANCE, a division of the Department of Public Works, the sum of six hundred sixty-five thousand, six hundred thirty-five dollars and no cents (\$665,635.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$303,725.00
(2) Other Operating Expenses	215,115.00
(3) Capital Outlay	146,795.00

Paragraph Twenty-Seven - Street Lighting (4104)

For the current expenses of STREET LIGHTING, a division of the Department of Public Works, the sum of one hundred eighty-five thousand, fifty dollars and no cents (\$185,050.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$185,050.00
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Paragraph Twenty-Eight - Traffic Engineering (4107)

For the current expenses of TRAFFIC ENGINEERING, a division of the Department of Public Works, the sum of fifty thousand, eight hundred eighty-eight dollars and no cents (\$50,888.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$25,558.00
(2) Other Operating Expenses	25,330.00

Paragraph Twenty-Nine - 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-five thousand, four hundred seventy-nine dollars and no cents (\$35,479.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$25,829.00
(2) Other Operating Expenses	7,650.00
(3) Capital Outlay	2,000.00

Paragraph Thirty - Street Cleaning (4202)

For the current expenses of STREET CLEANING, a division of the Department of Public Works, the



sum of seventy-nine thousand, forty-six dollars and no cents (\$79,046.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$38,961.00
(2) Other Operating Expenses	40,085.00

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 seventy-seven thousand, two hundred forty-three dollars and no cents (\$77,243.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$20,893.00
(2) Other Operating Expenses	46,350.00
(3) Capital Outlay	10,000.00

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 twenty-two thousand dollars and no cents (\$22,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Capital Outlay	\$22,000.00
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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-eight thousand, four hundred ninety-two dollars and no cents (\$88,492.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$88,492.00
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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 of the BUREAU OF PARKS & RECREATION, a division of Parks, Recreation and Cultural, the sum of two hundred seventy-six thousand, eight hundred thirty-four dollars and no cents (\$276,834.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$213,984.00
(2) Other Operating Expenses	62,850.00

Paragraph Thirty-Seven - Hillandale Park (7102)

For the current expenses of HILLDALE PARK, a division of the Parks, Recreation and Cultural, the sum of nineteen thousand, six hundred thirteen dollars and no cents (\$10,613.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$13,213.00
(2) Other Operating Expenses	6,400.00

Paragraph Thirty-Eight - 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-nine thousand, six hundred sixty-nine dollars and no cents (\$149,669.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$92,229.00
(2) Other Operating Expenses	54,440.00
(3) Capital Outlay	3,000.00

Paragraph Thirty-Nine - National Guard Armory (7105)

For the current expenses of the NATIONAL GUARD ARMORY, a division of Parks, Recreation and Cultural, the sum of twenty-two thousand, eighty-one dollars and no cents (\$22,081.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$11,411.00
(2) Other Operating Expenses	10,670.00

Paragraph Forty - Simms Recreation Center (7106)

For the current expenses of the SIMMS RECREATION CENTER, a division of the Parks, Recreation and Cultural, the sum of thirteen thousand, four hundred sixty-two dollars and no cents (\$13,462.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$11,493.00
(2) Other Operating Expenses	1,969.00

Paragraph Forty-One - Westover Swimming Pool (7107)

For the current expenses of the WESTOVER SWIMMING POOL, a division of the Parks, Recreation and Cultural, the sum of thirty-five thousand four hundred thirty-nine dollars and no cents (\$35,439.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$28,174.00
(2) Other Operating Expenses	7,265.00

Paragraph Forty-Two - Planning Commission (8101)

For the current expenses of the PLANNING COMMISSION, a division of Community Development, the sum of forty-five thousand six hundred seventy-four dollars and no cents (\$45,674.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$41,774.00
(2) Other Operating Expenses	3,900.00

Paragraph Forty-Three - 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-Four - 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-Five - 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 eighty-two thousand, two hundred fifty-two dollars and no cents (\$582,252.00) 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	100.00
	5604.02 Chamber of Commerce (AMA Parade \$275)	2,275.00
	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.	400.00
	5604.08 Upper Valley Regional Park Authority	250.00
	5604.09 Commission - Regional Juvenile Detention Home	3,650.00
	5604.10 Shenandoah Valley Soil & Water Conservation District	600.00
	5604.11 Blue Ridge Community College	200.00
	5604.12 Harrisonburg/Rockingham Historical Soc.	500.00
	5604.14 Central Shenandoah Planning District	4,918.00
	5604.15 Valley Program for Aging Services	5,720.00
	5604.16 WVPT - Public Television	1,800.00
	5605.01 Other Non-Departmental	1,000.00
9105	Joint Expenses - Rockingham County:	
	3009.02 Payment to Rockingham County	95,000.00
9106	Airport:	
	5606.01 Subscriptions & Contributions	20,000.00
9107	Dues to Municipal League:	
	5607.01 Dues to Virginia Municipal League	3,644.00
	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-Six - 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 three hundred nine thousand, six hundred fifteen dollars and no cents (\$309,615.00) is appropriated from the General Fund to be apportioned as follows:

(1) Serial Bonds and Interest	\$309,615.00
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Paragraph Forty-Seven - Transfers to Other Funds (11)

For supplementing the revenue of other funds the sum of four million, five hundred seventy-eight thousand, seven hundred forty-eight dollars and no cents (\$4,578,748.00) is appropriated from the General Fund to be apportioned as follows:

(1) Central Garage Fund	\$ 30,371.00
(2) Central Stores Fund	14,445.00
(3) Virginia Public Assistance	73,883.00
(4) Schools	4,386,205.00
(5) Public Transportation	73,844.00

Paragraph Forty-Eight - 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, 1983	\$9,859,181.00
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To be provided for from the following anticipated and estimated revenue which is as follows:

Anticipated Cash Balance July 1, 1982	\$ 248,509.00
General Property Taxes (estimated)	3,006,700.00
Other Local Taxes (estimated)	3,306,347.00
Permits, Privilege Fees and Regulatory Licenses (estimated)	23,119.00
Fines and Forfeitures (estimated)	124,209.00
Revenue From Use of Money & Property (estimated)	132,013.00
Charges for Services (estimated)	163,260.00
Miscellaneous Revenue (estimated)	901,960.00
Recovered Costs (estimated)	160,465.00
Payments in Lieu of Taxes (estimated)	5,025.00
Non-Categorical Aid (estimated)	857,631.00
Shared Expenses (Categorical)(estimated)	117,044.00
Categorical Aid (estimated)	465,004.00
Non-Revenue Receipts (estimated)	10,075.00
Transfers (estimated)	337,820.00

Total General Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1983	\$9,859,181.00
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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, 1983:

Paragraph One - 17A - Administration

For the current expenses of the ADMINISTRATION OF THE DEPARTMENT OF EDUCATION, the sum of one hundred forty-three thousand, five hundred fourteen dollars and no cents (\$143,514.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Administration	\$143,514.00
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Paragraph Two - 17B-1 - Regular Day School

For the current expenses of REGULAR DAY SCHOOL, the sum of three million, four hundred twelve thousand, three hundred forty-six dollars and no cents (\$3,412,346.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Regular Day School	\$3,412,346.00
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Paragraph Three - 17B-2 - Other Instructional Costs

For the current expenses of OTHER INSTRUCTIONAL COSTS, the sum of five hundred ten thousand, eight hundred ninety-eight dollars and no cents (\$510,898.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Other Instructional Costs	\$ 510,898.00
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Paragraph Four - 17C - Attendance and Health Services

For the current expenses of ATTENDANCE AND HEALTH SERVICES, the sum of forty thousand, five hundred thirty-seven dollars and no cents (\$40,537.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Attendance and Health Services \$ 40,537.00

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

Paragraph Six - 17E - School Food Services

For the current expenses of SCHOOL FOOD SERVICES, the sum of five hundred thirty-three thousand, one hundred ten dollars and no cents (\$533,110.00) is appropriated from the City School Fund to be apportioned as follows:

(1) School Food Services \$ 533,110.00

Paragraph Seven - 17F1 - Operation of School Plant

For the current expenses of OPERATION OF SCHOOL PLANT, the sum of four hundred sixty-eight thousand, eight hundred sixty-nine dollars and no cents (\$468,869.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Operation of School Plant \$ 468,869.00

Paragraph Eight - 17F2 - Maintenance of School Plant

For the current expenses of MAINTENANCE OF SCHOOL PLANT, the sum of one hundred seventy-eight thousand, six hundred eighty-nine dollars and no cents (\$178,689.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Maintenance of School Plant \$ 178,689.00

Paragraph Nine - 17G - Fixed Charges

For the current expenses of FIXED CHARGES, the sum of seven hundred ninety-two thousand, four hundred sixty-one dollars and no cents (\$792,461.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Fixed Charges \$ 792,461.00

Paragraph Ten - 17H - Summer Schools

For the current expenses of SUMMER SCHOOLS, the sum of twenty-nine thousand, three hundred fifty-three dollars and no cents (\$29,353.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Summer Schools \$ 29,353.00

Paragraph Eleven - 17I - Adult Education

For the current expenses of ADULT EDUCATION, the sum of twenty-one thousand, two hundred seventy-four dollars and no cents (\$21,274.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Adult Education \$ 21,274.00

Paragraph Twelve - 17J - Federal Programs

For the current expenses of FEDERAL PROGRAMS, the sum of two hundred sixty-four thousand, seven hundred ninety-four dollars and no cents (\$264,794.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Federal Programs \$ 264,794.00

Paragraph Thirteen - 19 - Capital Outlay

For the capital outlay of the DEPARTMENT OF EDUCATION, the sum of thirteen thousand dollars and no cents (\$13,000.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Capital Outlay \$ 13,000.00

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 three hundred twenty-three thousand, seven hundred ninety-eight dollars and no cents (\$323,798.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Serial Bonds & Interest \$ 323,798.00

S U M M A R Y

## Expenditures and Revenue

Total School Fund Appropriations for  
the Fiscal Year Ending June 30, 1983: \$6,763,951.00

To be provided for from the following  
Anticipated Revenue, which is as follows:

Receipts From State School Funds	\$1,544,417.00
Revenue From Federal Funds	302,458.00
Receipts From Other Funds	530,871.00
Receipts From City Funds	4,386,205.00

Total School Fund Revenue (estimated) for  
the Fiscal Year Ending June 30, 1983 \$6,763,951.00

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, 1983:

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-four thousand, two hundred thirty dollars and no cents (\$34,230.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 32,605.00
(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 forty thousand, nine hundred twenty-one dollars and no cents (\$140,921.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 9,116.00
(2) Other Operating Expenses	131,805.00

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-seven thousand, eight hundred ninety-nine dollars and no cents (\$257,899.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 97,879.00
(2) Other Operating Expenses	160,020.00

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-two thousand, nine hundred ninety-seven dollars and no cents (\$22,997.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 21,772.00
(2) Other Operating Expenses	1,225.00

Paragraph Five - Miscellaneous (5)

For setting aside reserves for depreciation and payment of taxes, the sum of three hundred seven thousand, five hundred ninety six dollars and no cents (\$307,596.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Depreciation	\$ 243,613.00
(2) Taxes	63,983.00

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 eighty-nine thousand, six hundred seventy-five dollars and no cents (\$189,675.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 124,275.00
(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 eight thousand dollars and no cents (\$108,000.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Capital Outlay \$ 108,000.00

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 thousand, seven hundred sixty-seven dollars and no cents (\$250,767.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc. \$ 250,767.00

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 sixty-three thousand, three hundred eighteen dollars and no cents (\$163,318.00) 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 - Insurance	21,500.00
(3) To General Fund - Retirement & Social Security	32,400.00
(4) To Central Garage Fund	10,123.00
(5) To Central Stores Fund	10,835.00

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 Y

Expenditures and Revenue

Total Water Fund Appropriations for the Fiscal Year Ending June 30, 1983	\$1,516,403.00
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To be provided for from the following Anticipated Revenue, which is as follows:

Other Local Taxes (estimated)	\$ 50,832.00
Permits, Privilege Fees and Regulatory Licenses (estimated)	51,989.00
Revenue from Use of Money & Property (estimated)	51,200.00
Charges for Services (estimated)	1,160,710.00
Recovered Costs (estimated)	11,000.00
Non-Revenue Receipts (estimated)	44,128.00
Transfers (estimated)	146,544.00

Total Water Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1983	\$1,516,403.00
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SECTION IV - SEWER FUND

That the following sums of money be and the same hereby are appropriated for sewerage purposes herein specified for the fiscal year ending June 30, 1983:

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-four thousand, two hundred thirty-five dollars and no cents (\$34,235.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 32,605.00
(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 thousand, eight

hundred twenty-seven dollars and no cents (\$190,827.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 96,067.00
(2) Other Operating Expenses	94,760.00

Paragraph Four - Miscellaneous (4)

For setting aside reserve for depreciation and the payment of taxes, the sum of one hundred forty-two thousand, three hundred fifty-one dollars and no cents (\$142,351.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Depreciation	\$ 113,446.00
(2) Taxes	28,905.00

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 two hundred thirty-five thousand dollars and no cents (\$235,000.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Capital Outlay	\$ 235,000.00
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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 eleven thousand, five hundred eighty-seven dollars and no cents (\$211,587.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Serial bonds, Interest, etc.	\$ 211,587.00
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Paragraph Seven - Transfers to Other Funds (9)

For sharing the cost of operation of other funds for the benefit of the SEWER DEPARTMENT, the sum of one hundred sixty-three thousand, three hundred eighteen dollars and no cents (\$163,318.00) 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	32,400.00
(4) To Central Garage Fund	10,123.00
(5) To Central Stores Fund	10,835.00

S U M M A R Y

Expenditures and Revenue

Total Sewer Fund Appropriations for the Fiscal Year Ending June 30, 1983	\$1,523,678.00
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To be provided for from the following Anticipated Revenue, which is as follows:

Other Local Taxes (estimated)	\$ 3,200.00
Permits, Privilege Fees and Regulatory Licenses (estimated)	2,400.00
Revenue from Use of Money & Property (estimated)	50,090.00
Charges for Services (estimated)	1,225,828.00
Recovered Costs (estimated)	32,000.00
Revenue from Federal Government	100,000.00
Non-Revenue Receipts (estimated)	9,650.00
Transfers from Other Funds	100,510.00

Total Sewer Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1983	\$1,523,678.00
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SECTION V - VIRGINIA PUBLIC ASSISTANCE FUND

That the following sums of money be and the same hereby are appropriated for the social services purposes herein specified for the fiscal year ending June 30, 1983:

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-five thousand, eight hundred seventy-five dollars and no cents (\$255,875.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Personal Services	\$ 196,209.00
(2) Other Operating Expenses	59,666.00

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 ninety-eight thousand, one hundred eighty-five dollars and no cents (\$98,185.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 98,185.00
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Paragraph Three - 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-eight thousand, four hundred ninety-five thousand dollars and no cents (\$48,495.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 48,495.00
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Paragraph Four - Capital Outlay (7000)

For the capital outlay 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) Capital Outlay	\$ 500.00
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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, 1983	\$ 403,055.00
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To be provided for from the following Anticipated Revenue which is as follows:

Recovered Costs (estimated)	\$ 6,387.00
Categorical Aid (estimated)	322,785.00
Transfers from Other Funds (estimated)	73,883.00

Total Virginia Public Assistance Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1983	\$ 403,055.00
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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, 1983:

Paragraph One - Central Garage

~~For the current expenses of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of ninety-eight thousand, six hundred seventeen dollars and no cents (\$98,617.00) is appropriated from the Central Garage Fund to be apportioned as follows:~~

(1) Personal Services	\$ 85,847.00
(2) Other Operating Expenses	12,770.00

S U M M A R Y

Expenditures and Revenue

Total Central Garage Fund Appropriations for the Fiscal Year Ending June 30, 1983	\$ 98,617.00
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To be provided for from the following Anticipated Revenue, which is as follows:

Revenue from Use of Money & Property (estimated)	\$ 48,000.00
Transfers from Other Funds (estimated)	50,617.00

Total Central Garage Fund Revenue (estimated) For the Fiscal Year Ending June 30, 1983	\$ 98,617.00
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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, 1983:

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 thirty-six thousand, one hundred fifteen dollars and no cents (\$36,115.00) is appropriated from the Central Stores Fund to be apportioned as follows:

(1) Personal Services	\$ 22,610.00
(2) Other Operating Expenses	9,905.00
(3) Capital Outlay	3,600.00

S U M M A R Y

## Expenditures and Revenue

Total Central Stores Fund Appropriations  
for the Fiscal Year Ending June 30, 1983 \$ 36,115.00

To be provided for from the following  
Anticipated Revenue, which is as follows:

Transfers from Other Funds (estimated) \$ 36,115.00

Total Central Stores Fund Revenue for  
the Fiscal Year Ending June 30, 1983 \$ 36,115.00

SECTION VIII - PUBLIC TRANSPORTATION

That the following sums of money be and the same hereby are appropriated for Public Transportation purposes herein specified for the fiscal year ending June 30, 1983:

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 ninety-eight thousand, seven hundred five dollars and no cents (\$898,705.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$ 268,080.00
(2) Other Operating Expenses	198,900.00
(3) Capital Outlay	431,725.00

S U M M A R Y

## Expenditures and Revenue

Total Public Transportation Fund  
Appropriations for the Fiscal Year  
Ending June 30, 1983 \$ 898,705.00

To be provided for from the following  
Anticipated Revenue, which is as follows:

Charges for Services (estimated)	\$ 299,861.00
Recovered Costs (estimated)	4,000.00
Non-Categorical Aid (estimated)	460,000.00
Transfers from Other Funds (estimated)	134,844.00

Total Public Transportation Fund  
Revenue (estimated) for the Fiscal  
Year Ending June 30, 1983 \$ 898,705.00

SECTION IX - SANITATION FUND

That the following sums of money be and the same hereby are appropriated for the sanitation purposes herein specified for the fiscal year ending June 30, 1983.

Paragraph One - Resource Recovery Facility (1)

For the current expenses of the RESOURCE RECOVERY FACILITY, a division of the Sanitation Fund, the sum of one hundred seventy-six thousand, two hundred fifty-four dollars and no cents (\$176,254.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$ 125,000.00
(2) Other Operating Expenses	51,254.00

Paragraph Two - Refuse Collection (2)

For the current expenses of the REFUSE COLLECTION, a division of the Sanitation Fund, the sum of two hundred twenty-eight thousand, eight hundred eighty-six dollars and no cents (\$228,886.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$ 184,311.00
(2) Other Operating Expenses	44,575.00

Paragraph Three - Sanitary Landfill (3)

For the current expenses of the SANITARY LANDFILL, a division of the Sanitation Fund, the sum of thirty thousand dollars and no cents (\$30,000.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$ 20,000.00
(2) Other Operating Expenses	10,000.00

Paragraph Four - Miscellaneous (4)

For setting aside reserve for depreciation and the payment of taxes, the sum of one hundred seventeen thousand, seven hundred thirty-five dollars and no cents (\$117,735.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Depreciation \$ 117,735.00

Paragraph Five - Capital Outlay (7)

For the capital improvements of the SANITATION FUND, a division of the Sanitation Fund, the sum of two hundred fifty thousand dollars and no cents (\$250,000.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Capital Outlay \$ 250,000.00

Paragraph Six - Debt Service (8)

For the payment of the interest on and the retirement of bonds of the SANITATION FUND, the sum of one million, ninety-seven thousand, nine hundred eighty-seven dollars and no cents (\$1,097,987.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Serial Bonds and Interest \$1,097,987.00

S U M M A R YExpenditures and Revenue

Total Sanitation Fund Appropriations  
for the Fiscal Year Ending June 30, 1983 \$1,900,862.00

To be provided for from the following  
Anticipated Revenue, which is as follows:

Unappropriated Fund Balance (estimated)	\$ 443,773.00
Revenue from Use of Money & Property (estimated)	654,254.00
Charges for Services (estimated)	680,000.00
Recovered Costs (estimated)	100.00
Revenue From Federal Government (estimated)	5,000.00
Transfers (estimated)	117,735.00

Total Sanitation Fund Revenue (estimated)  
for the Fiscal Year Ending June 30, 1983 \$1,900,862.00

TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH IX IN THIS  
ORDINANCE FOR THE FISCAL YEAR ENDING JUNE 30, 1983  
RECAPITULATION

Section I	(General Fund)	\$9,859,181.00
Section II	(School Fund)	\$6,763,951.00
Section III	(Water Fund)	\$1,516,403.00
Section IV	(Sewer Fund)	\$1,523,678.00
Section V	(Virginia Pub.Assistance)	\$ 403,055.00
Section VI	(Central Garage Fund)	\$ 98,617.00
Section VII	(Central Stores Fund)	\$ 36,115.00
Section VIII	(Public Transportation Fund)	\$ 898,705.00
Section IX	(Sanitation Fund)	\$1,900,862.00
TOTAL APPROPRIATIONS		\$23,000,567.00

SECTION X

All of the monies appropriated as shown by the contained items in Sections I through IX 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 1982; 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 pro-



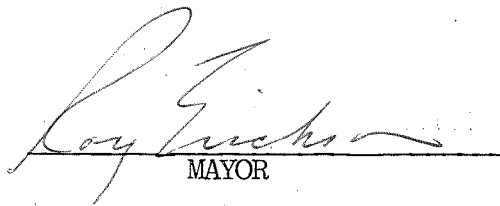
tection and for the collection and disposal of refuse, and where such real estate are exempt from taxation under Section 58-12 of the Code of Virginia, Pursuant to Section 58-16. 2 Code of Virginia, as amended, rate of service charge shall be Thirteen Cents (\$0.13) per annum per \$100.00 of assessed valuation, payable on or before December 5, 1982. 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, 1982, and ending June 30, 1983, 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 in the several departments herein named as may best meet the needs and interest of the City and to transfer parts of salaries from one department to another when extra work is transferred from one department to another.


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, 1982.

Given under my hand this 25th day of May, 1982.

  
MAYOR

Attest:

  
CLERK

Tuesday, May 25, 1982

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 of May 11th were approved, as corrected.

✓ Ms. Marsha Childs, a member of the Anti Nuclear Weapons Activist Ground Zero Town Meeting Group, was present in the meeting, along with other members of the Group, to urge Council's adoption of a resolution calling for the United States and the Soviet Union to immediately begin the process of negotiating for a freeze on all testing, production and deployment of nuclear weapons, missiles and new aircraft designed primarily to deliver same. She presented a resolution adopted by Shenandoah County Board of Supervisors, to be used as a model, and noted that following approval, it had been forwarded to President Reagan and other representatives. A petition bearing 150 signatures urging the "freeze" was also presented. Following statements by representatives of the Group, Councilman Dingledine moved that the following resolution be approved, signed by the Mayor and Clerk, and forwarded to our representatives:

*WHEREAS, the threat of nuclear war is becoming a matter of increasing concern worldwide; and*

*WHEREAS, there will be no winners, only losers should nuclear war come to pass; and*

*WHEREAS, the very survival of life as we know it depends on the avoidance of a nuclear war; and*

*WHEREAS, nearly 20,000 City of Harrisonburg citizens live from day to day in that virtual certainty that few if any of them would survive a nuclear attack aimed at Washington, D.C.; and*

*WHEREAS, Harrisonburg citizens thereby have a vested right, if not a moral obligation to participate in the national dialogue over this issue which affects them directly.*

*NOW, THEREFORE, BE IT RESOLVED that the City Council of Harrisonburg, Va., unanimously supports efforts to bring about the adoption of the proposition that the United States and the Soviet Union should immediately begin the process of negotiating a freeze on nuclear weapons production, along with mutually agreed upon procedures for verification, and*

*BE IT FURTHER RESOLVED that copies of this Resolution be sent to President Reagan, Congressman J. Kenneth Robinson, and Senators Harry F. Byrd, Jr. and John Warner with the urgent request that they give the matter their utmost attention.*

*ADOPTED this 25th day of May, 1982.*

*THE CITY OF HARRISONBURG*

*Mayor*

*Attest:*

*Clerk*

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

✓ For information, votes cast in the General Election of May 4, 1982 for City Council, as submitted by the Harrisonburg Electoral Board officials, were as follows:

James C. Cisney	214	Charles Bruce Shauffer	1
Walter F. Green, III	221	Wayne King	1
Charles Scott	2	Richard Sheehan	2
		William G. O'Brien	1

A request was presented from Hamilton Associates, owners of a residential property at 548 East Market Street, for vacation of an east-west lot line which currently bisects this property, and redivision of the property with a new north-south line. It was noted in the correspondence that a plat of the property is presently being prepared and will be delivered shortly to the Planning Commission. On motion of Councilman Cisney, seconded by Councilman Dingledine, and a unanimous vote of Council, the request was referred to the City Planning Commission for study and recommendation.

A signature list of 25 participants in the Early Bird Exercise Program at the Community Activities Center, accompanied correspondence from Mr. Paul S. Cline, requesting that the program be continued throughout the summer on its regular schedule: Tuesdays & Thursdays, 6:30 - 7:30 A.M., without cessation, although budget cutbacks have necessitated discontinuance of same as of May 27th. An offer to pay a fee to cover expenses of the Program was made, and it was noted that the Recreation Director had indicated that he would be glad to arrive early on those mornings to oversee the Program. It was requested further that fees contributed, go directly to the Recreation Department to offset cost. Councilman Dingledine, a member of the Parks & Recreation Commission, informed Council that the matter had been brought up at a meeting and discussed with Mr. Gilkerson, following receipt of this letter. The Center will be opened at noon during the summer months, but is desired to be opened earlier on the two days of each week for this particular class, with fee attached to the Program. He offered an opinion that something could be worked out for those interested participants. Mr. Woody Barr urged continuation of the Program, and reiterated the fact that fees would be contributed. Mayor Erickson pointed out that all monies received for any purpose, go into the City's General Fund, for distribution and use in various departments. He asked Mr. Barr to work with Mr. Gilkerson concerning the Program. Councilman Cisney suggested that continuance of the Early Bird Program be worked out within the Recreation Department, and moved that the matter be referred to that Department for a decision, prior to any action of Council. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

A petition signed by ten residents of Myrtle Street was presented, requesting "protection against persons renting the white duplex stucco house at 510 - 512 Myrtle Street for indecent exposure, foul language and disturbing the peace." Councilman Rhodes noted that groups congregating in the streets and on corners have "caused a great deal of problems in the neighborhood" and that the police had been called on numerous occasions with a request that the crowds be broken up. He offered an opinion that the petitioners have good reason for their action, and asked what could be done to correct the situation. Police Chief Presgrave said that the department had received numerous complaints, which involved misdemeanor offenses, and that a survey had been run in the area, with some residents indicating they were willing to participate with police in seeing that persons involved, are prosecuted. An effort is being made to contact the owner of the property, concerning the problem. The Chief expressed a hope that the situation can be corrected, through cooperation of those involved. Councilman Cisney said he "would like for us to stay on the case and take whatever legal action is necessary." Chief Presgrave was asked to follow up on the matter and bring progress reports to Council.

At 8:15 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:

NOTICE OF PROPOSED TAX INCREASE IN REAL ESTATE LEVY  
BY THE CITY OF HARRISONBURG  
PUBLIC HEARING - May 25, 1982 at 7:30 P.M.

*The City of Harrisonburg proposes to increase the real estate property tax levies by 2.5% (percentage, calculated by dividing the 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 will not increase except for new construction or improvements.*

*This public notice is pursuant to Section 58-785.1 Code of Virginia.*

*The proposed real estate tax rate for 1982 is \$0.65 per \$100 of assessed valuation, which, when combined with the estimated assessed value of real estate of 1982 of \$361,538,500., will result in an estimated real estate tax levy of \$2,350,000. The real estate tax rate for 1981 is \$0.65 per \$100 of assessed valuation, which, when combined with the assessed value of real estate for 1981 of \$352,605,200., will result in a real estate tax levy of \$2,291,934. (less exemptions for the elderly and-or delinquents).*

*Major use of the increased levy:*

*Salary increase for School Teachers .....\$141,205.*

*Salary increase for Municipal Employees ..... 98,641.*

*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 \$0.65 per \$100 of assessed value. This rate will be known as the rolled back (lower) tax rate.*

*If the rolled back (Lowered) tax rate is in effect for the calendar year 1982, it will result in a reduction of approximately \$72,308. 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 increase will be held Tuesday evening, May 25, 1982, at 7:30 P.M. in the Council Chambers, Municipal Building 345 S. Main St., Harrisonburg, Virginia.*

*The Hearing shall be open to the public and 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.*

*Marvin B. Milam, City Manager*

Mayor Erickson called on anyone present, desiring to be heard concerning the proposed tax increase in real estate levy. There being no one, the public hearing was declared closed at 8:19 P.M. and the regular session reconvened.

✓ City Manager Milam presented, for consideration of second & final reading, the Appropriation Ordinance for the 1982-83 City of Harrisonburg Budget, in total amount of \$ 23,000,567.00, and reviewed appropriations for the various departments throughout the entire ordinance. Councilman Dingledine raised a question concerning the future of Riven Rock Park after July 1st, insofar as leasing same to an individual or organization, etc. Manager Milam said it was felt that the park, if leased, would bring in revenue to the city, in lieu of the city spending money for maintenance of the area. The park brought in approximately \$ 800. to \$ 1,000. last year in revenue, and the department's request was for \$ 6,437. in next year's budget, representing an increase of \$ 3,297. over the present year. He noted that although no funding is proposed for 1982-83, the decision for Riven Rock (City) Park rests with Council. Councilman Cisney suggested that the park remain open after July 1st at the present allocation, if a solution can be worked out by the department. Councilman Dingledine was asked to come back with a recommendation, after working with the department and Recreation Commission. Ms. Betsy Knighton, Executive Director of the Mental Health and Mental Retardations Services (Chapter 10) Board, urged that the amount of \$ 2,500. be considered in the 1982-83 budget for Client Service Coordination Program, in order that it may be continued. This is a program funded by both the City and County. Vice-Mayor Green again asked the possibility of funding for Emergency Medical Services in amount of \$ 1,900., representing the requested 10¢ per capita. The two latter requests were eliminated insofar as funding in the proposed budget. Manager Milam offered an opinion that it was unlikely that revenues would exceed the estimate and noted that the source of additional funding would have to be from the fund balance. Councilman Cisney moved that the Appropriation Ordinance for the 1982-83 City of Harrisonburg Budget be approved for second & final reading, with the realization that amendments may be made after July, with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Minute Book. The motion was seconded by Councilman Rhodes. The City Manager was asked to keep a close watch on revenues & expenditures to see whether some of the requests receiving no appropriation, might be honored. The motion was then adopted by a unanimous recorded vote of Council. (Refer to Minute Bk 0, pages 166 - 179).

✓ The following Planning Commission report from a May 19th meeting, was presented and read:

*"...The Final Plan for Madison Square Subdivision was presented to the Commission. The Director noted that the developer, Jerry Scripture, had presented his engineering, landscaping and utility plans with his preliminary plan to the Commission in March, and a recommendation to approve the 20-unit group housing project was forwarded to City Council. Mr. Sullivan reported that utility easements, setback lines and the property line for all 20 units are correctly shown on the Final Plan and the project is underway.*

*Mr. Heath moved that the Planning Commission recommend approval of the Final Plan for the 20-unit Madison Square Subdivision, located at 1323 South Main Street. Mr. Trobaugh seconded the motion and all members voted aye..."*

City Manager Milam called Council's attention to the Blueprint Survey Sheet setting out site location for the project. Following a brief discussion, Councilman Rhodes moved that the recommendation of the Planning Commission for approval of the Final Plan, 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 its meeting of May 19th:

*"...As a follow-up from the last meeting, the Commissioners discussed Mr. Bob Arnold's request that the City sell the 90' x 90' lot on the southwest corner of South Main Street and Warsaw Avenue. As requested by the Commission, Mr. Arnold presented an architect's preliminary sketch of an addition to the JM Pub and Deli, which shows how he would utilize the lot. The Director noted that the proposed expansion of J.M.'s does not disturb the 30' setback and yard area, no curb cuts are shown and no additional parking is indicated. Attorney Walter Green, IV, stated that Mr. Arnold has a leasing agreement for overflow parking with Hughes' Pharmacy.*

*Mr. Trobaugh asked if the City can set various restrictions on the property and sell with limitations imposed. Mr. Heath stated that he wouldn't want to see anything go on the lot that may be detrimental to J.M.'s or the area. Indications are that others may be interested in purchasing this parcel.*

*Mr. Trobaugh concluded the discussion with a motion that the Commission recommend the City sell the 90' x 90' lot on the southwest corner of South Main Street and Warsaw Avenue, and City Council establish a minimum price on the lot prior to the sale. Mr. Heath seconded the motion and all members voted aye..."*

City Manager Milam called attention to the sketch attached to copies of the report, showing location of the vacant lot, and noted that although the sketch sets out that this particular lot is state owned, the deed for same has now been turned over to the City. Because of setback requirements, Manager Milam noted that the lot is less buildable, but could possibly accommodate an 18' building, if purchased by anyone other than J.M.'s. With regard to setting a minimum charge, he suggested that \$ 3.50 per square foot for the 4400 square feet would make the lot's total worth, \$ 15,400. Following discussion, Councilman Cisney moved that the Planning Commission's recommendation to sell the lot, be approved, and that the City Manager bring in a recommendation to the next regular meeting concerning type of sale (i.e. public auction or sealed bid), minimum price per square foot, etc. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ Although Council was in receipt of a report submitted from a Planning Commission meeting of May 19th, denying a request for approval of a preliminary plan for resubdivision of land fronting on Norwood and Hawkins Streets, requested by Messrs. J. Kenneth Kline and Gary D. Green, City Manager Milam called attention to correspondence dated May 24th from Mr. Kline, to Planning Director Sullivan, requesting that the matter be referred back to the Commission for presentation of new information, and new plat. On motion of Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Council, the matter was referred back to the Commission, as requested.

With regard to a report which was presented at the last regular meeting, submitted by a duly appointed Board of Viewers concerning the proposed closing of a paper alley 15' wide by 135' long, extending from Chicago Avenue eastward to the end of the Fitzgerald property. 336 Chicago Avenue, and said report having been referred back to the Viewers for further clarification, the following supplemental report was presented and read:

*"Since submitting our original report, we have learned that lots numbered 5, 6 and 7, which face on West Gay Street, are now owned by Elizabeth Hivick Harmon, now living in Staunton. Mrs. Harmon has been contacted and says that she has no objection to closing the 15' by 135' alley running eastward from Chicago Avenue. However, she would not be interested in purchasing any part of this alley.*

*Since there is no objection to closing this alley and no inconvenience involved, we recommend that this alley be closed."*

*Respectfully submitted,*

*John H. Byrd, Sr.*

*Richard L. Suter*

*T. H. Lowery*

Inasmuch as question had been raised as to whether it is proper for one of the adjoining landowners to purchase the entire width of an alley if the property owner across the alley does not desire to purchase his portion, correspondence, including the legal interpretation, was presented from the City Attorney. He referred to Section 6-1-23 of the City Code and Sec. 15.1-366 of the Virginia State Code, and offered an opinion that a vacated portion of alley can be purchased by both owners, or the entire width of the alley purchased by one owner if the other does not desire to purchase his portion. Following a brief discussion, Councilman Cisney moved that the supplemental report of the Viewers be accepted, which motion, upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council. Manager Milam pointed out that the City Engineer will furnish the City Attorney with metes and bounds, and any other pertinent information, for inclusion in an ordinance, which was approved for a first reading on May 11th, and supply information to the Commissioner of Revenue in order to enable him to place a monetary value on the portion of alley to be closed and notify the requestor of that amount.

Although second & final reading of an ordinance effecting the closing of a paper alley on Madison Street was listed as an agenda item, it was pointed out by the City Manager that information as to metes, bounds, etc. would have to be forwarded to the City Attorney and Commissioner of Revenue, with final settlement made by the requestor, prior to final action on the ordinance.

Councilman Dingleline moved that a supplemental appropriation in amount of \$ 6,725.58, 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 May 11th, and that:

\$ 6,725.58 chgd.to: General Fund (1901.01) Recoveries & Rebates

5,000.00 approp.to: General Fund (3201-1001.06) Dispatchers Salaries

1,725.58 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.

A request was presented from the City School Board for approval of a transfer of funds within school appropriations in amount of \$ 8,200.00 in order to enable purchase and partially pay for supplies for the 1982-83 budget, in that the account of Instructional Supplies was cut below the 1981-82 appropriation, and also in order that the fuel tanks could be filled this summer while prices are low. Following a brief discussion, Councilman Cisney moved that the transfer be approved, and that:

\$ 3,200.00 trans.from: School Fund (1207-134.01) Summer School- Comp. Inst.Personnel

5,000.00 trans.from: School Fund (1208-134.01) Adult Educ.- Comp.Inst. Personnel

2,200.00 trans.to: School Fund (1201-305.00) Other Inst. Costs.- Inst. Supplies

6,000.00 trans.to: School Fund (1205-311.00) Oper.School Plant- Fuel

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

Assistant City Manager Driver informed Council that he was in receipt of the proposed 1982-83 budget of the Department of Highways & Transportation, which includes a six (6) year Improvement Program. In reviewing the Program, he realized that Harrisonburg was not listed in the urban program, and felt that it must be a typographical omission. Upon contacting Richmond, he learned that it was not an omission, but that Harrisonburg was not included due to a shortage of funds. The South High Street project will not be funded until after 1988. Mr. Driver noted that a public hearing is scheduled for June 9th in Salem, Virginia, and offered an opinion that request for earlier funding on the project, should be made at that time. He presented the following proposed resolution for Council's consideration of approval:

*WHEREAS, by a Resolution dated October 11, 1977 the Council of the City of Harrisonburg determined that the widening of South High Street, in the City, was a project that needed to be done and agreed by said Resolution to pay its share of costs under the appropriate formula to complete said project; and*

*WHEREAS, by a letter dated November 10, 1977, addressed to the Assistant City Manager, the Department of Highways & Transportation stated that it had programmed the project on South High Street as requested; and*

*WHEREAS, the section of South High Street forms a serious bottleneck in the flow of traffic on Route 42 through the City and is a badly needed project for orderly traffic flow and safety in the City; and*

*WHEREAS, the City has been led to believe that this project would be funded in the early 1980s; and*

*WHEREAS in its "Tentative Allocation of Funds" for 1982 through 1988 the Virginia Department of Highways & Transportation did not include said project; and*

*WHEREAS, the Council of the City of Harrisonburg is of the opinion that a fair distribution of highway funds should include this project,*

*NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Harrisonburg in regular session on May 25, 1982,*



*That said Council strongly urges the Department of Highways & Transportation to reconsider the allocation of funds as set out in its Tentative Allocation of Funds to include the South High Street project in the City of Harrisonburg as was previously planned by said Department.*

CITY OF HARRISONBURG

\_\_\_\_\_  
Mayor

Atteste:

\_\_\_\_\_  
Clerk of Council

Following discussion, Vice-Mayor Green moved that the resolution be approved and presented at the Public Hearing in Salem, Virginia, on June 9th, by Assistant City Manager Driver and Mayor Erickson. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ As a follow-up of correspondence dated 5/24/82 to the City Manager, Mr. Jim Deskins, Executive Director of the Harrisonburg Redevelopment & Housing Authority, was present in the meeting with a request concerning the remaining balance of \$ 85,000.00 from the 1978 Community Development Block Grant to the City of Harrisonburg. He noted that to date, the Authority has loaned or obligated approximately \$ 110,000. of the \$ 195,000. allocated in the budget for Housing Rehabilitation, on six dwellings on Collicello Street between Rock & Gay Streets. Although every effort has been made to lend the remaining balance of funds in the original target area, with no success, an individual is interested in borrowing the \$ 85,000. to rehabilitate eight apartments and two commercial units approximately 1/2 block outside the target area, but still within the Title 36 Redevelopment & Conservation Area. Mr. Deskins offered an opinion that this would result in a drastic improvement in the area and said that based upon his review of the CFR regulations, he feels the loan could be made without requiring formal HUD review and approval. He pointed out the fact that a major program amendment is required when 10% of funds are involved, and that in this case, the \$85,000. does not represent 10% of the original federal grant of \$1. million received in 1978. Should lending of the remaining balance meet with Council's approval, Mr. Deskins recommended that a resolution be drawn, for expedience purposes, requesting HUD's approval to spend that amount without having to go through a program amendment. Following discussion, Council agreed to accept the Executive Director's recommendation, and asked that he prepare a resolution for presentation at the next regular meeting of Council.

✓ Councilman Rhodes informed Council that he had attended a meeting of the NAACP and that the condition of sidewalks on East Johnson Street was brought up. He asked if the matter could be placed on Council's calendar for consideration as a project, or handled in some other manner. Assistant City Manager Driver reviewed projects now underway, as well as those proposed, and said that recommendations could be made by Council re repairs to certain streets. He suggested that a review of projects be made, particularly from the standpoint of budget cuts in capital outlay projects. Following discussion, Councilman Dingledine moved that the Assistant City Manager look into the situation and report back to Council. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

City Manager Milam asked that Council be giving some consideration re nominees for a Board of Equalization, to be recommended to the Circuit Court Judge for appointment following this year's property reassessment.

✓ Mayor Erickson noted the difficulty of entering South Main Street from South Avenue, and suggested that the situation be investigated for possible solution. It was agreed that the matter be referred to the Harrisonburg Department of Transportation & Safety Commission for investigation and report.

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

*N. Arlene Loker*  
CLERK

*Lay Erickson*  
MAYOR



Tuesday, June 8, 1982

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 Richard W. Presgrave.

Minutes of the regular meeting held on May 25th 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 May, 1982.

From the City Treasurer:

A trial balance report as of close of business on May 31, 1982.

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 \$ 6,165.34, for month of May, 1982.

From the City Auditor:

A financial report for the City of Harrisonburg, month of May, 1982.

A report of cash discounts saved in payment of vendor's invoices for month of May, 1982, totaling \$ 274.51

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of May, 1982.

A petition signed by seventy-one residents of Reherd Acres Subdivision was presented, requesting consideration in the next street paving budget for final paving of streets in the development, which has been open since 1974. City Manager Milam noted that the usual policy is for the developer to be responsible for rough grading, materials, etc., with the City then responsible for surface treating the streets. He said that a development which is more than five years old, should be paved, if funding is sufficient for same. Noted further was the fact that an amount of \$ 25,000. which is set up in an escrow account for the South High Street project, and included in a street project report to be reviewed later in this meeting, could be transferred for use on street construction projects, if so desired. Councilman Rhodes said he had visited Reherd Acres recently and found certain streets in rough condition. He recommended that they be included in the 1982-83 program (primarily Star Crest and Meadowlark Drives), although they are not included in the report for later review. Following discussion, Councilman Dingledine moved that the petition be accepted and referred to the City Manager for review. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

Council was informed by the City Manager that correspondence received from the firm of Mays, Valentine, Davenport & Moore, asked that arrangements be made for all exhibits (both county and city), pertinent to the Annexation Case, to be picked up and delivered to the Supreme Court Building in Richmond on Thursday of this week. He noted that plans are made for the exhibits to be moved by city vehicle between 8:30 and 9:00 A.M. on that day. The Supreme Court Hearings is scheduled for 9:00 A.M. on Tuesday, June 15th. Manager Milam asked that any members desiring to attend the Hearing, notify his office, in order that travel arrangements might be made.

City Manager Milam presented for Council's consideration of approval, the following Public Auction Notice to be advertised in the Daily News Record newspaper for sale of lot residue located on Warsaw Avenue and South Main Street:

PUBLIC AUCTION

*The City of Harrisonburg will offer for sale on Tuesday, June 15, 1982, at 10:00 A.M. the following real estate:*

*One 60' x 73' residue lot zoned B-2 Business on the southwest corner of Warsaw Avenue and South Main Street.*

*Auction to be held at the site. Minimum sale price \$ 12,500.*

*Terms of sale: 10% deposit on day of sale and balance in cash within 30 days upon delivery of deed to purchaser.*

*The City Council reserves the right to reject any or all bids.*

*Auctioneer: Charlie Whetzel*

*Marvin B. Milam, City Manager*

During a brief discussion, it was the consensus of Council that the sale be held in the City Council Chambers, Municipal Building, rather than at the site. Vice-Mayor Green moved that the City Manager be authorized to publish the sale notice, with change made in location from the lot site, to the Council Chambers. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

City Manager Milam reminded Council that further clarification had been requested, and proposed resolution prepared by the Redevelopment & Housing Authority, for presentation at tonight's meeting, concerning use of the remaining \$ 85,000. from the 1978 Community Development Block Grant. Clarification was requested in order to determine whether or not the amount could be loaned for rehabilitation within the original area of the Title 36 Redevelopment and Conservation Area, without a major program amendment, which would be processed through the Department of Housing & Urban Development (HUD). Correspondence dated 6/8/82 from James R. Sipe, Counsel for the R & H Authority, was presented, advising Council that "based upon the facts known to me at this time and the provisions of § 570.312 of the Code of Federal Regulations, it would appear that these funds can be used by the Authority without the necessity of a major program amendment being processed through HUD since the use does not represent 10% of the entitlement amount approved for the affected year." The following proposed resolution was then presented and read, for consideration of approval:

*WHEREAS, the sum of approximately Eighty-Five Thousand Dollars (\$85,000.00) of the 1978 Community Development Block Grant to the City of Harrisonburg which has been budgeted for housing rehabilitation has not yet been used.*

*WHEREAS, the Harrisonburg Redevelopment & Housing Authority has advised that they have exhausted all efforts to lend the remaining balance of these funds in the original area targeted for housing rehabilitation.*

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

*1. The use of the remaining sum of approximately Eighty-Five Thousand Dollars (\$85,000.00) from the 1978 Community Development Block Grant to the City of Harrisonburg within the original area or the Title 36 Redevelopment and Conservation area is hereby approved.*

*2. The proposed use of the approximately Eighty-Five Thousand Dollars (\$85,000.) remaining from the Community Development Block Grant is permitted without a major program amendment since the proposed use does not represent 10% of the entitlement amount approved for the affected program year.*

*3. The City Manager is hereby designated as the authorized representative of the City of Harrisonburg, Virginia, and is directed to act as such representative in connection with use of the remaining sum of approximately Eighty-Five Thousand Dollars (\$85,000.00).*

*Atteste:*

*Clerk*

*Mayor*

Following reading of the resolution, and brief discussion, Councilman Cisney moved that the resolution be approved, with authorization for the proper officials to sign same. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

City Manager Milam presented for consideration of a second & final reading, an ordinance for

the closing of a portion of alley running eastward from Chicago Avenue, and noted that a check in amount of \$ 2,000. had been received in his office from Kathy Fitzgerald, requestor, in payment of that portion. The closing had been recommended by the Planning Commission, as well as a duly appointed Board of Viewers. Councilman Dingleline moved that the ordinance be approved for second and final reading, same having been approved for a first reading on May 11th, 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. (Bk. K, page 264).

A request was presented from the Chief of Fire for approval of a supplemental appropriation in amount of \$ 7,154.53 from account of Recoveries & Rebates, in order that funds already expended in reference to Dispatchers funded by Rockingham County, may be recovered. Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 7,154.53 chgd.to: General Fund (1901.01) Recoveries & Rebates

4,840.00 approp.to: General Fund (3201-1001.06) Dispatchers' Salaries

2,314.53 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.

Council received a request from the City School Board for approval of a supplemental appropriation in amount of \$ 280.00 in order to appropriate refund of school members' registration fee to national conference, in that the members could not attend due to illness and business reasons.

Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved, and that:

\$ 280.00 chgd.to: School Fund (R-37) Realized Revenue- Rcpts.from Other Funds

280.00 approp.to: School Fund (1200-220.00) Admin.- Travel- School Board and

Adm. Travel.

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

A request was presented from the City School Board for approval of a supplemental appropriation in amount of \$ 696.22 in order that expenditures for air fare, which has been refunded, may be re-appropriated. It was noted that due to illness and business reasons, the members could not attend a national meeting. Further noted in the explanation, was the fact that funds will be encumbered to partially cover reduction of \$ 10,237. in administrative travel in the school's 1982-83 budget. Councilman Cisney moved that the appropriation be approved, and that:

\$ 696.22 chgd.to: School Fund (R-37) Real.Revenue- Rcpts: from Other Funds

696.22 approp.to: School Fund (1200-220.00) Admin.-Travel- Adm.Personnel

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

A request was presented from the City School Board for approval of a supplemental appropriation in amount of \$ 12,000. from the School's Account of Anticipated Receipts (Rebates), in order to honor a request of Massanutten Vocational Technical Center for a temporary loan in that amount, representing the City's 16% share of total loan of \$ 75,000. requested from all participating governing bodies. Correspondence from the Center's Fiscal Officer was attached to the School Board's request. City Manager Milam offered an opinion that if this represents a loan to Voc. Tech., it should also be a loan to the City School Board. City Auditor Peterman said he had questioned the transaction and been advised that this would be a loan from the City, directly to the Voc Tech. Center. Manager Milam noted that transactions such as this are usually handled through the School Board. Councilman Cisney asked if the loan would be paid back to the City by the School Board, in that it is a loan. Following further discussion, Councilman Cisney moved that the appropriation be approved for first reading, treated as a loan, with further clarification from the School Board prior to Council's next regular meeting on June 22nd, and that:

\$ 12,000. chgd.to: School Fund (R-37) Antic. Rcpts., Rebates

12,000. approp.to: School Fund (1201-221.00) Other Inst.Costs- Tuition Pd.

Other Divisions.

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

Assistant City Manager Driver presented a report compiled by the Street Superintendent, of Major Work completed in 1981-82; Proposed Construction & Reconstruction for Fiscal Year 1982-83 with estimated costs; and Capital Outlay Construction proposed for 1982-83 with estimated costs. Proposed construction & reconstruction estimates total \$ 167,402., with a budget allowance of only \$ 147,300.; Capital Outlay estimates total \$ 196,795., with \$ 146,795. allowed for 1982-83. Mr. Driver reviewed each project and called attention to road & paved area repairs for steam line installation at the Energy Recovery Plant - JMU, estimated to cost \$ 8,300., which funds could be shifted to Heat Recovery Funds from the bond issue. It was recommended that no cuts be made in the estimate of \$ 52,906. for resurfacing of streets, in that the figure appears low, and the work is necessary. Mr. Driver offered an opinion that each fiscal year, projects should be set up for all areas of the City, and said he does not fully approve of work done during 1981-82 in that nothing was done in the southern part of the City. Requests have been received from West Market Street and Shenandoah Avenue for sidewalk replacement, but no estimates have been worked up, due to shortage of funds. When question was raised, Mr. Driver noted that the number shown beside each project on the report, does not reflect its priority. Councilman Rhodes asked, that if at all possible, Clinton Avenue and Summit Street be included in next year's projects, due to drainage problems in those areas. He mentioned the fact that high water is still a problem on Kelly Street, which matter has been carried for some time on Council's calendar. Mr. Driver replied that this would require installation of a larger storm drain and digging up the street, but admitted that the situation is getting worse. The drain has been cleaned out, but is not of sufficient size to carry the water. Councilman Cisney agreed with an earlier opinion of Mr.Driver that final curb & gutter should be installed in areas, rather than asphaltting, even if it would necessitate cutting back somewhere else. Following the review and discussion, Mayor Erickson expressed appreciation for the report, and said it would be studied.

City Council members were reminded that the terms of two City School Board members will expire on June 30, 1982: Mrs. Carolyn Shank has been filling an unexpired term and Mr. Robert W. Amos will complete his first term. Mayor Erickson asked Council's wishes concerning appointments. Councilman

Dingledine moved that Mrs. Shank be appointed to serve her first full term of three (3) years with expiration date of June 30, 1985, and Mr. Amos be reappointed to a second term of three (3) years, expiring June 30, 1985. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

It was noted that the first term of Mr. Wade Menefee, Jr., as a member of the Social Services Board would expire on June 30, 1982, and the Mayor asked Council's wishes concerning an appointment. Councilman Rhodes moved that Mr. Menefee be reappointed to the Board for a second term of four (4) years, expiring on June 30, 1986. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

During discussion concerning upcoming vacancies on various Boards & Commissions, it was noted that present terms of those serving on the Harrisonburg-Rockingham Regional Sewer Authority, will expire on July 14, 1982. Following a brief discussion, Councilman Cisney moved that Mayor Roy Erickson, Mr. James F. Logan, Mr. John E. Driver and Ms. Margaret Gordon be reappointed to serve on the Regional Sewer Authority for terms of four (4) years, expiring July 14, 1986. The motion was seconded by Vice-Mayor Green, and adopted by a majority vote of Council. Mayor Erickson, abstaining.

Correspondence was presented from Mr. David Rood, Director of the Rockingham-Harrisonburg Alcohol Safety Action Program, in which request was made to be granted permission to use a camera ready design of the City's seal on the organization's re-designed letterhead. It was noted that inasmuch as the ASAP Commission is a subdivision of local government and a cooperative effort of both the City and County, the same request is being made concerning the County's seal. City Attorney Lapsley informed Council that he could find nothing in either the state or city code to prohibit use of the seal by photograph, although it is strictly the official emblem of the City of Harrisonburg. Vice-Mayor Green moved that the ASAP Commission be authorized to use the photographed city's seal on its letterhead and the motion was seconded by Councilman Dingledine. Councilman Cisney raised the question as to whether any and all future requests which may be received for use of the emblem, would be granted. Mayor Erickson replied that it was his opinion that each such request would have to be evaluated. Councilman Cisney then asked "how far do we want to go in allowing agencies to use the city's seal, in that it is the official emblem"? At this point, the vote was taken, with the request of the ASAP Commission granted, by a majority vote of Council.

City Manager Milam reminded Council of an annual policy to renew the City's Workmen's Compensation Insurance, and presented two policies for comparison: present policy with Shomo & Lineweaver Insurance Agency, Harrisonburg (annual premium \$ 90,322.), and a Workmen's Compensation proposal of the Virginia Municipal Group Self Insurance Association, prepared for the City of Harrisonburg, with annual premium of approximately \$ 101,000. He referred to 100 member areas of the Group as listed in the proposal, and informed Council that one stipulation would be a requirement to sign an agreement to join the Group and share the cost of any municipality that may suffer from a catastrophic situation. Councilman Cisney offered an opinion that assuming responsibility for a liability which occurs in the Group, would not be worth the risk. Manager Milam said the City would be eligible for a discount under the present policy, due to nominal requests for payments. He referred to Chapter 5 of the city code "City Insurance", which provides that in order for an insurance agent to be eligible to share in the writing of insurance or surety bonds for the city, the agency must reside in, and have office in the city. It further provides that three types of coverage must be distributed between three agencies. Following discussion, it was the consensus of Council that the present policy with Shomo & Lineweaver Insurance Agency, be renewed. Vice-Mayor Green offered an opinion that consideration should be given to amending the city code, in the event the city should desire to change agencies in the future.

City Manager Milam informed Council that he was in receipt of correspondence from the State Compensation Board, setting forth salaries for fiscal year 1982-83 in the office of Commissioner of Revenue and City Treasurer, which figures do not coincide with those approved in the city's budget, on May 25th. He asked direction of Council in determining amounts to be granted, in that it is difficult to make a decision between that allowed by the state and that provided for in the city's budget. Following a brief discussion, it was the consensus of Council that figures as set out in the city's budget for fiscal year 1982-83 be used, based on an overall increase of 6% for salaries under \$ 10,000.; 5% for salaries ranging from \$ 10,000. - \$ 20,000.; and 4% increase for those above \$ 20,000.

Council was informed by the City Manager that request has been received from the Virginia Municipal League for the City of Harrisonburg to participate in the fall publication of "Virginia Town & City" magazine, with a 1/4, 1/2 or full page Ad. He noted that the City has placed Ads in other years, either full page or part, and asked Council's desire, in that a decision must be made prior to July 1st. Cost of Ad: 1/4 page, \$ 140.; 1/2 page, \$ 185.; and full page, \$ 375. After a brief discussion, it was agreed that a 1/4 page Ad be placed, with material for same left to the City Manager's discretion.

Assistant City Manager Driver reminded Council that about a month ago, the City had signed a contract for construction of a sewer line on South Main Street in the area of the 7-Eleven Store. When the City signed, the contract showed blank number of dollars for connection fee, and when Rockingham County signed, the amount of \$ 38,500. was filled in the blank. Inasmuch as the bid of \$ 38,000. for an 8" line was not agreed upon, Southland Corporation has now proposed construction of a 4" line at a cost of \$ 17,000., which amount it is willing to pay the Sewer Authority. Mr. Driver offered an opinion that the figure is reasonable and asked Council's desire to accept or reject the lesser cost for smaller line. Following discussion, it was agreed that the proposed figure be approved.

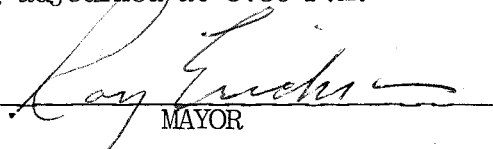
Council was reminded by the City Manager that when the City granted temporary connection to its 12" water line south of the City for a warehouse, it was felt that the Annexation Suit would be settled by January 1st of this year. A charge of \$ 1,000. monthly has been charged for the connection since approval was granted. He noted that request has been received for a meter to be placed at the warehouse, and asked members to be thinking on the matter. If done, it would require a county connection at the 7-Eleven Store, and billing at a reduced rate.

Several complaints having been received concerning use of city vehicles, the City Manager presented proposed travel policies which he had prepared, upon request. He noted that the report could be revised and additional information added, if desired. A complete inventory on the 150 city vehicles has been submitted by all city departments. The policy will allow certain vehicles to be taken home, when necessitated for night & day calls. Manager Milam noted that the majority of calls received, concerning use of vehicles for purposes other than business, applied to other agencies in the city, or outside the city. The report, when approved, will serve as Administrative Travel Policies. Mayor Erickson asked members to review their copies for any changes or additions.

Councilman Dingledine registered a complaint he had received concerning a decision of Warner Amex Cable to remove station WOR from the package of five channels and replace same with a Rock n' Roll music station. City Manager Milam explained that WOR is switching satellites, which apparently will make it more difficult for Warner to pick up the New York station. The fact of increase in rates by Warner for the movie channel, HBO and the special package of five channels, was also discussed. Question was raised as to whether or not the actions of Warner are permissible under the city's franchise. Noted further was the fact that no notification was received in the City Manager's Office, and that he was not aware of the change in stations until contact was made by a local radio station for comment. Following discussion, the City Manager was asked to contact Warner Amex for further clarification concerning station change and rate increase.

There being no further business and on motion of Councilman Cisney, seconded by Councilman Dingledine, 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; 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 8th, were approved as read.

✓ Mrs. Juanita Sanders appeared before Council, along with two other representatives of the National Organization for Women, to report that a charge, or complaints, had been brought against a local police officer for sexual approach, and the matter was investigated. Inasmuch as guilt or innocence of the officer is unknown, Mrs. Sanders questioned whether or not the disciplinary action of a five day suspension, with pay (as rumored), is sufficient. Doris Shipe and Pat Augsberger expressed their concern regarding the matter and urged further investigation, with appropriate action. Mayor Erickson (unaware of the situation), said that the only thing that can be done at this time is to explore the facts, which is actually a departmental personnel matter.

✓ On request of City Council, Mr. Bruce Wallinger, an attorney for Warner Amex Cable Communications Company, and Mr. Chuck Stigberg, Warner's General Manager, were present in the meeting to elaborate on, and further clarify an increase in monthly rate for the movie channel (\$1.00 per month); HBO (\$1.00 per month); and the special package of five channels (\$ .50 per month), which services were recently introduced into the Harrisonburg viewing area, as well as a change from station WOR out of New York, to another station. Attorney Wallinger noted that there had been question concerning whether or not it was legal for the company to increase pay services without a request to City Council, and that upon investigation of the franchise with the City which was extended for an additional eight years, it was learned that under Section 34 (j), which applies to rates and charges applicable, basic cable charges are the only ones which have to have Council's authorization, with other increases, exempt. The recent increases were made due to financial experience of the preceding year which revealed only a 2 - 3% return on the special services offered, and less than 1 1/2% on basic cable tv. He reminded Council that the last requested cable rate increase was a modest one in year 1979, and that inflation and higher costs for materials, etc. have necessitated another such action. Councilman Cisney said that although he was aware of the franchise agreement wording, he would have liked to have been advised, prior to the increase. With regard to elimination of station WOR from the 5-programs presently offered as part of the satellite program, Attorney Wallinger said that notices were mailed out, advising that a change would be necessary. When the company's original decision was to replace WOR with a music station, mixed reactions were received at the cable company office. Inasmuch as the five present channels were agreed upon when the franchise was extended, the company feels this appears to have been a commitment which it does not wish to violate. However, beyond Warner's control, WOR has changed satellites, effective July 1st of this year, which change will make it impossible for that station out of New York to be picked up, with the City's present equipment. The Cable Company had suggested replacement with a music station which is entirely different from the other channels, and fairly new since 1981, based upon requests from the area's youth. Since that announcement, and based on reactions of subscribers (approx. 50-50) about the change, as well as Council's concern in elimination of station WOR, Warner has decided to offer, on a trial basis, station WGN out of Chicago, which is almost identical to WOR in program carriage, with exception of sports, which will be carried primarily from Chicago. Should this not prove to be satisfactory, Attorney Wallinger said the company would file through the FCC for approval, and with additional equipment, go back to station WOR. Councilman Dingleline offered an opinion that addition of station WGN would show the public that the same type of programming as WOR is being provided. Councilman Cisney said that 50 - 50 reaction does not "stack up", as his complaints have been based on removal of station WOR. Attorney Wallinger replied that in order to pick up WOR, another earth station would have to be added at an approximate cost of \$ 12,000. Mr. Stigberg informed Council that WOR has lost subscribers all over the country in its change of satellites, when its current lease ran out, and assured Council that the change by WOR was completely beyond Warner's



control. Following discussion, Mayor Erickson expressed appreciation, on behalf of Council, for the presentation of facts concerning the two issues, and for Warner's decision to carry the same type of programming through station WGN, as that presently carried on station WOR.

City Manager Milam reported only one bid received at the public auction held on June 16th for sale of lot residue located on the corner of South Main Street and Warsaw Avenue, by Roberg G. Arnold and Richard B. Hewitt (JM's pub & deli), in amount of \$ 12,500. He noted that a check in amount of \$ 1,250. (representing 10% of the total bid price) was received, with description of lot then prepared, and instruction given the City Attorney to prepare a proper deed. Manager Milam presented the deed, and recommended that it be approved, with authorization for the Mayor and Clerk to sign same upon receipt of the balance due, tomorrow morning. On motion of Councilman Cisney, seconded by Councilman Rhodes, and a majority vote of Council, the recommendation of the City Manager was approved. Voting aye: Councilmen Dingledine, Rhodes, Cisney and Erickson; Voting nay: none; abstaining; Vice-Mayor Green.

Councilman Cisney moved that a supplemental appropriation in amount of \$ 7,154.53, requested by the Chief of Fire in order that funds already expended in reference to Dispatchers funded by Rockingham County may be recovered, be approved for second & final reading, a first reading having been approved on June 8th, and that:

\$ 7,154.53 chgd.to: General Fund (1901.01) Recoveries & Rebates

4,840.00 approp.to: General Fund (3201-1001.06) Dispatchers' Salaries

2,314.53 approp.to: General Fund (3201-5413.01) Other Oper. Expenses

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

City Manager Milam reminded members that a request had been presented at the last regular meeting from the City School Board, for approval of a supplemental appropriation in amount of \$ 12,000. representing a loan to the Massanutten Vocational Technical Center, and that the appropriation was approved for a first reading at that time, pending further clarification as to disposition of the loan, prior to final approval. He recommended that the appropriation be finally approved at this time, with the following changes on the request form: amount charged to School Fund Account R-56 (Loan from City), rather than Account R-37 (Rebates), as set out on the original form; and appropriated to School Fund Account 1201-222.00 (Operating Loan to Massanutten Voc.Tech.Center) rather than Account 1201-221.00 (Tuition Paid Other Divisions). He noted that funds would not be loaned, until needed. City Auditor Peterman informed Council that it now appears that full amount of the loan may not be requested. Councilman Cisney moved that the appropriation be approved for second & final reading, as recommended by the City Manager, and that:

\$ 12,000. chgd.to: School Fund (R-56) Antic. Rpts.- Loan from City

12,000. approp.to: School Fund (1201-222.00) Other Inst. Costs- Operating Loan  
to Massanutten Voc. Tech. Center

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

The City Manager noted that inasmuch as he was in receipt of further clarification from the School's Director of Finance concerning the requested loan of \$ 12,000. by the City, to the Massanutten Voc. Tech. Center, a request form for transfer of funds, within the General Fund, has been prepared for approval, in order that the loan, up to \$ 12,000. may be paid as needed. He noted that according to the School's correspondence, the Center will issue a check, payable to the City, upon receipt of state funds, with advice and deposit with the City Treasurer to be prepared by the School Board immediately upon receipt. Following a brief discussion, Councilman Dingledine moved that the transfer be approved, and that:

\$ 12,000. trans.from: General Fund (9201-82.00) Bond Maturities---Elderly Housing Fac.

12,000. trans. to: General Fund (9401-14.41) Reserve for Contingencies

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

City Council received information through correspondence to the Mayor, that the first term of Mr. Ronald D. Hodges as a member of the Mental Health & Mental Retardation Services (Chapter 10) Board, would expire as of June 30th this year, and that the recommendation of the Community Services Board was for reappointment of Mr. Hodges to a second term. Vice-Mayor Green moved that Mr. Hodges be reappointed to a second term of three (3) years, beginning on July 1, 1982 and expiring July 1, 1985, which is in keeping with dates as set out on Council's records. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

The following report from a Planning Commission meeting of June 16, 1982 was presented and read, for consideration of approval

*"...The Commissioners reviewed another revised Final Plan of Manor Townhouse Subdivision, dated June 9, 1982. The Director noted that a Final Plan dated February 9, 1982 was approved by City Council on March 9, 1982, but the Commission voided that plan in May since it had not been recorded in the Court House within 60 days.*

*Mr. Gary Judd, Surveyor, then explained to the Commission that a mistake was discovered on the February plan, and Lot 4 has been slightly reduced in size as a result of Litten Real Estate's parking lot infringing on the back yard. The Director reported that all setbacks and lot sizes continue to meet the Subdivision regulations, Attorney Blatt has submitted the Covenants, Conditions and Restrictions and the signature sheet for City Officials. He emphasized again that each townhouse shall be occupied as one entire unit, and the ground floor shall not be rented or used as a separate dwelling unit.*

*Mr. Trobaugh then moved that the Commission recommend approval of the June 9, 1982 Final Plan for Manor Townhouse Subdivision. Mr. Heath seconded the motion and all members present voted in favor..."*

Planning Director Sullivan pointed out that this is a relatively small subdivision located on Maryland Avenue, and purchased by four different owners who are buying into a common parking lot. The units are presently for-sale, although he had noticed that the for-sale signs are missing and will possibly be replaced. Following a brief discussion, Councilman Rhodes moved that the revised

Final Plan for Manor Townhouse Subdivision be approved, as recommended by the City Planning Commission. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

City Manager Milam presented and read the following report, submitted by the Planning Director, from a June 16th meeting of the City Planning Commission:

*"...The Commissioners reviewed a proposed division of lots 4 and 5 of the Garber and Garber Addition. Mr. Arthur Hamilton, Jr., representing Hamilton Associates, told the Commissioners that the present lot line between Lots 4 and 5 runs through the dwelling at 548 East Elizabeth Street. He desires to vacate this lot line and draw a new one west of the dwelling, thus establishing an 8,681 square foot lot for the dwelling and a 9,861 square foot vacant lot. The Director noted that the land is zoned R-2 Residential, thus a duplex could be built on the larger lot. Also, required setbacks for the existing dwelling are met, based on the design of this proposal.*

*Mr. Trobaugh moved that the Planning Commission recommend approval of Hamilton Associates' resubdivision proposal of Lots 4 and 5, Garber and Garber Addition, and that City Council hold a public hearing to vacate the lot line between existing Lots 4 and 5. Dr. Eneedy seconded the motion and all members present voted in favor..."*

Attention was called to the sketch showing location of the lots, attached to the report, after which time Councilman Cisney moved that Council accept the report of the City Planning Commission and schedule a public hearing on the proposed vacation of lot line for Tuesday, July 27, 1982, 7:30 PM in the City Council Chamber. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council. The City Manager was instructed to properly advertise the public hearing in the Daily News Record newspaper.

The following Planning Commission report from a meeting held on June 16, 1982, was presented and read:

*"...The Commissioners received a proposed Final Plan of Vine Street Subdivision. Land Surveyor, J.R. Copper, representing owner Neil Turner, told the Commission that four lots are proposed on the 3.79 acre property. A Development Plan and preliminary subdivision plan for this R-4 Planned Unit Area east of the Country Club Road-East Market Street intersection was accepted by the Commission and City Council in April 1982. Mr. Copper stated that proposed Lot 1 is developed with a High's convenience store, Lot 2 with 62,123 sq. feet will be developed by Mr. Turner with two 8-unit apartment houses, and Lots 3 and 4 will be available for 10-unit apartments in the future. He also reported that Mr. Turner has a verbal agreement with Rehder Acres, Inc., to swap certain land and dedicate a 60' right-of-way to the City for Vine Street which is necessary for Mr. Turner's lots to have a street frontage. The Director reported that City Staff recommends Mr. Turner be responsible for curb and gutter on his side of Vine Street, plus rough grading and base materials for half the width of said street. The City should participate in completing the street since it is designated as a major collector street in the City's Thoroughfare Plan.*

*Mr. Heath concluded the review with a motion that the Planning Commission recommend approval of the Final Plan of Vine Street Subdivision, subject to Mr. Turner's dedication of the 60' right-of-way and participation in construction of the street as stipulated by the City's engineering and public works officials. Mr. Trobaugh seconded the motion and all members present voted in favor..."*

City Manager Milam called Council's attention to the Subdivision Review Sheet attached to the report, as well as a sketch showing location of the subdivision. Following a brief discussion, Vice-Mayor Green moved that the Final Plan of Vine Street Subdivision be approved as recommended by the City Planning Commission. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

Council was informed by the City Manager that a suggestion had been made for the City to transfer a small lot (44' x 46') comprised of approximately 2,000 sq. feet, located south of Rock Street, with no street frontage, to the Harrisonburg Redevelopment & Housing Authority. City Attorney Lapsley presented, for Council's consideration of approval, a deed which he had drawn to convey the lot to the Authority, and explained that the lot is a part of the entire Redevelopment & Conservation Area, but was not included in the original deed for transferral, along with other properties. It was felt that the lot had to be condemned because of an incompetent owner, and condemnation was filed July 13, 1979. The deed being presented this evening will complete transferral of properties in the entire area. Following a brief discussion, Councilman Rhodes moved that the deed be approved, with authorization for the Mayor and Clerk to sign same on behalf of the City. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

The City Manager reminded Council that bids had been received on January 12th of this year for the Harris Pool property located in northeast Harrisonburg, with the high bid of Nesselrodt Construction Company in amount of \$ 6,000. accepted by Council on January 26th. He noted that although a proper deed, conveying the property, has been prepared by the City Attorney, payment has not been received, to date. Manager Milam suggested that the matter may be placed on Council's agenda for the next regular meeting on July 13th, to be acted upon for re-bidding, providing settlement is not made prior to that time. Councilman Dingledine offered a motion that Mr. V.W. Nesselrodt be contacted and asked to consummate the property matter prior to the next meeting, with action for re-bidding to be taken at the next meeting if request has not been complied with. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

The following resolution was presented for Council's consideration of approval:

*BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia, that the City Manager is authorized, for and on behalf of the City of Harrisonburg, to execute and file an application to the United States of America Department of Transportation Urban Mass Transportation Assistance, authorized under Section 3 of*

the Urban Mass Transportation Act of 1964.  
APPROVED this \_\_\_\_\_ day of June, 1982.

\_\_\_\_\_  
Mayor

Atteste:

\_\_\_\_\_  
Clerk

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.

✓ City Manager Milam called attention to copies of a memorandum which he had mailed out to each member of Council concerning salaries in the offices of City Treasurer & Commissioner of Revenue, with notation of amounts desired by the Constitutional Officers, and penciled in figures of salaries in keeping with the 6 - 5 - 4% increased allowed all city employees, which had been Council's expressed desire to be followed for salaries in the two aforementioned offices. He referred to Title 14 of the State Code which is relatively long and complicated, but deals with setting of salaries for certain officers by the State Compensation Board, and other duties of the said Board. He noted that in Section I, provision is made for the Board to fix all salaries for certain officers and all employees in those offices (i.e. City Treasurer, Commissioner of Revenue; Sheriff; Commonwealth's Attorney, etc.) in localities. Section 14.1-51 provides that notification must be given the Compensation Board by a City or County, if a different method of salary setting is to be followed. A forty-five day period is allowed for notification by a city or county if there is objection to the state salaries which have been set, and two members are allowed to attend a meeting and participate on the Board, with two votes on the issue. Should the issue not be settled at this meeting, it goes to the Attorney General and from there to local Judges and a 3-judge panel to be settled. Manager Milam pointed out that Section 14.1-64 of the 1980 amendment to the Code indicates that all salaries in the offices of the City Treasurer and Commissioner of Revenue are to be fixed by the State Compensation Board, with the City required to participate at a minimum of 50% toward those salaries fixed by the Board. In addition, to participation in payment of salaries, a locality is required to pay for all books, office supplies, office space, lights, water, heat, etc. for those offices. He suggested that rather than writing a notice to the Compensation Board concerning a different method of salary setting, that the Board's salaries be inserted into the city's budget, with the City to pay 50% of those amounts. He noted, however, that a locality has the right to supplement salaries of the City Treasurer and Commissioner of Revenue, if so desired, which has been true in Commissioner of Revenue Smith's case over the past several years. In view of state code provisions, Manager Milam said he could not see how either himself, or the city, has the right to set salaries in the two Constitutional Offices, and that inasmuch as no notification was given the Board of a different method of salary setting by the City, the Compensation Board had proceeded to establish amounts and so notified the City. Councilman Cisney offered a motion to accept the Compensation Board's scale of salaries, excluding that of the Commissioner of Revenue which has been supplemented over a number of years. Mr. Victor Smith, Commissioner of Revenue, pointed out the fact that the second listed salary of a deputy commissioner in his office has also been supplemented, and should also be excluded from state figures. Councilman Dingledine then offered a substitute motion to approve the original motion, with one exception, that salaries of both the Commissioner of Revenue and the Deputy Commissioner be excluded from state figures. At this point, the City Manager asked that the substitute motion be defeated, in that it was his opinion that salaries in the two offices should be either/or, referring to those set by the City, or by the State Compensation Board, with no compromise between the two. Councilman Dingledine then withdrew his substitute motion, and the Mayor called for a vote on the original motion to accept the Compensation Board figures, excluding only the salary of the Commissioner of Revenue. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

Mr. "Chip" Rothery, Republican nominee for the 27th District House of Delegates seat which is being vacated, requested that Warner Amex Cable Communications Company be asked to add a Roanoke station to its basic service package, in order that news from the Salem area, recently re-districted into District 6, may be made available to residents within the areas presently served by Warner Cable. Mayor Erickson suggested that the request be taken directly to cable officials, which Mr. Rothery said he had done.

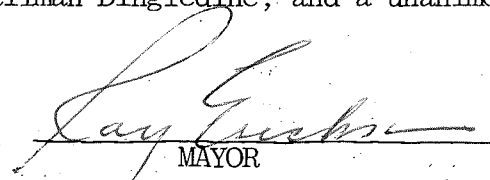
There being no further business at 8:55 P.M., Councilman Rhodes moved that the meeting adjourn and the motion was seconded by Councilman Dingledine.

The motion to adjourn was then rescinded and a second motion offered by Councilman Dingledine for Council to enter an executive session to discuss a legal matter and personnel. This motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

At 9:55 P.M., on motion of Councilman Cisney, seconded by Vice-Mayor Green, and a unanimous vote of Council, the executive session was declared closed and the regular session reconvened.

On motion of Councilman Cisney, seconded by Councilman Dingledine, and a unanimous vote of Council, the meeting adjourned at 9:57 P.M.

  
CLERK

  
MAYOR

Tuesday, July 13, 1982

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; 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.

Vice-Mayor Green presided over the meeting until the arrival of the Mayor, and called the meeting to order.

Minutes of the regular meeting held on June 22nd 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 June, 1982.

From the City Treasurer:

A trial balance report as of close of business on June 30, 1982.

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 total amount of \$ 7,594.13

From the City Auditor:

A report of cash discounts saved in payment of vendor's invoices for month of June, 1982, totaling \$ 445.53

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, 1982.

✓ Correspondence dated 6/16/82 was presented from Captain D. S. Faulkner of the Harrisonburg Salvation Army, advising Council that plans are being made to build a new Corps Community Center on property the organization owns in north Harrisonburg at Ashby Avenue and Jefferson Street, and to remodel an existing structure on Monroe Street extended, into an Emergency Shelter. A request was made for Council to officially close portions of undeveloped Monroe Street: 180.3' on the east side of Jefferson Street and 317.04' on the west side of Jefferson Street. It was further requested that a small triangular piece of city owned land between Monroe and Ashby Streets be turned over to the Salvation Army. City Manager Milam noted that a \$ 50.00 filing fee had been paid to process the closing. On motion of Councilman Cisney, seconded by Councilman Dingleline, and a unanimous vote of Councilmen present, the requests were referred to the City Planning Commission for study and recommendation.

✓ Council was informed by the City Manager that following the last regular meeting, settlement was made by Nesselrodt Construction Company for purchase of the Harris Pool property in northeast Harrisonburg, in amount of \$ 6,000., and that the deed had been signed by the proper officials on behalf of the City. Re-bidding the property would have been acted upon this evening, had settlement not been made.

✓ Mr. Mike Lowry, President of the Harrisonburg Retail Merchants Association, was present in the meeting to request the following of City Council: use of sidewalks for display of merchandise, and other activities, July 22nd, 23rd and 24th (Thursday through Saturday) for the annual Sidewalk Sale Days Promotion; and the closing of the street surrounding Court Square (affecting only east/west traffic on Market Streets through the square, and leaving traffic on Main & Liberty Streets undisturbed) from 3 PM through 7 PM on July 22nd and 23rd, and from 9 AM through 6 PM on July 24th. He noted that the Association would cooperate in any way possible, if requests were granted. Vice-Mayor questioned the street closing around Court Square, particularly on a Friday afternoon when checks are being cashed at Virginia National Banl. City Manager Milam pointed out the fact that use of sidewalks is entirely up to Council, but that the street blocking would require signs for detour to be posted at various places. Following discussion, Councilman Cisney moved that Council grant the use of sidewalks on the three days requested, and refer the matter of street closing to the City Manager, Police Department and Highway Department, for a determination as to whether or not this would be feasible. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

✓ At 7:50 P.M., the Vice-Mayor 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, was read by the City Manager:

*"The Harrisonburg City Council will hold a public hearing on Tuesday, July 13, 1982, at 6:30 P.M. in the City Council Chambers, Municipal Building, 345 South Main Street.*

*There will be a public hearing July 13, 1982 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 aid in operating and administrative costs for FY 83.*

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

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

✓ Transportation Director Reggie Smith called attention to the proposed resolution, approval of which is necessary in order that the City Manager may be authorized to file application to the Virginia Department of Highways & Transportation for a Grant of Federal Public Transportation Assistance under Section 18 of the Urban Mass Transportation Act of 1964, as amended, in amount of \$ 139,363. for use in operating and administrative costs of local Public Transportation Service, and to file application to the same department for a Grant of Transportation Special Revenues authorized by the 1980 Acts of the General Assembly, in amount of \$ 4,217. to defray 10% of the local matching share of the City for administrative expenses and \$ 48,595. to defray 50% of the local matching share of the City of Harrisonburg for operating costs of an approved Federal Grant. During discussion, question was raised in Council concerning complaints of persons having to transfer from one bus to another, when coming from north 42 to south 42. Mr. Smith noted that this is one weak point which is being looked into, in that it is desired for one bus to transport riders from north Harrisonburg to the Medical Arts Building, with no change in buses. Vice-Mayor Green called on anyone present desiring to be heard concerning the City's application for transportation grants. There being no one, he declared the public hearing closed at 8:00 P.M. and the regular session reconvened.



✓ The following proposed resolution was presented and read for Council's 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 Federal Public Transportation Assistance authorized under Section 18 of the Urban Mass Transportation Act of 1964, as amended, in the amount of \$ 139,363. to assist in the operating 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.*

*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 \$ 4,217. to defray ten percent (10%) of the local matching share for administrative expenses and in the amount of \$ 48,595. to defray fifty percent (50%) of the local matching share of the City of Harrisonburg for operating costs of an approved Federal Grant, to accept from the Virginia Department of Highways & Transportation, grant 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.*

*The undersigned duly qualified Clerk of the Council of the City of Harrisonburg, Virginia, certifies that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of Council held on the \_\_\_\_\_ day of July, 1982.*

*N. Arlene Loker  
Clerk of Council*

Councilman Dingleline moved that the resolution be approved, with authorization for the Clerk to sign same. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Councilmen present.

✓ Mr. Bruce Wallinger, an attorney for Warner Amex Cable Communications, Inc., served as spokesman for the company, as a follow-up of correspondence dated 7/6/82, concerning a request to increase basic cable rates. He presented members with a detailed report of the "increase request for period ending July 1982", and noted from same the following proposed increases: single service outlet from \$ 7.00 per month to \$ 8.00; additional outlets from \$ 2.50 per month to \$ 3.00; installation of single outlet from \$ 15.00 to \$ 20.00 and reconnection, installation of additional outlets or transfer of outlets from \$ 10.00 to \$ 15.00. Attorney Wallinger reminded Council that the last increase in rates was in 1979, and said it was unheard of for a utility company not to ask for a rate increase for as long as three years. He cited the unstable economy and fluctuating interest rates as reasons for the increase request and said it was impossible for the company officials to project a rate of return with the new increase. He noted the highest return of 7.5% in the year 1978, which has decreased annually, with a projected loss of 5.5% for this year. A 1.2% return is anticipated, should the rate increases be approved. In a comparison of rates in other communities providing equal cable services, to that of the Harrisonburg area, based on 1981 figures, an average monthly charge of \$ 8.39 was noted. Councilman Cisney questioned the rate of depreciation on equipment, and said it was difficult for Council to know what makes up an increase, when figures of net income, etc. are not available. Mr. Terry Davis, associated with Warner, informed Council that the company records are audited by professional people, and that it does not freeze assets, but that each year, \$ 200,000. to \$ 300,000. is placed into capital for maintenance of the system. The electronic upgrading, which was recently completed, was for the purpose of better and additional services in the community. A more breakdown of figures could be provided, if so desired. Attorney Wallinger noted that one administrative office sets requirements for all communities in the entire system, with no income for its operation, which is less expensive than it would be for maintaining several offices. Harrisonburg's rate of increase was based on a survey of subscribers in the entire Warner Cable areas. Vice-Mayor Green pointed out Council's difficulty in answering to the public when utility rates are increased, and said that the information which members had received only this evening, would have to be reviewed. He asked if it was the desire of Council to approve the ordinance amending the Television Franchise Ordinance for a first reading at this time. Mr. Chuck Stigberg, Manager of Warner Amex, informed Council that the company has received good feedback from subscribers since re-building the system, and new subscribers have been added through various complexes (i.e. Heritage Haven apartments, Mosby Heights apartments.) Councilman Dingleline expressed concern that present rates could not be retained, in that expenses were anticipated in 1979 when rates were last increased. Attorney Wallinger pointed out the fact that other costs have taken place over the past three years that were not anticipated at that time, and noted that figures in the report illustrate how conservative they were in 1979. In concluding the discussion, Councilman Cisney stated that "Council has to be fair with the company and with the subscribers." He offered a motion that the ordinance be approved for a first reading, with further review of information prior to final reading. The motion was lost for lack of a second, and the Vice-Mayor said the matter would be presented for action concerning a first reading of the ordinance at the next regular meet-



ing on July 27th, after ample time has been allowed for further review of statistics provided in the company's report.

Mayor Erickson, having entered the meeting, was recorded present by the Clerk, and presided over the remainder of the meeting.

✓ City Manager Milam presented correspondence he had received from the Virginia State Library, advising that the Rockingham Public Library officials were being notified that a Grant-in-Aid of \$ 117,171. had been approved, with a requirement that the funds be used for purchase of library books, materials, equipment and professional staff salaries. In order that the Grant may be received, approval of the governing body with regard to expenditure of funds is necessary. Following a brief discussion, Councilman Rhodes moved that the City Manager be authorized to sign and return the requested form. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ Similar correspondence was presented from the Virginia State Library, advising that the Rockingham Public Library officials were being notified of a Federal Grant-in-Aid which was approved in amount of \$ 14,768., with requirement for the funds to be used for purchase of library books, materials, equipment, library staff salaries and travel by library staff or library board members to professional meetings. On motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Council, the City Manager was authorized to sign and return the requested form.

✓ City Manager Milam informed Council that Mr. John Driver, Coordinator of Emergency Services, was in receipt of agreement forms for the Insta-phone telephone warning services for period July 1, 1982 through June 30, 1983, and asked Council's direction as to renewal, in that he has received various reactions to its value. The estimated cost for Harrisonburg for 1982-83 is \$ 800., representing an approximate 14% increase over last year's contract. He noted that the system was installed in the police station several years ago and that it is the feeling of both the police chief and chief of fire that the system has not proven its value for the money spent, in that its primary purpose, to date, has been for weather reports. Mr. Driver, however, offered an opinion that the contract should be renewed in that a national emergency could be forthcoming, five years or so down the road, and that should this occur, the city would be in a position for first-hand knowledge of same. He added further that the Insta-telephone system is a part of the Civil Defense Program. Manager Milam noted that the city had been given to understand that it would be granted a reimbursement for emergency services, with no funds received, to date. He said that if approved, the agreement could be terminated on a 90-day notice. Following discussion, Councilman Rhodes moved that the City Manager be authorized to sign the agreement for Insta-telephone services for period July 1, 1982 - June 30, 1983, with further consideration prior to future renewals. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ The following three reports, submitted by City Treasurer Simmons, as required under the City Code, were presented by the City Manager:

Delinquent taxes remaining unpaid at close of fiscal year ending June 30, 1982

(personal property and real estate) for years 1976 through 1980, totaling \$ 7,338.36.

List of delinquent taxes on real estate and tangible personal property for 1981.

Revised list of delinquent taxes on tangible personal property for 1980.

Manager Milam reviewed figures with Council and noted that the lists could be individually studied by members, if desired. Vice-Mayor Green moved that the reports be accepted, as submitted. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ For information, the City Manager presented correspondence dated 6/25/82 from the State Board of Elections, advising of increased annual compensation for Electoral Board members, and new provisions for reimbursement of expense and mileage, effective July 1, 1982. The Board Chairman will receive \$ 750. annually (presently \$ 525.); Vice-Chairman, \$ 750. (presently \$ 525.0, and Secretary, \$ 1,500. (presently \$ 1,050.) He noted that the city will be reimbursed by the state for amount paid, around June or July of 1983.

✓ Correspondence dated 6/23/82 from the Valley Program for Aging Services, Inc., was presented and read by the City Manager, advising that Senate Bill 219, recently approved by the General Assembly, affects long-term care services for the elderly, and suggests that localities establish coordination among agencies to provide the most cost-effective and least restrictive program of care, possible. A request was made for consideration of designating Valley Program for Aging Services, Inc., to be the lead agency for various listed reasons. In other correspondence from the Governor's Office, it was noted that the plan of action described in the Bill is viewed as a "significant initiative to prevent inappropriate placements in nursing homes, and provide services for persons in their homes and communities." Inasmuch as the mandated effect of the Plan is July, 1983, it was agreed that the information be reviewed, prior to Council action.

✓ The following two matters were discussed briefly and referred to the Harrisonburg Department of Transportation & Safety Commission for investigation and report: (1) cars running over the curb at the corner of E. Elizabeth & Mason Streets; and (2) investigate need for walk light at the corner of East Market & Mason Streets.

✓ Councilman Dingledine registered a complaint which he had received, concerning loud volume of the public address system at Memorial Stadium. It was agreed that the School Board be advised of the complaint, in that it is responsible for the stadium area.

There being no further business and on motion of Councilman Cisney, seconded by Vice-Mayor Green, and a unanimous vote of Council, the meeting adjourned at 9:20 P.M.

*J. Delene Lober*  
CLERK

*Lay Erickson*  
MAYOR

Tuesday, July 27, 1982

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 Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Walter F. Green, 3rd; Councilmen Raymond C. Dingle, Jr., Elon W. Rhodes, James C. Cisney and City Auditor Philip L. Peterman. Absent: City Manager Marvin B. Milam (Assistant City Manager Driver sitting in) and Chief of Police Richard W. Presgrave (Capt. Stroble sitting in).

Minutes of the regular meeting held on July 13th were approved as read.

The City Auditor's regular financial report for month of June, 1982 was presented and ordered filed. Also, a special report of Realized Revenue- Local Share- State Sales Tax for fiscal years 1980-81 and 1981-82.

For information, Assistant City Manager Driver informed Council that he and the Mayor had attended the public hearing held in Salem, Virginia, by the Virginia Department of Highways & Transportation on June 9th, for the purpose of presenting the resolution approved by Council on May 25th, and to present other information concerning Harrisonburg's exclusion from the 6-year urban improvement program for the South High Street widening project, which the city had been led to believe would be funded in the early 1980s. According to correspondence dated 7/15/82 from Mr. Harold King, Commissioner, the Highway & Transportation Commission gave final approval to the 1982-83 allocations and approved the 6-year improvement program, with no amendments in this area, on July 15th. Mr. Driver expressed a hope that the presentation at the public hearing will have some effect when next year's program is set up, but noted that some time will have to be spent in Richmond in an effort to get back on the program. Mayor Erickson said that Mr. Driver had made an excellent presentation at the public hearing.

For information, Council was informed that the City Manager had contacted Mr. Wayne King, Supt. of City Schools, following the last meeting, concerning a complaint of loud volume of the public address system at Memorial Stadium. Mr. King then contacted Mr. James Lineweaver, who gave assurance that the volume would be turned back.

At 7:42 P.M., Mayor Erickson closed the regular session temporarily, and called the evening's public hearing to order. Assistant City Manager Driver read the following Notice of Hearing as advertised in the Daily News Record newspaper on July 8th and 22nd:

*The Harrisonburg City Council will hold a Public Hearing on Tuesday, July 27, 1982, at 7:30 P.M., in the City Council Chambers to consider vacating the lot line between Lots 4 and 5 of the Garber and Garber Addition in Harrisonburg. These lots are situated on the north side of East Elizabeth Street's 500 block. They are owned by Hamilton Associates. Purpose is to allow the re-subdivision of these lots into two lots, both having street frontage on East Elizabeth Street.*

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

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

Planning Director Sullivan called attention to a map showing existing Lots 4 and 5, and said that the Planning Commission had recommended vacation of the lot line basically because it runs through a house. It is desired that the situation be eliminated, and that ample room be provided for construction of a duplex on Lot 4 in the future, in that the property cannot be used as two lots at the present time. With vacation of the lot line, Mr. Sullivan noted that there will be sufficient street frontage with proper setback. He informed Council that Mr. Arthur Hamilton told him there are no immediate plans for building on the lot, and no rush for a decision, in that he could not attend tonight's meeting. The Mayor called on anyone desiring to be heard on the matter. There being no one, he declared the Public Hearing closed at 7:46 P.M., and the regular session reconvened.

Council reviewed the following Planning Commission report re proposed vacation of lot line between Lots 4 and 5 of the Garber & Garber Addition, which report had been presented at the meeting of June 22nd:

*"The Commissioners reviewed a proposed division of Lots 4 and 5 of the Garber and Garber Addition. Mr. Arthur Hamilton, Jr., representing Hamilton Associates, told the Commissioners that the present lot line between Lots 4 and 5 runs through the dwelling at 548 E. Elizabeth Street. He desires to vacate this lot line and draw a new one west of the dwelling, thus establishing an 8,681 square foot lot for the dwelling and a 9,861 square foot vacant lot. The Director noted that the land is zoned R-2 Residential, thus a duplex could be built on the larger lot. Also, required setbacks for the existing dwelling are met, based on the design of this proposal.*

*Mr. Trobaugh moved that the Planning Commission recommend approval of Hamilton Associates' resubdivision proposal of Lots 4 and 5, Garber and Garber Addition, and that the City Council hold a public hearing to vacate the lot line between existing Lots 4 and 5. Dr. Eneidy seconded the motion and all members present voted in favor..."*

The Mayor asked members' wishes concerning vacation of the lot line between Lots 4 and 5 of the Garber and Garber Addition, based on the Planning Commission's recommendation and this evening's public hearing. Councilman Cisney moved that the recommendation of the Planning Commission be approved and an ordinance for vacation of the lot line 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 vote of Council.

Ms. Mary Ann Hardy, a member of the Rockingham-Harrisonburg Mental Health Association, presented and read the following Proclamation, for Council's consideration of approval:

*ON BEHALF of the citizens of Harrisonburg, the public service provided by the Listening Ear Services, a volunteer organization founded by the Mental Health Association, now supported by the Massanutten Mental Health Center, is hereby*

acknowledged.

WHEREAS, the purpose of Listening Ear Services is to foster the highest possible level of mentally healthy functioning of the individual and the community they serve through the use of telephone crises intervention and primary prevention; and

WHEREAS, Listening Ear Services is celebrating the 10th year of its telephone hotline Listening Ear (1972) and the development of its other hotlines Teen-Care (1976) and Woman-to-Woman (1978), all founded to provide telephone crises intervention services to the residents of the Harrisonburg-Rockingham community; and

WHEREAS, Listening Ear Services provides its crises intervention through the use of community volunteers and in the past ten years hundreds of citizens contributed and continue to contribute their energy and time as Listening Ear volunteers.

NOW, THEREFORE, we, the City Council and Mayor do hereby proclaim September as Listening Ear Services Month and acknowledge the many volunteers who have made this valuable service possible. We call upon the citizens of Harrisonburg to join us in showing appreciation to the hundreds of volunteers who must remain anonymous.

Mayor

On motion of Councilman Dingledine, seconded by Councilman Cisney, and a unanimous vote of Council, the Proclamation was approved, with authorization for the Mayor to sign same.

✓ As a follow-up of correspondence to the City Manager, Mr. William C. Suter, Jr. was present in the meeting to inform Council that he was rehabilitating a Hydro Electric site at Millboro Springs, Va., and seeking to purchase used turbines. He requested favorable consideration to pull those at the City's old Hydro Plant site (McGaheysville), at his own expense, and pay the City \$ 1,500. for each that may be salvageable. He pointed out that should the City's site ever be rehabilitated, it was most probable that new equipment would be used, and noted further that the turbines are located in an area used by many people walking to the dam to fish, which creates a hazardous situation. The area would be covered, following removal of the turbines, which would minimize the hazard. Assistant City Manager Driver informed Council that Mr. Frantz, General Manager of the Harrisonburg Electric Commission, has said that the equipment belongs to the City, and that it would be difficult to place a price on the turbines (number of which is uncertain), but that it could be considered lucky to find someone who could use turbines of that size. Mr. Suter said that the turbines are old and that he would be purchasing a "pig in the poke." He will be at great expense in getting a crane to the site, and feels his offer to the City, a fair one. Councilman Cisney suggested that the matter be referred to the City Manager for review and recommendation to Council. Mr. Driver reminded Council that if the turbines are usable, they would have to be bid. City Attorney Lapsley said that although this is the law, the turbines could possibly be declared as "junk", and sold without bidding. Mr. Suter replied that they would be June to anyone, other than himself. Following discussion, the Mayor said the matter would be referred to the City Manager for investigation as to the right to sell, determination of value, etc. and bring recommendation to Council by the regular meeting on August 10.

✓ Assistant City Manager Driver reviewed with Council, the proposed basic cable rate increases by Warner Amex Cable Communications, Inc., action on which had been deferred at the last regular meeting to allow time for members to review statistical information provided by the company. Mr. Bruce Wallinger, an attorney for Warner Amex, called attention to some percentage changes throughout the report, and urged a first reading of the ordinance at this time. He noted that if approved, with two readings, the earliest date for imposing the rate increases would be September 1st. Vice-Mayor Green said he had no objection to a first reading of the ordinance, but noted that additional information which is being compiled by the City Manager, Councilman Dingledine, and himself, should be in readiness for presentation and review by the next regular meeting of Council. When Councilman Cisney questioned the meaning of "due to affiliates" as stated in the report, Attorney Wallinger replied that this is the debt and equity for Harrisonburg. Vice-Mayor Green then moved that the ordinance be approved for a first reading, with forthcoming information to be reviewed prior to final action. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council.

✓ The following report from a July 21, 1982 Planning Commission meeting was presented and read by Assistant City Manager Driver:

"...The Commissioners reviewed a proposed 2-lot subdivision located on the north extension of Walker Street. Mr. Marshall Price told the Commissioners that he and Virginia Properties own the 30,136 square foot parcel and they have constructed two 6-unit apartment buildings. The establishment of two separate lots, each with a 6-unit apartment, will allow Mr. Price and Virginia Properties to assume 'full title' according to Mr. Price's letter of April 23, 1982. Mr. Price reported that the apartments are ready for occupancy, the parking lot is graveled and landscaping will be installed this week. Mr. Byrd noted that all utility lines and easements are in the proper locations, and the units will have a Walker Street address. They are located immediately north of West Weaver Avenue and south of the First Christian Church on Maryland Avenue.

Mr. Heath then moved that the Commission recommend approval of the Final Plan for Commonwealth Subdivision. Mr. Fleming seconded the motion and all members present voted in favor..."

Planning Director Sullivan called Council's attention to a copy of the Final Subdivision plat, noting that the smaller Lot no. 1 is comprised of 13,264 square feet, while Lot no. 2 is larger and L-shaped with 16,872 square feet. The larger lot has space for additional apartments, which could increase total units from 12 to 14. Although street improvement was not included in the Commission's report, Mr. Sullivan suggested that it be discussed, particularly from the standpoint of only a 12' right-of-way on Walker Street, which street runs north from South Avenue, and parallels the C-W tracks. Assistant City Manager Driver informed Council that sometime ago, Mr. Monger had requested figures for developing the area, and would have dedicated land for a 50' right-of-way. Since that time, the parcel has been developed into two lots, with no dedication of right-of-way or curb & gutter construction. Should the final plan for Commonwealth Subdivision be approved, he suggested that language be

included in Council's decision that the City will not provide garbage pickup or snow removal on Walker Street, in that problems have arisen in the past by requests for the City to repair damages to driveways, claiming cause as snow removal. He offered an opinion that the subdivider should be advised of the City's intention, in that future tenants would want to know why these services were not being provided. Mr. Sullivan noted that city vehicles would be required to turn around on private properties on Walker Street, but that garbage pickup would be necessary, by some method. When the Mayor asked if a 50' right-of-way would affect square footage of the lots, Mr. Sullivan replied that he felt it would not. Following discussion, Councilman Dingleline moved that the Final Plan for Commonwealth Subdivision be referred back to the Planning Commission for further review, and instructions to work with Mr. Marshall Price concerning better access to the property. The motion was seconded by Councilman Cisney and adopted by a unanimous vote of Council.

Assistant City Manager Driver presented and read the following report from a July 21, 1982 meeting of the City Planning Commission:

*"...The Commissioners reviewed the third revision of a proposed resub-division of land owned by Ken Kline, located between Norwood & Hawkins Streets. Mr. Kline told the Commissioners he desires to sell the proposed 22,820 square foot lot facing Norwood Street. He will continue to own the 6-unit apartment building facing Hawkins Street, which will be left on a lot with 9,170 square feet. Mr. Trobaugh noted that Mr. Kline needs a variance because his Hawkins Street lot is 2,830 square feet short of the required 12,000 square feet needed for a 6-unit apartment in R-3 zones. Mr. Trobaugh added that Mr. Kline's proposal to add a one-inch wide 'sliver' to the Hawkins Street lot won't solve the variance issue.*

*Mr. Heath offered a motion that the Commission recommend approval of the proposed resubdivision, on the condition that a variance for 2,830 square feet be allowed for the Hawkins Street lot, and the 1-inch 'sliver' be removed. Mr. Fleming seconded the motion, on the basis that the 6-unit apartment and the proposed 10-unit apartment is improving the Norwood-Hawkins neighborhood, and this action should not be treated as setting a precedent for allowing variances. In discussion, Chairman Eneedy stated that he expects the parking layout as shown on the plan to be clearly marked and landscaped, and the access easement be as wide and open for vehicles as shown.*

*The Commissioners present unanimously voted in favor of the motion..."*

Planning Director Sullivan pointed out the fact that the 1" sliver referred to in the Commission's report, represents 10 square feet of Lot 10, and explained the variance needed. He presented a map showing the development pattern of Norwood and Hawkins Street as of June 16, 1982, which was reviewed during the June Commission meeting. He noted that vast improvements have occurred on private properties in the area, apartments are relatively new, and the vacant lots appear to be in readiness for development. Parking for Mr. Kline's apartments is planned for rear of the property, and Mr. Kline will retain an easement for access across the properties for parking, etc. Mr. Kline said he has an understanding that he can purchase the 10 square feet from the owner of Lot 10. Assistant City Manager Driver said he feels improvements are good, but in the future, if land is subdivided for apartments, there would be no way to have the high density in the area without traffic problems. He has received complaints that the residents of the 6-unit apartment units are parking on Hawkins St. Noted further was the fact that something will have to be done about the streets, somewhere in the future. Mr. Kline said he has contacted residents to use the parking area provided. Following discussion, Councilman Cisney 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 Council.

The following Planning Commission report from a July 21, 1982 meeting, was read by the Assistant City Manager:

*"...The Commissioners reviewed a letter and map from Captain Don Faulkner of The Salvation Army, requesting the City to close 497' of undeveloped Monroe Street. The Salvation Army is planning to construct a new Corps Community Center on land it owns at Ashby Avenue and Jefferson Street. The Army asks that 180' of Monroe Street be closed east of Jefferson Street, and 317' of Monroe Street be closed west of Jefferson Street. The Director reported that HEC has a power line along undeveloped Monroe Street and the City has a 12" sewer line in the street, thus easements must be retained by the City if a closing occurs. Mr. Trobaugh suggested that City close the street if easements are retained, but he noted that the City can't 'give' land to anyone. City property can only be auctioned or released via closed bids.*

*Mr. Trobaugh then moved that the Commission recommend to City Council that 497' of the undeveloped Monroe Street be closed, subject to the City Staff determining easement needs and the Board of Viewers presenting a favorable report.*

*Mr. Fleming seconded the motion and all members present voted in favor..."*

Planning Director Sullivan called Council's attention to a sketch of property location; picture of the proposed Community Center and a map showing the general location of the Ashby Park neighborhood (extreme northern end of Harrisonburg with left turn into the Park area). Captain Faulkner was present in the meeting to answer any questions Council may have, concerning the Salvation Army's request. Assistant City Manager Driver noted that the portions of Monroe Street requested for closing, could present a traffic problem insofar as a turn-around, and said he would prefer a straight through street. Captain Faulkner said he could see a transfer of property to allow for a turn-around. Planning Director Sullivan said he would check with Mr. Frantz (General Manager of HEC) to determine what easement would be needed. Mr. Driver offered a suggestion that an area (approximately 30' deep) may be provided for vehicles to pull-in and back-out, similar to that provided on Walnut Lane for the apartment complex. Councilman Cisney moved that the matter be referred back to the Planning Commission with a request that it work with the Salvation Army and Architect Dwight Miller, concerning a plan that would allow sufficient turn-around, and that the portions of Monroe Street not be requested for closing. Mr. Driver asked whether or not a Board of Viewers should contact property owners to determine if there would be objections to the closing, and if so, what. Councilman Cisney then withdrew his motion and moved to accept the Planning Commission's report and appoint a Board of Viewers, comprised of Messrs. John H. Byrd, Sr., T.H. Lowery and Richard L. Suter, for review and report to Council, in writing, concerning the closing of portions of undeveloped Monroe Street. The



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

Assistant City Manager Driver asked that no action be taken concerning agenda item 9a "First Reading from Revenue Sharing Realized Revenue to Revenue Sharing classroom equipment" as requested by the City School Board, in that he had been reminded that two public hearings are required prior to appropriations on interest from Revenue Sharing. No action taken.

✓ Council received a request from the City School Board for approval of a supplemental appropriation in amount of \$ 17,000. in order to appropriate supplemental literary fund loan for construction of health occupation/data processing addition at Massanutten Vocational Technical Center. It was noted in the request that this loan was approved by City Council on 10/13/81, with appropriation not requested until this time. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 17,000. chgd.to: School Fund (R-55) Antic. Rcpts.- Loans from Literary Fund

17,000. approp.to: School Fund (1900-601.01) Capital Outlay- Additions to Bldgs.

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

✓ Mr. Cecil Gilkerson, Parks & Recreation Director, was present in the meeting to present the following resolution for Council's consideration of approval:

*WHEREAS, the Virginia Commission of Outdoor Recreation, in cooperation with Wells Fargo Bank, provides funds to assist political subdivisions of the State of Virginia in developing Wells Fargo Gamefields; and*

*WHEREAS, there are urgent needs within the City of Harrisonburg to develop such a facility; and*

*WHEREAS, the development of this facility is deemed of high priority by said City of Harrisonburg and shall be located within Hillandale Park - Harrisonburg, Virginia.*

*WHEREAS, in order to attain funding assistance from the Virginia Commission of Outdoor Recreation and Wells Fargo Bank, it is necessary that the City of Harrisonburg guarantee a proportionate share of the cost thereof; and*

*WHEREAS, the proportionate project share is funded twenty five hundred dollars (\$2,500.) by the Virginia Commission of Outdoor Recreation, twenty five hundred (\$2,500.) by Wells Fargo Bank, and the remainder of costs including the value of volunteer labor required for a portion of the installation by the City of Harrisonburg.*

*NOW, THEREFORE, BE IT RESOLVED by the Council, City of Harrisonburg, Virginia, that Mayor Roy Erickson is hereby authorized to cause such information or materials as may be necessary to be provided to the appropriate state agency and to enter into such agreements as may be necessary to permit the formulation, approval and funding of the Wells Fargo Gamefield Jogging Course Project.*

*AND BE IT FURTHER RESOLVED, the City of Harrisonburg gives its assurance that the funds needed as the proportionate share of the cost of the approved program will be provided, up to \$ 2,400., plus labor and materials.*

*AND BE IT FURTHER RESOLVED, that the City of Harrisonburg gives its assurance that the requirements of this program and the Virginia Outdoor Fund Fiscal Procedures will be complied with in the administration of this project;*

*AND BE IT FURTHER RESOLVED, that the City of Harrisonburg gives its assurance that all other applicable State and Federal regulations governing such expenditure of funds provided by Virginia Commission of Outdoor Recreation will be complied with in the administration of this project;*

*AND, ALSO, BE IT FURTHER RESOLVED, that the Virginia Commission of Outdoor Recreation and the Wells Fargo Bank National Association are respectfully requested to assist in the prompt approval and funding of the Wells Fargo Gamefield Jogging Court Project in order to enhance the standard of recreational enjoyment for all our citizenry.*

Mr. Gilkerson informed Council that the \$ 5,000. Grant, if approved, would allow 20 exercise stations along the 1.5 mile jogging trail at Hillandale Park. Private donations are being solicited in order to raise the local portion in amount of \$ 2,400. with an estimated amount of \$ 2,100. committed, to date, by local clubs, industry and individuals. He noted that the Commission of Outdoor Recreation strongly urges individual involvement through contributions. A hope was expressed by Mr. Gilkerson that the entire amount would be in by tomorrow, in order that it may be remitted by August 1st as requested. Councilman Cisney moved that the resolution be approved with authorization for the Clerk to sign same on behalf of the City. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ Assistant City Manager Driver reminded Council that a resolution was approved on January 12th of this year, authorizing implementation of the Virginia Community Diversion Program as of July 1st, on request of the Virginia Department of Corrections and others. He noted that Attorney Larry Hoover, Mr. William O'Brien, and others, will meet for the purpose of applying for a Grant through the program, and that someone will attend the meeting to represent the City of Harrisonburg. The report was for information.

✓ City Attorney Lapsley presented a revised deed for sale of lot residue situate on the corner of South Main & Warsaw Streets, which deed had already been accepted and signed by the proper officials. He noted that the names of parties purchasing the parcel omitted that of James L. Arnold on the original deed, and the document was re-written to include the omission. On motion of Councilman Dingledine, seconded by Councilman Cisney, and a unanimous vote of Council, the revised deed was accepted, with authorization for signing by the proper city officials.

✓ Council briefly reviewed its lengthy Calendar of Unfinished Matters which is up-dated periodically by the Clerk, and on motion of Councilman Cisney, seconded by Councilman Rhodes and a unanimous vote, authorized that the following matters, which have been satisfactorily settled, or closed, be purged and listed in Council minutes:

CITY MANAGER:

Contact county officials and discuss joint funding for Division of Court Services, requested by Judge Paul--bring in recommendation (8/11/81-10/8/81-11/24/81)

Along with Assistant City Manager, work with Highway Department and developer in drawing design of Market/Country Club Road interchange (3/10/80)-- Mr. Driver has reported looking into this, and presented proposed sketch of interchange.

ASSISTANT CITY MANAGER:

Investigate need for street light on East Bruce Street between Mason & Ott Streets (10/13/81-10/27/81)

CITY ATTORNEY:

In conjunction with the School Board's Attorney, work with the Attorney General to draw up an agreement, in writing, re addition to William G. Myers Armory (2/13/79-2/26/80)

Work with City Administration and Mr. Linwood Rose, and strive to work out an acceptable agreement concerning payment of utility deposits by fulltime JMU students (6/12/79-7/24/79-5/27/80) --- now in effect.

Investigate legality of Dr. Smith remaining member of the Harrisonburg Department of Transportation & Safety Commission (10/28/80) Note: Dr. Smith resigned due to moving out of the City, although requested to remain a member.

Recommend all members of Board of Assessors for additional 120 day terms in order to complete reassessment of real estate. (Days granted by court)

CITY ENGINEER:

Work with County Engineer re extension of sewer line along Route 11, south (11/24/78) Note: City Engineer reported this closed, and asked removal of matter from calendar.

PLANNING DIRECTOR/COMMISSION:

Request of JMA Partners (James Monger) to close 98.8' of a 15' wide alley on w/s of Liberty Street (1/8/80-4/22/80)

Request of Ann Dechert and Susan Nowlin for rezoning of their property (291 East Grattan St.) from R-1 to R-2 to permit continuation of room rental (1/8/80-2/26/80-3/25/80)

Plan for Mosby Heights Project (1/8/80-3/11/80)

Offer for-sale to City, 3 lots on Kelly Street (6/10/80)

Request of Glen Berkshire to rezone lots on s/s Clinton Street and re-subdivide portion of same (6/10/80-7/22/80)

Request for vacation of lots in Westwood Subdivision (Dillenbeck) (6/24/80)

Final plat for Unit 10, Reherd Acres Subdivision (9/9/80)

Request of Gene Wagner for vacating portions of lots in Fairview Addition- (10/14/80)

Request of Neil Turner for rezoning of 4.3 acres E. Market/Country Club Road area from R-1 to R-4 (10/14/80-10/28/80-2/24/81-3/10/81)

Request of IMCO Container Co. to close a 12' dedicated public alley situate north of W. Market St. & east of Brook Ave. (11/13/79) Note: Ordinance has now been approved for final reading, and alley closed.

Request of Hosie Fitzgerald for rezoning 129 Franklin St. (8/25/81-1/26/82-2/23/82)- Referred back to Planning Commission for inclusion in zoning review.

Relocation of Transportation Headquarters to E. Washington St. (9/8/81-10/27/81-11/24/81-12/22/81) Note: Location approved by Council.

MATTERS DEFERRED/POSTPONED/TABLED:

Contract with County for furnishing water & sewer services to Donnelley Plant (4/24/79-11/19/79-2/29/80)

Renewal of franchise for TV cable (11/13/79-1/22/80-2/5/80-10/14/80-10/28/80-11/11/80-12/9/80)

FOR CONSIDERATION:

Future use of Harris Pool (6/9/81-6/23/81-7/14/81) Note: property sold.

On motion of Councilman Cisney, seconded by Councilman Dingledine, and a unanimous vote of Council, the Clerk was instructed to work with the Assistant City Manager, to determine other matters which may be purged from the Calendar, and present a list of those matter at a future meeting.

At 9:35 P.M., 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 9:46 P.M., on motion duly adopted, the executive session was declared closed and the regular session reconvened.

Assistant City Manager Driver discussed progress on the City's Steam (Heat Recovery) Plant, installation of steam lines, etc., noting problems which have been encountered along the way. Altho the project has proceeded on a close and complicated schedule, Mr. Driver said he anticipates completion by November 1st, and offered an opinion that James Madison University will be happy with the end result. Applications are presently being received for a Plant Supervisor. The report was for information.

There being no further business and on motion duly adopted, the meeting adjourned at 10:15 P.M.

*N. Wilson*  
CLERK

*Lay Evans*  
MAYOR



Tuesday, August 10, 1982

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 July 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 July, 1982.

From the City Treasurer:

A trial balance report as of close of business on July 30, 1982.

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 \$ 6,028.88.

From the City Auditor:

A financial report for the City of Harrisonburg, Va., month of July, 1982.

A report of cash discounts saved in payment of vendor's invoices for month of July, 1982, totaling \$ 94.99

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, 1982.

✓ Correspondence dated 8/10/82 was presented from Mr. J. R. Copper, Jr., Agent for Mr. Ken Kline, enclosing the final plat for proposed additions to Lots 12 through 16 of the C. N. Heltzel Addition. City Manager Milam noted that the lots front on Clinton Street, near Albert Street, and recommended that the plat be referred to the City Planning Commission for study and recommendation. On motion of Councilman Dingledine, seconded by Vice-Mayor Green, and a unanimous vote of Council, the plat was so referred.

✓ A group of residents from the East Market Street area were present in the meeting for the purpose of presenting a petition bearing 42 signatures, including the Caretaker of Woodbine Cemetery and President of Woodbine Company, in opposition to the renting of 477 E. Market Street to a James Madison University Fraternity, which is moving from the JMU Campus. Miss Olivia Landis of 480 East Market Street, served as spokeswoman for those present and the petition signers, and described conditions which existed last year in the same property when it was rented to JMU students. She noted that the majority of residents are senior citizens who have lived in their homes for many years with only minor problems. The all-night parties; destruction of Woodbine Cemetery; drinking in public and other obscenities; debris; parking over driveways and all-night profanity have become unbearable, as well as a bad influence on younger children (which includes babysitting in the house next door as well as children residing there). Miss Landis pressed Council as to what measures may be taken to eliminate the problem (i.e. new laws, rezoning). Although the fraternity had not taken up residence as yet, she noted that a preliminary party was held until 3:00 a.m. Vice-Mayor Green reminded Council of the special committee which was appointed several years ago to investigate matters such as this. Miss Landis said she had been informed by Mr. Julius Ritchie, a member of that committee, that it had not met for several years. Chief of Police Richard Presgrave noted problems in the past with this particular fraternity at another location, and that he had only recently learned that it was moving from the JMU campus to East Market Street. Councilman Rhodes suggested that the University be contacted concerning the situation, and that the special committee be re-activated. The suggestion immediately met with Councilman Cisney's approval. Mayor Erickson offered an opinion that the City has a moral obligation to this community. Ms. Rachel Holsinger of 476 E. Market Street, expressed concern that no mention was made of fraternities being allowed in the area when the zoning was changed from R-2 to R-3, and that this was not included in an agreement, in order to protect the neighborhood. Councilman Rhodes suggested that this be considered when the Planning Commission again reviews city-wide zoning. When Miss Landis asked if the zoning could be changed, City Manager Milam stated that property owners could initiate a change to another zone, or it could be done through Council and the City Planning Commission. He suggested that letters may be mailed to his office, which would be referred to the City Planning Commission. Councilman Rhodes made reminder of the fact that the area in question was rezoned in the late 1960s and does include fraternities. If rezoned this fall, he noted that the property in question would be "grandfathered" in, and could not be changed until next year. Mayor Erickson said the first step would be re-activation of the Madison-Community Relations Committee. Council was informed that request had been made about a month ago for parking signs to be placed on East Market Street, and assurance was given that this would be done. However, no signs have been placed, to date. Mr. Claude Vance, Jr. of 705 Hill St., reported parking problems at the corner of Hill and Elizabeth Streets which would prevent emergency vehicles from entering, loud stereos, etc. Following the lengthy discussion, the City Manager was asked to contact Dr. Scott of James Madison University and Mr. Linwood Rose, Director of Residential and Commuting Services (JMU) re the matter, and further, to initiate re-activation of the committee.

✓ At 8:10 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:

*The Harrisonburg City Council will conduct a public hearing on August 10, 1982, at 7:30 p.m. in the Council Chambers located in the Municipal Building, to consider an amendment to the Harrisonburg Community Antenna Television Company Franchise Ordinance. The hearing is being held in response to a request by Warner Amex Cable Communications, Inc., for an increase in the rates charged for basic cable television service and related installation fees in the City of Harrisonburg. The proposed amendment will increase the monthly charge for single service outlets from \$ 7.00 to \$ 8.00 and the monthly charge for each additional outlet from \$ 2.50 to \$ 3.00, the charge for installation of a single outlet from \$ 15.00 to \$ 20.00, and a charge for reconnection, installation of additional outlets, or transfer of outlets from \$ 10.00 to \$ 15.00.*

*The public is invited to attend and participate in the hearing.*

*-by Marvin B. Milam, City Manager*

The Mayor called on anyone desiring to be heard. Mr. Bruce Wallinger, an attorney for Warner Amex Cable Company, renewed previous requests, on behalf of the company, for approval of the proposed

increases in basic cable television rates. He noted that the company had tried to provide all information felt necessary to substantiate the increases requested. Warner has made substantial investments to better serve the community, and under the franchise ordinance, is assured of a fair and reasonable return on its investment. Attorney Wallinger offered an opinion that the rates being requested are fair. Mr. Cliff Davis, a recent resident of Harrisonburg, and formerly a resident of Salem, Va., informed Council that the present rate in Salem for six television channels is \$8.50 monthly, and cited Harrisonburg's service as better than other communities, at a far more reasonable cost. Question was raised by another resident as to how far the rates would go over the next years, particularly in view of the present economy. There being no others desiring to be heard, the hearing was declared closed at 8:17 p.m. and the regular session reconvened.

City Manager Milam presented for Council's consideration of a second & final reading, an ordinance amending the Harrisonburg Community Antenna Television Company Franchise Ordinance, incorporating proposed rate increases in basic cable television. Vice-Mayor Green noted no sufficient follow-up and complete information, at this time, by the committee which has been reviewing the matter, and offered an opinion that the committee needs to meet once again, particularly since some questions have been raised. Mayor Erickson referred to information from Washington which indicates that local governments may have no say in cable tv service rates, and said he would like to wait further word from there. Following discussion, Councilman Rhodes moved that action concerning second reading of the ordinance be deferred until Council's next regular meeting on August 24th, with definite action to be taken at that time. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

City Manager Milam read the following report, submitted by a duly appointed Board of Viewers comprised of: Messrs. John H. Byrd, Sr., T.H. Lowery and Richard L. Suter:

*The Board of Viewers report that they have visited the areas of Monroe Street requested to be closed. We have also interviewed Mr. S. C. Good, owner of three lots facing on a portion of Monroe Street. Mr. Good is of the opinion that the value of his lots would be adversely affected if the 180.3' portion of Monroe Street, extending south-eastward from Jefferson Street were closed. He has no objection to the closing of that portion extending west of Jefferson Street.*

*We feel that Mr. Good's complaint is well supported, therefore we recommend that the portion of Monroe Street extending westward from Jefferson Street be closed and that any existing easements or rights-of-way be retained by the City. We also recommend that the portion of Monroe Street extending south-eastward from Jefferson Street remain as it now exists.*

Council was reminded that the street closing had been requested by the Salvation Army, in that construction of a new Corps Community Center is proposed for land owned by the organization, at Ashby Avenue and Jefferson Street. Further noted was that the Planning Commission had recommended closing the entire portion of Monroe Street, as requested, subject to the City Staff determining easement needs and the Board of Viewers presenting a favorable report. Inasmuch as the Planning Commission and Board of Viewers had recommended, as stated in reports, Councilman Cisney suggested that a public hearing be held to determine what reaction would be received concerning the closing of both the southeastward and westward portions of Monroe Street, or only that portion recommended by the Viewers. He offered a motion that Council schedule a public hearing for Tuesday, September 14, 7:30 p.m. and that the City Manager be instructed to properly advertise same in the Daily News Record newspaper. 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 \$ 17,000., requested by the City School Board in order to appropriate supplemental Literary Fund Loan for construction of health occupation/data processing addition at Massanutten Vocational Technical Center, be approved for second & final reading, a first reading having been approved on July 27th, and that:

\$ 17,000. chgd.to: School Fund (R-55) Antic.Repts.- Loans from Literary Fund

17,000. approp.to: School Fund (1900-601.01) Cap.Outlay- Additions to Bldgs.

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

City Manager Milam presented a revised appropriation form in amount of \$ 12,000. for the purpose of transferring this sum to the City School Board to be used for completely equipping one classroom in the Keister Elementary School (to provide for additional enrollees) and to provide teacher and student wardrobes in all eight classrooms in the new Keister addition. He explained that the original appropriation form was not acted upon at the last regular meeting, in that funds were charged to the Revenue Sharing Interest Account, which is not permissible without two public hearings having been held prior to use of the interest. Councilman Cisney moved that the revised appropriation be approved for a first reading, and that:

\$ 12,000. chgd.to: General Fund- Unappropriated Fund Balance

12,000. approp.to: School Fund (1861.00) Realized Revenue- Trans.from City

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 \$ 12,000. within school fund accounts, in order to expend funds transferred from the City to equip one new classroom at Keister School and provide teacher and student wardrobes in all eight classrooms in the new Keister addition. City Manager Milam noted that the appropriation approved just prior to this request, was done in order to transfer funds from the City to the School Board for purpose requested. Councilman Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 12,000. chgd.to: School Fund (1861.00) Est. Revenue- Trans.from City

12,000. approp.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 Council.

A request was presented from the City School Board for approval of a transfer of funds within school appropriations in amount of \$ 2,029.00 for the purpose of transferring unneeded funds from

summer school, which will allow full funding required under the remedial education program. Following a brief discussion, Councilman Cisney moved that the transfer be approved, and that:

\$ 2,029.00 trans.from: School Fund (1207-134.01) Summer School- Comp.Inst. Supplies

2,029.00 trans. to: School Fund (1900-403.00) Cap.Outlay- Furn. & Equip.

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

✓ City Manager Milan called members' attention to their copies of a proposal submitted by Mr. Jim Deskins, Executive Director of the Harrisonburg Redevelopment & Housing Authority, for use of the balance remaining in the 1979 Community Development Block Grant in amount of \$ 85,897., for various improvements in the redevelopment area bounded by West Elizabeth, N. Main, W. Wolfe and N. Liberty Streets. Two proposals were attached to the Director's correspondence for design services, as follows: Patton, Harris, Rust & Associates, \$ 6,000., and Harland Bartholomew & Associates, \$6,400. He informed Council that the project has been approved by the R & H Authority, contingent upon Council's approval, and recommended that the proposal be referred to the City Planning Commission for study and recommendation. Mr. Deskins has stated no objection to appearing before the Commission to discuss the matter. On motion of Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Council, the proposal was so referred.

✓ City Manager Milan informed Council that he had not been able to determine value of the used turbines at the City's old Hydro Electric Plant Site at Island Ford, and had not placed the matter on this evening's agenda, although he was instructed to report on same at this meeting. He noted that Mr. William Suter, who had appeared at Council's last meeting with a request to purchase the turbines, is only one of four interested individuals pursuing purchase of the land, facility, equipment, or whatever, at the site. Minutes of Council's June 24, 1981 meeting were referred to, at which meeting another such request for purchase of the City's abandoned electric plant was referred to the City Water Department. Manager Milan noted that the matter is indeed a complicated one. Following discussion, the matter was tabled for the present time, due to many unanswered questions.

At 8:58 p.m., Vice-Mayor Green moved that Council enter an executive session to discuss a legal matter. The motion was seconded by Councilman Cisney, with a request that personnel also be a matter for discussion. The motion was adopted by a unanimous vote of Council.

At 9:45 P.M., on motion duly adopted, the executive session was declared closed. There being no further business, the meeting adjourned.

*N. Arlene Loebe*  
CLERK

*Roy E. Eicher*  
MAYOR

Tuesday, August 24, 1982

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. Dingleline, 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 10th were approved as read.

✓ Correspondence dated 8/19/82 was presented and read from The Boddie-Noell Enterprises Corporation, requesting rezoning of approximately 1 acre of land situate on the southeast corner of the Reservoir Street/Cantrell Avenue intersection. A Hardees Restaurant is proposed by the Corporation, which, in its opinion, will contribute to the community, as well as provide employment and additional tax revenue for the City. Manager Milam noted that the area is presently zoned R-2 Residential, with requested zoning to B-2 General Business. On motion of Councilman Dingleline, seconded by Councilman Cisney, and a unanimous vote of Council, the request was referred to the City Planning Commission for study and recommendation. A plan of development will be submitted to the Planning Commission by the Corporation.

✓ A request was presented from The Boddie-Noell Enterprises Corporation, through correspondence dated 8/19/82, for rezoning of approximately 49,000 square feet of land on the southwest corner of Interstate 81 and Port Republic Road. A Hardees Restaurant is proposed for that location. Council was reminded that the area is presently zoned R-1 Single Family Residential with requested zoning to B-2 General Business. City Manager Milam noted that a plat of the property and site development plans will be submitted to the Planning Commission, and recommended that the request be referred to that Commission for study and recommendation. On motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote of Council, the request was so referred.

✓ For information, the City Manager presented correspondence dated 8/17/82 from the Commission on Local Government, advising Mayor Erickson that this locality qualifies under the state code for notice of Augusta County's action for immunity from city initiated annexation and incorporation of new cities involving approximately 38 square miles of county territory. It was noted that testimony concerning the proposed petition for immunity from the County of Augusta and the cities of Staunton and Waynesboro would be received August 30 - September 2, 1982, and requested that the Commission be advised no later than August 27th of the City's interest in testifying or submitting evidence relative to the proposed petition. Manager Milam said he had no suggestion at this time, but felt that no comment should be made by the City.

✓ City Manager Milam informed Council that the Mayor was in receipt of correspondence which had been sent to Mr. Jennings Morris, Chairman of The Rockingham County Board of Supervisors by the Virginia Historic Landmarks Commission, advising that the Rockingham County Courthouse has been placed on the Virginia Landmarks Register, and that the Commission has endorsed its being nominated to the National Register of Historic places. The report was for Council's information.

Correspondence dated 8/20/82, signed by five residents of East Market Street, was presented, urging Council to consider deleting Sororities and Fraternities from R-3 zones. The request was a follow-up of a petition which had been presented to Council at its August 10th meeting, opposing the renting of property at 477 East Market Street to a JMU Fraternity. City Manager Milam noted that the Planning Commission had considered the possibility of Institutional Zoning several years ago, and recommended that the correspondence be referred to that Commission for inclusion in its city-wide zoning review. On motion of Vice-Mayor Green, seconded by Councilman Dingledine, and a unanimous vote of Council, the correspondence was so referred.

Correspondence dated 8/16/82 was presented and read from Ms. Cheryl Richards, Co-Chairman, Fine Arts Committee, Harrisonburg Junior Woman's Club. Request was made for permission to use sidewalks surrounding the Court Square for display of art work at the Club's 9th Annual Arts and Crafts Festival, September 11th - 10:00 A.M. to 5:00 P.M. It was noted that the sidewalks will be used only as a spill-over from the Courthouse lawn, with adequate space left for use of the sidewalks by the public. Councilman Cisney moved that permission be granted, as requested. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

For consideration of second & final reading, the City Manager presented an ordinance amending the Television Franchise Ordinance by increasing basic cable rates as follows: monthly rate from \$ 7.00 to \$ 8.00; additional outlet from \$ 2.50 to \$ 3.00 monthly; installation of additional outlet from \$ 15.00 to \$ 20.00, and reconnection, installation of additional outlet or transfer of outlets from \$ 10.00 to \$ 15.00. The ordinance had been approved for first reading on July 27th, with information to be forthcoming from a special committee for review, prior to final action. Vice-Mayor Green reported, on behalf of the committee, as follows:

*"On August 17, 1982, the Committee met with representatives of Warner Amex for the purpose of exploring information submitted in support of their Rate Increase Request. After extensively reviewing the historical and forecasted financial data submitted by Warner Amex and considering the services provided, the need for Warner Amex to realize a reasonable rate of return on its investment, and recent rates of inflation, the Committee recommends the following rate adjustments:*

	<u>Present</u>	<u>Increase</u>	<u>New Rate</u>
Basic Monthly Rate:	\$ 7.00	\$ .50	\$ 7.50
Monthly Rate of each additional outlet	2.50	0	2.50
Installation of an additional outlet	15.00	5.00	20.00
Charge for reconnection, installation of additional outlets, or transfer of outlets	10.00	5.00	15.00"

Vice-Mayor Green moved that the ordinance, as revised, be approved for second and final reading, and the motion was seconded by Councilman Dingledine. Mr. Bruce Wallinger, an attorney for Warner Amex Cable Communications, Inc., expressed appreciation in meeting with the Committee on August 17th, and noted that additional backup information had been presented at that time. He said that "we have never come asking for a dollar, hoping to get 50¢, and this is not true on this occasion." According to the attorney, two formulas were used in determining a fair rate of return for the company, under both of which, conjectures are conservative. He added the fact that the cost of entertainment has risen, and offered an opinion that the rates in the Harrisonburg area are in line with rates being charged in other communities. Councilman Dingledine registered a complaint he had received from the southeastern part of the City concerning Channel 10, with regard to picture fading, etc. Mr. "Chuck" Stigberg, Warner Amex Manager, informed Council that inasmuch as this was a Channel most would like to receive, a local consultant (Mr. Warren Braun) had been employed to make a survey of the signal to determine if it may be usable. Mr. Braun reported that 80% of the time, Channel 10 would carry a Class A picture, using the best antenna possible, with weather conditions, etc. affecting the reception at other times. He added that the best possible antenna is being used. Councilman Cisney suggested that the company, in its financial reports to Council, should include "money due from affiliated companies" and other information which may be necessary, in order that Council may have better knowledge of the company's rate of return on its investment. Following discussion, Mayor Erickson called for a recorded vote on the motion which had been made and seconded, to approve the revised ordinance for second and final reading. The vote was unanimous and the motion duly adopted, 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 265).

For consideration of second & final reading, City Manager Milam presented an ordinance for vacation of the lot line between Lots 4 and 5 in the Garber and Garber Addition, by Hamilton Associates. He reminded members that the ordinance had been approved for a first reading on July 27th, following a public hearing. He noted that the lot line, as presently situated, runs through a dwelling at 548 E. Elizabeth Street, which would be eliminated by vacating the line. Councilman Cisney moved that the ordinance be approved for second and final reading, with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 266).

City Manager Milam informed Council that permission for the Harrisonburg-Rockingham Historical Society to use the two upper floors in the Sipe House, 301 S. Main Street, had expired as of June 30th this year, and that he had been remiss in not placing the matter on an earlier agenda. A prior decision of Council was for permission to be granted on a year-to-year, rent free basis, with the City responsible for maintenance of the building and fuel costs. Following a brief discussion, Councilman Cisney moved that the organization be granted permission to use the two upper floors in the Sipe House until June 30, 1983. 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 \$ 12,000., approved for a first reading on August 10th in order to transfer that amount from the City's General Fund to the City School Board for use in the new addition at Keister Elementary School, be approved for second & final reading, and that:



\$ 12,000. chgd.to: General Fund- Unappropriated Fund Balance

12,000. approp.to: School Fund (1861.00) Real.Revenue- Trans.from City

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 \$ 12,000., requested by the City School Board in order to expend funds transferred from the City's General Fund for use in the new addition at Keister Elementary School, be approved for second and final reading, a first reading having been approved on August 10th, and that:

\$ 12,000. chgd.to: School Fund (1861.00) Est.Revenue- Trans.from City

12,000. approp.to: School Fund (1900-403.00) Cap.Outlay- Furn. & Equip.

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

Correspondence was presented from Ms.Betty H. Morris, giving notice of her resignation as a member of the Upper Valley Regional Park Authority, effective 8/9/82. Appreciation was expressed for the opportunity to serve on the Authority's Board for the past several years. Councilman Cisney moved that the resignation be accepted, with regrets, and a letter be written Ms.Morris, thanking her for services rendered on the Authority.

City Manager Milam called attention to correspondence dated 8/6/82 from the Office of the Governor, concerning selection of individuals to serve on the Regional Employment Training Councils, with no more than three names to be submitted by a locality, with one selected to serve. Names should be submitted within the next 30 days. Assistant City Manager Driver, a member of the Central Shenandoah Manpower Council, noted that serving on the Training Council would involve a good bit of travel, particularly if the Program is made regional, which may serve as a deterrent, should a private citizen be asked to serve. He said that information has been received by those serving on the Manpower Council, with inquiry as to whether they would be willing to serve on the Training Council. Although he had not volunteered to serve, Mr. Driver said he would consent, should this be the desire of Council. Councilman Cisney suggested that the Mayor and City Manager select names to be submitted. Vice-Mayor Green offered an opinion that information is not complete, insofar as the number of meetings to be held, location of meetings, etc. Mayor Erickson said that he and the City Manager would get further information, prior to submitting any names.

City Manager Milam informed Council that additions to the William G. Myers National Guard Armory (2 classrooms, 20' x 30' and 2 storage rooms, 20' x 20') located on the south side of the Armory, are substantially complete, and that he had signed the Certificate of Substantion Completion on August 9, 1982. He reminded members that when the contract was signed by Governor Dalton in April of 1980 for the City to construct the classrooms and storage rooms in exchange for state land, the City was to pay no more than \$ 50,000. However, during the design stages through a number of state and federal agencies, the cost increased, (i.e. the State Fire Marshal required two exits from each classroom and a sprinkler system in the storage rooms with automatic alarms). Manager Milam noted that 5% of the City's payment to Ellis Builders is being withheld, and will be paid within the next several weeks, following inspection of the addition by a delegation from Richmond. If satisfactory, the City will be in receipt of a deed for the 3.7 acres of land, approximately 60 days after the inspection. The report was for information.

✓ Council was informed by the City Manager that a number of guidelines had been sent out to localities by the Virginia Community Development Block Grant Program, for submitting applications for funds that are coming from the federal government to the state of Virginia the latter part of September or October. The funds will be distributed across the state to about 300 municipalities, with maximum amount of \$ 700,000. allowed for each application approved. Five groups are set out in the guidelines, with three in particular which could apply to the City of Harrisonburg, namely: Revitalization, Solid Waste Disposal Facilities, and Recreation. Although application has not been prepared, Manager Milam expressed a desire to submit, for preliminary discussion, four priorities, on which, one would be selected for requested funding. Inasmuch as the Virginia Development Block Grant requires at least one public hearing to be held prior to the filing of an application, and the deadline for the application to be in Richmond is September 17th, he suggested that Tuesday, September 14th be scheduled. The priorities for preliminary discussion are as follows:

Priority 1:

Market Street Project - Involves a vacant 5-story structure. The proposed re-use of the building is the development of commercial shops, offices, and housing. The project would cost an estimated \$2.5M. Our Block Grant Application in the amount of \$ 700,000. would be used as a low interest loan.

Priority 2:

The proposed project in the Elizabeth, Wolfe, Rock Street Redevelopment and Conservation area is the correction of adverse environmental influences of Blacks Run. Improve the condition of the sewer and water facilities to allow future development. If funds are available, widen Elizabeth Street and place electrical wires underground.

Priority 3:

Cover existing Landfill for future baseball, softball and athletic areas. Fill materials would come from East 33 area. NOTE: This a low State priority.

Priority 4:

A proposal relating to our Energy Recovery Facility. NOTE: This is a low state priority.

Manager Milam asked that Council consider either Priority #1 or #2. With regard to item #1, he noted that a developer and others, have put together a corporation, and requested that the City submit application for a Block Grant in the maximum amount of \$ 700,000. If successful, the Grant would be treated as a loan to the corporation for its proposed commercial area project on West Market Street, which will begin at the vacant 5-story structure, with other properties also being investigated for inclusion. The corporation has cleared with the N & W and C-W Railways to use a portion of the track for the commercial development which will be comprised of commercial shops,

offices and some houses. The corporation is working with the City's Downtown Development Group with regard to its proposed project. Concerning item #2, Manager Milam noted that Elizabeth, Wolfe and Rock Streets are located within the Redevelopment & Conservation area and that the idea for a Grant application has arisen primarily from a recent request of the Harrisonburg Redevelopment & Housing Authority to use the balance of funds from the 1979 Community Development Block Grant for stream improvement, utility improvements and widening of Elizabeth Street. He asked Council to schedule a Public Hearing for September 14th, and noted that two applications would be prepared on items 1 and 2 prior to that time, for review, with decision to be made following the Hearing. Should members have any other priorities in mind, he asked that they be made known. Following discussion, Councilman Cisney moved that Council schedule a Public Hearing for Tuesday, September 14th, 7:30 P.M. on Priority items 1 and 2, with instructions for the City Manager to properly advertise same in the Daily News Record newspaper. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

City Manager Milam reviewed detailed information from the Virginia Municipal League concerning the 77th annual Virginia Municipal League Conference which will be held September 19 - 21, 1982 at Virginia Beach. He called attention to an enclosed form to be used in submitting the names of voting delegate and alternate, to be returned to the League no later than September 10th. Following the review, Councilman Cisney moved that Mayor Roy Erickson's name be submitted as voting delegate, and Councilman Raymond C. Dingleline, Jr., as alternate. The motion was seconded by Vice-Mayor Green, and adopted by a majority vote of Council. Voting aye: Councilmen Rhodes, Cisney and Green. Abstaining: Councilmen Dingleline and Erickson.

Mayor Erickson called members' attention to their copies of a list of recommended matters to be purged from Council's calendar, as prepared and submitted by the Clerk, following a work session today with the Assistant City Manager and City Planning Director. He asked that the listed items be reviewed silently at this time, for a decision re removal. Councilman Cisney moved that the list be approved, with the following items to be purged from the calendar, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council:

CITY MANAGER:

Look further into request of Safeway Store for cut in median on Mason Street and report (11/28/78-2/27/79) HAVE RECOMMENDED CUT NOT BE MADE.

Advertise for sealed bids - strip on North High Street (Icie Smith's desire to purchase) (9/23/80-11/11/80) WAS ADVERTISED, BUT REMOVED FROM MARKET DUE TO OPPOSITION BETWEEN NEIGHBORS.

With Assistant City Manager, negotiate with Presbyterian Church re walkway project (9/23/80-11/11/80) CITY HAS FULFILLED ITS OBLIGATION.

Work out solution for inclusion of Regional Sewer Authority employees on the City's Blue Cross/Blue Shield Insurance (6/23/81) IS UNDER CITY'S POLICY.

Investigate whether or not bottom land at Rawley (8 acres) is for sale (10/27/81) HAS BEEN SOLD.

With Assistant City Manager, work with Regional Sewer Authority and bring in concrete agreement for proposed sewer line US 11 south (2/23/82) COMPLETED, AND AGREEMENT SIGNED.

ASSISTANT CITY MANAGER:

Contact merchants re future requests to block off portions of streets for special occasions, and charging fee for same (7/11/78) RECOMMENDED REMOVED BY ASSISTANT CITY MANAGER.

Contact Norfolk-Western Railway re proposed crossing south of Paul Street (7/25/78-9/12/78-9/26/78) FURTHER NEGOTIATIONS WILL BE BETWEEN JMU & RAILWAY.

POLICE CHIEF:

Investigate complaint of traffic on North Blue Ridge Drive and report to Council (6/23/81) HAS BEEN INVESTIGATED AND REPORTED TO HIGHWAY SAFETY COMMISSION.

CITY ATTORNEY:

Draw lease between Warner Amex Cable Communications, Inc. and City for leasing land at Tower Street (1/27/81) COMPLETED.

CITY ENGINEER:

Keep Council informed re progress on drainage problem in vicinity of Cardinal Drive (6/26/77) IS BEING DRAINED PERIODICALLY.

PLANNING DIRECTOR/COMMISSION:

Request for vacation of lots in the Ira Moore Addition by Northfield Estates and Mr. Earl Wetzel (3/14/78) EARL WETSEL OPPOSES; MIKE PATRICK DROPS THE SUBJECT.

Report to developer re petition to require completion of storm water pipe, Pleasant Hill Acres, Sec. V (3/24/78) PUBLIC WORKS "CLEANED UP" THE DITCH AND PIPE UNDER PLEASANT HILL ROAD.

Petition signed by 56 residents requesting that the alley connecting Ott Street to Monticello Ave. not be widened. (Ref. to P.C. by H'burg Transportation & Safety Commission) (1/10/78) NO FORMAL PRESENTATION MADE OR DISCUSSION HELD BY PLANNING COMMISSION.

Request of Martin Eby to rezone 13 acres on North Liberty Street from M-1 Industrial to R-3 Residential (8/14/79) PLANNING COMMISSION TABLED THIS 8/15/79, UNTIL A PLAN OF DEVELOPMENT IS SUBMITTED.

Request of William and Doris Reed to close deadend alley off East Rock Street across from #4 Fire Station (11/13/79) LETTER WRITTEN EXPLAINING OTHER OWNERS WILL BE INVOLVED AND THAT A \$ 50. FILING FEE IS INVOLVED.

Preliminary Subdivision Plat for Pleasant Hill Village (Ken Kline) (3/11/80) PLAT NEVER RECEIVED.

Request by Purcell Park Neighborhood Association for closing certain portions of streets (5/13/80) RESIDENTS TOLD STREETS HAVE HOMES ON THEM! CANNOT CLOSE REQUESTED PORTIONS.

Resubdivision request for Lots 4 and 5, Hilltop Farms Subdivision (9/9/80) RECOMMENDED REMOVED BY PLANNING DIRECTOR.

Request of John Litten to resubdivide land Maryland Avenue (4/14/81-7/28/81-8/11/81) ACCOMPLISHED 3/9/82.

Request of Clinton Hehsley to resubdivide lots Rolling Hills Subdivision (9/29/81-11/24/81-12/22/81-1/12/82) WERE OLD LOT LINES VACATED VIA PUBLIC HEARING.

Request from Bob Arnold to purchase residue property corner Warsaw Avenue and South Main Street (3/23/82) LOT SOLD TO ARNOLD, JULY '82.

Request of J. Kenneth Kline to resubdivide lots fronting on Hawkins & Norwood Streets (5/11/82) ref. back to Planning Commission (5/25/82) APPROVED BY COUNCIL 7/27/82.

SCHOOL SUPERINTENDENT & RECREATION DIRECTOR:

Coordinate future activities for Armory area (8/11/78)

TRANSPORTATION DIRECTOR:

Report re use of taxi service by senior citizens vs use of city buses (8/8/78)

GENERAL MATTERS:

Matter of "target allocations" system for state & federal funding (City to plan against certain amounts and file pre-application forms) (4/22/75)

Solid Waste Energy Recovery Project (11/22/77-12/13/77-12/27/77-5/9/78-7/11/78-10/10/78-10/24/78-11/14/78-12/12/78-3/27/79-6/26/79-6/24/80-11/11/80-12/9/80-1/13/81-1/27/81-5/12/81-5/26/81-6/9/81-6/16/81-6/23/81-6/29/81-7/14/81-7/28/81-8/11/81-8/25/81-9/8/81-11/10/81-12/8/81. PROJECT NEAR COMPLETION.

Establish goals & charges for Downtown Advisory Committee to City Council for Downtown area (4/25/78-7/25/78-8/8/78) Sub Committee appointed 7/24/79. NOW UNDER ENTIRELY NEW COMMITTEE.

Employment of Promotional Director for business core of City, requested by Retail Merchants' Association. City Manager to contact Va. Municipal League & cities for comments (5/14/81) Committee re-activated (8/11/81) Harrisonburg Downtown Development Corp. established 3/9/82. JIM DESKINS NAMED COORDINATOR.

Housing for Elderly (J.R. "Polly" Lineweaver Apts.) 265 N. Main St. (COMPLETED)

Downtown Development plan for area bounded by N. Main; Elizabeth; Liberty & Rock Streets (6/13/78-7/25/78-8/8/78-8/22/78-9/12/78-10/24/78-1/23/79-3/27/79-6/12/79-7/10/79-8/21/79-10/19/79-10/23/79-7/22/80-8/26/80-11/25/80-7/14/81) HAS BEEN TURNED OVER TO THE R & H AUTHORITY.

Location for construction of Rescue Squad building (8/8/78) SATISFIED AS IS.

Determine method of paying City's portion of assessment (Nat'l League of Cities) representing up to 17% of annual dues (10/24/78) BEING PAID EACH YEAR.

Complaints re public dumping off Eastover Drive (4/22/80) BEING CLEANED UP PERIODICALLY.

Complaints re outdoor privies on Norwood Street (4/22/80-8/12/80) MOST HAVE BEEN ELIMINATED AND AREA UNDER REHABILITATION PROJECT.

Confer with HEC re possibility of public hearings prior to electrical projects (2/26/80) TAKEN CARE OF BY CITY ORDINANCE.

Drainage problem on Effinger Street (between Myrtle & Sterline) (8/12/80) CURB & GUTTER INSTALLED.

Need for additional lighting Mason Street, up hill (10/14/80)

Need for stop sign s/s Rockingham Memorial Hospital on Grace St. (10/14/80)

Need for work - graveled area between curb on Ott Street and steps leading onto Cantrell Avenue (10/14/80)

Matter of birds roosting in various areas of city (9/8/81-9/29/81-10/13/81)

Need for traffic light Mason & Gay Streets (2/9/82) LIGHT INSTALLED.

Study Building & Zoning Codes for cleaning areas of debris, old appliances, etc. (4/13/82)

MATTERS FOR CONSIDERATION:

Request of Shenandoah Valley Oil Heat Association to drop 1% sales tax (5/12/81-9/8/81) LEFT AS WAS.

Addition of Cantrell Avenue between Ott & E. Market Streets on next year's traffic count (9/29/81) HIGHWAY DEPARTMENT WILL NOT ADD THIS TO COUNT.

Request for additional personnel in office of Commissioner of Revenue (1/9/79)

Solution for drawings on Campbell Street wall (5/13/80)

MATTERS DEFERRED/POSTPONED/TABLED/PENDING:

Policy for partial payment for unused sick leave after 5 years employment with City, up to maximum of \$ 2,500. (12/22/81-1/12/82) MATTER DROPPED.

TO BE CONSIDERED IN 1982-83 CITY BUDGET:

Determine whether or not funds from Harris Pool Property sale will be used in northeast area, as requested (12/22/81-2/26/82)

10¢ per capita annual contribution Central Shenandoah EMS Council.

Increase requested by Health District (2/26/82)


BUDGET HAS BEEN APPROVED FOR 1982-83.

With regard to the matter of re-activating the Madison-Community Relations Committee, following receipt of a petition from residents of East Market Street opposing the renting of property to a JMU Fraternity, Mayor Erickson reported that in reviewing names of the original committee members, he found great changes in executives from JMU as well as student members who have left the City. He noted that Building Official Byrd is meeting with Dr. Scott of James Madison University and also Mr. Linwood Rose, Director of Residential & Commuting Services at JMU, concerning the problem, and further, that the committee will be reorganized at the opening of school, with three students and a representative for Dr. Carrier named to serve on same. The Mayor referred to information provided by the Clerk concerning actions which had been taken several years ago by the original committee, and it was suggested that he forward this information to members of Council, Ms. Rachel Holsinger of E. Market Street and signer of the petition, as well as to the five residents of E. Market Street listed on correspondence presented this evening, urging that no Fraternities or Sororities be permitted in an R-3 zone.

At 8:50 P.M., on motion of Councilman Cisney, seconded by Councilman Dingledine, and a unanimous vote of Council, members entered an executive session to discuss a legal matter.

At 9:10 P.M., Councilman Rhodes moved that the executive session be closed and the regular session reconvened. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council. There being no further business, the meeting adjourned.

  
CLERK

  
MAYOR

At combined public hearings and 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. Presgarve. Absent: none.

Minutes of the regular meeting held on August 24th were approved as corrected; minutes of Council's Re-organization meeting held on September 1st 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, 1982.

From the City Treasurer:

A trial balance report as of close of business on August 31, 1982.

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 \$ 4,880.17.

From the City Auditor:

A financial report for the City of Harrisonburg, month of August, 1982.

A report of cash discounts saved in the payment of vendor's invoices for month of August, 1982, totaling \$ 240.37.

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, 1982.

✓ Mayor Erickson, Vice-Chairman of the Shenandoah Valley Airport Commission, called members' attention to their copies of Financial Statements for years ended 6/30/81 and 6/30/82 prepared by the CPA Firm of Forrest Arehart Associates, Ltd., Waynesboro, Va. He noted total Assets as of 6/30/82 in amount of \$ 5,876,532., with total Liabilities and Fund Balance in like amount, as compared to \$ 5,837,035. as of 6/30/81. The Mayor reported the modern airport and grounds as "in excellent shape", with some larger planes added to better meet the needs of those flying from east to west. The report will be on file in the City Manager's Office.

✓ Correspondence dated 9/13/82 (enclosing a check in amount of \$ 75. representing filing fee) was presented and read from Mr. J. R. Copper, Jr., Agent for Rehder Acres Subdivision. Request was made for approximately eight (8) acres of the subdivision, located on the eastern side of Vine Street, to be rezoned from R-1 Single Family Residential, to R-4 Planned Unit Development, in that this portion adjoins properties of Mr. Neil Turner and Unit 2 of the subdivision, both of which are presently zoned R-4. On motion of Councilman Cisney, seconded by Councilman Dingledine, and a unanimous vote of Council, the request was referred to the City Planning Commission for study and recommendation.

✓ Through correspondence dated 9/13/82 from Mr. J. R. Copper, Jr., Agent for Miller Associates, (with attached plat), request was made to dedicate for a public right-of-way, a street with cul-de-sac, westward off S. Main Street. On motion of Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Council, the request and plat were referred to the City Planning Commission for study and recommendation.

✓ At 7:50 P.M., Mayor Erickson closed the regular session temporarily and called the first public hearing of the evening, to order. City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper on August 26th and September 10th:

*The Harrisonburg City Council will hold a Public Hearing on Tuesday, September 14, 1982 at 7:30 P.M. in the City Council Chambers to consider closing 497 feet of undeveloped Monroe Street in the Ashby Park Addition of Harrisonburg. The portions of Monroe Street to be considered for closing include 180 feet east of Jefferson Street and 317 feet west of Jefferson Street. See map for reference.*

*All persons interested in this matter will be granted an opportunity to be heard.*

CITY OF HARRISONBURG- Marvin B. Milam, City Manager  
Planning Director Sullivan referred to the following Planning Commission report which had been presented and read at Council's July 27th meeting:

*"...The Commissioners reviewed a letter and map from Captain Don Faulkner of The Salvation Army, requesting the City to close 497' of undeveloped Monroe Street. The Salvation Army is planning to construct a new Corps Community Center on land it owns at Ashby Avenue and Jefferson Street. The Army asks that 180' of Monroe Street be closed east of Jefferson Street, and 317' of Monroe Street be closed west of Jefferson Street. The Director reported that HEC has a power line along undeveloped Monroe Street and the City has a 12"*



sewer line in the street, thus easements must be retained by the City of a closing occurs. Mr. Trobaugh suggested that City close the street if easements are retained, but he noted that the City can't 'give' land to anyone. City property can only be auctioned or released via closed bids.

Mr. Trobaugh then moved that the Commission recommend to City Council that 497' of the undeveloped Monroe Street be closed, subject to the City Staff determining easement needs and the Board of Viewers presenting a favorable report.

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

Mr. Sullivan noted that one concern of the Commission in recommending the closing of both portions of Monroe Street, was the necessity for electric and sewer easements. It has been learned that HEC desires a 25' easement, while the Planning Commission recommends 50', if the street is closed. Another concern of the Commission was access to various properties around the area, particularly to land owned by Mr. S. C. Good. Although the street is not built all the way into all of Mr. Good's lots, it is available to the west side of Madison Street. Mr. Sullivan pointed out the fact that closing the street would consolidate the Salvation Army's land holdings on the west side of Jefferson Street, and that the extension of Monroe Street serves no purpose in that it closed almost instantly at Ashby Avenue. If Council proposes to close the western portion, negotiations would be necessary between the City and Salvation Army in order to close the right-of-way and provide the necessary easements. City Manager Milam then read the following report submitted by a duly appointed Board of Viewers comprised of Messrs. John H. Byrd, Sr., T.H. Lowery and Richard L. Suter, which report had been submitted to Council and read at the August 10th meeting:

*The Board of Viewers report that they have visited the areas of Monroe Street requested to be closed. We have also interviewed Mr. S.C. Good, owner of three lots facing on a portion of Monroe Street. Mr. Good is of the opinion that the value of his lots would be adversely affected if the 180.3' portion of Monroe Street, extending south-eastward from Jefferson Street were closed. He has no objection to the closing of that portion extending west of Jefferson Street.*

*We feel that Mr. Good's complaint is well supported, therefore we recommend that the portion of Monroe Street extending westward from Jefferson Street be closed and that any existing easements or rights-of-way be retained by the City. We also recommend that the portion of Monroe Street extending south-eastward from Jefferson Street remain as it now exists.*

Mrs. Rosa Rinker of 880 Jefferson Street said she would "love" to see the portions of Monroe Street closed, in that her property adjoins that of The Salvation Army, and will, some day, become its property. Attorney Thomas Wilson, Counsel for Mr. S. C. Good, stated that his client owns five lots on the southeastern side of Jefferson Street, and opposes the closing of 180.3' of Monroe Street east of Jefferson St., in that access to Jefferson would be denied, and the value of Mr. Good's property would definitely be affected. He noted that water and sewer is available for Mr. Good's lots and they are available for development, and recorded as such, since the 1940s. Mr. Wilson requested that the report of the Viewers be respected, and only that portion of Monroe Street westward from Jefferson Street be closed. When question was raised by Councilman Cisney as to whether or not closing only the one portion of Monroe would affect the Salvation Army's building project, Captain Faulkner replied that a variance may be necessary, in order to be far enough away from the right-of-way. When Councilman Cisney asked if the right-of-way is being used for recreational purposes at this time, Captain Faulkner replied that the area has ruts, and is used primarily as a cut-through to other streets. There being no others desiring to be heard, the Public Hearing was declared closed at 8:10 P.M. and the regular session reconvened.

Mayor Erickson asked members' wishes concerning the request to close portions of Monroe Street, as discussed in this evening's Public Hearing. Councilman Cisney offered a motion to approve the Board of Viewer's recommendation for closing only the 317.04' portion of Monroe Street west of Jefferson Street, and that some attempt be made to block unnecessary traffic on the south-eastern portion, not recommended for closing, for use by the Salvation Army until such time as the Good lots may be developed; further, that an ordinance for closing the western portion of Monroe Street be approved for a first reading, and referred to the City Attorney to be drawn in proper form. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Council.

At 8:12 P.M., Mayor Erickson closed the regular session temporarily and called the evening's second Public Hearing to order. City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper on August 31st and September 7th:

*Notice is hereby given that pursuant to Section 570-531 of the Small Cities Regulations of the Community Development Block Grant, the City of Harrisonburg will hold a Public Hearing Tuesday, September 24, 1982, at 7:30 P.M. in the Council Chambers, 345 South Main Street, Harrisonburg, Virginia.*

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

*City Council will be considering one of the following projects:*

1. *Market Street Project - Involves a vacant 5-story structure. The proposed re-use of the building is the development of commercial shops, offices, and housing. The project would cost an estimated \$2,500,000. The Block Grant Application in the amount of \$700,000. would be used as a low interest loan.*
2. *A proposed project in the Elizabeth, Wolfe, Rock Street Redevelopment and Conservation area is the correction of adverse environmental*



*influences of Blacks Run. Improve the condition of the sewer and water facilities to allow future development, widen Elizabeth Street and place electrical wires underground.*

*All interested persons or organizations will be offered an opportunity to be heard either in person or by counsel, and written statements may be filed at or prior to this Hearing. The submission of views and proposals regarding the Community Development Program, particularly by low and moderate income persons, members of minority groups and residents of blighted areas and neighborhoods where community development activities are ongoing, is encouraged.*

*Citizens are advised of their rights of access to information and materials about the Community Development Program as it is developed and implemented and their right to file written complaints with the City Manager any time during the program year. The following documents relevant to the development of the Community Development Program will be on display at the office of the City Manager.*

*-Public Notice*

*-Records of Public Hearings*

*-All key documents submitted to the Department of Housing*

*-Copies of regulations concerning the Community Development Program*

*-Explanation of important program requirements*

*This Public Hearing is being held to offer an opportunity for citizens of Harrisonburg to participate in the Community Development Block Grant Program. The deadline for submission of the application is September 17, 1982.*

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

City Manager Milam reminded Council, and others present, that the matter of applying for a portion of the funds being made available from the federal to state government for distribution among approximately 300 communities, had been discussed at the last regular meeting held on August 24th, with the two priorities up for discussion this evening, decided upon at that time. He presented a proposed application which had been prepared for funding the West Market Street project, and noted that if accepted, it would be prepared in file form and mailed, in keeping with the September 17th deadline. Manager Milam explained that a group of local businessmen, as well as some from outside the City, are incorporating as "Harrisonburg Rehabilitation, Inc." for development of the project. Should the application meet with success, and the City of Harrisonburg be awarded the sum of \$ 700,000., he noted that \$ 630,000. of that amount would be used at the Market Street location as a 20-year low interest rate loan, with mechanics to be worked out between the City and the Harrisonburg Redevelopment & Housing Authority. Annual payments would be placed back into rehabilitation, through a Revolving Fund. The balance of \$ 70,000. would be used for Administration. Mr. James Deskins, Executive Director of the Harrisonburg Redevelopment & Housing Authority, offered an opinion that the West Market Street project would be a competitive application, in that it offers housing to the lower income students, which would lessen the tremendous pressure in city residential areas as a result of James Madison University's rapid growth. In addition, he noted that the project would generate approximately 25 jobs for persons unemployed. Mr. Hosie Fitzgerald was the only citizen to appear and be heard. He offered an opinion that federal monies should be utilized for the good of the community, rather than for private enterprise. Manager Milam replied that four projects had been investigated, with the warehouse proposal appearing to be the most competitive with other applications. He added the fact that the funds would actually be used twice - once as a loan to the Harrisonburg Rehabilitation, Inc., and again when the annual payments are made. The primary purpose of the loan would be to reduce the initial cost of the approximate \$2.3 million project, and aid the developers in securing additional financing. The Elizabeth Street area (priority No.2) is not being pursued at this time for funding, in that the City has no committed development for that area at the present time. There being no others desiring to be heard, the Hearing was declared closed at 8:34 P.M. and the regular session reconvened.

Mayor Erickson asked members' wishes concerning the proposed application for funding the West Market Street project, as presented and discussed in this evening's public hearing. Councilman Dingledine raised a question concerning residence supervision, should the warehouse be converted, particularly in view of student housing. Councilman Cisney said this could be incorporated as a provision in the loan agreement. Councilman Dingledine then offered a motion that City Manager Milam be authorized to submit the Grant application as outlined, in the amount of \$ 700,000., and to serve as Chief Administrator. 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 August 26, 1982:

*"...The Commissioners reviewed a revised Final Plan of the 2-lot Commonwealth Subdivision, located on the north extension of Walker Street. As requested by the City, developer Marshall Price will dedicate a 38' wide strip of land in order to widen Walker Street from 12' to 50'. Mr. Price has agreed to build Walker Street on the 12' right-of-way, and provide a suitable turn-around for City vehicles and others, within the expanded right-of-way. The City will apply the top coat of road pavement and no curbing will be required. The revised subdivision also changes the size of the two lots. Both lots will have over 12,000 square feet. The six-unit apartments on each lot conform to R-3 zoning regulations.*

*Mr. Fleming concluded the review with a motion that the Planning Commission recommend approval of the revised Final Plan of Commonwealth Subdivision. Mr. Heath seconded the motion and all members present voted in favor..."*

City Manager Milam called members' attention to copies of the Final Plat of the subdivision attached to the Commission's report. Councilman Dingledine moved that the revised Final Plat of Commonwealth Subdivision be approved, which motion was seconded by Vice-Mayor Green. Councilman Rhodes offered an opinion that appreciation should be expressed to Mr. Marshall Price for his cooperation and dedication of land for widening of the street and vehicular turn-around. The motion was adopted by a unanimous vote of Council.

✓ The following report from an August 25th Planning Commission meeting, was presented and read:

*"...The Commissioners studied a general sketch of proposed site improvements within the Redevelopment and Housing Authority's Downtown North Project. An August 2, 1982 letter from Authority Director James Deskins to City Manager Milam was read and Mr. Sullivan explained by reference to the map where the various site improvements would be located. Examples of improvements include removing all brush and debris from Blacks Run, grading, graveling some land area and seeding some land area, developing two parking lots off Creek Avenue, surface treating and extending Creek Avenue, constructing 400 lineal feet of sidewalk adjacent to Creek Avenue, and landscaping along Blacks Run. The Authority has a balance of \$ 85,897.00 in its 1978 Community Development Block Grant and this money must be spent or committed by September 30, 1982. Commissioners Trobaugh and Fleming suggested cleaning up and grading as feasible projects, but did not agree with constructing sidewalks, paving parking lots or landscaping areas that might be the future locations for buildings and accessory features of new development. Mr. Rhodes suggested cleaning Blacks Run. The Director reported that City Staff supports the concept of building a concrete channel in Blacks Run from West Wolfe Street to West Rock Street. The Commissioners agreed to refer these suggestions to City Council and Mr. Deskins..."*

Mr. James Deskins, Executive Director of the Harrisonburg Redevelopment & Housing Authority, presented and explained the Plan for Improvements in the Harrisonburg Redevelopment and Conservation area, which Plan has been approved by the R & H Authority, subject to approval of City Council. He pointed out that a balance of \$ 85,897., remaining from the 1978 Community Development Block Grant, would be used on the project, to include the cleaning of Blacks Run, sidewalk construction, interim parking and landscaping, and surrounding the area with parking. Councilman Rhodes, a member of the Harrisonburg Planning Commission, noted that it was the consensus of the Commission that Blacks Run should be cleaned, along with other improvements of the stream, rather than parking lots. Mr. Deskins said it is felt that in order to develop the area, permanent parking must be provided, and offered an opinion that the landscaping, parking areas, etc. will enhance the area for development. He said that the stream could be made very attractive. Planning Director Sullivan said that the Commission's concern with the Plan is that some of the improvements may be torn up after completion, depending on the type of development which may occur in the future. He offered an opinion that the majority of available funds would be used on the Blacks Run project, although it was his understanding that the Harrisonburg Parking Authority has "given its blessing" to the parking lots. When Mr. Deskins was asked what the priorities in the area would be, he replied that the first would be general cleaning of the stream, and secondly, rough work on the parking lots, but not necessarily surfacing. Assistant City Manager Driver expressed a personal desire for installation of a concrete bottom in the stream area between Wolfe & Rock Streets, noting that as long as the bottom is rock and dirt, it will catch debris. Should the concrete prove effective, Mr. Driver suggested that an amount could be set up in each year's budget to place concrete in other portions of Blacks Run. With regard to the stream portion between Wolfe & Elizabeth Streets, this type of bottom may not be feasible, in that future development of that area may necessitate covering the stream. Mr. Deskins offered an opinion that the natural beauty of the stream would be marred, should a concrete bottom be installed, and added that the Authority would "go along" with the desire of City Council. He noted further that he feels the stream flow could be increased without ruining the natural beauty, at a much lower cost, which should decrease the problem of debris. Councilman Cisney stated that the R & H Authority has the authority to administer funds in the Redevelopment & Conservation area. Following the lengthy discussion and presentation of the Plan by Mr. Deskins, Vice-Mayor Green moved that Council "go along" with the Plan of the R & H Authority. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ For information, City Manager Milam presented and read correspondence from Mrs. Marie Arrington, Director of Social Services, formally notifying of her retirement, effective October 1, 1982. She expressed appreciation to the City Manager and members of City Council for their cooperation and understanding, both present and past, during the 36 years she has worked for the City -- 34 as Department Head.

✓ City Manager Milam reported that request had been made through Council for J.M.'s Pub & Deli, 1007 S. Main Street, in correspondence dated 9/2/82, for the granting of a dance permit for the establishment. In keeping with the City's policy, the situation was investigated by the Police Department, Fire Department and Building/Zoning Department, with the following recommendations received from each:

Police Chief:

- (1) They designate specific dance area
- (2) The occupancy rate be reduced, and they be urged to use good management to comply with the occupancy rate.

Fire Chief:

- (a) Standing occupancy, which is now figured at 5 square feet per person be recomputed based on 9 square feet per person.
- (b) Management of establishment should be strengthened to ensure compliance with fire regulations. The complaints received in this office most often center around lack of control of the customers.
- (c) Installation of smoke detectors in the building and an automatic alarm to the Fire-Rescue Communication Center.

Building/Zoning Official:

Permitted occupancy was increased recently in view of a new addition, and a generous occupancy load was established, with open floor areas for standing, not dancing. Suggested that the occupancy be reduced, should dancing be permitted. The size of dance area needs to be clearly defined in relation to seating, aisles & counters, etc., in order that a new occupancy load may be determined.

Councilman Cisney questioned whether or not the owners are aware that the occupancy rate would be reduced, should a permit be granted. Mayor Erickson expressed concern about recommendations and comments by the various City Officials. Mr. Julius Ritchie, 148 Patterson Street, opposed issuance of a dance permit because of the noise from the establishment (particularly at night) at the present

time. He offered an opinion that the neighborhood should not be subjected to this type of activity, and added the fact that "there seems to be no control over the establishment." Mr. Charles Ritchie of 147 Warsaw Avenue, along with his sons, Wayne and Robert, urged denial of a dance permit, and noted that the neighborhood is already plagued with beer cans and other litter on private properties; monopoly on any and all available spaces for parking; obscenities by customers of the establishment; loud noise, etc. Vice-Mayor Green offered an opinion that a dance permit, or no dance permit, will not correct the situation, and suggested that a group of representatives from the City's Police Department, Medical Arts Association and the neighborhood, meet with the management of J.M.'s concerning the situation. Mr. Julius Ritchie suggested that any action a dance permit be held up, until after a conference with the owners. Councilman Cisney moved that Council table the matter of considering the issuance of a dance permit for J.M.'s Pub & Deli, until a committee, with representation, as suggested, can meet with the management to make them more aware of the present situation, and to advise that steps must be taken to resolve the problem, prior to any consideration of Council for the granting of a dance permit. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council. For information, Mayor Erickson noted that the re-organized JMU-Community Relations Committee will hold an Orientation Meeting on September 27th.

✓ With regard to various complaints which had been referred by Council to the Harrisonburg Dept. of Transportation & Safety Commission, the following recommendations were submitted from a meeting of that Commission held on July 27, 1982:

- (1) Need for traffic signal at the intersection of South Main Street and South Avenue:

Special committee investigated this area and determined that a signal light would cause more inconvenience for many more cars on S.Main, than the inconvenience cars are presently experiencing on South Avenue.

RECOMMENDATION: No traffic signal be erected at the intersection of S.Main Street and South Avenue.

- (2) Need for left turn movement on Cantrell Avenue for traffic going north at the intersection of Cantrell Avenue and Reservoir Street.

RECOMMENDATION: Left turn lane be provided on Cantrell Avenue going north at the intersection of Cantrell Avenue and Reservoir Street.

- (3) Problem of cars running over the curb at the corner of East Elizabeth and N.Mason Streets.

Reported a 5' radius at this location and sharp turn, although many other intersections also have only a 5' radius. Felt to be no traffic hazard, but matter left to Council and management for a decision concerning provision of a larger radius at the E.Elizabeth/N.Mason location.

- (4) Possibility of installing walk light at the corner of East Market & Mason Streets.

Reported that all material had been purchased to re-work the signals at Mason & East Market Street, including walk signal at the intersection.

When Councilman Dingledine suggested the possibility of providing left turn from Maryland Avenue, onto South Main Street, Assistant City Manager Driver pointed out that this had not been recommended by the Highway Department, during traffic survey. Mr. Driver then offered an opinion that a letter should be sent to the Highway Department, requesting that the traffic light at the intersection of S. Main & Grace Streets, and the cross-walk light at the former Anthony-Seeger Campus School location be synchronized, in that this should eliminate the problem with the walk light. It was agreed that the Mayor and Assistant City Manager draft a letter to the Highway Department, and notify Dr.Carrier of JMU, concerning the action. No action was taken by Council with regard to recommendations of the Harrisonburg Dept.of Transportation & Safety Commission.

✓ From an August 25th meeting of the City Planning Commission, the following report was presented for information:

*"A letter dated August 20, 1982 from Attorney Thomas J. Wilson was read, which stated that Victory Baptist Church 'withdraws its rezoning request which is scheduled for hearing on August 25th. The Commissioners accepted the letter, thus closing the subject which had been initiated by Attorney Wilson's March 4, 1982 letter requesting the R-1 to R-3 of 3 vacant lots on Country Club Road."*

✓ For information, City Manager Milam reported that the Virginia Supreme Court had upheld the Annexation Court's decision to award the City of Harrisonburg 11.64 square miles of Rockingham County, and read the following last paragraph as stated in the Supreme Court's Opinion report:

*"While we affirm the judgment in substance, we must make some non-substantive changes in the judgment order. Operative time deadlines set in the order were geared to midnight on December 31, 1981, the date the court directed annexation to take effect. Code § 15.1-1041(d). Since that date has passed pending this appeal, we will provide in our mandate that annexation take effect at midnight on December 31, 1982, and that all interrelated time deadlines be adjusted one year to conform with that change. And, pursuant to Code § 15.1-1050, we will certify a copy of our mandate to the Secretary of the Commonwealth."*

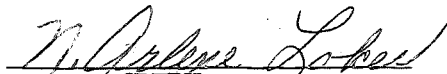
*Affirmed."*

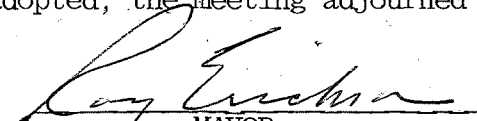
✓ As an update concerning the City's Heat Recovery Plant, Assistant City Manager Driver reported that he had met with the various towns (with representation from each), and had explained the City's program and quoted an amount for their refuse if they could work something out with Rockingham County re its landfill. He had also met with two private haulers, with both agreeing verbally to bring most of their refuse to the City, after the plant is in operation. In meeting with Rockingham Supervisors, Mr. Driver noted little the County can do for the City, in that they have no trucks to deliver refuse. They have agreed, however, that if the City desires to place a container at the County's landfill, they will allow the City to haul refuse from that container, or they will bring

refuse from the container to the City, if allowed to dump free-of-charge. Council was informed that the first furnace would be turned on October 4th and run for 10 days, with the second furnace then being tested for the same period of time. If each works satisfactorily, both will then be turned on for a 10 day trial. Mr. Driver offered an opinion that all projects will be completed by November 1st.

✓ Councilman Rhodes made mention of the fact that he had received a couple complaints concerning permit parking not being enforced in the southeast area of the City, on weekends, in that spaces are needed for weekend guests.

There being no further business and on motion duly adopted, the meeting adjourned at 10:07 PM.

  
CLERK

  
MAYOR

At a regular meeting of Council held in the City 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; 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 14th were approved as corrected.

✓ Dr. G. Douglas Larsen, Clinician with the Virginia State Health Department, appeared before Council for the purpose of introducing himself to members, and to present information concerning services presently being offered in the Harrisonburg area. He presented a written report, showing comparison of new and return patients for the years 1981 and 1982, period June - July, receiving treatment under the various programs. Mayor Erickson expressed appreciation for the report, and invited Dr. Larsen to any future meetings of Council.

✓ City Manager Milam referred to a copy of correspondence from Mrs. Kaye Crowther, to Mr. Wayne King, Superintendent of City Schools, concerning overcrowding in the fourth grade classes at the present time, with even more anticipated following annexation. He suggested that Council set a time to meet with the School Board for the purpose of discussing school-annexation related matters. It was agreed that a special meeting be scheduled for Tuesday, October 5th, 8:00 P.M., and the City Manager was asked to so advise the School Superintendent and Board members.

✓ For information, Council was advised through notice from Counsel for Rockingham County, that a petition had been filed with the Supreme Court of Virginia, for a Re-Hearing concerning annexation of 11.64 square miles by the City of Harrisonburg. City Manager Milam offered an opinion that the possibility of a re-hearing was extremely remote, but that notice should be received within the next 10 days as to whether or not it has been granted. Manager Milam said he would present a proposed budget for Revenue Sharing Funds, for use in the newly annexed territory, at the next regular meeting of Council, in that a public hearing, plus two readings of an Appropriation Ordinance, are required.

✓ Correspondence was presented and read from Ms. Carolyn Landis, President of Hose Company #4 Ladies' Auxiliary, informing Council that plans are being made, with the support of the Hose Co. #4 firemen, to invite the Virginia State Firemen's Association and Ladies' Auxiliary to hold their annual convention here in Harrisonburg, August 7 - 12, 1983. Request was made for a letter of invitation to be sent by Council, representing support of the city in welcoming the firefighters and ladies to this area. Vice-Mayor Green moved that a letter be sent the proper organizations, extending an invitation for the convention to be held in Harrisonburg. The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Councilmen present.

✓ City Manager Milam pointed out that Item 5 had been placed on this evening's agenda in order that Council may take some action with regard to the report and recommendation submitted by the Harrisonburg Department of Transportation & Safety Commission and presented at Council's last regular meeting on September 14th. In a review of the report, it was noted that: (1) recommendation was made for no traffic light to be installed at the intersection of South Main Street and South Avenue; (2) the left turn has been provided for traffic on Cantrell Avenue going north at the intersection of Cantrell Avenue and Reservoir Street; (3) matter of need for larger radius at the corner of East Elizabeth & N. Mason Streets, left to Council and management's discretion, although the 5' radius is not considered a traffic hazard; and (4) traffic signals have been re-worked at the corner of Mason & East Market Streets, with walk signal provided. Councilman Dingleline moved that the report and recommendations of the Transportation & Safety Commission be approved, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

✓ Vice-Mayor Green offered an opinion that something needs to be done concerning the traffic light at Rt. 33 and Cantrell Avenue, particularly on Fridays & Saturdays, due to the fact that the light stays on just as long for the few cars turning left off Cantrell, as it would for more traffic, which results in a tie-up on 33. Assistant City Manager Driver noted that Mr. Donald Wagner of the Highway Department would be in Harrisonburg next week, and that he would accompany him to this area for the purpose of pointing out various problems. He cited also, the problem of traffic getting from the A & P parking lot, onto Route 33.

✓ Assistant City Manager Driver reported that word had come from the Urban Office that plans are in the mail for synchronization of traffic lights at Cantrell Avenue, Grace Street, Warsaw Avenue and the walk light in front of the former Anthony Seeger School. Request has been made for the City to do the work, and bill the Highway Department. Mr. Driver said that the work should be done



within the next two or three weeks, but noted that should the project have to be contracted, it was uncertain how long it would take to bring a contractor in. The report was for information.

The following Planning Commission report from a meeting held on September 15, 1982, was presented and read:

"...Mr. J. R. Copper, Jr. reviewed a proposed Final Plat showing a re-subdivision of Lots 12 through 16 in the C. N. Heltzel Addition and Lot 18, Block 1, in the S.C. Good Subdivision. He explained that Mr. Ken Kline owns Lots 12 through 16, which fact the south side of Clinton Street, and Mr. Vernon Scott owns Lot 18, which fronts on the north side of Suter Street. The proposal is to enlarge all of the lots, by purchasing the additional land from Carlton and Charlotte Wampler. Mr. Copper further explained that Mr. Kline has a buyer for Lots 12 and 13, if the additions can be made. Lots 14, 15 and 16 will also gain additional back yard area. These lots plus Mr. Scott's Suter Street lot have single family dwellings on them.

Mr. Milam suggested adding a note to the plat or the deeds that each lot addition be limited to 'secondary use' and they be conveyed to the owner of the front lot only.

Mr. Heath concluded the review with a motion that the Commission recommend approval of the Heltzel-Good resubdivision, subject to a statement on the plat and in the deeds that the lot additions become strictly a secondary part of the original lots. Mr.

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

City Manager Milam called members' attention to the attached Final Plat, showing additions to all lots, in both the C.N.Heltzel Addition and S.C.Good Subdivision. Following a brief discussion, Vice-Mayor Green 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 the following report from a September 15th meeting of the City Planning Commission:

"...The Commissioners were shown a proposed Master Plan of an 8.96 acre part of Reherd Acres, drawn by Mr. J. R. Copper, Jr. He told the Commissioners that the proposal includes 84 townhouse lots and a 1.22 acre 'common area.' The developers, Reherd Acres, Inc., will not construct the townhouses, but will control the architectural style of the units through deed restrictions. Chairman Eneidy reported that he, Mrs. Bowman and Mr. Sullivan met with Messrs. Copper, DePoy and Blose, and Messrs. James Snyder and Ken Economou from the Reherd Acres Subdivision, and expressed basic agreement with this all townhouse proposal. Messrs. Snyder and Economou concurred, and Mr. Sullivan noted that the open common space shown is for parking and auto access rather than green space, as required in an R-4 zone.

Mr. Heath concluded the discussion with a motion that the Commission recommend approval of the revised Master Plan for 8.96 acres of Reherd Acres - - formerly known as Gunsmoke. Mr. Trobaugh seconded the motion and all members present voted in favor..."

Planning Director Sullivan called attention to the large drawing of the proposed revised Master Plan, noting the major change as 84 townhouse lots, rather than 65 as previously set out on the original Plan. The density requirement is being met through construction of less than ten townhouse units per acre. He pointed out the fact that although 15% of area in an R-4 Planned Unit Development district is required for open green area, this revised Plan provides 1.2 acres in "common area" which will be used for parking and driveways. The Plan has been reviewed by the developer, citizens and the City Planning Commission. Mr. Copper elaborated on the proposed layout, noting no opposition expressed. Following discussion, Vice-Mayor Green moved that the recommendation of the Planning Commission be approved. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

With regard to requests received earlier from The Boddie-Noell Enterprises for rezoning of two areas for proposed construction of Hardee's Restaurants, Planning Director Sullivan reported that the two sites: Cantrell/Reservoir and Intersection 81/Port Road, had been referred by the Planning Commission to the Harrisonburg Department of Transportation & Safety Commission for study and report, prior to October 20th. Members of the Planning Commission will visit the sites next Tuesday morning, and desire to have a full report prior to its next regular meeting on October 20th. Assistant City Manager Driver, Secretary of the Transportation & Safety Commission, questioned the right for referral to be made by the Planning Commission, rather than by City Council. City Attorney Lapsley said he could see no reason why the Planning Commission could not get input from any commission or department in the City. Manager Milam stated that inasmuch as the developers are working on a tight time schedule, and the Planning Commission's next meeting is on October 20th, he would recommend that the two sites be referred to the Harrisonburg Department of Transportation & Safety Commission, with request for a report to be submitted to the Planning Commission prior to the 20th, in order that Council may schedule a public hearing, if so recommended by the Commission. On motion of Councilman Dingledine, seconded by Councilman Rhodes, and a unanimous vote of Council, the recommendation of the City Manager was approved.

The City Manager informed Council that request had been received from Mr. Ralph Smith, Supt. of Streets, for a approval of a supplemental appropriation in amount of \$ 42,630., in order that Pleasant Hill Road might be paved, in its entirety, which would cut down on continuing temporary repairs and continuous maintenance of the heavily traveled street. In correspondence dated 9/27/82, Mr. Smith stated that the street had been accepted for state aid, but could be delayed indefinitely, in that the South High Street project was eliminated by the Department of Highways from its 6-year Improvement Program. City Manager Milam noted that quite a bit of the Street department's capital outlay was eliminated in the 1982-83 budget, and offered an opinion that the project of paving Pleasant Hill Road, if approved, should be done prior to cold weather. He presented a proposed appropriation form, charging the amount to General Fund Unappropriated Fund Balance. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 42,630. chgd.to: General Fund- Unappropriated Fund Balance

42,630. approp.to: General Fund (4102-7011.00) St.Inspect.- Work in Progress

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



✓ For information, Mayor Erickson reported that an Orientation Meeting of the JMU-Community Relations Committee had been held on September 27th, with the following current membership established:

John H. Byrd, Jr., Chairman - City of Harrisonburg Building & Zoning Official  
 Richard W. Presgrave - City of Harrisonburg, Chief of Police  
 Dr. Robert Scott, JMU, Vice-President of Student Affairs  
 James Krivoski, JMU, Director of Housing  
 William Gerlach, JMU, Assoc. Director of Housing & Dir. of Commuter Student Services  
 Ms. Jean Grimes, Citizen Representative for R-1 Residential District  
 Jerry Coulter, Citizen Representative for R-2 Residential District  
 Julius Ritchie, Citizen Representative for R-3 Residential District  
 Ms. Kim Brooks, JMU Student, Chairwoman for Commuter Student Committee  
 Sajan Thomas, JMU Student, Vice-President of Student Government Association  
 Ben Garrett, JMU Student, Commuter Student Representative


✓ Mayor Erickson informed Council that Mr. Bob Arnold, Co-Manager of J.M.'s Pub & Deli, was present in the Orientation Meeting of the JMU-Community Relations Committee, when various comments were made concerning problems caused by patrons of the establishment, in the residential neighborhood. Opposition was expressed by several citizens at Council's September 14th meeting, when a request was presented for issuance of a dance permit. Vice-Mayor Green reported that a group had met with the management of J.M.'s on another occasion to discuss objections raised at Council's meeting, and found them to be very receptive of suggestions made with regard to reducing the problem. The group was informed that two people would be employed for the purpose of policing the outside of J.M.'s in order to curb noise, littering and other disturbances in the residential neighborhood and Medical Arts parking lot. It was also agreed that the management would have meetings with neighbors in the area, with a request that any future complaints be registered directly with the management of J.M.'s. The Mayor asked members' wishes concerning the dance request. Following discussion, Councilman Rhodes moved that dancing be permitted at J.M.'s Pub & Deli, located at 1007 S. Main St., subject to compliance with all rules, regulations and verbal agreements. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.

✓ City Manager Milam reviewed in detail, every aspect of the Annexation Order, copies of which had been distributed to members of Council, HEC, School Board and other departments. A census of the annexed area is anticipated for March, 1983, which will hopefully meet with approval of the University of Virginia and the Bureau of Census. In discussing annexation costs to the City, Manager Milam offered an opinion that the initial obligations could be met with available funds. In reviewing costs for water & sewer, it was noted that both the town of Dayton and Rockingham County will have to agree re city acquisition of the south waterland, and should no agreement be reached concerning the price, by July, 1983, the Council will reconvene and set a price. In concluding the review, Manager Milam said that the tempo has picked up in all city departments, which may result in as many as 50 projects going on at the same time.

At 9:37 P.M., on motion of Councilman Dingledine, seconded by Councilman Rhodes, and a unanimous vote of Councilmen present, Council entered an executive session to discuss a real estate matter and personnel.

At 10:00 P.M., on motion duly adopted, the executive session was closed and the regular session reconvened. There being no further business, the meeting adjourned.

  
 CLERK

  
 MAYOR

Tuesday, October 5, 1982

At a special meeting of Council held in the Council Chamber this evening at 8:00 o'clock, there were present: Mayor Roy Erickson; City Manager Marvin B. Milam; City 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: City Attorney Norvell A. Lapsley.

Mayor Erickson reported that members had met earlier this evening for the purpose of visiting the City's new Heat Recovery Plant, which is fast approaching completion and said "this is some addition to our community!" He said that sometime in the future, a time may be set up in order that the public may visit the site.

✓ The Mayor stated that suggestion had been made by Council and the City School Board for a joint meeting, in order to sit down and discuss what the future holds for the City insofar as the addition of new land under recent annexation from Rockingham County. He welcomed members of the School Board, Superintendent of Schools Wayne King and Director of Finance for City Schools Paul Quintrell, noting that this would be an informal session in order to clarify certain responsibilities with regard to school/annexation related matters.

✓ Superintendent Wayne King reported that an additional 550 students (including approximately 45 Special Ed students) would come under the City's school system when annexation goes into effect December 31, 1982, and that the City will have to pay approximately \$ 320,000. (in six monthly installments) to educate those students in county schools for the remainder of this school year, which is a requirement in the court order. The final payment will be made, following a census of students in the annexed area. Under a formula worked out by the County School Superintendent, this would amount to approximately \$ 580.00 per student until the end of the school year in June, 1983. The county will lose some teachers and will have some surplus equipment. No decision has been made as to whether or not any of those teachers will be employed by the city, although interviews will be taken. The surplus equipment will be looked into, for possible use by the city school system. Mr. King noted that it has been agreed that the school principals will perform the task of transferring

records for the additional students, placing each in the respective grade level. He said that the School Board needs to know whether or not construction of eight additional classrooms at Spotswood Elementary School and eight at Waterman Elementary School, plans for which have been reviewed by City Council and the City Planning Commission, can be completed prior to school opening in August, 1983. Plans for the additional rooms at Keister School have been approved, and the project is "ready to go." Councilman Dingledine noted that Council has been informed of overcrowding in fourth grade classes at Keister Elementary School, and asked if anything could be done. Mr. King pointed out that the state code provides for no more than 30 students in any one class, and said that the situation at Keister would be relieved by the addition of one fourth grade teacher. It will be necessary to add 18 - 19 additional teachers in the various schools, following annexation. Councilman Dingledine asked if the Junior High School would remain the same, following addition of students. Mr. King replied that although final decisions have not been made, he feels that it will remain, perhaps "not the best situation", but also "not the poorest", in that approximately 88 students will have to be accommodated, in addition to the 397 students in Junior High this year. A new Junior High School will have to be considered sometime in the future. During discussion concerning bus service for students, Superintendent King noted that the City is required to bus those within the annexed area, free of charge. He expressed a concern that complaints will be received about the City not providing free service for students living in the current city, presently being charged 25¢ each way. Three alternatives were mentioned by Mr. King for transporting students from the annexed area next year, namely: (1) School Board could own its own transportation system; (2) School Board could own its own buses and contract with the City Transportation Department to operate the buses; (3) Contract regular buses to haul students, with the City then paying for the services and receiving refund from the state. When Councilman Cisney questioned whether or not it is necessary to provide bus service for children within a certain radius of the school, Mr. King replied that the Board considers busing of all students, requesting same, a moral obligation. City Manager Milam said that almost immediately, the City will have to survey the annexation line with regard to establishing metes and bounds (a requirement in the court order), in order that this information may be transferred to the City's Block map, and filed with the Circuit Court to be placed on record. Although not a court requirement, Manager Milam said he felt that a coordinated census in the annexed area is needed by March, 1983, in that this would be a great help to various departments if a head count of residents in the area is obtained, along with names and addresses. Such a census would further ensure that the city will receive its share of federal and state funding which is based on population, and reveal amount of taxable properties. He suggested that if approved, the census be taken in December or January, with the total figure to be added to the present population of Harrisonburg, estimated at 20,500 by the Tayloe-Murphy Institute of Charlottesville. Manager Milam said that the need for such a census is entirely up to Council and the School Board, and should cost in the neighborhood of \$ 15,000., with cost of the required survey to be about the same. Inasmuch as a proposed Appropriation Ordinance for use of Revenue Sharing Funds (\$500,000. - \$600,000.) will be presented to Council at its next regular meeting on October 12th, Manager Milam asked the School Board to present any immediate need for funds relating to annexation, prior to that time. Mr. William Julius, School Board member, suggested that although a school census in the City is required every three years around March, and is due in 1983, something could probably be worked out to cooperate with the city in December or January in the annexed area, with school figures to be reaffirmed after March of next year and consolidated with the city-wide census of students. Councilman Cisney offered a motion that the City Manager be authorized to initiate, in cooperation with the School Board, a census in the newly annexed area, subject to proper appropriation of funds. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council. After further discussion, Councilman Dingledine moved that the School Board proceed with plans, as reviewed by Council and the Planning Commission, for construction of eight additional classrooms at Spotswood Elementary School and eight at Waterman Elementary School. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council. In conclusion, Mr. Julius said that the Court's opinion reflects that the City "did its work" with regard to annexation, and "did it well." He noted that Council and the various city departments should be commended on a "job well done."

There being no other business and on motion duly adopted, the meeting adjourned at 9:25 P.M.

*N. Arlene Loken*  
CLERK

*Ray E. Erickson*  
MAYOR

Tuesday, October 12, 1982

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 September 28th were approved as corrected; minutes of special meeting held on October 5th, read and approved.

The following regular monthly reports were presented and ordered filed:

From the City Manager:

A report of activities in the various departments and said office for the month of September, 1982.

From the City Treasurer:

A trial balance report as of close of business on September 30, 1982.

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 total amount of \$ 7,690.08 for month of September, 1982.

From the City Auditor:

A financial report for the City of Harrisonburg, month of September, 1982.

A report of cash discounts saved in payment of vendor's invoices for month of September, 1982, totaling \$ 571.11.

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, 1982.

✓ Chief of Police Presgrave informed Council that he had attended the annual Automobile Ass'n Safety Award banquet in Richmond on September 21st. He presented two awards which he had received for the City of Harrisonburg, namely: Special Citation for outstanding Pedestrian Program Activities in the City, and from the Department of Transportation & Safety, an award in recognition of continued outstanding achievement in safety activities. He noted that the awards are representative of activities of the Police Department and School Patrol Ladies; cooperation of the City Street Department in placing signs, painting lines, etc.; City Council and the City Manager's Office. Efforts of a great number of people made the awards possible. Mayor Erickson said the City and community should be complimented for the cooperative effort, in making the city qualify in this manner.

✓ City Manager Milam presented Financial Statements of the Harrisonburg Parking Authority for a ten-year period ending 6/30/82, as prepared by A.M. Pullen & Company, CPA. From the report, he

noted Receipts of \$ 408,299.; Disbursements of \$ 347,968.; leaving balance of \$ 112,926., which includes the amount of \$ 52,595. cash on hand at beginning of the ten year period.

✓ Council received Financial Statements for The Harrisonburg Electric Commission, covering fiscal years 1981 and 1982, as prepared and submitted by A.M. Pullen & Company, CPA. He noted that copies of the report would be on file in his office and the City Auditor's Office for review, if so desired.

✓ City Manager Milam called members' attention to their copies of The Harrisonburg/Rockingham Regional Sewer Authority's Report on Examination as of 6/30/82, submitted by Mr. James H. Roadcap, Jr., Executive Director of the Authority. The report includes Financial Statements audited by Young, Nicholas, Mills & Company, as well as the 1981-82 report of the Sewage Disposal System's operation. Mayor Erickson, a member of the Authority, noted that the Authority is operating within its budget, with the problem of sludge currently being dealt with.

✓ City Manager Milam called attention to a report from the Harrisonburg Department of Transportation & Safety Commission's meeting held on October 5th, concerning its investigation of two proposed sites for construction of Hardee's Restaurants, and suggested that it be referred to the City Planning Commission for inclusion in its overall study, and recommendation to Council. On motion of Councilman Dingledine, seconded by Councilman Rhodes, and a unanimous vote of Council, the report was so referred.

✓ City Manager Milam presented the preliminary report on results obtained on completion of the "field work" of the 1983 General Reassessment, with new values established for a total of 5,633 taxable parcels of real estate and 241 non-taxable or exempt parcels, as submitted in correspondence from Mr. Victor Smith, Commissioner of Revenue. Tentative 1983 valuations are as follows: Taxable Real Estate: Land, \$ 101,895,400.; Improvements, \$ 304,686,800.; Total, \$ 406,582,200. (67.16%) -- Tax Exempt Real Estate: Land, \$ 18,044,400.; Improvements, \$ 180,723,100.; Total, \$ 198,767,500. (32.84%) -- Total all Real Estate- Taxable and Exempt \$ 605,349,700. (100%). The tentative figures indicate an increase in taxable value over 1982 of \$ 36,859,265. or 9.96%. Mr. Smith noted that final reassessment values will be reported in early November, after conclusion of all hearings and adjustments. The report was for information.

✓ Vice-Mayor Green moved that a supplemental appropriation in amount of \$ 42,630.00, requested by the Street Superintendent in order to pave Pleasant Hill Road, in its entirety, be approved for second & final reading, a first reading having been approved on September 28th, and that:

\$ 42,630. chgd.to: General Fund - Unappropriated Fund Balance

42,630. approp.to: General Fund (4102-7011.00) St. Inspect.- Work in Progress

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

✓ A request was received from Mr. Steve Hess, Data Processing Manager, for approval of a supplemental appropriation in amount of \$ 1,728.57, in order that funds received from the Commissioner of Revenue and City Treasurer might be appropriated into the ADP Equipment Account. Following a brief discussion, Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 1,728.57 chgd.to: General Fund (1901.01) Recoveries & Rebates

1,728.57 approp.to: General Fund (1220-7007.00) ADP Equipment

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

✓ A request was presented from Mr. Philip Peterman, City Auditor, for approval of a transfer in amount of \$ 204,018.84., in order to close out the Sewer Sinking Fund, due to retirement of Bond Issue. City Manager Milam noted that the account has been in existence since the 1960s, and that it is desired for the reserve balance in the account to be transferred into the Sewer Fund for use in acquiring sewer facilities in the annexed area. Councilman Dingledine moved that the transfer be approved, and that:

\$ 204,018.84. trans.from: Sewer Sinking Fund- Reserve for Bond Issue

204,018.84 trans. to: Sewer Fund - Unappropriated Fund Balance

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

✓ A request from City Auditor Peterman was presented, for approval of a supplemental appropriation in amount of \$ 204,018.84. in order to appropriate funds to acquire sewer facilities in the annexed area. Manager Milam noted that the funds represent the Reserve Balance in the Sewer Sinking Fund, which account was closed out in the preceding transaction. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 204,018.84 chgd.to: Sewer Fund - Unappropriated Fund Balance

204,018.84 approp.to: Sewer Fund (7011.03) Purchase of Utilities in Annexed Area.

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

✓ Council received a request from Assistant City Manager Driver for approval of a supplemental appropriation in amount of \$ 800., in order to appropriate money received as a rebate on the purchase price of a truck for the Sanitation Department, in that the amount was originally spent out of that department. Councilman Cisney moved that the appropriation be approved, and that:

\$ 800.00 chgd.to: Sanitation Fund (1900.01) Recoveries & Rebates

800.00 approp.to: Sanitation Fund (5413.01) Oper. Expenses -Resource Recovery Facility

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

✓ For information, correspondence was presented from Dr. Paul C. Cline, requesting that he not be considered for reappointment to the Harrisonburg Redevelopment & Housing Authority when his first term expires on November 29, 1982, due to his involvement in some writing tasks. He also tendered his resignation as a member of the Harrisonburg Department of Transportation & Safety Commission.

✓ For consideration of a first reading, and scheduling of a Public Hearing, City Manager Milam presented a proposed Appropriation Ordinance for Revenue Sharing Funds, Entitlement Period Thirteen (Oct. 1, 1981 to Sept. 30, 1982) and Interest on Unappropriated Revenue Sharing, in total amount of



\$ 607,401.84 for annexation-related Capital Improvements. He reviewed the breakdown of proposed appropriations for the various departments as follows: Police Department: \$ 40,181.00 (5 Police Cruisers with equipment); Fire Department: \$ 65,000.00 (Final Payment 1982 Fire Engine & Specialized Equipment for Hazardous Materials; Public Works Department: \$ 72,400.00 (1 Refuse Truck with Packer, 2 Snow Plows, Salt Spreader, 1 Pick Up Truck for Street Dept.); Recreation Department: \$ 41,500.00 (Prepare a portion of City Landfill for Future Athletic Facilities, 1 Pick Up Truck); Central Garage: \$ 6,800.00 (1 Pick Up Truck); Transportation Department: \$ 50,000.00 (3 Underground Fuel Tanks, Diesel, Unleaded, and Regular; Gasoline Computer Card System; 2 Taxi Vehicles; Landscaping at New Transportation Bldg.); Water Department: \$ 255,520.84 (To compensate Rockingham County for Water Facilities in Annexed Area) - Under Department of Education: School Board: \$ 76,000.00 (Classroom Furniture & Equipment; Automotive and Office Equipment). Following discussion and the City Manager's explanation concerning the City's financial involvement in annexation, Vice-Mayor Green moved that the Appropriation Ordinance for Revenue Sharing Funds be approved for a first reading, with Public Hearing scheduled for Tuesday, October 26th, 7:30 P.M. The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council.

✓ City Manager Milam reminded members that several months ago, request was received for Council to appoint a Lead Agency to establish a system of coordination of long-term care for the elderly and disabled, which action is mandated in Senate Bill 219. He said it was his understanding that the Agency would act, more or less, as Chairman, in setting up committees and coordinating local long-term care services. Councilman Dingleline, a member of the Valley Program for Aging Services' Advisory Board, referred to correspondence dated 9/29/82 from the Assistant Director of VPAS, informing that Rockingham County had designated VPAS as its Lead Agency, and that it would seem appropriate for the same to be named by both governing bodies, in that most agencies provide services for both the city and county. Inasmuch as the VPAS is already involved with aging services, Councilman Dingleline moved that VPAS be designated as Lead Agency. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ Council was reminded by the City Manager that on March 23rd of this year, approval had been granted for an exchange of land between the C-W Railway and the City of Harrisonburg (as recommended by the City Planning Commission) for relocating a portion of Chesapeake Avenue. The exchange was necessary in order that RMC, Inc.'s renovation project could include relocating the loading and unloading area from the present location. Relocation of the street portion would also relieve traffic in front of the renovated former Rockingham Milling Company building, which is bottle-necked. He presented the deed for land exchange, prepared by C-W Officials, and called attention to the survey sketch drawn by J. R. Copper, Jr., Land Surveyor, setting out 3,506 square feet of land to be conveyed to the railroad by the City and 4,007 square feet to be conveyed by the railroad to the City, resulting in a gain of approximately 500 square feet for the City. Following a brief discussion, Councilman Rhodes moved that the Mayor and Clerk be authorized to sign the deed on behalf of the City of Harrisonburg. The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Council.

✓ The City Manager presented minutes from an October 5th meeting of the Harrisonburg Parking Authority, as submitted by Ms. Nancy Salem, Secretary. He called attention to the following items listed in the report: Motion for City Auditor Philip Peterman to serve as the Authority's Treasurer; Motion to accept the audit report prepared by A.M. Pullen & Company; Motion to instruct the City to immediately close the Kimball lot. Manager Milam noted that the Kimball lot, located on the southwest corner of West Wolfe & N. Liberty Streets, was purchased by the city several years ago, and has been used for free parking. He pointed out the fact that the city has tried to provide some free parking each year in some areas around November and December, for holiday shoppers. Although he expressed concern about appearance of the lot, should it be barricaded against parking, and the fact that shoppers would have to park elsewhere in metered spaces, Manager Milam said that decision concerning the lot, was up to Council. Following discussion, the City Manager was asked to contact the Parking Authority to determine what objections, if any, members may have against the free lot, and what they may have in mind for future use of the lot.

✓ Vice-Mayor Green informed Council that he had received a number of complaints from residents of Hawkins Street concerning no parking spaces in front of their homes, and traffic congestion, since recent construction of apartment buildings in the area. He said he felt sure that any solution would be acceptable, and suggested that the matter be discussed with city staff. Assistant City Manager Driver noted that the only thing that could be done, would be to set up a 1-way traffic pattern on Norwood & Hawkins Streets, in that parking cannot be removed from Hawkins Street, and there is no right-of-way for widening the street. Mr. Driver noted that the problem is primarily due to residents of the apartments utilizing street parking, rather than in areas provided in rear of the buildings. During discussion, it was agreed that some type of organizational plan is needed in that entire area, including Frankline Street extended, which also experiences problems. The City Manager was asked to bring the matter up before City Staff to determine what measures could be taken to relieve the situation.

✓ For information, the City Manager reported that the Transportation Building is near completion in northeast Harrisonburg, and expressed a hope that the operation may be moved from Noll Drive this weekend, in that a new tenant is moving in at that location.

✓ The City Manager reported for information, that two survey parties are working in the annexed area and draftsmen are preparing maps, at no extra cost to the city, in that they are working out of the City's Engineering Department. The work is approximately 2/3 complete and will result in some 75 additional pages being added to the City's present Block Map.

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 9:10 P.M.

*N. Arlene Loken*  
CLERK

*Ray Green*  
MAYOR

Tuesday, October 26, 1982

At a combined public hearing and regular meeting 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. Dingle, Jr., Elon W. Rhodes; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: Mayor Roy Erickson and Councilman James C. Cisney.

Vice-Mayor Green presided over the meeting in the absence of the Mayor, and called the meeting to order.

Minutes of the regular meeting held on October 12th were approved, as corrected.

For information, City Manager Milam presented correspondence dated 10/13/82 from the Virginia Historical Landmarks Commission, informing Mr. Darryl Nash officially that the Anthony Hockman House had been entered in the National Register of Historical Places on July 8, 1982. Councilman Dingle offered an opinion that appreciation should be expressed in a letter to Mr. Nash for restoring the house, and all Councilmen present were in agreement.

Mr. Hiram Zigler, Chairman of The Upper Valley Regional Park Authority, and Mr. George Welch, Harrisonburg's representative and Treasurer of the Authority, were present in the meeting for the purpose of presenting written material concerning financial history of the Authority, including charts and graphs showing attendance, revenue and expenses for Grand Caverns and Natural Chimneys. The presentation was made before the Rockingham County Board of Supervisors last night, and will be presented to the Staunton City Council this Thursday evening, and to the Augusta County Board of Supervisors on November 10th. A request is being made for the four participating localities to approve an interest free loan of \$ 42,500. each, in order that debts amounting to approximately \$ 170,000. which has been amassed over the past three years, may be retired. Mr. Welch informed Council that salaries, expenses, etc. have escalated the past 3 years, with no supplemental Federal Grants received by the Authority. A decline in park attendance has resulted in a loss of revenue and contributed to the debt. He said he would hate to see the \$2 million investment "go down the tube", which may result, should the localities lend no support. Any excess revenue in the coming years would be split among the localities (approximately 20% to each), in an effort to pay back the loans. Mr. Welch stated that although the state law does not specifically place the responsibility for debts incurred by the Authority, on the localities participating, the Code implies it. According to the representatives, the Authority's budget for year ending September 30, 1983 is a realistic one which received considerable time and work, with salaries and expenses held to a minimum. Both expressed the feeling that the loan requested from each locality is small, when it means protection of the \$2 million investment. City Manager Milam asked how excess revenue would be determined, to which Mr. Welch replied that it would be determined from the audit conducted at the end of September and that the money would be in the bank. He noted that the Authority employees have no benefits, other than their personal hospitalization, and that the park managers for Grand Caverns and Natural Chimneys are responsible for those parks, with very little increase in salaries for the added responsibility. Following the presentation and discussion, Vice-Mayor Green assured Messrs. Zigler and Welch that the Harrisonburg City Council would strive to continue its support of the Upper Valley Regional Park Authority. Mr. Zigler, in closing, reminded Council of a vacancy which exists on the Authority's Board with the recent resignation of Ms. Betty Morris, and asked consideration for a replacement.

For information, City Manager Milam informed Council that both Rockingham County and the City of Harrisonburg had received notice from the Supreme Court of Virginia, that the County's petition for a rehearing had been denied on October 15, 1982. He referred to correspondence dated 10/25/82 from the law firm of Mays, Valentine, Davenport & Moore, Richmond, Va., enclosing a copy of the Final Order entered by the Virginia Supreme Court in the appeal of Harrisonburg's case, stating as follows:

*"Upon an appeal from a judgment rendered by the Circuit Court of Rockingham County on the 1st day of September, 1981.*

*For reasons stated in writing and filed with the record, the court is of opinion that there is no error in the judgment appealed from. Accordingly, the judgment is affirmed, but is modified to provide that annexation take effect at midnight on December 31, 1982, and that all interrelated time deadlines be adjusted one year to conform to that change. The appellant shall pay to the appellee thirty dollars damages and the costs expended herein.*

*This order shall be certified to the said circuit court and to the Secretary of the Commonwealth."*

Allen L. Lucy, Clerk

At 8:20 P.M., Vice-Mayor Green closed the regular session temporarily and called the evening's public hearing to order. City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper on October 14, 1982:

REVENUE SHARING  
PUBLIC NOTICE  
BUDGET HEARING

*The Harrisonburg City Council will hold a public budget hearing on October 26, 1982, 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 1982-83 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 1982-83 Annual Budget, which was adopted by City Council on May 25, 1982, following a public hearing, and the proposed Revenue Sharing Fund Budget below can be inspected by the public from 8:30 a.m. until 5:00 p.m. on Monday through Friday in the City Manager's Office, second floor Municipal Building.*

PROPOSED REVENUE SHARING BUDGET

## ANTICIPATED REVENUE:

Unappropriated Revenue Sharing (Interest)	\$ 91,726.84	
Revenue Sharing Entitlement Period Thirteen- October 1, 1981 to September 30, 1982	515,675.00	
TOTAL PROPOSED REVENUE		\$607,401.84

## PROPOSED EXPENDITURES:

## MUNICIPAL DEPARTMENTS:

Police Department:		
5 Police Cruisers with equipment	\$ 40,181.00	
Fire Department:		
Final payment 1982 Fire Engine & Specialized Equipment for hazardous materials	65,000.00	
Public Works Department:		
1 Refuse Truck with Packer, 2 Snow Plows, Salt Spreader, 1 Pick Up Truck for St. Dept.	72,400.00	
Recreation Department:		
Prepare a portion of City Landfill for Future Athletic Facilities, 1 Pick Up Truck	41,500.00	
Central Garage:		
1 Pick Up Truck	6,800.00	
Transportation Department:		
3 Underground Fuel Tanks, Diesel, Unleaded, & Regular; Gasoline Computer Card System; 2 Taxi Vehicles; Landscaping at New Trans. Bldg.	50,000.00	
Water Department:		
To compensate Rockingham County for Water Facilities in Annexed Area	\$255,520.84	
TOTAL MUNICIPAL DEPARTMENTS		\$531,401.84

## DEPARTMENT OF EDUCATION:

School Board:		
Classroom Furn. & Equipment; Automotive and Office Equipment	76,000.00	\$607,401.84

CITY OF HARRISONBURG- Marvin B. Milam, City Manager

Vice-Mayor Green called on anyone present desiring to be heard concerning the Proposed Revenue Sharing Budget. There being no one, the Hearing was declared closed at 8:25 P.M. and the regular session reconvened.

City Manager Milam presented for consideration of a second & final reading, a proposed Appropriation Ordinance for Revenue Sharing Funds, Entitlement Period Thirteen, in total amount of \$ 607,401.84, which ordinance had been approved for a first reading on October 12th. He explained in detail, each departmental appropriation, and noted that practically all listed items were annexation related. Councilman Dingleline moved that the Appropriation Ordinance for Revenue Sharing Funds 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 Minute Book. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Councilmen present. (Minute Book "O", pages 309-310).

The following Planning Commission report from its October 20th meeting was presented and read, concerning a request of Boddie-Noell Enterprises, Inc. for rezoning one acre of land on the southeast corner of Cantrell Avenue and Reservoir Street, from R-2 Residential to B-3 General Business:

"Chairman Eneedy asked the Director to read the Harrisonburg Traffic & Safety Commission's report. The portion dealing with the Cantrell Avenue-Reservoir Street site was concluded by Mr. Wayne King's motion... 'The traffic plan as presented by Hardees at the intersection of Cantrell Avenue and Reservoir Street is acceptable as presented. However, a traffic flow pattern may be forthcoming because of the proximity of one entrance being too close to the intersection of Reservoir Street and Cantrell Avenue although it complies with City Code. This motion was seconded by Mr. Julius Ritchie and all members voted aye'...

Mr. Frank Caldwell, engineer for Boddie-Noell, told the Planning Commission it isn't feasible to eliminate the exit near the intersection but it could be marked an 'exit only' roadway. He agreed that making a left turn to go south on Cantrell will cause problems. Mrs. Bowman asked if the proposed Hardee's Restaurant will operate 24 hours per day. Mr. White of Boddie-Noell said he doesn't know at this time; it will depend on their experience. Mrs. Bowman said she feels Reservoir St. is a logical boundary line for the adjacent B-2 zone which contains nearby Cloverleaf Shopping Center, and she would not like to see a 24 hour fast-food outlet on the proposed site. Mr. Rhodes asked if one site is contingent on approval of the other (the Port Road Site). Mr. White stated his firm sees it as a 'package' and the Harrisonburg Development Authority has endorsed the financing of both sites, if rezoning is granted. Mr. Rhodes noted that the corner being considered will never be developed as single family home sites and Attorney Henry Clark clarified that the Preston Heights Subdivision covenants, limiting that subdivision to single family homes only, applied to the recorded sections only. This site is not within a subdivided section. The Director asked if any other potential businesses have been or are being considered if Hardees' is allowed. Mr. Clark answered 'no'.

Mr. Heath concluded the discussion with a motion that the Commission recommend rezoning the one acre in the southeast corner of Cantrell Ave. and Reservoir St. from R-2 Residential to B-2 General Business, provided the curb-cut on Cantrell Avenue near the intersection be a one-way north exit lane only. Mr. Rhodes seconded the motion.

Chairman Eneedy asked for clarification about Boddie-Noell's lease agreement

of 'no competition.' If the one acre is rezoned, Hardees' is protected from competition, but property values of remaining residential land are not protected. Mr. Heath commented that the remaining R-2 Preston land will be a future issue if and when another rezoning proposal comes up.

Voting in favor: Messrs. Heath, Rhodes, Trobaugh and Milam. Voting against: Mrs. Bowman."

City Manager Milam called attention to minutes of the Planning Commission's public hearing held on September 15, 1982, and map showing proposed location of the Hardees' Restaurant and area proposed for rezoning, attached to the Commission's report. Councilman Rhodes moved that Council accept the report of the Planning Commission and schedule a public hearing for Tuesday, November 23rd, 7:30 PM. The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Council. The City Manager was instructed to properly advertise the Hearing in the Daily News Record newspaper.

Council received the following report from a Planning Commission meeting of October 20th concerning a request of Boddie-Noell Enterprises, Inc. for rezoning one acre of land on the southwest corner of Port Republic Road and Interstate 81, from R-1 Single Family Residential to B-2 General Business:

"...The Director read the Harrisonburg Traffic Safety Commission's report concerning the Port Republic Road site... Mr. Wayne King made the following motion... It is the opinion that to rebuild Port Republic Road at the interstate interchange as designed by Hardees would create a greater traffic hazard than now exists. The plan as presented could be given strong consideration after the Department of Highways completes the rebuilding of the Port Republic interchange which is scheduled to be advertised in the spring of 1984. If Hardees' is allowed to build on their lot as requested, the Commission suggests that Hardees' present a design of traffic signals at Hillside Avenue entrance to Port Republic Road and J.M.U. entrance along with traffic signals at both ramps entering onto Port Road from I-81 and the entrance to their lot be from Hillside Avenue. The motion was seconded by Julius Ritchie and all members voted aye.."

Boddie-Noell's engineer, Mr. Caldwell, responded that the Safety Commission 'suggests' the three traffic lights. Also, he felt they were concerned on how new traffic lanes could feed onto the 2-lane Port Road bridge. He said not all lanes as shown on the site plan need to be constructed until the bridge is rebuilt into a 5-lane crossing (as shown on preliminary State Highway Department plans). He added that Boddie-Noell will try to help in obtaining a traffic light at Hillside Avenue and J.M.U. entrance.

Chairman Eneidy stated there will be greater problems if Hardees' is allowed to build exits-entrances on Port Road between Hillside Avenue and I-81.

Mr. Caldwell then introduced a revised site plan, showing only one entrance-exit on Port Road. Mr. White added that his firm would follow the revised plan. As for establishing two Hillside Avenue entrance-exits, Mr. Caldwell said the grade is too steep. The Commissioners insisted that a traffic light at Hillside and J.M.U. will be necessary. Concerning sign styles, Mr. White said Hardees' will not use a neon or blinking-type sign or signs; they will attempt to attract interstate traffic, but will be sensitive to the character of the nearby residences, WVPT and JMU.

Mr. Milam concluded the discussion with a motion that the Commission recommend rezoning the one acre for Boddie-Noell on the southwest corner of Port Republic Road and Interstate 81 from R-1 Single Family Residential to B-2 General Business District, based on the revised site plan concept and providing that a new 'final plan' is presented to City Council. Mr. Milam further noted that this property isn't suitable for single family homes as it is surrounded by non-residential uses (JMU, WVPT, and I-81, and commercial development across I-81). Attorney Clark noted that financing through the Industrial Development Authority must be settled soon, and Boddie-Noell must purchase the land before December 31, 1982. Mr. Trobaugh asked if there is a traffic light on the revised site plan. Mr. White replied that his firm will work with the Highway Department and the City on the best solution. Mr. Byrd urged use of Hillside Avenue for entrance-exits, with no cuts on Port Road.

Mr. Heath seconded Mr. Milam's motion. Voting in favor: Messrs. Milam, Heath, Rhodes and Mrs. Bowman. Voting against: Mr. Trobaugh..."

Councilman Rhodes moved that Council accept the Planning Commission report and schedule a public hearing for Tuesday, November 23rd, 7:30 P.M. The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Councilmen present. The City Manager was instructed to properly advertise the Hearing in the Daily News Record newspaper.

Councilman Dingleline moved that a supplemental appropriation in amount of \$ 1,728.57, requested by the Data Processing Manager in order to appropriate funds received from the Commissioner of Revenue and City Treasurer, for use in purchase of ADP equipment, be approved for second & final reading, a first reading having been approved on October 12th, and that:

\$ 1,728.57 chgd.to: General Fund (1901-01) Recoveries & Rebates

1,728.57 approp.to: General Fund (1220-7007.00) ADP Equipment

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 \$ 204,018.84 for purchase of sewer facilities in the annexed area, be approved for second & final reading, a first reading having been approved on October 12th, and that:

\$ 204,018.84 chgd.to: Sewer Fund - Unappropriated Fund Balance

204,018.84 approp.to: Sewer Fund (8001.03) Purchase of Utilities in annexed area

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

A request was presented from Mr. John H. Byrd, Jr., Building/Zoning Official, for approval of a



supplemental appropriation in amount of \$ 764.65, in order that insurance monies received for damages to the Sipe House (301 S.Main St.) may be used for repairs. Councilman Dingledine moved that the appropriation be approved, and that:

\$ 764.65 chgd.to: General Fund (1901.01) Recoveries & Rebates

764.65 approp.to: General Fund (4302-3004.10) General Properties- Maint. & Repairs - 301 S.Main St.

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

For Council's information, City Manager Milam presented correspondence from the Department of Social Services, advising of the confirmation by the State Bureau of Personnel Office, Richmond, Va., the promotion of Mrs. Sonja A. Bible from Senior Social Worker to Director III, of the Harrisonburg Department of Social Services. Mrs. Bible replaces Mrs. Marie Arrington, recently retired.

City Manager Milam presented and read the following proposed resolution as submitted by Chief of Police Presgrave, 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 Sunday, October 31, 1982 (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

Manager Milam informed Council that there have been different reactions by various governing bodies concerning the celebrating of Halloween this year, and asked if it may be desired for trick-or-treating to be eliminated altogether, or a change in the day of celebration from that set out in the resolution. Councilman Rhodes said he preferred Saturday, October 30th, rather than Sunday, October 31st, and expressed a desire for trick-or-treating to be at an earlier hour than 8:00 or 9:00 P.M. When questioned concerning a change in date, Chief Presgrave noted that his department has no special preference as to the night, but added that the resolution was based on a Halloween activity which is scheduled by the Recreation Department for Sunday afternoon from 3:00 to 5:00 P.M. Following discussion, Councilman Dingledine offered a motion that Saturday, October 30th be established as the day for celebrating Halloween, with further request that parents observe Saturday for Trick-or-Treating between the hours of 5:00 P.M. and 7:00 P.M., with authorization for the proper officials to sign an amended resolution. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

Correspondence dated October 19, 1982 from City Treasurer Beverly A. Simmons was presented and read, requesting to be advised of Council's desire with regard to advertising as unpaid, the delinquent real estate for years 1980 and 1981. Approval of the Governing Body is a requirement under Chapter 9, Section 16 of the Harrisonburg City Code as amended December 11, 1973. Following a brief discussion, Councilman Dingledine moved that the City Treasurer be authorized to advertise the delinquent real estate for years 1980 and 1981, as unpaid. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

Councilman Rhodes registered complaints he had received concerning joggers running in the streets and into traffic. Vice-Mayor Green said he had received similar complaints of joggers, and also of bicycles on city streets at night, with no lights. It was suggested that the complaints be referred to the JMU-Community Relations Committee.

At 9:10 P.M., Councilman Rhodes moved that Council enter a brief executive session to discuss a legal matter. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.

At 9:55 P.M., on motion duly adopted, the executive session was declared closed and the regular session reconvened. There being no further business, the meeting was adjourned.

*[Signature]*  
CLERK

*[Signature]*  
VICE-MAYOR



A P P R O P R I A T I O N   O R D I N A N C E

O F T H E C I T Y O F H A R R I S O N B U R G , V I R G I N I A

F o r T h e R e v e n u e S h a r i n g F u n d

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)	\$ 91,726.84	
Revenue Sharing Entitlement Period Thirteen -		
October 1, 1981 to September 30, 1982	<u>515,675.00</u>	
TOTAL PROPOSED REVENUE		\$07,401.84

PROPOSED EXPENDITURES:

MUNICIPAL DEPARTMENTS:

Police Department:

5 Police Cruisers with equipment	\$ 40,181.00
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Fire Department:

Final Payment 1982 Fire Engine & Specialized  
Equipment for Hazardous Materials \$ 65,000.00

Public Works Department:

1 Refuse Truck with Packer, 2 Snow Plows, Salt  
Spreader, 1 Pick Up Truck for Street Department 72,400.00

Recreation Department:

Prepare a portion of City Landfill for Future  
Athletic Facilities, 1 Pick Up Truck 41,500.00

Central Garage:

1 Pick Up Truck 6,800.00

Transportation Department:

3 Underground Fuel Tanks, Diesel, Unleaded, and  
Regular; Gasoline Computer Card System; 2 Taxi  
Vehicles; Landscaping at New Transportation Bldg. 50,000.00

Water Department:

To compensate Rockingham County for Water Facilities  
in Annexed Area 255,520.84

TOTAL MUNICIPAL DEPARTMENTS \$531,401.84

## DEPARTMENT OF EDUCATION:

School Board:

Classroom Furniture and Equipment; Automotive and  
Office Equipment \$ 76,000.00

TOTAL PROPOSED EXPENDITURES \$607,401.84

This ordinance shall become effective October 26, 1982

Given under my hand this 26th day of October, 1982

*Walter J. Green*  
VICE-MAYOR

ATTEST:

*N. Arlene Loken*  
CLERK OF COUNCIL

Tuesday, November 9, 1982

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 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 October, 1982.

✓ From the City Treasurer:

A trial balance report as of close of business on October 29, 1982.

✓ 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 \$ 6,227.16

✓ From the City Auditor:

A financial report for the City of Harrisonburg, Va., month of October, 1982.

A report of cash discounts saved in payment of vendor's invoices for month of October, 1982, totaling \$ 244.21

✓ 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, 1982.

✓ Mr. Marvin Luckett, President of the Harrisonburg Education Association, appeared before Council in commemoration of "American Education Week" which will be observed November 14 - 20. He presented each member of the governing body with a brochure entitled "Schools are Giving More than Ever", as well as an appropriately boxed apple. Following the brief presentation, Mayor Erickson stated that Council is proud of the education system in this community, which has always come up to expectations.

✓ The City Manager presented correspondence from Mr. Larry Nolt, Manager of Family Heritage Restaurant, requesting permission to hold a five kilometer race on Thursday, November 25th (Thanksgiving Day), beginning at 9:00 A.M. in the parking lot at Heritage Restaurant, 350 Waterman Drive, and ending at the same location. Prizes will be awarded by Wampler Foods of Hinton and by Heritage Restaurant, with any profit from the community activity not likely to be experienced by the restaurant. The race course will require approximately 45 minutes for completion, and is as follows: north on Waterman Drive into Holiday Hills, continue across Chicago Avenue, behind Red Front Market onto Willow St. to West Market Street, west on Route 33 to Waterman Drive and back to the parking lot. A legal waiver of liability clause will be included in the registration form for all runners. When Mayor Erickson raised a question of whether traffic control would be necessary, Mr. Nolt replied that the time of 9:00 A.M. was selected in consideration of lighter traffic, and pointed out that the race would begin and end on private property. The Mayor offered an opinion that some traffic control may be good, in that traffic is fast moving on Waterman Drive. Following discussion, Councilman Cisney moved that Council offer no objection to the race on Thanksgiving Day. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council. Mayor Erickson wished the establishment "every success" in the community activity.

✓ City Manager Milan presented correspondence dated 10/29/82 from Mr. W. J. Court, a representative of Christopher's, 51 Court Square, requesting permission for dancing in the establishment on special occasions, when orchestras and bands are invited. It was noted that a detailed diagram of the mezzanine had been delivered to Mr. John Byrd, Building/Zoning Official. In keeping with the current policy, Manager Milan noted that the request had been referred to the Police Chief, Fire Chief and Building/Zoning Official, for investigation of the premises by each, and written recommendation concerning dancing. According to Memos from each of the aforementioned city officials, no objections were expressed to dancing at Christopher's. Following a brief discussion, Councilman Dingleline moved that the request of Christopher's be granted, which motion, upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

✓ For Council's information, City Manager Milan presented the following results of the General Election held in the City of Harrisonburg on November 2, 1982, as submitted and signed by officials of the Harrisonburg Electoral Board: Charles McNulty, III, Chairman; Betty H. Jolly, Vice-Chairman and Frances G. Ore, Secretary:

MEMBER U.S.SENATE: Richard J. "Dick" Davis, 1,606; Paul S. Tribble, Jr., 2,512;  
Ron Carrier, 1

MEMBER HOUSE OF REPRESENTATIVES:  
James R. "Jim" Olin, 1,492; Kevin G. Miller, 2,559;  
Robert L. Farris, 60

MEMBER HOUSE OF DELEGATES:  
Roger A. Ritchie, 1,756; Phoebe M. Orebaugh, 2,340;  
John G. Leake, Sr., 1

DIRECTOR SHENANDOAH VALLEY DISTRICT SOIL & WATER CONSERVATION DISTRICT:  
Harold H. Bush, 1,089; James E. Thornton, 964; Joseph Acker, 1;  
Stephen Cross, 1 (Bush & Thornton elected)

The report also included results of three Proposed Constitutional Amendments.

✓ For information, City Manager Milan presented the Report on Audit of Commonwealth Revenues for period 1/1/82 through 6/30/82, received and remitted by the City Treasurer, showing balance of \$ 5,913. A copy of the report, prepared by Mr. Charles Tribble, Auditor of Public Accounts, will be on file in the office of City Manager.

✓ The City Manager presented correspondence dated 11/5/82 from the firm of Patton, Harris, Rust & Associates, on behalf of Mr. Edwin Swope, enclosing a site plan on Lot #3, J.R.Hollar Tracts, 1617 S.Main Street. The lot is located across the railroad tracks from Rocco Chickens and Roth Theatre. On motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote of Council, the Site Plan was referred to the City Planning Commission for review and report.

✓ Dr. Paul Cline was present in the meeting along with members of Boy Scout Troop \$40 of Asbury United Methodist Church, for the purpose of observing a meeting of Council. He noted that the Group will be studying a variety of subjects, including the government of our community, problems in the community, etc. Mayor Erickson welcomed the Troop members and invited them to contact any member of Council or the City Manager with any questions they may have.

✓ An invitation was extended for members of Council to ride in the Veterans Day Parade on Thursday, November 11th at 4:00 P.M., with reception to follow at the Sheritan Inn.

✓ Inasmuch as Commissioner of Revenue Smith would be out of town and unable to attend this evening's meeting, City Manager Milam called on the City Attorney to present a proposed ordinance for Council's consideration. Attorney Lapsley called attention to the 56 page ordinance repealing and re-enacting Harrisonburg City Code Chapter I of Title 12 entitled "Licenses." He reviewed the ordinance with members of Council, noting that considerable time had been spent by the Commissioner of Revenue and himself, in completely revising the Chapter, which must be approved prior to January 1, 1983. Manager Milam pointed out four major changes in the ordinance, namely: Retail Business License reduced to the state maximum of 20¢ per \$100 of gross receipts, from the current 25¢ rate; Financial, Real Estate and Professional Services license tax reduced to the state maximum of 58¢ per \$100 of gross receipts (presently 75¢); City Business Tax on Repair, Personal, Business or Other Services reduced from 25¢ to 20¢ per \$100 of gross receipts; Annual License Tax for Contractors increased from 13¢ to 16¢ per \$100 of gross receipts. Attorney Lapsley offered an opinion that adoption of the revised ordinance should bring Chapter I of Title 12 into compliance with the state code. Councilman Cisney moved that the ordinance be approved for a first reading. The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council.

✓ City Attorney Lapsley presented for Council's consideration, an ordinance amending Title 4, Chapter 2, of the Harrisonburg City Code, to include Article E "Land Use Tax." The section was mandated by the Court and must be in effect by January 1, 1983, when annexation by the City of 11.64 square miles becomes effective. Purpose of the Land Use Ordinance is to provide tax relief for farm lands in the city and the annexed area, and, according to the City Attorney, was lifted almost verbatim from the state code. A clause is included which will allow the City of Harrisonburg to collect back or deferred taxes on lands with altered use (i.e. rezoning & subdividing a farm for housing sites). Following a brief discussion, Vice-Mayor Green moved that the ordinance be approved for a first reading. The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council.

✓ On motion of Councilman Cisney, seconded by Councilman Dingledine, and a unanimous vote of Council, the Clerk was authorized to remove the following matters from Council's calendar, due to satisfactory action having been taken on each:

MAYOR:

With City Manager, obtain additional information re Regional Employment Training Council (i.e. number of meetings; where to be held, etc.) prior to submitting names of individuals to serve (8/24/82)

(reported by Mrs. Blosser that Mr. Driver's name had been submitted)

CITY ATTORNEY:

Bring in information re consent agenda (2/12/80)

(reported by Attorney Lapsley that information had been provided)

PLANNING DIRECTOR/COMMISSION:

Request of Victory Baptist Church to rezone lots Spotswood Acres S.D. (3/9/82)

(request withdrawn and reported by Planning Director 9/14/82)

Resubdivision of property north end Walker Street (Va. Properties--Marshall Price (4/27/82); referred back to Planning Commission (7/27/82)

(resubdivision approved 9/14/82)

Final Plat for proposed additions to Lots 12 - 16 of the C.N.Heltzel Addition by Ken Kline (8/10/82)

(approved 9/28/82)

HARRISONBURG DEPARTMENT OF TRANSPORTATION & SAFETY COMMISSION:

Investigate matter of cars running over curb at corner of E.Elizabeth and Mason Streets (7/13/82-9/14/82)

(9/28/82 - Council approved Commission's report, with no action taken for larger curb radius, for which the Commission felt no need)

Investigate need for walk light - corner E.Market & Mason Sts. (7/13/82-9/14/82)

(9/28/82 - reported that signal had been reworked)

Investigate Cantrell Ave./Reservoir St. traffic light - left turn (5/11/82-9/14/82)

(9/28/82 - reported left turn provided)

Investigate intersection South Avenue & S.Main St. for difficulty in entering Main Street (5/25/82-9/14/82)

(9/28/82 - Council approved Commission's report with recommendation for no traffic light at this intersection)

GENERAL MATTERS:

Proposed annexation of 14 square miles from Rockingham County.

(City awarded 11.64 sq.miles to become effective midnight 12/31/82)

Review request of Valley Program for Aging Services to be designated Lead Agency, prior to action (7/13/82)

(VPAS designated Lead Agency at meeting on 10/12/82)

✓ City Manager Milam presented a request from the Director of Parks & Recreation for approval of a transfer of funds in amount of \$ 5,982.20, into the General Fund Unappropriated Fund Balance, in order to transfer monies for salaries paid concession employees from the 1982 seasonal profit of Westover Pool Concession Stand. It was noted that the funds are presently in the Parks & Recreation Revolving Fund. Councilman Dingledine moved that the transfer be approved, and that:

\$ 5,982.20 trans.from: Parks & Recreation Revolving Fund - C-1 Concessions

5,982.20 trans. to: General Fund - Unappropriated Fund Balance

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

✓ A request was presented from the Parks & Recreation Director for approval of a supplemental appropriation in amount of \$ 5,982.20 in order to transfer monies to appropriate budget account for salaries paid concession employees from 1982 seasonal profit of Westover Pool Concession Stand. Manager Milam pointed out that the previous transaction had transferred the funds from the P & R Revolving Fund into the Unappropriated Fund Balance of the General Fund. Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 5,982.20 chgd.to: General Fund - Unappropriated Fund Balance

4,614.95 approp.to: General Fund (7104-1010.01) COMMUNITY ACTIVITIES CENTER-Other Per.Ser.



\$ 991.61 approp.to: General Fund (7107-1010.01) WESTOVER SWIMMING POOL- Other Per.Serv.)  
 375.64 approp.to: General Fund (1217-2001.01) EMPLOYEE'S RETIREMENT ADMIN.  
 (Social Security 6.70%)

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

✓ Correspondence dated 10/25/82 was presented and read from W.Raymond Showalter, Jr., requesting that he not be considered for reappointment to the Harrisonburg Parking Authority upon expiration of his present term in November of this year, due to other time consuming activities, and the fact that three months of the year are spent in Florida. It was noted that according to records, Mr. Showalter is actually completing his second term on the Authority, and therefore would not be eligible for reappointment. Mayor Erickson said he would write a letter of appreciation to Mr. Showalter for services rendered during the two terms of 5 years each, which he has served.

✓ Although action was deferred with regard to appointments to Boards & Commissions, City Manager Milan asked members of Council to be giving some consideration to submitting not less than three nor more than five nominees for appointment by the Circuit Court to comprise an Equalization Board, with later reminder for action to be taken. He presented each member with a copy of the state code, Chapter 19 "Local Boards of Equalization" for information.

✓ In correspondence dated 11/4/82, the following recommendations were submitted by a special committee appointed by the City Manager (comprised of R.J.Sullivan, Jr., John H.Byrd, Jr., Ralph Smith, Chief Presgrave and John Driver) to review the possibility of a one-way traffic pattern on Hawkins Street and Norwood Street:

1. Hawkins Street be made one-way east or north from Reservoir Street to the alley that connects Hawkins Street with Norwood Street, from this point to East Market Street, Hawkins Street would remain 2-way traffic. Also, the alley running between Hawkins St. and Norwood St. would remain 2-way traffic.
2. The City should make plans to immediately purchase all additional rights-of-way to widen Norwood Street at its intersection with Reservoir Street.

The report also included a suggestion that lines be painted for individual home owners, in order to relieve parking problems presently existing. Inasmuch as this particular area has been a concern for quite some time, Vice-Mayor Green moved that the recommendations of the special committee be approved, with work on the one-way traffic pattern to be expedited, along with acquisition of necessary rights-of-way for widening of Norwood Street; further, that lines be painted in front of single family residences on Hawkins Street as soon as weather permits. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

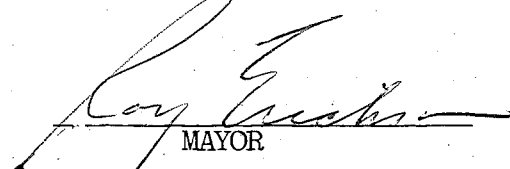
✓ Mr. Wayne King, Superintendent of City Schools, presented each member of Council with a copy of report setting out bids received for construction of eight classrooms at Spotswood Elementary School and eight classrooms at Waterman Elementary School. The lowest of five bids, ranging from \$ 1,040,090. to \$ 1,104,018., was submitted by Nielsen Construction Company as follows: base bid for total project, \$ 1,004,990. (Spotswood, \$ 507,520.; Waterman, \$ 497,470.); alternates 1 and 2 for Spotswood School in amount of \$ 21,100. and alternates for Waterman in amount of \$ 14,000., or a total bid of \$ 1,040,090. Mr. King noted that Literary Fund Loans had been approved for each school project in amount of \$ 504,000., leaving amount needed for Spotswood School of \$ 67,000. and for Waterman School, \$ 49,000., taking into consideration various other costs involved: landscaping; plans/specifications/printing/advertising and contingency allowance. He asked permission of Council to apply for separate supplemental loans through the Literary Loan Fund. Following discussion, Vice-Mayor Green moved that Council approve acceptance of the low bid submitted by Nielsen Construction Company and to grant permission for the Harrisonburg School Board to apply for the supplemental amounts needed. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ Councilman Dingledine said he had received further complaints concerning bicycles, in general, with no reflectors or lights, and offered an opinion that some measures should be taken to enforce a requirement for properly equipped bicycles. Councilman Cisney said he felt that the general public should be informed that persons operating improperly equipped bicycles on city streets or operating same in any other improper manner, would be given tickets by the Harrisonburg Police Department.

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

At 9:55 P.M., on motion duly adopted, the executive session was declared closed. There being no further business, the meeting was adjourned.

  
 CLERK

  
 MAYOR

Tuesday, November 23, 1982

At a combined public hearing and regular meeting held in the Council Chamber this evening at 7:30, there were present: Mayor Roy Erickson; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Walter F. Green, 3rd; Councilman Raymond C. Dingledine, 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 9th were approved as corrected.

✓ Mr. George H. "Skip" Roberts, attorney with the law firm of Wharton, Aldhizer & Weaver, informed Council that his firm is acting as Bond Counsel in connection with two Industrial Development Bond

Issues, by the Industrial Development Authority of Rockingham County. He noted that the bond issues are for Truck & Equipment Corporation, location same as present facility, and for May Supply Company, Inc., located near Garber's Church, which will be known as Garber's Road. Although located in Rockingham County, both are in the area annexed by the City of Harrisonburg, and construction projects will not be completed until after annexation goes into effect midnight, December 31, 1982. Financings will, however, be completed prior to that time. Attorney Roberts pointed out the fact that the Bond Act provides that before the Industrial Development Authority can finance a project outside an area where another Authority is in existence, concurrence must be obtained from both governing bodies. He presented the following resolution for consideration of approval and noted that a similar one had been approved by the I.D.A.:

*WHEREAS, the Industrial Development Authority of Rockingham County, Virginia, (the Authority) has adopted 'inducement resolutions' agreeing to participate in Industrial Development Bond financings on behalf of Truck & Equipment Corp. and May Supply Co., Inc. with respect to projects to be located within the area to be annexed by the City of Harrisonburg, Va. (the City) at midnight on December 31, 1982; and*

*WHEREAS, it is anticipated that the above financings shall be completed prior to the annexation, but the projects shall be completed thereafter; and*

*WHEREAS, Section 15.1-1378 of the Code of Virginia (1950), as amended, would appear to require the concurrence by the City Council with the inducement resolutions adopted by the Authority; and*

*WHEREAS, the Industrial Development Authority of the City of Harrisonburg, Virginia, has recommended such concurrence,*

*NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia, that it concurs with the inducement resolutions adopted by the Authority on behalf of Truck & Equipment Corporation and May Supply Co., Inc., finding that such financings and projects will be in the interest of the City of Harrisonburg and Rockingham County, Virginia*

*This resolution shall be effective immediately upon approval.*

*APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1982.*

*Mayor*

*Atteste:*

*Clerk*

Following a brief discussion, Councilman Dingledine moved that the resolution be approved. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ At 7:42 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 November 4th and November 18th:

*The Harrisonburg City Council will hold a Public Hearing on Tuesday, November 23, 1982, at 7:30 P.M. in the City Council Chambers to consider the following rezoning requests:*

*1. To change from R-2 Residential to B-2 General Business, approximately one acre on the southeast corner of Reservoir Street and Cantrell Avenue. Requestor is Boddie-Noell Enterprises, Inc., a franchisee of Hardees' Restaurant.*

*2. To change from R-1 Single Family Residential to B-2 General Business, approximately one acre on the southwest corner of Port Republic Road and Interstate 81. Requestor is Boddie-Noell Enterprises Corp., a franchisee of Hardees' Restaurant.*

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

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

For the record, Vice-Mayor Green said that he would refrain from any discussion re the requests, and abstain from any votes on the issues. Mayor Erickson called on anyone desiring to be heard. Attorney Henry Clark, representing Boddie-Noell Enterprises, franchisee for Hardees' Restaurant, noted that the request has been made to rezone the two areas, as set out in the Public Hearing notice. The North Carolina Company, with franchises for most of the Hardees' Restaurants in this part of the country, is not a chain company interested in what it can get out of it, but rather, to participate in the community. According to Mr. Clark, the property at Port Road has very little use other than for commercial property, and is an "Island to Itself", separated from anyone around it. It is located at an interstate interchange, with commercial properties surrounding the lot on three sides. He said that the area cannot be considered R-1 Single Family Residential due to the heavy traffic already there, and other businesses surrounding it. The Restaurant would be the best use for the City, due to tax revenue which would be derived, and proposed employment of 50 - 70 people at each of the two locations.

Mr. Jim White, Real Estate Manager for Boddie-Noell, gave background information concerning the corporation which had been the franchisee of Hardees' Restaurants for over twenty years, with the State of Virginia comprising the bulk of the expansion. The corporation is financially sound, and participates in numerous community activities. Mr. White presented each member of the governing body with a brochure, and presented photographs of the proposed restaurant, from an exterior and interior view. He requested consideration of approval for rezoning, in that some redesigning on plans has already taken place, based on suggestions of the Planning Commission. When Councilman Dingledine asked if the sign, as shown in the photographs, would be neon, Mr. White replied that the establishment would be lit from the inside, and that the soft light would not create any glare at night. When question was raised concerning parking, Mr. White replied that approximately 44 cars would be accommodated. With regard as to whether or not the establishment would operate 24 hours a day, the reply was that the decision would rest on the need for same.

Mr. Frank Caldwell, Consulting Engineer & Traffic Planner, informed Council that traffic studies had been conducted at both proposed locations, with various changes made on both, as desired by the City Planning Commission. Entrances at the Port Road location were changed to utilize Hillside Avenue, and construction of pavement, in order that all traffic into Hardees' would go to the right and over a ramp to Interstate 81, eliminating the need for traffic to cross any lanes. In presenting sketches, Mr. Caldwell pointed out that plans were carefully made in order that the

establishment at Port Road may fit in with the scheme for improvements to Port Road, scheduled to be advertised by the Highway Department in 1984. When Councilman Rhodes asked if the company would install a traffic light, in that three have been proposed by the Highway Department, Mr. Caldwell replied that a light would be installed at Hillside Avenue and the JMU entrance, if so desired by the City. He noted however, that cost of installing the light would necessitate reducing cost of the project by use of the Planning Commission's Plan, rather than the revised plan. Councilman Cisney offered an opinion that a light would help all turning movement in the intersection, but would not streamline traffic at the bridge. In discussing the sign, it was noted that it would be in compliance with the City's ordinance, and would face Interstate 81.

Concerning the property location at Reservoir Street and Cantrell Avenue, Attorney Clark noted that some modifications had been made on request of the City Planning Commission. Changes that have taken place over the past 10 - 15 years, makes this property unsuitable for any use other than commercial. Sketches of the location were presented, setting out present tennis courts, railroad, substation, nursing home, and a shopping center diagonally across the way. Mr. Clark noted that the location is similar to that of Port Road, in that it is cut off to itself. One objection that concerned the exit being too close to Reservoir Street has been corrected, by moving the exit back and providing only right turns coming out of the establishment. Mr. Frank Caldwell said that no real problems are anticipated with regard to traffic flow.

Attorney David Penrod presented a petition signed by seventy-four residents in the Port Road vicinity, and asked Council to recognize those people (most of whom were present in the Hearing), and not grant the request to rezone. He said the objection was not because of Hardees' Restaurant, but due to the fact that the establishment would draw additional traffic from I-81, as well as James Madison University. It would be the first commercial establishment to be constructed on the western side of I-81. Attorney Penrod pointed out that only three people were present in the Planning Commission's Public Hearing to oppose construction of a Hardees' Restaurant, and three letters were submitted for absentees, in that it was felt that the Commission would not uphold the request to rezone, in that two previous requests had been denied. He referred to minutes from the October 5th meeting of the Harrisonburg Department of Transportation & Safety Commission which state that "the Plan, as presented, could be given strong consideration after the Department of Highways completes the rebuilding of Port Road Interchange which is scheduled to be advertised in the spring of 1984." He suggested that other locations would be provided through annexation, which would be more suitable for the restaurant.

Mr. Marshall Price, owner of two pieces of property to the west of the proposed location for Hardees', informed Council that he had purchased same as R-1 Single Family Residential, but that over the years, plans have been made to widen Port Road, place power line poles in front of residences, etc. Inasmuch as his properties are being buffered on all of the aforementioned, Mr. Price said that construction of a Hardees' would increase his property value, and the rezoning would enable him to make application for use of same, possibly through construction of apartments. Mr. Price said he was also speaking for Mr. Watson of Charlottesville, owner of property next door to him, in requesting Council's consideration in approving the rezoning request of Boddie-Noell.

Mr. George Conrad, retired attorney and resident of 1230 Hillcrest Drive, spoke on behalf of owners of businesses on the east side of I-81, and noted that the objection was not against Hardees' Restaurant, but from the preferential treatment which would be given through rezoning. He expressed no need for a fast food establishment, and said he was astounded that the Planning Commission had approved this, when rezoning had been denied on two previous occasions.

Attorney Penrod said that J.M.U., under agreement with Rocco Officials (who had given the University a 3-acre tract bordering the Custer property), cannot directly or indirectly offer any objection to the rezoning of that particular property. He offered an opinion that had the agreement not been in effect, J.M.U. would have expressed opposition to the rezoning. He noted that should this request for rezoning be approved, other such requests for the west side of I-81 would have to be honored, also. Attorney Penrod said that Mr. Custer can do anything he desires with his property, and will not suffer "one dime" of damage, if rezoning to B-2 is denied.

Attorney William Julias, a resident of the area, concurred with Mr. Penrod's statements and noted the following problems, should the rezoning be approved: (1) once a fast-food restaurant is constructed on the west side of I-81 on Port Road, J.M.U. students would be attracted to the establishment all hours of the night; (2) the new Convocation Center will seat about 7600 people, with a fulltime director to arrange programs several times a week, which will attract all kinds of additional traffic in the area. He offered an opinion that the request to rezone should be denied.

Mr. Arthur Hall, retired college professor residing on Valley Street, referred to creeping urbanism, and offered an opinion that other mentioned areas would be more desirable for the restaurant. He said he would not like to move out of one of the most desirable neighborhoods in Harrisonburg. Mr. Gordon Speck, Mr. John Wood, Ms. Margaret Haynes, and others, spoke in opposition to the rezoning from the standpoint of traffic, noise, litter, and the fact that the western side of I-81 serves as the main artery for fire & rescue vehicles to the eastern side of I-81. Attorney Clark said that entirely too much emphasis has been placed on traffic, which does not determine the need for zoning or rezoning. The use of property, however, is the determining factor. Access roads are built for traffic. He pointed out that Hardees' is not asking for preferential treatment, but are "good people and citizens who want to participate in this community." Mr. White said that work has been done in redesigning plans for the area, based on the feeling of the Planning Commission and the Transportation Commission.

Mayor Erickson said that Council has to protect property owners, and this is one of the property owners. Council has to see that the use is proper. Council also has to look to the source of income through revenue, in order to keep the tax rate on other properties as low as possible, and noted the fact that 32% of the City's property assessment is non-taxable.

Mr. Caldwell said he had attended four meetings with regard to the projects, and that the City had set up careful scrutiny of the request to rezone. This is a quality project, with a lot of money to be spent for good results. Any other requestors would have to go through the same steps as Hardees'. Attorney Conrad said "it also has to go through a Public Hearing, and sentiments are here tonight."

The Public Hearing was declared closed at 9:50 P.M. and the regular session reconvened.

The following Planning Commission report from its meeting of October 20th, was read:

*"Chairman Eneedy asked the Director to read the Harrisonburg Traffic Safety Commission's report. The portion dealing with the Cantrell Avenue-Reservoir St.*

site was concluded by Mr. Wayne King's motion... 'The traffic plan as presented by Hardees' at the intersection of Cantrell Avenue and Reservoir Street is acceptable as presented. However, a traffic flow problem may be forthcoming because of the proximity of one entrance being too close to the intersection of Reservoir Street and Cantrell Avenue although it complies with City Code. This motion was seconded by Mr. Julius Ritchie and all members voted aye'...

Mr. Frank Caldwell, engineer for Boddie-Noell, told the Planning Commission it isn't feasible to eliminate the exit near the intersection but it could be marked an 'exit only' roadway. He agreed that making a left turn to go south on Cantrell will cause problems. Mrs. Bowman asked if the proposed Hardees' Restaurant will operate 24 hours per day. Mr. White of Boddie-Noell said he doesn't know at this time; it will depend on their experience. Mrs. Bowman said she feels Reservoir Street is a logical boundary line for the adjacent B-2 zone which contains nearby Cloverleaf Shopping Center, and she would not like to see a 24-hour fast-food outlet on the proposed site. Mr. Rhodes asked if one site is contingent on approval of the other (the Port Road site). Mr. White stated his firm sees it as a 'package' and the Harrisonburg Industrial Development Authority has endorsed the financing of both sites, if rezoning is granted. Mr. Rhodes noted that the corner being considered will never be developed as single family home sites and attorney Henry Clark clarified that the Preston Heights Subdivision covenants, limiting that subdivision to single family homes only, applied to the recorded sections only. This site is not within a subdivided section. The Director asked if any other potential businesses have been or are being considered if Hardees' is allowed. Mr. Clark answered 'no'.

Mr. Heath concluded the discussion with a motion that the Commission recommend rezoning the one acre in the southeast corner of Cantrell Avenue and Reservoir Street from R-2 Residential to B-2 General Business, provided the curb-cut on Cantrell Avenue near the intersection be a one-way north exit lane only. Mr. Rhodes seconded the motion.

Chairman Eneedy asked for clarification about Boddie-Noell's lease agreement of 'no competition.' If the one acre is rezoned, Hardees' is protected from competition, but property values of remaining residential land are not protected. Mr. Heath commented that the remaining R-2 Preston land will be a future issue if and when another rezoning proposal comes up.

Voting in favor: Messrs. Heath, Rhodes, Trobaugh and Milam. Voting against:

Mrs. Bowman."

Mayor Erickson asked Council's wishes concerning the request of Boddie-Noell Enterprises to rezone one acre of land on the southeast corner of Cantrell Avenue and Reservoir Street. Councilman Rhodes moved that the Planning Commission's recommendation for rezoning the one acre from R-2 Residential to B-2 General Business, be approved. The motion was seconded by Councilman Cisney, and adopted by a majority recorded vote of Council. Abstaining: Vice-Mayor Green.

Regarding a request of Boddie-Noell Enterprises for rezoning on Port Road, the following Planning Commission report from an October 20th meeting, was read:

"...The Director read the Harrisonburg Traffic Safety Commission's report concerning the Port Republic Road site... 'Mr. Wayne King made the following motion... It is the opinion that to rebuild Port Republic Road at the Interstate interchange as designed by Hardees' would create a greater traffic hazard than now exists. The plan as presented could be given strong consideration after the Department of Highways completes the rebuilding of the Port Republic interchange which is scheduled to be advertised in the spring of 1984. If Hardees' is allowed to build on their lot as requested, the Commission suggests that Hardees' present a design of traffic signals at Hillside Avenue entrance to Port Republic Road and J.M.U. entrance along with traffic signals at both ramps entering onto Port Road from I-81 and the entrance to their lot be from Hillside Avenue. The motion was seconded by Julius Ritchie and all members voted aye.'

Boddie-Noell's engineer, Mr. Caldwell, responded that the Safety Commission 'suggests' the three traffic lights. Also, he felt they were concerned on how new traffic lanes could feed onto the 2-lane Port Road bridge. He said not all lanes as shown on the site plan need to be constructed until the bridge is rebuilt into a 5-lane crossing (as shown on preliminary State Highway Dept. plans). He added that Boddie-Noell will try to help in obtaining a traffic light at Hillside Avenue and J.M.U. entrance.

Chairman Eneedy stated that there will be greater problems if Hardees' is allowed to build exits-entrances on Port Road between Hillside Avenue and I-81.

Mr. Caldwell then introduced a revised site plan, showing only one entrance-exit on Port Road. Mr. White added that his firm would follow the revised plan. As for establishing two Hillside Avenue entrance-exits, Mr. Caldwell said the grade is too steep. The Commissioners insisted that a traffic light at Hillside and J.M.U. will be necessary. Concerning sign styles, Mr. White said Hardees' will not use a neon or blinking-type sign or signs; they will attempt to attract interstate traffic, but will be sensitive to the character of the nearby residences, WVPT and JMU.

Mr. Milam concluded the discussion with a motion that the Commission recommend rezoning of the one acre for Boddie-Noell on the southwest corner of Port Road and Interstate 81 from R-1 Single Family Residential to B-2 General Business District, based on the revised site plan concept and providing that a new 'final plan' is presented to City Council. Mr. Milam further noted that this property isn't suitable for single family homes as it is surrounded by non-residential uses (JMU, WVPT, and I-81, and commercial development across I-81). Attorney Clerk noted that financing through the Industrial Development Authority must be



*settled soon, and Boddie-Noell must purchase the land before December 31, 1982. Mr. Trobaugh asked if there is a traffic light on the revised site plan. Mr. White replied that his firm will work with the Highway Department and the City on the best solution. Mr. Byrd urged use of Hillside Avenue for entrance-exits, with no cuts on Port Road.*

*Mr. Heath seconded Mr. Milan's motion. Voting in favor: Messrs. Milan, Heath, Rhodes, and Mrs. Bowman. Voting against: Mr. Trobaugh..."*

Councilman Cisney said it was unfortunate that more citizens did not appear before the Planning Commission's Public Hearing to voice opposition to the rezoning request, and offered a motion that the matter be tabled until the next regular meeting to allow time for consideration of information presented at this evening's Hearing. Councilman Dingledine said he had too many questions about the desirability for rezoning, and could not conscientiously support the request. He noted that the City has laws to provide security and protection for individual property owners. After much consideration of the matter over the past couple of weeks, Councilman Dingledine said he feels that a line has to be drawn in a neighborhood, and this is one of those times. As an elected official, and as a member of City Council, he said he wished to make his position clear in that he has, at no time, been an authority to serve as spokesman for James Madison University, and that his position with the University constitutes no conflict of interest. Councilman Rhodes seconded the motion to table the rezoning matter until the next regular meeting, which motion received a majority vote of Council, with Vice-Mayor Green abstaining.

The City Manager presented correspondence dated 10/8/82 from Mr. Kenneth W. Huffman, CPA with the firm of Keeler, Phibbs & Co., expressing pleasure to serve as independent accountants for the City of Harrisonburg. A proposal was submitted whereby the firm would audit City records for fiscal years ending 6/30/83, 6/30/84 and 6/30/84 for a fee of \$17,000. the first year, and the same amount, with necessary increases added, for the last two years. The audits will include all required by the Federal Government for Revenue Sharing; grants and any other federal monies. If approved, it was noted that the contract could be changed by either party for the second and third years, in the event of a substantial change in the financial structure or condition of the records of the City, or a substantial change in the personnel of either party. Following discussion, Councilman Cisney offered a motion that Council accept the proposal of Keeler, Phibbs & Company to audit city records for the aforementioned three years. 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 repealing Chapter I of Title 12 of the Harrisonburg City Code entitled: "Licenses", and re-enacting the same chapter. He explained that changes were made in order to bring the Chapter into compliance with the State Code, with tax rate changes as follows: Retail Business License reduced from 25¢ to 20¢ per \$100 of gross receipts; Financial, Real Estate and Professional Services license tax reduced from 75¢ to 58¢ per \$100 of gross receipts; City Business Tax on Repair, Personal, Business or Other Services reduced from 25¢ to 20¢ per \$100 of gross receipts; Annual License Tax for Contractors increased from 13¢ to 16¢ per \$100 of gross receipts. Commissioner of Revenue Smith noted that the City is approaching January 1, 1983, and must act quickly in adoption of the ordinance, in that the state mandates that taxation be based on gross receipts. Reduction of tax rate in three of the four categories will result in an approximate lost of 20% in revenue for the City of Harrisonburg. Following a brief discussion, Councilman Cisney moved that the ordinance, approved for a first reading on November 9th, 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, pages 267-289).

Inasmuch as the City's Reassessment has been completed, Commissioner of Revenue Smith asked that Council name nominees for appointment to a Board of Equalization. City Manager Milan noted that under the state code, this cannot be done until the year following a Reassessment. Mr. Smith replied that he was merely trying to speed up the process. He then raised the question as to whether or not Council desired to have properties in the annexed area reassessed after January 1, 1983. He noted that the County's last reassessment was conducted in 1981, and offered an opinion that the property values should be fairly close to fair market value. Although this year's reassessment was conducted "in house", Mr. Smith indicated that the job was "too big" for his office, and requested consideration of employing an outside firm for the 1983 reassessment. Councilman Cisney offered a motion that county figures for property values in the annexed territory be accepted and remain effective until the City conducts its next general reassessment in 1984. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

For consideration of a first reading, City Manager Milan presented a proposed ordinance amending Title 4, Chapter 2 of the Harrisonburg City Code by the addition of Article E entitled: "Transient Occupancy Tax." The ordinance would impose a 2% tax to the cost of a motel room after January 1, 1983. Although the City has had no need for such an ordinance, in that no major motel chains have been located within the City's limits, four of the largest motels will come into the City under annexation, namely: Belle Meade, Holiday Inn, Howard Johnson's and the Sheritan Inn. 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.

For consideration of a second & final reading, the City Attorney presented a proposed ordinance amending Title 4, Chapter 2 of the Harrisonburg City Code to include Article E entitled "Land Use Tax." The ordinance (mandated by the court) was approved for a first reading on November 9th and gives farmers in the annexed territory and present city, the option of having their properties placed in the Land Use Plan with assessment below market value for as long as it remains undeveloped. Once removed from the Plan for development purposes, the city could collect taxes on full market value of the property, for a rolled back period of time to be determined. Commissioner of Revenue Smith cites one problem which may be encountered, namely - whether the city or county would collect those taxes on properties in the annexed territory, when removed from the Land Use Plan. Following a brief discussion, 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. (Refer to Ord. Bk K, page 290).

The following Planning Commission report from its November 17, 1982 meeting, following a Public Hearing held on October 20th, was presented:

"...Chairman Eneidy opened the discussion, noting that Reherd Acres, Inc. submitted a new Development Plan at the public hearing on October 20, 1982 and the Commission tabled the subject, until the developers produce an overall, total Master Plan which will include land to be annexed on January 1, 1983. Mr. J. R. Copper, representing the developers, stated that it will take considerable time and money to draw a new overall Master Plan. Detailed studies of utility needs and capacities will have to be analyzed, in addition to designing new lot and street layouts.

Concerning the proposed 8-acre Development Plan, the Commission noted that the City's Parks and Recreation Commission voted not to accept Reherd Acres' offer of 5.3 acres. Mr. Copper stated that the developers cannot afford to build a recreation area, but they are offering the 5.3 acres to the City or a homeowner's association. If the rezoning is approved, the revised plan shows 40 apartment units on the remaining three acres. They would be across Vine Street from Neil Turner's proposed apartments and existing High's Store.

Mr. Heath stated that he and others feel Reherd Acres, Inc. should concentrate on finishing their R-4 areas before asking for more R-4 territory. Mr. Rhodes noted two options: deny this rezoning or table it until a new overall Master Plan is drawn.

Mr. Fleming then moved that the Commission recommend to City Council that Reherd Acres, Inc. rezoning request for 8 acres of R-4 Planned Unit Development District be denied. Mr. Heath seconded the motion, and all members voted in favor of the motion..."

City Manager Milan informed Council that he had received a verbal request by the owners of Reherd Acres for a second public hearing. He noted that an owner or developer is entitled to a Public Hearing by Council, although the request may be denied following the Planning Commission Hearing, and recommended as such to Council. Councilman Cisney moved that Council comply with the request of the owner and schedule a public hearing for Tuesday, December 28, 1982, 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.

Council received the following report from a November 17th meeting of the City Planning Commission:

"...Armed with maps of the new 17.4 square mile City of Harrisonburg, the Commissioners reviewed primary and secondary streets, roads and highways which are identified by route number, official names or 'unofficial' names. From a list presented by the Director in October, some 75 different streets and roads are in the 11.64 square mile annexation area. Most of the streets have official names according to the recorded subdivision plats. The Commissioners unanimously agreed to recommend the following extensions of city street names:

<u>present route number</u>	<u>proposed street name</u>
Interstate 81 .....	Interstate 81
U.S. Route 11 South .....	South Main Street
U.S. Route 33 East .....	East Market Street
U.S. Route 33 West .....	West Market Street
Va. Route 42 North .....	Virginia Avenue
Va. Route 42 South .....	South High Street
Secondary Route 753 .....	North Liberty St.
Secondary Route 718 .....	Old Furnace Road
Secondary Route 974 .....	Country Club Road
Secondary Route 710 .....	Reservoir Street
Secondary Route 659 .....	Port Republic Road
Secondary Route 726 .....	Stone Spring Road
Secondary Route 712 .....	West Mosby Road
Secondary Route 827 .....	Pear Street

After deliberating at length on several suggestions, the Commissioners unanimously agreed to recommend the following names for various roads:

<u>present route number</u>	<u>proposed street name</u>
Secondary Route 763 - new section .....	Mt. Clinton Pike
Secondary Route 720 .....	Smithland Road
Secondary Route 925 .....	Keezletown Road
Secondary Route 704 .....	Denton Lane
Secondary Route 1108 .....	Beery Road
Secondary Route 711 .....	Ramblewood Road
Secondary Route 710 .....	Greendale Road
Secondary Route 988 .....	Early Road
Secondary Route 701 East .....	Carpenter Lane
Secondary Route 701 West .....	Pike Church Road
Road into Walker Plant .....	Abbott Lane
Secondary Route 726 .....	Garber's Road
Secondary Route 910 south .....	South Erickson Avenue
Secondary Route 910 north .....	North Erickson Avenue
State Road to J.M.U. Convocation Center .....	University Boulevard
New Road to Energy Recovery Plant .....	Driver Street
Mt. Clinton Pike from present City Limit to new intersection with Route 763 .....	Chicago Avenue

Mr. Heath offered a motion for the Planning Commission to recommend the above

*list of proposed street and road names to City Council for its consideration. Mr. Fleming seconded the motion, and all members voted in favor of the motion. The Commissioners, noting that certain duplications of street names exist concerning a few streets in Park View, decided to delay any renaming proposals other than Chicago Avenue at this time..."*

Following a review of the proposed names by Planning Director Sullivan, and a suggestion from Council that the new road to the Energy Recovery Plant may be better named as Driver Drive, rather than Driver Street, Councilman Cisney moved that the recommendation of the Planning Commission be approved. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

City Manager Milam presented correspondence from Mr. David Rundgren, Executive Director of the Central Shenandoah Planning District Commission, informing that the Commission had reviewed and endorsed the "Ten For Life" proposal, at its November 15, 1982 meeting, which Program will require persons convicted of moving traffic violations to pay a \$10 surcharge to an Emergency Medical Services Fund. The fund would support statewide Emergency Medical Services activities, and passage of the resolution by the 1982 General Assembly would assure the Emergency Medical Services Program a dedicated source of funds, with source closely related to the use of same. The following resolution, signed by Mr. Jennings L. Morris, Chairman of the Central Shenandoah Planning District Commission, was presented for Council's consideration of endorsement, with the resolution being presented to all Planning District Six jurisdictions for appropriate action:

RESOLUTION  
SUPPORT FOR "TEN FOR LIFE"

*WHEREAS, the Central Shenandoah Planning District Commission recognizes the importance of Emergency Medical Services in effectively dealing with serious injury and sudden illness in the State of Virginia; and*

*WHEREAS, the Central Shenandoah Planning District Commission endorses and supports the Emergency Medical Services available in the Sixth Planning District; and*

*WHEREAS, the continuance and improvement of the Emergency Medical Services system in the State of Virginia requires appropriate levels of funding; and*

*WHEREAS, a funding proposal for the State's Emergency Medical Services System has been developed for consideration by the 1983 General Assembly called 'Ten For Life', which would require persons convicted of moving traffic violations to pay a \$10 surcharge to an Emergency Medical Services System fund;*

*NOW, THEREFORE BE IT RESOLVED, that the Central Shenandoah Planning District Commission endorses the 'Ten For Life' funding proposal and urges its adoption by the 1983 General Assembly:*

*BE IT FURTHER RESOLVED, that this Resolution will be forwarded to all Planning District Six jurisdictions for their consideration and endorsement.*

*signed: Jennings L. Morris, Chmn.  
Central Shen. Planning Dist. Commission*

Following a brief discussion, Councilman Rhodes moved that Council endorse the resolution, as presented. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

As a follow-up of request by the Upper Valley Regional Park Authority for each of the four participants for an interest free loan of \$ 42,500. in order that all outstanding indebtedness may be retired, City Manager Milam informed Council that he had met with the administrators of Rockingham County, Augusta County and the City of Staunton on November 5th concerning the request. Following a review of the Authority's request, the following five recommendations were agreed upon:

- (1) That all of the four participating localities appropriate \$ 10,000. for the Upper Valley Regional Park Authority. This should provide sufficient cash flow to meet current operating expenses and debt service until next spring when the parks will once again produce revenue.
- (2) The Park Authority should maintain its own debt and reduce the principal of the debt as revenues will permit.
- (3) All localities amend the resolution establishing the Upper Valley Regional Park Authority to provide for the appointment of two members from each locality to the Authority rather than four members as it presently constituted. A board that has sixteen members is considered too large to be effective.
- (4) Encourage the Authority to reorganize and reduce overhead as much as possible as consistent with good management practices.
- (5) Research the availability of federally funded job programs to determine the availability of labor at little or no cost to the Authority.

Councilman Cisney noted that although the law states that one member from the governing body may be appointed, this could cause a problem with only two members representing each locality. He cited the following example: should the governing body members from each locality abstain from a vote for reason of conflict of interest, or otherwise, the vote could result in no decision, with only the remaining four members actually voting, which would not constitute a majority. Following Mr. Cisney's statement, members of Council concurred in this thinking and agreed that three members would be better than two. Councilman Cisney expressed a hope that financial support to the Authority would

not have to be continued, particularly in view of the fact that the state code states as follows: "Notes, bonds or other obligations issued under this subsection (p) shall not be deemed to constitute a debt of the Commonwealth or of any political subdivision of the Commonwealth or a pledge of the faith and credit of the Commonwealth or of any political subdivision of the Commonwealth." For Council's consideration of a first reading, Manager Milam presented a request for approval of a supplemental appropriation in the amount of \$ 10,000., which if approved, would require two readings, as follows:

\$ 10,000. chgd.to: General Fund - Unappropriated Fund Balance

10,000. approp.to: General Fund (9104-5604-08) Non-Departmental- Upper Valley  
Regional Park Authority.

Following discussion, Vice-Mayor Green moved that the appropriation be approved for a first reading, contingent upon support by the other three localities, and with a stipulation that no less than three members be appointed by each locality to membership on the Upper Valley Regional Park Authority. 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 \$ 5,982.20 requested by the Parks & Recreation Director in order to transfer monies for salaries paid concession employees from 1982 seasonal profit of Westover Pool Concession Stand, be approved for second & final reading, a first reading having been approved on November 9th, and that:

\$ 5,982.20 chgd.to: General Fund- Unappropriated Fund Balance

4,614.95 approp.to: General Fund (7104-1010.01) Comm.Activities Center-  
(Other Personal Services)

991.61 approp.to: General Fund (7107-1010.01) Westover Swimming Pool  
(Other Personal Services)

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

✓ A request was presented from Mrs. Sonja Bible, Director of Social Services, for approval of a supplemental appropriation in amount of \$ 1,430.68 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 Cisney moved that the appropriation be approved for a first reading, and that:

\$ 1,430.68 chgd.to: VPA Fund (1901.01) Recoveries & Rebates

1,430.68 approp.to: VPA Fund (5302-5701.01) (Gen.Relief)

The motion was seconded by Councilman Rhodes, 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 \$ 1,123,389.00 in order to provide funds for construction of building additions at Waterman Elementary School and Spotswood Elementary School. It was noted that funds are available from State Literary Loan Fund, with application approved for loans, by City Council, on May 12, 1981 and November 9, 1982. Councilman Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 1,123,389. chgd.to: School Fund (R-55) Antic. Receipts- Loans from Literary Fund

55,898. approp.to: School Fund (1900-205.01) Cap.Outlay- Architect Fees

1,067,591. approp.to: School Fund (1900-601.01) Cap.Outlay- Additions to  
existing buildings.

The motion was seconded by Councilman Rhodes, 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 adjourned at 11:30 P.M.

*N. Arlene Loken*  
CLERK

*Ray Ericksen*  
MAYOR

Tuesday, December 14, 1982

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; Chief of Police Richard W. Presgrave. Absent: City Auditor Philip L. Peterman.

Minutes of the regular meeting held on November 23rd 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, 1982.

From the City Treasurer:

A trial balance report as of close of business on November 30, 1982.

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 total amount of \$ 7,104.52 for month of November, 1982.

From the City Auditor:

A financial report for the City of Harrisonburg, Va., month of November, 1982.

A report of cash discounts saved in payment of vendor's invoices for month of November, 1982, in total amount of \$ 216.68.

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, 1982.



Council received a petition signed by 31 residents along Garber's Church Road (State Route 910), expressing concern about the changing of that road to any other name, in that it has been known as "Garber's Church Road" since establishment of the church approximately 100 years ago. City Manager Milan reminded members that a name change for that particular road was included in a list of proposed street and road names submitted to Council and approved at the last regular meeting. He suggested that this petition be referred to the City Planning Commission for review and report. On motion of Councilman Cisney, seconded by Councilman Dingledine, and a unanimous vote of Council, the petition was so referred.

Mayor Erickson reminded members that action concerning a rezoning request by Boddie-Noell Enterprises, Inc. at the southwest corner of Port Road and Interstate 81 for construction of a Hardees' Restaurant, had been deferred until this time to allow views and comments expressed at Council's public hearing on November 23rd, to be further considered. He asked wishes of Council concerning the rezoning request. Councilman Dingledine stated that a number of questions and feelings of citizens in the area had been brought out during Council's public hearing which the Planning Commission had no opportunity to hear, in that the opposition was not expressed at the Commission's hearing. He made the following three observations: (1) there were questions raised about the traffic situation on Port Road, and how it may be made more serious with construction of a restaurant on the west side of I-81; (2) the neighborhood has expressed strong opposition to the rezoning, and Council tries to respect current zoning, unless there is a definite need to rezone; (3) there is considerable community feeling concerning the rezoning, and a desire to prevent commercial development on Port Road, west of I-81. Councilman Dingledine then offered a motion that the rezoning request of Boddie-Noell Enterprises, be denied. The motion was seconded by Councilman Cisney. Attorney Henry Clark, speaking on behalf of his client, Boddie-Noell Enterprises, said he felt that the matter of traffic was the real basis for discussion at Council's public hearing on November 24rd, and offered an opinion that it could be better addressed with a traffic study and survey. He requested a 90-day continuance on the matter in order that the traffic study may be conducted. Mayor Erickson said he would entertain a substitute motion, in view of this request. Vice-Mayor Green stated that he had abstained from any discussion and voting on the Hardees' rezoning requests due to his wife's financial involvement on the Cantrell Avenue/Reservoir Street lot. In view of the fact that the Cantrell/Reservoir site has been settled, and he has no conflict as to the Port Road lot, he will participate in action concerning that particular rezoning request. He offered a substitute motion that the 90-day continuance be granted, to allow time for a traffic flow study, prior to any action by Council. The motion was seconded by Councilman Rhodes. The Mayor called for a vote on the substitute motion, which resulted in a tie vote as follows: voting aye: Vice-Mayor Green and Councilman Rhodes. Voting no: Councilmen Dingledine and Cisney. Mayor Erickson then cast the deciding vote as an "aye", noting that the Planning Commission was not given an opportunity to hear the comments by both sides, during its public hearing.

Mr. J. Mike Phillips, Environmental Health Supervisor for the Department of Health, was present in the meeting for the purpose of making a quarterly report concerning one phase of the Program. He presented statistics concerning Harrisonburg's Food Program for the first quarter, July - September, 1982, calling attention to visits made, and time consumed by the inspector. When the Mayor asked if establishments were inspected on the exterior as well as the interior, Mr. Phillips replied "yes", and noted that this was with regard to trash and garbage. Dumpsters are provided for pickup. Members of Council were requested to call the Staunton Health Department, with any questions that may arise.

Appointments to various boards & commissions were deferred, until a future meeting.

Councilman Cisney moved that an ordinance amending Title 4, Chapter 2 of the City Code by adding Article E entitled "Transient Occupancy Tax" be approved for second & final reading, a first reading having been approved on November 23rd. The amendment imposes a 2% tax to the cost of a motel room after January 1, 1983. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council, 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 293).

An ordinance was presented, on request of the City Treasurer, amending Section 13.1-16 (b) of the Harrisonburg City Code, entitled: "Antique Motor Vehicles", whereby the license fee will be \$15.00, rather than \$10.00, in order to bring this section in line with other licenses recently approved. On motion of Councilman Dingledine, seconded by Councilman Cisney, and a unanimous recorded vote of Council, the ordinance was approved for a first reading.

For consideration of a first reading, the City Attorney presented an ordinance amending and re-enacting Section 11-3-46 of the city code entitled "Fees" and Section 11-3-47 entitled "Allowing use of name to obtain permit fraudulently prohibited; transferability." He explained that the sections apply to master plumber examination fees, and provides for an increase in each category under the first section, with a stipulation in the second section that no card or certificate issued shall be transferrable. Attorney Lapsley noted further that it is necessary to delete any references as to renewal of certificates of competency, and to set a re-examination fee, should the test have to be retaken. Councilman Rhodes moved that the ordinance be approved for a first reading. The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council.

City Attorney Lapsley presented a proposed ordinance amending and re-enacting Sections 11-2-13, 11-2-14, 11-2-17 and 11-2-18 of the Harrisonburg City Code concerning fees for examination and certificate of competency for master electricians. The ordinance provides for an increase in rates in all categories plus a stipulation that the certificate shall not be transferrable, and that "no person, firm or company shall do work as an electrical contractor or electrician without having obtained a certificate of competency and having paid the fees required by the city, except as provided by state law." On motion of Councilman Dingledine, seconded by Councilman Cisney, and a unanimous recorded vote of Council, the ordinance was approved for a first reading.

A resolution, closely related to the ordinances concerning master plumbers and electricians, was presented for consideration of approval, as follows:

*WHEREAS, Section 15.1-11.4 (d) of the Code of Virginia prohibits the*

charge of renewal fees for plumbers and electricians; and

WHEREAS, the cost of changing the system of certifying electricians and plumbers must be covered by the City:

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Harrisonburg, at its regular meeting held on December 14, 1982, that there shall be charged an administrative fee of Ten Dollars (\$10.00) to all present holders of plumber and electrician cards in the City, and that upon payment of said fee all said holders shall be issued a permanent card. The holding of said card shall, however, be subject to all provisions of local and state law.

IN WITNESS WHEREOF, the City of Harrisonburg has caused its name to be signed hereto by its Mayor and its seal to be duly affixed and attested by its Clerk.

THE CITY OF HARRISONBURG

Mayor

Attest:

Clerk

Councilman Cisney moved that the resolution be approved with authorization for the proper officials to sign the same. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ Council was reminded that a \$ 10,000. supplemental appropriation had been approved for a first reading at the meeting on November 9th in support of indebtedness retirement by the Upper Valley Regional Park Authority. City Manager Milam said that although there seems to be some inconsistency with regard to support in this manner by all four localities at this time, he would recommend a second reading of the appropriation. He noted further that request has been made for administrators of the four localities to schedule another meeting, in order to iron out the matter. Councilman Cisney said he would like to keep the same stipulation in the motion for second reading "contingent upon support of all localities", in that he is not willing to contribute the amount of \$ 10,000. unless shared equally. He then offered a motion that the appropriation be approved for a second and final reading, contingent upon support by the other three localities, and that:

\$ 10,000. chgd.to: General Fund - Unappropriated Fund Balance

10,000. approp.to: General Fund (9104-5604-08) Non-Departmental- Upper Valley Regional Park Authority.

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

✓ Councilman Cisney moved that a supplemental appropriation in amount of \$ 1,430.68, 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 November 23rd, and that:

\$ 1,430.68 chgd.to: VPA Fund (1901.01) Recoveries & Rebates

1,430.68 approp.to: VPA Fund (5302-5701.01) General Relief

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 \$ 1,123,389. requested by the City School Board in order to provide funds for construction of eight additional classrooms at Spotswood Elementary School and eight at Waterman Elementary School, be approved for second & final reading, a first reading having been approved on November 23rd, and that:

\$ 1,123,389. chgd.to: School Fund (R-55) Antic. Receipts- Loans from Literary Fund

55,898. approp.to: School Fund (1900-205.01) Cap.Outlay- Architect Fees

1,067,491. approp.to: School Fund (1900-601.01) Cap.Outlay- Additions to existing Bldgs.

The motion was seconded by Councilman Rhodes, 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 \$ 10,466.63 in order to recover funds already expended for Communication Personnel from Rockingham County. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:

\$ 10,466.63 chgd.to: General Fund (1901.01) Recoveries & Rebates

6,000.00 approp.to: General Fund (3201-1001.06) Dispatchers

2,466.63 approp.to: General Fund (3201-5200.01) Communications

2,000.00 approp.to: General Fund (3201-5413.01) Other Oper.Expenses

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

✓ City Manager Milam presented a request for approval of a transfer of funds in amount of \$ 298,585. from a special Reserve Account, into the Water Fund Unappropriated Fund Balance, to be used for acquisition of water facilities in the annexed area. Councilman Cisney moved that the transfer be approved, and that:

\$ 298,585. trans.from: General Fund - Municipal Bldg. & Land- Cash & Investments

Reserved for Specific Purposes.

298,585. trans.to: Water Fund- Unappropriated Fund Balance

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

✓ City Manager Milam pointed out the fact that the preceding transaction of transferring funds from a special account into the Water Fund was to provide amount necessary in acquisition of water facilities in the annexed area, from Rockingham County, as indicated in the Court Order. He explained that funds in the special account represent an amount of \$ 255,520. appropriated from 1982 Revenue Sharing Funds, and \$ 301,648. appropriated from 1981 Revenue Sharing Funds. Inasmuch as a total of \$ 855,753. is due Rockingham County, a balance of \$ 298,585. results after applying the aforementioned appropriations. He requested approval of a supplemental appropriation in amount of \$298,585. to make up balance due. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 298,585. chgd.to: Water Fund - Unappropriated Fund Balance  
 298,585. approp.to: Water Fund (7011.03) Purchase of Utilities in  
 Annexed Area.

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

City Manager Milam requested approval of a transfer of funds in amount of \$ 636,921. from a Special Account "Cash Reserved for Specific Purposes" under the General Fund, representing balance needed for acquisition of sewer facilities in the annexed area, from Rockingham County. Councilman Cisney moved that the transfer be approved, and that:

\$ 636,921. trans.from: General Fund - Cash & Investments Reserved for  
 Specific Purposes - Future Construction Projects.

636,921. trans. to: Sewer Fund - Unappropriated Fund Balance

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

City Manager Milam requested that funds transferred from the Special Account in the preceding transaction, in amount of \$ 636,921., be now approved as a supplemental appropriation in order to place same into the proper Sewer Fund account for use in acquiring sewer facilities in the annexed area, from Rockingham County. This represents balance due (over and above other monies made available through Revenue Sharing, closing out the Sewer Sinking Fund, etc.) of a total amount due the County of \$ 1,254,300. He noted that it also includes an additional approximate \$ 2,000. which is needed for some payments for sewer lines along Route 11 south, now due. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 636,921. chgd.to: Sewer Fund- Unappropriated Fund Balance

636,921. approp.to: Sewer Fund (7011.03) Purchase of Utilities in Annexed Area

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

For information of Council, City Manager Milam reported that several meetings had been held concerning transferral of water and sewer facilities with county personnel. Everything is running smoothly and the county will begin reading some of its meters tomorrow, at Park View, which will be the county's last reading. Once all meters are read, Manager Milam noted that the county will need time to run those readings through their departments, for turnover to the city. December 30th, 3:00 P.M., has been tentatively scheduled for the city to turn over checks amounting to approximately \$ 2.1 million for the water and sewer facilities in the annexation area, as indicated in the court order. He added that the payment for water facilities does not include the county's U.S.11 south water distribution system and storage tank, which the county must decide by April 1st of next year whether it desires to retain same or sell to the city at a negotiated price.

For information, City Manager Milam informed Council that he had given orders to hold back the amount of \$ 38,408. from the contractor of the recently constructed Transportation Building in northeast Harrisonburg, in that there are unpaid bills in the approximate amount of \$ 60,000. The city will exchange checks with the contractor, after he has satisfactorily settled payment with all sub-contractors.

Assistant City Manager Driver reported that test runs on the furnaces at the City's Steam Plant are progressing smoothly, and that problems with the hoppers feeding the two furnaces have been resolved, resulting in garbage being adequately burned, and steam produced.

At 9:00 P.M., Councilman Dingledine moved that Council enter an executive session to discuss a legal matter and personnel. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

At 10:00 P.M., on motion duly adopted, the executive session was declared closed and the regular session reconvened. There being no further business, the meeting was adjourned.

*N. Arlene Loken*  
 CLERK

*Ray E. Enchs*  
 MAYOR

Tuesday, December 28, 1982

At a combined public hearing and regular meeting 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. Dingleline, Jr., Elon W. Rhodes, James C. Cisney; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: Mayor Roy Erickson.

Vice-Mayor Green presided over the meeting, in the Mayor's absence.

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

City Manager Milam called members' attention to their copies of the Harrisonburg-Rockingham Community Services Board audit as of June 30, 1982, prepared by Morris & Sprinkel, Independent Auditors. He noted assets and liabilities of \$ 5,341.66 as of June 30th, and said that copies of the report would be available in his office.

At 7:45 P.M., Vice-Mayor Green closed the regular session temporarily and called the evening's public hearing to order. City Manager Milam read the following Hearing Notice as advertised in the Daily News Record newspaper on December 9th and December 23rd:

*The Harrisonburg City Council will hold a Public Hearing on Tuesday, December 28, 1982, at 7:30 P.M. in the City Council Chambers to consider the following rezoning request:*

*To change from R-1 Single Family Residential to R-4 Planned Unit Development, an 8-acre undeveloped tract located north of Country Club*

Road, south of Wren Way and west of Blue Ridge Drive. The requestor is Reherd Acres, Inc. If rezoned, the developers' Development Plan shows four 10-unit apartment houses plus 5 acres of open space.

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

CITY OF HARRISONBURG - Marvin B. Milam, City Manager

Mr. Jack DePoy, speaking on behalf of Reherd Acres and the developers, informed Council that without rezoning, a lot of land would be undeveloped. He said he would have liked to have a plan of development for the entire tract in readiness by this evening, but the developers are not financially able to go forth with the plan. He offered an opinion that rezoning of the 8 acres is extremely important, not only to Reherd Acres, but to anyone who attempts to successfully develop this piece of land. Inasmuch as 10 - 15% of the area in an R-4 zone is required as open green space, Mr. DePoy expressed a desire for 5 acres of the area requested for rezoning, to remain as open area. It had been offered to the City and also to the Reherd Acres Homeowners' Association for a recreational area, with both declining the offer. A new proposal by Mr. DePoy since the Planning Commission public hearing, was for the developers to clear, grade, level and seed the remaining 5 acres, putting it in shape for mowing and maintenance, and hold it open for a period of 5 years, hoping that "someone may take it off their hands during that period of time." If not, the developers would reserve the right to ask for a change in the plan of development to attempt to make some practical use of the land. He noted that whoever buys the five acres, would be under the same requirement as to maintenance. According to Mr. DePoy, the only resident to be adversely affected by the construction of four 10-unit apartment houses on the southwest corner of the 8 acre tract, would be Mrs. Mary Grimm. Councilman Rhodes, a member of the City Planning Commission, noted that the Commission was unable to get a commitment from the developers with regard to maintaining the five acres, and further, that although a Homeowners' Association was mentioned, there is actually none in effect at this time. He pointed out the fact that the Planning Commission's concern was the request for rezoning more land, when other land owned by Reherd Acres is not being used. Mr. DePoy explained that until the required open space can be provided, density of apartments or condominiums in the other areas cannot be determined. Mr. William Blose, developer, said he could not believe that the City did not want the 5 acres, which decision led him to work with the other developers on a plan to put the parcel in better shape. Approximately 75' will be added to the rear properties along the north side of the 5 acres, in order to straighten the line. Mrs. Mary Grimm asked about straightening the line of her property in the same manner. Mr. DePoy said this could be done, providing the area is rezoned and accepted as open space in the development, with a stipulation by Mrs. Grimm that the added footage would remain open space. Mrs. Grimm noted that residential homes are all around the tract in question, and said she objects to rezoning the 8 acres. Residents in the area brought out a problem at the corner of Blue Ridge & Star Crest Drives of flooding in yards and streets from rains, and noted that the area was maintained when owned by the Vanpelt sisters. Concern was expressed that the area would be loaded with apartments in five years, also the fact that residents had been consistently opposed to any change in zoning from R-1 and that it was the decision of the developers to zone R-1 in rear of this five acres. All buyers of property were assured that the area is R-1. It was suggested that inasmuch as the area will become property of the city in three days with annexation, that the developers be required to submit a complete plan for the entire area, leaving the eight acres as R-1. Mr. DePoy explained that the area is actually zoned R-4, although single family homes were constructed as a part of the overall planned development. Some of the residents expressed delight in the fact that the acreage may be cleaned up, and volunteered their services in helping to maintain same by mowing, etc.

The public hearing was declared closed at 8:35 P.M., and the regular session reconvened.

Vice-Mayor Green asked Councilman Rhodes if sufficient new evidence had been presented this evening, to warrant referral back to the Planning Commission. Although the rezoning request of Reherd Acres had been recommended for denial by the Planning Commission, Councilman Rhodes said he felt the Commission should review the proposal, particularly with regard to the 5 acres. City Manager Milam said that single family homes, apartments, condominiums, etc. are allowed in an R-4 zone, and offered an opinion that the Planning Commission should be afforded the courtesy of another review of the request, in view of new information heard this evening. Councilman Cisney expressed concern that the past several public hearings held by Council have resulted in a different presentation by the developer, than that presented to the Planning Commission. He offered a motion that the Planning Commission review the Reherd Acres request, in so doing, the developer present the plan and be in a position to answer any questions the commission may have. The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Councilmen present. Vice-Mayor Green asked the developers to get the entire picture of the R-4 area in perspective, as a complete update, for presentation to the Planning Commission, by the third Wednesday in January.

For consideration of a second & final reading, an ordinance amending Section 13.1-16 (b) of the City Code entitled "Antique Motor Vehicles" was presented. Manager Milam reminded members that the ordinance, approved for a first reading on December 14th, increases the license fee on an antique motor vehicle from \$ 10.00 to \$ 15.00, thus bringing same in line with other license fees recently adopted. Councilman Cisney moved that the ordinance be approved for second & final reading, with authorization for the Vice-Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Councilmen present (Refer to Ord. Bk K, page 295).

An ordinance amending Sections 11-3-46 and 11-3-47 of the City Code was presented for consideration of a second & final reading, same having been approved for a first reading on December 14th. The sections apply to master plumber examination fees and provides for an increase in each category under the first section, with a stipulation in the second section that no card or certificate issued, shall be transferrable. Councilman Rhodes moved that the ordinance be approved for second & final reading, with authorization for the Vice-Mayor to sign the ordinance and the Clerk to spread same upon the pages of the City's Ordinance Book. The motion was seconded by Councilman Dingleline, and adopted by a unanimous recorded vote of Councilmen present. (Refer to Ord. Bk K, page 296).

An ordinance amending Sections 11-2-13, 11-2-14, 11-2-17 and 11-2-18 of the City Code, approved for a first reading on December 14th, was presented for consideration of a second & final reading. The sections concern fees for examination and certificate of competency for master electricians,



and provide for an increase in rates in all categories, plus a stipulation that the certificate shall not be transferrable. Councilman Dingleline moved that the ordinance be approved for second and 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 298).

During a brief discussion concerning appointments to various boards & commissions, it was noted that Mr. Giles R. Stone's first term on the Harrisonburg Parks & Recreation Commission will expire as of 12/31/82. Councilman Cisney moved that Mr. Stone be reappointed to the Commission for a second term of four (4) years, expiring on December 31, 1986. The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Councilmen present.

Council was reminded of two vacancies which will be created on the Harrisonburg Electric Commission as of 12/31/82. Councilman Dingleline offered a motion that Mr. L. Yancey Gillum, whose first term will expire on that date, be reappointed to a second term of three (3) years, expiring on December 31, 1985. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

The following report from the Planning Commission meeting of December 15th was presented:

*"The Director referred to a revised text for a new zoning district for Harrisonburg, an 'R-5 Mobile Home District' which was the subject of a Public Hearing on November 17, 1982. City Attorney Lapsley has advised that the proposed district should be placed under Article E (1), covering Section 10-3-78 through Section 10-3-83. The Director reported that he and Mr. Byrd have incorporated suggestions made during the November meeting, including removal of a statement regarding 'overall dwelling unit density.' The Commissioners changed two sentences in paragraph f under 'Use Regulations' to read as follows:*

*'In each Mobile Home District, there shall be a minimum of ten percent (10%) common green open space, excluding public or private streets, roadways and parking areas, which shall be protected where necessary by adequate covenants running with the land, conveyances or dedications. A homeowners' association and/or restrictive covenants must be organized by the developer to operate and maintain the required common green open spaces, should the owner/developer not assume such obligation.' Mr. Rhodes noted that recent experience with a developer is the reason for this change.*

*With the understanding that existing mobile home developments to be annexed on January 1, 1983 will be 'grandfathered' under current County zoning regulations, and this proposed R-5 Mobile Home District will apply to any new mobile home proposals, Mr. Fleming moved that the Planning Commission recommend to City Council that said new zoning district be adopted. Mr. Trobaugh seconded the motion and all members voted in favor."*

City Manager Milan noted that the proposed R-5 zone is a requirement by the court order on annexation, and that the Planning Commission has had this under consideration for several years. He informed Council that a public hearing would have to be scheduled on the zoning amendment. Councilman Cisney moved that the report of the Planning Commission be accepted and a public hearing scheduled for Tuesday, January 25th, 7:30 P.M. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

Council was reminded that a petition, signed by residents along "Garber's Church Road" had been presented at the last regular meeting, objecting to any change in the name of that particular road, and that the petition had been referred to the City Planning Commission for study and recommendation. He read the following report from a December 15th meeting of the Commission:

*"The Commissioners reviewed a November 25, 1982 petition signed by 31 residents of State Route 910, located on the west side of the annexation area. The petition stated that Route 910 has been called 'Garber's Church Road' since the establishment of the church about 100 years ago...Mr. Milan reported that the Engineering Department has discovered on several deeds of property along Route 910 that the name, 'Garber's Church Road', is mentioned. Also, this name appeared on the annexation exhibits used in the trial. Mr. Conan Showalter, a resident of Route 910, told the Commissioners that he and the other residents feel it is part of their heritage to refer to their area as the 'Garber's Church Road' area.*

*Mr. Rhodes then moved that the Commission recommend to City Council that State Route 910, from U.S. Route 33 south be officially named 'Garber's Church Road.' Mr. Fleming seconded the motion and all members voted aye.*

*Since the Commission had recommended naming State Route 726 west of State Route 827 as 'Garber's Road', Mr. Heath moved that the Commission recommend it be named 'Erickson Avenue.' Mr. Fleming seconded the motion and all members voted aye..."*

Councilman Cisney moved that the recommendation of the Planning Commission for naming of the two areas, be approved. The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Councilmen present. During discussion, question was raised concerning the City's criteria with regard to naming an area as a street, road, avenue, drive, etc., with members agreeing that it may be well for the Commission to discuss this matter at a future meeting.

City Manager Milan presented for consideration of a first reading, an ordinance amending Section 1-1-12 of the City Code entitled: "Election districts; voting places." He noted that under the present code section, the city is divided into two wards (east and west of Main Street), with voting at the four elementary school buildings. He said he felt that Council will be required to extend those precincts, which will require a public hearing. Manager Milan said he would try to arrive at a count of qualified voters in the annexed area, and pointed out that the Spotswood precinct stands at a population count of 9,000, with a maximum allowance of 5,000 voters. Vice-Mayor Green offered an opinion that more information is needed, concerning number of qualified voters, etc.

Following discussion, Councilman Cisney moved that Council schedule a public hearing on the zoning amendment for Tuesday, January 11th, 7:30 P.M. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.

City Manager Milam presented the Comprehensive Annual Financial Report for the City of Harrisonburg as of June 30, 1982, prepared by the C.P.A. firm of Keeler, Phibbs & Company. It was agreed that a representative of the firm be invited to a future meeting of Council to present a report on the audit, and to answer any questions concerning same.

Correspondence dated 12/14/82 was presented from City Treasurer Simmons, advising that she had filed in the Clerk's Office a list of lands delinquent for three years and subject to sale for the year 1979 in the amount of \$ 1,410.25. It was noted that the law prohibits the Treasurer from taking any further action in this matter. The correspondence was for Council's information.

For consideration of a first reading, City Manager Milam presented an ordinance amending Chapter 3 of Title 4 of the City Code, in its entirety, in order to increase public confidence in purchasing by the city, to encourage competition in public purchasing among vendors or contractors, to administer fairly and equitably purchasing policies among bidders and to obtain high quality goods and services at the lowest possible price. Manager Milam noted that inasmuch as the Harrisonburg Electric Commission cannot adopt an ordinance, it is mentioned throughout this proposed ordinance along with the City of Harrisonburg. Noted further was the fact that this is a much more comprehensive ordinance, in that the present code simply designates the City Manager to act as Purchasing Agent for the City, with all purchases to be approved by him. Following a brief discussion, Councilman Dingledine 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. Manager Milam said he had been advised to seek approval of a resolution or Council motion that these will be the rules and regulations from the first day of 1983, in that all purchases will come under the state's Public Procurement Act. Councilman Dingledine offered a motion that rules and regulations in the proposed ordinance be implemented as of January 1, 1983, until Council's next regular meeting date of January 11th, or until the ordinance is adopted by a second & final reading. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Councilmen present.

Councilman Cisney moved that a supplemental appropriation in amount of \$ 10,466.63 requested by the Chief of Fire, in order to recover funds already expended for Communication Personnel from Rockingham County, be approved for second & final reading, a first reading having been approved on December 14th, and that:

- \$ 10,466.63 chgd.to: General Fund (1901.01) Recoveries & Rebates
- 6,000.00 approp.to: General Fund (3201-1101.06) Dispatchers
- 2,466.63 approp.to: General Fund (3201-5200.01) Communications
- 2,000.00 approp.to: General Fund (3201-5413.01) Other Oper. Expenses

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

Councilman Cisney moved that a supplemental appropriation in amount of \$ 298,585.00 to be used in acquisition of water facilities in the annexed area, be approved for second and final reading, a first reading having been approved on December 14th, and that:

- \$ 298,585. chgd.to: Water Fund - Unappropriated Fund Balance
- 298,585. approp.to: Water Fund (7011.03) Purchase of Utilities in Annexed Area

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 \$ 636,921.00 for use in acquiring sewer facilities in the annexed area, be approved for second & final reading, a first reading having been approved on December 14th, and that:

- \$ 636,921. chgd.to: Sewer Fund- Unappropriated Fund Balance
- 636,921. approp.to: Sewer Fund (7011.03) Purchase of Utilities in Annexed Area

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

For consideration of a first reading, City Manager Milam presented and reviewed with members of Council, an appropriation of monies to the various city departments for annexation, in total amount of \$ 664,700.00. Following the review, Councilman Cisney moved that the appropriation be approved for a first reading, and that:

- \$ 74,700. chgd.to: General Fund - Unappropriated Fund Balance
- 275,000. chgd.to: General Fund (1201.01) Est.Rev.- Sales Tax- Local
- 150,000. chgd.to: General Fund (1203.06) Est.Rev.- Bus. & Prof. License
- 50,000. chgd.to: General Fund (1205.01) Est.Rev.- Motor Vehicles Lic. & Fees
- 115,000. chgd.to: General Fund (2404.06) Est.Rev.- St. & Highway Maint.
- 4,000. approp.to: General Fund (1213-5200.01) City Treasurer- Communications
- 16,500. approp.to: General Fund (3101-1001.05) Police-Patrolmen (3 new)
- 1,500. approp.to: General Fund (3101-5400.01) Police-Other Mat. & Supplies
- 4,000. approp.to: General Fund (3101-5408.01) Police-Gasoline, Lub., Tires, etc.
- 29,000. approp.to: General Fund (3201-1001.05) Fire-Fighters (5 new)
- 4,000. approp.to: General Fund (3201-5408.01) Fire-Gasoline
- 4,000. approp.to: General Fund (3201-5413.01) Fire-Other Oper.Expenses
- 8,000. approp.to: General Fund (4101-1001.02) City Engineering- Civil Engineer'
- 20,000. approp.to: General Fund (4102-1010.01) St.Inspect.-Other Personal Services-(1 Skilled Craftsman)
- 20,000. approp.to: General Fund (4102-3004.07) St.Inspect.-Maint. & Repl.- Work in Annexed Area
- 2,000. approp.to: General Fund (4102-5408.01) St. Inspect.- Gas.,Lub.,Tires, etc.
- 2,200. approp.to: General Fund (4107-1010.01) Traffic Eng.- Other Pers.Services
- 2,500. approp.to: General Fund (4107-7001.00) Traffic Eng.- Cap.Outlay-Mach. & Equip.

- \$ 1,200. approp.to: General Fund (4108-1010.01) Highway & St.Beautification-  
Other Personal Services
- 800. approp.to: General Fund (4108-5408.01) Highway & St.Beautification-  
Gasoline, Lub., Tires, etc.
- 20,000. approp.to: General Fund (4202-5804.01) St.Cleaning-Snow & Ice Removal
- 500,000. approp.to: General Fund (9201-91.01) Debt Service-LNTR (Payment to  
Rockingham County
- 25,000. approp.to: General Fund (9401-14.41) Reserve for Contingencies

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

✓ Council received a request from the Superintendent of City Schools for approval of a supplemental appropriation in amount of \$ 325,000. in order to appropriate monies for payment to Rockingham County for annexed students. City Manager Milam noted that the funds would be derived from Local Sales Tax and Business & Professional Licenses in the General Fund. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

- \$ 125,000. chgd.to: General Fund (1201.01) Sales Tax - Local
- 200,000. chgd.to: General Fund (1203.06) Bus. & Prof. Licenses
- 325,000. approp.to: General Fund (9302-5803.02) Trans.to Other Funds for  
Oper. Expenses - Schools - Annexed Students

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

✓ A request was received from the Superintendent of Schools for approval of a supplemental appropriation in amount of \$ 325,000. in order to make payment to Rockingham County for annexed students the remainder of this school year. City Manager Milam reminded members that the funds had been appropriated from the General Fund- Local Sales Tax and Business & Professional Licenses. Councilman Dingledine moved that the appropriation be approved for a first reading, and that:

- \$ 325,000. chgd.to: School Fund (1860.01) Receipts from City Funds- Annexation  
Appropriation from City
- 325,000. approp.to: School Fund (1201-221.00) Other Inst. Costs- Tuition  
Paid Other Divisions

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

✓ City Manager Milam presented a request from the Street Department Superintendent for approval of a supplemental appropriation in amount of \$ 20,000. from the account of Refuse Collection, in order to provide for three new laborers, gasoline, etc. for the annexed area. Following a brief discussion, Councilman Cisney moved that the appropriation be approved for a first reading, and that:

- \$ 20,000. chgd.to: Sanitation Fund (1608.01) Refuse Collection
- 14,000. approp.to: Sanitation Fund (2-1010.01) Refuse Collection- Other  
Personal Services- (3 new laborers)
- 6,000. approp.to: Sanitation Fund (2-5408.01) Refuse Collection - Gas,Lub.,Tires,etc.

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

✓ City Manager Milam informed Council that checks in total amount of \$ 2,110,053. will be drawn tomorrow, representing payment to Rockingham County for sewer facilities in annexed area, amounting to \$ 1,254,300. and water facilities in amount of \$ 855,753. He noted that although the City will make payment four days in advance of the deadline, Rockingham County has indicated that it is not prepared to settle an amount of \$ 29,758.14 which is due the City on Sewer Line F, running from Dayton to the west of the city, and not included in the recent annexation. During a brief discussion, it was agreed that the City should honor terms of the contract and fulfill its obligation with regard to annexation costs.

At 9:35 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 Councilmen present.

At 10:45 P.M., on motion duly adopted, the executive session was declared closed, the regular session reconvened, and adjourned.

*N. Arlene Lober*  
CLERK

*Walter F. Green*  
VICE-MAYOR