

TRANSPORTATION CONTRACT BETWEEN
HARRISONBURG CITY SCHOOL BOARD and
THE CITY OF HARRISONBURG, VIRGINIA

January 1, 1983

(Refer to minutes of January 25, 1983)

THIS AGREEMENT entered into this 1st day of January, 1983, by and between the HARRISONBURG CITY SCHOOL BOARD (School Board) and THE CITY OF HARRISONBURG, VIRGINIA (City), who agree and covenant as follows:

1. Acknowledgments: The **parties** acknowledge the following:

(a) The School Board intends to establish and maintain a school bus transportation system for the benefit of students attending its schools.

(b) The School Board receives partial reimbursement for expenses of maintaining such transportation system from the Commonwealth of Virginia.

(c) The City now maintains a city transportation system so that it has

experience and expertise in the area of maintaining public transportation vehicles.

(d) The parties have agreed that the City will procure and own school buses used in its transportation program and the City will maintain such buses under the requirements of the "Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia, dated September 21, 1981," and such other legal requirements as shall be imposed upon the City or the School Board by law.

2. Ownership: The City will select, acquire, pay for and own all school buses to be used in transporting school pupils and the ownership of such school buses shall remain with the City and shall not be affected by the terms of this Agreement.

3. Maintenance: The City agrees that it will maintain the school buses owned by the City in accordance with Sections I, II, III and IV of the State Department of Education publication, "Regulations Governing Public Transportation and Minimum Standards for School Buses in Virginia" dated September 25, 1981, any subsequent or other regulations promulgated by the State Department of Education and all applicable State and Federal laws.

4. Availability of Buses: The City acknowledges its understanding of the obligation of the School Board to provide transportation for normal school days and normal school hours and other school-related activities and will take appropriate steps to assure the availability of buses in operable condition at the times required by the School Board.

5. Operation: The City will provide licensed and competent drivers meeting all legal requirements for school buses at the times required by the School Board.

6. Insurance: The City will maintain liability insurance on the vehicles.

7. Records: The City will prepare and maintain written records as shall be required by law, specifically including but not limited to "Regulations Governing Reimbursement of State Aids and Special Transportation Funds," and the regulations referred to in paragraph 4.

8. Reimbursement: The School Board shall reimburse the City for all reasonable and necessary expenses which are documented by the maintenance of records but in no event shall the amount of reimbursement exceed the aggregate of the transportation reimbursement funds paid to the School Board by the Commonwealth of Virginia and sums allocated by the City to the School Board for transportation of pupils.

9. Liaison Representative: The Superintendent of Schools will designate a school employee to act as a liaison representative between the School Board and the City's Director of Transportation to coordinate routing, disciplinary problems and other transportation related matters which arise under this Agreement.

10. Independent Contractor: The School Board and the City agree that the City will serve as an independent contractor in implementing the requirements of this Agreement. The City will not be deemed the agent of the School Board and it shall have the sole power to determine how to implement the requirements of this contract so long as the requirements of this contract and the requirements of law are met.

WITNESS the following signatures and seals.

THE HARRISONBURG, VIRGINIA, SCHOOL BOARD
By William A. Julias
Chairman

Attest:

Clerk

THE CITY OF HARRISONBURG, VIRGINIA
By Roy Erickson
Mayor

Attest:
N. Arlene Loker Clerk

(Contract acknowledged before a Notary Public by the Chairman and Mayor)

Tuesday, January 11, 1983

At a combined public hearing and regular meeting held in the Council Chamber this evening at 7:30, there were present: Mayor Roy H. Erickson; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Walter F. Green, 3rd; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: Councilman James C. Cisney.

Minutes of the regular meeting held on December 28th were approved as read.

The following regular monthly reports were presented and ordered filed:

From the City Manager:

A report of activities in the various departments and said office for the month of December, 1982.

From the City Treasurer:

A trial balance report as of close of business on December 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 \$ 7,815.42 for month of December, 1982.

From the City Auditor:

Financial report for the City of Harrisonburg, Va., month of December, 1982.

Report of cash discounts saved in payment of vendor's invoices for month of December, 1982 in total amount of \$ 255.59

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, 1982.

✓ Miss Shiralee Ryan, an exchange student from Australia, sponsored by the Rotary Youth Exchange Program, was present in the meeting for the purpose of presenting the governing body with her country's flag in appreciation and gratitude for hospitality extended her during the past year. Mayor Erickson accepted the gift on behalf of Council, expressed a hope that her stay in Harrisonburg had been pleasant, and wished her a safe trip home.

✓ City Manager Milam presented correspondence from Mr. Wayne King, Superintendent of City Schools, advising Council that Mr. Howard Whitmore had presented to the School Board, on behalf of the Harrisonburg High School Advisory Committee, a proposal to add recessed areas along the sides of Grace Street for "dropping off" and "picking up" students, in order to relieve the traffic situation. It was noted that although the School Board was in agreement with Mr. Whitmore's concerns, it has no funds available for such a project. Manager Milam suggested that the proposal be referred to the Harrisonburg Department of Transportation & Safety Commission for review and report. On motion of Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Councilmen present, the proposal was so referred.

✓ At 7:48 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 December 30, 1982; January 6, 1983 and January 11, 1983:

Notice is hereby given that the Harrisonburg City Council will hold a Public Hearing on January 11, 1983, at 7:30 P.M. in the City Council Chambers, 345 South Main Street, for the purpose of establishing boundaries for the wards and voting precincts. The City Council may alter the boundaries of such election district or precinct, and rearrange, increase, or diminish the number thereof, and change the polling places or establish others therefor, not to exceed, however, one polling place for each election district or precinct. No precinct shall be less than five hundred nor more than five thousand qualified voters per district or precinct.

The City Council will discuss the possibility of extending the present ward and precinct boundaries by the extension of North Main Street, East Market Street, South Main Street and West Market Street in order to enlarge Ward I, Precinct I (Simms); Ward I, Precinct 2 (Spotswood); Ward II, Precinct 1 (Waterman); Ward II, Precinct 2 (Keister). This Public Hearing is being held pursuant to Section 24-1-36 Code of Virginia.

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

Manager Milam said that the City Planning Director had prepared a small map showing estimated population figures, combining old and new city territories, as follows: Ward I, Precinct 1 (Simms School), 3,800; Ward I, Precinct 2 (Spotswood School), 9,550; Ward II, Precinct 1, (Waterman School) 6,150; Ward II, Precinct 2 (Keister School), 5,700, for an estimated total city population of 25,200. A report by the City Registrar sets out the number of registered voters by precincts, as follows: Simms, 1,163; Spotswood, 1,759; Waterman, 1,359; Keister, 2,373, for a total of 6,654. The report noted that according to an estimated total of 4,500 in the annexed area by the City Planning Office, with approximately 1/3 of a given area registered to vote, would result in an estimated 1,500 registered voters to be transferred to the city from Rockingham County. Mr. Sullivan explained that the proposal calls for the two city wards (center line of Main Street divided by U.S. Route 11 and U.S. Route 33, to be extended into the annexed area and the four polling places in the various schools to remain the same, thus resulting in no effect on voters in the old city area. Population figures from his office were based on the 1980 census, and the new figures based on the number of housing units in the annexed area multiplied by the state average of 2.8 persons per household. Mr. Sullivan noted that the largest precinct (Spotswood) of 9,550 residents, includes an estimated 4,500 - 4,900 JMU students residing in dormitories and ineligible to vote in the city; the second largest precinct (Waterman) with an estimated 6,150 residents is also increased by 900 - 1,000 on-campus students at EMC. Noted further was the fact that the estimated population count in the annexed area is increased over and above the figure stated in the annexation hearing trial a few years ago, primarily due to completion of Deer Run Apartments in the Port Republic Road area, Heritage Haven apartments in the Park View area, and other recent housing developments. City Manager Milam cited state code section 24-21-36 which provides for no more than 5,000 registered voters in any single precinct, with voters estimated as 1/3 of the total population in the precinct. He pointed out that a qualified voter should not have to pass a precinct in order to vote, which, in his opinion, will not be the case under the new proposal. Mr. Charles McNulty, a member of the Harrisonburg Electoral Board, stated that it was the Board's consensus that the present precincts should remain the same, in order to avoid confusion to voters in the old city.

The Public Hearing was declared closed at 8:04 P.M. and the regular session reconvened.

✓ Manager Milam reminded members that an ordinance amending Section 1-1-11 of the city code would require two readings; a map must be forwarded to the Attorney General for his approval, and then to the State Electoral Board for its approval, before the City can hold a special election on May 3rd of this year. Councilman Dingledine moved that an ordinance be approved for 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 Councilmen present.

✓ Mr. John Sowers, President of Valley Finance Service, was present in the meeting for the purpose of registering a complaint concerning the new license tax for consumer finance companies, in

that his corporation is affected by an annual increase from \$ 175.75 to \$ 1,911., representing 987%. The corporation has, over the years, been classified as a "Small Loan Agency" while under the new structure, is categorized as a "Professional Occupation" with a license tax rate of up to 58¢ per \$100 of gross receipts. Although the corporation is not regail in selling goods over the counter, he offered an opinion that it is closest to this category in that it is a high risk and low yield operation. As alternatives, Mr. Sowers suggested reverting to the flat rate concept or determination of a reasonable increase from the present level, or a more logical, reasonable & equitable rate tied to gross receipts. When Councilman Dingleline raised the question of how many other such companies were around, Mr. Sowers replied, two, namely: Beneficial Finance Company of Virginia and Security Pacific Finance Corporation, both categorized as businesses providing professional services such as a doctor or lawyer. Those businesses have a high yield and low overhead, resulting in the high tax rate based on 58¢ per \$100 of gross receipts. He pointed out that Valley Finance should be based on the retail sales rate of 16¢ per \$100. Commissioner of Revenue Smith said that the state had mandated changing of the Business & Professional license based on guidelines set up by the Department of Taxation. Financial establishments were placed in this category. He noted that since Valley Finance has been charged on a flat rate basis, and suddenly comes under the state mandate, amount of tax cannot be determined, in that the amount of gross receipts is now known. Vice-Mayor Green asked how many were employed by Valley Finance, and Mr. Sowers replied, "five". Request was made for a decision by Council, as soon as possible, in that a 10% penalty will be added to unpaid license taxes after January 31st. Mr. Bill Neff registered objection to an annual license tax of \$ 50. on each rentable lot. As owner of Spotswood Mobile Home Park off Country Club Road, and the Harrisonburg Mobile Home Park off Port Road, both recently taken into the city through annexation, Mr. Neff informed Council that his cost for the new licensing tax which is due January 31st would be over \$ 7,000., an amount which he can neither pay, nor pass on to his renters. Commissioner of Revenue Smith noted that this is a mandated charge, and that the Fairfax City ordinance had been used as a model by the City, in that it was the first to be adopted under the state rules, calling for a \$50 charge per lot. Mr. Neff said he felt that the charge in Fairfax had been \$ 50. for the past 35 years or more, and was based on transient type trailers or trailer camps where people constantly move in and out. This should not apply to his parks which are more permanent type renters. Mr. Clarence Heishman, owner of Park Trailer Court on Edom Road for the past 10 - 12 years, said he would not rent to anyone without a commitment that they would stay for an entire school year, or at least one calendar year. He offered an opinion that adding the cost of the license tax to young couples, as well as retired people, would pose an extreme hardship. Commissioner of Revenue Smith said he "had no feeling one way or the other", and suggested that Council may desire more input on the matter. Following discussion, it was agreed that the Finance Committee, comprised of Mayor Erickson, Vice-Mayor Green and the City Manager, sit down with Mr. Smith for the purpose of discussing the matter, in view of those heard in this evening's meeting.

✓ Councilman Dingleline moved that a supplemental appropriation in amount of \$ 664,700.00, representing appropriations to various city departments for annexation expenses, be approved for second and final reading, a first reading having been approved on December 28th, 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 Treas.- 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- Gas,Lub.,Tires, etc.
 29,000. approp.to: General Fund (3201-1001.05) Firefighters (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 Eng.- Civil Engineer
 20,000. approp.to: General Fund (4102-1010.01) St.Inspect.-Other Pers. Services-
 (1 Skilled Craftsman)
 20,000. approp.to: General Fund (4102-3004.07) St.Inspect.- Maint. & Replacement-
 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 Personal Services
 2,500. approp.to: General Fund (4107-7001.00) Traffic Eng.- Cap.Outlay- Mch. & Equip.
 1,200. approp.to: General Fund (4108-1010.01) Highway & St.Beaut.- Other Pers.Serv.
 800. approp.to: General Fund (4108-5408.01) Highway & St.Beaut.-Gas,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 Rock.County
 25,000. approp.to: General Fund (9401-14.41) Res.for Contingencies

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 \$ 325,000., requested by the Superintendent of City Schools in order to appropriate monies for payment to Rockingham County for annexed students the remainder of this school year, be approved for second and final reading, a first reading having been approved on December 28th, 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
 Operating Expenses- Schools - Annexed Students

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

Vice-Mayor Green moved that a supplemental appropriation in amount of \$ 325,000., requested by the Superintendent of City Schools in order to pay Rockingham County for annexed students the re-

mainder of the current school year, be approved for second & final reading, a first reading having been approved on December 28th, and that:

\$ 325,000. chgd.to: School Fund (1860.01) Repts.from City Funds- Annexation
Appropriation from City

325,000. approp.to: Schooo Fund (1201-221.00) Other Inst.Costs- Tuition Pd.
Other Divisions

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

Councilman Rhodes moved that a supplemental appropriation in amount of \$ 20,000., requested by the Street Superintendent in order to provide for three new laborers, gasoline, etc. for the annexed area, be approved for second & final reading, a first reading having been approved on December 28th, 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 Dingledine, and adopted by a unanimous recorded vote of Councilmen present.

A request was presented from Assistant City Manager Driver for approval of a supplemental appropriation in amount of \$ 1,892.00 in order that monies received from the state may be appropriated for Litter Control. Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:

\$ 1,892.00 chgd.to: General Fund (1901.01) Realized Rev.- Recoveries & Rebates

1,892.00 approp.to: General Fund (4108-5414.01) Litter Control

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

For consideration of a second & final reading, an ordinance amending and re-enacting Title 4, Chapter 3 of the Harrisonburg City Code relating to Purchasing and Contracting as required by the Virginia Public Procurement Act, Sections 11-35 through 11-80 of the Code of Virginia, was presented, a first reading having been approved on December 28th. City Attorney Lapsley pointed out a few changes which had been determined and made in the manual, following the first reading, dealing primarily with small purchases. Following discussion, it was agreed that the matter be tabled until the next regular meeting of Council, and referred to the City Attorney to prepare an ordinance adopting the amended Purchasing & Contracting manual by reference, which ordinance will require two readings before final approval.

Correspondence dated 1/5/83 was presented from the School Superintendent, enclosing a contract between the City of Harrisonburg and Harrisonburg School Board to provide for transporting of public school students at the opening of school year 1983-84. He noted that the contract, as drawn by the Board's attorney, was presented to the School Board and approved with one understanding: that the section referring to ownership of the buses to be purchased (10 requested), be altered to state that they would be owned by the City, should Council so desire. During discussion, it was noted that Councilman Cisney (absent in this meeting) had some preference on the matter with regard to city ownership of the buses. Councilman Rhodes said he could not see why a question was raised concerning school board ownership, in that all other school related equipment is school owned. City Manager Milam agreed, in that the buses would be used exclusively for one purpose: that of transporting school students. Following discussion, it was agreed that the matter be tabled until the next regular meeting, in view of a question concerning ownership of the buses.

City Manager Milam informed Council that Senator Nathan Miller would like some indication of Council's feelings, concerning his plan to prepare a Bill for introduction to the General Assembly dealing with late utility payments by the Commonwealth, in that it is exempt from all service charges, penalties, etc. He noted that this is primarily in reference to electric, water & refuse bills, although Highway, Welfare and other payments to the City are, at times, as much as six months late. Following a brief discussion, Councilman Dingledine moved that Council offer its support to Senator Miller in his efforts re the legislation. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

Mr. Kenneth Huffman, public accountant with the firm of Keeler, Phibbs & Company, was present in the meeting on Council's invitation, to review highlights of the city's financial report for year ended 6/30/82. He stressed one point in particular, that of fixed assets being included on the balance sheet (i.e. fire house, municipal bldg., etc.), offering an opinion that this will be a requirement by the Auditor of Public Accounts at some future time. Appreciation was expressed to Mr. Huffman for his review and report.

City Manager Milam called members' attention to their copies of the financial report for the Harrisonburg Elderly Housing and Downtown Rehabilitation Project as of 11/8/82, prepared by the accounting firm of Keeler, Phibbs & Company. He noted total program year 1978 funds available for disposition in amount of \$ 53,284.

Council received recommendations from the Downtown Development Corporation for: (1) expansion of the Central Business District; (2) Truck route ordinance; (3) Sign ordinance; (4) Architectural Review Commission. Councilman Rhodes moved that the recommendations be referred to the City Planning Commission for discussion and report. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.

For information, City Manager Milam informed Council that Dr. Joseph Enedy, Chairman of the City Planning Commission, had taken on the added responsibility of coordinating a census in the newly annexed area, with applications received by the city, for workers. Teams will be set up from those selected, to work the different areas, which project will require approximately 4 - 6 weeks for completion. Information concerning number of school students as to grade, age, etc.; number of

retired persons age 60 and over; number of persons with recreational I.D. card, etc., will also be determined.

✓ City Attorney Lapsley informed Council that delinquent taxes on seventeen parcels, in approximate amount of \$ 1,400. are in his hands for collection. He noted that the cost of law suits necessary in the collection, would run several hundred dollars. During a brief discussion, Council decided not to pursue the matter through suits, but to depend upon the lien of the taxes as recorded, which, under normal circumstances, will be paid when the properties are sold.

✓ Councilman Dingleline expressed a former concern about the appearance of the Campbell Street wall with regard to writing, drawings, etc., which results in an eyesore in the community. City Manager Milam pointed out the fact that sandblasting would prove quite expensive. One suggestion was for the planting of Virginia Creeper, which would in time, deter the artwork. The City Manager was asked to look into the situation to determine the best solution.

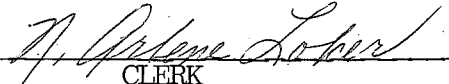
✓ Councilman Rhodes presented concerns as follows: (1) water standing in the northeast swimming pool and litter inside and outside the fenced area; (2) condition of structures at the corners of Gay & Myrtle Streets and Kelly and Myrtle Streets, insofar as debris, etc., when adjacent property owners are striving to renovate their own properties. During discussion, it was noted that Mr. V.W. Nesselrodt, new owner of northeast swimming pool property, is responsible for condition of the area, and Chief Presgrave was asked to contact him concerning the condition of the property. It was agreed that the Fire Chief, Building/Zoning Official, and any other departments concerned, be contacted and requested to check out properties situate at Gay & Myrtle Streets and Kelly & Myrtle Streets.

At 10:20 P.M., Councilman Dingleline moved that Council enter a brief executive session for the purpose of discussing personnel. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

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

✓ Upon reconvening the regular session, following Council's executive session to discuss personnel, Councilman Rhodes moved that Mr. Earl F. Taylor of 1109 Mountain View Drive, Harrisonburg, be appointed to a first term of five (5) years on the Harrisonburg Parking Authority, expiring on November 28, 1987. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Councilmen present.

There being no further business, and on motion duly adopted, the meeting adjourned at 11:02 P.M.


CLERK


MAYOR

Tuesday, January 25, 1983

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 meeting held on January 11th were approved as corrected.

Council received correspondence dated 1/15/83 from Lowell W. Miller, expressing a desire that the strip of lane along each side of Hess & Miller, Inc., 234 E. Market Street, not become a public street or alley. City Manager Milam reminded members that Section 6-1-4 of the City Code requires notification from a property owner, every five years, to prevent a street or alley from being used for public purposes. The Clerk was instructed to record this notification in Council's minutes.

At 7:45 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 January 6, 1983 and January 20, 1983:

"The Harrisonburg City Council will hold a Public Hearing on Tuesday, January 25, 1983, at 7:30 P.M. in the City Council Chambers, Municipal Building, 345 South Main Street, to consider amending the Harrisonburg Zoning Ordinance by adding a new zoning district, 'Residential-Mobile Home District.'

This zoning classification is intended to permit the development of Planned Mobile Home Parks for residential occupancy, on sites of not less than 5 acres in areas of the City adequately provided with street access, approved public water supply and sewers.

A 4,000 square foot minimum lot is proposed for single-wide mobile homes and a 6,000 square foot minimum lot is proposed for double-wide mobile homes.

The overall maximum density of mobile homes per acre will be 9 for single-wide and 7 for double-wide mobile homes.

Off-street parking will be one and one-half spaces per mobile home.

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

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

Planning Director Sullivan called attention to the following Planning Commission report from a meeting held on December 15, 1982, and presented to City Council on December 28th:

"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.."

Planning Director Sullivan pointed out location of mobile home parks on a map, with a total of 237 mobile homes, noting that Harrisonburg does not presently have a specific category for those parks, and neither are they mentioned in any of the present zones. The proposal is to establish an R-5 zone. He called attention to the last paragraph of the Planning Commission report concerning the fact that existing mobile home developments annexed into the City on January 1, 1983 are "grandfathered" under county zoning regulations, based on regulations when they were originally located. Use regulations permitted in the proposed R-5 Mobile Home District include:

- (a) Mobile Homes in a mobile home park development on a site of five (5) or more contiguous acres.
- (b) A mobile home must be occupied by a family of not more than three (3) unrelated persons.
- (c) Incidental buildings limited to non-commercial community use, laundry facilities, or office facilities needed for management. Such buildings must be built of acceptable construction systems other than mobile home standards and limited to the same lot and setback standards applicable for the mobile homes. Such buildings may not be attached to a mobile home.
- (d) Accessory uses appurtenant to the operation of a mobile home park development, such as recreational areas including swimming pools, picnic shelters and accessory storage buildings.
- (e) Private accessory buildings of not more than 100 square feet, to be located only in the rear yard area of a mobile home lot, and at least 5 feet from the property line or any easements on the property.
- (f) 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. Sullivan pointed out that another provision would be for single-wide mobile homes to be situated on lots of at least 4,000 square feet and double-wides on lots with a minimum of 5,000 square feet. A maximum of nine single-wide homes would be allowed per acre and seven double-wide homes per acre. He noted that the zoning text, only, is before Council for approval, with no rezoning of any territory at this time. Zoning an area R-5, if approved, would be done on request and any new applications will come under the city's regulations, with present owners continuing to operate as at present. Councilman Cisney asked "will we not permit single trailers to be located in the city unless under an R-5 zone?" Mr. Sullivan replied that the purpose of the R-5 zone is to create mobile home parks. There are no special use permits left over from the county's experience with the annexed territory, and the city proposed that new mobile home developments be in parks. Councilman Dingledine questioned whether a new unit would come under the city's regulations, although present ones are "grandfathered" in. Mr. Sullivan replied in the affirmative, adding that the zoning for each locality varies, and cited various examples. Mr. Bill Neff, owner of two mobile home parks, expressed the following concerns re Use Regulations, as set out in the city's proposal:

- (1) The recommendation incorporates Mobile Home Parks and Mobile Home Subdivisions which, in his opinion, should be two different classifications.
- (2) The "grandfathered" act should be made a part of the R-5 zoning text, in that it may be misunderstood in later years.
- (3) Would like to see the word "public" eliminated from Section 10-3-79 "Purpose of District", which refers to water supply and sewers, in that some of the residents have approved wells. There is one in particular that has served 120 persons for years.
- (4) Feels the Homeowners' Association and/or restrictive covenants under (f) is referring to Mobile Home Subdivisions, rather than Mobile Home Parks.
- (5) Section (c) - disagrees with provision that incidental buildings be built of acceptable construction systems other than mobile home standards. He feels that an owner should be allowed to construct a mobile home office on one of his lots, if so desired. Also suggested, that a convenience store would be a nice addition, but is not allowable under Section (c).
- (6) Underpinning should not have to be done before final inspection.
- (7) Disagrees with the 10% reserved for open space, in that it will increase cost of building and will have to be passed on to the renter.
- (8) Feels the maintenance of common areas is referring to a Mobile Home Subdivision rather than a Park.
- (9) Feels that if a park has to be screened from public view, that it should not be built.

Mr. Neff apologized for not expressing these concerns before this evening, but said he did not have the information concerning the proposal, in hand. He offered to work with the Planning Commission on any changes that may be made in the zoning text for R-5. Councilman Cisney asked Mr. Neff if he felt that a Mobile Home Park should be more dense than a Mobile Home Subdivision. Mr. Neff replied that a Mobile Home Subdivision could be a tract of land with not this much density, and the units could be sold. Councilman Rhodes noted that the word "public" is due to the fact that the city has to connect water and sewer. When Mr. Neff asked if there was any possibility in going to the 5-acre minimum, that spot zoning would be involve, Mr. Sullivan replied that the issue will likely be addressed by the court as an economic improvement matter, rather than spot zoning in the community. The five acres will look small on a city map, but we are inheriting some land in small commercial areas. Mr. Sullivan concurred with Mr. Neff in that both a Subdivision Control Ordinance and Zoning Ordinance are needed. Mr. Dallas Herring, President of Golden Rules Homes, concurred with every suggestion by Mr. Neff, as well as his comments. He noted that Chesterfield County has separate ordinances for Mobile Home Subdivisions and Mobile Home Parks, setting out lot sizes, etc., which is necessary in order to clearly define differences. When Mr. Sullivan asked Mr. Herring how he felt about the required open space, Mr. Herring noted that 100 - 200 spaces would be a different story than 5 - 10 acres. Mr. Sullivan offered an opinion that a neighborhood needs more than just room for a house and garage, and that the space could be left open and not improved with tennis courts, or other recreational provisions. When Mr. Herring asked if individuals that are "grandfathered", desired to replace their home with a new model, would come under the city's regulations, Mr. Sullivan replied that since it is "grandfathered", he felt that replacement would be permitted, as at present, but that the subject would require comments from others.

There being no others to be heard, the Public Hearing was declared closed at 8:22 P.M. and the regular session reconvened.

✓ The Mayor asked members' wishes concerning a first reading of the proposed ordinance to establish an R-5 Mobile Home Park District. Councilman Cisney moved that the comments and suggestions made this evening be recorded, and referred back to the City Planning Commission for review, before any action by Council, to give the Commission an opportunity to react. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ City Manager Milam informed Council that the Finance Committee had met with Commissioner of Revenue Smith and the City Attorney a week ago, to discuss concerns which had been registered at Council's January 11th meeting, and had formulated some recommendations. Vice-Mayor Green said it was felt that complaint registered by Mobile Home Park owners insofar as a \$ 50. business tax per trailer lot, was valid, in that they would actually be charged with double taxation when the real estate tax is considered. With regard to Mr. John Sowers' objection to his firm being categorized as a Professional Occupation, Vice-Mayor Green said that the Committee realized the change was made by the General Assembly, and therefore a recommendation was made for the City to make no change in the City's License Ordinance, but for study of the matter to be continued. Although this is a problem, he noted that the Committee is actually not in a position to make recommendation, in that it has no expertise along that line. Mayor Erickson said it was felt that in this case, there may be some of the annexed people not familiar with the city's business license tax, and may not be prepared to pay by the January 31st deadline and possibly delinquent by a day or so. In light of certain problems, they would not be penalized. Commissioner of Revenue Smith offered an opinion that if the deadline of January 31st is extended, it should not be restricted to the annexed area. Councilman Cisney said he realized that the financial institutions are not too many in number, and suggested that they apply for a business license in January, so the Commissioner of Revenue can have the necessary data. They should be given until February 28th in order to allow time for determination of rate. He noted further that the extension should not apply to all institutions. He offered a motion that those financial institutions experiencing difficulty in determining gross receipts, etc. be exempted from payment of their business license until February 28th, with the understanding that they will submit an application in January, with complete data re the business, in order that a fair license tax may be established. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council. After further discussion, Councilman Cisney moved that all businesses in the annexed area be exempt from paying business licenses until February 28th. This motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ City Attorney Lapsley said it has been learned that the City now has some grain dealers or brokers, operating businesses of buying and selling grain in bulk and brokering the sale of grain in bulk, with that type of business not covered under the City's License Ordinance. He presented for consideration of a first reading, and ordinance deleting Section 12-1-50 entitled "Trailer/Mobile Home Parks", thereby eliminating double taxation on Mobile Park Owners, and enacting Section 12-1-50 as "Grain Dealers", setting out an annual license tax of 5¢ per \$100 of gross receipts. Following a brief discussion, Councilman Dingledine moved that the ordinance be approved for a first reading, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council.

✓ Mr. Wayne King, Superintendent of City Schools, and Transportation Director Reggie Smith, were present in the meeting for the purpose of discussing the proposed agreement between the School Board and City of Harrisonburg for purchase of buses and transporting of students beginning in the 1983-84 school year. The agreement had been reviewed by Council on January 11th, and tabled due to some question concerning ownership of the buses. Mr. Smith said that under the proposal, all students will be transported next year, with purchase of ten buses to be used exclusively for this purpose. The buses will be operated and maintained under state laws, which is a part of the annexation requirement. He said that there would be hard feelings on the part of those residing in the old city, if students in the annexed area are transported free of charge and they have to continue paying. He offered an opinion that the situation of those students using the buses who live only a short distance from the schools will take care of itself, in that they will probably ride a week or so, and then walk. Councilman Cisney asked if Council was approving busing all students, or approving the fact that "we want all to be bused"? or, "will the contract be for transporting students and maintenance of buses"? City Manager Milam informed Council that in view of some discussion concerning ownership of the buses, he had two agreements drawn, to cover each situation (ownership by school board and ownership by city). Councilman Cisney said he felt his first thought

✓ would be for the city to own the buses, with maintenance to be under School Board supervision. Mr. King said he assumed that should the City go out of the transportation business, the School Board would be given ownership of the buses, and offered an opinion that this should be included in the agreement. Councilman Rhodes questioned the difference in the School Board owning the buses, and the City owning the buses, when the end result is the same. Councilman Cisney said he felt that since the City now owns a transportation division, School Board ownership could result in a conflict if the City only agrees to operate and maintain the buses. It would be a smoother operation if under the City's Transportation Department, with state funding available on application. Vice-Mayor Green questioned why there is no consideration given the one-mile limit for busing, and why there is a need for new buses. Mr. King said he knows of no good used buses that are available, and that too much money would have to be spent in order to keep them on the road. He noted that the 1-mile is another question, and that recommendation is being made to start with the younger children to be transported to and from school, in that 1-mile to walk is a "pretty good distance" for them. He would not like to pass those children by. He informed Council that technically they could operate with three buses, but they would have to go back and forth to the schools numerous trips, while with ten buses, all will begin on runs at the same time, and will have students there by the opening of school each morning. He noted further that a safety factor also enters the picture. According to the Superintendent, Council has the right to say "yes" on the 1-mile limit, but this could create problems. Rather than arbitrarily say "we are not going to haul you", Mr. King said he felt the situation would work itself out on voluntary decisions. Councilman Cisney asked how the state will reimburse, and if by the number of students transported. Mr. King said it would be based on the number of buses, number of students and mileage. The Transportation Director said he feels the new buses will last from 10 - 15 years, and that no additional personnel, drivers or mechanics would be necessary, in that his present staff is sufficient to operate and maintain the school buses. Councilman Dingledine asked about discipline of students on the buses and Mr. King replied that the school will have a liason person to work with this. Councilman Cisney offered a motion that Council approve the agreement (contract) following revision of same to include the fact of city ownership of buses, and any other necessary changes, with authorization for the proper officials to sign same following revision, with the agreement, in its entirety, to be made a part of these minutes. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council. City Manager Milam noted that the transportation budget would have to be inflated and monies paid out, prior to reimbursement by the state, with approximately \$ 200,000. needed.

(Contract; pages 342-343)

✓ Councilman Dingledine moved that a supplemental appropriation in amount of \$ 1,892.00 to appropriate state monies for Litter Control, be approved for second & final reading, a first reading having been approved on January 11th, and that:

\$ 1,892. chgd.to: General Fund (1901.01) Realized Revenue- Recoveries & Rebates

1,892. approp.to: General Fund (4108-5414.01) Litter Control

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

✓ Correspondence dated 1/14/83 was presented from Mr. Robert C. Knowles, tendering his resignation as a member of the Harrisonburg Redevelopment & Housing Authority effective January 1, 1983, in that he has accepted a new position in Staunton beginning February 1st. Councilman Dingledine moved that Council accept Mr. Knowles' resignation with regrets, and that a letter of appreciation be sent for services rendered on the Authority. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ For consideration of a first reading, an ordinance amending Chapter 3 of Title 4 of the City Code was presented, providing for the Purchasing and Contracting Policy Manual to be adopted, by reference. Council was reminded that although an ordinance amending Chapter 3 in its entirety, as set out in a manual and based on rules and regulations under the State's Procurement Act, had been approved for a first reading on December 28, 1982, it was agreed at the meeting on January 11th that rather than approve that particular ordinance for second reading, it be referred to the City Attorney for preparation of an ordinance adopting the Manual by reference, with a requirement for two readings. 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.

✓ For consideration of a second & final reading, City Manager Milam presented an ordinance amending and re-enacting Section 1-1-11 of the Harrisonburg City Code, entitled: "Designation and boundaries of wards." It was noted that inasmuch as there would be no change in the voting places from the four elementary schools, it was necessary only for an amendment of the one code section pertaining to the wards. Although the division line of the two wards (east and west) remains the same, namely: Main Street, boundaries are being extended east and west of Main Street to encompass the newly annexed territory. Following a brief discussion, Councilman Dingledine moved that the ordinance, approved for a first reading on January 11th, be approved for second & final reading, with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the City's Ordinance Book. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 300).

✓ The following proposed resolution was presented and read by City Manager Milam for Council's consideration:

WHEREAS; The Federal Job Training Partnership Act of 1982 authorizes the Governor of each state to designate the Service Delivery Area boundaries in their respective states, and

WHEREAS; The same legislation authorizes the Governor of each state to approve requests from a consortium of local governments with a total population in excess of 200,000 people to be designated as a single service delivery area within the state, and

WHEREAS; the Counties of Augusta, Bath, Clarke, Frederick, Highland, Page, Rockingham, Rockbridge, Shenandoah and Warren; and the Cities of Buena Vista, Harrisonburg, Lexington, Staunton, Waynesboro and Winchester comprise all the jurisdictions of Planning District six and seven located in the Shenandoah Valley and their combined population exceeds 325,000 people, and

WHEREAS; This area of the Commonwealth shares not only a common geography and heritage, it also shares a predominantly rural characteristic, common needs and problems as it relates to economy and jobs, and because the local jurisdictions are contiguous they serve a substantial part of the local labor market area.

NOW, THEREFORE: BE IT RESOLVED that the Harrisonburg City Council has passed a resolution to go on record requesting that the Governor designate the consortium of above named local governmental jurisdictions as a Service Delivery Area to be known as the Virginia Valley Manpower Consortium under the terms of the Job Training Partnership Act of 1982.

BE IT FURTHER RESOLVED that the _____ be empowered to request, accept and assume responsibility for funds under the Job Training Partnership Act (PL-97-300) for all localities designated in the Virginia Valley Manpower Consortium Service Delivery Area application.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of this jurisdiction to be affixed this _____ day of _____, 1983, and authorize _____ to enter into a consortium agreement for this area.

Name, Title

Jurisdiction

City Manager Milam explained that the CETA Program will terminate by Act of Congress in September of this year, with the Job Training Act created by Congress in 1982 which authorizes governors of states to set aside service delivery areas, with recommendations submitted to the governors regarding distribution of funds through businesses and industries as a job training program. Inasmuch as he was unable to attend the January 19th meeting held at Belle Meade, Manager Milam noted that information distributed at that time concerning the Job Training Act, was handed to him only this morning, with no time for a complete review of same. He suggested that Council may wish to give some thought concerning Harrisonburg serving as Fiscal Agent for the Program, noting that he had been requested by a number of the localities for Harrisonburg to assume this responsibility. An application must be submitted to the Governor in the early part of February, in order to qualify for funds in the Shenandoah Valley area. During discussion, it was agreed that the additional information would have to be thoroughly reviewed, prior to any commitment by the City to assume responsibility for the entire area in distribution of funds, keeping of records, etc. Vice-Mayor Green offered a motion that Council approve wording of the resolution designating the local governmental jurisdictions as a Service Delivery Area, with exclusion of the last paragraph, insofar as any implication that the City of Harrisonburg agrees to serve as Fiscal Agent. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

Mr. Don Gaines, representing Massanutten Trout Unlimited (an organization dedicated to the preservation of wild trout and salmon) appeared before Council with a request to improve a portion of stream in the Switzer Dam area. He noted that an application must be submitted prior to February 1st, in order to receive funding that is available through the Mellon Program, on a matching fund basis. He informed Council that the stream most deserving, is a stretch below the Switzer Dam that runs through a broad meadow. The channelized section is not suitable for trout in that it is too shallow, but added that it has definite potential. Ten structures over a 1,000' stretch are proposed for construction, in order to provide cover for the fish. Mr. Gaines said that one requirement is to obtain approval of the landowner, which in this case, is the City of Harrisonburg. If approved, the Foundation will pay 1/2 the cost, and the organization the other 1/2 which will include labor. The project will require about two summers for completion in that the work will take place on weekends. Purpose of the project is to provide a community service for trout fishermen in that it will increase spawning of native trout, and will make this stretch of Skidmore Fork more attractive to visitors. Estimated cost of the project is \$ 2,000., with application to be submitted to the Foundation for funding of \$ 1,470. City Manager Milam noted that although the Water/Sewer Superintendent had discussed the project with Mr. Gaines, and offered no objection, he felt that the matter should be presented to the governing body. Following discussion, Vice-Mayor Green moved that the request be granted, with authorization for the Mayor to sign the required form on behalf of the City of Harrisonburg, landowner. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

For information, the City Manager reported that correspondence had been received from the Commission on Local Government concerning proposed annexation by the cities of Staunton and Waynesboro, from Augusta County, setting out times allocated Harrisonburg for presentation of any comments, if so desired, when testimony is heard. No comments will be offered by Harrisonburg.

City Manager Milam informed Council that referrals had been made to his office concerning farmers who had received forms to fill out with regard to tangible personal property, and who were uncertain about the listing of farm equipment and animals. One person stated that he was only renting land for the purpose of raising calves. Councilman Cisney noted that they will not be paying taxes until December of this year, and that some changes may be necessary insofar as setting up a separate category, in that farm machinery and animals could not be taxed at \$ 2.65. Commissioner of Revenue Smith said that household property is exempt under personal property, with only automobiles, trucks, recreational vehicles, etc. subject to taxation. Under annexation, the City is dealing with farm equipment, etc. for which no assessment has been established. Mr. Smith said he would like to talk with some farmers to determine what the value of their equipment, animals, etc. is, and desires information and advice from some other people. Following a brief discussion, Councilman Dingleline suggested that the Finance Committee look into the matter, which suggestion met with Council's approval.

Councilman Cisney reported that he had received a call from a resident of Port Road and Crawford Avenue, complaining about JMU students parking on the residential street and completely ignoring regulations of the restricted parking area. He noted that the police department has been issuing tickets to violators, and pointed out the fact that the JMU parking lot is not being used to its full capacity. The violations could, of course, be by JMU visitors rather than students. Chief

Presgrave said he had talked with the gentleman yesterday who had registered the complaint with Councilman Cisney, and learned of the problem at that time. Councilman Cisney said it may be necessary to increase the fine and/or restrict or extend parking time in restricted parking areas. Mayor Erickson said he would send a note to P.O.Box 1013, in order to make the JMU-Community Relations Committee aware of the problem.

At 10:15 P.M., Councilman Rhodes moved that Council enter an executive session to discuss personnel. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

Mayor Erickson noted that although the motion for an executive session had been duly adopted, he felt it would be only fair to hear from a gentleman present in the meeting, in that he had failed to ask if anyone wished to be heard on any subject.

✓ Mr. Jerry Hill, a resident of Route 710 (recently annexed into the City), asked if he was required to use the City's garbage disposal system and pay the monthly charge of \$ 5. He noted that he has had no need for garbage pickup, in that 90% goes into compost for his garden, with the tin cans, bottles, etc. hauled to a dumpster to which he has access. Mr. Don Alexander, resident in the same vicinity, voiced concurrence with Mr. Hill. Councilman Cisney said it would be difficult to determine where to, and where not to pick up garbage, and said he would not know how to operate a garbage disposal system by letting only those who so desired, to use the system. Vice-Mayor Green offered an opinion that this matter should be looked into, as another problem. Councilman Cisney said that certain areas should be blocked off from the system, and not single residences, should it be decided to exempt some from the garbage pickup. Mayor Erickson noted that this evening's comments are the first to be heard concerning the garbage system, although Councilman Cisney added that he had heard from some elderly ladies. When question was raised concerning the population of Route 710, Mr. Hill noted approximately 20 homes, and said that 25 - 30% are using the garbage pickup system.

At 10:29 P.M., Council entered the executive session.

At 11:37 P.M., on motion of Councilman Cisney, seconded by Councilman Dingledine, and a unanimous vote of Council, the executive session was closed and the regular session reconvened.

✓ Council was reminded of two present vacancies created on the Upper Valley Regional Park Authority through expiration of Mr. George Welch, Jr.'s first term on January 24, 1983, and resignation of Ms. Betty Morris. The Mayor asked members' wishes concerning appointments. Councilman Cisney moved that Mr. George Welch be reappointed to a second term of four (4) years with expiration date of January 24, 1987, and that Mr. J. Dean McAlister of 367 Cedar Street, Harrisonburg, be appointed to fill the unexpired term of Ms. Morris which will expire on January 24, 1985. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ The Mayor asked Council's wishes concerning appointment of a member to serve on the Harrisonburg Planning Commission, inasmuch as the second term of Mrs. Kathryn Bowman had expired as of December 31, 1982, making her ineligible for reappointment. Councilman Rhodes moved that Mr. Dwight W. Hartman of 1309 Hillcrest Drive, Park View, be appointed to a first term of four (4) years, with expiration date of December 31, 1986. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ City Manager Milam reminded Council that the three year term of Mayor Roy Erickson, serving as Harrisonburg's representative on the Shenandoah Valley Airport Commission, will expire as of January 28, 1983. Vice-Mayor Green moved that Mr. Erickson be reappointed to the Commission for a three (3) year term, with expiration date of January 28, 1986. The motion was seconded by Councilman Cisney, and adopted by a majority vote of Council. Mayor Erickson, abstaining.

✓ Council was reminded that a vacancy has been created on the Harrisonburg Redevelopment and Housing Authority, as of November 29, 1982, through resignation of Dr. Paul Cline, following his first term on the Commission. The Mayor asked members' wishes concerning an appointment. Councilman Dingledine moved that Mr. Henry L. Whitelow of 221 East Kelly Street, Harrisonburg, be appointed to a four (4) year term on the Commission, with expiration date of November 29, 1986. 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 11:40 PM.

N. Arlene Loken
CLERK

Roy Erickson
MAYOR

Tuesday, February 8, 1983

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: Vice-Mayor Walter F. Green, 3rd; 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: Mayor Roy H. Erickson.

Vice-Mayor Green presided over the meeting in the Mayor's absence.

✓ Brigadier General Gilbert J. Sullivan of the 116th Infantry Brigade, Virginia National Guard, expressed pleasure in being selected to present the Harrisonburg City Council with the deed for 3.5 acres of land situate on the west side of South Willow Street, in exchange for the classrooms and storage rooms which were added to the William G. Myers Armory by the City. Also presented, was a pewter plate inscribed as follows: "Virginia National Guard- Department of Military Affairs: For Outstanding Support by the City of Harrisonburg, January, 1983." A letter from the Adjutant General of Virginia was read, and Sgt. John Coyle and Lieut. Colonel William Timberlake of the National Guard, present for the presentations, were introduced.

Minutes of the regular meeting held on January 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 January, 1983.

From the City Treasurer:

A trial balance report as of close of business on January 31, 1983.

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 \$ 5,949.28

From the City Auditor:

A financial report for the City of Harrisonburg, Va. month of January, 1983.

A report of cash discounts saved in payment of vendor's invoices for month of January, 1983, totaling \$ 133.83

From the Department of Utility Billing:

A report of water, sewer and refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of January, 1983.

✓ Mr. William Bowman of Locust Hill Drive, Forest Hills, was present in the meeting to register a complaint concerning a parking problem on both sides of the street, when activities are being held at the JMU Convocation Center, noting that this is a restricted parking area. He has found "barely enough room to get into his driveway at times" and asked what could be done to relieve the situation. A primary concern of residents is how emergency vehicles can get into the area, if needed. Mr. Bowman noted that a drainage ditch to the rear of his property is somewhat of a deterrent for access in crossing his property. Mrs. Freda Grimm of Locust Hill Drive, said she could put up with the trash (i.e. food wrappers, drink cans, etc.) left on her property by JMU fans, but objects to the fact that they are coming across her property. Because of the way the land is graded, one person has had a serious fall. Mrs. Grimm said she does not want to be held responsible for accidents which may occur on her property. She offered an opinion that special parking spaces provided by JMU should be utilized, rather than residential streets. Vice-Mayor Green asked Chief Presgrave what he could do insofar as requesting that JMU police be on hand in the area when special activities are being held at the Center. The Chief said he felt that some restricted parking signs should be placed, but that he would like to look into the matter further, in that he had received no contacts concerning the problem. Vice-Mayor Green said the matter would be placed on Council's agenda for the next regular meeting on February 22nd, and asked the Chief to investigate the situation between now and then; to see what can be done.

✓ Communications dated February 2nd and 3rd from Mr. J. R. Copper, Jr., Land Surveyor, were presented by the City Manager, with requests that the Final Plans for Unit 11 of Reherd Acres Sub-division containing eight (8) single family lots, and Unit 12 of Reherd Acres containing twenty (20) townhouse lots, be referred to the City Planning Commission for review. On motion of Councilman Dingleline, seconded by Councilman Cisney, and a unanimous vote of Councilmen present, the requests were so referred.

✓ Council was reminded that Mr. Robert Knowles had tendered his resignation as a member of the Harrisonburg Redevelopment & Housing Authority, effective as of January 1, 1983, thus creating a vacancy on the Authority. Vice-Mayor Green asked members' wishes concerning an appointment. Councilman Cisney offered a motion that Mr. Eugene H. McEnerney, 1615 Central Avenue, Harrisonburg, be appointed to fill the vacancy for the unexpired term which will expire on November 29, 1983. The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Councilmen present.

✓ Vice-Mayor Green asked members if they desired to make an appointment to the Harrisonburg Electric Commission at this time, in that the second term of Mr. Robert Moss had expired on December 31, 1982. Councilman Rhodes moved that Mr. Earl Budd of 487 Eagle Lane, Fairway Hills, be appointed to a first term of three (3) years expiring December 31, 1985. The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Councilmen present.

✓ For consideration of a second & final reading, an ordinance amending and re-enacting Chapter 3 of Title 4 of the Harrisonburg City Code by adoption of the Purchasing & Contracting Policy Manual by reference, which includes regulations as set out under the State's Procurement Act, was presented and read. Councilman Dingleline moved that the ordinance, approved for a first reading on January 25th, 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 "L" page 1).

✓ City Manager Milam presented for consideration of a second & final reading, an ordinance deleting Section 12-1-50 entitled "trailer/mobile home parks" from the Harrisonburg City Code, and enacting Section 12-1-50 as a new section entitled "grain dealers." Council was reminded that the ordinance was approved for a first reading on January 25th, and that by deleting the trailer/mobile home parks section, owners will not be burdened with double taxation on trailer lots. The new section provides for a tax of .05¢ per \$100 of gross receipts on businesses of buying or selling grain in bulk and/or brokering the sale of grain in bulk. 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. "L", page 2)

✓ For information, City Manager Milam informed Council that the Finance Committee had met for the purpose of discussing the matter of business licenses, and had made recommendation for the Commissioner of Revenue to reply to six institutions in the newly annexed area, notifying that they would not be placed into a taxable status, and that the business license requirement would

not be applicable in their cases. He explained that the exemptions were for small snack type operations at Eastern Mennonite College, Heritage Haven Apartments, Mennonite Home, and Massanutten Voc. Tech., all similar to that of James Madison University, with determination by the Committee that they should be afforded the same courtesy with regard to tax exemption.

✓ For consideration of a first reading, City Manager Milam presented an ordinance amending and re-enacting Section 12-1-32 of the Harrisonburg City Code entitled: "Financial, real estate and professional services", which establishes a separate and lower business license tax rate for small loan companies. The recommendation by the Finance Committee, following a lengthy review of the present ordinance and rate, was prompted by a complaint registered by Mr. John Sowers, President of Valley Finance Service, Inc., when he appeared before City Council on January 11th, noting that the firm had been placed under "Professional Services" with a license tax of 58¢ per \$100 of gross receipts. Inasmuch as placing financial institutions in the professional services category was a state mandate, and the tax could not be eliminated, an annual license tax of \$30 or 25¢ per \$100 of gross receipts was established in the ordinance covering a financial service that renders a service for compensation in the form of a credit agency, an investment company, a broker or dealer in securities and commodities, or a security or commodity exchange that is providing a financial service. Following a brief discussion, Councilman Cisney moved that the ordinance be approved for a first reading. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Councilmen present.

✓ City Attorney Lapsley presented for consideration of a first reading, an ordinance amending and re-enacting Section 12-1-55 of the Harrisonburg City Code entitled: "Buyers of Gold and Silver". He informed Council that the purpose was to adopt, by reference, sections 54-859.15 through 54-859.25, inclusive, and section 54-859.27 of the Code of Virginia, as amended. He noted that setting out provisions of those sections, by reference, into the City Code, was the simplest way, rather than setting out the sections fully. Councilman Dingledine moved that the ordinance be approved for a first reading, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous recorded vote of Councilmen present.

✓ City Manager Milam presented an ordinance for consideration of a first reading, to close and vacate a 10' alley situate west of Kyle Street, east of the C-W Railway and just south of Grattan Street, which adjoins property of the City of Harrisonburg on the south and J.M.A. Partners (James & John Monger). He reminded members that interest had been expressed on July 11, 1981 by Mr. James Monger in purchasing a parcel of land owned by the City on the west side of Kyle Street and the south side of Grattan Street, in that he owns land to the north of the property. The matter was referred to the City Planning Commission, with report presented at Council's October 27, 1981 meeting, with recommendation for the City to start proceedings to close a portion of Kyle Street and paper street between Kyle Street and Walnut Lane, and to then offer the total parcel to the public by public auction or by sealed bid. Inclusion of the 10' alley in the closings was suggested by Planning Director Sullivan, although action had not been taken by the Planning Commission. A report from a duly appointed Board of Viewers was presented to Council on November 10, 1981 concerning closing of an unimproved portion of Kyle Street, plus the 10' alley. The report stated that Mr. Monger had expressed a willingness to submit a sealed bid, or would be interested as a bidder, should the property be sold at public auction. No inconvenience was found by the Viewers in the closings. Manager Milam informed Council that former City Engineer Devier had been working on the matter, with some concern about easements for city utilities in the area. He pointed out location of the 10' alley and paper street on a map, and suggested that the Kyle Street area be left open for service trucks, with the city retaining two turn-around spots. He asked direction as to how the sale should be handled (i.e. sell tracts separately, or as a whole), and suggested that the buyer(s) be requested to install the necessary water & sewer lines, install curb & gutter, and grade the street, based on the requirement for any other subdivider. During discussion, it was agreed that action this evening be focused on closing the 10' alley and portion of paper street, as set out in the proposed ordinance. The City Attorney said he would have to re-draw the ordinance to include the utility easements, which the city would retain. Councilman Cisney moved that the ordinance be approved for a first reading, which motion, upon being seconded by Councilman Dingledine, was adopted by a unanimous recorded vote of Councilmen present. It was agreed that a date for the public auction for sale of the parcels be scheduled following a second reading of the ordinance at the next regular meeting on February 22nd. It was further agreed that the buyer(s) be asked to comply with the City Manager's suggestions insofar as necessary water & sewer lines, curb & gutter and grading of the street.

✓ City Manager Milam called attention to a resolution signed and submitted by Mr. Jennings Morris, Chairman of the Central Shenandoah Planning District Commission, recommending that member jurisdictions participate in the Central Shenandoah Certified Development Company, under the new 503 Program recently drafted and approved by the Commission. Purpose of the Company will be to serve as a recruitment tool for industrial development leaders in our area to use, in order to get businesses to locate here, as opposed to going to other areas of the state or nation. Manager Milam noted that all cities and counties in Planning District 6 are being requested to approve similar resolutions creating the Development Company, with by-laws to be reviewed and approved by persons appointed to the new organization. Councilman Rhodes, a member of the CSPDC, said that the company will be composed of 32 members, with a cost to the City of Harrisonburg of 1/2¢ per capita, should it agree to "go along," and added the fact that the Program received full endorsement by the Commission. Councilman Cisney asked if it had been discussed by the Commission from the standpoint of how this Company could be formed within the Planning District without additional personnel and assessment, and said he had strong reservation with regard to establishing another commission which has to be funded. Mr. Rhodes replied that the requested assessment of 1/2¢ per capita is for the purpose of "getting it off the ground." Following discussion, Councilman Cisney moved that the matter be tables for the time being. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.

✓ Councilman Cisney informed Council that some residents of Rorrer Circle desire some understanding with regard to the recent annexation by the City, in that the line is "split" or "cut-off" separating some houses. Question is raised concerning how the streets will be treated, how the

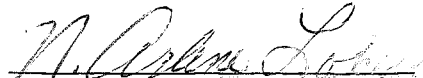
children will be treated insofar as school attendance, etc. City Manager Milam explained that the annexation line runs approximately 1,000' west of Garber's Church Road, and the Rorrer Subdivision comes in off Route 33 above the annexation line, with end of the cul-de-sac inside the city. It is hoped that the City's Commissioner of Revenue and the County's Commissioner of Revenue can agree on the split line. They will talk to the parties involved, to determine which way they desire to go. He offered an opinion that the city's bus, school bus, garbage truck, etc. will make a turn-around. Assistant City Manager Driver informed Council that two houses are split, with another three or four located outside the annexation line. When Councilman Cisney asked if anything was set out in the court order providing inclusion of those homes, or extension of the line, the reply was negative.


At 8:55 P.M., Councilman Dingledine moved that Council enter an executive session to discuss personnel. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

At 9:55 P.M., on motion duly adopted, the executive session was closed and the regular session reconvened.

Councilman Rhodes moved that a letter be sent, expressing sympathy of Council to the family of Deputy Rafter on his untimely death, and also a resolution of support to the County Sheriff's department. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.

There being no other business and on motion duly adopted, the meeting adjourned at 10:00 P.M.


CLERK


MAYOR

Tuesday, February 22, 1983

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 February 8th were approved as read.

✓ Correspondence dated February 4, 1983 was presented and read from Attorney Henry Clark, Counsel for Boddie-Noell Enterprises, Inc. Request was made for the rezoning request for property situate on the south side of Port Republic Road to be re-referred back to the City Planning Commission, in view of additional information which would be presented in support of the rezoning. Mr. Clark pointed out that traffic studies are being carried out at the present time and expected to continue over an adequate period of time to provide statistics showing the various traffic conditions in the area and particularly of James Madison University functions. He noted further that plans of the Highway Department for the area are at a stage of review, revision and approval. Mr. Clark said that all parties in interest would be given an opportunity to develop at a public hearing, their various positions. When question was raised by Councilman Rhodes as to whether or not the Planning Commission could be required to hold a second public hearing on a particular matter, it was determined that it would only be done on a voluntary basis by the Commission. Councilman Rhodes moved that the rezoning request of Boddie-Noell Enterprises, Inc., be re-referred to the City Planning Commission for study and report. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council. Assistant City Manager Driver informed Council that an earlier meeting scheduled by the Highway Department had been postponed, and that he would notify members when the meeting is re-scheduled.

✓ Correspondence was presented and read from Mr. W. M. Sanders, Chairman of the Kiwanis Travelogue Committee, expressing appreciation for the City of Harrisonburg making it possible for the Club to meet its commitment to the many patrons of the Travelogue series, from the standpoint of snow removal. It was noted that the Street Department should be commended for reducing risks to motorists in making the streets and parking available on Saturday, February 12th, during the record snow storm.

✓ City Manager Milam presented and read the following Planning Commission report from a February 16th meeting:

Following Mr. J. R. Copper's description of the proposed Development Plan which shows four 10-unit apartments and a 5-acre neighborhood park, several citizens whose single family homes border the area, expressed opposition to the rezoning request. They oppose higher density and apartments in particular. Mr. Fleming asked why developing single family lots isn't feasible. Mr. Copper responded that today's construction costs make it prohibitive from a developer's standpoint. Mr. Rhodes asked if Mr. DePoy and other members of Reherd Acres, Inc. plan to build the proposed apartments. Mr. Copper said he believes the present owners hope to sell the apartment site for others to build and operate. Mr. Rhodes questioned the present owners' interest in maintaining the proposed park if they aren't owners of the apartments.

Mr. Heath concluded the hearing with a motion that the Planning Commission recommend denial of the rezoning request from Reherd Acres, Inc. Mr. Fleming seconded the motion, based on the objections heard from adjacent property owners, the uncertainty of the proposed park, and adding more acreage to the R-4 zoning category to meet the common green space requirement which should have been taken care of in the first portion of Reherd Acres. All members then voted in favor of the motion.

City Manager Milam then presented correspondence dated 2/21/83 from Mr. Jack DePoy, Reherd Acres developer, requesting to withdraw the rezoning request on approximately eight acres of land in the subdivision, which matter has been pending before Council. Following a brief discussion, Councilman Cisney moved that Council acknowledge receipt of the Planning Commission report, and grant the request for withdrawal, as requested by Reherd Acres, Inc. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

The following Planning Commission report from a February 16th meeting was presented and read:

Mr. J. R. Copper, Jr. presented and described the proposed Final Plats for Reherd Acres Subdivision, Units 11 and 12. Unit 11 will establish eight single family lots, seven of which will be on extended Broad View Drive and one will be on Blue Ridge Drive. Mr. Sullivan presented the staff's Subdivision Review Sheet and noted that Broad View Drive will be constructed with curb and gutter by the developer. The land involved is zoned R-1 Single Family District.

Mr. Copper described Unit 12 as the first part of a larger 'for-sale' townhouse project. Unit 12 will have 20 townhouse lots plus a common open space strip primarily along the back side of the townhouse lots. Mr. Copper noted that a homeowners' association will be formed, and the townhouse owner will become part-owner of the common areas. This will be required in the deed of sale. The Subdivision Review Sheet was reviewed and the Director noted that Vine Street will be dedicated in front of the 20 proposed lots and northward to Meadowlark Drive. The developer won't be required to construct the street north of the Unit 12 section at this time.

Mr. Fleming concluded the discussion with a motion that the Planning Commission recommend approval of the Final Plans for Reherd Acres, Units 11 and 12. Mr. Rhodes seconded the motion and all members voted in favor.

Planning Director Sullivan pointed out location of both units on a map, and noted that when weather permits, some apartments will be underway by Mr. Neil Turner on his property next to the townhouse lots in Unit 12. Following discussion, Vice-Mayor Green moved that the recommendation of the Planning Commission be approved. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

Council received the following Planning Commission report from a meeting held on February 16, 1983:

The Director reported that as a result of the newspaper article covering the Commission's January discussion of street names and duplications, several citizens have written letters or called the office with suggestions. Concerning the duplication of street names in Park View, the consensus of opinion is for residents to add 'Park View' after their street name, although the Post Office does not feel this is necessary, because street numbers are not duplicated.

The Commissioners reviewed the following list of proposed street names:

- 1. 'Switchboard Road' - - Route 910 which extends north off West Market Street near the west city limits. (The switchboard for the old West Central Telephone Company was located in a house on this road).*
- 2. 'Sunny Acres Lane' - - a 40' public right-of-way which extends west off Garber's Church Road in Sunny Acres Subdivision.*
- 3. 'Lendale Lane' -- a 50' public right-of-way which extends east off Garber's Church Road to Stoneleigh Drive in Sunny Acres Subdivision.*
- 4. 'Willow Spring Road' -- a 60' industrial access road which extends east off Pleasant Valley Road. It leads to Wampler Chemical Company, Banta Company, and the Callender farm near the south city limits.*
- 5. 'Ridgeville Lane' - - a 20' public right-of-way which extends west off Reservoir Street. It serves approximately 16 lots.*
- 6. 'Spotswood Terrace' - - a 50' public right-of-way which extends east off Keezletown Road, serving 8 lots of E.L. Klingstein's subdivision adjacent to Spotswood Country Club.*
- 7. 'Harmany Lane' - - a 30' public right-of-way which extends east off Virginia Avenue on the north city limits; this lane is part of Harmany Hills Subdivision which lies just north of the city limits.*

Mr. Fleming moved that these names be recommended to City Council for consideration. Mr. Hartman seconded the motion and all members voted in favor.

Councilman Rhodes, a member of the City Planning Commission, noted that the Commission had received input from citizens, suggesting various names. Planning Director Sullivan informed Council that more letters and phone calls are anticipated as new roads are being discovered, and added that the main function is to recommend names that are not duplications. Following a brief discussion, Councilman Cisney moved that the list of street names, as recommended, be approved. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

Correspondence dated 2/10/83 was presented from the Department of Utility Billing, with a listing of delinquent utility accounts totaling \$ 2,946.27, with request for authorization of Council to charge same off city records as uncollectable. It was noted that consumers listed, no longer have services with the City of Harrisonburg, and efforts have been made by the department to contact each, concerning the accounts. City Manager Milam said that charging off an account does not mean that it cannot be collected at some future date, should any of the consumers request service in the City. During a review of the list, and appropriate comments concerning each account, it was noticed that a majority of same had been turned over to the Sheriff for collection. The City Attorney was asked to check into those accounts in excess of \$100, particularly one in excess of \$200, listed as Par Lane. Councilman Cisney moved that the Department of Utility Billing be authorized to charge the accounts (as listed) off city records as uncollectable. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

For consideration of a second & final reading, an ordinance amending and re-enacting Section 12-1-32 of the Harrisonburg City Code entitled "Financial, real estate and professional services" was presented. Members were reminded that the ordinance levies an annual license tax of \$30 or .25 cents per \$100 of gross receipts (whichever is greater) on any person rendering a service for compensation in the form of a credit agency, an investment company, a broker or dealer in securities and commodities or a security or commodity exchange that is providing a financial service. 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 "L", page 3).

Council received for consideration of a second & final reading, an ordinance amending and re-enacting Section 12-1-55 of the Harrisonburg City Code entitled: "Buyers of gold and silver," whereby Sections 54-859.15 through 54-859.25, inclusive, and Section 54-859.27 of the Code of Virginia as amended, are adopted in their entirety and incorporated into the aforesaid section, by reference. 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 "L", page 4).

City Attorney Lapsley presented for consideration of a second & final reading, an ordinance to close a 10' alley situate west of Kyle Street, east of the C-W Railway and just south of Grattan Street, which adjoins property of the City on the south and J.M.A. Partners on the north; also to close a portion of unimproved street lying between Kyle Street and Walnut Lane. City Manager Milam said he had written Messrs. John and James Monger, owners of the adjoining property, notifying that the closings had been recommended by the City Planning Commission and duly appointed Board of Viewers. Request was made for two separate checks to be drawn and made payable to the City of Harrisonburg, by the owners, for 1/2 of the alley (464.15 sq. feet) in amount of \$ 352.75 based on assessed value of .76 cents per square foot, and \$ 2,549.80 for 1/2 the lane (3,355 sq. feet) based on the same valuation per foot. Further advised was that two parcels of city owned land would be offered at public auction on March 2, 1983, 2:00 P.M. in the City Council Chambers, and that the purchaser(s) would be required to comply with the City's Subdivision Control Ordinance with regard to street construction and other necessary improvements, with this to be taken into consideration when arriving at an estimated minimum price for each of the two parcels. Council was informed that the two checks had been received, and when the ordinance for closings has been finally adopted, all will be in readiness for the public auction. Estimated minimum sale price, recommended by the City Manager, for parcel 1 containing 10,410 square feet, plus 1/2 of the alley, is \$ 12,000., and for parcel 2 containing 10,601 square feet, plus 1/2 of the 55' lane, \$ 17,000. Following discussion, Councilman Cisney moved that the ordinance for closings be approved for second & final reading, with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book. The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council. (Ord. Bk "L", pg. 5). The City Manager was authorized and directed to handle all necessary transactions in the matter.

A request was presented from Chief of Police Presgrave for approval of a supplemental appropriation in amount of \$ 2,588.44 in order to replace monies that were spent out for special details (outside departmental), which were reimbursed by James Madison University. Also, funds spent on Workmen's Compensation claims and replacement of funds for accident caused by another party. Councilman Dingledine moved that the appropriation be approved for a first reading, and that:

- \$ 2,476.44 chgd. to: General Fund (1901.01) Recoveries & Rebates
- 112.00 chgd. to: General Fund (4101.01) Rec. & Rebates- Insurance
- 2,476.44 approp. to: General Fund (3101.1001.07) Special Police
- 112.00 approp. to: General Fund (3101.3004.03) Maint. Repairs Auto Equip.

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

As a follow-up of his letter to City Manager Milam dated 2/17/83, Mr. Ben Vorhies, Director of the Governor's Employment and Training Council, was present in the meeting to request approval of a resolution designating a member to the Steering Committee to organize for implementation of the Jobs Training Partnership Act. Manager Milam reminded Council that a resolution was approved on January 25th, endorsing establishment of a Service Delivery Area comprised of the ten counties and six cities, to receive funding through industries for job training. The following proposed resolution was then read for consideration of approval:

WHEREAS: The Job Training Partnership Act of 1982 authorizes the Governors of each state to designate the Service Delivery Area boundaries in their respective states, and

WHEREAS: The Counties of Augusta, Bath, Clarke, Frederick, Highland, Page, Rockbridge, Rockingham, Shenandoah and Warren; and the Cities of Buena Vista, Harrisonburg, Lexington, Staunton, Waynesboro and Winchester comprise all the jurisdictions of Planning District six and seven located in the Shenandoah Valley and their combined population exceeds 325,000 people, and

WHEREAS: The vast majority of the jurisdictions in Planning Districts six and seven have requested that the Governor designate Planning Districts six and seven as a Service Delivery Area, and it is very likely that Planning Districts six and seven will be designated as a Service Delivery Area, and

WHEREAS: Implementation of the Job Training Partnership Act will require establishment of a Private Industry Council (PIC) in each Service Delivery Area; such Council at a minimum to be comprised of representatives from educational agencies, organized labor, rehabilitation agencies, community based organizations, economic development agencies, the public employment service and at least 51% Private Industry members, and

✓ WHEREAS: Implementation of the Job Training Partnership Act will require the negotiation and acceptance of a cooperative agreement among participating counties and cities and the Private Industry Council certificates must be submitted to the Governor's Job Training Coordinating Council no later than April 5, 1983, and

WHEREAS: The tasks of negotiation of the before said cooperative agreement and appointment of a Steering Committee representing participating jurisdictions in Planning Districts six and seven.

NOW, THEREFORE, BE IT RESOLVED that _____ has passed a resolution appointing _____ to a Steering Committee to be comprised of one member representing each participating county or city in Planning Districts six and seven. The purposes of said Steering Committee shall be:

- to determine the initial membership categories and size of the Private Industry Council of the Service Delivery Area,
- solicit nominations from appropriate sources for the Private Industry Council,
- appoint Private Industry Council membership from nominations received,
- submit Private Industry Council membership to the Governor's Job Training Coordinating Council for certification by April 5, 1983,
- negotiate a cooperative agreement between participating jurisdictions and the Private Industry Council in Planning Districts six and seven. Items to be considered in the cooperative agreement shall include, but shall not be limited to:
 - * policies, priorities, goals, and objectives of the Service Delivery Area,
 - * method by which participating local governments and the Private Industry Council concur in the annual Plan for Jobs Training Partnership Act activities,
 - * selection of a grant recipient entity and outline of its functions,
 - * selection of an administrative entity and outline of its functions, and
 - * method by which participating jurisdictions share financial responsibility for funds.

BE IT FURTHER RESOLVED that the above names representative is delegated the authority necessary to carry out the functions of the Steering Committee and to enter into a cooperative agreement on behalf of _____ between and among participating jurisdictions and the Private Industry Council in the Planning Districts six and seven Service Delivery Area.

The Steering Committee shall meet on March 17, 1983 at 1 p.m. at the Belle Meade Red Carpet Inn Restaurant, Harrisonburg, Va. (exit off I-81) to organize itself, select a chairman, and construct a timetable for its operations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of this jurisdiction to be affixed this _____ day of _____, 1983.

Name, Title

Jurisdiction

When Councilman Cisney asked if localities would be called upon to support the staff, Mr. Vorhies replied in the negative, noting that the Program is self-sufficient, with a zero cost to any locality. Rather than creating public service jobs, he said that funds would go to private businesses and industries for the purpose of training qualified unemployed area residents. Council was informed by the Director that the major risk of misspending has been removed, and he offered an opinion that this is no major issue. It will, however, have to be resolved through cash repayment, should it occur. Inasmuch as it is impossible for him to discuss policies and problems with the entire area, Mr. Vorhies noted that this would be handled through the Steering Committee. He estimated 6 - 8 meetings of the Committee prior to adoption of a Cooperative Agreement. Mr. Vorhies urged Council to appoint someone to serve on the Steering Committee, preferably "one of its own", which would add prestige and respectability to the Committee." Following discussion, and some gentle persuasion among members, Councilman Cisney offered a motion to approve the resolution, designating Councilman Dr. Raymond C. Dingledine, Jr. as a representative of Harrisonburg on the Steering Committee. The motion was seconded by Councilman Rhodes, and adopted by a majority vote of Council. Councilman Dingledine voted "aye" with regard to approval of the resolution, but abstained from his designation to serve on the Committee. Mayor Erickson signed the resolution on behalf of the City of Harrisonburg.

✓ Dr. Jon McIntire, a member of the Harrisonburg-Rockingham Community Mental Health and Mental Retardation Services (Chapter 10) Board, pointed out highlights from the annual report of the Massanutten Mental Health Center, July 1, 1981 - June 30, 1982, and discussed statistics and other services rendered by the Board. He noted that this particular Board receives more support than any other Boards, and therefore, can provide more services than other Boards. He expressed appreciation for Council's financial support.

✓ City Attorney Lapsley presented the following proposed resolution for Council's approval, noting that a change in the state law as of the first of this year, makes it mandatory for a public hearing to be held with regard to bond issues:

WHEREAS, Section 103 (k) of the Internal Revenue Code of 1954, as amended, requires that a public hearing be held on all "industrial development bonds" within the meaning of such section issued after December 31, 1982; and

WHEREAS, it seems appropriate to the City Council of the City of Harrisonburg, Virginia, and consistent with the provisions and intent of the Virginia Housing Authority's Law (the Act) that the Harrisonburg Redevelopment & Housing Authority (the Authority) should hold the necessary public hearing on the bonds it proposes to issue under the Act;

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

1. The City Council, until further resolution of this Council, approves the holding of hearings required by Section 103 (k) of the Internal Revenue Code of 1954, as amended, by the Authority, on all bonds proposed to be issued by such Authority. This resolution shall be in effect from and after the _____ day of _____, 1983.

ADOPTED and APPROVED this _____ day of _____, 1983.

MAYOR

Atteste:

CLERK

Councilman Rhodes offered a motion that the resolution be approved, effective as of this date, with authorization for the proper officials to sign same. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

Noting a change in the state law as of the first of this year mandating public hearings on matters re bond issues, the City Attorney presented the following proposed resolution for approval:

WHEREAS, Section 103 (k) of the Internal Revenue Code of 1954, as amended, requires that a public hearing be held on all "industrial development bonds" within the meaning of such section issued after December 31, 1982; and

WHEREAS, it seems appropriate to the City Council of the City of Harrisonburg, Virginia, and consistent with the provisions and intent of the Virginia Industrial Development and Revenue Bond Act (the Act) that the Industrial Development Authority of the City of Harrisonburg, Virginia (the Authority) should hold the necessary public hearing on the bonds it proposes to issue under the Act.

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

1. The City Council, until further resolution of this Council, approves the holding of hearings required by Section 103 (k) of the Internal Revenue Code of 1954, as amended, by the Authority, on all bonds proposed to be issued by such Authority.

This resolution shall be in effect from and after the _____ day of _____, 1983.

ADOPTED and APPROVED this _____ day of _____, 1983.

MAYOR

Atteste:

CLERK

Councilman Rhodes moved that the resolution be approved with effective date February 22, 1983, with authorization for the proper officials to sign same. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

The following proposed resolution was presented by the City Manager, for Council's consideration of approval:

BE IT RESOLVED, that due to annexation, construction, and reconstruction there are certain streets within the city limits of Harrisonburg which are eligible for maintenance payments from the Department of Highways & Transportation under Sections 33.1-41 and 33.1-43 of the Code of Virginia 1979 Amendment as follows:

1. PRIMARY EXTENSIONS of 4.29 center line miles with 14.26 lane miles. Said streets being listed on accompanying U-1 (7-1-82) Virginia Department of Highway Forms and shown in green on the city map. These streets are in the area annexed January 1, 1983.
2. OTHER STREETS of 29.12 center line miles with 59.24 lane miles. Said streets being listed on accompanying U-1 (7-1-82) Virginia Department of Highway Forms and shown in red on the city map. These streets are in the area annexed January 1, 1983.
3. OTHER STREETS of 0.34 center line miles within the "old city limits." Said streets being listed on accompanying U-1 (7-1-82) Virginia Department of Highway Forms and shown in yellow on the city map.

THEREFORE, the City of Harrisonburg respectfully requests the Virginia Department of Highways and Transportation to make the maintenance payments effective January 1, 1983.

MAYOR

atteste:

CLERK

City Manager Milam reviewed the list of streets and roads, totaling approximately 73 lane miles, with Council, and noted that the list and map would be attached to the resolution and forwarded to the Virginia Department of Highways & Transportation. He estimated roughly, an amount of \$217,000. which should be received from the state for its share of maintenance costs for streets and roads in the annexed area. Councilman Cisney moved that the resolution be approved, which motion, upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

City Manager Milam reminded Council that complaints had been registered by Mr. William Bowman and Mrs. Freda Grimm, both residents of Locust Hill Drive in Forest Hills, concerning parking problems in the area when activities are being held at the JMU Convocation Center. He presented the following report submitted by Chief of Police Presgrave, following an investigation into the situation:

"As a first step, in an attempt to resolve the parking problem in the Locust Hill Drive/Hickory Hill Drive area of Forest Hills, without creating a problem for the residents, the following will be done by this Department:

- 1. Portable 'No Parking Signs' will be placed in this area during events at the Convocation Center, with strict enforcement.*
- 2. This temporary parking regulation, I feel, is necessary to prevent congestion on the narrow streets which could prevent or delay emergency equipment, such as fire trucks, from timely response to an emergency and also interferes with travel by residents of the area.*
- 3. Ralph Smith will place permanent 'No Parking Signs' on both sides of Oak Hill Drive between Forest Hill Drive and University Blvd.*
- 4. It is hoped this will alleviate the problem and not necessitate a permanent parking restriction in this area.*
- 5. This action is being taken under the provisions of Section 13-1-17 of the Harrisonburg City Code."*

City Manager Milam said he feels this is a temporary arrangement, with possible permanent action necessary in the Fall. Chief Presgrave said he felt justified in restricting the parking from a safety standpoint, and added the fact that although the measures were not carried out to the fullest last Saturday evening, he had hopes that it will work out tomorrow evening when the basketball game is in progress at the Convocation Center. The Clerk was instructed to see that the information is forwarded to Mr. Bowman and Mrs. Grimm.

For information, City Manager Milam presented correspondence from the Virginia Department of Highways & Transportation, to Transportation Director Reggie Smith, advising of an increase in grant funds from \$ 1,820. to \$ 2,708. on the City's November 1981 contract, through an amended budget.

City Manager Milam reminded members that action concerning approval of a resolution submitted and signed by Mr. Jennings Morris, Chairman of the Central Shenandoah Planning District Commission, recommending that member jurisdictions participate in the Central Shenandoah Certified Development Company, had been tabled at the February 8th meeting. Request is made for each jurisdiction to participate by adopting the organizational papers, appointing its representatives, and contributing 1/2¢ per capita to meet the initial organizational expenses of the Company. The following proposed resolution was presented and read:

WHEREAS, the purpose of the Central Shenandoah Planning District Commission is to promote the orderly and efficient development of the physical, social, and economic elements of the Planning District; and

WHEREAS, The Commission created a Steering Committee composed of Commissioners and area business and industrial development leaders to develop a proposal for the establishment of a U. S. Department of Commerce, Small Business Administration 503 Certified Development Company; and

WHEREAS, the Steering Committee has recommended the creation of, and has prepared organizational papers for a Certified Development Company to serve the Planning District; and

WHEREAS, the recommendation is for a company of and by the member jurisdictions of the Central Shenandoah Planning District;

THEREFORE BE IT RESOLVED by the Central Shenandoah Planning District Commission, recognizing the need for additional economic activity and development within the District and the potential benefits that may accrue from a Certified Development Company, the Commission hereby recommends that member jurisdictions participate in the Central Shenandoah Certified Development Company by adopting the organizational papers, appointing its representatives, and contributing one-half cent per capita to meet the initial organizational expenses of the Company.


signed Jennings L. Morris
Chairman, CSPDC
January 17, 1983

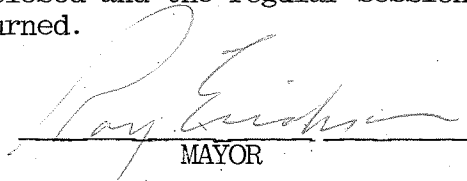
Chairman Rhodes, a member of the CSPDC, informed Council that the resolution had received support from six jurisdictions thus far. Council discussed the matter, with question raised concerning membership. Councilman Cisney offered a motion for the City of Harrisonburg to support the resolution submitted and signed by the CSPDC Chairman for establishment of the Central Shenandoah Certified Development Company. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council. It was agreed that appointment of representatives be deferred until a future meeting of Council.

Councilman Dingledine raised a question as to whether or not the city's policy with regard to cleaning of sidewalks following a snow, should be tightened, particularly from the standpoint of rental properties. Chief of Police Presgrave said his department works on the problem, which is difficult. Owners are notified to clean sidewalks within a certain period of time, and if not complied with, the owner is summoned into court.

At 9:55 P.M., Councilman Rhodes moved that Council enter an executive session to discuss personnel. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

At 10:30 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. There being no further business, the meeting was adjourned.


CLERK


MAYOR

Tuesday, March 8, 1983

At a regular meeting of Council 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; 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 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 February, 1983.

From the City Treasurer:

A trial balance report as of close of business on February 28, 1983.

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 \$ 5,737.34

From the City Auditor:

A financial report for the City of Harrisonburg, Va., month of February, 1983.

A report of cash discounts saved in payment of vendor's invoices for month of February, 1983, totaling \$ 161.73

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, 1983.

✓ Correspondence dated November 2, 1982 was presented and read from Mr. Terry L. Spitzer of 605 Hartman Drive, requesting that necessary steps be taken by Council for the closing of an undeveloped street adjacent to his property, which is an extension of Second Street from Hartman west to Rockingham Drive. Councilman Dingledine moved that the request 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.

City Manager Milam reported that the public auction to sell two parcels of city owned land in the Kyle Street area was held on March 2nd at 2:00 P.M. in the City Council Chambers, with two bids received as follows: high bid for Parcel #1 (10,874 sq. feet fronting on Kyle Street) by John Monger (JMA Partners) in amount of \$ 15,500. and high bid for Parcel #2 (15,156 sq. feet between Kyle Street and Walnut Lane, by Mr. Monger, in amount of \$ 36,000. He noted that the purchaser must comply with provisions of the City's Subdivision Control Ordinance, with regard to installation of necessary water and sewer lines; installation of curb & gutter, and grading the street. Manager Milam said he had guaranteed Mr. Monger that a cost of \$ 12,000. for the street would hold good if done within the year, unless he could have it done at a lesser cost during the year. A check for 10% of the two parcels which received a total bid of \$ 51,500. has been received. Following a brief discussion, Councilman Rhodes moved that Council accept the two high bids by J.M.A. Partners for the parcels of land, with authorization for the Mayor and Clerk to sign a proper deed upon presentation by the City Attorney. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ For information and recordation in Council minutes, City Attorney Lapsley presented a Court Order signed February 26, 1983 by the three Circuit Court Judges, appointing Mr. Charles S. McNulty, -III to a three (3) year term on the Harrisonburg Electoral Board, to expire on February 28, 1986.

✓ Vice-Mayor Green moved that a supplemental appropriation in amount of \$ 2,588.44, requested by the Chief of Police in order to replace monies spent out for special details, funds spent on Workmen's Compensation claims, and replacement of funds for accident caused by another party, be approved for second & final reading, a first reading having been approved on February 22nd, and that:

\$ 2,476.44 chgd. to: General Fund (1901.01) Recoveries & Rebates
112.00 chgd. to: General Fund (4101.01) Recoveries & Rebates- Insurance
2,476.44 approp. to: General Fund (3101.1001.07) Special Police
112.00 approp. to: General Fund (3101.3004.03) Maint. Repairs Auto Equip.

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

✓ For consideration of a first reading, the City Attorney presented a proposed ordinance amending and re-enacting Chapter 4 of Title 5 of the Harrisonburg City Code, setting out regulations for use of certain herbicides. He informed Council that a state law, as well as a Rockingham County ordinance, controls the use of this product. Councilman Cisney noted that a state regulation governs

the use of herbicides when thistles, etc. are sprayed at a certain time each year, and noted that adoption of this proposed ordinance would bring the City Code in line with the State Code. He offered a motion that the ordinance be approved for a first reading, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council.

City Manager Milam presented proposed budgets for salaries & expenses for fiscal year ending June 30, 1984, from the Offices of City Treasurer and Commissioner of Revenue, along with correspondence from the two Constitutional Officers advising that the requests would be presented to the State Compensation Board on March 23rd, when hearings are held in Warrenton, Virginia. Following a brief review of the requests, Councilman Dingleline moved that Council accept the proposed budgets for information, with same to be considered during a study of the overall City of Harrisonburg budget. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

On motion of Councilman Cisney, seconded by Councilman Dingleline, and a unanimous vote of Council, the following resolution was approved:

WHEREAS, James Madison University was founded as the State Normal and Industrial School for Women at Harrisonburg on March 14, 1908; and

WHEREAS, James Madison University has been an integral part of the area for the seventy-five years since its founding and the institution has contributed in many ways to the betterment of the City of Harrisonburg and its citizens; and

WHEREAS, James Madison University is now celebrating its 75th anniversary:

THEREFORE, BE IT RESOLVED that the City Council of Harrisonburg expresses best wishes to James Madison University on the celebration of its diamond anniversary, and

BE IT FURTHER RESOLVED that the City looks forward to many years of continued cooperation with the University.

APPROVED this 8th day of March, 1983.

MAYOR

Atteste:

CLERK

City Manager Milam reminded Council that correspondence from Mr. Wayne King, Superintendent of City Schools, concerning a plan proposed by Mr. Howard Whitmore (on behalf of the H.H.S. Advisory Committee) for a recessed area on Grace Street to "drop off" and "pick up" students, had been referred to the Harrisonburg Department of Transportation & Safety Commission on January 11th. He presented and read the following report submitted by the Commission from its February 22nd meeting:

The Commission discussed the request that was made by Mr. Howard Whitmore for loading and unloading school children on Grace Street in front of the Senior High School. This request was referred to the Commission by City Council at their meeting on January 11, 1983. After each Commission member had made a statement on the request by Mr. Whitmore, Mr. Wayne King made a motion that the plan for loading and unloading children on Grace Street at the High School as presented by Mr. Whitmore, not be approved. The plan is drawn for the convenience of the parents and does not consider the safety of the children. Chief Presgrave seconded the motion and all members voted aye.

Manager Milam called attention to a sketch of the area at the present time, and as proposed with recessed area. Following a brief discussion, Vice-Mayor Green moved that Council approve the recommendation of the Transportation & Safety Commission, disapproving the plan. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

The following report from a February 22nd meeting of the Harrisonburg Department of Transportation & Safety Commission, was presented and read by the City Manager:

Chief Presgrave presented a list of streets in the Annexed Area with recommended speed limits. The proposed speed limits were a result of the study of a committee appointed by Chairman Rhodes which composed of Chief Presgrave, Julius Ritchie and John Driver. After discussing the proposed speed limits, Councilman Elon Rhodes made a motion that the following speed limits be adopted within the city limits of Harrisonburg:

25 Mile per Hour Limit

Chicago Avenue

35 Mile Per Hour Limit

Stone Spring Road

Pear Street

Keezletown Road

Smithland Road

Garber's Church Road

Reservoir Street

Greendale Road

40 Mile Per Hour Limit

Early Road

Pleasant Valley Road

Country Club Road

45 Mile Per Hour Limit

Erickson Road

Mt. Clinton Pike

Old Furnace Road

Port Road (reduce to 45 at City Limits, then as marked)

No Speed Limit Posted:
Ramblewood Road
Denton Lane

Council discussed the proposed speed limits, with a number of questions raised, and clarified satisfactorily by the Police Chief and Assistant City Manager. Councilman Cisney offered a motion that the speed limits for the Annexed Area as recommended by the Department of Transportation & Safety Commission, be approved. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

During a review of his Monthly Progress Report, City Manager Milam informed Council that the new steam plant, now in operation, can burn an additional 30 tons of burnable refuse each day, and that he would like to publicly urge citizens to put out more refuse and garbage for pickup. During the month of April (end of heating season), Manager Milam noted that the plant can generate steam to James Madison University for the cost of \$ 34. a ton which will aid in retiring bonds issued for the plant construction. Each ton of steam generated and sold will help in reduction of real estate and property taxes which residents have to pay. Vice-Mayor Green offered an opinion that this would be a good time for residents to clean out attics and basements for disposal of magazines, books, clothes, and any other burnable refuse. Assistant City Manager Driver said plans would be formulated to hold "open house" at the plant, possibly on a weekend the latter part of April, and that he would have an update report on the plant by the next meeting of Council.

For information, City Manager Milam informed Council that Mr. Arthur Wilcox, age 54, had been selected among fifteen applicants, to fill the position of City Engineer. The position has been vacant since the death of Mr. Donn Devier in December, 1982. Mr. Wilcox, a graduate of V.P.I., was in the City's employ 1956-57, prior to Mr. Devier's appointment as City Engineer. He has been associated with engineering firms, and most recently, was in business for himself. Mr. Wilcox and family are presently residing in Arkansas, and will be moving to Harrisonburg the latter part of this month, when he will take office. Manager Milam said he felt comfortable in having some maturity in that position at this particular time.

Assistant City Manager Driver reported that the Highway Department had held a field inspection at the Port Road interchange, with plans to widen the bridge on the south side and rebuild the entire bridge on the north side. A full report on the inspection will be forwarded to his office, and notification will be given by the department concerning beginning date of the project. Mr. Driver asked direction of Council, in that widening of Port Road into 4-lanes has been suggested for inclusion in the overall project. When Councilman Cisney asked if Port Road had been surveyed, Mr. Driver replied in the negative, adding that the right-of-way is back of the curb, which would mean that the widening would require approximately 20' on each side of the road. Vice-Mayor Green reminded members that residents of the Purcell Park Area had requested that the utility poles which were placed on Monument Avenue by H.D.C., be moved to Port Road when widened, and said there would probably be varied reactions. Mr. Driver said that something should be done now, in anticipation of "overcrowding 10 years or so down the road." Vice-Mayor Green expressed a desire for some input from City Staff and the City Planning Commission, and Councilman Cisney said he would like to see what the project will look like insofar as width, etc. Following discussion, the Assistant City Manager was asked to contact the Urban Office to determine whether or not the widening would be considered for inclusion in the project, and if the answer is affirmative, to then discuss it with City Staff.

At 8:45 P.M., Vice-Mayor Green 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 Council.

At 9:45 P.M., on motion of Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Council, the executive session was declared closed and the regular session reconvened.

Vice-Mayor Green offered a motion that the City Attorney be directed to recommend the following names to the Circuit Court Judge for appointment to a Board of Equalization: Mr. Robert L. Brumback, Mr. Richard L. Suter, Dr. J. Emmert Ikenberry and Mr. J. Nelson Liskey. To serve as advisors: Mr. John H. Byrd, Sr. and Mr. T. H. Lowery. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

There being no further business and on motion duly adopted, the meeting adjourned at 9:47 PM.

N. Arlene Lober
 CLERK

Ray E. Erickson
 MAYOR

March 22, 1983

At a regular meeting of Council 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; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: Councilman James C. Cisney.

Minutes of the regular meeting held on March 8th were approved as read.

✓ City Manager Milam presented and read correspondence from Ms. Carolyn Craun, Festival Coordinator for the Virginia Poultry Federation, Inc., which included the following two requests: (1) to have a banner placed across Main Street, advertising the Festival to be held in May; and (2) permission to again issue permits for concessions for parade day on Saturday, May 21st. He noted that although Section 11-5-24 of the City Code gives him authority to issue permits for banners across Main Street, problems have been encountered (i.e. some have been improperly made, and some have

fallen on automobiles). Manager Milam expressed concern about the size of banner being too large for the poles it would be anchored to. He has discussed this particular request with Mr. Kenneth Frantz, General Manager of the Harrisonburg Electric Commission, and learned that the Commission will work with him on this one request, but does not wish to "open the door" for others. Specifications re size of the rope and banner, etc. will be requested of the organization by HEC. It was unanimously agreed by Councilmen present that if placing of the banner is approved by HEC following receipt of the specifications, Council will concur in approving the request. With regard to the issuance of vendor's permits on parade day, Manager Milam reminded Council that this has been permitted over the past several years, with no problems. Councilman Dingledine moved that Council grant permission for the Poultry Federation to issue permits for concessions on parade day, May 21st. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

Council was reminded that the unexpired term on the Board of Zoning Appeals which Dr. Joseph D. Enedy has been filling, would expire on March 23, 1983, and Mayor Erickson asked members' wishes concerning a recommendation to the Circuit Court Judge. Vice-Mayor Green moved that the City Attorney be directed to recommend Dr. Enedy's name for reappointment to the Board of Zoning for a five (5) year term. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.

City Manager Milam called members' attention to information concerning appointment of members to serve on the Certified Development Corporation, and noted that the Central Shenandoah Planning District Commission has indicated that Harrisonburg is entitled to four members. The CSPDC is basing membership on Harrisonburg's population count according to the Tayloe-Murphy Institute which is slightly over 25,000, while the membership had been determined as three representatives from Harrisonburg, based on population of 24,671 as estimated by the City's Planning Office. Manager Milam pointed out that members must be selected from the following five categories, with no more than one selected from any one of same: (a) local government (b) private sector lending institutions (c) community organizations (d) business organizations and (e) citizens. The matter will be discussed more in detail at Council's next meeting, and members were asked to be thinking of nominees.

Councilman Dingledine, recently appointed by Council to serve on the Steering Committee for implementation of the Jobs Training Partnership Act, informed Council that a meeting was held on March 17th, with decision made for each of the sixteen localities to appoint one person from private industry. At the next meeting on April 4th, these names will be approved and nominees selected for six mandated positions to comprise a Private Industry Council of 22 members. Inasmuch as City Council will not be in session prior to April 4th, Councilman Dingledine said that although he had been authorized by Council to appoint a private industry member from Harrisonburg, he will seek advice from the Mayor and others, with two names submitted by the Rockingham-Harrisonburg Chamber of Commerce to serve as the nominating body for the City and County from private industry. He will then examine those names, and with Council's approval, make a selection, after checking with each member of Council individually. This procedure met with approval of members present.

A request was presented from Mrs. Sonja Bible, Director of Social Services, for approval of a supplemental appropriation in amount of \$ 5,553.00 for a new program (EMPLOYMENT SERVICES ADC/GR) by the state. An allocation was granted the Harrisonburg agency covering period January 1, 1983 - June 30, 1983. All agencies receiving ADC, General Relief, Food Stamps, and Service Program transmittals, were provided information concerning implementation of the program. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

- \$ 3,300. chgd.to: VPA Fund (2400-2401.02) Revenue- Categorical Aid- Admin.
- 2,253. chgd.to: VPA Fund (2400-2401.07) Social Services
- 3,300. approp.to: VPA Fund (5301-1001.03) Dir.of Soc.Services- Services
- 2,253. approp.to: VPA Fund (5309-5714.01) Employment Services ADC/GR

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

The City Manager presented a request from the Superintendent of Streets for approval of a supplemental appropriation in amount of \$ 14,000. due to insufficient funds in the proper account for payment of outstanding invoices for snow & ice removal. He noted that it is customary to make appropriation for this purpose, on the low side each year, with department to come back for additional appropriations, if needed. Vice-Mayor Green moved that the appropriation be approved for first reading, and that:

- \$ 14,000. chgd.to: General Fund - Unappropriated Fund Balance
- 14,000. approp.to: General Fund (4202-5804.01) Snow & Ice Removal

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

The following Planning Commission report from a March 16th meeting was presented and read by the City Manager:

"The Commissioners reviewed a letter from Mr. Terry L. Spitzer of 605 Hartman Drive, requesting the City to close undeveloped Second Street between Hartman and Rockingham Drives. Mr. Spitzer owns both lots on the north side of Second Street, while Mr. and Mrs. Kenneth Burton, and Mr. and Mrs. Donald Eger own the lots on the south side. The Director stated that the City should retain an easement for future utilities if the paper street is closed, since there are homes on Rockingham Drive south of the Eger lots. He also noted that Rockingham Drive may continue to develop northward and the next 'cross' street is Third Street, which is 450' north of Second. Mr. Heath reported that he visited the site and observed the narrowness of Rockingham Drive, plus its dead-end status, forcing homeowners to use West Gay Street as their only route into and out of their block. The Director added that the block from West Gay to Second Street is 850' long, and if Second Street is closed,

the block would be measured 1,300' long, assuming Third Street will eventually be opened. The Subdivision Control Ordinance requires city blocks to be no more than 1,200' long.

Mr. Fleming concluded the discussion with a motion that the Commission recommend denial of Mr. Spitzer's request that Second Street be closed between Hartman and Rockingham Drives. Mr. Hartman seconded the motion and all members voted aye..."

Following review of the sketch showing location of the requested closing, and brief discussion, Councilman Dingledine offered a motion for Council to accept the Planning Commission's report and approve the recommendation to deny the closing of undeveloped Second Street. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

✓ For consideration of a second and final reading, an ordinance entitled "Herbicides", amending Chapter 4 of Title 5 of the Harrisonburg City Code, was presented. The ordinance, which regulates the use of certain herbicides, was approved for a first reading on March 8th, and will bring the City's Code section in line with that of the state. Vice-Mayor Green 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 Councilmen present. (Refer to Ord. Bk L, page 6)

✓ Assistant City Manager Driver informed Council that following the last meeting on March 8th, he had contacted Mr. Don Wagner of the Highway Urban Office to inquire as to whether or not the widening of Port Republic Road to 4-lanes could be included in the Department's plan for the proposed project at the I-81 interchange, in that suggestion for the widening had been made by several members of the Highway Department. He was advised that inasmuch as the project had been set up, the widening could not be funded, but may be considered at a later date. When a 63' right-of-way was suggested, Mr. Driver said he had inquired concerning a 58' right-of-way with sidewalk on one side, only. He was told that this would be possible from Main Street to the bridge. When the width of 67' was investigated, it was determined that the only property which would be affected, is located on the corner of Main Street and Port Road, where only the carport would be involved. Although the street would come close to some other homes, it would not be necessary for the City to purchase any of the houses. Council was reminded that the 4-lane project had been requested in July, 1980, and was turned down at that time. Mr. Driver said he had discussed the matter with City Staff, at which time the question of financing had been raised. When the High Street project was eliminated from last year's projects by the Department of Highways & Transportation, with nothing projected in the next six years, Mr. Driver reported that he and the Mayor had attended a Hearing in Salem, Va., inasmuch as the project had been given high priority and was anticipated for a much earlier date. The meeting evidently paid off, in that over \$5 million is being requested by the Highway Department for High Street this coming year, although not approved, as yet, by the Highway Commission. The Port Road widening could be given higher priority, should the City so desire, but with the higher vehicular traffic and larger number of accidents on High Street, Mr. Driver said he could not recommend the substitution to Port Road. Vice-Mayor Green asked if Port Road could be made as narrow as possible, and said he felt there would be opposition from some re the width. Mr. Driver replied that he would request only a 58' right-of-way, which would allow for a sidewalk on one side of Port Road, which is definitely needed. Mayor Erickson asked if there had been any discussion concerning the city's financial input, in that this may speed up funding of the project. Mr. Driver noted that the estimated \$ 600,000. - \$ 700,000. project would be 95% state funding and 5% local. He suggested that the system of setting up reserve funds each year for special projects might be resumed, which would relieve the financial burden on the city when funds are needed. Vice-Mayor Green asked Mr. Driver if he had talked with H.E.C. about the problem of utility poles, in that request had been made by residents of the Purcell Park area for the poles on Monument Avenue to be moved when Port Road is widened. He suggested that a cost estimate be obtained from the Harrisonburg Electric Commission, and worked into the widening project, if possible. Councilman Dingledine said he felt that Council had, more or less, made a commitment to do something about moving the poles. Planning Director Sullivan informed Council that the "machinery has been set in order" for the reconstruction project, by a Planning Commission review of same in 1980, and that suggestion had been made for the resolution of 1980 to be re-written, requesting that Port Road be scheduled as a project, still keeping the High Street project underway. Mr. Driver said he plans to attend the Highway meeting on April 15th to speak for the City re High Street, as well as the widening of Port Road.

✓ City Manager Milam informed Council that Transportation Director Reggie Smith had been informed through correspondence of March 14, 1983 from the General Engineer of Urban Mass Transportation Administration, that the Department of Transportation concurs in the awarding of a contract for three transit coaches to the Blue Bird Body Company, for a total cost of \$ 326,050. which includes extra engine w/components and fareboxes. This represents the lowest of three bids received. He noted that the City presently has two Blue Birds in operation, with trained mechanics, spare parts, etc. According to a proposed project budget of \$ 423,500. (which includes, along with purchase and delivery of the coaches: fareboxes, shop tools & garage equipment, spare bus components - 1 engine assembly and contingencies), 80% or \$ 338,800. will be federally funded, with the remaining 20% (\$84,700.) representing local share. Council was informed that the state will share in the local funding by \$ 76,200. (18%), leaving a balance of approximately \$ 8,500. or 2% to be paid by the City. Need for the three buses was explained as follows: (1) for new bus route which has been developed through the Port Road area to the Valley Mall; (2) to meet obligation of providing bus service for Harrisonburg High School teams to other schools for athletic events; (3) department presently negotiating with James Madison University to transport its students. Manager Milam noted that the University would discontinue some of the services it is presently providing, and pay the City \$ 40,000. annually for busing through the City's Transportation Department. He requested authority to place an order for the three buses at this time, although up-front funds will not be available until after July 1st, beginning of the City's new fiscal year. Following discussion, Vice-Mayor Green offered a motion for Council to approve the bid of Blue Bird Body Company, and authorize the City Manager to place an order for the three buses. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

✓ Council was informed by Assistant City Manager Driver that dedication of the City's Heat Recovery (Steam Plant) is scheduled for 10:00 A.M. on Saturday, April 23rd, with hours for open house both Saturday and Sunday: 10 A.M. - 4 P.M. on Saturday and 1:00 P.M. - 5:00 P.M. on Sunday.

At 8:35 P.M., Councilman Rhodes moved that Council enter an executive session to discuss personnel. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Councilmen present.

At 9:15 P.M., on motion duly adopted, the executive session was closed, the regular session reconvened, and adjourned.

N. Eugene Loken
CLERK

Ray E. Smith
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. Dingledine, Jr., Elon W. Rhodes, James C. Cisney; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on March 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 March, 1983.

From the City Treasurer:

A trial balance report as of close of business on March 31, 1983.

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 \$ 7,869.83

From the City Auditor:

A financial report for the City of Harrisonburg, Va., month of March, 1983.

A report of cash discounts saved in payment of vendor's invoices for month of March, 1983, totaling \$ 307.15

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, 1983.

For information, the following breakdown of total number of registered voters in the City of Harrisonburg, submitted by the City's General Registrar, including new voters transferred from the County of Rockingham in the recent annexation, as set out by wards and precincts, was presented:

	W.I,P.I.	W.I,P.II	W.II,P.I	W.II,P.II	TOTALS
VOTERS 3/17/83 (OLD CITY LIMITS)	1,131	1,709	1,322	2,299	6,461
ANNEXED VOTERS	216	701	407	147	1,471
TOTALS	1,347	2,410	1,729	2,446	7,932

A request was presented from Mr. J. R. Copper, Jr., Land Surveyor, for the final plat of Unit 13, Reherd Acres Subdivision, containing 26 townhouse lots, to be referred to the City Planning Commission. On motion of Councilman Cisney, seconded by Vice-Mayor Green, and a unanimous vote of Council, the attached plat was so referred.

Council received a request from Mr. J. R. Copper, Jr., Land Surveyor, for the final plat of Redivision of Rolling Hills Townhouses to be referred to the City Planning Commission for review. On motion of Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Council, the attached plat was so referred.

Mr. William Julias, Chairman of the Harrisonburg School Board, was present in the meeting to present the School's 1983-84 proposed \$ 8.45 million budget. He pointed out that the proposed budget of \$ 6,763,951. reflects an increase of approximately \$ 1.7 million due to the addition of 530 students in the various schools through recent annexation. A 6½% increase in teachers' salaries is being requested, and the scale has been increased from 16 - 20 steps, and allowance made for a step increment for those teachers who have not reached the top of the scale. Noted further was the fact that while the cost for education will increase due to annexation, the city schools will receive only \$ 22,000. more in basic state funding next year. Mr. Julias said that the School Board is not trying to spend money arbitrarily, as it does not wish to place a strain on taxpayers. He offered an opinion that the figures in the proposed budget are realistic, and added that the teacher salary bracket would be the only area which could be cut. In conclusion, Mr. Julias informed Council that the Board may have to come back later in the year for additional funding, should the school system find itself in a financial bind, due to the "tight" budget proposed for the school year. Mayor Erickson said "we will welcome the new students, as children are the important factor." He expressed a hope that funds will be available to support the educational program.

City Manager Milam presented, for Council's consideration of approval, an easement deed from the City of Harrisonburg, to the United States Forestry Service, Department of Agriculture, for construction of a roadway over and across the following described lands in the County of Rockingham, for the sum of one dollar (\$1.00), and use of said road as provided by Federal and State laws,

rules and regulations, provided that use for commercial hauling will require prior agreement on arrangements to pay or perform the road maintenance made necessary by such use.

That certain tract or parcel of land containing 10.00 acres, more or less, in Rocky Run, approximately 1 mile from Rawley Springs, Central Magisterial District, Rockingham County, Virginia, conveyed from Jay Gates, Administrator d.b.n.c.t.a. u/w Charles Lennig, deceased, to the City of Harrisonburg, Virginia, by deed dated April 6, 1922, recorded in Rockingham County, Virginia, Deed Book 156 at page 563.

Manager Milam called members' attention to the attached plat, and offered an opinion that the project will enhance the city's property. He recommended approval of the deed. Following a brief discussion, Vice-Mayor Green moved that the easement deed be approved, with authorization for the Mayor and Clerk to sign same on behalf of the City of Harrisonburg. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

For Council's consideration of approval, City Manager Milam presented an easement deed from the City of Harrisonburg, to the United States Forestry Service, Department of Agriculture, for a roadway project over and across the following described lands in the County of Rockingham, for the sum of one dollar (\$1.00), and use of said road as provided by Federal and State laws, rules and regulations, provided that use for commercial hauling will require prior agreement on arrangements to pay or perform the road maintenance made necessary by such use:

That certain tract or parcel of land containing 52.60 acres, more or less, lying in the Skidmore Fork of Dry River, approximately 17 miles northwest of Harrisonburg, Central Magisterial District, Rockingham County, Virginia, acquired by the City of Harrisonburg, Virginia, through condemnation action, a certificate of taking dated August 29, 1974, is recorded in Rockingham County, Virginia, Deed Book 441 at page 311.

Mr. George H. Blomstrom of the U.S. Forestry Service, informed Council that the roadway is there, but in need of reconstruction, although in use at the present time. City Manager Milam said he felt the project would enhance the city's property, and recommended that the easement deed be approved, with authorization for the Mayor and Clerk to sign same on behalf of the City of Harrisonburg. Councilman Dingleline moved that the City Manager's recommendation be approved. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

The following proposed resolution was presented and read by the City Manager for Council's consideration of approval:

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

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA, at its regular meeting on the 12th day of April, 1983, that:

- 1. The Department of Highways and Transportation of the Commonwealth of Virginia, be, and it is hereby requested to establish and set up a project within the City of Harrisonburg, Virginia, to reconstruct Port Republic Road (State Route 659) as shown in the 1995 Harrisonburg Thoroughfare Plan from South Main Street to the western limits of Interstate 81.*
- 2. That the City hereby agrees to pay its share of the cost for surveys and plans, rights-of-way, and construction under the present cost formula adopted by the Department of Highways and Transportation.*
- 3. The City further agrees that if the said project is established as herein requested and thereafter the said City decides not to proceed further with the said project, then the City, by this resolution, agrees to repay the Highway Department for 100 percent of the cost incurred for the said project to the time of abandonment.*

ADOPTED this _____ day of _____, 1983.

CITY OF HARRISONBURG

Mayor

Atteste:

Clerk

Following a brief discussion, the resolution was approved on motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Council, with authorization for the proper officials to sign same.

City Manager Milam read the following letter which he had received from Mr. William G. O'Brien, Rockingham County Administrator:

"On March 26, 1983 the Board of Supervisors approved the City's request to obtain trash from the County landfill for use as fuel at your steam generating facility. This approval is conditioned as follows:

- 1. City to install the appropriate trash transfer receptacle at City cost.*
- 2. Location and design of City's receptacle at County Landfill to be approved by County Public Works Director.*
- 3. In the event that your steam generating plant is shut down for maintenance or due to malfunction, City will be permitted to haul refuse to the County Landfill for a period not to exceed four (4) weeks in any twelve (12) month period. City to bear any additional cost if overtime is required to accommodate the disposal of City refuse.*
- 4. This agreement shall be on a year-by-year basis. The County may cancel this agreement at its option, however, the County will give to City notice of at least twelve months prior to the effective date of cancellation.*

I hope that this arrangement will allow you to operate your steam generating facility more efficiently. Should you have any questions, please feel free to give me a call.

Very truly yours,
William G. O'Brien"

Assistant City Manager Driver informed Council that if approved, a 40 cubic yard container would be placed at the County's Landfill, with private contractor employed for the purpose of hauling the refuse to the City's steam plant for a cost of \$ 45. per trip, which, in his opinion, would be worthwhile. He noted difficulty in working out a method to obtain sufficient refuse necessary to operate the plant. In accepting the County's proposal, Mr. Driver pointed out that the City would be able to dispose of city refuse in the event the plant is shut down for overhaul, which should require no longer than two weeks. Refuse would not be hauled from the County's Landfill during the summer, in that the City can supply a sufficient amount to meet the needs of J.M.U. when regular school is not in session. Although the plant transformed an average of 53 tons of refuse per day into steam during the month of March, Mr. Driver expressed a hope to reach 80 - 85 tons per day by fall of this year. When Councilman Cisney asked if there were any potential air conditioning customers for this summer, Mr. Driver replied "only James Madison University." Councilman Rhodes inquired as to whether a charge was being placed on private haulers for bringing refuse into the City's plant, and Mr. Driver replied in the negative. Councilman Cisney moved that Rockingham County's proposal be accepted for a period of twelve months, as recommended earlier in the discussion by the City Manager. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

For paving and other improvements at the City's Transportation Building, City Manager Milan requested Council's authorization to file application through the Virginia Department of Highways and Transportation for a Capital Cost Grant in amount of \$ 35,000. He noted that funds are available, and that approval of the governing body is necessary, prior to the filing of an application. For consideration of approval, the following proposed resolution was presented and read:

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 and Transportation, Commonwealth of Virginia, for a grant under State Aid for Capital Costs in the amount of \$ 35,000. to defray ninety-five percent (95%) for equipment, facilities and the associated costs of an approved Federal Capital Grant, to accept from the Virginia Department of Highways & Transportation grants in such amount as may be awarded, and to authorize the City Manager to furnish to the Virginia Department of Highways & Transportation such documents and other information as may be required for processing the grant request.

The Harrisonburg City Council certifies that the funds shall be used in accordance with the requirements of the Appropriation Act of 1978, that the City of Harrisonburg will provide matching funds in the ratio as required in such Act (five per cent (5%) of the local matching share), that the record of receipts and expenditures of funds granted the City of Harrisonburg State Aid for Capital Costs may be subject to audit by the Virginia Department of Highways and Transportation and by the State Auditor of Public Accounts, and that funds granted to the City for defraying the cost of public transportation capital costs of the City of Harrisonburg shall be used only for such purposes as authorized in the Acts of the General Assembly.

ADOPTED and APPROVED this _____ day of _____, 1983.

Mayor

Atteste:

Clerk

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

The following proposed resolution was presented and read by the City Manager 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 and Transportation, Commonwealth of Virginia, for a grant of transportation under State Assistance for Fuels, Tires, Maintenance Supplies and Parts in the amount of \$ 30,000. and to accept from the Virginia Department of Highways and Transportation grants in such amount as may be awarded, and to authorize the City Manager to furnish to the Virginia Dept. 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 Virginia Department of Highways and Transportation, that the City of Harrisonburg will provide matching funds in the ratio as required, that the record of receipts and expenditures of funds grant the City of Harrisonburg State Assistance for Fuels, Tires, Maintenance Supplies and Parts may be subject to audit by the Virginia Department of Highways & Transportation and by the State Auditor of Public Accounts, and that funds granted to the City of Harrisonburg for defraying the cost of public transportation fuel, tires, maintenance supplies and parts expenses of the City of Harrisonburg shall be used only for such purposes as authorized in the Acts of the General Assembly.

ADOPTED and APPROVED this _____ day of _____, 1983.

Mayor

Atteste:

Clerk

City Manager Milam said that he had been informed that the City of Harrisonburg can obtain assistance up to 95% of its transportation system's operating costs. Following a brief discussion, Councilman Cisney moved that the resolution be approved, and the proper officials authorized to sign the same. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ Councilman Dingleline moved that a supplemental appropriation in amount of \$ 5,553.00, requested by the Director of Social Services for a new program by the state relating to Aid to Dependent Children and General Relief, be approved for second & final reading, a first reading having been approved on March 22nd, and that:

\$ 3,300. chgd.to: VPA Fund (2400-2401.02) Revenue- Categorical Aid- Admin.

2,253. chgd.to: VPA Fund (2400-2401.07) Social Services

3,300. approp.to: VPA Fund (5301-1001.03) Dir.of Social Services- Serv.

2,253. approp.to: VPA Fund (5309-5714.01) Employment Services ADC/GR

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

✓ Councilman Cisney moved that a supplemental appropriation in amount of \$ 14,000., requested by the Superintendent of Streets for payment of invoices for snow & ice removal, be approved for second & final reading, a first reading having been approved on March 22nd, and that:

\$ 14,000. chgd.to: General Fund- Unappropriated Fund Balance

14,000. approp.to: General Fund (4202-5804.01) Snow & Ice Removal

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

✓ A request was presented from Commissioner of Revenue Victor Smith for approval of a supplemental appropriation in amount of \$ 4,600. to cover annexation costs which exceed original budget appropriations. It was noted in the request that expenses as of April 5, 1983 are 93.8%, with extra office help now at 48%, which is almost full time. City Manager Milam noted that the extra help was necessary due to licenses, etc. which must be prepared for businesses and homeowners in the recently annexed territory. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:

\$ 4,600. chgd.to: General Fund - Unappropriated Fund Balance

2,000. approp.to: General Fund (1209-1010.01) Other Personal Services

2,000. approp.to: General Fund (1209-5400.01) Other Materials & Supplies

600. approp.to: General Fund (1209-5200.01) Communications

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

✓ City Manager Milam presented a request from Chief of Fire Austin for approval of a supplemental appropriation in amount of \$ 15,799.54 in order to recover funds already expended for Communication Personnel, from Rockingham County. He noted that the bulk of the appropriation is for Dispatchers employed by the City, with remainder for sale of fire truck, deposit on old Fire Truck, reimbursement for construction of maize trailer, etc. Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 15,799.54 chgd.to: General Fund (1901.01) Recoveries & Rebates

12,599.54 approp.to: General Fund (3201-1001.06) Dispatchers

3,200.00 approp.to: General Fund (3201-5200.01) Communications

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

✓ A request was presented from the Director of Social Services for approval of a transfer of funds within departmental appropriations in amount of \$ 7,000. in order to cover costs and some additional purchasing due to annexation as well as additional staffing required by the annexation. Following a brief discussion, Vice-Mayor Green moved that the transfer be approved, and that:

\$ 6,000. trans.from: VPA Fund (5301-1001.03) Services (salaries)

1,000. trans.from: VPA Fund (5301-1001.04) Food Stamps (salaries)

1,800. trans. to: VPA Fund (5301-2014.01) FICA, Retirement, etc.

600. trans. to: VPA Fund (5301-5200.01) Communications

2,500. trans. to: VPA Fund (5301-5400.01) Other Materials & Supplies

500. trans. to: VPA Fund (5301-5413.01) Other Oper. Expenses

1,600. trans. to: VPA Fund (7000-7002.01) Cap.Outlay- Office Equip.

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

✓ For information, City Manager Milam presented correspondence dated 3/18/83 from Mr. B. C. Leynes, Jr., Director of the Soil & Water Conservation Commission, advising that action had been taken to establish a 3% interest rate for the second ten (10) years of the city's loan for the purpose of utilizing water resources at Switzer Dam, in that the City's expenditures have exceeded the amount of \$ 100,000. Manager Milam called attention to the repayment schedule, noting annual payments by the City to December 1992, at 3%. He said he had met with the Commission concerning the balance due, on which commitment was for an interest rate of 1% for the first ten years, with the right of the Commission to raise the rate for the last 10 years. His request was approved for ten (10) equal payments of \$ 6,883.75 at the rate of 3%.

✓ Council was informed by the City Manager that he had distributed seven copies of the 1983-84 budget for the Harrisonburg Electric Commission, submitted prior to the April 1st deadline. Contribution to the City of Harrisonburg in amount of \$ 900,000. is the same as the current fiscal year.

✓ Correspondence was presented from the Governor's Employment & Training Division, with attached Notice to Public which will appear in the Richmond Times Dispatch on April 1, 1983, announcing Governor Robb's final designation of Service Delivery Areas. Councilman Dingleline, recently appointed by City Council to the Steering Committee for implementation of the Jobs Training Partnership Act, reported that appointment of one person from each of the sixteen localities was approved on April 4th, with nominees from Harrisonburg and Rockingham County provided by the Rockingham-Harrisonburg Chamber of Commerce. Mr. Daniel E. Stark, General Manager of Rocco Building Supplies was appointed from Harrisonburg and Mr. Ernie James, Vice-President of Ray Carr Tires, Bridgewater, appointed to represent Rockingham County, on a Private Industry Council of 22 members.

He noted that the majority of the 22 members have been approved, and will be submitted to the Governor. A Plan is to be approved by the localities by the beginning of the new fiscal year. The report was for information.

City Manager Milam informed Council that bids had been opened in the Water/Sewer Superintendent's Office on March 31st at 2:00 P.M. for Sanitary Sewer Improvements - Circle Drive Subdivision - Division I Interceptor. He noted that the project would extend the present sewer line at Hillandale Park to the Subdivision, with future bids to be received for extension of the line around Circle Drive. He reviewed six bids received, noting the low bid of \$ 61,780.00, submitted by Marvin E. Humphries of Stuarts Draft, Virginia. Inasmuch as favorable reports have been received concerning stability of the firm, and a financial statement has been submitted by the firm, Manager Milam informed Council that his recommendation, along with Wiley & Wilson, Consulting Engineers, and the Water/Sewer Superintendent, is for the contract to be awarded Marvin Humphries. Following discussion, Councilman Rhodes moved that the contract for the sewer interceptor be awarded the low bidder - Marvin E. Humphries, for total amount of \$ 61,780.00, with completion of 180 days as set out in the bid proposal. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.


For consideration of a first reading, the City Attorney presented a proposed ordinance amending and re-enacting Sections 4-2-21 and 4-2-22 of the Harrisonburg City Code entitled "Exemption authorized" and "Administration", respectively. He informed Council that recommendation for the amendment was made by the Commissioner of Revenue in order that Mobile Home owners in the recently annexed territory, may be included in the city's tax relief for the elderly if qualifications are met. Following a brief discussion, 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.

Council was informed by the City Manager that although he is in the process of preparing the City's 1983-84 budget, based on the present tax rate of 65¢ per \$100 of assessed property values, last year's property reassessments which showed an increase of approximately 10%, will be reflected in this year's taxes. On motion of Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Council, the City Manager was authorized to publish a Notice of Property Tax Increase in Real Estate Levy for the City of Harrisonburg, in the Daily News Record newspaper, with public hearing relating to same scheduled for Tuesday, May 24th, 7:30 P.M.

At 9:20 P.M., on motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote of Council, members entered an executive session for the purpose of discussing personnel.

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


CLERK


MAYOR

Tuesday, April 26, 1983

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 Erickson.

Vice-Mayor Green presided over the meeting in the Mayor's absence due to a death in his family.

Minutes of the regular meeting held on April 12th were approved as corrected.

✓ For information, correspondence dated 4/18/83 was presented from Mr. Carter Glass, IV of the law firm of Mays, Valentine, Davenport & Moore, advising that according to a letter from Assistant Attorney General William Bradford Reynolds (copy attached), the Justice Department interposes no objection to Harrisonburg's 1964, 1969 and 1981 annexations. Noted further was the fact that the City may legally implement the voting changes arising out of the annexations, and proceed with the special May election, as scheduled. City Manager Milam made reminder that the 1964 annexation involved the Dunham Bush property and the 1969 annexation was for the Kawneer property. There were no residents in those areas at the time of annexation by the City, and no voters have resided there since. He pointed out that approval was needed on all three of the annexations, in order to hold the special May election which was a requirement of the court order.

✓ For information, and as a matter of record, a communication dated 4/20/83 from Dr. Walter F. Green, 3rd, was presented and read. As the holder of a material financial interest in Medical Arts, and also as a member of the Harrisonburg City Council, Dr. Green gave advance notice of his disqualification from participating in any consideration, or voting on approval of bonds to be issued by the Harrisonburg Redevelopment & Housing Authority to facilitate purchase and construction by Medical Arts of Rockingham, Inc., of an office complex at the northwest corner of Main and Elizabeth Streets in Harrisonburg. The disclosure and disqualification were made pursuant to Virginia Code Sections 2.1-349 and 2.1-352, part of the Virginia Conflict of Interest Act. On motion of Councilman Dingledine, seconded by Councilman Cisney, and a majority recorded vote of Councilmen present, the notice of disqualification was accepted, with Vice-Mayor Green abstaining. Manager Milam said that the City may be applying for funding for the above project, with Dr. Green's notification of disqualification remaining effective for any voting re the application(s).

For consideration of approval, the following proposed resolution was presented and read:

WHEREAS, a public hearing was held by the Harrisonburg Redevelopment and Housing Authority (the Authority) on April 20, 1983, in accordance with the provisions of Section 103(k) of the Internal Revenue Code of 1954, to consider the following applications:

1. Nelson Enterprises, Inc. (Nelson) requesting the Authority to issue up to \$750,000 of its Rehabilitation District Revenue Bonds (industrial development bonds) to assist Nelson in constructing and equipping a rehabilitation of the existing Joseph Ney's Department Store located on North Court Square in the City of Harrisonburg, Virginia, to provide commercial office facilities; and

2. Medical Arts Building of Rockingham, Inc. (Medical Arts) and any successor firm or corporation formed by it, including a partnership to be composed, in whole or in part, of the existing shareholders of Medical Arts, requesting the Authority to issue up to \$4,000,000 Conservation District Revenue Bonds (industrial development bonds) to assist Medical Arts in acquiring, constructing and equipping a professional and commercial office complex to be located at the intersection of Main and Elizabeth Streets in the City of Harrisonburg, Virginia; and

WHEREAS, after such public hearing, the Authority filed its report with the City Council recommending the approval of the bonds and finding that the projects would be consistent with the Virginia Housing Authorities Laws; and

WHEREAS, the City Council concurs with the report of the Authority,

NOW, THEREFORE, BE IT RESOLVED that the two issues of bonds described above are hereby approved by the City Council of the City of Harrisonburg, Virginia, to the extent required by Section 103(k) of the Internal Revenue Code, to permit the Authority to assist in the financing of the projects.

The approval of the issuance of the bonds, as required by Section 103(k) does not constitute an endorsement of the bonds, the financial viability of the facilities or the creditworthiness of Nelson or Medical Arts, but, as required by Section 36-29 of the Code of Virginia, as amended, the bonds shall provide that neither the Commonwealth of Virginia, the City of Harrisonburg, nor the Authority shall be obligated to pay the bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged therefor and neither the faith, credit nor taxing power of the Commonwealth of Virginia, the City of Harrisonburg, or the Authority shall be pledged thereto.

This Resolution shall take effect immediately.

ADOPTED and APPROVED THIS _____ day of _____, 1983.

Mayor

Attorney George H. (Skip) Roberts, Jr. (law firm of Wharton, Aldhizer & Weaver), was present in the meeting to elaborate on the need for Council's approval of the resolution and to answer any questions members may have concerning the proposed issuance of bonds by the R & H Authority. He noted that the required public hearing was held by the Authority on April 20, 1983, with only representatives of the applicants desiring to be heard. The Authority recommends Council approval for issuance of the bonds on behalf of Nelson and Medical Arts. Attorney Roberts discussed inducement resolutions and the need for same, prior to issuance of bonds, with cost estimate of projects to be on the high side in order to avoid a second public hearing, etc. He explained the various methods of financing for bond issues, which are available. Following discussion, Councilman Cisney moved that the resolution be approved, with authorization for the Mayor to sign the same. The motion was seconded by Councilman Rhodes, and adopted by a majority recorded vote of Councilmen present. Voting aye: Councilmen Dingledine, Rhodes and Cisney; absent: Mayor Erickson; Abstaining, Vice-Mayor Green.

Council was reminded that the present one year term for all members of the Price Rotary Senior Citizens Center Advisory Board will expire on May 1st, and Vice-Mayor Green asked members' wishes concerning appointments. Councilman Dingledine, Chairman, noted that the Board may possibly be phased out at some future time, in that it has little or no function. On motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Councilmen present, the following members were reappointed for terms of one year each, expiring on May 1, 1984: Dr. Raymond C. Dingledine, Jr.; Mrs. Lakey S. Logan; Mrs. Wilhelmina H. Johnson; Mrs. Henrietta Huffman; R. J. Sullivan, Jr.; Mrs. Pauline Riddle; C. W. Kestner; Gregory R. Versen; Mrs. Idah Payne Suter.

Councilman Rhodes moved that a supplemental appropriation in amount of \$ 4,600., requested by the Commissioner of Revenue in order to cover annexation costs which exceed original budget appropriations, be approved for second & final reading, a first reading having been approved on April 12th, and that:

- \$ 4,600. chgd.to: General Fund - Unappropriated Fund Balance
- 2,000. approp.to: General Fund (1209-1010.01) Other Personal Services
- 2,000. approp.to: General Fund (1209-5400.01) Other Mat. & Supplies
- 600. approp.to: General Fund (1209-5200.01) Communications

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

Councilman Dingledine moved that a supplemental appropriation in amount of \$ 15,799.54, 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 April 12th, and that:

- \$ 15,799.54 chgd.to: General Fund (1901.01) Recoveries & Rebates
- 12,599.54 approp. to: General Fund (3201-1001.06) Dispatchers
- 3,200.00 approp.to: General Fund (3201-5200.01) Communications

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

City Manager Milan requested Council's approval of a transfer of funds within the Sewer Department in amount of \$ 200,000. in order to balance the sewer budget for Fiscal Year 1983-84. Councilman Cisney moved that the transfer be approved, and that:

\$ 200,000. trans.from: Sewer Fund- Unappropriated Fund Balance
 200,000. trans. to: Sewer Fund -Reserve for Depreciation

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

✓ A request was presented from the Data Processing Manager for Council's approval of a supplemental appropriation in amount of \$ 2,947.03 in order to appropriate funds received from the Harrisonburg Electric Commission and City Treasurer for HEC's share of equipment installed for communications and processing of tax tickets for the City Treasurer. Councilman Rhdoes moved that the appropriation be approved for a first reading, and that:

\$ 2,947.03 chgd.to: General Fund (1901.01) Recoveries & Rebates
 498.64 approp.to: General Fund (1220-5413.01) Other Operating Expenses
 2,448.39 approp.to: General Fund (1220-7007.00) ADP Equipment

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

✓ The following Planning Commission report from an April 20th meeting, was presented and read:

"...The Commissioners reviewed a map of the proposed Final Plan of Unit 13, Reherd Acres Subdivision, and the Subdivision Review Sheet from City Staff. Mr. Sullivan oriented the Commission to the Reherd Acres neighborhood map, noting that Units 11 and 12 were approved in February, 1983 and proposed Unit 13 conforms to the Reherd Acres Master Plan. The proposal will establish 26 'for sale' townhouse lots plus ample common open space for both parking of vehicles and green space. Land Surveyor J. R. Copper, Jr., described the layout and answered questions from Messrs. Heath and Trobaugh concerning size of front and rear yards and how the common lot areas will be maintained. Mr. Trobaugh asked if enough rear yard is shown to permit porch additions without the need to ask for variances. Based on Mr. Copper's measurements, rear yards will be at least 40' long, allowing for 15' porch additions and leaving 25' rear yards. The common area parking and green spaces will be owned and maintained by the homeowner's association. Concerning staff review, the Director reported that the engineering and utility plans, easements and construction drawings were approved when Unit 12 was presented in February. Twenty townhouses will be constructed in Unit 12 which is directly across the new Vine Street from proposed Unit 13. Approximately 460' of Vine Street will be constructed by the developer to serve both Unit 12 and 13.

Mr. Heath concluded the discussion with a motion that the Planning Commission recommend approval of the Final Plan for Unit 13 of Reherd Acres Subdivision. Mr. Fleming seconded the motion and all members voted in favor..."

Planning Director Sullivan displayed a map of the subdivision, setting out location of single family homes, townhouses, open space and undeveloped areas. Following a brief discussion, Councilman Cisney moved that the recommendation of the Planning Commission be approved with regard to the Final Plan for Unit 13 of Reherd Acres Subdivision. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.

✓ City Manager Milam presented and read the following Planning Commission report from an April 20th meeting of the Commission:

"...The Commissioners reviewed a proposed re-subdivision map of Rolling Hills Townhouses, located on Franklin Street extended. Mr. J. R. Copper, Jr., representing owner-developer Michael Brothers, Inc., stated that a swimming pool and gazebo have been constructed on the rear portions of Lots 1, 11 and 12, in an area designated on the original subdivision as an easement area for common use by all townhouse owners within the subdivision. For title clearance purposes, the owners have been advised to place the swimming pool area on a separate lot, just as the parking areas for the subdivision are on two separate lots.

Mr. Sullivan noted that six of the twelve townhouse lots will be reduced to less than 2,000 square feet, but all owners will benefit from the proposed 7,837 square foot recreational common area and the two common area parking lots. Mr. Milam asked who will own the recreation and parking areas, and Mr. Copper reported they will be owned by the Rolling Hills Townhouse Subdivision homeowner's association. Mr. Milam expressed an opinion that the resubdivision appears to establish a better arrangement and use of the common recreational space.

Mr. Fleming moved that the Planning Commission recommend approval of the Rolling Hills Townhouse Subdivision, based on allowing variances for lot size for Lots 2, 3, 6, 7, 10 and 11, and contingent on the City Council holding a public hearing to vacate the lot lines where the common recreational lot #13 will be placed. Mr. Milam seconded the motion and all members voted in favor..."

Mr. Copper displayed a map and explained the proposed resubdivision of Rolling Hills Townhouses. He noted that the Plan, as revised, will bring the twelve lots together in the center, and that an easement has been obtained for the swimming pool and gazebo, which should create some interest in the development. In reply to a question raised by Councilman Cisney, Mr. Copper stated that when the townhouse units are sold, the developer will no longer be responsible for the common area insofar as upkeep, taxes, etc. The City Manager was asked to check with the Commissioner of Revenue concerning a method for dividing the open area into twelve shares for tax purposes. Following discussion, Councilman Cisney moved that Council accept the Planning Commission report and schedule a public hearing for Tuesday, May 24th, 7:30 P.M. The motion was seconded by Councilman Rhodes and adopted by a unanimous vote of Councilmen present. The City Manager was instructed to properly advertise the public hearing.

✓ Inasmuch as the City had received a State Grant in amount of \$ 2,400. for Litter Control, the following proposed Proclamation was presented for Council's consideration of approval:

WHEREAS, The City of Harrisonburg has received a State Grant for Litter Control, and

WHEREAS, it is the desire of the City to use this Grant to promote cleaning up private property and public rights-of-way within the City,

NOW, THEREFORE, I, Roy Erickson, Mayor of the City of Harrisonburg, do proclaim May 2 - May 6, 1983, to be Harrisonburg Beautification Week.

On motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote of Councilmen present, the Proclamation was approved. Mayor

✓ For consideration of a second & final reading, an ordinance amending Sections 4-2-21 and 4-2-22 of the City Code, was presented, entitled: "Exemption authorized" and "Administration", respectively. The City Attorney noted that the ordinance, as amended, would provide tax relief for qualifying elderly mobile home owners. Councilman Dingledine 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. (Ord. Bk L, page 7)

✓ For discussion purposes, City Manager Milam presented a proposed ordinance amending Title 4, Chapter 2 of the City Code by adding Article 6 entitled "Admission Tax." He noted that the City Attorney, and others, have been working on a comprehensive admissions tax which covers all bases, including the JMU Convocation Center for sporting events, performances, exhibitions, etc. Although a rate of tax has not been determined, Manager Milam presented a comparison of admission taxes charged in other cities, pointing out a range from 2¢ per adult ticket in Falls Church, to a 10% charge by Virginia Beach. According to information provided by the Virginia Municipal League, no counties have levied an admissions tax. Vice-Mayor Green said he had approached officials of the city schools and James Madison University concerning the proposed tax, in order to determine how it may be structured to exempt students, in that most of their admission costs, particularly to sporting events held at JMU, are covered through student fees. Outside events, however, such as big rock band concerts, etc. are not covered by those fees. He noted that the City schools could adopt a similar fee to cover admission to sporting events. The Vice-Mayor made reminder that the City had levied a tax on theatre tickets, which was rescinded in the 1960s by the City, as a result of lobbying by the motion picture industry. Following discussion, it was agreed that action be deferred on a first reading of the ordinance, until further contact can be made with the school officials, insofar as its effect on students.

✓ City Manager Milam reminded members that on January 12, 1982, Council approved a resolution authorizing implementation of the Virginia Community Diversion Program on July 1, 1982, with explicit understanding for it to be administered by Rockingham County, with no cost to the City. The program, however, was not funded at that time. More recently, a meeting was held on April 7th of this year with Administrators of Rockingham and Page Counties, to discuss the program. It was agreed that the Administrators would recommend to their governing bodies, participation in the Blue Ridge Diversionary Program for the 26th Judicial Circuit Court, with Frederick County to serve as Fiscal Agent. In correspondence from the Community Corrections Specialist dated 4/11/83, Harrisonburg was asked to appoint one representative to the Community Corrections Resources Board, with the same request made to the other participating localities. Two appointments will be made by the Judiciary. Manager Milam informed Council that the three appointees from Page, Rockingham and Harrisonburg will represent this area as an "additional arm on the court," with no adverse effect on local employees. Following discussion, Councilman Dingledine moved that Council approve implementation of the Blue Ridge Diversionary Program, with Frederick County designated to serve as Fiscal Agent. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present. Appointment of Harrisonburg's representative on the Board, was deferred.

✓ City Manager Milam informed Council that the City Treasurer's request from Peoples Baptist Church for a refund of its motor vehicle sticker fee for buses, based on a ruling by Judge John A. Paul that the fee is unconstitutional in that the buses are personal property and exempt from taxation, had been refused. City Treasurer Simmons said that without some instruction, she could not refund the fee, although the stickers had been turned back in by the church with request for refund, in that exemption for church use vehicles is not set out in the City Code. City Attorney Lapsley said that this is only one court case on the issue, and that unless the city's ordinance is changed in some manner, others applying for a refund, will also have to file suit. Following discussion, Council referred the matter to the City Attorney for review of the City's Ordinance concerning motor vehicle license fees, and comparison with ordinances of other cities.

✓ The City Manager distributed copies of the new map of Harrisonburg including the annexed territory, and noted that additional copies were available upon request.

At 9:06 P.M., Councilman Cisney moved that Council enter an executive session to discuss personnel and a legal matter. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.

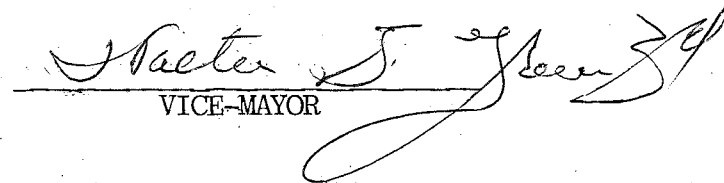
At 9:46 P.M., on motion duly adopted, the executive session was closed, and the regular session reconvened.

✓ During discussion concerning appointments to various Boards and Commissions, Council was reminded that two vacancies had been created on the Harrisonburg Industrial Development Authority as of April 24, 1983. Mrs. Marie Garnett's second term expired on that date, and also the unexpired term which Dr. Jackson E. Ramsey has been filling. Councilman Dingledine moved that Mr. Joseph K. Funkhouser, II, partner of Funkhouser & Shomo Realtors, be appointed to replace Mrs. Garnett for a first full term of four (4) years, expiring April 24, 1987. The motion was seconded by Councilman

Rhodes, and adopted by a unanimous vote of Councilmen present.

There being no further business and on motion of Councilman Cisney, seconded by Councilman Rhodes and a unanimous vote of Councilmen present, the meeting was adjourned.


CLERK


VICE-MAYOR

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

For The Fiscal Year Ending June 30, 1984

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 1984. 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 I - 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, 1984.

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-four thousand, seventy-three dollars and no cents (\$44,073.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$23,108.00
(2) Other Operating Expenses	18,965.00
(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 sixty-two thousand, seven hundred ninety-seven dollars and no cents (\$62,797.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$55,174.00
(2) Other Operating Expenses	7,323.00
(3) Capital Outlay	300.00

Paragraph Three - Office of City Attorney (1204)

For the current expenses of the OFFICE OF THE CITY ATTORNEY, a division of the General and Financial Administration, the sum of nine thousand, five hundred forty-four dollars and no cents (\$9,544.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 8,904.00
(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 one hundred three thousand six hundred ninety-six dollars and no cents (\$103,696.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$83,596.00
(2) Other Operating Expenses	18,600.00
(3) Capital Outlay	1,500.00

Paragraph Five - Independent Auditor (1208)

For the current expenses of the INDEPENDENT AUDITOR, a division of the General and Financial Administration, the sum of ten thousand dollars and no cents (\$10,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$10,000.00
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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 twenty-three thousand, three hundred four dollars and no cents (\$123,304.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$100,000.00
(2) Other Operating Expenses	16,400.00
(3) Capital Outlay	6,000.00

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 forty thousand dollars and no cents (\$40,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$34,000.00
(2) Other Operating Expenses	6,000.00

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 one hundred fifteen thousand, four hundred seventy-two dollars and no cents (\$115,472.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$84,472.00
(2) Other Operating Expenses	20,000.00
(3) Capital Outlay	11,000.00

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 seventy-five thousand, three hundred ninety-six dollars and no cents (\$575,396.00) is appropriated from the General Fund to be apportioned as follows:

(1) Contribution to Retirement for City Employees	\$575,396.00
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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 forty-eight thousand, five hundred seventy dollars and no cents (\$148,570.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$76,670.00
(2) Other Operating Expenses	57,900.00
(3) Capital Outlay	14,000.00

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-five thousand, five hundred fifty dollars and no cents (\$55,550.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$48,543.00
(2) Other Operating Expenses	6,007.00
(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 five thousand, two hundred dollars and no cents (\$5,200.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 4,500.00
(2) Other Operating Expenses	700.00

Paragraph Fourteen - Electoral Board and Officials (1301)

For the current expenses and capital outlay of the ELECTORAL BOARD AND OFFICIALS, a division of the Board of Elections, the sum of twenty-four thousand, three hundred nineteen dollars and no cents (\$24,319.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$18,394.00
(2) Other Operating Expenses	3,925.00
(3) Capital Outlay	2,000.00

Paragraph Fifteen - Juvenile & Domestic Relations Court (2105)

For the current expenses and capital outlay of the JUVENILE & DOMESTIC RELATIONS COURT, a division of the Judicial Administration, the sum of eleven thousand, three hundred fifty dollars and no cents (\$11,350.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 9,850.00
(2) Capital Outlay	1,500.00

Paragraph Sixteen - County Court (2111)

For the current expenses of the COUNTY COURT, a division of the Judicial Administration, the sum of one thousand, two hundred dollars and no cents (\$1,200.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 1,200.00
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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 eight hundred fifteen thousand, ninety-three dollars and no cents (\$815,093.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$683,593.00
(2) Other Operating Expenses	114,900.00
(3) Capital Outlay	16,600.00

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 five hundred eighty-three thousand, one hundred sixty dollars and no cents (\$583,160.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$337,910.00
(2) Other Operating Expenses	92,250.00
(3) Capital Outlay	153,000.00

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 thirteen thousand, one hundred twenty dollars and no cents (\$13,120.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 9,020.00
(2) Other Operating Expenses	4,100.00

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-seven thousand, one hundred fourteen dollars and no cents (\$97,114.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$89,314.00
(2) Other Operating Expenses	6,600.00
(3) Capital Outlay	1,200.00

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 twenty-three thousand, five hundred seventy-five dollars and no cents (\$23,575.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,675.00
(2) Other Operating Expenses	21,900.00

Paragraph Twenty-Three - Coroner (3502)

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, nine hundred sixty-six dollars and no cents (\$9,966.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 2,396.00
(2) Other Operating Expenses	7,570.00

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 ninety-two thousand, nine hundred twenty-eight dollars and no cents (\$92,928.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$87,542.00
(2) Other Operating Expenses	2,886.00
(3) Capital Outlay	2,500.00

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 eight hundred ninety-one thousand, nine hundred fifty-nine dollars and no cents (\$891,959.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$378,724.00
(2) Other Operating Expenses	297,735.00
(3) Capital Outlay	215,500.00

Paragraph Twenty-Seven - Street Lighting (4104)

For the current expenses of STREET LIGHTING, a division of the Department of Public Works, the sum of two hundred thousand, one hundred ninety-six dollars and no cents (\$200,196.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$200,196.00
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Paragraph Twenty-Eight - Traffic Engineering (4107)

For the current expenses and capital outlay of TRAFFIC ENGINEERING, a division of the Department of Public Works, the sum of sixty-nine thousand, one hundred forty-seven dollars and no cents (\$69,147.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$32,000.00
(2) Other Operating Expenses	32,647.00
(3) Capital Outlay	4,500.00

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 forty-one thousand, seven hundred twenty dollars and no cents (\$41,720.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$29,700.00
(2) Other Operating Expenses	9,520.00
(3) Capital Outlay	2,500.00

Paragraph Thirty - Street Cleaning (4202)

For the current expenses and capital outlay of STREET CLEANING, a division of the Department of Public Works, the sum of one hundred twenty-eight thousand, two hundred seventy dollars and no cents (\$128,270.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$42,850.00
(2) Other Operating Expenses	72,220.00
(3) Capital Outlay	13,200.00

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-five thousand dollars and no cents (\$75,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$20,995.00
(2) Other Operating Expenses	48,400.00
(3) Capital Outlay	5,605.00

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 one hundred eleven thousand, six hundred ninety-four dollars and no cents (\$111,694.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$111,694.00
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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 forty-one thousand, twenty-seven dollars and no cents (\$41,027.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$41,027.00
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Paragraph Thirty-Six - Bureau of Parks & Recreation (7101)

For the current expenses and capital outlay of the BUREAU OF PARKS & RECREATION, a division of Parks, Recreation and Cultural, the sum of three hundred ninety-four thousand, five hundred forty-three dollars and no cents (\$394,543.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$227,893.00
(2) Other Operating Expenses	67,550.00
(3) Capital Outlay	99,100.00

Paragraph Thirty-Seven - Hillandale Park (7102)

For the current expenses of HILLANDALE PARK, a division of the Parks, Recreation and Cultural, the sum of twenty thousand, six hundred twenty-four dollars and no cents (\$20,624.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$13,874.00
(2) Other Operating Expenses	6,750.00

Paragraph Thirty-Eight - Riven Rock Park (7103)

For the current expenses of RIVEN ROCK PARK, a division of Parks, Recreation and Cultural, the sum of two thousand, four hundred eight dollars and no cents (\$2,408.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,608.00
(2) Other Operating Expenses	800.00

Paragraph Thirty-Nine - Community Activities Center (7104)

For the current expenses and capital outlay of COMMUNITY ACTIVITIES CENTER, a division of Parks, Recreation and Cultural, the sum of one hundred sixty-six thousand, one dollar and no cents (\$166,001.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$103,851.00
(2) Other Operating Expenses	59,150.00
(3) Capital Outlay	3,000.00

Paragraph Forty - National Guard Armory (7105)

For the current expenses and capital outlay of the NATIONAL GUARD ARMORY, a division of Parks, Recreational and Cultural, the sum of twenty-five thousand, one hundred seventy-three dollars and no cents (\$25,173.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$12,153.00
(2) Other Operating Expenses	11,520.00
(3) Capital Outlay	1,500.00

Paragraph Forty-One - Simms Recreation Center (7106)

For the current expenses and capital outlay of the SIMMS RECREATION CENTER, a division of the Parks, Recreation and Cultural, the sum of fifteen thousand, three hundred seventy-nine dollars and no cents (\$15,379.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$12,149.00
(2) Other Operating Expenses	2,230.00
(3) Capital Outlay	1,000.00

Paragraph Forty-Two - 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-eight thousand, seven hundred six dollars and no cents (\$38,706.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$30,841.00
(2) Other Operating Expenses	7,865.00

Paragraph Forty-Three - Planning Commission (8101)

For the current expenses and capital outlay of the PLANNING COMMISSION, a division of Community Development, the sum of forty-nine thousand, nine hundred dollars and no cents (\$49,900.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$44,000.00
(2) Other Operating Expenses	3,900.00
(3) Capital Outlay	2,000.00

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

For the current expenses of the BOARD OF ZONING APPEALS, a division of Community Development, the sum of one thousand, four hundred dollars and no cents (\$1,400.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 720.00
(2) Other Operating Expenses	680.00

Paragraph Forty-Five - Harrisonburg Parking Authority (8106)

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

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

Paragraph Forty-Six - Non-Departmental (09)

For subsidizing the City's Public Utilities, and for aiding the activities of independent, civic, charitable, and other organizations, the sum of six hundred sixteen thousand, two hundred sixty-five dollars and no cents (\$616,265.00) is appropriated from the General Fund to be apportioned as follows:

9102 Insurance - Employees	\$281,000.00
9103 Insurance and Bond Premiums	103,600.00
9104 Support of Community & Civic Organizations:	
5604.01 State Chamber of Commerce	100.00
5604.02 Chamber of Commerce (AMA Parade \$275)	2,650.00
5604.03 County Rest Room	2,000.00
5604.04 Rockingham Library Association	68,439.00
5604.05 Salvation Army	4,000.00
5604.06 Rescue Squad (Gas and Oil)	1,000.00
5604.07 Shenandoah Valley, Inc.	500.00
5604.08 Upper Valley Regional Park Authority	500.00
5604.09 Commission - Regional Juvenile Detention Home	7,432.00
5604.10 Shenandoah Valley Soil & Water Conservation District	1,000.00
5604.11 Blue Ridge Community College	500.00
5604.12 Harrisonburg-Rockingham Historical Soc.	500.00
5604.14 Central Shenandoah Planning District	5,974.00
5604.15 Valley Program for Aging Services	5,720.00
5604.16 WVPT - Public Television	2,400.00
5605.01 Other Non-Departmental	1,000.00
5605.02 Central Shenandoah EMS Council	1,200.00
5605.03 Central Shenandoah Certified Development Corporation	1,250.00
9105 Joint Expenses - Rockingham County:	
3009.02 Payment to Rockingham County	95,000.00
9106 Airport:	
5606.01 Subscriptions & Contributions	25,000.00
9107 Dues to Municipal League:	
5607.01 Dues to Virginia Municipal League	4,500.00
5608.01 Dues to National League of Cities	1,000.00

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

For the payment of the interest on and the retirement of bonds of the City of Harrisonburg, Virginia, the sum of one million, five hundred forty-five thousand, seventy-five dollars and no cents (\$1,545,075.00) is appropriated from the General Fund to be apportioned as follows:

(1) Serial Bonds and Interest	\$1,545,075.00
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Paragraph Forty-Eight - Transfers to Other Funds (11)

For supplementing the revenue of other funds the sum of six million, three hundred seventy thousand, eight hundred seventy-nine dollars and no cents (\$6,370,879.00) is appropriated from the General Fund to be apportioned as follows:

(1) Central Stores Fund	\$15,102.00
(2) Virginia Public Assistance	93,135.00
(3) Schools	5,613,485.00

(4) Public Transportation	\$ 15,102.00
(5) Sanitation	561,484.00

Paragraph Forty-Nine - Reserve for Contingencies (12)

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

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

Expenditures and Revenue

Total General Fund Appropriations for the Fiscal Year Ending June 30, 1984	\$13,919,943.00
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To be provided for from the following anticipated
and estimated revenue which is as follows:

General Property Taxes (estimated)	\$ 4,581,300.00
Other Local Taxes (estimated)	5,238,018.00
Permits, Privilege Fees and Regulatory Licenses (estimated)	39,560.00
Fines and Forfeitures (estimated)	150,712.00
Revenue from Use of Money & Property (estimated)	174,013.00
Charges for Services (estimated)	167,290.00
Miscellaneous Revenue (estimated)	902,000.00
Recovered Costs (estimated)	199,300.00
Payments in Lieu of Taxes (estimated)	9,000.00
Non-Categorical Aid (estimated)	1,054,499.00
Shared Expenses (Categorical)(estimated)	126,000.00
Categorical Aid (estimated)	794,388.00
Non-Revenue Receipts (estimated)	12,800.00
Transfers (estimated)	471,063.00

Total General Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1984	\$13,919,943.00
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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, 1984:

Paragraph One - 17A - Administration

For the current expenses of the ADMINISTRATION OF THE DEPARTMENT OF EDUCATION, the sum of one hundred sixty-seven thousand, one hundred eighty-five dollars and no cents (\$167,185.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Administration	\$ 167,185.00
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Paragraph Two - 17B-1 - Regular Day School

For the current expenses of REGULAR DAY SCHOOL, the sum of four million, seventy-one thousand, two hundred thirty-three dollars and no cents (\$4,071,233.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Regular Day School	\$4,071,233.00
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Paragraph Three - 17B-2 - Other Instructional Costs

For the current expenses of OTHER INSTRUCTIONAL COSTS, the sum of seven hundred forty-one thousand, six hundred thirty dollars and no cents (\$741,630.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Other Instructional Costs	\$ 741,630.00
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Paragraph Four - 17C - Attendance and Health Services

For the current expenses of ATTENDANCE AND HEALTH SERVICES, the sum of fifty-nine thousand, five hundred thirty-five dollars and no cents (\$59,535.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Attendance and Health Services	\$ 59,535.00
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Paragraph Five - 17D1 - Pupil Transportation Services

For the current expenses of PUPIL TRANSPORTATION SERVICES, the sum of one hundred thousand, seven hundred seventy-one dollars and no cents (\$102,771.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Pupil Transportation Services	\$ 102,771.00
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Paragraph Six - 17E - School Food Services

For the current expenses of SCHOOL FOOD SERVICES, the sum of six hundred eighty-two thousand, five hundred twenty-six dollars and no cents (\$682,526.00) is appropriated from the City School Fund to be apportioned as follows:

(1) School Food Services	\$682,526.00
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Paragraph Seven - 17F1 - Operation of School Plant

For the current expenses of OPERATION OF SCHOOL PLANT, the sum of five hundred twenty-four thousand, six hundred seventy-nine dollars and no cents (\$524,679.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Operation of School Plant	\$524,679.00
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Paragraph Eight - 17F2 - Maintenance of School Plant

For the current expenses of MAINTENANCE OF SCHOOL PLANT, the sum of two hundred twenty-four thousand, eight hundred thirty-two dollars and no cents (\$224,832.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Maintenance of School Plant	\$224,832.00
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Paragraph Nine - 17G - Fixed Charges

For the current expenses of FIXED CHARGES, the sum of one million, thirty-two thousand, thirty-four dollars and no cents (\$1,032,034.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Fixed Charges	\$1,032,034.00
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Paragraph Ten - 17H - Summer Schools

For the current expenses of SUMMER SCHOOLS, the sum of twenty-eight thousand, five hundred sixty-nine dollars and no cents (\$28,569.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Summer Schools	\$ 28,569.00
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Paragraph Eleven - 17I - Adult Education

For the current expenses of ADULT EDUCATION, the sum of twenty thousand, four hundred fifty-one dollars and no cents (\$20,451.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Adult Education	\$ 20,451.00
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Paragraph Twelve - 17J - Federal Program

For the current expenses of FEDERAL PROGRAMS, the sum of two hundred thirty-eight thousand, seven hundred forty-eight dollars and no cents (\$238,748.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Federal Programs	\$238,748.00
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Paragraph Thirteen - School Textbook Fund

For the current expenses of SCHOOL TEXTBOOK FUND, the sum of seventy-four thousand dollars and no cents (\$74,000.00) is appropriated from the City School Fund to be apportioned as follows:

(1) School Textbook Fund	\$74,000.00
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Paragraph Fourteen - 19 - Capital Outlay

For the capital outlay of the DEPARTMENT OF EDUCATION, the sum of one hundred eleven thousand, nine hundred ten dollars and no cents (\$111,910.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Capital Outlay	\$111,910.00
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Paragraph Fifteen - 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 seventy-five thousand, six hundred ninety-two dollars and no cents (\$375,692.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Serial Bonds & Interest	\$375,692.00
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S U M M A R Y

Expenditures and Revenue

Total School Fund Appropriations for
the Fiscal Year Ending June 30, 1984: \$8,455,795.00

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

Receipts From State School Funds	\$1,776,052.00
Revenue From Federal Funds	369,288.00
Receipts From Other Funds	696,970.00
Receipts From City Funds	5,613,485.00

Total School Fund Revenue (estimated) for
the Fiscal Year Ending June 30, 1984 \$8,455,795.00

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, 1984:

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-six thousand, two hundred fifty-three dollars and no cents (\$36,253.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 34,628.00
(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-one thousand, five hundred fourteen dollars and no cents (\$141,514.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 9,709.00
(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 sixty-four thousand, two hundred sixty-one dollars and no cents (\$264,261.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 104,241.00
(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-four thousand, four hundred twelve dollars and no cents (\$24,412.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 23,187.00
(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 seventeen thousand, six hundred twenty-one dollars and no cents (\$317,621.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Depreciation	\$ 250,784.00
(2) Taxes	66,837.00

Paragraph Six - Water Purification (6)

For the current expenses of WATER PURIFICATION OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one hundred ninety-five thousand, six hundred ninety-one dollars and no cents (\$195,691.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 125,791.00
(2) Other Operating Expenses	69,900.00

Paragraph Seven - Capital Outlay (7)

For capital improvements in the WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of two hundred twenty-one thousand, three hundred ninety-nine dollars and no cents (\$221,399.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Capital Outlay	\$ 221,399.00
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Paragraph Eight - Indebtedness Requirements Water Fund (8)

For the payment of interest, retirement and handling charges of bonds of the PUBLIC SERVICE ENTERPRISES - WATER ACTIVITIES, the sum of two hundred sixty-seven thousand, seven hundred dollars and no cents (\$267,700.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc.	\$ 267,700.00
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Paragraph Nine - Non-Departmental (9)

For sharing the cost of operation in other funds for the benefit of the Water Fund, the sum of one hundred sixty-nine thousand, seven hundred fifty-three dollars and no cents (\$169,753.00) is appropriated from the Water Fund to be apportioned as follows:

(1) To General Fund, Share of Accounting, Collecting & Data Processing	\$ 98,126.00
(2) To General Fund - Insurance	25,800.00
(3) To General Fund - Retirement & Social Security	34,500.00
(4) To Central Stores Fund	11,327.00

Paragraph Ten - Transfers to Other Funds (10)

For sharing the cost of operation of other funds the sum of fifty-one thousand, two hundred fifty dollars and no cents (\$51,250.00) is appropriated from the Water Fund to be transferred as follows:

(1) To General Fund - Utility Tax	\$ 51,250.00
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S U M M A R Y

Expenditures and Revenue

Total Water Fund Appropriations for the Fiscal Year Ending June 30, 1984	\$1,689,854.00
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To be provided for from the following Anticipated Revenue, which is as follows:

Other Local Taxes (estimated)	\$ 53,250.00
Permits, Privilege Fees and Regulatory Licenses (estimated)	59,266.00
Revenue from Use of Money & Property (estimated)	56,400.00
Charges for Services (estimated)	1,218,745.00
Recovered Costs (estimated)	11,000.00
Non-Revenue Receipts (estimated)	52,844.00
Transfers (estimated)	238,349.00

Total Water Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1984	\$1,689,854.00
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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, 1984:

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-six thousand, two hundred fifty-eight dollars and no cents (\$36,258.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 34,628.00
(2) Other Operating Expenses	1,630.00

Paragraph Two - Treatment and Disposal (2)

For the current expenses of TREATMENT AND DISPOSAL OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of five hundred forty-six thousand, three hundred sixty dollars and no cents (\$546,360.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 29,960.00
(2) Other Operating Expenses	516,400.00

Paragraph Three - Collection and Transmission (3)

For the current expenses of the COLLECTION AND TRANSMISSION OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one hundred ninety-nine thousand, seventy-one dollars and no cents (\$199,071.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 102,311.00
(2) Other Operating Expenses	96,760.00

Paragraph Four - Miscellaneous (4)

For setting aside reserve for depreciation and the payment of taxes, the sum of one hundred forty-four thousand, seven hundred eighty-six dollars and no cents (\$144,786.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Depreciation	\$ 114,379.00
(2) Taxes	30,407.00

Paragraph Five - Capital Outlay (7)

For the capital improvements of the SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of five hundred three thousand, one hundred fifty dollars and no cents (\$503,150.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Capital Outlay	\$ 503,150.00
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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 two thousand, nine hundred fifty-one dollars and no cents (\$210,951.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc.	\$ 210,951.00
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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-nine thousand, seven hundred fifty-three dollars and no cents (\$169,753.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) To General Fund - Share of Accounting, Collecting, Data Processing	\$ 98,126.00
(2) To General Fund - Insurance	25,800.00
(3) To General Fund - Retirement & Social Security	34,500.00
(4) To Central Stores Fund	11,327.00

S U M M A R Y

Expenditures and Revenue

Total Sewer Fund Appropriations for the Fiscal Year Ending June 30, 1984	\$1,810,329.00
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To be provided for from the following
Anticipated Revenue, which is as follows:

Other Local Taxes (estimated)	\$ 1,000.00
Permits, Privilege Fees and Regulatory Licenses (estimated)	2,400.00
Revenue from Use of Money & Property (estimated)	63,590.00
Charges for Services (estimated)	1,287,119.00
Recovered Costs (estimated)	40,000.00
Non-Revenue Receipts (estimated)	11,550.00
Transfers	404,670.00

Total Sewer Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1984	\$1,810,329.00
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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, 1984:

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 ninety-four thousand, nine hundred thirty-four dollars and no cents (\$294,934.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Personal Services	\$ 223,109.00
(2) Other Operating Expenses	71,825.00

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 one hundred five thousand, two hundred sixteen dollars and no cents (\$105,216.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 105,216.00
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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 fifty-four thousand, nine hundred ninety-six dollars and no cents (\$54,996.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses \$ 54,996.00

Paragraph Four - Capital Outlay (7000)

For the capital outlay of the DEPARTMENT OF SOCIAL SERVICES, the sum of two thousand dollars and no cents (\$2,000.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Capital Outlay \$ 2,000.00

S U M M A R Y

Expenditures and Revenue

Total Virginia Public Assistance Fund
Appropriations for the Fiscal Year
Ending June 30, 1984: \$ 457,146.00

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

Categorical Aid (estimated) \$ 364,011.00
Transfers from Other Funds (estimated) 93,135.00

Total Virginia Public Assistance Fund
Revenue (estimated) for the Fiscal Year
Ending June 30, 1984 \$ 457,146.00

SECTION VI - CENTRAL GARAGE FUND

That the following sums of money be and the same hereby are appropriated for Central Garage purposes herein specified for the fiscal year ending June 30, 1984:

Paragraph One - Central Garage

For the current expenses and capital outlay of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of one hundred fifteen thousand, seventy-nine dollars and no cents (\$115,079.00) is appropriated from the Central Garage Fund to be apportioned as follows:

(1) Personal Services \$ 98,269.00
(2) Other Operating Expenses 14,010.00
(3) Capital Outlay 2,800.00

S U M M A R Y

Expenditures and Revenue

Total Central Garage Fund Appropriations
for the Fiscal Year Ending June 30, 1984 \$ 115,079.00

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

Revenue from Use of Money & Property
(estimated) \$ 115,079.00

SECTION VII - CENTRAL STORES OPERATING FUND

That the following sums of money be and the same hereby are appropriated for Central Stores purposes herein specified for the fiscal year ending June 30, 1984:

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-seven thousand, seven hundred fifty-six dollars and no cents (\$37,756.00) is appropriated from the Central Stores Fund to be apportioned as follows:

(1) Personal Services \$ 24,871.00
(2) Other Operating Expenses 11,085.00
(3) Capital Outlay 1,800.00

S U M M A R Y

Total Central Stores Fund Appropriations
for the Fiscal Year Ending June 30, 1984 \$ 37,756.00

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

Transfers from Other Funds (estimated) \$ 37,756.00

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, 1984:

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 one million, eighty thousand, four hundred eighty-eight dollars and no cents (\$1,080,488.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$ 360,938.00
(2) Other Operating Expenses	244,050.00
(3) Capital Outlay	475,500.00

S U M M A R YExpenditures and Revenue

Total Public Transportation Fund Appropriations for the Fiscal Year Ending June 30, 1984	\$1,080,488.00
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To be provided for from the following
Anticipated Revenue, which is as follows:

Charges for Services (estimated)	\$ 428,860.00
Recovered Costs (estimated)	4,000.00
Other Categorical Aid (estimated)	495,530.00
Transfers from Other Funds (estimated)	152,098.00

Total Public Transportation Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1984	\$1,080,488.00
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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, 1984.

Paragraph One - Resource Recovery Facility (1)

For the current expenses of the RESOURCE RECOVERY FACILITY, a division of the Sanitation Fund, the sum of three hundred forty-three thousand, eight hundred eighty-eight dollars and no cents (\$343,888.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$ 216,578.00
(2) Other Operating Expenses	127,310.00

Paragraph Two - Refuse Collection (2)

For the current expenses of the REFUSE COLLECTION, a division of the Sanitation Fund, the sum of two hundred sixty-two thousand, five hundred sixty-three dollars and no cents (\$262,563.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$ 210,188.00
(2) Other Operating Expenses	52,375.00

Paragraph Three - Sanitary Landfill (3)

For the current expenses of the SANITARY LANDFILL, a division of the Sanitation Fund, the sum of thirty-three thousand, three hundred seventy-six dollars and no cents (\$33,376.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$ 21,300.00
(2) Other Operating Expenses	12,076.00

Paragraph Four - Miscellaneous (4)

For setting aside reserve for depreciation and the payment of taxes, the sum of two hundred ten thousand, eight hundred seventy dollars and no cents (\$210,870.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Depreciation	\$ 210,870.00
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Paragraph Five - Capital Outlay (7)

For the capital improvements of the SANITATION FUND, a division of the Sanitation Fund, the sum of five hundred thousand dollars and no cents (\$500,000.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Capital Outlay	\$ 500,000.00
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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
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Paragraph Seven - Non-Departmental (9)

For sharing the cost of operation of other funds for the benefit of the SANITATION FUND, the sum of ninety-six thousand, eight hundred sixty-one dollars and no cents (\$96,861.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) To General Fund - Share of Accounting, Collecting, Data Processing	\$ 0.00
(2) To General Fund - Insurance	25,800.00
(3) To General Fund - Retirement & Social Security	71,061.00

S U M M A R Y

Expenditures and Revenue

Total Sanitation Fund Appropriations for the Fiscal Year Ending June 30, 1984	\$2,545,545.00
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To be provided for from the following
Anticipated Revenue, which is as follows:

Unappropriated Fund Balance (estimated)	\$ 192,748.00
Revenue from Use of Money & Property (estimated)	55,000.00
Charges for Services (estimated)	980,000.00
Recovered Costs (estimated)	900.00
Revenue from Federal Government (estimated)	544,543.00
Transfers (estimated)	772,354.00

Total Sanitation Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1984	\$2,545,545.00
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TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH IX IN THIS
ORDINANCE FOR THE FISCAL YEAR ENDING JUNE 30, 1984
RECAPITULATION

Section I	(General Fund)	\$13,919,943.00
Section II	(School Fund)	\$ 8,455,795.00
Section III	(Water Fund)	\$ 1,689,854.00
Section IV	(Sewer Fund)	\$ 1,810,329.00
Section V	(Virginia Public Assistance Fund)	\$ 457,146.00
Section VI	(Central Garage Fund)	\$ 115,079.00
Section VII	(Central Stores Fund)	\$ 37,756.00
Section VIII	(Public Transportation Fund)	\$ 1,080,488.00
Section IX	(Sanitation Fund)	\$ 2,545,545.00

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 1983; 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 levied by the City Council in the above paragraph, which applies to the real estate for which the City furnishes police and fire protection and for the collection and disposal of refuse, and where such real estate are exempt from taxation under Section 58-12 of the Code of Virginia. Pursuant to Section 58-16.2 Code of Virginia, as amended, rate of service charge shall be Thirteen Cents (\$0.13) per annum per \$100.00 of assessed valuation, payable on or before December 5, 1983. The above service charge shall apply to all real property except those specifically exempted from the service charge as provided in such

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, 1983, and ending June 30, 1984, 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, 1983.

Given under my hand this 24th day of May, 1983.


MAYOR

ATTESTE:


CLERK OF COUNCIL

Tuesday, May 10, 1983

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 April 26th 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 April, 1983.

From the City Treasurer:

A trial balance report as of close of business on April 29, 1983

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 \$ 7,316.95.

From the City Auditor:

A financial report for the City of Harrisonburg, Va., month of April, 1983.

A report of cash discounts saved in payment of vendor's invoices for month of April, 1983, in total amount of \$ 335.63.

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, 1983.

City Manager Milam presented the following report of votes cast in the special election held on May 3, 1983, as submitted and signed by all members of the Harrisonburg Electoral Board:

Member, City Council for unexpired term to end June 30, 1984:

Raymond C. Dingledine, Jr., 1,442; Roy H. Erickson, 1,062; Elon W. Rhodes, 1,412; Thomas H. "Tom" Robinson, 1,200; Lloyd Sprinker, 1; Donald Duck, 1; Mickey Mouse, 1; Dr. Spock, 1 (Dingledine, Rhodes and Robinson received the highest number of votes.)

Member, City Council for unexpired term to end June 30, 1986 (unopposed)

James C. Cisney, 1,435; Walter F. Green, 3rd, 1,332

The report was presented for information and recordation in City Council minutes.

✓ Mr. R. A. Baker, Jr. of Harrisonburg Route 10, was present in the meeting for the purpose of presenting a petition signed by 27 property owners within 1/2 mile of the new city limits on the east side of state route 42 north, requesting that city water service be provided. He noted that this would not only serve as fire protection, but would increase the value of properties. City Manager Milam said that Virginia Avenue was the second priority in the court order and that a water line to run approximately 5300' north of Virginia Avenue is presently in the design stage. No. 2 falls in the 4 to 7 year priority, which means that the project could be for sometime between the years 1986 and 1989. He noted, however, that the project may materialize earlier, due to the Highway Department's proposal to widen Virginia Avenue in 1985. Mr. Baker said he had been in contact with the Water/Sewer Superintendent, and was advised to file the request for city water service prior to the construction project. When question was raised concerning the number of homes and distance, involved in the petition, Mr. Baker said that about twenty homes are located within 1/2 mile of the city limits, with some of the petitioners one mile beyond the Shell Station. Councilman Rhodes questioned as to whether it would be necessary for permission to be obtained from Rockingham County, prior to running a line beyond the city limits. Councilman Dingledine asked if the families could contact the county to determine if permission could be obtained, and Manager Milam agreed that this was a good idea. The design is on the drawing board and application must be drawn up for funding. The year 1984 was mentioned as a possibility for the project.

✓ In correspondence dated 5/10/83 from Mr. B. Saylor Neff, Jr., request was made for consideration in rezoning of the Brookland Addition, bounded on the north by West Bruce Street, east by South Willow Street and west by South Dogwood Drive, from R-1 Residential to R-2 Residential. It was noted that the adjacent properties located at 205 S. Willow and 300 S. Dogwood, owned by Mr. Neff, are presently zoned R-2, and if rezoned, development of condominium units is proposed for Brookland Addition. City Manager Milam called attention to the attached plat and recommended that it be referred to the City Planning Commission for study and recommendation. On motion of Councilman Cisney, seconded by Councilman Dingledine, and a unanimous vote of Council, the plat was so referred.

✓ For the purpose of enacting a permanent Land Use Ordinance, City Attorney Lapsley presented for consideration of a first reading, an ordinance amending and re-enacting Title 4 of the Harrisonburg City Code. The ordinance, which is intended to replace a temporary ordinance which was adopted in compliance with the annexation court order, and effective for only one year, is designed primarily to give farmers tax relief on forest land and land used for agricultural purposes. Property owners of open land, with no plan of development, will also qualify for the tax relief. Should the open land be developed for housing units, shopping center, or be otherwise dramatically changed, the ordinance provides for a "roll back tax." He noted the addition of a section to the ordinance, following presentation and discussion at the last regular meeting, which reads as follows: "a separate application shall be filed for each parcel on the Land Book, except that a single application may be filed and a single fee paid for two or more parcels of land which adjoin each other, and are held by the same owner or owners." Following review of all sections in Title 4, 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.

✓ For information, City Manager Milam reported that a check had been mailed to the Planning District in amount of \$ 121.75 for Harrisonburg's share of organizational costs for the Central Shenandoah Certified Development Company. Appointment of four members to serve as representatives of Harrisonburg, was deferred.

✓ During a discussion of appointments to various Boards and Commissions, one vacancy was noted on the Harrisonburg Industrial Development Authority due to the expiration of an unexpired term which Dr. Jackson Ramsey had been filling. Councilman Dingledine moved that Dr. Ramsey be appointed to serve his first full term of four (4) years on the Authority, with expiration date of April 24, 1987. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ Two representatives of the National Organization for Women (NOW) were present in the meeting to request further review of an assault case against a local police officer, with regard to disciplinary action by the department.

✓ City Manager Milam reviewed by funds, appropriations to the various city departments for fiscal year ending June 30, 1984, in the proposed budget, in gross amount of \$ 30,111,935.00, which amount includes transfers totaling \$ 6,370,879., resulting in a net budget of \$ 23,741,056.00. He requested approval of the Appropriation Ordinance for a first reading, and authorization to publish a synopsis of the proposed budget and notice of public hearing to be held on Tuesday, May 24th, 7:30 P.M. The notice will include an invitation for all citizens (especially senior citizens) to attend the Hearing and provide Council with written and oral comments, and ask questions concerning the city's entire proposed budget and the relationship of Revenue Sharing Funds to the budget. Notice has been published that the City's real estate tax will remain at 65¢ per \$100 of assessed property valuation. Inasmuch as this year's property reassessment exceeds that of last year, a "Rolled Back" tax rate is provided to offset increased assessment. The City's present personal property tax rate will remain at \$ 2.65 per \$100 valuation. During discussion, it was agreed that Council will hold a work session on the proposed budget on Monday, May 23rd, 8:00 P.M. Vice-Mayor Green moved that the City Manager be authorized to publish a synopsis of the proposed budget and notice of public hearing. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council. Councilman Dingledine then offered a motion that the Appropriation Ordinance for the 1983-84 budget be approved for a first reading. The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council.

✓ Councilman Cisney moved that a supplemental appropriation in amount of \$ 2,947.03, requested by the Data Processing Manager in order to appropriate funds received from HEC and the City Treasurer for HEC's share of equipment installed for communications and processing of tax tickets for the City Treasurer, be approved for second & final reading, a first reading having been approved on April 26th, and that:

\$ 2,947.03 chgd.to: General Fund (1901.01) Recoveries & Rebates
498.64 approp.to: General Fund (1220-5413.01) Other Oper. Expenses
2,448.39 approp.to: General Fund (1220-7007.00) ADP Equipment

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

✓ The City Manager presented correspondence he had received from the Virginia Department of Highways and Transportation, giving notice that the Highway & Transportation Commission had approved Harrisonburg's addition of Primary Extension and "Other Streets" eligible for maintenance payment, which additions are due to recent annexation by the City. Primary extension mileage is increased by 4.29 miles and lane mileage increased by 14.26 miles; "Other Streets" mileage is increased by 29.82 miles with lane mileage increased by 59.64 miles which includes mileage within the old corporate limits, as submitted. Manager Milam reported that approximately \$ 795,000. will be received for maintenance payment, which is "good news" in that the estimate was about \$ 1200. on the low side. The report was for Council's information.

✓ Mr. Wayne Rothery, representing the Harrisonburg-Rockingham Chamber of Commerce, appeared before Council to present the Chamber's 1983 Highway Program. He noted that the following projects, approved under previous programs are complete, with exception of funding, and are awaiting construction: Improvement of U.S.33 and I-81 interchange; Improvement of U.S.11 from Harrisonburg south city limits to I-81 interchange 62; Reconstruction of U.S.340 in Elkton between business 33 and

Spotswood Trail. The following projects under the 1983 Program, approved by the Chamber, are recommended for approval by City Council:

FUNDING

INTERSTATE

- I. Improve the Route I-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 with heavy turning movements on and off I-81 at each end of the bridge.

PRIMARY

- II. Improvement of State Route 42 between Harrisonburg and Broadway-Timberville, in three stages as follows: (1) the first priority stage goes to Harrisonburg north, approximately 1/2 mile south of Edom as a 4-lane highway rather than 3-lanes, while considering the relocation of Route 721 to the end of the 4-lane section; (2) the second stage involves coming from Route 259 at Broadway, south, approximately 3 miles toward Harrisonburg; (3) the third stage will be the completion of the connecting center section.
- III. Improve U.S. 340 from Elkton to Shenandoah to a dual-lane. This facility is currently carrying approximately 5,415 vehicles per day.

URBAN

- IV. Improve South High Street from Grace Street to south city limits of Harrisonburg. This is currently 1 1/4 miles of two-lane road, bottle-necking four-lane Route 42 from the south, four-lane High Street from the north, and four-lane Cantrell Avenue from the east.
- V. Improvement of the section of Port Road that connects I-81 with U.S. Route 11 to a four-lane facility.
- VI. Improvement of Route 33 West from High Street to 1/4 mile past old city limits. Not only will this relieve traffic congestion in this area, but will facilitate flow of east-west traffic through Harrisonburg.

Mr. Rothery cited also the following 1983 Chamber of Commerce Highway Program recommendations for Harrisonburg City Roads:

1. Construction of an adequate left-turn lane at the intersection of East Market Street and Hawkins Street to facilitate safer left turns off of East Market Street onto Hawkins.
2. Repair of the railroad crossing at intersection of U.S. 33 and Linda Lane.
3. Change posted speed limits on Port Road from I-81 to U.S. Route 11 to 35 m.p.h., and raise the speed limit to 45 m.p.h. on East Market Street from Cantrell Ave. on past the Mall.
4. Extend entrance road onto Valley Mall over to Ridge Road.
5. Pave the Bruce Street alley through to Myers Avenue and continue as a one-way facility.
6. Remove pedestrian light at Anthony Seeger School for use elsewhere in the city.
7. Install a traffic signal at the intersection of Main Street and South Avenue.

Another safety measure mentioned by Mr. Rothery, and not listed on the report, is for intersection warning signs at East Market Street and Country Club Road (Spotswood Mobile Homes location). Following discussion, Council acknowledged receipt of the 1983 Highway Program, and agreed to refer the recommendations for City roads to the Harrisonburg Department of Transportation & Safety Commission for review.

Concerning a request for refund of city sticker tax on buses used by Peoples Baptist Church, City Attorney Lapsley reported that he had not received copies of ordinances from other cities, as requested, but is in hopes that he will have same shortly. He pointed out that although Title X Section 6 (2) of the Virginia Constitution exempts church vehicles from taxation, the Supreme Court has interpreted the license tax as a privilege tax, in one case which was before it. When Councilman Cisney asked if refunds would be in order because of Judge Paul's ruling that the tax was unconstitutional, Attorney Lapsley said that each would be treated on an individual basis, with the requestor going through the court. He noted that any change which may be considered in the city's ordinance, would have to be made effective for the 1984 purchase of licenses. Further report will be presented by the City Attorney, following information from other cities.

Council was reminded by the City Manager that on recommendation of the City Planning Commission, a public hearing had been scheduled for Tuesday, May 24th concerning the matter of vacating lot lines for redivision of the Rolling Hills Townhouses. He has been advised by the attorney for the developer that the lines can be vacated without a public hearing, in that there is only one owner, and a hearing is required when there are more than one owner. The hearing date has not been advertised, as yet. In discussing the matter with the Commissioner of Revenue, Manager Milam said he had been advised that for taxation purposes, the lots comprising the common areas would be assessed at market value of the land and billed to the Homeowners' Association. Should an Association not materialize, the land will be pro-rated among property owners. Following a brief discussion, Councilman Dingledine moved that notice of the public hearing be tabled until such time as the City Attorney can legally interpret necessity for same, based on opinion of the developer's attorney. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

Council was reminded by the City Manager that in action on November 23, 1982, an appropriation was acted upon as the City's share of cost in aiding the Upper Valley Regional Park Authority to retire outstanding indebtedness, with a stipulation that no less than three members be appointed by each locality to membership on the Authority. Two members had been recommended by administrators of the participating localities at a November 5th meeting. It has now been determined that the number of appointees must be even (i.e. 2 or 4). Councilman Cisney said this could also be interpreted to mean the same number from each locality. Clarification will be requested, prior to future appointments by Harrisonburg.

City Manager Milam informed Council that employees under the CETA Program will be terminated as of September 30th this year, and a new Program will get underway in October. A local government is needed to receive a Planning Grant of \$ 43,000. The City Auditor has discussed this with Mr. Ben Vorhies, Director, and indicated to him that Council may be willing to experiment with the Program and receive this initial check. The payroll procedure, however, will be handled by the Program staff. Between now and October, Manager Milam said that Council could decide whether the City will act as Fiscal Agent on the major grant, or request that another locality be designated. Following discussion, which included the fact that Harrisonburg had expressed no desire to act as Fiscal Agent when an earlier resolution was approved, Councilman Dingledine offered a motion for the City to act as Fiscal Agent in receiving the \$ 43,000. Grant check, under conditions as set out by the City Manager. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

At 9:00 P.M., Councilman Rhodes 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 Council.

At 10:05 P.M., on motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Council, the executive session, which included a brief meeting with the Harrisonburg Electric Commission members and General Manager, was declared closed, and the regular session reconvened.

Mr. Walton O. Wine, Chairman of the Harrisonburg Electric Commission, presented the following proposed resolution for consideration of Council's approval, authorizing the Commission to request a line of credit from a local bank:

RESOLVED, that the Harrisonburg Electric Commission unanimously recommends and requests that the City Council of the City of Harrisonburg authorize the Commission to borrow from such lending institution and in accordance with such terms as the Commission may be deemed advisable, a sum not to exceed Five Million Dollars to be repaid within a period not exceeding one year, for the purpose of purchasing such electrical facilities owned by electric utilities operating within the newly annexed area of the City, as well as for the purpose of construction and improvement of the Commission's facilities.

Councilman Cisney said that Council realizes that HEC is limited to one year borrowing under the present City Code, which may necessitate a change. Vice-Mayor moved that the resolution be approved, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

There being no further business, and on motion duly adopted, the meeting adjourned at 10:08 PM.

N. Arlene Loke
CLERK

Ray E. Smith
MAYOR

Tuesday, May 24, 1983

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 May 10th were approved as corrected.

✓ Mrs. Pamela Petcher, Coordinator for The National Organization for Women (NOW), was present in the meeting to present a second letter requesting Council to safeguard the excellent reputation of the Harrisonburg Police Department through further action against a local police officer in an assault case. Mayor Erickson asked that a copy of the letter be left, for information.

✓ The following Planning Commission report from a meeting held on May 18, 1983, was presented and read:

"...The Director presented the Final Plan for proposed Summit Heights Subdivision, explaining on behalf of Mr. Ken Kline, owner, that approval was given by City Council on April 15, 1983, but never recorded thereafter in the County Clerk's Office. Land Surveyor J.R. Copper, Jr. has returned the original to the Planning Commission, requesting another approval. No changes have been made on the 'voided' subdivision.

Mr. Fleming offered a motion that the Commission grant this reapproval for proposed Summit Heights Subdivision, located in northeast Harrisonburg between Summit Street and Beth El property. Mr. Rhodes seconded the motion and all members voted aye..."

City Manager Milam pointed out that re-approval of the Final Plan would be only a formality, since the original plan, approved in 1981, was not recorded, and inasmuch as no changes have been made from that original plat. Councilman Cisney moved that the Final Plan for Summit Heights Subdivision be re-approved, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous

vote of Council.

City Manager Milam presented and read the following Planning Commission report from a May 18th meeting, for Council's consideration of approval:

"...A memorandum from the Director was read, concerning suggested re-naming of five roads in the annexation area, listed as follows:

	<u>CURRENT NAME</u>	<u>PROPOSED NAME</u>
1.	Memorial Drive - - - - -	Turner Ashby Lane
2.	Harmany Lane - - - - -	Sharon Lane
3.	Dogwood Circle - - - - -	Boxwood Drive
4.	Dogwood Circle - - - - -	South Gate Drive
5.	Denton Lane - - - - -	Betts Road

The Director reported that Memorial Drive is a public road extending 1,700' northeastward off Port Republic Road. It will become the only access into proposed Wayland Woods Subdivision. Developers John Horsley and Albert Constable have verbally requested that Memorial Drive be re-named 'Turner Ashby Lane.' It is the road leading to the Turner Ashby Monument.

With regard to Harmany Lane, Mr. R.A. Baker has written a letter noting that the county named this 700' road 'Sharon Lane' in June 1974. Another nearby road was named 'Harman Road' since the area is part of Harmany Hills Subdivision. Mr. Sullivan noted that the Sharon Street in southwest Harrisonburg has house numbers below 100, while the homes on 'Sharon Lane' are numbered in the 1100 category.

Concerning Dogwood Circle, which is within Ed Crist's Boxwood Subdivision on the east side of South Main Street, the Director explained that the middle link of the original layout was closed, leaving two separate roads leading eastward off Main Street. Proposed 'South Gate Drive' is a 500' road leading to proposed South Gate Condominium offices. John and James Monger have verbally requested the name 'South Gate Drive.' The other road, north of Ed Crist's home, is over 700' long and it serves one dwelling. 'Boxwood Drive' is suggested since it is part of Boxwood Subdivision.

Mr. Fleming moved that the Commission recommend to City Council that these four street re-naming proposals be approved. Mr. Trobaugh seconded the motion and all members voted aye.

A discussion followed, regarding Mr. Robert Frazier's letter of April 21, 1983, urging the City to re-name Denton Lane to 'Betts Road.' The Director suggested naming the private road which leads to Betts-Frazier Quarry and Neff's Furniture Barn, or naming a future street near Denton Lane after Mr. Betts. Mr. Trobaugh and other Commissioners sympathized with Mrs. Frazier's position, and suggested naming a future street after former Mayor B.T. Denton and Vice-Mayor Denton.

Mr. Heath then moved that Denton Lane, currently serving eight dwellings, be re-named Betts Road. Mr. Fleming seconded the motion and all members voted aye..."

Manager Milam informed Council that he had received information requesting that roads numbered 3 and 4, namely: Boxwood Drive and South Gate Drive, be changed from Drive to Court, in that both dead-end, and are not through streets. Mr. Sullivan said that although the Mongers had requested the name South Gate Drive, he felt there would be no real problem or objection in using 'Court.' Following a brief discussion, Vice-Mayor Green moved that the recommended name changes be approved, with the suggested change on numbers 3 and 4 from Drive to Court. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

The following Planning Commission report from its April 20th meeting was presented and read by the City Manager:

"...Mr. Jeff Nemoytin, a Court Square merchant and member of the Downtown Development Corporation's 'Appearance and Design Committee', presented a copy of Section 46.1-181 of the Code of Virginia..Local regulations of trucks and carriers. Mr. Nemoytin stated that large trucks continue to pass through Court Square, plus Main and Market Streets, causing a safety problem for downtown pedestrians. The State Code allows a city to ... 'prohibit the use of certain designated streets under their jurisdiction by private carriers for hire as well as common carriers, except for the purpose of receiving passengers or goods or making deliveries...' Mr. Nemoytin said Harrisonburg had never adopted a 'truck route ordinance,' therefore, the Police Department cannot legally stop or fine a truck driver if he uses streets for 'passing-through purposes.' Mr. Milam replied that the State Highway Department was receptive to the City's establishment a few years ago of Bruce and Wolfe Streets as 'alternate Route 33, but they would not drop Court Square, Main, Market or Liberty Streets from the status of being part of U.S. Routes 11 and 33.

Councilman Rhodes, a member of the City's Highway Safety Commission, suggested the subject be given study and review by said Commission. Mr. Nemoytin emphasized his opinion that better enforcement of a truck route system is the main issue, and the police need an adopted ordinance to go by.

The Commissioners concurred that the subject, which was brought up in the March meeting based on a letter from the Downtown Development Corporation, be studied by the City's Highway Safety Commission..."

Councilman Dingledine moved that the matter of truck traffic through Court Square, Main and Market Streets be referred to the Harrisonburg Department of Transportation & Safety Commission for review and report. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

The following Planning Commission report from a May 18th meeting, was presented:

"...Chairman Eney reported that since City Council referred this Boddie-Noell rezoning case back to the Planning Commission, the Commissioners have received several letters individually from residents, one from Attorney David Penrod, urging that a new public hearing be held, plus a 'Zoning & Traffic Study' from the applicant. A sheet from the State Highway Department, listing projects to be advertised, including the Port Road bridge widening scheduled for August 1984, was presented tonight. Mr. Heath felt that no essentially new information has been revealed, except that more detail is contained in the applicant's study. Chairman Eney reviewed the Commission's options:

(a) Schedule a new public hearing; (b) Call for a vote based on all available information without a new hearing; (c) Return the original recommendation and all additional information to City Council.

Mr. Trobaugh offered a motion that the Commission send its original recommendation dated October 20, 1982, (that the property be rezoned from R-1 Single Family Residential to B-2 General Business) back to the City Council, plus the additional information presented. Mr. Heath seconded the motion.

Attorney Penrod requested permission to speak before the motion was voted on. Chairman Eney granted both legal counsels five minutes each.

Boddie-Noell's attorney, Henry Clark, referred to the conclusions and recommendations (pages 51-52) of the Boddie-Noell's 'Zoning and Traffic Study,' noting that development of a Hardees' Restaurant on this site will add minimum traffic on Port Road. He added that an improvement of road width and design will occur if Hardees' is allowed.

Mr. Penrod stated that he feels there are other zoning categories more suitable for this site, such as R-2 or R-3 Residential. He expressed concern over the procedure, noting that he was under the impression there would be an opportunity to review the 'new material.' A copy of Boddie-Noell's study was just mailed to a community development expert the citizens have hired. Mr. Rhodes asked if they couldn't review it by Tuesday, May 24th. Chairman Eney stated that the Commission has the option to have or not have another public hearing, and the motion on the floor means 'not to have another hearing.' The question was called, and all members voted for the motion, with Messrs. Fleming and Hartman abstaining since they were not present for the Commission's hearing on September 15, 1982..."

With regard to an injunction filed against City Council earlier today by six rezoning opponents, to prevent any action being taken this evening with regard to proposed rezoning of land at the intersection of Port Republic Road and Interstate 81 for construction of a Hardees' Restaurant, City Attorney Lapsley reported as follows: The Bill of Complaint was filed in Circuit Court today and heard before Judge Robert Woltz in Fredericksburg. The complaint was dismissed and injunction denied by motion. Attorney Dabney Overton, counsel for the landowners, quickly added that although the injunction was denied, the suit remains on the docket and will be heard in due time. He suggested that it would be unwise for Council to take any action tonight, since the suit is still on the docket, and requested at least a 60-day delay on action, in that proponents had been granted a 90-day continuance for further traffic surveys and studies in the area. He stressed the need for Council's consideration of its citizens and set out the following suggestions: (1) Council needs to see that its ordinances and the state law are complied with in rezoning of land. Section 10-3-172 of the City Code provides that rezoning may be initiated by a petition of the landowner, and he pointed out that to date, the owner of the land in question has never participated in the matter. The section also requires that certain publications and written notices be mailed to other property owners, notifying them of what is about to happen. Citizens have a right to expect Council to abide by the law. He suggested that this rezoning request be taken back to the beginning and handled in compliance with the law and ordinances; (2) further action would be an unconstitutional exercise in that for it to be constitutional, consideration must be given with regard to the safety, health and welfare factors; (3) state law section 2.1-348 and 352 requires that when a member of the governing body has a financial interest (or the spouse), he must disclose this fact and disqualify himself from voting on the issue. Inasmuch as Mrs. Walter Green has a financial interest in Boddie-Noell Enterprises, Attorney Overton suggested that this be disclosed and the Vice-Mayor disqualified from voting on the Port Road rezoning issue, in that his participation would make the vote invalid. City Attorney Lapsley said that since the issue of Dr. Green's participation has been raised again, he would like to clarify that Mrs. Green does have a financial interest, which is below the statutory limit, and applies only to that land at Cantrell Avenue and Reservoir Street which was approved earlier for rezoning, for construction of a Hardees' Restaurant. These facts will not pose a conflict of interest. When asked if Mrs. Green had disclosed the dollar amount, City Attorney Lapsley replied in the affirmative. Ms. Margaret Haynes, owner of property near the proposed Hardees' location, speaking on behalf of homes and families in the area, rather than from a legal standpoint, requested that Council provide security from the encroachment of a fast food establishment. She offered an opinion that construction of the restaurant would set a precedent for the future which would not only affect the homes, but Harrisonburg as well, in that it would wipe out the only entrance into the City that is not commercial. Noted further was the fact that the recent annexation of land by the City, has provided many more square miles from which a Hardees' site may be selected. Attorney David Penrod, attorney for the property owners, relinquished his time to be heard, in order that some of the citizens may have an opportunity to comment on the issue. When Attorney Overton suggested that the matter should go back through all the channels since the Planning Commission had not held a second public hearing and all were not allowed to be heard, Attorney Henry Clark, attorney for Boddie-Noell Enterprises, noted that the entire procedure had been in compliance with the law, and that actions of the City Planning Commission had been in compliance with the city's ordinances insofar as notices, etc. and that Council has had all constitutional aspects of the case. He said that emotions tend to run high in a rezoning issue, but added that denying this request would set a bad precedent in its vision of growth, and stifle that growth pattern in a vital city. Purpose of the additional 90-day continuance was for a traffic study in the area, which seemed to be the big issue in the opposition. He noted no change in the traffic plan since that study, as intimated by Attorney Overton earlier in this evening's discussion. When Ellen Shomo, a resident outside the area in question for the proposed Hardees' Restaurant,

insinuated that the "hurry up" action of Council may stem from the outcome of the special May election, Mayor Erickson replied that he had been involved for nineteen years as a member of City Council, and had served in the best interest of Harrisonburg as a whole, with decisions made for the entire community, rather than for any one section or personality. A resident of Crawford Avenue asked why additional information in the 55-page traffic study which had come out in the survey, had not been made public, the Mayor replied that no new data was contained in the report. Vice-Mayor Green suggested that Council wait a couple of weeks to determine what the Court's decision may be, and offered a motion that the matter be deferred until Council's next regular meeting on June 14th, and placed on that agenda. The motion was seconded by Councilman Rhodes, and adopted by a majority recorded vote of Council as follows: voting "aye", Councilmen Dingledine, Rhodes, Green and Erickson. Voting "no", Councilman Cisney. Councilman Dingledine said he felt that his position in the question of rezoning, should be well known by now, and that his "aye" vote was cast in that it would be wise to learn the Court's decision prior to any action by Council. Councilman Cisney noted that his "no" vote was cast in that he felt a 2-week delay would not solve any legal problems and because of this, action should be taken tonight.

Mr. George H. "Skip" Roberts, Jr., attorney for the Harrisonburg Industrial Development Authority, was present in the meeting to present the following proposed resolution for Council's consideration of approval:

WHEREAS, a public hearing was held by the Industrial Development Authority of the City of Harrisonburg, Virginia (the Authority) on May 19, 1983, in accordance with the provisions of Section 103(k) of the Internal Revenue Code of 1954, to consider the following applications:

1. The application of RMC, Inc. (RMC) requesting the Authority to issue up to \$ 600,000 of its Industrial Development Revenue Bonds to assist RMC in constructing and equipping industrial facilities for an expansion to RMC's existing feed mill located on C & W Drive, Harrisonburg, Virginia; and

2. The application of Comsonics, Inc. (Comsonics), requesting the Authority to issue up to \$ 500,000 Industrial Development Revenue Bonds to assist Comsonics in acquiring and installing industrial communications and electronics equipment for the design, manufacture and repair of communications and electronic facilities and apparatus, to be located at Comsonics' facilities on Port Republic Road, Harrisonburg, Virginia; and

WHEREAS, after such public hearing, the Authority filed its report with the City Council recommending the approval of the bonds and finding that the projects would be consistent with the Virginia Industrial Development and Revenue Bond Act; and

WHEREAS, the City Council concurs with the report of the Authority,

NOW, THEREFORE, BE IT RESOLVED that the two issues of bonds described above are hereby approved by the City Council of the City of Harrisonburg, Virginia, to the extent required by Section 103(k), does not constitute an endorsement of the bonds, the financial viability of the facilities or the creditworthiness of RMC or Comsonics, but, as required by Section 15.1-1380 of the Code of Virginia, as amended, the bonds shall provide that neither the Commonwealth of Virginia, the City of Harrisonburg, nor the Authority shall be obligated to pay the bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged therefor and neither the faith, credit nor taxing power of the Commonwealth of Virginia, the City of Harrisonburg, or the Authority shall be pledged thereto.

This Resolution shall take effect immediately.

Approved: _____ Mayor

Atteste:

Clerk

Attorney Roberts called attention to a report from the Authority's public hearing held on May 19th, and reiterated the fact that approval of the bond issues would result in no loss to the Commonwealth, City or Authority, but would be to the credibility of the bond purchaser(s). Following discussion, Councilman Cisney moved that the resolution be approved, with authorization for the Mayor and Clerk to sign on behalf of the City. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

Mr. Bruce Wallinger, attorney for Warner Amex Cable Communications, Inc., was present in the meeting to request a monthly increase in basic cable rate from \$ 7.50 to \$ 8.50, effective July 1, 1983, and asked that Council approve a proposed ordinance for first reading, setting out the increase. He asked that Council take final action on the ordinance at its last meeting in June, which will allow time for the special TV Study Committee to evaluate the proposal. Attorney Wallinger reminded Council that only one-half of the requested increase in rate was approved last year, at which time it was noted that another increase would be requested this spring if financial loss projects proved to be a reality. A loss of \$ 22,700 was realized in 1982, after the 50¢ increase in rate became effective, which is approximately 1/2 the loss which would have been suffered, with no increase approved. Another contributor to the loss was noted as copyright costs which are paid to bring in distant signals not otherwise obtainable with home antennas. Mr. Chuck Stigberg, Manager of Warner Amex, explained that the copyright cost provides for actors, screenwriters and directors of certain programs to come in for "a piece of the pie" through monthly royalties. Councilman Cisney expressed concern that the rates for special satellite services have increased twice in the past two years. The 5-channel package from \$ 3.00 to \$ 4.50 per month. and the Movie and HBO from \$ 9.00 to \$ 11.00 per month. Following discussion, Councilman Cisney moved that Council approve the proposed ordinance for a first reading and refer same to the City Attorney to be drawn in proper form; to refer the request to the TV Study Committee for evaluation and report, and to schedule a public hearing on the proposed rate increase for Tuesday, June 28th, 7:30 P.M. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council.

At 9:05 P.M., Mayor Erickson closed the regular session temporarily and called the evening's public hearing to order. Manager Milam read the following Notice of Hearing as published in the

Daily News Record newspaper on May 6, 1983:

The City of Harrisonburg proposes to increase property tax levies.

This public notice is pursuant to Section 58-785.1 Code of Virginia, as amended.

1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 8.3 percent.

2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$.6057 per \$100 of assessed value. This rate will be known as the 'effective tax rate increase.'

3. Effective Rate Increase: The City of Harrisonburg proposes to adopt a tax rate of \$.65 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$.0443 per \$100 or 6.8 percent. This difference will be known as the 'effective tax rate increase.'

Individual property taxes may however increase at a percentage greater than or less than the above percentage.

A Public Hearing on the increase will be held on Tuesday evening, May 24, 1983, at 7:30 P.M. in the Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia.

The hearing shall be open to the public. The governing body 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

Manager Milam called attention to the budget synopsis for the gross 1983-84 budget of \$ 30 million, and notice of Hearing as advertised on May 6th. The Mayor called on anyone desiring to be heard. In response to a question raised by Councilman Elect Robinson concerning plans for road reconstruction in the Park View area, City Manager Milam noted that no funds are "earmarked" for street improvements in the proposed budget, and Assistant City Manager Driver added that no funds are included in the city's 10-year annexation road plan, for that area. Manager Milam did point out the fact that the Highway Department has plans to widen Virginia Avenue (Route 42) in 1985, and that the City will install a water line to serve residents along that route within the newly annexed territory, and some outside the area if approval is granted by Rockingham County. There being no others desiring to be heard, the Public Hearing was declared closed at 9:16 P.M. and the regular session reconvened.

✓ Mayor Erickson asked Council's wishes concerning final reading of the Appropriation Ordinance for the City's 1983-84 budget which was approved for a first reading on May 10th. Councilman Dingledine moved that the Appropriation 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 Minute Book. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Council. (Refer to Minute Book "O", pages 365 - 379).

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

WHEREAS, the City of Harrisonburg 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 covering administration and use of said fund.

BE IT RESOLVED, that the City of Harrisonburg:

HEREBY endorses and supports such a program for Harrisonburg as is indicated in the attached application Form LC-G-1, and

HEREBY authorizes Marvin B. Milam, 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 on: _____

Signature

Title

Following review of the application form, Councilman Cisney moved that the resolution be approved, with authorization for the City Manager to sign same. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ For consideration of second & final reading, City Attorney Lapsley presented an ordinance amending and re-enacting Title 4 of the Harrisonburg City Code. The permanent Land Use Ordinance replaces a one-year temporary ordinance which was adopted in compliance with the annexation court order, and is designed primarily to give farmers tax relief on forest land and land used for agricultural purposes. He noted no corrections or changes in the ordinance since it was approved for a first reading on May 10th. 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 Vice-Mayor Green, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk "L", pages 8 - 10).

✓ A request was presented from the City School Board for approval of a transfer of funds within departmental appropriations in amount of \$ 51,300. in order to transfer unneeded funds to cover under-appropriations (i.e. costs for conducting the School Census; additional cost of insurance coverage on additions at Spotswood, Keister and Waterman Schools; to provide for Fringe Benefits

for additional teacher at Keister School; funds to fill one oil tank; to supplement funds and allow purchase of mower for the Stadium Tractor). Following a brief discussion, Councilman Dingledine moved that the transfer be approved, and that:

- \$ 20,000. trans.from: School Fund (1201-221.00) Instruction-Tuition Pd.Other Div.
- 3,000. trans.from: School Fund (1201-236.01) Instruction- In Serv.Trng.
- 5,000. trans.from: School Fund (1201-299.00) Instruction- Other Inst. Costs
- 8,000. trans.from: School Fund (1202-199.00) Attend. & Health Serv.- Other Att.
& Health Serv.
- 4,000. trans.from: School Fund (1203-219.02) Pupil Trans.Serv.-Trans.by Pub.Carrier
- 4,000. trans.from: School Fund (1207-134.01) Summer School- Comp.en.Inst.Personnel
- 6,000. trans.from: School Fund (1208-134.01) Adult Educ.- Comp. Inst. Personnel
- 1,300. trans.from: School Fund (2000-802.03) Debt Serv.- Int. on Litery Fund Loans
- \$ 1,500. trans.to: School Fund (1200-326.00) Admin.- Census, Surveys & Reports
- 6,872. trans.to: School Fund (1205-311.00) Oper. & Maint. Sch.Plant- Fuel
- 2,328. trans.to: School Fund (1206-210.00) Fixed Charges- Insurance
- 40,000. trans.to: School Fund (1206-295.00) Fixed Chgs.-Emp.Cost-Fringe Benefits
- 600. trans.to: School Fund (1900-403.00) Cap.Outlay- Equipment

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

✓ Councilman Cisney informed Council that he had contacted Mr. Alfred B. Whitt of 427 Mountain View Drive, concerning the fact that Harrisonburg is eligible for four members to serve on the Central Shenandoah Certified Development Corporation, and that Mr. Whitt expressed willingness to serve, should Council so desire. Councilman Rhodes then offered a motion that Mr. Alfred Whitt and Councilman James C. Cisney be appointed to the Corporation for three year terms, representing private sector lending institutions and local government, respectively. The motion was seconded by Councilman Dingledine, and adopted by a majority vote of Council, with Councilman Cisney abstaining.

✓ In discussing appointments to various Boards & Commissions, it was noted that the unexpired terms on the City School Board which Messrs. James Wampler and James Messner have been filling, will expire on June 30th of this year. Mayor Erickson asked members' wishes concerning appointments. Councilman Cisney moved that Messrs. Wampler and Messner be appointed to first terms of three years each, expiring on June 30, 1986. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ In correspondence from the Central Shenandoah Planning District Commission dated 5/2/83, reminder was given that the terms of Mr. Elon Rhodes and Mr. R.J.Sullivan, Jr. would expire on June 30th of this year, and request was made for an early reappointment, or replacement of representatives by Council. Councilman Cisney moved that Councilman Rhodes and Planning Director Sullivan be re-appointed for three year terms to expire on June 30, 1986. The motion was seconded by Councilman Dingledine, and adopted by a majority vote, with Councilman Rhodes abstaining.

✓ The Mayor reminded members that the first term of Mrs. Betty Kipps on the Mental Health and Mental Retardation Services (Chapter 10) Board will expire as of July 1st this year, and asked if they desired to take action at this time with regard to an appointment. Councilman Dingledine moved that Mrs. Kipps be reappointed for a second term of three (3) years, expiring on July 1, 1986. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ With regard to the vacation of lot lines in the Rolling Hills Subdivision which was discussed at the last regular meeting, with public hearing scheduled, City Attorney Lapsley reported as follows: "The section of Rolling Hills Subdivision in which Michael Brothers have requested vacation of lot lines is one in which no lots have been sold by the developer. This being the case, Section 15.1-481 of the Code of Virginia controls. This Section directs that vacation in that situation may be made by the governing body without a public hearing, since the developer is the only owner and no other lot owners are involved." Reminder was made that the Planning Commission report presented at the April 26th meeting contained the following motion: "that the Planning Commission recommend approval of the Rolling Hills Townhouse Subdivision, based on allowing variances for lot size for Lots 2, 3, 6, 7, 10 and 11, contingent on the City Council holding a public hearing to vacate the lot lines where the common recreational lot #13 will be placed." Vice-Mayor Green moved that Council approve the recommendation of the City Planning Commission for vacation of lot lines. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ For information, Assistant City Manager Driver presented an updated report concerning manhole problems at the City's Steam Plant, which has been allowing water to get into the steam lines. He informed Council that the City will furnish equipment and labor to correct the problem and will be reimbursed, with no cost for measures which may have to be taken. The problem is credited to faulty workmanship, in that no insulation was put in the bottom of the line, which resulted in steam coming up out of the ground. There are minor problems in the majority of the sixteen manholes, with major problems in three. Mr. Driver said he had been assured, verbally, that whatever it takes to correct the situation, will be of no cost to the City. Further noted was that a fire had caused some structural damage to the plant and that the City's insurance contains a \$ 5,000. deductible clause.

✓ Councilman Dingledine offered a motion for a framed certificate of appreciation to be presented to Ralph Sampson on June 5th at the Sheraton Inn celebration, sponsored by Sheraton and the Harrisonburg-Rockingham Chamber of Commerce, in recognition of the manner in which he has projected the name and image of Harrisonburg through his character and accomplishments. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ City Manager Milam reported that a public hearing will be held in Salem, Virginia, on June 8th, by the Department of Highways & Transportation, concerning allocations for fiscal year 1983-84. He noted that some of the proposed projects may be of interest to Harrisonburg. Assistant City Manager Driver will attend the Hearing.

There being no further business, the meeting was adjourned at 9:50 P.M.

N. Robene Loken
CLERK

Ray Erickson
MAYOR

Tuesday, June 14, 1983

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 May 24th were approved as read.

The following regular monthly reports were presented and ordered filed:

From the City Manager:

A report of activities in the various departments and said office for the month of May, 1983.

From the City Treasurer:

A trial balance report as of close of business on May 31, 1983.

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 \$ 6,428.11

From the City Auditor:

A financial report for the City of Harrisonburg, Va., month of May, 1983.

A report of cash discounts saved in the payment of vendor's invoices for month of May, 1983 in total amount of \$ 136.60

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of May, 1983.

With regard to the controversial issue of rezoning land on Port Road for construction of a Hardees' Restaurant, Vice-Mayor Green offered the following statement:

Mr. Mayor, I believe it is time to resolve this issue, to put things in the proper perspective and would take a few minutes to clarify the situation as it stands.

The reckless charge of conflict of interest keeps being brought up. I am well aware of the law and have sought at all times to observe the provisions of that law.

Mr. Lapsley, our City Attorney, had the facts and pursued the matter further when he sought the opinion of one of the more qualified persons in this field in the state, Mr. Clay Wirt, Staff Attorney for the Virginia Municipal League in Richmond. He has worked with the Legislature and Attorney General Offices for years. Further, the Code of Virginia provides that a council member has the right to request a written opinion from the Commonwealth's Attorney. I have this opinion from Mr. Walsh - they concur in finding no evidence of conflict.

Inasmuch as Mr. Lapsley has informed the attorneys of this on several occasions, and despite all the precautions taken, I can only surmise that these same attorneys have sought to harass this Council and misrepresent the facts.

This Council respects the right of all people to their own viewpoint. It honors their right to express this viewpoint. We cannot agree that "that right" empowers them to act in a rude or disorderly fashion. The conduct and behavior exhibited toward the Mayor is inexcusable.

It is most difficult to remain purely objective when there is an attempt made to threaten or intimidate members of the Council. This is the first time in my experience that I have seen these tactics resorted to, and I hope it will be the last. There is no place in representative government for such conduct.

I would defend the Planning Commission virtually 100% of the time. The members of that group and the staff have been honest in their decisions and are above reproach. Indeed, even now, there is no doubt, as even voiced by members of the opposition, that the parcel of land in question needs to be rezoned. It is an island surrounded by commercial use, a good portion of which lies in a flood plane not suited for residential use.

But be that as it may, I would once again call to your attention that the two areas of study requested by us of the petitioner for rezoning and of the Planning Commission were:

- 1. A more detailed traffic study including the various approaches to management of that traffic.*
- 2. What exactly were the State Highway Department's plans for the Port Road interchange and when was this construction to take place?*

This information has now been supplied. It appears conclusive that the Port Road improvements are two to three years in the future. Furthermore, in my opinion, it is impossible to construct anything on the property in question except in complete harmony with the Highway Department.

Councilman Rhodes said that as a member of the City Planning Commission, this is a most difficult motion to make, but in view of some facts brought out in the Vice-Mayor's statement concerning scheduling of the Highway Department's project for Port Road, he would move to deny the rezoning request of Boddie-Noell Enterprises for rezoning of land on Port Road from R-1 Residential to B-2 General Business for construction of a Hardees' Restaurant. The motion was seconded by Councilman Dingleline. A recorded vote was taken, with all members voting unanimously in favor of the motion to deny the rezoning request. Following a standing ovation for Council's decision, from those in opposition to the rezoning, Mayor Erickson said he would like to see such a large group of citizens in meetings of Council, more often.

✓ Correspondence dated 6/8/83 from Mr. J. R. Copper, Jr., Land Surveyor, was presented, in which he requested review of the final plat of proposed resubdivision of Lot 3, plus 8 feet of Lot 1 of Section 2, Southampton Subdivision, in order to subdivide for townhouses. City Manager Milam called

attention to the attached final plat. Councilman Dingledine moved that the plat 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.

City Manager Milam presented correspondence from Mr. J. R. Copper, Jr., Land Surveyor, dated 6/8/83, requesting review of a final plat of proposed resubdivision of Willow Hills, Unit 1, Lot 2, Block A, to be subdivided for a 2-unit townhouse. Councilman Cisney moved that the Final 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.

Mrs. Betty Redmond, District Nursing Program Supervisor for the Central Shenandoah Health District, was present in the meeting for the purpose of presenting a report of nursing activities which are being carried out in the Harrisonburg-Rockingham County Health Department. She presented each member of Council with a written report, setting out services rendered in the various clinics; number of visits to the clinics; number of patients contacted other than in the clinics; and the various tests in schools during school year 1982. Following a brief question and answer session, Mayor Erickson expressed appreciation for the report.

A request was presented from the Chief of Fire for approval of a supplemental appropriation in amount of \$ 10,501.66 in order to recover funds already expended for county share of Communications Center. Councilman Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 10,501.66 chgd.to: General Fund (1901.01) Recoveries & Rebates
7,860.00 approp.to: General Fund (3201-1001.06) Dispatchers
2,641.66 approp.to: General Fund (3201-5200.01) Communications

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

Noting that two of the four appointments had been made by Council to the Central Shenandoah Certified Development Corporation, Vice-Mayor Green offered a motion for Mr. E. Danny Woodruff of 23 Emery Street, Harrisonburg, to be appointed to the Corporation for a term of two (2) years, representing the category "business organizations." The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

Council was reminded that Mr. Ralph W. Cline's first term of three years on the Mental Health & Mental Retardation Services (Chapter 10) Board will expire on July 1st of this year, and that he is eligible to serve a second term. Vice-Mayor Green moved that Mr. Cline be reappointed for a second term from July 1, 1983 to July 1, 1986. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

Mrs. Pamela Petcher and Ms. Liz Chabot, Coordinators of the Harrisonburg-Rockingham National Organization of Women (NOW) were present in the meeting to further pursue the matter of an assault case against a local police officer. Mrs. Petcher said that although it had been explained why Council cannot respond to the organization's complaint, she felt that the City Manager can. Manager Milam referred to his letter of June 10th to Mrs. Petcher, calling attention to the "Policemen's Bill of Rights" and enclosing a copy of those rights as set out under Title 2.1, Chapter 1 of the Virginia State Code. In view of so many attorneys being called in on the matter, Manager Milam said that he would turn the file over to the City Attorney, with all pertinent information. Mrs. Petcher said she was not representing a handful of people, but the community as a whole, noting that retaining a convicted officer on the police force could set a precedent. The following two proposals were set out in a statement from the representatives:

1. When an officer is accused of assault, that the case be forearded immediately to the Commonwealth Attorney and that the accuser be provided legal counsel prior to an investigation and disciplinary action by the Police Department.
2. In the Police Department guidelines entitled "Disciplinary Actions", under Part IV (6.1-6.3 City Personnel Manual), #2, headed "Suspensions", we suggest an additional following the sentence which reads, "The fact that a person is acquitted of the charge does not necessarily mean the suspension or other disciplinary action will be revoked." Add the sentence, "If the charge is upheld in court, additional disciplinary action, including dismissal, may be taken by the Chief of Police."

The City Manager said he had met with the representatives for several hours last week, and that the City Attorney will review suggestions of the organization to determine if they may be included in the Police Policy Manual, keeping in mind that the state law must be complied with.

Following a brief recess, an official photograph of the governing body was taken by Gentry Photographers.

City Manager Milam reviewed correspondence from the State Compensation Board concerning requested budget amounts for fiscal year 1983-84 (salaries & office expenses) for the offices of Commissioner of Revenue and City Treasurer, which noted that due to constraints placed on the Board's budget in the 1983 General Assembly, all categories were not funded. He compared the Council's recommended amount with those approved by the Compensation Board for the Constitutional Offices, which showed reduction in all salaries, from amount proposed by the City. as well as disapproval of one position in the office of City Treasurer, which is retained, will have to be funded 100% by the City. Following discussion, Councilman Cisney offered an opinion that Council should "go along with the City's approved budget until we get into the new fiscal year, in that changes at this point would be difficult."

For information, the City Manager presented a Memorandum signed by Messrs. Robert L. Brumback, Richard L. Suter, J. Nelson Liskey and J. Emmert Ikenberry, members of the City's Equalization Board. It was noted that "in compliance with the Virginia Code 58-895, Chapter 19, the Board sat on the dates and time for which notice was given, and received all complaints formally presented to them. After strict examination and due consideration of facts, all inequities in Real Estate Assessments for the current period were adjusted to the best of our knowledge." Although figures were not

available when questions were raised concerning the number of citizens who had complained, and the number of adjustments made, the City Manager said he believed that approximately 1 dozen assessments had been adjusted.

✓ Through correspondence of May 26th, City Treasurer Simmons requested authorization to charge off city records, uncollected business licenses issued in the years 1981 and 1982 for four business establishments that have gone out of business. Following a brief review of the accounts, as listed, Vice-Mayor Green moved that the City Treasurer be authorized to charge the accounts, as requested off city records. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ Correspondence dated May 24th from the City Treasurer, was presented, requesting authorization to charge off uncollected personal property balances, including penalties, in that they are more than three years old, and in the Treasurer's opinion, uncollectible. The total balances are as follows:

1976	\$ 320.56
1977	544.81
1978	348.32
1979	838.90

Following a brief discussion, Councilman Cisney moved that the City Treasurer be authorized to charge the aforesaid balances off city records. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ For consideration of a first reading, City Attorney Lapsley presented an ordinance amending and re-enacting Section 13-1-15(a) of the Harrisonburg City Code by designating license tax on motor vehicles what it really is - a privilege tax. He noted that only one Chapter of the City Motor Vehicle License ordinance is affected, and pointed out the following additional wording: "for the privilege of operating said vehicle in the city and for the purpose of identification." The matter of a request by a local church for refund of the city sticker tax on church buses had resulted in Council's referral to the City Attorney for a legal interpretation, in that Judge Paul had ruled the tax unconstitutional in the one instance. Following a brief discussion, Councilman Dingledine 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.

✓ Council was reminded by the City Manager that permission had been granted on a year-to-year basis for the Harrisonburg/Rockingham Historical Society to use the two upper floors in the Sipe House (301 S.Main St.), and that decision should be made prior to the end of this month. Following a brief discussion, Vice-Mayor Green moved that the Society be granted permission to continue use of the present quarters until June 30, 1984. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ City Manager Milam reviewed with Council, bids on various insurance policies of the City which will expire in July of this year, which bids were opened in his office yesterday at 11:00 A.M., as submitted by the following companies: R. Loring Cover; Yancey-Weaver-Grattan; Shomo & Lineweaver (2 options); Muterspauth (Harleysville Mutual Ins. PA); Alexander & Alexander of Virginia (Group Insurance Va. Municipal League), and C.G.Price & Son. He noted that the bidding was advertised through a legal Ad in the Daily News Record newspaper on May 22nd, May 28th and June 2nd, under provisions of the Virginia Procurement Act. The bids were discussed, with no action concerning the awarding of a contract or contracts to any of the companies.

At 9:26 P.M., Councilman Dingledine moved that Council enter an executive session to discuss personnel. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

At 9:40 P.M., on motion duly adopted, the executive session was declared closed and the regular session reconvened.

✓ Councilman Dingledine reminded members that request had been made by the Community Corrections Specialist through correspondence of April 11, 1983, for Council to appoint one member to the Community Corrections Board of the Blue Ridge Diversionary Program. He offered a motion for Mr. Hal C. Finlayson of 680 Maryland Avenue, to be appointed as Harrisonburg's representative. 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 9:45 PM.


CLERK


MAYOR

Tuesday, June 28, 1983

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: Mayor Roy H. Erickson; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Walter F. Green, 3rd; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on June 14th were approved as corrected.

✓ Ms. Linda Holman, Promotional Director for the Harrisonburg Retail Merchants' Association, was present in the meeting to make the following requests: (1) permission to hold "Sidewalk Sale Days" in downtown Harrisonburg on July 21, 22 and 23rd, during which days various activities will be held; (2) closing a portion of Court Square to traffic on Saturday, July 23rd. She said that the original request had been for closing portions of the Square on all three days, but that after

discussing the situation with the Police Chief, the one day had been agreed upon. Chief Presgrave reported that it was difficult to close off Court Square during an entire day, particularly from the standpoint of banking hours, but that it was worked out for last year's events for certain hours, without disturbing traffic on Main and Liberty Streets, only east/west traffic on Market Streets around Court Square. Ms. Holman asked if parking meters around the Square might be bagged during the three days of promotional sales and activities. Following discussion, Councilman Cisney moved that permission be granted for the Sidewalk Sale Days to be held on the three days requested, and that meters around the Square be bagged; further, that the traffic control with regard to closing off a portion of Court Square, be coordinated by the Police Chief and Retail Merchants' Association. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

For information, the City Manager called attention to an application filed today by the Columbia Gas of Virginia, to the Virginia State Corporation Commission, along with prepared direct testimony and exhibits. The application is for an increase in rates amounting to \$ 2,530,500. annually, or 2.99% of total revenues.

At 7:45 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 June 21, 1983:

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, June 28, 1983, 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 the following project:

Ridgeville Area Sewer System:

Involves the extension of approximately 9,000 feet of sewer main into the Ridgeville Area. This main will eliminate a pump station and provide sewer service to the Ridgeville Area.

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 anytime 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 June 30, 1983.

CITY OF HARRISONBURG- Marvin B. Milam, City Manager

Manager Milam presented a sketch showing the pocket area known as Ridgeville, and said that he would not go into detail concerning the proposed project, in that all documents had been mailed each member of Council, but that he would introduce those individuals working on the project, namely: Mr. Ed Loker, Water/Sewer Superintendent, Mr. Stephen Yancey, who has been working on the Grant Application under supervision of the Superintendent, and Mr. Arthur Wilcox, City Engineer. Mr. Yancey noted that funds are being made available by the federal government to be turned over to the state government for distribution and control of the funds. Maximum amount the City of Harrisonburg can apply for, is \$ 700,000. Under the proposed project, approximately 16,000' of sewer line will serve the area of 1.5 square miles which is comprised of approximately 160 residences in the Ridgeville area, with 76% of those residents of low or moderate income. A telephone survey of the area was taken to determine the number of people, and annual incomes. Total cost of the project is \$ 923,875., \$ 230,000. of which is set aside in local funds. Application is in amount of \$ 693,875. and must be postmarked no later than July 1st. Manager Milam pointed out that rights-of-way must be acquired, and two trunk lines installed. Although bids will be competitive for funds to be allocated in the Shenandoah Planning District this year, he offered an opinion that the City's proposed project should merit some consideration. There being no others desiring to be heard, the hearing was declared closed at 8:00 P.M. and the regular session reconvened.

Mayor Erickson asked Council's wishes concerning the application for Community Development Block Grant Funds for Sewer Interceptor in the Ridgeville area. Councilman Dingledine moved that the City Manager be authorized to sign the application, as presented and discussed this evening. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

Council was reminded that one appointment remains to be made to the Central Shenandoah Certified Development Corporation, which will complete the four representatives from Harrisonburg. Mayor Erickson asked Council's wishes concerning an appointment. Councilman Dingledine said that he had contacted Mrs. Daisy Nalle of 777 New York Avenue concerning the appointment and that she had

consented to serve the one year term, should Council so desire. He offered a motion for Mrs. Nalle to be appointed for one year, representing Community Organizations. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council. Mrs. Nalle is a Clerk for the U.S. District Court.

✓ Mayor Erickson reminded members that Dr. Walter Zirkle, Jr.'s second term will expire as of June 30th this year, on the Board of Public Welfare, and asked if it was desired to make an appointment at this time. Vice-Mayor Green said he had contacted Dr. Christopher N. Sheap, dermatologist, who has consented to serve in that capacity should Council so desire. He offered a motion for Dr. Sheap to be appointed to the Board for a first term of four (4) years, effective June 30, 1983 and expiring on June 30, 1987. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ Inasmuch as Mr. Carlson Booth's second term on the Blue Ridge Community College Board will expire as of June 30th this year, Vice-Mayor Green offered a motion for Mr. Jack F. Mason of 1135 Moffett Terrace, Harrisonburg, to be appointed to the Board for a first term of four (4) years, effective June 30, 1983 and expiring on June 30, 1987. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council. Mr. Mason is Vice-President of Nielsen Construction Company.

✓ Concerning Mr. B. Saylor Neff's rezoning request from R-1 Residential to R-2 Residential, the following report from a June 15th meeting of the City Planning Commission was presented and read:

"...Mr. B. Saylor Neff's proposed site plan was reviewed by the Director. It illustrates six townhouse units on South Dogwood Drive and eight townhouse units on South Willow Street. Parking for 31 vehicles will be located behind all of the units. Mr. Neff then read a letter he delivered to his tenants who reside in four existing townhouses just north of the rezoning site. It stated that he doesn't plan to sell those units, but he does plan to offer the new units for sale. The style of the new units will be similar to his existing townhouses. Mr. Heath asked Mr. Neff if he would consider establishing a deed restriction limiting the number of unrelated persons who could occupy a unit. Under R-2 Residential, four unrelated persons may occupy a dwelling. Mr. Neff replied he would limit the units to families or two unrelated, if this is legal.

Neighbors speaking were Mr. Curtis Link, 365 S. Willow Street, and Miss Dorothy Lee Baugher, 310 S. Dogwood Drive. Mr. Link said he doesn't think his neighbors oppose the project, but can they be assured the plan as shown will be what is actually built? Mr. Neff promised to build what is shown on his Plan. Miss Baugher stated she hopes the land remains R-2, since all homes south of the site are single family dwellings. She questioned the life-style changes and other problems associated with higher density, plus an abrupt change of architectural style.

Mr. Byrd explained that the City's Zoning Ordinance requires a Plan of Development for rezoning cases, and it is expected to be followed substantially as shown. He added that covenants can be stronger or more restrictive than the zoning requirements.

Mr. Fleming noted that the Commission is dealing with a product of known quality, in that Mr. Neff's existing four townhouse units and other rental property has been a showplace of well-managed and well-cared for residential property. He then moved that the Planning Commission recommend to City Council the rezoning of B. Saylor Neff's property from R-1 Single Family Residential to R-2 Residential District. Mr. Milam seconded the motion. Mr. Fleming amended the motion, adding that Mr. Neff establish private covenants to limit the number of unrelated persons per townhouse unit to two, if advised this is legal. After Messrs. Fleming and Milam agreed to this amendment, the motion passed unanimously, with Mr. Trobaugh abstaining..."

Planning Director Sullivan pointed out the area on a map, noting relationship of the requested rezoning to surrounding areas. Following a brief discussion, Councilman Cisney moved that the report of the Planning Commission be accepted, and public hearing scheduled for Tuesday, July 26th, 7:30 P.M. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council. The City Manager was directed to properly advertise the Hearing in the Daily News Record newspaper.

✓ With regard to a proposed Land Use Plan and Zoning Map, the following report from the Planning Commission's June 15th meeting, was presented and read:

"...The Commissioners reviewed both a proposed General Land Use Plan and Zoning Map of Harrisonburg, which are the outcome of Commission study and analysis since January 1983. After touring the City's 11.3 square miles of annexation territory, the Commissioners had 16 special work sessions to organize both maps -- General Land Use and Zoning. On May 18, 1983, a Public Hearing was held to review and hear comments concerning the proposed General Land Use Plan, which also includes the general land use patterns within the old city. (See attached copy of Minutes of Public Hearing and news story).

The Director noted that the percentages of land uses recommended for the annexed territory are practically the same as the land uses within the old city. For example, 71% of the annexed land is proposed as residential-agricultural areas, compared to 72% in the old city. For industrial, 18% of the annexed land is recommended, compared to 19% in the old city. For commercial, 11% of the annexed land is recommended, compared to 9% in the old city.

Mr. Fleming concluded the discussion by moving that the General Land Use Plan be recommended to City Council for its consideration and adoption. Mr. Hartman seconded the motion and all members voted aye.

Concerning the proposed Zoning Map, Chairman Eneedy suggested the Commission recommend to City Council that a joint public hearing be scheduled. The Director presented a copy of the proposed Zoning Map to each Commissioner, explaining the divisions of residential zones (R-1, R-2, R-3 and R-4), under-

lining the point that customary agricultural operations such as farms, orchards and gardens are permitted in all zoning districts. This rule has been in the City Zoning Ordinance since the beginning of zoning in Harrisonburg.

Mr. Heath moved that the Commission recommend that the City Council and Planning Commission hold a joint public hearing to consider the proposed Zoning Map and General Land Use Plan for the 11.4 square miles of annexed territory. Mr. Hartman seconded the motion and all members voted aye..."

Planning Director Sullivan explained the proposed Land Use Plan which is considered part of the total package of a city, but is general in nature. The plan includes man-made items (i.e. Interstate Highway; railroads; streets, etc.). He pointed out the various industrial locations and other businesses. Mr. Sullivan said that the Planning Commission has held its public hearing, and desires that Council consider the matter in a public hearing format. The last Land Use Plan was approved in March 1970, with new activity in Harrisonburg since that time, and some portions rezoned. The Commission has held work sessions from January, until recently. Following presentation of the proposed Zoning Map, setting out zoning categories by color code, Mr. Sullivan asked Council to consider scheduling a public hearing of a joint nature with the Planning Commission. Councilman Cisney moved that Council accept the report of the Commission and schedule a joint public hearing with the Planning Commission for Tuesday, July 26th, 7:30 P.M. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council. Mr. Sullivan suggested the possibility of holding the public hearing in sections, rather than as a whole, in order that the Council Chamber may accommodate those desiring to attend. Councilman Cisney offered an opinion that "this was a good idea", if advertised in this manner, in order that all concerned, would not have to sit through the entire meeting, but only for the portion in which they have an interest.

At 8:25 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 June 17, 18, 20, 21, 22, 23, 24, 25, 27 and 28, 1983:

The Harrisonburg City Council will conduct a public hearing on June 28, 1983, at 7:30 p.m., in the Council Chambers located in the Municipal Bldg., 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 \$ 7.50 to \$ 8.50 and the monthly charge for each additional outlet from \$ 2.50 to \$ 3.00; the charge for installation of a single outlet from \$ 20.00 to \$ 25.00, and the charge for installation of each additional outlet from \$ 10.00 to \$ 15.00; the charge for reconnection and relocation of outlets and installation of additional outlets at subsequent times from \$ 15.00 to \$ 20.00; and will add a 5% late payment charge.

The public is invited to attend and participate in the hearing.
by Marvin B. Milam, City Manager

Mr. Bruce Wallinger, attorney for Warner Amex Cable Communications, Inc., Mr. Joe Fisher, a representative from the National Headquarters, and Mr. Chuck Stigberg, Manager of Warner Amex, were present in the Hearing, to request that an ordinance amending the TV Franchise Ordinance by increasing rates, be approved for second & final reading at this time, in that it had been approved for a first reading at the last regular meeting of Council. Attorney Wallinger noted that a brochure had been given out by Warner Amex, containing figures to support the requested increases. The projected loss for 1983 will be \$ 90,900. if no increase in basic rate is allowed. The company will earn only 1.1% return on its investment from basic service fees if the \$ 1.00 per month is not granted. However, the increase would raise the rate of return to 3.4%. Another fact noted was that the copyright expense which went into effect the first of January (over which the company has no control), has increased the company's operating expense for 1983, in that it must pay for distant tv signals it distributes. It was pointed out that no increase would be inequitable, in that paying services will be subsidizing for those on basic services. There being no others present desiring to be heard, the public hearing was declared closed at 8:40 P.M. and the regular session reconvened.

Mayor Erickson said that request had been made at the last regular meeting for the special TV Study Committee to meet and come up with some recommendations re the requested rate increase for cable services, and Vice-Mayor Green (a member of that committee) noted that a report would be made later in this meeting.

Councilman Rhodes moved that a supplemental appropriation in amount of \$ 10,501.66, requested by the Chief of Fire in order to recover funds already expended for county share of Communications Center, be approved for second & final reading, a first reading having been approved on June 14th, and that:

\$ 10,501.66 chgd.to: General Fund (1901.01) Recoveries & Rebates
7,860.00 approp.to: General Fund (3201-1001.06) Dispatchers
2,641.66 approp.to: General Fund (3201-5200.01) Communications

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

For consideration of approval, City Manager Milam presented a request for transfer of funds in amount of \$ 64,000.00, representing unanticipated revenue received from Mongers for sale of land. He noted that the funds would be transferred into account "Reserve for Municipal Building and Land" in order to replace a portion of funds borrowed from that account for annexed water and sewer lines. Following a brief discussion, Vice-Mayor Green moved that the transfer be approved, and that:

\$ 64,000. trans.from: General Fund - Unappropriated Fund Balance
64,000. trans. to: General Fund - Reserve for Municipal Bldg. & Land

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

✓ For consideration of a second & final reading, the City Attorney presented an ordinance amending and re-enacting Section 13-1-15(a) of the City Code, entitled: "City Motor Vehicle License." He reminded Council that the purpose of the amendment is to add wording to specify that a license shall be purchased for the privilege of operating said vehicle and for purposes of identification. Councilman Cisney moved that the ordinance be approved for second reading, with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book. The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk "1", page 11).

✓ Councilman Cisney registered complaints he had received concerning the fact that Dogwood Drive has become a bypass from routes 33, 42 and 11, including heavy trucks, as well as excessive speed on the residential street.

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

At 9:42 P.M., the executive session was closed and the regular session reconvened.

✓ Vice-Mayor Green informed representatives of Warner Amex Cable Communications, Inc. that there was a need to get together because of some variations in statistics they had presented, and findings of the special TV Study Committee, as reported in this evening's executive session. Councilman Dingledine said he was concerned that in the request for rate increase, the company reports losses on basic cable service, which refers only to the basic cable portion of the operation, and Council is trying to look on the total operation, as a total package, including the pay services, in order to justify the rate increase. He asked what basis was used in determining the amount of operational costs which should be borne by the pay service customers, as compared to the basic cable users. Mr. Fisher replied that only the basic figures were dealt with, in that the increase is requested for that portion of operation only, as it is not felt that one portion should be subsidized by another. The basic system existed long before the additional pay services were offered, and for those services, the converters, advertisement, and even the Manager's salary are allocated to the pay portion. On the other hand, extensions of services and pole rental are allocated to the basic portion. Councilman Dingledine asked where depreciation is allocated, and was informed that the cable depreciation would be on the basic side, and converters on the pay services side. Councilman Dingledine asked if the pay services were a "drain" on the plant, and Mr. Stigberg replied in the negative, noting that the same equipment is used. He added that fact that there would be no pay services without the basic service. Attorney Wallinger pointed out that the reason for information provided for basic service only, was in order to receive a reasonable rate of return on that service. Pay services are regulated by the free enterprise system, under the F.C.C. Councilman Dingledine said that the fact that optional services could not be provided without the basic, should mean more profit on the optional and provide a greater rate of return. Mr. Fisher said that although the profit would be higher, on a relative scale, they are going down. Councilman Cisney offered an observation that the method of allocating expenses is a "pretty good deal" when assets required by the basic operation provides the company with generated revenue from its pay services. Councilman Dingledine noted that a "reasonable rate of return", as provided in the TV Franchise Ordinance, might be defined as a lower rate, due to extra profits the company earns from optional channels. When question was raised, Mr. Stigberg said that about 40% of the 10,000 cable customers subscribe to one or more of the optional channels and that the company can charge "what the market will bear" for those services. When Councilman Cisney asked how much the company had saved by discontinuing the TV Host Magazine which it had been mailing out each month, Mr. Stigberg replied that the cost of providing the listings was on the increase, and rather than raise cable rates to offset that increase, the company had decided to discontinue providing that magazine to its customers. Councilman Cisney said he does agree that we should not consider the pay services, in that the basic services is being used to generate revenue, but asked about the 50¢ monthly charge for converters which will go into effect the first of July, as notified by letter received today. He asked if other customers have to be penalized for lost or stolen converters, and whether or not some other method of payment may be considered. Mr. Fisher said that converter related costs are rising. Following discussion, it was agreed that the City's special TV Study Committee meet again on Tuesday, July 5th at 1:00 P.M. to look further into statistics supporting the increase request. Councilman Cisney offered a motion for Council to table action on a second reading of the ordinance, which motion, upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ There being no other matters, Councilman Dingledine suggested that all stand and give a round of applause for Mayor Roy Erickson, in that this was his last official meeting with City Council, although further recognition will be given at some future time. He noted the invaluable services that had been rendered by Mr. Erickson over the years, and said he did not desire to adjourn, without getting some form of appreciation into Council minutes. Mr. Erickson expressed appreciation for the recognition and said "he had spent quite a few years around this table" and that he had enjoyed sitting around this table and working in other ways with Council. He added that he was looking forward to "watching you guys do the work."

On motion of Councilman Cisney, seconded by Vice-Mayor Green, and a unanimous vote of Council, the meeting adjourned at 10:15 P.M.

N. Alvord Lober
CLERK

Roy Erickson
MAYOR

Friday, July 1, 1983

Due to the special annexation election, a special meeting was held this morning at 10:00 o'clock for the purpose of re-organizing the Harrisonburg City Council.

In accordance with Section 42 of the City Charter, the City Manager announced that "it is now 10:00 a.m., Friday, July 1st", and asked if there were any objections to the time, place or date of this re-organization meeting. There were none.

He asked the Clerk to present the names of the five Councilmen. The Clerk acknowledged receipt of Oaths of Office for the following:

Raymond C. Dingledine, Jr.- on July 1, 1983 before Deputy Clerk Marlene Key
 Elon W. Rhodes - on June 30, 1983 before Deputy Clerk Marlene Key
 James C. Cisney - on June 30, 1983 before Deputy Clerk Marlene Key
 Walter F. Green, 3rd- on June 30, 1983 before Deputy Clerk Marlene Key
 Thomas Harold Robinson, II- on June 29, 1983 before Deputy Clerk Chas. R. Chenault

City Manager Milam called the meeting to order and announced that it was now in session. He noted this as a unique situation, in that for the first time in 31 years, the Mayor and Councilmen were "out of office" from midnight until 10:00 a.m. today, when the new Councilmen take office and elect officers.

Under the first item of re-organization "ELECTION OF MAYOR", 1 year term, Section 7 of the City Code, Manager Milam called for nominations. Councilman Dingledine noted that the City had survived for the brief period of time without a Council. He said he would consider it an honor and privilege to place the name of Walter F. Green, 3rd in nomination to serve as Mayor of the City of Harrisonburg for a one year term, due to the great deal of time he had spent over the past years serving as Vice-Mayor, as well as his knowledge of city affairs and his dedication in striving to work out problems which have come up. He added that he would look forward to serving with him. Councilman Cisney moved that nominations cease, and Dr. Green elected Mayor. Councilman Rhodes seconded the motion, which was adopted by a majority vote of Council, with Dr. Green, abstaining.

Following his election, Mayor Green took his place at the center of the Council table to preside over the remainder of the meeting. He expressed appreciation for Council's support and said that although two full-time Mayors (Frank Switzer and Roy Erickson) had preceded him, and that although he had neither the time or resources they had given the office of Mayor, he would "do the best he could." He called for nominations for a VICE-MAYOR to serve a one year term under Sec. 7 of the City Charter. Councilman Cisney moved that Dr. Raymond C. Dingledine, Jr. be elected to the office of Vice-Mayor for a one year term. Councilman Robinson seconded the motion, and all members voted "aye", with Dr. Dingledine abstaining.

Mayor Green noted that Councilman Rhodes' term on the City Planning Commission had expired as of midnight last night, and asked Council's wishes concerning an appointment as provided under Section 10-1-2(c) of the City Code. Vice-Mayor Dingledine moved that Councilman Rhodes be reappointed as a member of the City Planning Commission for tenure of office. The motion was seconded by Councilman Cisney, and adopted by a majority vote, with Councilman Rhodes abstaining.

As a matter of record, the following actions were taken:

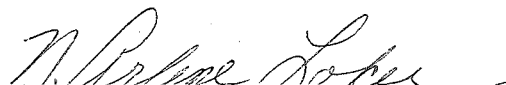
On motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Council, Marvin B. Milam was reappointed as City Manager for the City of Harrisonburg.


On motion of Councilman Rhodes, seconded by Vice-Mayor Dingledine, and a unanimous vote of Council, Philip L. Peterman was reappointed to serve as City Auditor for the City of Harrisonburg.

On motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Council, the remainder of City Attorney Norvell A. Lapsley's present term, was reaffirmed.

On motion of Councilman Rhodes, seconded by Vice-Mayor Dingledine, and a unanimous vote of Council, N. Arlene Loker was reappointed to serve as Clerk of the Harrisonburg City Council.

There being no further business and on motion of Councilman Rhodes, seconded by Vice-Mayor Dingledine, and a unanimous vote of Council, the meeting adjourned at 10:10 a.m.


 CLERK


 MAYOR

Tuesday, July 12, 1983

At a regular meeting of Council held in the Council Chambers this evening at 7:30, there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingleline, Jr.; Councilmen Elon W. Rhodes, James C. Cisney, Thomas H. Robinson, II; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on June 28th, and special meeting of July 1st 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, 1983.

From the City Treasurer:

A trial balance report as of close of business on June 30, 1983.

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 \$ 6,050.53.

From the City Auditor:

A report of cash discounts saved in payment of vendor's invoices for month of June, 1983, in total amount of \$ 81.54

From the Department of Utility Billing:

A report of water, sewer and refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of June, 1983.

✓ The City Manager presented and read correspondence dated 6/30/83 from May Supply Company, Inc. (plumbing & heating), advising Council that it would be moving to a new location at 1775 Erickson Avenue (Route 726) about one mile west of intersection with Route 42 (High St.), before the end of this year. Inasmuch as they will be increasing the traffic flow in all directions through this intersection with automobiles, straight and trailer trucks, request was made for immediate steps to be taken to slow and control traffic in the intersection. It was noted that since Route 726 has become a major link to the south side of Harrisonburg from Route 33 west and Belmont Estates, periodic congestion has occurred at this intersection and fast moving traffic on Route 42 from both directions, makes turning and entering, very uncertain. According to Mr. M. A. May, the accident record is bad and has the potential to worsen. Councilman Cisney moved that the matter be referred to the Harrisonburg Department of Transportation Safety Commission for investigation and report of its findings and recommendations. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ Mrs. Pauline Halterman appeared before Council concerning an article which had appeared in the Daily News Record newspaper a few weeks ago, concerning the commissioning this Fall of a destroyer tender "U.S.S. Shenandoah", in the U.S. Navy. She noted that a Plan has been adopted in an effort to acquire a flag from each locality in the Shenandoah Valley for placement on the ship when commissioned, and expressed a personal desire for the City of Harrisonburg to participate. City Manager Milam noted that the City has only one such flag, but that he may be able to come up with a flag displaying the City's official seal. Council asked Manager Milam to look into the possibility of having a flag prepared for the occasion, and report back.

✓ City Manager Milam informed Council that the City has received a United States Flag which has been flown over the Nation's Capitol, from the VFW Rion-Bowman Post 632. In correspondence from Gene Washington, Commander, an invitation was extended to a Veteran's Day Program to be held at 11:00 A.M. on November 11, 1983 at the World War I Memorial at Grace and High Streets, which program will include presentation of a memorial to Korean-Vietnam- Missing in Action Veterans. Manager Milam said that the flag will be flown in front of the Municipal Building.

✓ Mr. Frank Fleming of 1064 Greendale Road (Route 710) expressed concern that the Continental Telephone Company continues to bill him on the county rate of \$ 12.50 per month, rather than the \$ 11.50 which is charged city customers, although he has given notice of his new address, resulting from being annexed into the City. He noted that the company claims no notification from the City concerning annexed residents. Mayor Green assured Mr. Fleming that the matter would be looked into, and the telephone company provided with a list of annexed residents. City Manager Milam said that a map had been filed in the Clerk's Office, and one provided the post office. He was unaware of the problem with the phone company, in that no request had been made for address changes.

✓ Concerning a second & final reading of an ordinance amending the City's TV Franchise Ordinance, which had been tabled until this meeting, Vice-Mayor Dingledine reported that the special TV Study Committee had met on July 5th with Mr. Jim Hoover, resulting in concerns about several things. During a lengthy discussion between Council and representatives of Warner Amex Cable Communications, many concerns were expressed by members of Council which included: how expenditures and revenue are allocated between the basic cable service and optional pay services; whether royalty or copyright fees are paid on all programs; how Council could justify a reasonable rate of return by separate statistics on basic and pay services, when they would be considered as a total package; the requested late payment charge amounting to 5% of the monthly charge; what impact Senate Bill 66, which is pending, may have on cable tv service; the 50¢ monthly charge placed on all subscribers of optional services in order to make up for converters which are lost, stolen or destroyed by a few. Mr. Hoover noted that the situation has changed, with the addition of the optional services, and allocations are more difficult to determine the rate of return. He offered an opinion that the two should be operated as separate businesses. With regard to the requested late payment charge, Mr. Fisher, representative of Warner Amex, set out the following example: "If a \$20. bill is not paid by the 15th of the month, \$ 1.00 would be added to the bill; if not paid by the next billing, 5% would be added to the current bill, only." He noted that the percentage of late paying customers is "way out of hand." When the Vice-Mayor expressed concern that only 15 days are allowed to late payment, Mr. Fisher reminded that the 1 1/2% is not compounded. The Vice-Mayor added that Warner Amex and Council have a common interest, to want good TV services available for all citizens, and that this should involve quality and reasonableness, as well as good public relations. When Councilman Cisney contended that with the optional pay services, the company should have a little less than 14% profit this year, Mr. Bruce Wallinger, attorney for Warner Amex, countered with the fact that without a rate increase, the company would earn only about 1.1% return on its basic service of ten channels, and added the fact that the same formula for estimating the rate of return, was used by the committee last year. Mr. Fisher said that Council is exercising indirect regulation over the optional pay services, in its evaluation of a rate increase request based on consolidation of both basic and pay services. Attorney Wallinger noted that the federal courts have denied power to municipalities to regulate services and fees on the pay services, namely: HBO, Movie Channel and the 5-station satellite package. Councilman Cisney moved that the cable tv ordinance approved on first reading May 24th for increased monthly rates and late charges, be cancelled and made void, with the request of Warner Amex Cable Communications, denied. The motion was seconded by Councilman Rhodes. Voting "aye": Councilmen Rhodes, Cisney, Dingledine and Green. Abstaining: Councilman Robinson.

✓ Mr. Tom Conner of the Regional State Welfare Department was present in the meeting with several employees of the City's Social Services Department, for the purpose of discussing the possibility of new quarters, and to answer any questions Council may have. Mr. Conner pointed out the cramped

situation in the present quarters located in the Municipal Building, and noted that the recent annexation has increased the case load and posed a traffic problem. Some commitment is needed from Council with regard to pursuing the location at 1598 South Main Street, presently occupied by the Virginia Employment Commission's CETA Regional Operating Center. Mr. Conner estimated annual rental cost of \$ 35,000., plus utilities and janitorial services. Of the total cost, the City's share would be approximately \$ 9,400. per year. Vice-Mayor Dingledine asked if accessibility to the Municipal Building had been considered, and Mr. Conner replied that the program has to be made accessible for wheelchairs, etc. He noted that only 2 or 3 Welfare Departments in other localities are housed in the Municipal Building. Councilman Cisney asked if this location is the only viable one, and was informed that the Social Services Director had investigated several other locations, with this best fitting the department's needs. City Manager Milam asked if Social Services would work closely with Mr. Ben Vorhies and the new Job Training group which will replace the CETA Program, to which Mr. Conner replied in the affirmative, adding that some space would be shared in order to reduce the cost. Manager Milam offered an opinion that the Department is crowded, and said he was unable to find three additional rooms on this floor several years ago, when the former Social Services Directro was seeking more space. Although the building on South Main Street is currently under a 10-year lease with V.E.C., it was suggested by both the City Manager and Mr. Conner that approximately 3/4 of the space may be sub-let the Social Services Department at a considerably less amount than the estimated \$ 35,000. Vice-Mayor Dingledine moved that the City Manager work with Mr. Conner in an effort to negotiate the figure with the proper person or organization. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

City Manager Milam presented the following three reports submitted by the City Treasurer:

- (1) delinquent taxes remaining unpaid at close of fiscal year 6/30/83;
1980 Personal Property, \$ 1,481.52 - 1980 Real Estate \$ 1,696.18 -
and 1981 Real Estate \$ 14,617.58
- (2) revised list of delinquent taxes on Tangible Personal Property for
year 1981 as required by Chapter 20, Section 58-978 of the Virginia
Tax Code.
- (3) list of delinquent taxes on Real Estate and Tangible Personal Property
for year 1982 as required by the Virginia Tax Code and Section 4-1-28
of the City Code.

Following a review of the listings by the City Manager, Vice-Mayor Dingledine moved that Council acknowledge receipt of the three reports. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

The City Manager presented correspondence dated 7/1/83 from the Virginia State Library, Richmond, Va., advising that a grant-in-aid of \$ 124,926. had been approved for the Rockingham Public Library. Inasmuch as the funds must be spent for the purchase of library books, materials, supplies and equipment, as well as professional staff salaries, an authorization form was enclosed for signature and return, prior to any expenditures being made. Councilman Cisney moved that the City Manager be authorized to sign and return the form, which motion, upon being seconded by Councilman Robinson, was adopted by a unanimous vote of Council.

Concerning a complaint registered at the last regular meeting of increased traffic and excess speed on South Dogwood Drive, a memo from the Police Chief reported as follows: two accidents (south from W. Market St.) for period January 1 - June 29, 1983; radar worked on 20 different dates; 35½ manhours worked, and 36 speeding charges placed. The report was for information.

For information, the City Manager reported that on June 13th, he had received bids on health care services from Blue Cross-Blue Shield of Virginia, based on 65% - 35% and also 60% - 40% to become effective July 1st. The annual cost based on 65%-35% (presently carried) is \$ 195,345.72, while the current budget provides for only \$ 145,000. for health insurance. This will result in a \$ 50,000. shortfall. He noted that "should worse come to worse", the City's portion could be charged to the various departments. The plan of Benefits will be the same as presently in force with the company, including Major Medical and Dental Care, and the rate is guaranteed for one year.

With regard to complaints received by members of Council from the Ashby Heights area concerning opposition to house numbers which have been given by the City, Councilman Rhodes asked how important it is for those numbers to be changed. Vice-Mayor Dingledine said he could see how this could be a burden. Although there is nothing in the City Charter about house numbers, City Manager Milam presented and explained the index to the City's Block Map. He noted that originally there were numbers along Port Road, Forest Hills and Squire Hills and that about 1,361 numbers were given in the annexed areas, formerly with route addresses, which required no change in numbers, in that the county had no numbering system. He added that it is the duty of the city to assign house numbers, and noted that it could cause confusion, should the addresses be changed back, in that many have already coverted to the new addresses. Letters have been received from residents in the Edgewood Road, Windsor Road and Woodcrest Circle, objecting to the City's proposal to change their numbers which are presently in the 1200s, to the 2000s. Vice-Mayor Dingledine offered an opinion that if some preferred to stay with the number they have, he would rather see this allowed, and suggested getting the consensus of those residents. Following discussion, the City Manager was asked to get in touch with those involved, and if desired, arrange a time for them to come in and have the city's numbering policy explained.

Councilman Robinson informed Council that he had been called to Reherd Acres on July 1st by residents who were concerned about flooding in the area of Star Crest Drive and Blue Ridge Drive, which caused considerable garden and yard damage. Assistant City Manager Driver explained that the pipe from the Country Club Road to Star Crest Drive is insufficient to carry all the storm water, and noted that faster runoff occurs when an area builds up. He said the only solution would be to run another pipe, which would be an expensive project, and added that flooding from heavy rains is a big problem throughout the city. Some improvements have been made in the Reherd Acres area by installation of curb and gutter.

The City Manager presented preliminary sketches of two new fire stations, and said he would like

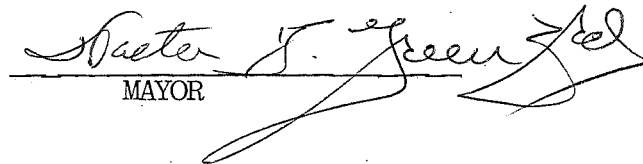
to discuss this and another legal problem in an executive session.

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

At 10:35 P.M., on motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote, the executive session was declared closed and the regular session reconvened.

There being no other matters, the meeting was adjourned on motion of Councilman Cisney, seconded by Vice-Mayor Dingledine, and a unanimous vote of Council.


CLERK


MAYOR

Tuesday, July 26, 1983

At a regular meeting of Council held in the Council Chambers this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Councilmen Elon W. Rhodes, James C. Cisney, Thomas H. Robinson, II; Vice-Mayor Raymond C. Dingledine, Jr.; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on July 12th were approved as read.

At 7:35 P.M., Mayor Green closed the regular session temporarily and called the first Public Hearing of the evening, to order. The City Manager read the following Notice of Hearing as advertised in the Daily News Record newspaper on July 7th, July 21st and July 22nd:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, July 26, 1983 at 7:30 P.M. in the City Council Chambers, 345 S. Main St., Harrisonburg, Va., to consider the following rezoning request:

To change from R-1 Single Family Residential to R-2 Residential, Lots 1, 2, 3, 21, 22, 23 and 24 of Block D, Page 24 of City Block Map. These vacant lots are part of Brookland Addition, situated between South Willow Street and South Dogwood Drive, approximately 160 feet south of West Bruce Street in southeast Harrisonburg.

Requestor is owner B. Saylor Neff, Jr. If rezoned, 14 townhouses are planned.

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

Marvin B. Milam, City Manager

The following report from a June 15th meeting of the City Planning Commission, and presented at Council's regular meeting on June 28th, was read:

"...Mr. B. Saylor Neff's proposed site plan was reviewed by the Director. It illustrates six townhouse units on South Dogwood Drive and eight townhouse units on South Willow Street. Parking for 31 vehicles will be located behind all of the units. Mr. Neff then read a letter he delivered to his tenants who reside in four existing townhouses just north of the rezoning site. It stated he doesn't plan to sell those units, but he does plan to offer the new units for sale. The style of the new units will be similar to his existing townhouses. Mr. Heath asked Mr. Neff if he would consider establishing a deed restriction limiting the number of unrelated persons who could occupy a unit. Under R-2 Residential, four unrelated persons may occupy a dwelling. Mr. Neff replied he would limit the units to families or two unrelated, if this is legal.

Neighbors speaking were Mr. Curtis Link 365 S. Willow Street, and Miss Dorothy Lee Baugher, 310 S. Dogwood Drive. Mr. Link said he doesn't think his neighbors oppose the project, but can they be assured the plan as shown will be what is actually built? Mr. Neff promised to build what is shown on his Plan. Miss Baugher stated she hopes the land remains R-1, since all homes south of the site are single family dwellings. She questioned the life-style changes and other problems associated with higher density, plus an abrupt change of architectural style.

Mr. Byrd explained that the City's Zoning Ordinance requires a Plan of Development for rezoning cases, and it is expected to be followed substantially as shown. He added that covenants can be stronger or more restrictive than the zoning requirements.

Mr. Fleming noted that the Commission is dealing with a product of known quality, in that Mr. Neff's existing four townhouse units and other rental property has been a showplace of well-managed and well-cared for residential property. He then moved that the Planning Commission recommend to City Council the rezoning of B. Saylor Neff's property from R-1 Single Family Residential, to R-2 Residential District. Mr. Milam seconded the motion. Mr. Fleming amended the motion, adding that Mr. Neff establish private covenants to limit the number of unrelated persons per townhouse unit to two, if advised this is legal. After Messrs. Fleming and Milam agreed to this amendment, the motion passed unanimously, with Mr. Trobaugh abstaining..."

Planning Director Sullivan presented the site plan, pointing out that Mr. Neff owns four apartment units, vacant land and four townhouse units facing Dogwood Drive. To the north is a paper street (W. Bruce), which may, or may not be opened in the future, but has nothing to do with the project under discussion this evening. South of the vacant area are single family homes southward to Sunset Heights. The Plan shows eight townhouse units facing Willow Street, leading to a general

parking area, and six units facing Dogwood Drive. Mr. Sullivan reiterated the fact that the Planning Commission has recommended the rezoning from R-1 to R-2, which will bring the R-2 line from its current end, to this point. Further recommended is for the units to be sold in contractual form to families with no more than two unrelated persons occupying a unit. A Public Hearing has been held by the Commission. Mayor Green called on anyone present desiring to be heard either for or against the proposed rezoning, with no comments offered. Councilman Cisney called attention to the establishment of private covenants concerning no more than two unrelated persons occupying a townhouse unit, as set out in the Planning Commission's report, and asked if the legality had been confirmed. Mr. Sullivan said he had not contacted any attorneys on the matter. Mr. Curtis Link of 365 S. Willow Street, said he had checked with six attorneys, and that each could foresee nothing illegal in the establishment occupancy, in that it does not set out anything of a discriminatory nature. At 7:46 P.M. Mayor Green closed the public hearing, and reconvened the regular session.

The Mayor asked Council's wishes concerning the proposed rezoning of lots making up a portion of Brookland Addition, as requested by the owner, Mr. B. Saylor Neff, Jr. Councilman Rhodes moved that the recommendations of the City Planning Commission be approved, which motion, upon being seconded by Vice-Mayor Dingledine, was adopted by a unanimous recorded vote of Council.

At 7:48 P.M., Mayor Green closed the regular session temporarily and called the evening's second Public Hearing to order. The following Notice of Hearing as advertised in the Daily News Record newspaper on July 7th and July 14th, was read by the Clerk:

The Harrisonburg City Council and Planning Commission will hold a joint Public Hearing on Tuesday, July 26, 1983 at 7:30 P.M. in City Council Chambers, 345 S. Main Street, Harrisonburg, Virginia, to present the Proposed Land Use Plan and Zoning Map of Harrisonburg, and to hear comments from the public.

The Land Use Plan, a fundamental part of the City's Comprehensive Plan, is a guide for harmonious development of the old and new sections of the City.

The Zoning Map establishes zoning districts for the 11.4 square miles annexed by the City on January 1, 1983.

Copies of the proposed Land Use Plan and Zoning Map are on display in the first floor hall of the Municipal Building. All interested persons will have an opportunity to express their views at this joint Public Hearing.

Marvin B. Milam, City Manager

The following members of the City Planning Commission were present: Joseph Enedy, Chairman, Dwight Hartman, Walter Trobaugh, City Manager Milam and Councilman Rhodes. Absent: Commissioner W. Richard Fleming. The Chairman declared a quorum present.

Mr. R.J. Sullivan, Jr., City Planning Director, informed those present that this evening's Hearing is one of the results of Harrisonburg's annexation of 11.4 square miles of Rockingham County, and involves consideration of two maps which have been organized and drawn as a result of the Planning Commission's study and analysis which has been underway for several months, namely: Proposed Land Use Plan and Proposed Zoning Map. The Plan and Map are parts of a Comprehensive Plan which is required of each political subdivision of Virginia under the Code of Virginia, Sec. 15.1-446.1. He noted that the proposed zoning map covers only the 11.4 square miles, with percentages and acreage for the various zones, as follows: B-2 (General Business) 830 acres, 13%; M-1 (Industrial) 1,115 acres, 19%; M-2 (Heavy Industrial) 155 acres, 2% (primarily quarries); R-1 (Single Family Residential) 2,395 acres, 38%; R-2 (Medium Density Residential) 430 acres, 7%; R-3 (High Density) 1,065 acres, 17% and R-4 (Planned Unit Development) 280 acres, 4%. The area is divided into five sections namely: Pleasant Valley, Southwest, Northwest, Northeast and Southeast. Mayor Green suggested that Mr. Sullivan describe the areas, with any comments permitted at the conclusion of each.

PLEASANT VALLEY:

"This portion of Harrisonburg forms the extreme southern end of the city. It includes the Pleasant Valley Industrial Park area, the U.S. Route 11 South Corridor and Interstate 81 plus Exit 62 interchange. It also includes part of the Chesapeake-Western Railroad and the City's Landfill Property, which is being partially changed into a new park. There are approximately 1,522 acres of land involved. The proposed zones include 610 acres in the M-1 Industrial District. This is 40% of the section. Included in the M-1 proposal is Pleasant Valley Industrial Park, Harrisonburg Auto Auction, Massanutten Voc Tech and Pleasant Valley Elementary School, Walker Mfg. Company, City Shops and old sewage treatment plant, Wilson Trucking, Valley Blox and Rockingham Livestock Sales. Most of this area was zoned M-1 Industrial when it was in the County. The B-2 General Business zone covers 340 acres or 22% of the section. It covers both sides of U.S. Route 11 from the old city limits to the new city limits. This business corridor was zoned for general business development when in the county. The Pleasant Valley Section includes three residential zones, R-1 Single Family Residential covers 480 acres along the east portion of the section. It includes farm and wooded areas plus scattered dwellings along Greendale Road and Ramblewood Road. It also includes the Landfill and park property. A small 62-acre R-2 Residential area is proposed on the west side of this section. It is farm land adjacent to the old city limits, West Mosby Road, and the R-2 zone within the old city. Another small, 30 acre portion of this section is proposed as R-3 (Multiple Dwelling District). This land is adjacent to Park Apartments which are zoned R-3 and just inside the old city."

Mr. Thomas Callender, owner of property at 1120 Willow Spring Road, requested that the proposed Industrial Zone extending east from the C-W tracks, be reduced, to exclude his Willow Spring Road property. When Mr. Sullivan asked if he would prefer R-1 zoning if his property is not suitable for industrial use, Mr. Callender agreed.

Mr. Bill Neff said he would like to get some industrial back and requested that M-1 be extended across I-81, to his presently zoned B-2 General Business property. He noted that his property sets too far back to develop commercially, due to its distance from Rt. 11. Mr. Sullivan noted that if extended, the back portion could be used for something of an industrial nature. He added that the City's General Business District (B-2) does permit warehouses. The property referred to by Mr. Neff is just north of Scotland Yards. Councilman Cisney asked how many other property owners were in the area, and Mr. Neff said about three, to the city line. He offered an opinion that the zoning extension would not be out of context with the Planning Commission's proposal and said he could see no reason why the other property owners would not want it extended.

SOUTHWEST:

"This portion of the new city is bordered by West Mosby Road on the south and West Market St. extended on the north. Most of the approximate 1,125 acres appear as agricultural or residential uses on the Existing Land Use Map. A commercial area is growing on Virginia Route 42 (S. High St.) and along Erickson Avenue. The only public development is Hillandale Park and the most noted historic feature is probably the Garber's Church of the Brethren, and Garber's Church Road which runs parallel to the new west boundary of Harrisonburg. The proposed zoning for the Southwest Section is very similar to the County's zones. Most of this section, 920 acres of 83% is proposed as R-1 Single Family Residential District, which permits agricultural uses. An 85-acre area is proposed as B-2 General Business District. This area is on both sides of South High Street and Erickson Avenue west to the May Supply Company. Most of this was zoned for general business by the county. A small 38-acre section is proposed for R-2 Residential District. It is adjacent to an R-2 District in the old city. It runs from West Mosby Road north to Willow Hills Subdivision and Pleasant Hill Road. A 60-acre R-3 Multiple Dwelling District is proposed west and north of the proposed general business zone. This land was zoned R-3 Residential by the County and developers propose a mixture of housing styles, according to their development plans. On the far northeast portion of this section, a small extension of B-2 General Business is proposed along West Market Street. This is an extension of business from the old city."

Mr. G.R. (Dick) Heatwole, owner of the Pleasant Hill School property, requested B-2 General Business, rather than the proposed R-1 Single Family Residential District, in that he has spent quite a bit of money renovating the building for commercial use. He noted that the County had approved rezoning of his property from Agriculture to B-1 in 1981, which zoning is comparable to the City's B-2 General Business District. Mr. Sullivan explained that Mr. Heatwole's property is east of Pear Street, which has a couple Used Car Lots and other businesses, and that the Pear Street Center is to the west of Mr. Heatwole's property. Councilman Cisney asked Mr. Heatwole if he would be restricted from continuing to operate his business, if zoned as proposed. Mr. Heatwole said if he changes businesses, he would have to apply for a non-conforming use permit. Should the building burn today, he could not build back as a non-conforming business. He would like to retain the same zoning, should he desire to sell in the future.

NORTHWEST:

"The Northwest Section is essentially the Park View community, home of Eastern Mennonite College. The 1,143 acres shown on the map include farmland on the north side of West Market Street extended, all of Park View, and a large predominantly agricultural area east of Virginia Avenue extended over to North Liberty Street extended and U.S. Route 11 North. The proposed zoning for the Northwest Section is predominantly residential. Most of the pattern was set up by the County, particularly the urban layout of Park View. In the proposal, 330 acres or 24% is shown as R-3 Multiple Dwelling District, which includes Eastern Mennonite College, E.M.H.S., the Mennonite Home, Heritage Haven and the new Harmony Heights Subdivision. 100 acres of R-1 Single Family Residential is shown along West Market Street's north side. B-2 General Business Districts are proposed in Park View on Greystone Street and Chicago Avenue, and along Mt. Clinton Pike and Virginia Avenue. The M-1 Industrial District Zone includes 302 acres, or 26% of this section. The largest portion forms the triangle of partially industrialized area between Virginia Avenue and North Liberty Street. The Norfolk-Southern railroad serves this area. The R.R. Donnelley Company is located just north of this section, in Rockingham County. A smaller 20-acre M-1 Industrial zone is proposed west of Waterman Drive and adjacent to an M-1 District inside the old city. A 15-acre M-2 Industrial District is proposed just west of the old city limits, to cover the Frazier Quarry which was zoned agriculture when in the county."

No objections raised, or requests made for any change in the proposed zoning for the Northwest Section.

NORTHEAST:

"The Northeast Section's 1,315 acres extend from Old Furnace Road to East Market Street ext'd. Most of the land is agricultural, with some residential development along Smithland Road, Keesletown Road and around the Spotswood Country Club. Interstate 81 cuts through this section, and the cloverleaf interchange with E. Market Street is on the southwest corner of this section. The north half of the U.S. 33 East business corridor is included on this section's map. In the proposed zoning, 760 acres or 59% is recommended as R-1 Single Family Residential District. On the west side of Interstate 81 and along Old Furnace Road, 125 acres are proposed for R-3 Multiple Dwelling. All of this land is over the hill and away from the old city's Reherd Acres Subdivision. A small 10-acre triangular area adjacent to the old city limit is proposed as R-4 Planned Unit Residential. This will adjoin the Reherd Acres existing R-4 zone. Spotswood Country Club and Fairway Hills Subdivision is proposed as an R-4 Planned Unit Residential District. All of the single family dwellings in Fairway Hills are protected by covenants, which carry restrictions greater than those required in the zoning ordinance. Two business areas are proposed... the 50 acres of B-2 General Business located on the north side of the E. Market Street (U.S. Rt. 33 East) and a 20-acre tract on Old Furnace Road next to I-81 which is owned by Rockingham Publishing Company. Only 5% of Northeast Section is proposed for general business. Under industrial zones, the 120 acres of Frazier Quarry are proposed for M-2 Industrial District and 15 acres, which include the Sierra Stove Co. on Country Club Road, are proposed as M-1 Industrial District. The Chesapeake-Western railroad serves these proposed industrial districts, which cover 10% of this section."

Letter presented from Rockingham Publishing Company, which owns approximately 41 acres on Old Furnace Road and was purchased for a new site for the Daily News Record when the need arises. When they build, they want an attractive building with parking facilities. Would not need the entire tract for this purpose. Asked consideration for zoning a portion of same, commercial. The proposed plan shows about 20 acres General Business.

Second letter from Robert Strickler, Rocco Enterprises. Rocco owns a tract of land east of the Sierra Stove Company which is shown as R-1 Single Family Residential on the proposal. Requests small portion to be zoned industrial, which contains the Wise business known as Country Club Canteen, and requests M-1 Industrial rather than R-1 Single Family District.

Martin Stroble, owner of property on Broad View Drive, purchased the land under R-1 Single Family

Residential zoning, and was assured by the developers that it would remain the same. The land behind his property was also zoned R-1. If that land is zoned R-3, as proposed, it would open up for apartments. If purchased as R-1, Mr. Stroble feels it should remain R-1. He objected to the zoning to R-3 in that it would lower the value of properties, ruin the neighborhood's characteristics, and create traffic congestion. He feels that most residents on Broad View Drive have the same understanding about no change in R-1 zoning, and offered an opinion that some type of buffer should be provided between the R-1 zone and any other. Mr. Sullivan said that the number of sinkholes would leave a number of acres unusable. The Mayor asked how Broad View Drive could be protected.

Mr. J.R. Copper, Jr., Land Surveyor, representing the developers, said they proposed to the Planning Commission for the R-1 zone to wrap around the present R-1 at least for a complete block, or at a new street, then proceed into an R-2 District which would allow some duplexes. R-3 would be a narrow strip along I-81 (sinkhole area) and R-4 Planned Development would be a small area along Old Furnace Road. Although the developers have no preliminary plan, assurance has been given that they would go completely around the R-1 zone with that type of development. The area recently approved at Broad View Drive has been extended to the old city line. One lot, already approved and is in the process of being developed. The terrain will dictate the number of townhouse units, which will be few and far between.

Mr. Gerald Jacques of 944 Broad View Drive, purchased his property in Reherd Acres and was assured it would remain R-1 Single Family Residential. The opportunity of opening the area under new zoning would degrade properties. The realtor also said there was no way the area would ever change.

A letter from Wayne A. Pankey expressed opposition to the R-3 zone. He is presently constructing a single family home on Broad View Drive, and was assured that the land would remain under that zoning, with no change.

SOUTHEAST:

"The Southeast Section of the new city includes the Valley Mall, K-Mart and Krogers on East Market Street (U.S. Route 33 East), James Madison University's Convocation Center, the City's Energy Recovery Facility, the Ridgeville community and the Port Republic corridor which serves these residential developments: Forest Hills, Ashby Heights, Portland East, Deer Run Apartments, Squire Hill Apartments, and Devonshire Townhouses. The southern end of Southeast Section includes Stone Spring Road and Ramblewood Road, which were also shown on the map of Pleasant Valley Section. Existing land uses in the Southeast Section shows a mixture of farms, forests and orchard with residential developments, J.M.U.'s 120 plus acres east of I-81, the City's Landfill and Energy Recovery Facility site, commercial development and a small amount of industry. Of the 2,036 acres in Southeast, the proposed zoning map shows 770 acres or 37% as R-1 Single Family Residential District. Forest Hills, Ashby Heights, Portland East, Stone Spring Road and Ramblewood Road are included. The second largest residential category proposed is 595 acres of R-3 Multiple Dwelling District. Included in this are the 120 acres owned by J.M.U. east of I-81, Squire Hill and Deer Run Apartments, Devonshire Townhouses, Ridgeville and the woods on Chestnut Ridge between Reservoir Street extended and Martins Furniture on East Market St. extended. Only 55 acres of Southeast is proposed as R-4 Planned Unit Development by the county, plus the Early property and part of proposed Wayland Woods Subdivision. B-2 General Business is proposed for 213 acres, or 10% of Southeast. This includes land zoned for general business when it was in the county, such as Valley Mall, K-Mart, Krogers, Howard Johnson's, Train Station Restaurant, and D. Garber's 30-acre parcel on Port Republic Road immediately east of Deer Run Apartments. The proposal adds an extended commercial corridor south-eastward from Valley Mall to the new city limits along the south side of E. Market St., and Eagle Carpets which is located on Port Republic Road next to D. Garber's business site. Industrial zoning is proposed south and east of Dunham-Bush Mfg., which is zoned M-1 Industrial District inside the old city limits. The 240 acres of proposed M-1 Industrial District covers agricultural property. It has road access via Reservoir Street and East Market Street extended and rail access is feasible. Comsonics on Port Republic Road is proposed to remain M-1 Industrial, and 160 acres of M-1 Industrial is shown west of I-81 where Valley Blox, Wilson Trucking, and Rockingham Livestock Sales are located. This area was also described in the Pleasant Valley Section."

Letter from Eagle Carpets requesting that its 6 acres (presently zoned Agriculture) be zoned B-2 General Business, as proposed by the Planning Commission.

A petition bearing 49 signatures from the southeast, presented by Dr. Shank (Portland East) requests R-1 Single Family District, which includes vacant land not yet developed by developers of Portland East, as recommended by the Planning Commission. The County zoned this land as R-2 Residential. There are covenants for Single Family Homes. The Planning Commission's proposal is for R-1.

Mr. Walter Early has indicated verbally that he feels the property next to Harrington Heights and across from Devon Lane which is proposed for R-4 Planned Development, is ideal for townhouse development.

Mr. Henry Kaslow owns 26 acres on Port Road. He noted that 38% of the area, or 2,400 acres, is proposed for R-1 Single Family Residential; 7%, or 430 acres, proposed for R-2 Residential; and 1,063 acres proposed for R-3, which does not leave enough land zoned commercial to meet the needs of the people, since commercial will continue to grow. A majority of zoning as R-1 is fine, temporarily, but will eventually tie up a lot of the land and result in the type of housing that will be unaffordable. It will begin to cause confusion and will tax the highways. He feels the numbers proposed are heavy for R-1 and light for R-2. Feels more allowance should be made for purchasers of houses, and higher density has to be taken into consideration. His land borders Ashby Heights. He suggests that the percentages be changed.

Mr. Daniel Stark of 2011 Windsor Road (Ashby Heights) urged limitation, if not entire elimination of land proposed for business.

Mr. Orden Harmon owns a 70 acre piece of property on the north side of Stone Spring Road, adjacent to I-71. He asked consideration for this to be zoned R-3 rather than R-1 because Squire Hill development and Deer Run apartments back up to this property. He expressed concern about the people not being able to afford single family homes in the future. With two large complexes, he is concerned about apartment complexes in the area, in that Deer Run is a moderate income complex, which makes the land less valuable for R-1 single family homes.

Mr. Bill Neff - 33 East, speaking for himself and Dr. Deyerle who also owns land south of Valley Mall, offered an opinion that the large tract of land is satisfactory the way the Commission proposed it be zoned, or M-1 Industrial. He said the Commission has done a fine job on the mass planning.

Mr. Hosie Fitzgerald, a member of the Board of Realtors, said he feels more land should be left open for single family homes. If the property is available, the demand for single family homes will be there, with assurance given the prospective purchasers that they will not be victims of expanding apartment complexes.

Mr. Sullivan read a letter from Rockingham Development Corporation, stating that they have reviewed the proposed zoning map, and are satisfied with the zoning as best use of the land.

The proposed Land Use Plan, which covers the City of Harrisonburg plus surrounding vicinity, drew no comments or criticism.

In summarizing the presentations, Mr. Sullivan said it is hoped that zoning is accepted as a fair and logical guide for future development plus protector of existing development. He noted that this overall effort to establish a new Zoning Map for the City's newly annexed territory is flexible and requests to rezone property will come forth as time passes.

At 9:30 P.M., Mayor Green closed the Public Hearing and reconvened the regular session.

Chairman Eney asked members of the Planning Commission to either vote on the Map and Plan, or table same until the next meeting. Mr. Trobaugh moved that the matter be tabled until the Commission's next meeting, to allow time to review comments from this Public Hearing. The motion was seconded by Mr. Harmon, and adopted by a unanimous vote of Commissioners present.

Mayor Green asked Council's wishes. Councilman Cisney moved that Council also defer action, pending receipt of a report and recommendation from the Planning Commission. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ A request was presented from the Director of Social Services for approval of a supplemental appropriation in amount of \$ 3,311.00 for a new program related to Public Law #98-8 to serve the unemployed, federally funded 100%. It was noted that the Public Law, signed by the President on March 24, 1983, provides for emergency expenditures that will meet urgent needs and protect and add to the national wealth by providing productive jobs, providing for the indigent and homeless through fiscal year 1983, and accomplish other purposes. Vice-Mayor Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 3,311. chgd.to: VPA Fund (2400-2401.07) Social Services (Fed.-State Share-State Approp. - 100% Fed.)

3,311. approp.to: VPA Fund (5309-5715.01) Soc.Services to the Unemployed (100% Fed.)

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

✓ The City Manager presented a request from the Director of Social Services for approval of a transfer of funds in amount of \$ 1,930.00, in order to transfer funds now in the Special Welfare Fund, which have been allocated to the new federal program- FEMA (Federal Emergency Management Agency), which program is under Public Law 98-8. Councilman Cisney moved that the transfer be approved, and that:

\$ 1,930. trans.from: VPA Fund - Special Welfare Fund

1,930. trans. to: VPA Fund (5309-5716.01) FEMA - Emerg. Food & Shelter

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

✓ Mr. James O'Donnell, Administrative Assistant-Elementary Supervisor of Harrisonburg City Schools, was present in the meetint as a follow-up of a Memo setting out rationale for the construction and operation of a Multi-Use, flexible-space community training center at Massanutten Vocational Technical Center, which Memo had been mailed out to all members of Council. Following a review of the proposed project, in total amount of \$ 350,000., to be funded at state share of \$ 175,000.; local government share of 18% or \$ 15,750. by the City of Harrisonburg and 82% or \$ 71,750. by Rockingham County, and the remaining amount of \$ 87,500. by business and industry. Mr. O'Donnell requested approval of the project by City Council, prior to seeking funding through businesses and industry. He noted that the cost share is based on the number of students attending the County and City Schools, and that Rockingham County had approved its participation at last night's meeting. City Manager Milam said that if approved, funds would be budgeted for the 1984-85 fiscal year for the City's share of cost. He noted that he was in receipt of a resolution from the Harrisonburg-Rockingham Chamber of Commerce, requesting support by the governing bodies. Following discussion, Councilman Robinson moved that the Harrisonburg City Council offer its support for the proposed Massanutten Voch. Tech. project. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous recorded vote of Council.

✓ City Manager Milam reminded Council that there is no provision in the City for charging sewer connection or availability fees for individual connections to the system, although there is a policy for water connection fees. He proposed that the City adopt availability fees for any home or business located within 200' of a sewer line, and not connected to that line, with a "grace period" to January 1, 1984 for connections to be made. The proposed fees will be \$ 250. plus the estimated cost of installation and a 20% contingency fee for single family homes: \$ 300. for businesses with a minimum 4" line plus installation & contingency fees, and \$ 1,000. for industries with at least a 10" line plus installation & contingency fees. Apartment or condominium complexes with only one connection would be charged the commercial rate plus 10¢ per square foot. Although the City has a policy whereby it extends a sewer line to the property. Manager Milam proposed that the City no longer be liable to extend sewer lines more than 500' to the new subdivisions or commercial developments. He requested authorization for an ordinance, adopting the availability fees, to be effective January 1, 1984, in order to recover a small portion of the City's investment. Following a brief discussion, Councilman Cisney moved that the City Manager have an ordinance drawn for review. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

City Manager Milam gave background information concerning the Park View Sanitary District by reporting that in the late 1950s, Park View had requested to be annexed by the City, which request was turned down. The City did, however, agree to assist the area in providing public water and sewer. The Sanitary District remained in existence until 1978 or '79. It was absorbed by the City in the recent annexation. As a result of this, Section 7-4-2 of the City Code entitled "Rates for Park View Sanitary District" is obsolete. He suggested that it be deleted by ordinance, which will also set out an increase in city water rates by 10¢ per 1,000 gallons per month. The increase in rates is needed in order to offset a projected \$ 80,000. reduction in revenues this year from water sales, as a result of annexation, which reduced rates for all annexed city customers who had been paying the higher rural rate. He noted only one water rate change in the past eleven years which occurred in 1978. The water fund has been running in deficit for the past five years. An increase of 10¢ in each category of usage will place the higher portion of cost to commercial and industry, the larger users of water. Following discussion, 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 Council.

Vice-Mayor Dingledine, a member of the Governor's Employment & Training Council Steering Committee, called attention to the preliminary plan of activities to be conducted under the Title IIA of the Job Training Partnership Act for period October 1, 1983 - June 30, 1984, copies of which had been mailed out to each member of Council. He introduced Mr. Daniel Stark, Harrisonburg's representative on the Private Industry Council, and Mr. Ben Vorhies, Council Director, also present in the meeting. Inasmuch as City Council has approved Harrisonburg's participation in the Program, and made the requested appointments, the Vice-Mayor noted that two resolutions have been received for consideration of approval, namely: (1) to find activities to be conducted in the nine month period, acceptable, and (2) a Cooperative Agreement to be endorsed by all participating local governing bodies. The first resolution was read, as follows:

BE IT RESOLVED that the City of Harrisonburg finds the Shenandoah Valley Service Delivery Area Preliminary Plan for activities to be conducted under Title IIA of the Job Training Partnership Act during the period October 1, 1983 to June 30, 1984, to be acceptable.

by

On motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Council, the resolution was approved, with authorization for the Mayor to sign same on behalf of the City of Harrisonburg. The second resolution for the Cooperative Agreement was read as follows:

WHEREAS: Implementation of the Job Training Partnership Act requires the existence of a Cooperative Agreement among and between Local Elected Officials and the PRIVATE Industry Council for each Service Delivery Area designated by the Governor, and

WHEREAS: The Cooperative Agreement must address the following issues:

- 1. The process by which the Annual Plan for Job Training Partnership Act activities is prepared,*
- 2. The process by which Local Elected Officials and the Private Industry Council agree on the contents and joint submission of the Annual Plan,*
- 3. The designation of a Grant Recipient and an Administrative Entity and an outline of their respective functions, and*
- 4. The procedure for assigning liability for disallowed costs which may arise from Job Training Partnership Act program activities or Administration, and*

WHEREAS: The Shenandoah Valley Private Industry Council and the Executive Sub-Committee of the Shenandoah Valley Service Delivery Area Steering Committee have agreed to the following:

- A. The Annual Plan and any modification to it will be prepared under the direction of the Private Industry Council. Local Elected Officials will be invited and encouraged to provide information and advice before and during the planning process.*
- B. Local Elected Officials will review the Plan before they and the Private Industry Council jointly submit it to the Governor's Employment Division. If the governing bodies from as few as six of the sixteen jurisdictions express written disapproval of the Plan within 35 days after receiving it, it will be considered to be unacceptable and will be revised and re-submitted to all jurisdictions for reconsideration until at least eleven jurisdictions approve its joint submission.*
- C. The Annual Plan will name the Grant Recipient and the Administrative Entity and will outline their respective functions.*
- D. It is the intent of the Private Industry Council and the Steering Committee that risk of liability for disallowed costs which may arise be reduced to the maximum extent feasible. Involvement of Local Elected Officials will be designed to fulfill legislated requirements for coordination. Operational authority and responsibility will remain with the Private Industry Council or its designees as Grant Recipient and Administrative Entity. Both the Private Industry Council and the Steering Committee intend that local governments will not share liability unless they serve as either Grant Recipient or Administrative Entity, and*
- E. The Private Industry Council will issue an annual report comparing actual performance to the Annual Plan and present it to the local Elected Officials for comment. Private Industry Council representatives will appear before local governing bodies to discuss Job Training Partnership Act activities upon request.*

THEREFORE BE IT RESOLVED THAT the City of Harrisonburg endorse the Agreement between the Shenandoah Valley Private Industry Council and the Shenandoah Valley Service Delivery Area local governing bodies as outlined above in Items A through E and that those items constitute the required Cooperative Agreement among and between the Shenandoah Valley Private Industry Council and Local Elected Officials in the Shenandoah Valley Service Delivery Area.

by

Messrs. Vorhies and Stark asked that Council consider Harrisonburg serving as Fiscal Agent (Grant Recipient) for the Program, in that most of the Program's goals had moved from Harrisonburg, which is the center of the Service Delivery Area. Councilman Cisney said he does not want to see the City take on another administrative chore, handling thousands of dollars, with compensation insufficient to cover the costs incurred. He expressed concern about the liability which would be assumed by serving in that capacity. Mr. Vorhies noted that the risk of liability is very small, and that the Program is not a rich one. Councilman Cisney added that no compensation schedule has been seen. He offered a motion for Council to approve the Cooperative Agreement resolution as presented, excluding any indication that the City of Harrisonburg will serve as Fiscal Agent, until such time as it can be determined whether or not the role of Fiscal Agent can be handled. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council. City Manager Milam asked Mr. Vorhies and City Auditor Peterman to work out the mechanics. Council asked the City Manager and City Auditor to check with the Virginia Employment Commission to determine whether or not the City could act as Fiscal Agent, with no cost to the taxpayers. Councilman Cisney suggested that the matter be pursued not only from the standpoint of work overload, but from the standpoint of sufficient compensation to cover its cost.

For information, City Manager Milam reported that Mr. A. L. Caldwell, the first and only Superintendent for the Central Shenandoah Juvenile Detention Home since 1967, died suddenly Saturday night at the age of 49. Mrs. Judy Thomas, Office Manager, has been appointed to serve as Acting Superintendent, and Rockingham County Administrator O'Brien appointed to serve as Chairman of a committee to screen applicants.

For information, the City Manager reported that the City's share of cost for Division K Sewer Line in amount of \$ 74,456.49 has been paid. The City and the Harrisonburg-Rockingham Regional Sewer Authority had agreed that the line which runs from Bill Neff's property on Route 11, northward to the 7-Eleven Store, would be built by the Authority, with cost pro-rated between the City and Authority at 74.1% City and 25.9% Authority. He reported further that the problem which had existed on South Main Street between the old corporate limits and Belle Meade, has been resolved. One last offer was made three property owners for easements, prior to going into court, with offers accepted.

For information, Council was informed that Mr. Driver had received notification from the Virginia Department of Highways that a public hearing on the Port Road project has been scheduled for September 7, 1983 in the Community Room at the Harrisonburg Electric Commission, 7:00 P.M. Members were invited to attend.

City Manager Milam reported that all problems of house numbers had not been resolved in the Ashby Heights Area (more specifically, Edgewood Road and Woodcrest Circle), although the City Engineer has been contacting those in opposition to any change. The Clerk was asked to research old minutes of Council to determine how and when house numbers were established for the City, which revealed that the numbering policy was instituted in 1903. In 1916, Harrisonburg was declared a City of the Second Class, with one duty of the City Engineer being that of preparing city maps. He noted that he would continue trying to resolve the opposition from a few citizens concerning a change in the numbers from the 2000s to the 1200s. Vice-Mayor Dingledine said he had hoped that a survey could be made in the Ashby Heights area to determine the number of residents with concerns about the change in numbers. Manager Milam offered an opinion that should any of the numbers remain the same, that this be recorded in Council minutes, primarily from the standpoint of public safety, should emergency vehicles have to be dispatched to the area. He added the fact that numbers were not being changed, but that numbers were being assigned to new residents of Harrisonburg. Councilman Cisney offered a motion for the block numbering policy of the City to be continued throughout the annexed area (including Ashby Heights), to assure uniformity with City Block numbers. The motion was seconded by Councilman Rhodes, and received a majority recorded vote. Voting "aye": Councilmen Rhodes, Citnsy, Dingledine and Green. Voting "no": Councilman Robinson.

Mayor Green called attention of members to their copies of a letter from the Chairman of the Rockingham County Board of Supervisors, requesting a preliminary indication from Council on an earlier request concerning providing sewer service to the area north of the City along U.S.Rt. 11 to the area in the vicinity of the I-81 interchange, through the City's sewer line. The possibility of installation of a sewer collection system by the County, with a force main to transport sewage to the City sewer line, with treatment to be provided by the Regional Sewer Authority, has been discussed, according to the Chairman. The Mayor offered an opinion that without more details re amount of sewage anticipated and exaction location of the proposed connection, the matter could not be acted upon. He volunteered to contact the County and have them so inform the City Manager.

Mayor Green reported that residents of South Dogwood Drive would like some speed limit signs, and Vice-Mayor Dingledine said that residents on Port Road would like for heavy and noisy truck traffic to be discouraged, with the possibility of a limitation placed on the size of trucks, or re-routing via Cantrell Avenue.

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

N. Arlene Loken
CLERK

Hester J. Green
MAYOR

Tuesday, August 9, 1983

At a regular meeting of Council held in the Council Chambers this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Councilmen Elon W. Rhodes, James C. Cisney, Thomas H. Robinson, II; and City Auditor Philip L. Peterman. Absent:- Vice-Mayor Raymond C. Dingledine, Jr. and Chief of Police Richard W. Presgrave. (sitting in for the Chief, Leiut. Donald Turner).

Minutes of the regular meeting held on July 26th were read; and approved as corrected.

The following regular monthly reports were presented and ordered filed:

From the City Manager:

A report of activities in the various departments and said office for the month of July, 1983.

From the City Treasurer:

A trial balance report as of close of business on July 29, 1983.

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 \$ 5,824.74

From the City Auditor:

A report of cash discounts saved in payment of vendor's invoices for month of July, 1983 in total amount of \$ 173.04

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, 1983.

Correspondence dated 8/2/83 was presented from the Fine Arts Committee Chairman, Harrisonburg Junior Womans Club, requesting permission of Council for partial use of the sidewalks surrounding Court Square for the purpose of displaying art work by some of the participating artists, at the Club's 10th Annual Arts and Crafts Festival on Court Square, Saturday, September 10, 1983. It was noted that the sidewalks would be used only as a spill over from the Courthouse lawn, and adequate space will be left for public use of the sidewalks. City Manager Milam noted no problems in granting permission over the past number of years. Councilman Cisney moved that the request of the Junior Womans Club, be granted. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

Correspondence dated 8/9/83 from Mr. Stephen Heitz of Litten, Sipe & Miller Law Firm, was presented, informing the Mayor that his Client, Holly Farms Poultry Industries, Inc., has a real estate purchase contract to purchase property located on the western side of North Liberty Street (591 N. Liberty) which is presently zoned R-2 Residential. Request was made for the property to be rezoned M-1 Industrial. On motion of Councilman Cisney, seconded by Councilman Robinson, and a unanimous vote of Councilmen present, the request was referred to the City Planning Commission for study and recommendation.

Mr. Hiram Zigler, Chairman of the Upper Valley Regional Park Authority, was present in the meeting to renew communications which he felt had broken down at times in the past. He noted embarrassment last year when it was necessary to make a request to the participating localities for an interest free loan, in that the Authority was in debt \$ 100,000., with some threats made for law suits. He made reminder that when the request was made, Harrisonburg, along with the other three localities, agreed to give the Authority, Grants, rather than a loan, which Grants were appreciated, and allowed the Authority to meet expenses through the winter. He reported that the staff has been pared down to a bare minimum, and resolution made to cut back on every expense that could be reduced, with plans to take advantage of every economy available. As of yesterday, \$ 35,000. has been laid away to carry the Authority over the winter months. All bills to suppliers have been paid. The By-Laws have been revised in which the post of Executive Director has been eliminated. The Authority's Director resigned last October, and the position has been filled by Mr. Zigler since November of 1983. He agreed to serve at a salary of \$ 1.00, and said he would not turn in any expenses until the first of next year. He offered an opinion that the arrangement to operate without the services of an Executive Director is to the best interest of all concerned. Due to a concerted effort to cut back, it was not necessary to borrow any additional funds. Some capital improvements have been neglected, which will have to be dealt with in the future. Mr. Zigler noted that the assessed value of all parks is well over \$2 million, and said he would have to sit down with representatives of the Valley Board to come up with a plan that will allow them to budget for the type of park system that people have a right to. He expressed appreciation to Council for the caliber of people which have been appointed to the Board. Councilman Cisney questioned the fact that the indebtedness has not been reduced this year, even though the Authority is not paying interest, and Mr. Zigler replied that although the debt is still outstanding, it is hoped that funds left over from regular costs, can be used to curtail same. City Manager Milam asked about an audit on the fiscal year basis, and was informed that an audit is conducted the first of October. Manager Milam asked to be provided with a copy of the audit upon completion, and was assured that his request would be complied with.

At 7:55 P.M., 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 July 9th, August 2nd and August 9th:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, August 9th, 1983, at 7:30 P.M. in the City Council Chambers, Municipal Building, 345 S. Main Street.

There will be a public hearing August 9, 1983 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 operation and administrative costs for FY '84.

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

CITY OF HARRISONBURG- Marvin B. Milam, City Manager
Manager Milam noted that the last date of advertisement changed this Hearing from July 26th, as originally advertised, in view of the fact that a Public Hearing on the proposed Land Use Plan and Zoning Map had been scheduled for that date. He called members' attention to information which he had mailed out concerning the Transportation Department, which included a proposed resolution for consideration of approval. Transportation Director Reggie Smith said that the Grants, if approved, would be used for operating expenses, capital and administrative costs, etc. for the

City's Transportation System. He reviewed the proposed Project Budget for fiscal year 1984 (Oct. 1, 1983 - Sept. 30, 1984), setting out total project expenses as \$ 318,512.00. Federal funding of \$ 212,329.60 is being requested; state funding of \$ 27,987.20, leaving local share of \$ 78,195.20. The proposed resolution was presented as follows:

BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia, that the City Manager of the City of Harrisonburg be authorized 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 \$ 212,329.60 to assist in the operating, capital and administrative cost of local public transportation services, to accept from the Virginia Dept. of Highways & Transportation, Grants in such amount as may be awarded, and to authorize the City Manager to furnish to the Virginia Dept. 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 Dept. 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 \$ 6,251.20 to defray fifty percent (50%) of the local matching share for administrative expenses and in the amount of \$ 21,736.00 to defray ninety-five percent (95%) of the local matching share of the City of Harrisonburg for capital costs of an approved Federal Grant, to accept from the Virginia Dept. of Highways & Transportation, Grants in such amount as may be awarded, and to authorize the City Manager to furnish to the Virginia Dept. 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 & expenditures of funds granted the City of Harrisonburg may be subject to audit by the Virginia Dept. of Highways & Transportation and by the State Auditor of Public Accounts.

APPROVED this _____ day of _____, 1983.

Mayor

Attest:

Clerk

When Councilman Cisney questioned the Director concerning an item under Capital Purchases for computer and software in amount of \$ 4,000., he replied that a small computer is needed in the Transportation Department for processing monthly reports, etc. There being no others present in the Hearing desiring to be heard, Mayor Green closed the Hearing at 8:10 and reconvened the regular session.

✓ The Mayor asked members' wishes concerning the proposed resolution authorizing application for Transportation Grants. Councilman Rhodes moved that the resolution be approved, with authorization for the proper officials to sign same. The motion was seconded by Councilman Robinson, and adopted by a unanimous recorded vote of Councilmen present.

✓ Transportation Director Reggie Smith informed Council that his department had been working on consolidation of the bus system in order to arrive at some schedules which will include transporting J.M.U. students at any time, provided they have valid IDs. He noted that although some minor changes have been made in the route system, the general public schedule remains the same. Shuttle buses will be made available for JMU students. He reviewed the following proposed agreement for the Harrisonburg-James Madison University Bus Service:

This agreement is made and entered into this first day of August, 1983, by and between the City of Harrisonburg, hereinafter referred to as City, and James Madison University, hereinafter referred to as JMU.

The City agrees to provide bus service for all JMU students presenting a valid JMU identification card for the period of the contract which shall terminate July 30, 1984, unless either the City or JMU deems the service to be unacceptable at the conclusion of the Fall Semester. Should either party wish to terminate the contract at the conclusion of the Fall Semester, one-half of the annual fee from JMU to the City will be paid, and the contract will be terminated.

Bus service is defined below under the headings of standard transit service, shuttle transit service, evening transit service and Saturday transit service. Buses will operate in inclement weather and on all national, state or local holidays while JMU is in session during the Fall and Spring semesters as indicated by the attached University calendar. Any changes in service routes or times must be agreed to at least two weeks in advance by both the City and JMU. All service other than standard service will be operated only while JMU is in session.

TYPES OF TRANSIT SERVICE

Standard City Transit Service. Standard City transit service is defined as that service available to all City residents, 12 months of the year. The service consists of three routes and operates from 7 a.m. to 6 p.m., Monday through Friday, and 9 a.m. to 3 p.m. on Saturday. (see attached routes and schedules).

Shuttle Transit Service. Shuttle transit service designed to operate specifically for JMU includes service to/from Howard Johnsons, Squire Hill, and JMU, between the hours of 7 a.m. and 9 a.m., Monday through Friday. (see attached routes and schedules).

Evening Transit Service. Evening transit service designed to operate specifically for JMU will begin at 6:20 p.m. at Presidential Apartments and will conclude at 11:50 p.m. at Presidential Apartments. (see attached routes and schedules).

Saturday Transit Service. Saturday transit service designed to perated speci-
fically for JMU will include service to Presidential Apartments, Howard Johnsons,
and JMU. Evening service on Saturday will be same as described in "Evening Tran-
sit Service" above. (see attached routes and schedules).

COST AND REMUNERATION

The City agrees to provide the bus service described above with 30 passen-
ger (or larger) buses for the contractual period. Charges for each type of service
for the contractual period are provided below:

Standard Transit Service	\$ 20,000.
Shuttle Transit Service	9,000.
Evening Transit Service	16,000.
Saturday Transit Service	0.
	<u>\$ 45,000.</u>

All capital and operational costs will be the expense of the City. For the ser-
vice as described, JMU agrees to pay the City forty-five thousand dollars for the
contractual period. Termination of the service at the end of the first semester
will result in a pro-rated payment to the City of twenty two thousand five hundred
dollars. Payment will be made in four equal sums on or before November 1, 1983;
January 1, 1984; March 1, 1984; and May 1, 1984.

Charter service will be available in addition to the services and costs described
based upon the following fee schedule:

30 passenger transit diesels -	\$.80/mile
45 passenger Blue-Bird All American -	\$.80/mile
45 passenger school buses -	\$.70/mile
15 passenger vans -	\$.60/mile

All transit service in town will be charged at the rate of \$20/hour.

The City agrees to save and hold harmless JMU from any and all claims arising
out of the transport of JMU students by the City Transit Service.

The City agrees to give first and full consideration to employing JMU bus drivers
should additional drivers be required by the City.

William F. Merck, II
V-Pres. for Business Affairs
James Madison University

Date

Marvin B. Milam
City Manager
City of Harrisonburg

Date

Sandy Modell, Transportation Administrator, explained the bus schedules, in detail, pointing out
the routes on a map. She noted that the buses will remain until five minutes after the hour, and
offered an opinion that the JMU system will be beneficial to the University, and a service to the
community. Following discussion, Councilman Robinson moved that the Harrisonburg-James Madison
University Bus Service resolution be approved, with authorization for the City Manager to sign same
on behalf of the City of Harrisonburg. The motion was seconded by Councilman Rhodes, and adopted
by a unanimous vote of Councilmen present.

Transportation Director Reggie Smith reviewed briefly with Council, a School Bus Driver Hand-
book, noting that it was compiled so as to be in compliance with state laws, Board of Education re-
quirements and local laws. One major provision is for buses to be left at the Transportation
Building on E.Washington Street, for maintenance and upkeep purposes. One unique asset to the
system is the installation of 2-way radios in the buses which will enable the driver to report a
discipline problem, breakdown or accident. The school system will provide a liaison person to
handle these situations. Inasmuch as it is not known whether or not the five school buses ordered
last Spring will be delivered in time for the first day of school, City Manager Milam informed
Council that the City of Staunton has offered the use of some of its buses to transport school
children, and that notification must be given by Friday of this week as to whether those buses will
be needed. He referred to a Memo from Mr. Everette Burkholder, owner of Burkholder's Buggy Shop,
and written on behalf of all Mennonite people who drive horses and buggies to Harrisonburg. Request
was made for permission to construct a shelter for the horses, at or near the present hitching area
in the Municipal Building parking lot, which would be done by the Mennonite community. Increased
ridership of the city's buses was predicted by Mr. Burkholder. Mr. Smith said he would like to ex-
periment on running a bus or van, two or three days a week, to the Pleasant View Mennonite Church,
which is near Turner Ashby School, with horses and buggies left at that location. A charge would
be worked out that would be sufficient to cover the cost of service provided, with no need for
city, state or federal funds. He noted that some problems have been encountered when buggies are
parked at Nichols Department Store (i.e. packages removed from buggies and horses turned loose).
He offered an opinion that the proposal would help reduce a traffic hazard which is posed by buggies
on heavily travelled city streets and Va. 42 between Harrisonburg and Dayton, and should also bring
in more potential customers for city merchants. Mr. Smith said that school bus drivers could run
a van or bus to Dayton following completion of morning school routes, and return again shortly after
noon, with the same arrangement following completion of the afternoon school bus routes. Councilman
Cisney said he would like to see something worked out for those desiring to use the service, and
added that it would be good for the downtown businesses. He offered an opinion that the route would
not have to be run too often.

For consideration of a second and final reading, an ordinance increasing city and rural water
rates by 10¢ in each category, and deleting Section 7-4-2 of the City Code entitled "Rates for Park
View Sanitary District", was presented. City Manager Milam reminded Council that the R.R.Donnelley
Plant, under contract dated 3/15/79, is tied to the city water rate, which is subject to change if
the city's rate chart is amended. He noted further that Section 2.2 of a contract between the City
and Rockingham County, provides that the city may increase the rate payable by the county, upon the
average percentage basis of such increase of the general rate for city customers. Councilman
Rhodes questioned the fact that the County rate, under the proposed ordinance, is increased the
same as the City rate, when the general policy is for the county rate to be almost double that of

the City. The City Manager said this has been the policy, and reported 545 customers presently on the rural rate and 6,868 customers on the city rate. During discussion, it was agreed that the county rate be amended as follows, on the proposed ordinance:

0 gallons to 25,000 gallons @ \$ 2.12 per 1,000 gallons (ordinance states \$ 2.02)

25,000 gallons to 250,000 gallons @ \$ 1.64 per 1,000 gallons (ord. states \$ 1.54)

All over 250,000 gallons @ \$ 1.16 per 1,000 gallons (ordinance states \$ 1.06)

Following discussion, Councilman Robinson moved that the ordinance delating Section 7-4-2 of the City Code and amending Section 7-4-1 entitled "Schedule of rates and charges generally" be amended with changes in the rural rates and 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 "L" page 12).

Mayor Green asked members if they desired to take action concerning an appointment to the Plumbing Board of Examiners, in that the vacancy was created by the resignation of Mr. Wilson Harrison. Councilman Rhodes offered a motion for Mr. James Riddleberger, 904 S. High Street, Exe.-Vice-President of Riddleberger Bros., to be appointed to serve on the Plumbing Board of Examiners. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

Assistant City Manager John Driver, Secretary of the Harrisonburg Department of Transportation & Safety Commission, presented the following proposals and/or requests discussed at the Commission's meetings held on May 31, 1983 and July 26, 1983, with action taken as set out below:

May 31, 1983:

Proposal 1: To improve the railroad crossing on Route 33E at Linda Lane.

It was noted that this is a matter for the railroad system.

Proposal 2: To open the road next to Kroger's from Route 33E to Reservoir St.

A motion was made by Wayne Kind, and seconded by Nelson Fitzwater, that a written dedication of right-of-way for such a road be obtained from Bill Neff as soon as possible. The motion carried unanimously.

Proposal 3: That speed limits be increased on Port Republic Road and on Route 33E at the Valley Mall.

A motion made by Wayne King and seconded by Julius Ritchie that the Commission would not recommend such increases. The vote was unanimous not to increase the limits.

Proposal 4: That the flashing light at Anthony Seeger Campus School be moved to another school zone.

It was noted that this light was placed by, and is under the jurisdiction of the State Highway Department.

Proposal 5: That East Bruce Street be extended and paved to Reservoir Street.

Noting no evidence for such a proposal, no action was taken.

July 26, 1983:

Motion duly adopted to recommend to City Council that Sterling St. be made one-way going north from E. Market St. to East Elizabeth St.

Referral by Council for Commission to make study of intersection of Erickson Avenue and State Route 42 (S. High St.)

Chairman James Rhodes appointed a Committee of Chief Presgrave, Julius Ritchie and John Driver to make study and report back to the Commission in September.

A request to install a left turn lane off E. Market St. onto Hawkins St. going south.

Motion adopted that this be denied, for safety reasons.

A request for traffic signal at the intersection of S. Main Street and South Avenue.

Commission had made a study of this same request approximately 6 months ago, and felt nothing had changed in that time. Motion adopted to deny the request.

Mr. Driver pointed out that the traffic lights on S. Main Street have been a headache, and that he has been working to have the lights synchronized. He talked with Mr. Don Wagner of the Highway Urban Office last week and it was agreed that some work would be done shortly, but perhaps not before the opening of JMU for the Fall Semester. Councilman Cisney asked Mr. Driver if he planned to talk with the Highway Department about the light in front of the former Anthony Seeger Campus School, and Mr. Driver replied that JMU would have to be contacted, in that the light was installed in lieu of a requested overpass. A decision will rest on whether or not JMU desires to continue using the light. He volunteered to contact JMU President Carrier, as there are tentative plans to synchronize this light with the one on Grace Street. With regard to making Sterling Street one-way, Mr. Driver noted that this is a bad intersection, with poor site distance, which has been discussed for five or six years. It was felt by the Commission that the best solution would be to make Sterling Street one-way, going north. Following discussion, Councilman Cisney moved that Council approve the recommendation of the Harrisonburg Dept. of Transportation & Safety Commission to make Sterline Street one-way going north from E. Market St. to E. Elizabeth Street. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present. Councilman Cisney offered a motion for Council to accept the reports, and for all of the remaining recommendations of the Commission to be approved. This motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Councilmen present.

The following resolution was presented and read by the City Manager for Council's consideration of approval:

WHEREAS, it is necessary for a formal request to be made to the Department of

Highways & Transportation of the Commonwealth of Virginia by the Council of the City of Harrisonburg by resolution for each project,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA, at its regular meeting on the 9th day of August, 1983, that:

1. The Department of Highways and Transportation of the Commonwealth of Virginia, be, and it is hereby requested to establish and set up a project within the City of Harrisonburg, Virginia, to reconstruct North High Street (State Route 420 as shown in the 1995 Harrisonburg Thoroughfare Plan from 5th Street to the corporate limits prior to the annexation of January 1, 1983.
2. That the City hereby agrees to pay its share of the cost of surveys and plans, rights-of-way, and construction under the present cost formula adopted by the Department of Highways and Transportation.
3. The City further agrees that if the said project is established as herein requested and thereafter the City decides not to proceed further with the said project, then the City by this resolution, agrees to pay the Highway Department for 100 percent of the cost incurred for the said project to the time of abandonment.

ADOPTED this _____ day of _____, 1983.

CITY OF HARRISONBURG
BY _____ Mayor

Atteste:

Clerk

Assistant City Manager Driver pointed out the location of the project on a map and informed Council that the Highway Department proposes to re-build state route 42 to Broadway in the 1984-85 fiscal year, from the north corporate limits into the City. He said he had talked with Mr. Don Wagner of the Highway Urban Office and learned that the total project will be approximately 3,000' in length at a projected cost of \$1. million, with the City's share to be 5%, or roughly \$ 50,000. - \$60,000. for reconstruction of North High Street (Rt. 42) as set out in the resolution. Mr. Driver stressed the need for the project to be established at this time, in that Mr. Wagner had advised him that it would not cause a delay in either the South High Street or Port Road projects. Attention was called to correspondence from the Central Shenandoah Planning District Commission, dated 8/1/83, advising that the consideration of Route 42 (Rockingham County) will be reviewed by the Commission on August 15th at the Switzer Building in Fishersville, and inviting any comments from the City of Harrisonburg to be forwarded by that date. Following discussion, Councilman Rhodes moved that the resolution be approved, with authorization for the proper officials to sign same on behalf of the City. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

City Attorney Lapsley called attention to a Memo he had sent out to Council and the City Manager, advising that he had been approached by the Harrisonburg-Rockingham Board of Realtors with regard to the possibility of an ordinance which would require landowners to keep clean and free of debris and weeds in the portions of Blacks Run that flows through their properties in the City. He said he had advised the Board that initiation of an ordinance would have to come from Council. If approved, he noted that the ordinance would be in the same nature of the ordinance which the City presently has, requiring the cutting of weeds and grass on vacant land. Councilman Cisney said he would like to see this incorporated in the present ordinance, rather than a separate one. City Manager Milam said that the property, if owned, would go to the center of Blacks Run. He noted that the two dates of June 20th and August 20th are set out in the City's present ordinance, for requirement of cutting weeds, and that some individuals have expressed feelings that the requirement should be more often. Attorney Lapsley said that the people are not interested in the cutting of any trees along Blacks Run, but in controlling high weeds and debris. Manager Milam offered an opinion that an ordinance may be difficult to enforce, in that some of the property is under the ownership of the railroad, and further, that the requirement may pose a hardship of some of the property owners. He said he would give more thought to two alternatives: city to obtain and maintain Blacks Run with public funds, or maintenance required by property owners. Councilman Cisney said he could foresee a policing policy. Mayor Green asked the City Manager to talk with City Staff and bring in a recommendation to Council.

Councilman Cisney moved that a supplemental appropriation in amount of \$ 3,311.00, requested by the Social Services Director, for a new program to serve the unemployed which is 100% federally funded, be approved for second & final reading, a first reading having been approved on July 26th, and that:

\$ 3,311. chgd.to: VPA Fund (2400-2401.07) Soc.Services- Fed.-State Share-
State Approp. - 100% Federal

3,311. approp.to: VPA Fund (5309-5715.01) Soc.Services to the Unemployed (100% Fed.)

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

Councilman Robinson moved that a supplemental appropriation in amount of \$ 1,930. requested by the Social Services Director in order to transfer funds now in the special Welfare Fund, and allocated to the new federal program to serve the unemployed, be approved for second & final reading, a first reading having been approved on July 26th, and that:

\$ 1,930. chgd.to: VPA Fund - Special Welfare Fund

1,930. approp.to: VPA Fund (5309-5716.01) FEMA- Emerg. Food & Shelter

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

The City Manager presented a request from Assistant City Manager Driver for approval of a re-allocation of funds in the amount of \$ 12,500. for repair of steam lines, in that encumbrances to complete work on the lines were cancelled by the City Auditor. Following a brief discussion, Councilman Cisney moved that the transfer be approved, and that:

\$ 12,500. trans.from: Sanitation Fund (7-7009.00) Land-Payment to JMU

12,500. trans. to: Sanitation Fund (7-7011.01) Const.- Incineration & Steam Gen.

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

✓ City Manager Milam informed Council that someone had challenged a legal Ad which had been placed for two fire sub-stations at land locations on S.Main Street about 1/2 mile from the Holiday Inn, and another within 1/2 mile from the Valley Mall. He noted that an anonymous letter contended that the city was illegally seeking bids for both the land and completed buildings, each of which would house two fire trucks, a day room and a 4-bed bunk room. Also stated that under the State's Procurement Act, the city is prohibited from seeking bids on buildings without an architect's specifications. City Attorney Lapsley made reminder of a provision in the state law which exempts the city from providing specifications for structures if less than 5,000 square feet is required. Manager Milam said he proposed to take a package price and place another Ad with scheduled opening of bids for next Tuesday, in order that same may be referred to the City Planning Commission for review at its next meeting. He asked guidance of Council as to whether he should proceed in this manner, or seek the Attorney General's opinion as to the legality, which action would delay the bid opening on Tuesday. Councilman Cisney said there is nothing standing in the way of the bid opening as scheduled, in that the City has 30 days in which to accept or reject any and all bids. Councilman Robinson suggested that the bids be rejected, and bid again. Manager Milam said that both he and the City Attorney feel that the Ad is legal, and that the City can proceed with a contract. However, he offered an opinion that it would be unfair to make one bidder reveal his prices, and then go through the normal procedure a second time. Following discussion, the City Manager was instructed to reject the first bids and proceed with the second Ad and scheduled bid opening for Tuesday, August 16th.

✓ For information, Mayor Green informed members that he had been requested by the V.F.W. Post 632, and Auxiliary, to sign a Proclamation declaring the week of November 27 - December 3, 1983 as Voice of Democracy Week in Harrisonburg. He noted that under the theme "My Role in Upholding our Constitution", students in the 10th, 11th and 12th grades would participate under a Scholarship Program, by writing on that theme. The Proclamation will be signed and returned, as requested.

✓ The City Manager reminded Council that appointment of a voting delegate and alternate should be made for this year's Virginia Municipal League meeting which will be held in James City County, September 18th, 19th and 20th. Councilman Cisney moved that Mayor Green be appointed Voting Delegate and Vice-Mayor Dingledine, Alternate. The motion was seconded by Councilman Rhodes, and adopted by a majority vote of Councilmen present. Mayor Green, abstaining, and Vice-Mayor Dingledine, absent.

At 10:10 P.M., Councilman Rhodes moved that Council enter an executive session to discuss a real estate and legal matter. The motion was seconded by Councilman Robinson and adopted by a unanimous vote of Councilmen present.

At 10:55 P.M., on motion duly adopted, the executive session was closed and the regular session reconvened.

There being no further business, and on motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote of Councilmen present, the meeting was adjourned.

CLERK

MAYOR

Tuesday, August 23, 1983

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

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

Council received the City Auditor's financial report for the month of June, 1983 and ordered same filed.

✓ Ms. Marjorie Williams, Office Manager of the Virginia Employment Commission, was present in the meeting concerning a Plan of Activities for Job Training in the City of Harrisonburg, Counties or Rockingham and Page, and the City of Winchester (Service Delivery Area No. IV). She noted that no funds were being requested, but simply Council's concurrence with regard to the job service plan which is a service to both the employer and the employee. Ms. Williams noted that the Plan breaks down the types of services provided. Although the services have been provided over past years, this is the first time a report card has been presented. She asked concurrence of Council in showing that the Plan has been presented, and that the services will be provided through Fiscal Year 1983. Following the report, City Manager Milam asked that copies of the Plan be made available for members of Council, for review.

✓ The following Planning Commission report from the meeting of August 17, 1983, was presented and read for Council's consideration of approval:

"...The Director reviewed the map illustrating the Proposed Land Use Plan for Harrisonburg and vicinity. He described the various land uses such as the residential areas, commercial, industrial, institutional and parks-schools areas.

Chairman Eneidy reminded the audience and Commission that a Land Use Plan serves as a general guide to be referred to when determining zoning districts. Mr. Milam added that State law requires a city, county or town to adopt a land

Use Plan as part of the overall Comprehensive Plan. The Director noted that Harrisonburg has not updated its Land Use Plan since March 24, 1970 and this proposal is urgently needed as a result of annexing 11.4 square miles of Rockingham County.

Mr. Heath, noting that the proposed Land Use Plan was reviewed at two public hearings, moved that the Commission recommend it be adopted by City Council. Mr. Trobaugh seconded the motion and all members present voted in favor..."

Planning Director Sullivan explained the proposed Land Use Plan, noting that Harrisonburg is a larger city since annexation of 11.4 square miles of Rockingham County, and that the City's Plan had not been reviewed since 1970. The Plan incorporates land beyond the city limits, and serves as a guide for zoning in the city. No changes have been made since Council's public hearing on July 26, 1983, in that no opposition to the Plan has been expressed. Mr. Sullivan said that the Plan will not show details of the future, in that public hearings will be held prior to a change in any of the zoning districts. Following discussion, Councilman Cisney moved that Council accept the report of the Planning Commission and approve an ordinance for first reading to adopt the Land Use Plan for Harrisonburg and vicinity, as presented. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous recorded vote of Council. The City Attorney was asked to draw a proper ordinance.

With regard to the proposed Zoning Map of Harrisonburg which had been presented at the joint public hearing by Council and the Planning Commission on July 26th, at which time requests were made by citizens for various changes, the following Planning Commission report from its August 17th meeting, was read:

"...The Director reviewed the five sectional maps and described the Commission's suggested changes from what was presented at the joint public hearing on July 26, 1983:

1. Pleasant Valley Section.

- a) Change 32 acres of proposed M-1 east of C-W RR to R-1 for Willow Spring Farms, Inc.
- b) Change 35 acres of proposed R-3 south of Park Apartments to M-1 Industrial (Rocco Enterprises, Inc.).

2. Southwest Section.

- a) Change 5 acres of proposed R-2 on south side of Pleasant Hill Road to B-2 General Business (G.R. Heatwole, Auctioneer and Pear Street Center)

3. Northwest Section - - No change.

4. Northeast Section.

- a) Change 50 acres of proposed R-3 north of Reherd Acres and west of I-81 to R-1 Single Family District. (Reherd Acres, Inc.)
- b) Change 214 acres of proposed R-4 Planned Unit Development (Country Club and Fairway Hills) to R-1 Single Family District.

5. Southeast Section.

- a) Change 70 acres of proposed R-1 east of I-81 and south of Squire Hill Apartments to R-3 (for Triple H Farms, Inc.)

The Commission was presented two petitions, one from Broad View Drive and one from Fairway Hills, urging R-1 Single Family zoning in their areas. Following a few comments from various citizens and clarification of the maps, Mr. Rhodes moved that the Commission recommend to City Council that the revised Zoning Map be adopted. Mr. Trobaugh seconded the motion and all members present voted aye..."

Councilman Rhodes moved that Council accept the report and recommendation of the Planning Commission to approve the Zoning Map as amended. At this point, Mr. Jack DePoy, a developer of Reherd Acres Subdivision, asked to be heard. He requested consideration of Council to leave the 50 acres north of the subdivision as R-3 (originally proposed), rather than making a change to R-1 Single Family Residential District, in that the area is unsuited for that type of development due to sink holes and deep terrain. He noted that the developers had worked out, months ago, a Plan of Development through this land as R-3, which, for some reason, was never presented to the Planning Commission for review. The developers proposed that R-3 zoning line come to the fence row at the cornfield, and then to the Interstate right-of-way. The area referred to as Cedar Field, would have to be developed as cluster housing. If the entire 50 acres is considered for R-3 zoning, Mr. DePoy said that a portion would be developed for single family homes. Mayor Green said he did not know how Council could act on this request, in that two public hearings have been held and the proposed Zoning Map, with suggested changes, placed in order. Mr. Wayne Pankey (presently constructing a single family home on Broad View Drive) noted that the land in question could not be farmed because of sinkholes, but expressed concern about the traffic pattern if zoned R-3 which permits construction of apartments or multi-family dwellings. Mr. Gerald Jacques of 944 Broad View Drive, agreed about the traffic, and added that Cedar Fields "are nothing extraordinary." He reminded Council that a number of property owners had spoken in opposition to any change from the R-1 zoning, at the joint public hearing. When the Mayor asked if he felt a backup of R-1 zoning would satisfy the property owners, Mr. Jacques replied that some of the R-3 development would be visible from Broad View Drive. Planning Director Sullivan pointed out the triangular area and large cornfield on a map, and noted that the cornfield goes to the Old Furnace Road. He said that the proposed change to R-1 has been recommended by the Planning Commission based on comments from the public hearing, but added that Council can change any of the lines, if so desired. The Broad View property owners are interested in as much R-1 District as possible, beyond their street. Vice-Mayor Dingledine asked why concerns expressed tonight were not relayed to the Planning Commission prior to this time. Mr. DePoy said he was not aware, until this weekend, that the map which the developers had prepared, setting out the Plan for the area, had not been presented to the Commission. He expressed a desire to avoid the expense of time and frustration in going back through a long process, and with each house sold, increasing the chance of opposition concerning use of the land. Councilman Cisney said that although he was in

✓ sympathy with the developers' point of view, he "felt uncomfortable about drawing a boundary line that Council is not aware of." He added that the request places Council in a very awkward position to establish a boundary line other than those that have been reviewed and approved by the Planning Commission. He suggested that the map be approved, as amended, and for the developers to submit a request for the R-3 zoning. Although Councilman Rhodes, a member of the Planning Commission, had offered an earlier motion for the Zoning Map to be approved, as recommended, he agreed that a review of the Reherd Acres area should be reviewed by the Commission prior to any action of Council. He then withdrew his original motion and offered a second one for the Zoning Map to be re-referred to the Planning Commission for a review of the Reherd Acres area in question. The motion was seconded by Councilman Robinson. City Manager Milam pointed out the fact that the City has been working for eight months without a Zoning Ordinance, and that according to law, requests for building permits in the Reherd Acres Subdivision area would have to be told that the zoning is R-1. He added that the City is presently working under a handicap and that referral back to the Commission would cause even more delay. Councilman Rhodes said that his motion for re-referral, "still stands." The motion was adopted by a unanimous vote of Council.

✓ Mayor Green said that request had been made to delay any action on Agenda Item No. 6 "Proposed Resolution Authorizing Condemnation of Distribution System Facilities of Shenandoah Valley Electric Cooperative", pending further negotiations by H.E.C. On motion of Councilman Cisney, seconded by Vice-Mayor Dingledine, and a unanimous vote of Council, the matter was tabled.

✓ For Council's consideration, an ordinance amending and re-enacting Sections 12-1-42(a) and 12-1-45(c) of the City's License Code was presented, entitled: "Itinerant and distressed merchandise vendors" and "Peddlers-Generally", respectively. Commissioner of Revenue Victor Smith, reminded Council that the City's business and professional license section had to be amended the first of this year under a state mandate which set a rate of \$ 50. Under the last General Assembly, legislation increased the rate a locality could charge from \$ 50.- up to \$ 500. Under the amendment, a rate of \$ 250. is proposed for itinerant merchants and peddlers and refers primarily to sales which are being held in motels during weekends. Peddlers also come into the City with watermelons, cantelopes, etc. and sell their products from a vacant lot or on the streets. He offered an opinion that the higher rate served as a deterrent for this practice, prior to the state mandate setting rate at \$ 50. Mayor Green asked how the carnival, which was located on the grounds at Drug Fair, was handled insofar as a license, and Captain Stroble said they had obtained a \$ 50. itinerant merchants license. Councilman Cisney asked what the charge was for farmers selling their products at the Farmers' Market which is held in the City on Tuesdays and Saturdays. Mr. Smith replied "no charge by the city, but a slight charge by the Farmers' Market." Following discussion, Councilman Rhodes moved that the ordinance be approved for a first reading, which motion upon being seconded by Vice-Mayor Dingledine, was adopted by a unanimous recorded vote of Council.

✓ Commissioner of Revenue Smith informed Council of a 45% increase in his office workload since the January 1983 annexation of 11.4 additional square miles by the City, with no new employees added since 1980. He has employed two parttime office workers in order to meet the deadline of September 1st for completion of this year's personal property and real estate tax books. An extension of two weeks for the completion has been granted by the state, upon his request. He noted that one full-time employee had been requested in his budget for the 1983-84 fiscal year, which request was not approved either by the City or the State Compensation Board. He stressed the need for a full-time person, in that his office does the reearching on taxpayers, etc. and turns this information over to the office of City Treasurer. Mayor Green asked what he would do with the parttime people, should a full-time person be added, and Mr. Smith replied that there is a need for extra help several times during the year, which would make it impossible for them to be eliminated. Councilman Cisney asked Mr. Smith if the appraiser in his office would do the City's reassessment, and Mr. Smith replied that his request would not include assuming the reassessment. Councilman Robinson asked what figure was proposed for the new position's annual salary, and was informed \$ 11,500. City Manager Milam brought to the attention of Council the fact that the State Compensation Board had not approved funding of one position in the City Treasurer's Office (already filled) and that it had also cut back on its funding for this year. Following discussion, the City Manager was asked to check into the Commissioner of Revenue's request, for a possible solution.

✓ Assistant City Manager Driver reported that repairs to the steam lines has begun, but is not progressing as rapidly as had been hoped, in that there are sixteen manholes. When the Mayor asked if he felt comfortable with the repairs, Mr. Driver replied in the affirmative, in that a good job is being done to prevent future leaking in the manholes. He noted that the City had purchased all the pipe, in order to keep same out of the total project price. Mayor Green said he had received a complaint that the lines were not plumbed according to specifications, and Mr. Driver replied that the Engineer had said it was right. The facility should be started up the first part of next week, and will be supplying air conditioning to the JMU Convocation Center.

✓ Correspondence was presented from The Reverend Wayne McDorman, pastor of the Solid Rock Church of God (S.High St.), requesting permission to use the sidewalks surrounding the Court Square on Saturday, October 15th, for a baazar and selling of sandwiches from a food wagon. Other churches in the district will also be involved. City Manager Milam made reminder that City Council serves as trustees of the city's sidewalks, and must grant permission for use of same. He noted that more details may be needed, in that this a different type of activity than those approved for civic organizations. Councilman Cisney expressed concern that this could set a precedent in permitting private organizations to "set up businesses on downtown streets." He does, however, approve of non-profit organizations using a portion of the sidewalks, but feels that a policy or some guidelines should be drawn up for this type of request. He offered an opinion that the request should be tabled until the City Manager could come up with some guidelines, in conjunction with the Street Department. Assistant City Manager Driver said there have been no problems with the Street Dept. working with the Retail Merchants, but raised the question of why the large area on the south side of the Square, which was provided for such events, is not being used in lieu of the sidewalks. Councilman Cisney questioned why the church does not use its own property on High Street for the baazar. Following discussion, the City Manager was asked to discuss the request with the Harrisonburg Retail Merchants' Association to determine how they feel about the request. Vice-Mayor

Dingledine suggested that it be discussed from the standpoint of the area which has been provided on the south side of the Square.

✓ Correspondence dated 7/18/83 from Mr. Thomas Muehlenbeck, City Manager of Virginia Beach, Va., was presented by the City Manager, which correspondence concerned distribution of ABC profits to localities. It was noted that under Section 4-22 of the Code of Virginia, distribution is based upon population according to the last United States Census. Efforts have been made over past years for this section to be amended by the General Assembly in order that distribution would be based upon annual population estimates determined by the Tayloe Murphy Institute of the University of Virginia. The Virginia Beach City Council will be asking its state legislators to amend this section in this manner, and the support of Harrisonburg was requested, through contact with its state legislators. Manager Milam referred to a report enclosed with the correspondence, showing comparison of ABC profit distribution in the various Virginia localities for the 5-year period 1976 - 1980, based on the U.S. Census and on the Tayloe Murphy Institute population estimates, which report set out a loss to Harrisonburg of \$ 50,410. for that period. He offered an opinion that it would be fair to base distribution on an annual population estimate, rather than on a 10-year census. Following discussion, Vice-Mayor Dingledine offered a motion for the Harrisonburg City Council to support the effort of Virginia Beach. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ With regard to the matter of providing additional office space for the Social Services Department, City Manager Milam reported that several locations which have been offered, have been investigated by Mr. Tom Connors of the Regional State Welfare Department, none of which have proven to be more suitable than the Municipal Building which presently houses the Department, other than the former Green Stamp Store location on South Main Street. A portion of that building is presently occupied by the CETA Program which will be phased out on September 30th of this year, with its employees transferred over to the Job Training Program. Manager Milam said he had met with representatives of the Virginia Employment Commission, and indicated that the City could not assume the lease at the price quoted for the S. Main Street location. The Social Services Department presently occupies three former classrooms on the first floor of this building, and is faced with a critical problem, particularly since annexation, due to increase in staff members and a more involved food stamp program. If agreeable with Council, Manager Milam said he would make some changes in the Municipal Building to accommodate Social Services. No objections were expressed.

✓ City Manager Milam reported that he and City Auditor Peterman had a half-day meeting with Mr. Ben Vorhies, Executive Director of the CETA and Job Training Programs, in an effort to determine what duties and responsibilities, as well as the long range cost would be, in the event the City of Harrisonburg would agree to serve as Fiscal Agent (Grant Recipient) for the Job Training Program. Inasmuch as a Memo did not answer all the questions, he and the Auditor reviewed some parts of the Public Law that sets up the funding for job training in Virginia and under which the Governor designates the Service Delivery Area and has the "say-so" of what will take place over the next several months. He informed Council that a number of calls had been received, asking Harrisonburg to serve as Fiscal Agent. After reviewing the Act, Manager Milam said they were not able to determine what the cost would be, or what responsibilities and duties would be involved. They indicated to Mr. Vorhies that the City would not be interested in serving as Fiscal Agent due to responsibilities and duties involved. As a final statement to Council, Manager Milam said he "does not feel that it is Harrisonburg's duty to act as Fiscal Agent for an area which stretches from Rockbridge to Clarke Counties.

✓ Correspondence dated 8/16/83 from Mr. Thomas Callender, 3131 Willow Spring Road (new resident of the city under annexation), requested permission to hook on to the County's water line which runs through Willow Spring properties land at two places. Request was made due to the fact that Mr. Callender's well has become contaminated, and another supply of water is needed. City Manager Milam referred to an excerpt from the County Board of Supervisor's August 8th meeting which contained the following motion regarding Mr. Callender's request (1) that the Board approve a hook-up to the County's water line if Mr. Callender receives, in writing, permission from the City to do so; (2) In the alternative, if the City objects to the foregoing contained in item No. 1, that the City be advised that the County is willing to sell that portion of its water line that is located within the new city, to the City of Harrisonburg, at the County's cost. This would allow a hook-up to be granted by the City to Mr. Callender from this line after it is purchased, at a considerable saving to Mr. Callender." Manager Milam suggested that this be handled the same as for any other individual property owner in the city. Inasmuch as Mr. Callender did sell off property, and there is a water line to their properties, be, as a developer, can make application for a water line near the other property, unless Council wants to consider purchasing that portion of the line from the County. Councilman Cisney asked how far the city line is from where the water is requested, and Manager Milam said he did not have this information at this time, although he had requested that a map be prepared. Councilman Cisney said he would like to see a map before any decision is made, and that if the City's line is near Mr. Callender's property, he cannot see the city spending money for purchase of the County's line. Manager Milam said he would bring the matter before Council's next meeting, along with a map.

At 9:22 P.M., Councilman Rhodes moved that Council enter an executive session to discuss a legal and personnel matter. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

At 10:45 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, and on motion duly adopted, the meeting was adjourned.

CLERK

MAYOR

Tuesday, September 13, 1983

At a regular meeting of Council held in the Council Chambers this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingleline, Jr.; Councilmen Elon W. Rhodes, James C. Cisney, Thomas H. Robinson, II; City Auditor Philip Peterman and Chief of Police Richard W. Presgrave. Absent: none.

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

The following regular monthly reports were presented and ordered filed:

From the City Manager:

A report of activities in the various departments and said office for the month of August, 1983.

From the City Treasurer:

A trial balance report as of close of business on August 31, 1983.

From the Police Department:

A report of total number of arrests; fines and costs; bicycle permits; cash collected from street parking meters; total cash collected all sources for month of August, 1983 in total amount of \$ 6,356.76.

From the City Auditor:

A report of cash discounts saved in payment of vendor's invoices for month of August, 1983, in total amount of \$ 215.21.

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 August, 1983.

✓ Mr. Gordon Speck of 126 Port Republic Road, appeared before Council to present a petition signed by fifty residents, requesting that heavy truck traffic be re-routed to the Cantrell Avenue expressway, and further, that the speed limit on Port Road be reduced to 25 mph. He noted that signs could be erected, directing trucks to the other route. Noise in early morning hours, littering of the road by feathers from poultry trucks using Port Road as a short-cut from I-81 to South High Street, and safety hazard posed, were set out as some reasons for the request to re-route heavy trucks. Inasmuch as Port Road has no sidewalks, and children walk to and from school, the truck traffic poses a danger to them and other pedestrians. Mr. Speck offered an opinion that Cantrell Avenue is a faster and safer route for trucks going from the Interstate to the west side of the city, with Cantrell Avenue capable of handling 60% more traffic than it experiences at the present time, with no improvements needed. He pointed out that Port Road has undergone two widenings thus far, require portions of some residents' yards, and if the project is carried out a third time, as proposed, even more land will be needed, placing some homes even closer to the road. Councilman Cisney asked Mr. Speck if he felt that upon completion of Route 11 south, trucks coming from the south will use the Belle-Meade exit more than at the present time, and offered an opinion that this would be much simpler. Mr. Speck agreed, but noted that signs should be placed at that exit for that purpose. Following discussion, Councilman Rhodes said that inasmuch as the Harrisonburg Department of Transportation & Safety Commission is in the process of studying truck routes and signs, he would offer a motion for the Port Road petition to be referred to that Commission for investigation, and recommendation back to Council. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council. Mr. Speck volunteered his services in any way in order to remedy the situation, and was assured that he would be notified in advance of the Commission's next meeting.

✓ Through correspondence dated 8/27/83 from Nancy Poster of the law firm of Moore, Jackson, Graves and Ralston, on behalf of her client, Ralph DeSarno, Council was advised that her client desires to obtain a pawnbroker's license to conduct business as a pawnbroker at 30 South Main St. in Harrisonburg. City Manager Milam said he had left word for Attorney Poster that the matter would be brought up this evening, but that she was not in attendance, although request for notification of the meeting date had been made. City Attorney Lapsley said that the permit would have to be obtained through the Circuit Court, and Chief Presgrave said he felt that some state laws which were adopted by the City, would have to be complied with, prior to any action of Council. Commissioner of Revenue Smith said that the City has to determine how many pawnbrokers it desires and approve a resolution or ordinance to that effect. Following discussion, the City Attorney was asked by Council to meet with those concerned, and to review the laws, in order to determine steps to be taken with regard to the request.

✓ Correspondence was presented and read from the Shenandoah Valley Historical Institute and the Harrisonburg-Rockingham Historical Society, requesting that the month of October be proclaimed "German Heritage Month", in that many activities have been planned during that month to commemorate the 300 years of German immigration. The year 1983 was designated as the Tri-centennial year by the U.S. Congress and President Reagan. It was noted in the correspondence that many of this community's citizens trace their ancestry back to the early Germantown settlers or others who came in successive years, and that the German religious heritage is a particularly alive and vital part of our community today. On motion by Vice-Mayor Dingleline, seconded by Councilman Robinson, and a unanimous vote of Council, the request for a Proclamation was approved.

✓ Correspondence dated 8/29/83 from Mr. Beverly Suter, Professional Engineer, was presented, in which request was made for the subdivision plan and specifications of Section III, Fairway Hills Subdivision to be reviewed with regard to roadways and utilities proposed for construction. It was noted that although pertinent information was enclosed with the correspondence, that a plat of the section would be provided at the earliest possible moment. Planning Director Sullivan informed Council that Mr. Suter had brought the drawings into his office today, and is in the process of preparing smaller drawings. On motion of Councilman Cisney, seconded by Vice-Mayor Dingleline, and a unanimous vote of Council, the request, along with information provided, was referred to the City Planning Commission for study and recommendation.

Correspondence was presented from Attorney George H. Roberts, Jr., enclosing a certified copy of Form 8038 relating to a \$ 400,000 Industrial Development Authority, Harrisonburg, Va., Medical Facility Revenue Bond for the Pleasant View Home for the Handicapped, Inc. project. Certification by Mr. Dwight Miller, Secretary of the I.D.A., accompanied the correspondence, stating that the attached Form 8038 is a true and correct copy of the form filed with the U.S. Internal Revenue Service with respect to the bond issue. City Manager Milam pointed out the fact that the state code requires that the form be presented to the Council. Councilman Cisney offered a motion for Council to acknowledge receipt of the form, which motion, upon being seconded by Vice-Mayor Dingledine, was adopted by a unanimous vote of Council.

Mr. David Updike, 75 Fairview Avenue, registered a complaint concerning the problem of birds in his area, which has caused neighbors to be "up in arms." He noted that the situation is worse this year than last, and nothing seems to keep them away. It is impossible for children to ride their bikes and play outside in the evening hours. Mr. Updike asked if the City could cut the overgrowth of brush at the fire department site, along the tracks, and was informed that this would be the responsibility of the railroad. Vice-Mayor Dingledine said that several methods for eliminating birds had been experimented with in other areas, but nothing seemed to be too effective. Mayor Green noted that birds are a problem all over the city. Mr. Updike informed Council that some of his neighbors had volunteered to trim their trees, if this would help the situation. Following discussion, the City Manager was asked to contact the railroad officials with a request for the brush to be cut, and report back to Mr. Updike.

Correspondence was presented from Mr. Saylor Neff, Jr., requesting review of plans for establishing new lot lines and abandoning old ones for the property located at Dogwood Drive and Willow Street which has been approved for construction of townhouses for sale. On motion of Vice-Mayor Dingledine, seconded by Councilman Robinson, and a unanimous vote of Council, the plans were referred to the City Planning Commission for study and recommendation.

For consideration of a second & final reading, an Ordinance amending and re-enacting Section 10-3-5 of the city code entitled: "Land Use Plan; Generally"; was presented. The Ordinance adopting the Land Use Plan had been approved for a first reading on August 23, 1983. 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 Robinson, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk L, page 13)

For consideration of a second & final reading, an ordinance amending and re-enacting Section 12-1-42(a) of the city code entitled "Itinerant and distressed merchandise vendors" and Section 12-1-45(c) entitled "Peddlers-Generally", was presented. The ordinance, which places a license tax of two hundred fifty dollars (\$250.00) on itinerant merchants and peddlers, had been approved for a first reading on August 23, 1983. Commissioner of Revenue Smith asked that the ordinance, if approved, be made effective as of October 1, 1983. Councilman Rhodes moved that the ordinance be approved for second & final reading, to become effective on October 1st, 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 Dingledine, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk L, page 14)

City Manager Milam reported that upon request by Council, he had contacted the Harrisonburg Retail Merchants' Association with regard to a request of The Solid Rock Church of God (S.High St.), to use the sidewalks surrounding Court Square on Saturday, October 15th, for a bazaar and the selling of sandwiches from a food wagon. He presented and read correspondence dated 9/12/83 from Mr. Michael Lowry, President of the Association, in which he advised that he had spoken with several merchants of the downtown retail community, with a preference that approval not be given, for the following four reasons: (1) a desire for the Association to discuss and participate in events for promotion in the downtown area to ensure their success and maintain an atmosphere that is helpful to our community; (2) The Association would be willing to assist in any massive event downtown if sponsored by a number of varying church denominations, provided the Association could have some input; (3) concern that approval of this request by an individual church could set a precedent on this type of activity downtown, with the city's organizations and affiliated merchants losing all control on these events; (4) opinion that the requestor has sufficient land area downtown to hold their bazaar at that location. Manager Milam informed Council that the Downtown Development Corporation is also concerned about not having any input into such matters. Following discussion, Councilman Cisney moved that the request of Solid Rock Church of God be denied, and that the requestor be so advised, with suggestion that any future requests of this nature, be channelled through the Retail Merchants' Association. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council. Mayor Green again raised the question as to why the large area on the south side of Court Square, which was provided for community events, is not being utilized.

Council received the following Planning Commission report from its meeting held on August 31, 1983:

"..Following a field trip to view five potential locations for a new Fire Department Sub-Station in the Route 33 East Corridor and ten potential locations in the Route 11 South and Pleasant Valley Corridor, the Commissioners discussed and reviewed their impressions and the facts available regarding lot location, physical characteristics, price, and suitability from the standpoint of responding to fire calls. Fire Chief Shifflett explained to the Commissioners the advantages of proposed Lots 1 and 2 on Terri Street, between East Market Street and Country Club Road, and proposed Lots 4 and 5 on South Main Street's east side opposite Harrisonburg Truck Terminal and Sellers Furniture. He also reported that a brick veneer structure is preferred over a metal building, for heating and appearance reasons. Mr. Milam reported that \$ 145,000 is in the current budget for Fire Department capital outlay, thus the City Council will have to appropriate \$210,000 more if a combination of any two of the proposed lots are purchased and both sub-stations are constructed this fall.

Feeling that the features most desirable exist to the greatest extent in the proposed Lot 1 on Terri Street and Lot 5 on South Main Street, Mr. Trobaugh moved that the Planning Commission recommend to City Council that they accept the contract package offered by Mr. Bill V. Neff for Lots 1 and 5, with the brick veneer building plan for both sub-stations. Mr. Fleming seconded the motion, adding that both sub-stations should be constructed at the same time if funding is available. All members present voted in favor of the motion. Fire Chief Shifflett indicated that construction of the east sub-station would come ahead of the south sub-station if they are done at different times..."

City Manager Milam reviewed all proposals with Council, as well as the floor plan for the sub-stations which would include a 2-truck bay, day room, bunk room, restrooms and kitchen. He noted that landscaping and paving were also included in the package deal submitted by Mr. Neff. Under the package deal, Mr. Neff offers Lot #1 on Terri Street with brick veneer building for a cost of \$188,066.68. and Lot #5 on S.Main Street with brick veneer building for a cost of \$ 167,006.68. Manager Milam said he has asked Mr. Neff to submit a preliminary plan of the building, and to improve on his specifications for possible deletions, etc., in order to reduce the cost. The deductions were received today, and reviewed with Council. With regard to a question which had been raised concerning legality of the city's Ad for the land and building, City Attorney Lapsley advised in correspondence of September 7th, that following consultations with Mr. Clay Wirt, Staff Attorney for the Virginia Municipal League; Mr. Westwood Smithers of the Attorney General's Office, and Mr. Douglas Hammer, Jr., Director of the Department of General Services for the Commonwealth of Virginia, he is of the opinion that the City has the right to use the design-build method, in that the City already had the basic design of the proposed building, prior to its request for bids. In closing, the City Attorney stated, "it is my opinion, based upon the consultations had, the research done and the facts of our present situation that we can proceed as planned. If any person wishes to challenge this method, it is his privilege, and I feel that he would have to show us by something other than his own opinion, that we are wrong." Following discussion, Councilman Cisney offered a motion for Council to receive the Planning Commission's report and table the matter for further review by members of Council. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

With regard to a report which had been presented to Council at the last regular meeting by Ms. Marjorie Williams, Office Manager of the Virginia Employment Commission, relating to activities to be carried out in the current fiscal year for Job Training in Harrisonburg, City Manager Milam offered an opinion that according to information which had been received, concurrence of the Program and activities, is requested. Following a brief review of the activities as set out in current information, Vice-Mayor Dingledine moved that Council acknowledge receipt of the information, and concur in activities proposed through Fiscal Year 1983. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

Under Item 10 of the agenda, "Other Matters", the following requests and/or complaints rec'd by members of Council, were registered:

Mayor Green said he felt that the J.M.U. Safety Commission had talked with the Highway Department personnel concerning a lot of night traffic to Howard Johnson's, and that a request has been made for the city to install a lighting system on the I-81/Port Road bridge, in that a number of off-campus students travel that way after dark, on foot. Inasmuch as the number of lights which would be required, and cost of same, is not known, he suggested that the matter be given some study by the city's administration and Department of Transportation & Safety Commission. He noted further that he did not know how much should be done, in view of the Port Road widening project which is to be bid this year by the Highway Department, and questioned whether the city is responsible for the lights. He asked the City Manager to investigate the matter through the Highway Department to determine who is responsible for the bridge, cost of installing & operating the lights, and whether or not lights would affect I-81 traffic.

Vice-Mayor Dingledine registered complaints concerning speeding on South Mason St., as well as heavy trucks travelling through the street in early morning hours.

Vice-Mayor Dingledine informed Council of a letter which he had received, requesting that a guardrail be erected along the curve where vehicles travel east on Cantrell Avenue and across the Ott Street hill, where the street narrows at the curve. A traffic hazard is posed, in that cars could "shoot off" the street at the curve.

Following discussion, Vice-Mayor Dingledine moved that the above matters be referred to the H'burg Department of Transportation & Safety Commission for review and recommendation to Council. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

Councilman Rhodes registered a complaint he had received concerning increased traffic on East Elizabeth Street since Council's action approving one-way traffic on Sterling Street. He suggested that the possibility of widening one or two blocks of E.Elizabeth St., be referred to the Street Department for investigation and recommendation. Council concurred in the suggestion for referral.

Councilman Rhodes informed Council that he had received complaints re odor from growth and trash along the stream in rear of Gitchell's Studio on E.Market Street and off Federal Alley. The City Manager was asked to have the situation investigated, from the standpoint of a solution to the problem.

City Manager Milam said he had received a request from the Harrisonburg Electric Commission for an executive session with Council to discuss a legal matter.

At 8:55 P.M., Councilman Cisney moved that Council enter an executive session to discuss a

legal matter with HEC, as well as personnel and a legal matter not connected with HEC. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

At 11:20 P.M., on motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote of Council, the executive session was declared closed, and the regular session reconvened.

There being no further business, the meeting was adjourned.

CLERK

Harry F. Jones
MAYOR

Tuesday, September 27, 1983

At a regular meeting of Council held in the Council Chambers this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingledine, Jr.; Councilmen Elon W. Rhodes, Thomas H. Robinson, II; 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 13th were read, and approved as corrected.

Council received the City Auditor's Financial Report for the month of August, 1983, and ordered same filed.

Vice-Mayor Dingledine presented and read a Proclamation from the office of Mayor, Harrisburg, Pennsylvania, which designated the weekend of August 26 - 28, 1983 as "ANNUAL GREAT VALLEY INTER-STATE TOUR DAYS." The Proclamation was somewhat humorous in nature, referring to Harrisburg, Pa. being confused with Harrisonburg, Va., and urging Harrisburg citizens to learn the difference between the two. It was noted that the one vehicle which fosters a closer relationship, has been a bicycle trip between the two cities, with the designated weekend representing the second such event through Pennsylvania, West Virginia and Virginia, sponsored by Harrisburg through the goodwill & civic mindedness of the Patriot News Company and the Harrisburg Bicycle Club. The Vice-Mayor said he had not realized confusion between the two, until he heard Captain Stubby correct himself, on the radio.

The City Manager called members' attention to their copies of the Financial Statements for the Harrisonburg-Rockingham Regional Sewer Authority as of June 30, 1983, which report was prepared by the Harrisonburg CPA Firm of Young, Nicholas, Mills & Company.

Correspondence dated 9/23/83 from Attorney Steven Weaver, on behalf of his clients, David and Carter Flynn, was presented, in which request was made for subdivision of three lots in the Turner Ashby Liskey Subdivision. Mr. and Mrs. Flynn, contract purchasers of Lot #2, comprised of 5.004 acres, desire that a portion of same be subdivided into 2 lots (1.174 acres and 1.146 acres), with the remaining portion, the site of an existing residence. The Subdivision is located on the south-west side of Route 720 between the Cedar Grove and New Hope Churches, in the City of Harrisonburg. Vice-Mayor Dingledine moved that the two enclosed plats 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 Councilmen present.

Council received a petition signed by twelve downtown merchants requesting consideration of Council in changing the "no parking" sign on S. Main Street in front of Gray's Sewing Center, to 10 minute parking, for the purpose of pick-up and delivery. It was noted that this action would increase business considerably. Mayor Green said he felt that the merchants have a good point, in that he had looked into the situation several weeks ago, and discovered that people stop to pick up sandwiches, and trucks use the area during morning hours. Councilman Rhodes offered an opinion that a change to 10 minute parking may be abused by some, with the necessity of giving parking tickets, posing a problem. Chief Presgrave said he was not aware of the request by merchants, but has not found that vehicles abuse the time for pickups and deliveries. He noted that trucks sometimes have to park out in the street, which is bad for traffic. Following discussion, Council asked the City Manager to talk with city staff concerning the request, and bring back a report.

The following report from a Planning Commission meeting held on September 21, 1983, was read:

"...The Commission reviewed the overall proposed Zoning Map of the annexed territory and then considered drawing a new line between proposed R-1 Single Family Residential and R-3 Multiple Dwelling District in Reherd Acres, Inc. property located north of the old city limits. Mr. J.R. Copper, Jr., explained the location of said line by referring to a large map. It places 20 acres in R-1 and 30 acres in R-3. He also described a preliminary layout of future streets. Mr. Fleming asked if the line between the two proposed zones can be tied down to terrain or other features and Mr. Copper noted the line follows a fence separating a cornfield from a field of cedars. The Director read a letter from Mr. Wayne Pankey, 941 Broad View Drive, who stated his support for the proposed rezoning. Two of sixteen Broad View homeowners were present, but did not speak.

Mr. Fleming moved that the Commission recommend the Proposed Zoning Map of the annexed territory be adopted, including 20 acres of R-1 and 30 acres of R-3 in the Reherd Acres property immediately north of the old city limits. Mr. Heath seconded the motion and all members present voted in favor..."

Planning Director Sullivan pointed out the location of the 20 acres proposed for R-1 zoning and the 30 acres proposed for R-3 in the Reherd Acres Subdivision, and reminded Council that the change had been considered following a request by Mr. Jack DePoy, developer, that the entire 50 acres not be zoned R-1 Single Family, as amended by the Commission from its original proposal for a portion

to be R-3, based on comments from residents in the area at the joint public hearing by Council and the Planning Commission, requesting R-1. Councilman Robinson moved that Council approve the ordinance for a first reading, as submitted, including the change in Reherd Acres. Mayor Green pointed out one area which he said he could not figure out, and did not know if the people understand all they need to know, insofar as the meaning of a non-conforming use. He referred to the grocery store which is operated by Mr. DeSarno (University Market), located at 2020 Port Republic Road and adjacent to Comsonics, which is presently zoned as R-1, and has been in existence for as long as he can remember. The Mayor said he would not like to see a non-conforming use, surrounded by industrial and business zoning. He noted that the owner of the market did not understand what he could do with his business or what his recourse would be, in the event he would have to rebuild at some future time. An alley which serves as a right-of-way through Mr. DeSarno's property, belongs to him, but is used as a driveway into Neff Mobile Homes site. Should the owner decide to sell, the right-of-way would have to go into litigation. Councilman Robinson then amended his motion to include Mr. DeSarno's store under the B-2 General Business district. Councilman Rhodes asked if it was felt that we would be getting into spot zoning, and Mr. Sullivan replied that we do have a number of businesses in M-1 Industrial Districts (i.e. Roth Theater, Mick or Mack, etc.) He said that M-1 Industrial could be extended to include the market, which would result in that business no longer existing as non-conformance. Councilman Robinson then informed members that some of the property lines had to be adjusted, and it was discovered at that time that the right-of-way into Neff Mobile Homes, actually belongs to Mr. Neff. Mr. Sullivan pointed out that Mr. DeSarno could request a variance from the Board of Zoning Appeals, should he be faced with the necessity to reconstruct his business, and Mayor Green offered an opinion that this would not protect the property owner. Mr. Sullivan said that the question of ownership of the adjoining land must be determined. Councilman Robinson then withdrew his amendment, and reverted to his original motion to approve the ordinance for a first reading, as submitted, with request for Mr. Sullivan to bring a recommendation concerning the DeSarno property, prior to a second & final reading. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous recorded vote of Councilmen present.

Council received the following Planning Commission report from its September 21st meeting:

"...The Commissioners reviewed a map showing Holly Farms Poultry Industries, Inc. and the Randolph and Dorothy Shifflett lot located at 591 North Liberty St. Holly Farms has a purchase contract to acquire the Shifflett lot and is requesting it be rezoned to M-1 Industrial. Attorney James Lane told the Commissioners that Holly Farms will establish a parking lot in the backyard and use the dwelling for their security personnel office. He stated that this will be for the immediate future, but eventually the house may be demolished. The Director suggested a strip of grass be left along the border with the May Boyce property which is just north of the Shifflett lot.

There were no comments from the audience.

Mr. Fleming moved that the Planning Commission recommend that the Shifflett lot, 591 North Liberty Street, be rezoned from R-2 Residential to M-1 Industrial. Mr. Heath seconded the motion and all members present voted in favor..."

The City Manager called attention to the map attached to the report, showing location of the lot requested for rezoning, and noted that should the Commission's report be accepted, a public hearing would have to be scheduled by Council. Vice-Mayor Dingledine offered a motion for the report to be accepted and a public hearing scheduled for Tuesday, October 24th, 7:30 P.M. The motion was seconded by Councilman Robinson, 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.

The following Planning Commission report from its September 21st meeting was presented and read by the City Manager:

"...The Commissioners studied copies of a proposed townhouse subdivision, Brookland Addition, located between South Willow Street and South Dogwood Drive and bordered by West Bruce on the north side. Mr. Saylor Neff, Jr., owner of the 2.3 acres, shows 20 townhouse lots and one lot with an existing 4-unit apartment house. The property was rezoned to R-2 Residential in July 1983 and Mr. Neff's development plan was reviewed at that time. The Director reported that all proposed lots are larger than minimum requirements. Two of the townhouses will face undeveloped West Bruce Street, ten will face South Dogwood Drive and eight will face South Willow Street. A stream runs across the front yards of the West Bruce Street lots and no information is available concerning flooding conditions. City Staff recommends that the townhouses be built above the street grades of both South Willow Street and South Dogwood Drive. The subdivision plat, drawn by Mr. Gary Judd, must be drawn at a scale of 1" = 100' before it can be recorded. Another phase of the project will involve eliminating the old lot lines which date back to the early 1900's. Since none of the lots involved have been sold by Mr. Neff, City Council can vacate the old lot lines without a public hearing since the developer is the only owner and no other lot owners are involved.

Mr. Rhodes concluded the review with a motion recommending approval of the Brookland Addition townhouse subdivision, providing City Council vacate the old lot lines and a plat be drawn with a scale of 1" = 100'. Mr. Fleming seconded the motion and all members present voted in favor, with Mr. Trobaugh abstaining..."

Planning Director Sullivan presented a map showing the old lot lines requested for vacation by Mr. Neff, noting that the same action applies to earlier vacation of lot lines which occurred in a prior request for a subdivision on Franklin Street, in which case, all lots were owned by the same party. In cases such as this, Mr. Sullivan noted that the state code permits vacation of lines by motion of Council, which eliminates the need for a public hearing to be held. Following a review of the new plan, and discussion, Councilman Rhodes moved that Council approve vacation of the existing lot lines in Brookland Addition, as requested. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Councilmen present. Vice-Mayor Dingledine offered a second motion for Council to accept the Planning Commission report and approve the new subdivision plat, with established new lot lines. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

✓ The following report from a Planning Commission meeting of September 21st was presented and read:

"...The Director distributed copies of the Transportation Safety Commission minutes of July 26, 1983 and traffic counts of trucks passing through Court Square. The Safety Commission sent this data back, with no recommendation as they saw no problem with safety, but they "strongly feel a public hearing should be held if an attempt is made to alter the truck routes." Mr. Jeff Nemoytin, Court Square merchant, urged establishment of a truck route ordinance. He also suggested bigger "truck route" signs be installed marking the current east-west truck route.

Mr. Fleming then moved that the Commission recommend City Council look into writing a truck route ordinance, and improve the existing east-west truck route signs. Mr. Heath seconded the motion and all members present voted in favor. The Commissioners also agreed that they will likely have a public hearing to consider establishing additional truck routes..."

Planning Director Sullivan said he has no map on the subject of truck routes, and City Attorney Lapsley noted that street names would be necessary prior to the preparation of an ordinance, which would be light weight in nature. Mr. Sullivan offered an opinion that it would involve Route 33 east and west, and Route 11, which are both open to trucks, with a problem when it reaches Court Square. Further noted was the fact that tonight, the Planning Commission was presenting its desire that an ordinance be given serious thought, with dependence upon the City Attorney for preparing same from necessary information and direction. He said he felt that the east/west signs need to be studied in order to determine what is necessary to improve them, insofar as enlargement, etc. The 1982 traffic count includes some roads which were outside the City at that time, and are now within the City since annexation. Assistant City Manager Driver informed Council that the main concern is whether the east/west route should be moved further out, and offered an opinion that some group should make a study and come back with a recommendation stating where the routes should be, with an ordinance to be written from that information. He said that when the matter came up before the Transportation & Safety Commission, it had been requested by one group that the routes be expanded further north and south. He suggested that some others using the routes, should be heard, in that the request for expansion had been from only one group. Mr. Jeff Nemoytin, downtown merchant, pointed out the fact that the City has the right to prohibit trucks on certain streets, under the state law, and that tickets may be given for violations, with no need for a City ordinance. He suggested that Cantrell Avenue be designated as a truck route for east/west traffic, in that Main Street is being used as a truck thoroughfare. Councilman Rhodes noted that the matter had been discussed by the Department of Transportation & Safety Commission, with a general feeling of members that Council should appoint a committee of individuals capable of coming back with a recommendation concerning an ordinance, improvement of signs, or anything else that would lead to a solution. Following discussion, Vice-Mayor Dingledine offered a motion for a committee to be established with representation from the trucking industry, Highway Department, businesses and citizens, to study the entire matter of trucks on city streets, in order to give some direction toward the writing of an ordinance. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

✓ City Manager Milam presented a request from Commissioner of Revenue Smith for approval of a supplemental appropriation in amount of \$ 9,000. to cover salary for a new fulltime employee in his office (Tax Technician) for period October 1, 1983 through June 30, 1984, which has met with Council's approval. Vice-Mayor Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 9,000. chgd.to: General Fund - Unappropriated Fund Balance

9,000. approp.to: General Fund (1209-1001.07) Commissioner of Revenue- Tax Technician

The motion was seconded by Councilman Robinson, 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 \$ 13,893.75 which represents funds recovered in construction of a portion of Vine Street just north of Country Club Road. It was noted that the funds had been expended by the Street Department, with city forces installing storm drain line and inlets, grading and construction of sub-grade and base. One-half the total amount has been paid by Mr. Neil Turner as per agreement. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 13,893.75 chgd.to: General Fund (1901.01) Recoveries & Rebates

13,893.75 approp.to: General Fund (4102-3004.05) Maint. & Replacement Highways, Streets and Sidewalks

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

✓ City Manager Milam presented a request for approval of a supplemental appropriation in amount of \$ 130.00, and noted that this amount had been refunded by the Virginia Municipal League Conference, in that City Attorney Lapsley had registered, but was unable to attend. Councilman Robinson moved that the appropriation be approved, and that:

\$ 130.00 chgd.to: General Fund (1901.01) Recoveries & Rebates

130.00 approp.to: General Fund (1204-5500.01) City Attorney - Travel

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

✓ City Manager Milam reported that he had received from the Department of Housing & Urban Development, a certificate of closeout of the Small Cities Community Development Block Grant Program No. B-78-DN-51-0120, and a duly executed closeout agreement. He pointed out that the Grant was in total amount of \$1. million, with funds distributed in the area between Elizabeth, Rock, North Liberty and North Main Streets, for acquisition of various properties, and construction of the Elderly Housing Project (Lineweaver apartments). Council was informed that all funds have been expended, with \$ 964,716.00 received thus far from HUD, and the balance of \$ 53,284. to be received for work which has been completed, or is underway, such as parking lots, etc. Manager Milam said that the City has no other federal funds at the present time. The report was for information.

City Manager Milan informed Council that he had received from the Soil & Water Conservation Service, a supplemental watershed agreement no. 3 for the lower North River Watershed, the original agreement having been signed on September 10, 1964. The Rockingham County Board of Supervisors have made request to become a sponsor of the project, by letter of 6/16/83, in order to participate in the flood control dam to be constructed on Black Run, near Rawley. He noted that the supplement agreement has been signed by the Chairman of the Shenandoah Valley Soil & Water Conservation District, but not by the county or Soil Conservation Service USDA. Following a brief discussion, Council asked the City Manager to obtain further information concerning the original agreement of 1964, prior to any action on the supplemental agreement no. 3.

At 9:10 P.M., Vice-Mayor Dingledine moved that Council enter an executive session to discuss personnel. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Councilmen present.

At 10:20 P.M., on motion duly adopted, the executive session was declared closed and the regular session reconvened. There being no further business, the meeting was adjourned.

CLERK

Walter F. Green

MAYOR

At a regular meeting of Council held in the Council Chambers this evening at 7:30, there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingledine, Jr.; Councilmen Elon W. Rhodes, James C. Cisney, Thomas H. Robinson, II; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Vice-Mayor Dingledine called the meeting to order and asked for roll call and reading of minutes.

Minutes of the regular meeting held on September 27th were approved, as corrected.

The following regular monthly reports were presented and ordered filed:

From the City Manager:

A report of activities in the various departments and said office for the month of September, 1983.

From the City Treasurer:

A trial balance report as of close of business on September 30, 1983.

From the Police Department:

A report of total number of arrests; fines and costs; bicycle permits; cash collected from street parking meters; total cash collected all sources for month of September, 1983 in total amount of \$ 8,026.86.

From the City Auditor:

A financial report for the City of Harrisonburg, month of September, 1983.

A report of cash discounts saved in payment of vendor's invoices for month of September, 1983, in total amount of \$ 238.82.

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, 1983.

Mayor Green entered the meeting, was recorded present, and presided over the remainder of the meeting.

✓ City Manager Milam called Council's attention to the Report on Audit of Commonwealth Revenues for fiscal year ended June 30, 1983, prepared by the Auditor of Public Accounts. The cover letter concluded as follows: "In our opinion, the accompanying financial statement presents fairly Commonwealth funds received and remitted during the year ended June 30, 1983 by Beverly A. Simmons, Treasurer of the City of Harrisonburg, Va., on a basis of accounting described in Note 1, which basis has been applied in a manner consistent with that of the preceding year."

✓ The City Manager called Council's attention to their copies of a report prepared by A. M. Pullen & Company, C.P.A., of Financial Statements for the Harrisonburg Electric Commission, years ended June 30, 1983 and 1982. He noted that any questions concerning the report should be directed to A.M. Pullen & Company.

✓ City Manager Milam presented correspondence dated 10/10/83 from Mr. Beverly W. Suter, Professional Engineer, requesting referral of the final plat for Section III, Fairway Hills Subdivision, to the Planning Commission. On motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Council, the plat was referred to the City Planning Commission for study and recommendation.

✓ An ordinance amending and re-enacting Section 10-3-5(1) of the City Code entitled: "Zoning Map", was presented for consideration of a second & final reading. Inasmuch as Planning Director Sullivan had been asked by Council to submit a recommendation concerning the DeSarno property (University Market) which is under an R-1 Single Family Residential zone, the following recommendation from Mr. Sullivan was presented and read:

"On Friday, October 7, 1983, I visited Mr. Ralph DeSarno, owner of University Market, 1320 Port Republic Road. We discussed the zoning of his property, as proposed under the City's recent public hearings and as it exists (R-1 Single Family District) under the County's zoning ordinance and map.

Mr. DeSarno reported to me that he had applied for business zoning a few years ago, but some nearby home owners in nearby Ashby Heights opposed his re-

quest. The County did not change his zoning, thus it remained "non-conforming" and in the R-1 Single Family Residential District.

I showed Mr. DeSarno the City's Zoning Ordinance section describing the Board of Zoning Appeals' powers concerning allowance of variances and exceptions. He accepted the unique circumstance of his property and seemed assured by this statement in the City's Zoning Ordinance: "...the authorization of a variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of a variance..."

He accepted the status quo of leaving his property zoned R-1 Single Family Residential District. I would therefore recommend the Zoning Map remain as proposed with regard to zoning of Mr. DeSarno's property."

Following a brief discussion, Councilman Rhodes moved that the ordinance amending Section 10-3-5(1), making the Zoning Map, as amended, a part of the chapter by reference, be approved for second and final reading, with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk L, page 15).

The following report from a September 27th meeting of the Harrisonburg Department of Transportation & Safety Commission was read, concerning various matters which had been referred to Council for study:

✓ Chairman Rhodes asked the committee of Julius Ritchie, Chief Presgrave and John Driver, which was appointed at the last meeting, to make their report on the traffic signal at Erickson Drive (Old State Route 726) and South High Street (Route 42). The committee reported that they had made speed checks on Route 42 at this intersection which had an average speed of 44 miles per hour. They recommended that the speed limit sign and reduce speed signs be moved further south on Route 42 away from the intersection. Their study was incomplete as they had been unable to obtain a traffic survey on the number of cars in the intersection and their turning movements. Mr. May, who had requested City Council to install a traffic signal, stated that when his place of business is moved to Erickson Drive, it will increase traffic flow at the intersection by approximately 180 vehicles a day. He also stated that he had contacted the Highway Department and as early as 1975 there were 5 accidents at this intersection, also the Highway Department had made a traffic study on this intersection in March, 1982. He stated that the Highway Department felt that this intersection needed some improvements, but that they had never made any recommendations since this intersection was to be annexed January 1, 1983. After additional discussion, Chief Presgrave made a motion that we suggest to City Council we have the City work with the Department of Highways to move the regulatory and speed limit signs, now located on Route 42 near Erickson Drive intersection, further south, and for the Safety Committee to continue the study on this intersection. Julius Ritchie seconded the motion and all members voted aye. Mr. May stated he felt this was a move in the right direction and that the moving of the signs could improve the conditions of the intersection without installing a traffic signal at this time.

✓ Secretary John Driver read an extract from the council minutes of Tuesday, September 13, 1983, concerning Mr. Gordon Speck's petition to remove truck traffic from Port Republic Road. Mr. Speck presented a paper with a number of trucks on city streets at different places of business. He also presented a map showing concentration of traffic and proposed truck route through the entire city. He read a section of the State Code which gives the City permission to set up truck routes. The members of the Commission felt that the Port Road request should be included in the study of truck routes for the entire city. The Commission members also felt the City Council should appoint a committee to come up with a City ordinance and map for truck routes within the City. Wayne King made a motion that information presented by Mr. Speck, along with the feeling of the Commission members, be referred to City Council, or to the committee, if City Council appoints one. Nelson Fitzwater seconded the motion and all members voted aye.

✓ Chairman Rhodes read an extract from the Council minutes of Tuesday, September 13, 1983, which City Council had referred to the Commission. The first question in the extract concerned street lights on Port Road bridge over Interstate 81. John Driver explained that when annexation became effective on January 1, 1983, that the Highway Department retained control and maintenance on this bridge, along with several other bridges over Interstate 81 within the annexed area, therefore, he felt that if Council desired lights on Port Road Bridge before the beginning of construction, they should contact Mr. Jack Osborne, Resident Engineer.

✓ The second item in the extract concerned speeds on South Mason Street, as well as heavy truck traffic in the early morning hours. Chief Presgrave had his department make a survey on this request. During the survey, over 1,000 vehicles were checked by radar and the average speed was 29.4 miles per hour in a 25 mile per hour speed zone. During the period of survey, there were 17 trucks, of the 17 trucks, there was only one tractor trailer and the rest were City Buses, cement trucks, HEC trucks, fuel trucks and panel trucks. Wayne King made a motion that this study be presented to City Council with no recommendation from the Safety Commission at this time. Elon Rhodes seconded the motion and all members voted aye.

✓ The third item in the extract was that a guardrail be erected on Cantrell Avenue. John Driver reported that he had been in contact with Mr. Merck of JMU approximately one year ago, and agreed to install a guardrail on Cantrell Avenue at the location they requested. He also stated that he had discussed this with Mr. Ralph Smith, Street Superintendent, several months ago, and Mr. Smith plans to erect a guardrail as soon as time permits and he has the funds to purchase the guardrail. Wayne King made a motion that the commission acknowledge this information and refer it back to City Council. Jean Grimes seconded the motion and all members voted aye."

Mr. Driver informed Council that since preparation of the report, he had been in contact with Mr. Jack Osborne concerning lights on the Port Road bridge, and was advised that they would be the responsibility of the City. When he inquired as to whether the Highway Department would issue a City permit, Mr. Osborne replied that it would, if request was made in writing. Mr. Driver noted further that Mr. Kenneth Frantz, General Manager of the Harrisonburg Electric Commission, said they would install the lights if so desired by Council. Inasmuch as conduits and wires are already on the bridge, only poles and lights would be needed. When Mayor Green asked about safety of lights on the bridge and cost of the lights, Mr. Driver said that installation of the lights will not interfere with the proposed widening of the bridge by the Highway Department, in that the south side of the bridge will be widened, and the lights erected on the north side. He added that the lights should not pose a hazard to traffic. With regard to cost, which is not known at the present time, Mr. Driver said that HEC would install and bear the cost of the lights, with the City then being billed so much per light. The Mayor offered an opinion that pedestrian traffic across the bridge "will not go away." With regard to a Truck Route Study Committee, Mayor Green reported the following individuals to comprise same: Mr. R.J. Sullivan, Jr., Chairman (Planning Director); Mr. John Driver, (Assistant City Manager and Secretary for the Harrisonburg Department of Transportation and Safety Commission); Mr. Frank Bontz (Rocco Hatchery); Mr. Jim Deskins (Exe. Director of the H'burg Redevelopment & Housing Authority); Mr. Nelson Hawkins (representing businesses with traffic problems); and an engineer or representative of the Highway Department, yet to be named. He noted that fact that Mr. Sullivan should be advised that Mr. Gordon Speck and Mr. Jeff Nemoytin have offered their services to the committee, if needed. When Councilman Cisney offered the name of Mr. John R. Heatwole of 1032 Smith Avenue, Park View, his name was included in the committee's membership. Following discussion of the Safety Commission's report, Councilman Robinson offered a motion for three lights to be installed on the north side of Port Road Bridge. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council. Vice-Mayor Dingledine then offered a motion for Council to accept the remainder of the report, to include referral of information submitted by the Transportation & Safety Commission, to the new Truck Route Study Committee. This motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

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

WHEREAS, the Industrial Development Authority of the City of Harrisonburg, Virginia (the "Authority"), has considered the application of Aston-Harrisonburg (the "Company") requesting the issuance of the Authority's industrial development revenue bonds in an amount not to exceed \$3,500,000 (the "Bonds") to assist in the financing of the Company's acquisition, construction and equipping of a shopping center consisting of up to 90,000 square feet of retail space (the "Project") to be located on the west side of Highway 42 south, approximately 1,000 feet south of the intersection of Highway 42 and West Avenue in the City of Harrisonburg, Va., and has held a public hearing thereon on September 21, 1983; and

WHEREAS, Section 103(k) of the Internal Revenue Code of 1954, as amended, provides that the governmental unit having jurisdiction over the issuer of industrial development bonds and over the area in which any facility financed with the proceeds of industrial development bonds is located must approve the issuance of the bonds; and

WHEREAS, the Authority issues its bonds on behalf of the City of Harrisonburg, Virginia (the "City"); the Project is to be located in the City and the Council of Harrisonburg, Va. (the "Council") constitutes the highest elected governmental unit of the City; and

WHEREAS, the Authority has recommended that the Council approve the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing, and a Fiscal Impact Statement have been filed with the Council;

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

1. The Council approves the issuance of the Bonds by the Authority for the benefit of the Company, as required by Section 103(k) and Section 15.1-1378.1 of the Virginia Code, to permit the Authority to assist in the financing of the Project.

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Company.

3. This Resolution shall take effect immediately upon its adoption.

ADOPTED and APPROVED this _____ day of _____, 1983.

Mayor

Atteste:

Clerk

Mr. G. Steele Dewey, III, President of Aston properties, informed Council that Phase I of the project is anticipated to involve 50,000 square feet of land for approximately \$2 million of the total Bond Issue. City Attorney Lapsley said that the project "sits within the law." Following a brief discussion, Councilman Cisney moved that the resolution be approved, with authorization for the proper officials to sign the same. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

✓ City Manager Milam reported that he had discussed with City Staff the matter of a petition presented at the last regular meeting of Council from downtown merchants, requesting that the NO PARKING sign in front of Gray's Sewing Center be changed to permit 10 minute parking for pickups and deliveries, in order to stimulate business. There was no consensus of opinion by City Staff, but it was felt that the privilege of 10 minute parking, would be abused. He noted that three No Parking signs are presently located on South Main Street which read "Commercial Vehicles Load and Unload Only," and recommended that the request of the petitioners be granted, with the three signs changed to delete the word "Commercial", or adding "10 minutes" in the place of "commercial." Chief Presgrave said he would rather delete the word "Commercial" than to place a time limit. Following discussion, Councilman Rhodes moved that the word "Commercial" be deleted from the one sign in front of Gray's Sewing Center, with no time limit stated. The motion was seconded by Councilman Robinson, and adopted

by a unanimous vote of Council.

✓ Vice-Mayor Dingledine moved that a supplemental appropriation in amount of \$ 9,000. for a full-time Tax Technician in the Commissioner of Revenue's Office for period October 1, 1983 through June 30, 1984, be approved for second & final reading, a first reading having been approved on September 27th, and that:

\$ 9,000. chgd.to: General Fund - Unappropriated Fund Balance

9,000. approp.to: General Fund (1209-1001.07) Commissioner of Revenue- Tax Technician

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

✓ Councilman Cisney moved that a supplemental appropriation in amount of \$ 13,893.75, representing funds recovered from a property owner for construction of a portion of Vine Street, be approved for second & final reading, a first reading having been approved on September 27th, and that:

\$ 13,893.75 chgd.to: General Fund (1901.01) Recoveries & Rebates

13,893.75 approp.to: General Fund (4102-3004.05) Maint. & Replacement Highways,
Streets & Sidewalks

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

✓ A request was presented from Assistant City Manager Driver for approval of a supplemental appropriation in amount of \$ 3,000. in order to appropriate monies received from the State for Litter Control. Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 3,000. chgd.to: General Fund (1901.01) Recoveries & Rebates

3,000. approp.to: General Fund (4108-5414.01) Litter Control

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

✓ A request was presented from Chief of Fire Larry Shifflett for approval of a supplemental appropriation in amount of \$ 4,500., in order to appropriate monies received from a State Grant for purchase of equipment. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 4,500. chgd.to: General Fund (1901.01) Recoveries & Rebates

4,500. approp.to: General Fund (3201-7001.03) Fire Dept.-Cap.Outlay- Equip.

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

✓ A request was presented from Assistant City Manager Driver for approval of a transfer of funds in amount of \$ 112,500. from the General Fund- Unappropriated Fund Balance to the Sanitation Fund- Unappropriated Fund Balance, in order to provide funds for construction costs of the Resource Recovery Facility. City Manager Milam explained that this part, of a two part transaction, is to get funds into the proper fund balance, which will then be appropriated to the proper account. Vice-Mayor Dingledine moved that the transfer be approved for a first reading, and that:

\$ 112,500. trans.from: General Fund- Unapprop. Fund Balance

112,500. trans. to: Sanitation Fund- Unapprop. Fund Balance

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

✓ City Manager Milam presented the second part of a transaction to provide funds in amount of \$ 112,500. from the Sanitation Unappropriated Fund Balance into the proper account for the Resource Recovery Facility. Request was made by the Assistant City Manager for approval of the supplemental appropriation in order to pay the balance due the Whiting Turner Contract on the Facility, and to replace funds which had been borrowed from a debt account. Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 112,500. chgd.to: Sanitation Fund - Unapprop. Fund Balance

100,000. approp.to: Sanitation Fund (7-7011.01) Construction, Incin. & Steam

12,500. approp.to: Sanitation Fund (7-7009.00) Land-Payment to JMU

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

✓ Council discussed the matter of railroad crossings at Old Country Club Road and South Main Street, from a safety standpoint. City Manager Milam reported that he had talked with Mr. Wilbarger of the C-W Railroad concerning the crossing at Country Club Road and was told that the company would install rubber ties if they were purchased by the City. If not, the company will install new wooden ties. Manager Milam mentioned the fact that signs at the two crossings are not large enough, and too far from the tracks. A letter was presented from Dr. Irvin Hess, in which he expressed concern about the number of bicycle accidents at the South Main crossing, which result in injuries. Manager Milam pointed out the fact that the track is on a severe 90° angle, making it difficult for bicycles to cross. Vice-Mayor Dingledine offered an opinion that something should be done to relieve the situation, due to the many accidents. Mayor Green suggested that JMU be asked to stress its in-house safety regulations. Question was raised as to why bike riders are not using the sidewalk in that area which was provided for them, when South Main Street was reconstructed, rather than the center lane. In conclusion, it was agreed that signs be placed, requiring bicycles to travel the sidewalk area, and that the JMU Safety Committee be advised of the problem with bicycles, as well as pedestrian crossing on Main Street.

✓ Councilman Rhodes said he had been questioned about leaf pickup in the Forest Hills and Ashby Heights areas, and asked how it would be handled insofar as notification. City Manager Milam said he would suggest to Mr. Ralph Smith, Street Superintendent, that something should be run in the newspaper with regard to collection in those areas.

✓ Councilman Robinson registered complaints he had received concerning an open drainage area in the Southampton Subdivision which poses a water problem in rear yards of residences, and said he felt that the people would be willing to participate in the cost for a solution.

✓ City Manager Milam reminded Council that bids have been received for the fire sub-stations, but no contract awarded. He asked if Council desired to negotiate the bid for architectural plans, or wait until the City has the land in hand. Councilman Cisney said that the land may dictate what type of building is desired for the location. Councilman Robinson offered a motion for all

✓ bids to be rejected, with re-bidding deferred until land has been acquired. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

There being no further business and on motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote of Council, the meeting was adjourned at 8:45 P.M.

CLERK

Walter F. Green

MAYOR

At a regular meeting of Council held in the Council Chambers this evening at 7:30, there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingledine, Jr., Councilmen Elon W. Rhodes, James C. Cisney, Thomas H. Robinson, II, City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on October 11th were approved as corrected.

At 7:46 P.M., Mayor Green called the evening's public hearing to order and City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper on October 6th and October 20th:

The Harrisonburg City Council will hold a public hearing on Tuesday, October 25, 1983, at 7:30 P.M. in the City Council Chambers, 345 South Main Street, Harrisonburg, Va., to consider the following rezoning request:

To change from R-2 Residential to M-1 Industrial, Lot 1, Block V, Page 40 of the City Block Map. This lot with dwelling is located at 591 N. Liberty Street. Holly Farms Poultry Industries, Inc. has a purchase contract with Randolph L. and Dorothy Shifflett, owners. If rezoned, Holly Farms will use the property as part of its functional space.

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

CITY OF HARRISONBURG- Marvin B. Milam, City Manager

The following report submitted by the City Planning Director and presented at Council's September 27th meeting, was then reviewed:

"...The Commissioners reviewed a map showing Holly Farms Poultry Industries, Inc. and the Randolph and Dorothy Shifflett lot located at 591 N. Liberty Street. Holly Farms has a purchase contract to acquire the Shifflett lot and is requesting it be rezoned to M-1 Industrial. Attorney James Lane told the Commissioners that Holly Farms will establish a parking lot in the backyard and use the dwelling for their security personnel office. He stated this will be for the immediate future, but eventually the house may be demolished. The Director suggested a strip of grass be left along the border with the May Boyce property which is just north of the Shifflett lot.

There were no comments from the audience.

Mr. Fleming moved that the Planning Commission recommend that the Shifflett lot, 591 N. Liberty Street, be rezoned from R-2 Residential to M-1 Industrial.

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

Mayor Green called on anyone present, desiring to be heard with regard to the rezoning request. Attorney Steve Heitz, representing Holly Farms, referred to a map and noted that the lot requested is adjacent to the present processing plant, and just outside the present industrial zone which includes Holly Farms, Rocco Feeds and property leased by the Southern Railway. He offered an opinion that the proposed rezoning would make the area more uniform in boundaries, and requested Council's consideration of the request. When Mayor Green raised a question concerning the green strip mentioned in the Planning Commission's report, Attorney Heitz replied that the Zoning Ordinance calls for a green area, or setback from residences. A 10' green strip has been suggested. He mentioned the fact that some paper alleys will make it difficult for Holly Farms to use the property for future expansion. Councilman Rhodes, a member of the City Planning Commission, stated that the area would be gravelled in the beginning for parking, and that Mrs. Boice's daughter expressed concern only that the property be kept clean. There being no others desiring to be heard, the Hearing was declared closed at 7:54 P.M. and the regular session reconvened.

Mayor Green asked Council's wishes concerning the request of Holly Farms Poultry Industries, Inc. for rezoning the lot at 591 N. Liberty Street from R-2 Residential to M-1 Industrial. Vice-Mayor Dingledine moved that Council accept the report of the City Planning Commission and approve rezoning of the lot. The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council.

City Manager Milam called Council's attention to information which had been mailed out concerning the proposed establishment of a Virginia Horse Center, and noted that representatives of the Rockingham Fair Association were present in the meeting to discuss the matter. Mr. Dan Brubaker, President of the Association, read a lengthy report, giving history of the Fair Association, and including six reasons for locating the Horse Center at the fairgrounds. He said it was felt that with the cooperation of Rockingham County and the City of Harrisonburg, the Association could achieve its goal. He solicited Council's support through the following resolution, which had already been presented to, and approved by the County:

Recitals:

- 1. The Virginia General Assembly has established the Joint Legislative Subcommittee studying the establishment of a Virginia Horse Center. The Virginia General Assembly would designate a location in Virginia as the Virginia Horse Center.*
- 2. The financial stimulation resulting from such a facility to the Virginia economy would be an estimated 62 million dollars over the first four years.*

3. *The Rockingham County Fair Association has offered its facilities as the location for the Virginia Horse Center if it can be established on a feasible financial basis.*

4. *The financial support of all local governing bodies is needed.*

THEREFORE, BE IT RESOLVED, the Harrisonburg City Council does hereby endorse the concept of a Virginia Horse Center located on the Rockingham County Fair Grounds. To evidence our support for this project, the Council does commit \$1,000 to assist in the planning of this project and presentation of the project to the Virginia General Assembly.

ADOPTED and APPROVED this _____ day of _____, 1983.

Mayor

Attest:

Clerk

When Councilman Cisney raised a question concerning amusement tax, Mr. Brubaker replied that this would be a room and meal tax, which is a local tax imposed on restaurants. He noted that funds back from these taxes, on a 4-year plan, would amount to approximately \$2 million. Councilman Cisney made reminder that the City has a lodging tax but no food tax. Councilman Robinson asked about the cross country course, mentioned in the information, and was informed by Mr. Brubaker that the proposed plan would take in trail rides, for which the area at the fairgrounds is insufficient. Horses would be transported to the Blue Ridge Parkway, which would pose no problem in that it involves only 15 - 20 miles. He noted further that the present fairground facilities would be used for the Center, along with additional facilities. When Councilman Cisney asked if the success enjoyed by the Rockingham County Fair over the years, would help, when presenting the proposal before the General Assembly, Mr. Brubaker expressed complete agreement. He explained that the Center would not be run the entire 365 days a year due to clean-up days, but that it would have to be operated at least 200 days to be profitable. Harrisonburg is the #1 location choice in that it is felt that more people can be accommodated here, than in Staunton or Expo Land. When Mayor Green asked about the projected cost of the project, Mr. Brubaker said it is estimated at \$4 million, with no information at the present time as to how much may be "trimmed off" or "added to" this amount. He stated that if \$2 million can be raised, the balance needed would be in the neighborhood of \$2 million, although the amount of state and federal funds to be received, is not known. He offered an opinion that not much would be spent over the next number of years, due to extensive planning which must be done. The Fair Association will be asking for Harrisonburg to be designated, and if approved, the project will be phased into, as funds become available. Vice-Mayor Dingleline asked about the cost for planning and the initial cost of a study, and whether or not the \$1,000 contribution of the City would be used for this purpose. Mr. Brubaker said that the Association has appropriated up to \$ 5,000. toward the project which would be spent on architectural diagrams, etc., cost of which should be under this amount. Councilman Cisney offered a motion for the resolution to be approved with authorization for the proper officials to sign the same, and for the source of funding to be left to the City Manager's discretion. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

For consideration of Council, the following report from an October 19th meeting of the City Planning Commission, was read:

"...A Final Plan for proposed Fairway Hills Subdivision, Section III, was presented to the Commissioners. Mr. Sullivan distributed the staff's Subdivision Review Sheet and copies of two October 7, 1983 letters to Mr. Beverly Suter, the project's engineer, from Mr. Arthur Wilcox, City Engineer. Mr. Wilcox' letters listed the outcome of a conference between the developers and key City Officials, held on October 5th. City Engineer Wilcox stated that the final plan map lacks certain information and it is not acceptable for recording in the Court House. Attorney Henry Clark reviewed what had been agreed on during the October 5th meeting. He agreed that certain data is not on Mr. Suter's map, but it will be on the map when submitted to City Council for final review. Mr. Sullivan noted that the proposed 82-lot subdivision will include the five sharp curves, one cul-de-sac, and two half-circle turn-arounds which replace two "T" shaped turn-arounds the Commission objected to when reviewing the preliminary plan in September. A variance should be considered regarding the sharp curves. Mr. Clark noted that they are being proposed to discourage "through traffic." He also reported that the developers will grade the full width of Betts Road but will not be required to construct curb and gutter on their side of Betts Road. Mr. Clark asked the Commissioners to approve the project, subject to the City Engineer approving the final figures regarding engineering data.

Mr. Fleming concluded the discussion with a motion that the Planning Commission recommend approval of Fairway Hills Subdivision, Section III, subject to all necessary engineering data being available prior to City Council's approval, and including a variance allowing the 5 sharp curves in the project. Mr. Hartman seconded the motion and all members present voted aye..."

When the question was raised by Councilman Cisney as to who was responsible for granting the variance, Councilman Rhodes said it was his understanding that the Planning Commission can grant a subdivision variance. City Manager Milam noted that only the Planning Commission can grant a subdivision variance on grades, curves, etc. He referred to a map showing location of the lots, the 5 sharp curves, etc. and said that the city has easements through the lots, which is a plus. The City will install curb and gutter in some future year, and the developer is responsible for grading, paving, and providing storm drainage. The City will bring a 12" water line from the area of Valley Mall to serve the subdivision. Mr. Suter said that the owners are anxious to record the final plat as soon as it is in proper form. Manager Milam said that the estimated cost of the project is \$ 800,000, and that the streets will be uniform, with curb and gutter throughout, except on Betts Road. Following discussion, Councilman Rhodes offered a motion for the report of the Planning Commission to be accepted, and the final plan for Section III, Fairway Hills Subdivision

to be approved. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous recorded vote of Council.

Councilman Robinson moved that a supplemental appropriation in amount of \$ 3,000., representing funds received from the State for Litter Control, be approved for second & final reading, a first reading having been approved on October 11th, and that:

\$ 3,000. chgd.to: General Fund (1901.01) Recoveries & Rebates

3,000. approp.to: General Fund (4108-5414.01) Litter Control

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

Councilman Cisney moved that a supplemental appropriation in amount of \$ 4,500. requested by the Chief of Fire in order to appropriate funds received from the state for purchase of equipment, be approved for second & final reading, a first reading having been approved on October 11th, and that:

\$ 4,500. chgd.to: General Fund (1901.01) Recoveries & Rebates

4,500. approp.to: General Fund (3201-7001.03) Cap. Outlay- Equipment

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

Vice-Mayor Dingledine moved that a transfer of funds in amount of \$ 112,500., requested by Assistant City Manager Driver in order to place funds from the General Fund into Sanitation for expenses of the Resource Recovery Facility, be approved for second & final reading, a first reading having been approved on October 11th, and that:

\$ 112,500. trans.from: General Fund - Unappropriated Fund Balance

112,500. trans. to: Sanitation Fund- Unappropriated Fund Balance

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

Vice-Mayor Dingledine moved that a supplemental appropriation in amount of \$ 112,500. which was transferred from the General Fund to Sanitation in the preceding transaction, and to be used for balance of payment due on the Whiting Turner Firm contract for the Resource Recovery Facility, be approved for second & final reading, a first reading having been approved on October 11th, and that:

\$ 112,500. chgd.to: Sanitation Fund- Unappropriated Fund Balance

100,000. approp.to: Sanitation Fund (7-7011.01) Construction, Incin. & Steam

12,500. approp.to: Sanitation Fund (7-7009.00) Land-Payment to JMU

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

A request was presented from Chief of Fire Larry Shifflett, for approval of a supplemental appropriation in amount of \$ 9,049.33, in order to recover funds from Rockingham County which have already been expended. Manager Milam noted that the funds represent the County's share for salaries of Dispatchers. Following a brief discussion, Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 9,049.33 chgd.to: General Fund (1901.01) Recoveries & Rebates

9,049.33 approp.to: General Fund (3201-1001.06) Dispatchers

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

A request was presented from the Director of Social Services for approval of a transfer of funds in amount of \$ 550.00, in order to place funds into proper account for desks and chairs to accommodate the implementation of the 1983-84 fuel assistance program. Councilman Cisney moved that the transfer be approved, and that:

\$ 550.00 trans.from: VPA Fund (5301-1001.02) Dir.of Social Services- Joint Functions
(salaries)

550.00 trans. to: VPA Fund (7000-7002.01) Cap.Outlay- Office Equipment
(Fuel Assistance Program)

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

Correspondence dated 10/14/83 from Nancy Saylor, Acting Executive-Director of the Upper Valley Regional Park Authority, was presented, with which she enclosed copies of the proposed amendments to the Authority's by-laws. Comments from Council were requested. Minutes of the October 6th meeting of the executive committee included a motion that the revisions not be adopted at this time. Councilman Cisney said that he would have no comments to make in that the City's four representatives on the Authority should make that decision, and the Vice-Mayor was in complete agreement. It was suggested that Council refer the decision concerning the by-laws to representatives of the various localities serving on that Authority, and Mayor Green volunteered to so advise.

Correspondence was presented from the City Treasurer in which she requested direction of Council insofar as advertising as unpaid, the delinquent real estate taxes for years 1981 and 1982. It was noted that this is a requirement under Section 4-1-29 of the Harrisonburg City Code. Following a brief discussion, Councilman Robinson moved that the Treasurer be authorized to advertise the taxes for years designated. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

The following resolution was presented for Council's 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 Monday, October 31, 1983 (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.

ADOPTED and APPROVED this _____ day of _____, 1983.

Attest: _____ Clerk

Mayor

Council was reminded that this is a resolution which is requested annually by the Chief of Police in order to minimize problems which may be encountered by those celebrating Halloween after an appropriate hour. Vice-Mayor Dingledine moved that the resolution be approved, with authorization for the proper officials to sign same. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

Council received correspondence from the Adjutant of American Legion Rockingham Post 27, noting that for the past 43 years, that Post has held the annual Veterans' Day Parade on November 11th (Veterans Day) in Harrisonburg, and requesting that Council set aside November 11th for the specific use of Post 27 for the parade this year. The matter was discussed briefly, with no problems foreseen in granting the request.

Mayor Green reminded members of an earlier invitation which had been extended by the VFW Rion-Bowman Post No. 632, to attend a Veterans Day Program at the World War I Memorial at Grace and South High Streets on November 11th at 11:00 A.M., along with another invitation he had received for members to attend the AMA parade at Ft. Defiance on that same day.

City Attorney Lapsley reported that on Council's request, he had checked into the procedure for issuance of licenses for pawnbrokers and that the Code provides for such requests to go through the Circuit Court, with an order then given by the Court for issuance of a license. He noted that the Court had so ordered, with regard to a request for license by counsel for Mr. Ralph DeSarno which had been presented at Council's September 13th meeting. It is now up to the Commissioner of Revenue to approve the license, on approval of the Court. Attorney Lapsley noted further that there are strict city and state laws with regard to the operating of this type of business. Following discussion, Councilman Robinson moved that the request for license be referred to the Commissioner of Revenue for issuance, providing all qualifications meet with his approval. The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council.

Correspondence was presented from Ms. Elizabeth Knighton, Executive Director of the Harrisonburg-Rockingham Community Services Board, requesting that an enclosed Proclamation be approved by Council, designating October 31, 1983 as "Community Mental Health Day." On motion of Councilman Robinson, seconded by Councilman Rhodes, and a unanimous vote of Council, the Proclamation was approved, with authorization for the Mayor to sign the same.

Mayor Green informed Council of a request for approval of a Proclamation designating the week of November 2 - 9, 1983 as CHEMICAL PEOPLE WEEK. The Chemical People - a series designed to increase awareness of the alcohol and drug problem, will be complemented by town meetings in the Commonwealth and throughout the nation. On motion of Vice-Mayor Dingledine, seconded by Councilman Robinson, and a unanimous vote of Council, the Mayor was authorized to sign a proper Proclamation.

Vice-Mayor Dingledine offered a motion for a letter to be sent Mrs. C.W. Ewing and family, expressing sympathy on the passing of C.W. Ewing, and appreciation for services rendered by him during his tenure on the Harrisonburg City Council. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

Councilman Cisney registered a complaint he had received from Mr. Hitt concerning parking on Port Road across from JMU, which involves the blocking of private driveways, etc. Chief Presgrave said he had not detected as frequent parking in that area, as had been experienced in the past.

City Manager Milam called members' attention to information which had been received concerning traffic patterns in the South Park View area, which involves heavy equipment and trailer truck use. The report includes certain recommendations to relieve the situation, and names a Resident Committee of representatives from Central Avenue, College Avenue and Shenandoah Street in Park View. Inasmuch as the matter of truck routes is in the process of study at the present time, Councilman Cisney offered a motion for the information to be referred to the Harrisonburg Department of Transportation & Safety Commission and Truck Route Study Committee, with the Resident Committee of Park View to be used as resource people, in a study of the problem in the Park View area. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

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

At 10:50 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.

CLERK

MAYOR

Tuesday, November 8, 1983

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingledine, Jr.; Councilmen Elon W. Rhodes, James C. Cisney, Thomas H. Robinson, II; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on October 25th were approved as read.

The following regular monthly reports were presented and ordered filed:

From the City Manager:

A report of activities in the various departments and said office for the month of October, 1983.

From the City Treasurer:

A trial balance report as of close of business on October 31, 1983.

From the Police Department:

A report of Fines & Costs; Cash collected from street parking meters; Total number of charges and total cash collected, paid on accounts and turned over to the City Treasurer, in amount of \$ 6,486.56

From the City Auditor:

A financial report for the month of October, 1983.

A report of cash discounts saved in the payment of vendor's invoices for month of October, 1983, totaling \$ 79.65

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, 1983.

✓ Council received correspondence dated 11/3/83 from Gary Chatelain, President of Chatelain Design Corporation, requesting Council's consideration of approving a re-subdivision of Lots 5, 6, 7 and portions of Lots 1 through 4 located on the northwest side of Kratzer Road in the Black Marble Addition, identified as 869 North Liberty Street. Purpose of the resubdivision is to create two saleable lots. City Manager Milam called attention to the survey plat attached to the correspondence. On motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Council, the plat was referred to the City Planning Commission for study and recommendation.

✓ Correspondence was presented from Mr. Paul H. Powers, Project Manager for Patton Harris Rust & Associates, advising that his firm was currently preparing a subdivision plat and site plan on the land of Scripture Building Corporation to be known as Madison Square II. The 2.76 acre tract is situate on the south side of Reservoir Street between Camelot Hall Nursing Home and the city's H.E.C. electric substation. It was noted that the subdivision will consist of 24 lots with adjoining open space, owned and maintained by a Homeowners' Association of the lot owners. Vice-Mayor Dingledine moved that the matter be referred to the City Planning Commission for study and recommendation, following receipt of the plat and site plan. The motion was seconded by Councilman Robinson and adopted by a unanimous vote of Council.

✓ Quiet T. Please registered a complaint concerning his eviction from a town meeting held in the Thomas Harrison Jr. High School, before he had an opportunity to be heard. Mayor Green explained that the meeting referred to, was not an open meeting, but rather, a planned meeting scheduled in keeping with the observance of Chemical People Week (Nov. 2 - 9), designed to increase awareness of the alcohol and drug problem.

✓ Correspondence was presented from the Senior Class of Spotswood Senior High School, Penn Laird, in which request was made for Council to approve the selling of barbecue sandwiches by the class on Friday, November 11th (Veterans' Day) on upper Court Square in the area of the former Joseph Ney Building. It was noted that a table would be set up with sign stating cost per sandwich, barbecued by Ronnie Strawdeman of Timberville, and for benefit of the Senior Class. City Manager Milam said he could see no problem in granting the request, in that the correspondence was signed by the Co-Sponsor of the project, the Class President and School Principal. Councilman Cisney offered a motion for the request to be granted. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

✓ Mr. Gordon Speck again expressed concern about truck traffic on Port Road and the lack of information on the subject. He said that he had received a last minute notice re a meeting which was held by the Transportation & Safety Commission, and since then, nothing has happened. He requested to know the status of the situation. Mayor Green noted that to date, a report has not been received by Council. Planning Director Sullivan, Chairman of the appointed Truck Route Study Committee, reported that the committee is underway, and has held a meeting, with another to be held before the end of this week. He said that the study is not "down the road" far enough for a report at this time, but that Mr. Speck's information is being studied. Mr. Speck offered an opinion that trucks would cooperate and obey signs if they are erected, showing them where to go. He noted that Cantrell Avenue is not marked for truck traffic, but could handle a lot more traffic than at the present time. Mayor Green said that the committee is currently working on an overall plan for truck routes in the City, and suggested that Messrs. Speck and Nemoytin be called on, as resource people.

✓ Mr. Mike Lowry, representing the Harrisonburg Retail Merchants' Association, was present in the meeting to request that the City share 1/2 the cost of placing candles in the Court House windows during the Christmas season, and for janitorial services in turning the lights on and off. The project, at an estimated cost of \$300, has been shared equally by the County and Retail Merchants' Association. City Manager Milam noted that the City pays 25% for operating costs of the Court House, which is County property, in that it shares several offices with the County that are located in the building. The City also pays 100% for outside Christmas decoration lights. Mr. David Rood suggested that maintenance of the Christmas candles may be a good project for young people involved in the Court Services Program. Following discussion, Council asked the Association to work with Rockingham County concerning the candles, in that the County owns the Court House property.

✓ Mr. Ray Farmer, representing a new organization VODD (Virginians Opposing Drunk Driving), informed Council that a motion was passed at the organizational meeting held on October 25th, for the City of Harrisonburg and County of Rockingham to form a joint Task Force to study ways to effectively reduce crashes involving alcohol in those areas, and make recommendations. He presented the following proposed resolution for Council's consideration of approval:

WHEREAS, alcohol related motor vehicle crashes has been identified as a serious and widespread problem afflicting citizens of the nation, the Commonwealth, and the City of Harrisonburg in particular; and that various components of the local system which controls drinking drivers may benefit from a study designed to identify specific weaknesses, formulate remedial actions thereto, monitor and coordinate local resources and agencies involved in the problem of drunk driving; then therefore

BE IT RESOLVED: City Council hereby establishes, in cooperation with the Rockingham County Board of Supervisors, a joint Task Force to Combat Drunk Driving for the City of Harrisonburg and Rockingham County; the Task Force shall be comprised of twenty members, of which ten shall be appointed by the Mayor of the City of Harrisonburg; the Task Force shall have as its mandate, the following:

- 1. To identify the various components of the drunk driving control system locally which may include areas of education, enforcement, adjudication, rehabilitation, prevention and legislation.*
- 2. To identify weaknesses within the system which allow drunk drivers to continue to pose a serious threat to local safety; make recommendations to local governing bodies as to appropriate remedial actions which may be taken.*
- 3. To develop a model system to control drunk drivers locally, and recommend a plan of implementation.*
- 4. To advise local governments as to the availability of federal and state funds to combat drunken driving at the local level.*

BE IT FURTHER RESOLVED: the Task Force shall receive its mandate, effective January 1, 1984, and thereafter establish its own bylaws and committees, and report to City Council on or about July 1, 1984. City Council hereby appropriates \$750.00 to be expended by the Task Force for administrative costs, provided an equal sum is appropriated by the Rockingham County Board of Supervisors prior to January 1, 1984; and with the understanding that appointed members of the Task Force shall not receive compensation, notwithstanding reimbursement for personal expenses incurred as authorized by the Chairman of the Task Force.

Mr. Farmer cited statistics with regard to alcohol related deaths and injuries in 1981, 1982 and 1983. When Mayor Green asked if the organization had coordinated with the ASAP Program and others involved, he was told that it had. Mr. David Rood, with ASAP, suggested formation of a very large Task Force, to parallel what has been done by the Governor's Task Force. He said he was present in this meeting merely as resource, and on the request of Mr. Farmer. He stated further that he felt the ASAP Commission would cooperate, and that he would be glad to work with the Task Force, or serve in any respect. Councilman Rhodes asked if this would be the only group working on the problem, and it was pointed out that the Program involves many aspects of our society (i.e. schools; families; churches; political agencies; courts; ASAP, and other rehabilitation programs), and that the Task Force approach is sensible. Mr. Farmer noted that "Chemical People" will have another meeting tomorrow night, and one thing they will stress, is formation of a Task Force. Mr. Walter Grooms, County Trapper, offered an opinion that a Task Force would be a real asset. Mayor Green said he felt the Program should be coordinated all the way around, and asked the City Manager to look into the matter and bring in a recommendation. City Manager Milam said that the information is before the Governor and will be distributed to the General Assembly. He offered an opinion that ASAP should have gone before the Chapter 10 Board, prior to coming to Council re the issue, and added the fact that no funds are set aside for a project such as this. Mr. Rood said that the Governor had already taken action on some of the issues, and had endorsed the recommendation for a Task Force. He explained that the ASAP Program is not under the Community Services Board, but is responsible to the county and city. Councilman Cisney offered a motion for Council to approve the proposed resolution, in concept, subject to financing. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

City Manager Milam informed Council that he had, upon request at the September 27th meeting, contacted the Shenandoah Valley Soil & Water Conservation District to obtain additional information concerning the Supplemental Watershed Agreement for the Lower North River Watershed. Rockingham County, by letter dated 6/16/83, requested to become a sponsor of the project in order to participate in the flood control dam proposed in the area near Rawley Springs. Mr. Sam Linkenhoker, a representative of the Soil & Water Conservation District, noted that it was desired to exhibit an overall working relationship by including Rockingham County, and that the Commission would be working with the county for flood control. Inclusion of the County would be the only change in the original agreement of 1964. When Mayor Green asked if the dam would be constructed on Black Run near Rawley, Mr. Linkenhoker replied that location of the multi-purpose dam has not been determined. Following discussion, Vice-Mayor Dingledine offered a motion for Council to authorize amendment of the original Watershed Agreement, designated as Supplemental Watershed Agreement No. 3, to include Rockingham County as a sponsor. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council. The supplement was signed by the Mayor on behalf of the City of Harrisonburg.

Vice-Mayor Dingledine moved that a supplemental appropriation in amount of \$ 9,049.33 requested by the Fire Chief in order to recover funds from Rockingham County, which have already been expended for Dispatchers' salaries, be approved for second & final reading, a first reading having been approved on October 25th, and that:

\$ 9,049.33 chgd.to: General Fund (1901.01) Recoveries & Rebates

9,049.33 approp.to: General Fund (3201-1001.06) Dispatchers

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

A request was presented from Chief of Police Presgrave for approval of a supplemental appropriation in amount of \$ 6,000. due to insufficient funds in the proper account, in that the State Code Section 19.2-163 requires the City to provide attorneys for indigent persons charged on City warrants. Chief Presgrave informed Council that appointment of attorneys for indigent persons by the Court, has been on the increase since January of this year, and that under the law, the City is responsible for payment of services rendered by those appointed attorneys. He noted that although the law has been in effect for approximately three years, few attorneys were appointed until the current year. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 6,000. chgd.to: General Fund- Unappropriated Fund Balance

6,000. approp. to: General Fund (3302-3002.01) City & County Jail-Court Appointed Attorneys

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

✓ City Manager Milam reminded Council that the source of funding for planning of a Virginia Horse Center proposed to be located at the Rockingham County Fairgrounds, had been left to his discretion, following approval of a resolution at the meeting on October 25th. He requested approval of a supplemental appropriation in amount of \$ 1,000. from the General Fund Unappropriated Fund Balance to be used for this purpose. Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 1,000. chgd.to: General Fund- Unappropriated Fund Balance
1,000. approp.to: General Fund (9104-5605.04) Support of Community & Civic
Organizations- Fair Association Equine Center

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

✓ Council's attention was called to the fact that Mr. Eugene H. McEnerney has been filling an unexpired term on the Harrisonburg Redevelopment & Housing Authority, which term will expire on November 29th of this year. Vice-Mayor Dingleline offered a motion for Mr. McEnerney to be appointed to a first full term of four (4) years, expiring on November 29, 1987. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ Mayor Green said he had asked Vice-Mayor Dingleline and Councilman Cisney to serve as liaisons with Rockingham County on any future issues that may come up. Councilman Rhodes moved that the two named councilmen be appointed to serve in that capacity. The motion was seconded by Councilman Robinson, and adopted by a majority vote of Council. Abstaining: Councilmen Dingleline and Cisney.

✓ The following proposed resolution, submitted by the Transportation Director, 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 of the City of Harrisonburg is authorized, for and on behalf of the City of Harrisonburg, to execute and file an application to the Virginia Department of Highways & Transportation, Commonwealth of Virginia, for a grant of transportation under State Assistance for Fuels, Tires, Maintenance Supplies and Parts in the amount of \$ 48,115. and to accept from the Virginia Department of Highways & Transportation, grants in such amount as may be awarded, and to authorize the City Manager to furnish to the Virginia Department of Highways & Transportation such documents and other information as may be required for processing the grant request.

The Harrisonburg City Council certifies that the funds shall be used in accordance with the requirements of the Virginia Department of Highways & Transportation, that the City of Harrisonburg will provide matching funds in the ratio as required, that the record of receipts and expenditures of funds granted the City of Harrisonburg, representing State Assistance for Fuels, Tires, Maintenance Supplies and Parts, may be subject to audit by the Virginia Department of Highways & Transportation and by the State Auditor of Public Accounts, and that funds granted to the City of Harrisonburg for defraying the cost of public transportation fuel, tires, maintenance supplies and parts expenses of the City of Harrisonburg, shall be used only for such purposes as authorized in the Acts of the General Assembly.

ADOPTED and APPROVED this _____ day of _____, 1983.

Mayor

Attest:

Clerk

Vice-Mayor Dingleline 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.

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

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 Technical Assistance authorized under Section 18 of the Urban Mass Transportation Act of 1964, as amended, in the amount of \$ 20,000 to assist in the development of a proposed management information system, to accept from the Virginia Department of Highways & Transportation, grants in such amount as may be awarded, and to authorize the City Manager to furnish to the Virginia Department of Highways & Transportation such documents and other information as may be required for processing the grant request.

The Harrisonburg City Council certifies that the funds shall be used in accordance with the requirements of the Virginia Department of Highways and Transportation, that the City of Harrisonburg will provide matching funds in the ratio as required, that the record of receipts and expenditures of funds granted the City of Harrisonburg Technical Assistance for the development of a management information system may be subject to audit by the Virginia Department of Highways & Transportation and by the State Auditor of Public Accounts, and that funds granted to the City of Harrisonburg for this project shall be used only for such purposes as authorized in the Acts of the General Assembly.

ADOPTED and APPROVED this _____ day of _____, 1983.

Mayor

Attest:

Clerk

Councilman Rhodes moved that the resolution be approved, with authorization for the proper officials to sign the same. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

Correspondence dated 11/3/83 from George H. Roberts, Jr., counsel for Dr. Conrad Zapanta, was presented, which included a report of the Public Hearing of October 31st held by the Harrisonburg Industrial Authority, and Fiscal Impact Statement for a proposed bond financing on behalf of his client. City Manager Milam called attention to the conclusion of the report on the Hearing, in which was stated that: "After the period for public comment, the Authority found the issuance of the bonds for the benefit of Zapanta to be in accordance with the plan of financing, and would be consistent with the Industrial Development and Revenue Bond Act. Accordingly, the Authority recommends that the City Council of the City of Harrisonburg, Virginia, approve the issuance of these bonds on behalf of Zapanta." He then read the following proposed resolution for Council's consideration of approval:

WHEREAS, a public hearing was held by the Industrial Development Authority of the City of Harrisonburg, Virginia (the Authority) on October 31, 1983, in accordance with the provisions of Section 103(k) of the Internal Revenue Code of 1954, as amended (the Code), and Section 15.1-1378.1 of the Code of Virginia (1950); as amended (the Virginia Code), to consider the application of Conrad R. Zapanta (the Applicant) requesting the Authority to issue up to \$400,000 of its Industrial Development Revenue Bonds to assist the Applicant in acquiring, constructing and equipping a professional office building to be located just east of the Applicant's current medical office building on the corner of Cantrell Avenue and Reservoir Street in the City of Harrisonburg, Virginia; and

WHEREAS, after such public hearing, the Authority filed its report with the City Council recommending the approval of the bonds and financing that the project would be consistent with the Virginia Industrial Development and Revenue Bond Act, together with the fiscal impact statement for the project as required by Section 15.1-1378.2 of the Virginia Code; and

WHEREAS, the City Council concurs with the report of the Authority,

NOW, THEREFORE, BE IT RESOLVED that the issue of bonds described above is hereby approved by the City Council of the City of Harrisonburg, Virginia, to the extent required by Section 103(k) of the Code and Section 15.1-1378.1 of the Virginia Code, to permit the Authority to assist in the financing of the project.

The approval of the issuance of the bonds, as required by Section 103(k) of the Code and Section 15.1-1378.1 of the Virginia Code, does not constitute an endorsement of the bonds, the financial viability of the facilities or the creditworthiness of the Applicant, but, as required by Section 15.1-1380 of the Virginia Code, the bonds shall provide that neither the Commonwealth of Virginia, the City of Harrisonburg, nor the Authority shall be obligated to pay the bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged therefor and neither the faith, credit nor taxing power of the Commonwealth of Virginia, the City of Harrisonburg, or the Authority shall be pledged thereto.

This Resolution shall take effect immediately.

ADOPTED and APPROVED this _____ day of _____, 1983.

Mayor

Attest:

Clerk

Following reading of the proposed Resolution, City Attorney Lapsley noted that all legal requirements had been met for issuance of the bonds, and added that the proposed building will be a mere image of Dr. Zapanta's present building located at the corner of Cantrell Avenue and Reservoir Street. Councilman Cisney moved that the Resolution be approved, with authorization for the proper officials to sign the same. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

At 9:00 P.M., Councilman Rhodes moved that Council enter an executive session to discuss legal matters. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

At 9:45 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.

CLERK

MAYOR

Tuesday, November 22, 1983

At a regular meeting of Council held in the Council Chambers this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingledine, Jr.; Councilmen Elon W. Rhodes, James C. Cisney; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: Councilman Thomas H. Robinson, II.

Minutes of the regular meeting held on November 8th, were approved as read.

✓ Correspondence dated 11/10/83 was presented from Dr. Jon McIntire, Treasurer of Rockingham-Harrisonburg Halfway House, Inc., requesting consideration of Council in approving a proposed resolution, whereby the Pear Street Center (1888 Pear St.), and the Summit House (477 E. Market St.) would be exempt from both real and property taxation. It was noted that in 1977, Rockingham County had adopted a resolution, supporting the exemption for the Center under Section 58-12.64 of the Code of Virginia. The request was made to the City, in that the Pear Street Center has been annexed from Rockingham County, and the property on East Market Street was purchased last April. Mayor Green informed members that he had received request from Blue Ridge Legal Aid, located at 204 N. High Street, to be exempt from taxation. City Manager Milam offered an opinion that a

recommendation should be requested of the Commissioner of Revenue, prior to Council taking any action with regard to the proposed resolution. The Mayor said that both requests could be looked into, and asked the City Manager to contact Commissioner of Revenue Smith concerning same.

✓ Mayor Green informed members that through correspondence from the Pearl Harbor Survivor's Association, Inc., request was made for all localities in the state of Virginia, to issue a Proclamation designating December 7, 1983 as PEARL HARBOR REMEMBRANCE DAY. A copy of Virginia Code Section 2.1-27.1 passed by the 1983 General Assembly was enclosed, as well as a Certificate of Recognition, signed by Governor Charles S. Robb. Vice-Mayor Dingledine offered a motion for the Mayor to issue a proper Proclamation for the occasion. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

✓ In correspondence dated 11/14/83 from the Department of Education, Richmond, Virginia, Mayor Green was requested, along with all localities in the Commonwealth, to issue a Proclamation designating the month of December, 1983, as VIRGINIA READING MONTH. The statewide theme is "Virginians Invite Excellence by Reading." A Certificate of Recognition, signed by Governor Charles S. Robb, was enclosed with the correspondence. Councilman Cisney moved that the Mayor issue a proper Proclamation designating December as Virginia Reading Month. The motion was seconded by Vice-Mayor Raymond S. Dingledine, Jr., and adopted by a unanimous vote of Councilmen present.

✓ City Manager Milan presented a report of votes cast in the November 8th General Election, as submitted and signed by Charles McNulty, III, Vice-Chairman, and Frances G. Ore, Secretary of the Harrisonburg Electoral Board:

Member of Senate:

W.E. "Ernie" Schlabach	1,613
Kevin G. Miller	2,358
Ellen Layman	1

Member House of Delegates:

Nancy Bondurant Jones	1,767
Phoebe M. Orebaugh	2,188

Sheriff:

Glenn M. Weatherholtz	3,288
Leon Riggleman	3
Quiet T. Please	1
Harry Moore	1
B. Burching	1

Clerk of Court:

L. Wayne Harper	2,719
John Leake	4
Marshall Price	1

Commonwealth's Attorney:

David I. Walsh	2,561
Jack F. DePoy	1,181
Roger Ritchie	1

✓ Vice-Mayor Dingledine moved that a supplemental appropriation in amount of \$ 6,000., requested by the Police Chief in order to pay court appointed attorneys' fees for representing indigent persons, be approved for second & final reading, a first reading having been approved on November 8th and that:

\$ 6,000. chgd.to: General Fund - Unappropriated Fund Balance

6,000. approp.to: General Fund (3302-3002.01) City & County Jail

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

✓ Councilman Cisney moved that a supplemental appropriation in amount of \$ 1,000., representing the City's contribution toward the Virginia Horse Center, proposed to be located on the Rockingham County fairgrounds, be approved for second & final reading, a first reading having been approved on November 8th, and that:

\$ 1,000. chgd.to: General Fund - Unappropriated Fund Balance

1,000. approp.to: General Fund (9104-5695.04) Support of Community & Civic

Org.- Fair Association Equine Center

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

✓ Council received the following Planning Commission report from its meeting held on November 16, 1983:

"...The Commissioners reviewed architectural drawings of a proposed six-story office building, to be built by Medical Arts of Rockingham, Inc. in downtown Harrisonburg on the northwest corner of North Main and West Elizabeth Streets. The Director reported that the Harrisonburg Redevelopment & Housing Authority has conveyed 2,568 acres of cleared land in the former "Kavanaugh block" to the developers, and the Authority has approved the plans for the project. The building will have 60,400 square feet of floor area. A driveway will exist along the lower entrance lobby with auto entrance-exits from both Main and Elizabeth Streets. Sixteen parking spaces are shown plus landscaping. Additional parking will be available on adjacent land and north of West Wolfe Street. The 320-space Wolfe Street parking deck is one block east of the project. Mr. Heath suggested the plans be forwarded to City Council, since this is probably the most significant building planned for downtown since the early 1900's.

Mr. Fleming moved that the Commission endorse the proposed Medical Arts Building to be constructed on the northwest corner of N. Main and West Elizabeth Streets. Mr. Rhodes seconded the motion and all members voted in favor..."

Planning Director Sullivan presented the proposed plan of the Medical Arts Building to be constructed at an angle in the former B.Ney corner, and noted that the amount of acreage (2.76) as set out in the Planning Commission's report, represents the entire area. The project is in keeping with the Master Plan for the downtown area, and has involved the City Council, R & H Authority, Parking Authority, and City Planning Commission. Other than the parking areas mentioned in the report, Mr. Sullivan added the fact that the Catholic Church parking lot is also in the vicinity of the proposed building. He noted that a sidewalk has been provided across the Presbyterian Church property, for access by pedestrians from Court Square to the area of the proposed building, for which sidewalk the City had acquired an easement. Councilman Cisney offered an opinion that this is a welcomed and long awaited project. Vice-Mayor Dingledine offered a motion for the project to be endorsed by Council, with the observation that it is consistent with the type of development the Council had hoped for, in order to revitalize the downtown. The motion was seconded by Councilman Rhodes, and adopted by a majority vote of Councilmen present: Voting aye: Councilmen Rhodes, Cisney and Dingledine; abstaining: Mayor Green; absent: Councilman Robinson.

✓ Council received the following report from a November 16th meeting of the City Planning Commission:

"...Architect Wayne Modisett explained the drawings of a proposed Valley Wellness Center to be constructed by Rockingham Memorial Hospital next to the Shenandoah Valley Racquet Club building on Beery Road. The physical fitness center will include an indoor swimming pool, exercise rooms, a cardiac rehabilitation area, racquet ball courts, saunas and classrooms. The 24,000 square foot structure will be large enough that 150 people could be using it at the same time. Off-street parking areas, landscaping and an outdoor jogging trail will be built. All vehicles will enter and leave via Beery Road, just south of Stone Spring Road. R.M.H. Administrator Carter Melton, stated that it is hoped 1,200 memberships can be signed in the first year. Mr. Sullivan asked if the facility will be classified as a business, a private recreational facility, or a medically-oriented institutional facility. Mr. Melton described it as a medically based health center. The Director noted that the area is zoned M-1 Industrial, with good visibility from Interstate 81. However, the only road system serving the site is Stone Spring Road which connects with Pleasant Hill Road near South Main Street. Mr. Melton said this will be adequate access. Mr. Fleming asked if the program will reach the many citizens who need it. Mr. Melton said different membership packages will be available. The "complete" membership will cost about \$50.00 monthly per person.

Mr. Heath concluded the discussion with a motion for the Commission to endorse the proposed Valley Wellness Center. Mr. Fleming seconded the motion and all members voted in favor..."

Mr. Modisett explained the plan for the facility, noting that the three racquet ball courts would be picked up and relocated to the southern part of the site. The floor plan of new construction includes three tennis courts (with hopes that remodeling will provide spectator area); a swimming pool (large area primarily for exercise - $3\frac{1}{2}$ - $4\frac{1}{2}$ ft.); Administrator's Office; whirlpool area and laundry facilities, with all facilities geared to accommodate the handicapped. It is hoped that an indoor track can be provided in the future. Mr. Modisett described the facility in four categories: (1) medical component; (2) educational component; (3) facilities component and (4) professional staff component. Council viewed a 15 minute filmstrip on the "Wellness Program." Councilman Cisney asked if the cost of the facility would be included in the RMH operation, and was advised that revenue would be generated through membership fees. Vice-Mayor Dingledine asked what provision would be made for citizens of more limited income, and whether or not group membership of employees is under consideration. He was advised that this will be included in the planning, with presentation of different proposals made for group rate memberships. Following discussion, Councilman Cisney offered a motion for Council to endorse the Valley Wellness Program. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Councilmen present.

✓ City Manager Milam presented and read the following Planning Commission report from a November 16th meeting:

"...The Commissioners studied Scripture Building Corporation's proposed Final Plan of Madison Square II Subdivision, located on the west side of Reservoir Street between Camelot Nursing Home and an HEC Substation. The 2.76 acre site shows 24 condominium-style dwelling units, to be built in six 4-unit buildings. The units will be located on a private parking lot, with 3 spaces per unit provided, plus landscaping and a common green area on the far west end of the site. Easements for all necessary utilities are shown on the plat, and Mr. Scripture has agreed to work with the City in obtaining easements and constructing a new water main from nearby University Court to Eastover Drive. A discussion concerning the distance between each structure, revealed that a greater fire resistance wall must be incorporated in these structures where they are only 15' apart. Most apartment buildings are located at least 30' apart. Mr. Scripture explained that his unique design has proven to be attractive and well received on South Main Street, but the State Building Code requirements for the greater fire resistance walls costs him more than is the case in projects with 30' of space between buildings.

Mr. Fleming offered a motion that the Planning Commission recommend approval of the Final Plan for Madison Square II Subdivision. Mr. Heath seconded the motion and all members voted in favor..."

Planning Director Sullivan called attention to the attached survey sheet, showing location of the 2.76 acre site and another sketch showing location of the six buildings, each to contain four dwelling units. The area is zoned R-3 for density requirements. He noted that the originally proposed 54 for-sale living units have been reduced to 24, and will be built away from the flood plain. He said he felt the engineering details, water and sewer, etc. are in order, insofar as accepting the subdivision, and added that the developer has copies of the covenants for joint ownership. Councilman Rhodes moved that the Final Plan for Madison Square II Subdivision be approved, as recommended by the Planning Commission. The motion was seconded by Vice-Mayor

Dingledine, and adopted by a unanimous vote of Councilmen present.

✓ The following Planning Commission report from a meeting held on November 16th, was read by the City Manager:

"The Director presented a Final Plan of Reherd Acres, Unit 12, dated October 10, 1983. He reported that City Council had approved Unit 12 on February 22, 1983 but the developers have changed the width of two townhouse lots from 18' to 20'. In October, the City issued building permits for a group of ten townhouses, including the two 20' lots. The overall lot sizes and arrangement remains basically the same, but the revised Final Plan must be approved and signed before the townhouses can be sold."

Mr. Milam moved for the Commission to recommend approval of the revised Final Plan for Unit 12 of Reherd Acres Subdivision. Mr. Heath seconded the motion and all members voted in favor..."

Planning Director Sullivan pointed out that other than widening the two center lots, as reported, lots 34 and 43 have been reduced to the minimum amount, and will be shy by a foot or two in side yards. He noted the importance of processing the new lot sizes, in other that realtors and attorneys will have the correct description when the units are sold. Vice-Mayor Dingledine moved that the Revised Final Plan for Unit 12, Reherd Acres Subdivision, be approved, as recommended by the City Planning Commission. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

✓ The City Manager presented and read the following Planning Commission report from a meeting held on November 16, 1983:

"...The Commissioners studied and commented on a proposed definition for 'Minor Subdivision.' to be added to the Subdivision Ordinance if approved. The Commission held a public hearing on September 21, 1983 and several changes in the text were made. The following proposed definition was formed:

'Minor Subdivision'---the division of a tract of land having a gross area of five or less acres, requiring no dedication of public rights-of-way. When such minor subdivision or a property line adjustment is presented to the Planning Director, it shall be reviewed by a technical committee comprised of the Planning Director, City Engineer and Building Official. The technical committee shall respond to the requested review within a period not to exceed thirty calendar days. If the request is denied, the petitioner may submit the proposal to the Planning Commission for review. In the event that the petitioner of a minor subdivision is dissatisfied with the technical committee's decision, the request may be submitted to the Planning Commission for review within thirty days. A minor subdivision decision by the technical committee shall be reported to the Planning Commission at its next regular meeting.

Mr. Fleming moved that the Commission recommend to City Council that the Subdivision Ordinance be amended to include a definition for 'Minor Subdivision.'

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

Planning Director Sullivan said that the next step would be a public hearing by City Council, and suggested that it be scheduled during the month of January. Councilman Rhodes offered a motion for the Planning Commission report to be accepted, and a public hearing to be scheduled for Tuesday, January 24, 1984. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

✓ The City Manager presented two petitions requesting City Council to take measures to have the Campbell Hotel on N. Main Street, closed. One petition was signed by 33 property owners and/or owners or operators of businesses or tenants in and about the immediate vicinity of the hotel, and another signed by 18 tenants of the Polly Lineweaver Apartments. Some of the reasons cited for the closing included: facility is a fire hazard; unsightly appearance and condition of the building; a hindrance to businesses in the area; loitering in front of the hotel, as well as the hotel serving as a gathering place for inebriates; abusive language and acts of violence which include three homicides within the last couple of months. Manager Milam called members' attention to letters from George A. and William A. Julias concerning the matter, which information had been provided in the Council Chambers earlier this evening, strictly for members' personal attention and use, and noted that some of the information had been removed, prior to the meeting, without receiving proper permission to do so. He offered an opinion that it is time for Council to schedule some type of meeting or hearing to determine whether or not certain city officials had been negligent in their duties of carrying out city ordinances, and whether or not the hotel should be declared a public nuisance. Following discussion, the City Manager was instructed to place the matter on Council's December 13th agenda in order that those involved, may be given an opportunity to be heard, and the City Attorney was asked to review the City charger, and the entire situation from a legal standpoint.

There being no further business, Councilman Cisney moved that the meeting adjourn at 8:55 P.M. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

CLERK

MAYOR

Tuesday, December 13, 1983

At a regular meeting of Council held in the Council Chambers this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingledine, Jr.; Councilmen Elon W. Rhodes, James C. Cisney, Thomas H. Robinson, II; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on November 22nd 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 November, 1983.

From the City Treasurer:

A trial balance report as of close of business on November 30, 1983.

From the Police Department:

A report of Fines & Costs; Cash collected from street parking meters and number of charges for November, 1983, with total amount of \$ 6,755.69 turned over to City Treasurer.

From the City Auditor:

A financial report for the City of Harrisonburg, month of November, 1983.

A report of cash discounts saved in payment of vendor's invoices for month of November, 1983, totaling \$ 146.47.

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, 1983.

✓ Correspondence was presented from officials of the Harrisonburg Rescue Squad, in which request was made for Council's consideration in approving purchase of a mobile home from Golden Rule Homes, and placing same next to Station 1 (west side of Maryland Ave.) on grass plot between the parking lot and Blacks Run. It was noted that the purchase, utility hook-ups, maintenance, etc. would be at the expense of the Harrisonburg Rescue Squad, and the purpose is to provide more meeting space, and more space for social interaction, as well as to provide space for female housing quarters. Inasmuch as the request pertains to the placement of a trailer, City Manager Milam recommended that it be referred to the City Planning Commission for review and recommendation. On motion of Councilman Cisney, seconded by Vice-Mayor Dingledine, and a unanimous vote of Council, the request was so referred.

✓ Mr. Mike Phillips of the Health Department, appeared before Council to present the Annual Environmental Health Report, which included both written and oral statements and statistics re services which had been rendered during fiscal year 1982-83 in all categories of health care in the Harrisonburg area.

✓ With regard to petitions which had been submitted for closing of the Campbell Hotel on North Main Street, Mayor Green said he had talked with some of the people and they were aware of problems which exist at the hotel. He agreed that the matter should be looked into further, and said there was no way anything could be done with the number of people residing in the hotel, without some consideration as to what the place would be in the future. He has talked with Social Services personnel and learned that some of their clients reside in the Campbell Hotel. The Mayor suggested that he and the City Manager have a conversation with Mrs. Pabst, owner of the hotel, prior to any further action concerning the petitions. Attorney Dabney Overton, counsel for Mrs. Pabst, said he finds no fault in the Mayor's proposal, and requested that he be advised of any further investigation into the situation, prior to action by City Council. Mr. Phillip Reilly, a member of Blessed Sacrament Church, informed Council that the church has a relationship with the hotel, and has found them to be good neighbors. He added that a number of people have problems, and many more are on the edge of Social Services assistance, with many working in Central Harrisonburg who need shelter at the hotel. Following discussion, the matter was tabled for further investigation and review.

✓ Correspondence dated 12/6/83 from Mr. Dennis Cupp, General Manager of the Rockingham County Fair Association, was presented, which enclosed a proposed resolution committing financial support by the City of Harrisonburg, to the Virginia Horse Center, which is being pursued for location at the County fairgrounds. A commitment of \$1 million is set out in the resolution, subject to the Harrisonburg-Rockingham facility receiving the designation by the General Assembly. Mr. Cupp presented sketches showing present facilities at the fairgrounds, and those proposed for the Horse Center, and Council viewed a short film substantiating the naming of the Shenandoah Valley for the state's Horse Center. Senator Nathan Miller said he was interested in what it may bring to the local economy, and noted that a Study Committee in the General Assembly is investigating an area for the Center, which will be a drawing area for all regional horse shows. The county and city is in competition with Augusta County, in that both have adaptable facilities. He noted that two questions have been raised: (1) whether or not a Grant would be given a non-profit organization, and (2) how rapidly would the facility be developed, and at the least expense to the General Assembly. He informed Council that it has been discovered that a number of Grants have been approved for non-profit organizations, and added that a commitment by the City and County of \$1 million each, should impress the legislature and expedite the decision for designating a location. When Councilman Robinson inquired as to what position the Fair Association takes with regard to its share of the financing, he was informed that Mr. Jim Sharp, consultant, will be making a report around the 10th of January, in order to be in a position to determine what the Association actually has. When the Mayor inquired as to the time schedule for the funds to be paid, he was informed that it may well be appropriated in the 1984 fiscal year budget. Councilman Cisney raised a question of what amount the state may allocate toward the project, in that it had been noted that the \$4 million proposed expenditure of 1981, may escalate to \$5 million or more. Senator Miller said that the state's amount of allocation is hard to predict, but that it could possibly be estimated at 50%, or whatever amount that may be determined. He noted that the key is to get the designation because "without this, the Fair Association could do nothing." Councilman Cisney expressed concern about the twolocalities having to finance the project, with the state contributing no funds. Senator Miller replied that the city's commitment could be made, subject to state aid. Councilman Cisney stated that although he felt the Center would create many services and add to the growth of the city and county, he was opposed from the financial standpoint, noting that it would be difficult to make a firm commitment over the next two or three years from the City's General Fund. If deferred payments beyond 1988 could be considered, it would seem more practical, in view of the city's

obligations at hand. He added an observation that since this is a state project, proposed by the General Assembly, the state should make its amount of contribution known. Mayor Green said that the City does not have a million dollars at the present time. Councilman Cisney expressed concern as to whether or not the state would be advised that the city and county would continue to control the facility, if the fairgrounds should be designated. Councilman Rhodes, a member of the Central Shenandoah Planning District Commission, said that although the concept of the facility had been approved by the Commission, he was concerned about the \$1 million commitment, because of the court obligations which must be carried out under the recent annexation of land, by the City. City Manager Milam informed Council, and those present, that the matter would have to be channelled through a public hearing, budget hearings, etc., and said he felt this is something that Council may like to work out in due time. Senator Miller said he felt the Committee would like to have any commitment the City feels it can make, and that he understood that a commitment cannot be made unless it can be backed up. Following discussion, Councilman Cisney offered a motion for Council to endorse the designation of Rockingham County Fairgrounds for a Virginia Horse Center, and for the City Manager to be given until the next regular meeting of Council to make some recommendation as to the amount of funds, if any, that could be committed toward the project, with Council to then make a decision as to whether or not the City is in a position to meet its obligation. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ The following report and recommendations from a meeting of the Harrisonburg Transportation & Safety Commission held on November 30, 1983, were presented by Mr. John Driver, Secretary, with a request for Council action following presentation of each matter:

- (1) *"Under old business, Secretary Driver presented each member of the Commission a copy of the traffic survey that was made at South High Street (Route 42) and Erickson Drive (Route 726). After explaining the survey to the members, Mr. Driver also stated that to warrant a traffic signal, the traffic count should be 600 vehicles per hour on the primary route and 150 vehicles per hour on the secondary route. He also stated that during the survey, he observed the intersection for several hours and the speed the vehicles were traveling made it a very dangerous intersection. Also, there has been an average of five accidents per year at this intersection. He also stated that it would cost between 20 and 25 thousand dollars to install a traffic signal at the intersection. After discussion on whether to install a traffic signal, Chief Presgrave made a motion that although the traffic counts do not warrant a traffic signal, but due to dangerous conditions, the City Council should have a signal installed at this intersection as soon as funds become available. Wayne King seconded the motion and all members voted in favor."*

Councilman Cisney asked if any state aid could be applied for on installation of the traffic signal, and Mr. Driver replied in the affirmative, noting that if approved, the state would pay 95% of the total cost, leaving only 5% for the City. He pointed out that Grants had not been applied for in the past, for traffic signals, in that it was felt that aid for such projects may affect funds received on street construction. Councilman Cisney offered a motion for Council to approve the recommendation for installing a traffic signal, with state aid requested through the following resolution:

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

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA, at its regular meeting on the 13th day of December, 1983, that:

- 1. The Department of Highways & Transportation of the Commonwealth of Virginia, be, and it is hereby requested to establish and set up a project within the City of Harrisonburg, Virginia, to signalize the intersection of Erickson Avenue (Route 726) and South High Street (Route 42).*
- 2. That the City hereby agrees to pay its share of the cost for Engineering and Construction under the present cost formula adopted by the Department of Highways & Transportation.*
- 3. The City further agrees that if the said project is established as herein requested, and thereafter, the said City decides not to proceed further with the said project, then the City, by this resolution, agrees to repay the Highway Department for 100 percent of the cost incurred for the said project to the time of abandonment.*

ADOPTED and APPROVED this _____ day of _____, 1983.

Mayor

Attest:

Clerk

The motion approving the recommendation and resolution, was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

- ✓ (2) *"Mr. Driver stated that he had a recommendation to lower the speed limit on Erickson Drive from 45 miles per hour to 35 miles per hour. He stated along with Chief Presgrave, that they had made a study on the speed limit changes, and due to the proposed addition of industry along the road which would cause a lot of truck traffic, that he and Chief Presgrave recommended the speed limit be reduced to 35 miles per hour on Erickson Drive between Garbers Church Road and South High Street. Wayne King made a motion that the Safety Commission recommend to the City Council that the speed limit be decreased from 45 miles per hour to 35 miles per hour on Erickson Drive between Garbers Church Road and S. High Street. Julius Ritchie seconded the motion and all members voted in favor."*

Councilman Robinson moved that the speed limit on Erickson Drive, between Garbers Church Road and South High Street, be decreased from 45 mph to 35 mph, as recommended by the Transportation & Safety Commission. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

(3) "Secretary Driver presented a request that was made by the residents of Central Avenue, Shenandoah Street and South College Avenue to the Harrisonburg City Council and referred by the Council to the Transportation Safety Commission. After discussing the petition, which consisted of several different items, it was felt the City Council should handle the sidewalk request as the City Ordinance states to install sidewalks, the owner should pay one-half the cost. As for the speeding in the area, the Safety Commission felt that since the area was well posted with 25 miles per hour speed signs, the only thing that could be done would be for the police to patrol more with radar. As for the trucks driving through the area, Elon Rhodes made a motion that the Commission recommend to City Council that they have No Through Truck signs erected at Shenandoah Street, Central Avenue and South College Avenue. Julius Ritchie seconded the motion and all members voted in favor."

Following a brief discussion, Councilman Cisney offered a motion for Council to accept the report of the Transportation & Safety Commission concerning the Park View requests, and to refer the matter of No Through Truck signs, to the special Truck Route Study Committee for review. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

(4) "Secretary Driver presented a letter that had been received by the City Manager, requesting that the speed limit on Greystone Avenue be increased from 25 miles per hour to 35 miles per hour. After discussion, the Commission felt like it would not be consistent with other requests in this same area that had been presented about speeding. Wayne King made a motion that no changes be made to the speed limit on Greystone Avenue. Nelson Fitzwater seconded the motion and all members voted aye."

Councilman Cisney moved that Council approve the recommendation of the Commission for no increase in the speed limit on Greystone Avenue. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

The following report from a December 12th meeting of the City Planning Commission was read by the City Manager:

"...The Commissioners were oriented to a site plan and area map illustrating a proposed 8.4 acre shopping center on South High Street's northwest side, between Hillandale Subdivision and Erickson Avenue. Mr. J. R. Copper, Land Surveyor, presented copies of a Final Plat of proposed Rockingham Square Subdivision. He described the site plan and the subdivision plat, noting that a 60' wide public street will be constructed by the owners, Rockingham Builders, Inc. and dedicated to the City. This street will serve the shopping center and future commercial and residential development on adjacent undeveloped land. Curbing and gutters will also be installed on both sides of this street, and the private roadways leading into and from the shopping center's parking lot. The center will have 126,800 square feet of retail space, anchored by a Food Lion Grocery, Eckert's Drug Store, and a Family Dollar variety store. The stores will be 320' away from South High Street, with 250 parking spaces in front. The Director pointed out that planting islands are to be located throughout the parking lot and a large green area with sign will be adjacent to S. High Street.

Mr. Trobaugh questioned the safety of entrance & exit areas, since a median strip exists in front of the shopping center site. Mr. Rhodes reported that the City's Highway Safety Commission is going to recommend a traffic light for the nearby S. High-Erickson Drive intersection, and he added it is possible some of the median strip could be removed and converted into a center turning lane.

Assured that the Engineering Department and Water & Sewer Department are satisfied with the plans and necessary easements, Mr. Fleming moved that the Planning Commission recommend approval of the Final Plat for Rockingham Square Subdivision, Section 1, with the median strip in S. High Street being given serious study and consideration by the City. Mr. Hartman seconded the motion and all members voted in favor..."

Planning Director Sullivan pointed out location of the proposed shopping center on a map, noting that a new 60' wide street will be built and dedicated, which street is the key to the development. It will eventually serve more commercial establishments. Holding ponds will take care of water run-off from the Center. He informed Council that the earlier meeting of the Commission had been scheduled for yesterday, in view of the closing dates for the project, and that it should not be construed as a "hurried up" decision, in that the project had been reviewed by all concerned. City Manager Milam offered a recommendation for approval of the project, in that it is a 3-lot subdivision, including a new street. Vice-Mayor Dingledine moved that the Final Plat for Section 1 of Rockingham Square 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 from the City Planning Commission meeting held on December 12, 1983:

"...The Commissioners examined copies of the proposed Final Plat of two commercial parcels, owned by Mr. Gary Chatelain and located at 869 North Liberty Street. The Commissioners met with Mr. Chatelain on the site on November 30th, and reported that the odd shape of Lot 2 is based on the locations of two existing commercial buildings and their parking and driveway arrangements. Mr. Chatelain expressed agreement to providing the City with a 5' wide strip of land through an easement along the N. Liberty Street frontage. The Director noted that the Subdivision Ordinance does not govern the shapes or size of parcels in commercial or industrial zones. This property is zoned M-1 Industrial and if the two lots are approved, lots 0 through 7 of the Black Marble Addition should be vacated by action of City Council.

Mr. Fleming moved for the Planning Commission to recommend approval of the Final Plat of the Chatelain Subdivision, 869 N. Liberty Street, with the

addition of a 5' easement along the North Liberty Street frontage, and the vacating of Lots 0 through 7 in the Black Marble Addition. Mr. Heath seconded the motion and all members voted in favor."

✓ Following further review of the Subdivision plat by the Planning Director, and discussion, Councilman Cisney offered a motion for Council to approve the Final Plat of the Chatelain Subdivision of two commercial parcels located at 869 N. Liberty Street, as well as the vacation of Lots 0 through 7 in the Black Marble Addition. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ Correspondence dated 11/28/83 was presented from Attorney George H. Roberts, Jr., on behalf of Wharton, Aldhizer & Weaver, which firm is acting as bond counsel for the Industrial Development Authority of the City, with an issue of bonds to be sold on behalf of Mr. Charles O. Maphis, Jr. A copy of minutes from the Authority's Public Hearing held on December 12th was attached, along with the fiscal impact statement. The following proposed resolution was read, for Council's consideration of approval:

WHEREAS, a public hearing was held by the Industrial Development Authority of the City of Harrisonburg, Virginia (the Authority) on December 12, 1983, in accordance with the provisions of Section 103(k) of the Internal Revenue Code of 1954, as amended (the Code) and Section 15.1-1378.1 of the Code of Virginia (1950), as amended (the Virginia Code), to consider the application of Charles O. Maphis, Jr. (the Applicant requesting the Authority to issue up to \$2,250,000 of its Industrial Development Revenue Bonds to assist the Applicant in acquiring, constructing, renovating and equipping motel and restaurant facilities located at the intersection of West Hill Road and Port Republic Road in the City of Harrisonburg, Virginia; and

WHEREAS, after such public hearing, the Authority filed its report with the City Council recommending the approval of the bonds and finding that the project would be consistent with the Virginia Industrial Development and Revenue Bond Act, together with the fiscal impact statement for the project as required by Section 15.1-1378.2 of the Virginia Code; and

WHEREAS, the City Council concurs with the report of the Authority,

NOW, THEREFORE, BE IT RESOLVED that the issue of bonds described above is hereby approved by the City Council of the City of Harrisonburg, Virginia, to the extent required by Section 103(k) of the Code and Section 15.1-1378.1 of the Virginia Code, to permit the Authority to assist in the financing of the project.

The approval of the issuance of the bonds, as required by Section 103(k) of the Code and Section 15.1-1378.1 of the Virginia Code, does not constitute an endorsement of the bonds, the financial viability of the facilities or the creditworthiness of the Applicant, but, as required by Section 15.1-1389 of the Virginia Code, the bonds shall provide that neither the Commonwealth of Virginia, the City of Harrisonburg, nor the Authority shall be obligated to pay the bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged therefor and neither the faith, credit nor taxing power of the Commonwealth of Virginia, the City of Harrisonburg, or the Authority shall be pledged thereto.

This Resolution shall take effect immediately.

ADOPTED and APPROVED this _____ day of _____, 1983.

Mayor

Attest:

Clerk

Following discussion, Councilman Robinson moved that Council approve the resolution, authorizing issuance of the bonds on behalf of Mr. Charles O. Maphis, Jr. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous recorded vote of Council.

✓ During a discussion concerning appointments to various Boards and Commissions, it was brought to Council's attention that the unexpired term which has been filled by Robert G. Dinsmore, Jr. on the Harrisonburg Parks & Recreation Commission will expire on December 31, 1983. Vice-Mayor Dingledine offered a motion for Mr. Dinsmore to be appointed to a first full term of four (4) years on the Commission, effective December 31, 1983 and expiring December 31, 1987. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ Inasmuch as a vacancy occurred in the membership of the Building Code Board of Appeals on November 30th by the expiration of Mr. Richard Fleming's second term, Mayor Green asked members' wishes concerning an appointment. Councilman Rhodes moved that Mr. C. Robert Heath of 315 South Avenue, Harrisonburg, be appointed to a first term of five (5) years on the Board, expiring on November 30, 1988. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

✓ Mayor Green reminded Council that the first term of Joseph D. Eney on the City Planning Commission would expire on December 31, 1983, and asked members' wishes concerning an appointment. Vice-Mayor Dingledine moved that Mr. Eney be appointed to a second term of four (4) years on the Commission, expiring on December 31, 1987. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

Council was reminded that the second term of Mr. Emmet Stroop on the Harrisonburg Electric Commission will expire on December 31st of this year, making him ineligible for reappointment. The Mayor asked wishes of the members concerning an appointment to fill the vacancy which will be created. Vice-Mayor Dingledine offered a motion for Mr. James A. Saker of 1100 Hillcrest Drive, Harrisonburg, to be appointed to a first term of three (3) years on the Commission, effective on December 31, 1983 and expiring December 31, 1986. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

✓ A request was presented from the Director of Social Services for approval of a supplemental

appropriation in amount of \$ 614.00, representing supplemental allocation from the Federal Government for the Emergency Food & Shelter Program. Councilman Cisney moved that the appropriation be approved, and that:

\$ 614.00 chgd.to: VPA Fund (1901.01) Recoveries & Rebates

614.00 approp.to: VPA Fund (5039-5716.01) FEMA

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

The City Manager presented a request from Chief of Police Presgrave, for approval of a supplemental appropriation in amount of \$ 3,029.80, in order to reimburse for officers on other assignments, which funds were paid out of department accounts. The funds will be placed in Capital Outlay communications for walkies sold and for new ones, as replacements. Following a brief discussion, Vice-Mayor Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 3,029.80 chgd.to: General Fund (1901.01) Recoveries & Rebates

2,900.00 approp.to: General Fund (3101-7003.00) Communications

129.80 approp.to: General Fund (3101-1001.05) Patrolman

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

Council received a request from Mr. Horace Wimmer, Jr., Data Processing Director, for approval of a supplemental appropriation in amount of \$ 4,478.24 in order to appropriate funds received from the City Treasurer and Commissioner of Revenue, for computer time for running tax tickets. Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 4,478.24 chgd.to: General Fund (1901.01) Recoveries & Rebates

1,478.24 approp.to: General Fund (1220-1010.01) Other Personal Services

2,000.00 approp.to: General Fund (1220-3004.01) Maint/Repairs of Mach. & Equip.

1,000.00 approp.to: General Fund (1220-5413.01) Other Operating

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

City Manager Milam requested approval of a supplemental appropriation in amount of \$ 7,768.00, in order to appropriate dividend from Worker's Compensation policy written for the period July 1, 1981 to July 1, 1982. Following a brief discussion, Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 7,768.00 chgd.to: General Fund (4101.01) Recoveries & Rebates

7,768.00 approp.to: General Fund (9102-2011.01) Insurance- Worker's Comp.

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

A request was presented from Assistant City Manager Driver for approval of a supplemental appropriation in amount of \$ 12,321.00, representing refund for work the Street Department did for Branch & Associates in reworking the steam line, in order that the monies may be placed into the proper account. Vice-Mayor Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 12,321.00 chgd.to: General Fund (1901.01) Recoveries & Rebates

12,321.00 approp.to: General Fund (4102-3004.05) Street- Maint. & Replacement-
Highways, Streets and Sidewalks

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

Correspondence dated 11/23/83 was presented from Ms. Elizabeth Knighton, Executive Director of the Harrisonburg-Rockingham Community Services Board, in which request was made for Council's approval in the Board retaining local FY '83 balances in two accounts: Pear Street Center and Mental Retardation Director (Coordinator). Balances for Harrisonburg are \$ 206.19 and \$ 78.09 for Pear Street Center and Mental Retardation Director, respectively. It was noted that when an approved budget is underspent or when fee and other income occurs, the state handles its balance by adjusting the following year's appropriation. Should local government permit the Board to retain the local balances, the Services Board could use these monies primarily for expenses which are not ordinarily budgeted. City Auditor Peterman informed Council that this is the first time the Board has made request to retain its balances. Following a brief discussion, Councilman Cisney offered a motion for the Community Services Board to be permitted to retain Harrisonburg's balances in the two accounts, as requested. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

The City Manager called Council's attention to Fiscal Year '83 independent audit reports for Community Services Board-operated programs which receive State funds, submitted by the Board's Executive Director. Manager Milam pointed out that the reports cover all services rendered by the Board during the '83 Fiscal Year, and will be on file in his office for public inspection.

City Manager Milam reminded Council that a letter dated 6/2/83 had been received from the City Engineer, following several meetings with the Water/Sewer Superintendent, making recommendation for the City's ordinance to be amended, concerning fees to be charged for new connections to the Sanitary Sewer System. He noted further that he had made a proposal at the July 26th meeting for an ordinance to be considered which would charge sewer connection or availability fees for individual connections, in that no provision is made for same in the City's Code. The matter had been referred to him at that meeting, to have an ordinance drawn. In view of this former action, he presented a proposed ordinance amending and re-enacting Section 7-4-41 of the City Code, proposing fees as follows:

single family dwelling unit - 4" service- \$ 250.00

commercial & industrial:

4" pipe, \$ 300.; 6" pipe, \$ 625.; 8" pipe, \$ 825.; and 10" pipe, \$ 1,250.;

fees for larger pipe to be negotiated by the City Council.

For sewer service inside the corporate limits for an individual, customer to pay cost of installation of sewer line from the main to the property, plus a 20% contingency fee, based on the foregoing availability fees. For sewer service outside the corporate limits, the charge shall be cost of installation of the sewer line from the main to the property line, plus 20% contingency fee, plus an availability fee equal to 200% of the applicable in-city fee. He noted that section (d) of the

present ordinance states that there shall be a separate service for each dwelling or business establishment, which is being changed to read building structure in the proposed ordinance. Following discussion, Councilman Cisney moved that the ordinance amending Section 7-4-41 of the City Code be approved for a first reading. The motion was seconded by Councilman Robinson, and adopted by a unanimous recorded vote of Council.

✓ With regard to the matter of requested tax exemption by the Rockingham-Harrisonburg Halfway House (for the Pear Street Center and Summit House), and by the Blue Ridge Legal Services, Inc. (for property at 204 N. High St.), the City Manager reported as follows: correspondence dated 11/30/8 received from the Executive Director of Blue Ridge Legal Services, Inc., advising that the Commissioner of Revenue has indicated a belief that the Legal Services does not fall under the statutory exemption of Section 58-12, and has recommended that the local representative in the General Assembly be contacted in order that appropriate legislation may be introduced in the January session, to enact the desired exemption. Delegate Phoebe Orebaugh has advised that an endorsement from the Governing Body is necessary in order for such legislation to be introduced. Manager Milam then noted that through correspondence of 12/9/83, Commissioner of Revenue Smith has stated that no action is requested by City Council on the Rockingham-Harrisonburg Halfway House, in that Pear Street Center is in the exempt status, with the recently purchased Summit House falling into the same status. In the case of Blue Ridge Legal Services, Mr. Smith said he was still of the same opinion as in November of 1982, when he was approached for tax exemption, that the organization does not qualify for real estate tax exemption. Mr. Smith was present in the meeting and informed Council that Blue Ridge can, and does make charges for its services, and in view of this, he could see no reason to grant exemption from taxation. Mayor Green said that the request would have to go through the Legislature and that request has been made for approval of a resolution in order that the matter may be presented to the General Assembly. Commissioner Smith added that Sec. 30-190.4 of the Virginia Code must be complied with, through the holding of a public hearing, which is new legislation. Councilman Robinson offered a motion for the matter to be tabled, pending further information with regard to community services, etc. that are rendered by the Blue Ridge Legal Services. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council. The City Manager was asked to invite Ms. Eliza Hoover, Executive Director of Blue Ridge Legal Services, to the first meeting in January to present additional information, with matter to be placed on Council's agenda for January 10, 1984.

Mayor Green informed Council that suggestion had been made for the next regular meeting, scheduled for Tuesday, December 27th to be cancelled, in view of the Christmas holidays, and called for a motion to that effect. Councilman Rhodes offered a motion for the meeting of December 27th to be cancelled, which motion, upon being seconded by Vice-Mayor Dingledine, was adopted by a unanimous vote of Council.

At 10:00 P.M., Councilman Rhodes moved that Council enter an executive session to discuss property and personnel. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

At 11:25 P.M., on motion duly adopted, the executive session was declared closed and the regular session reconvened.

Mayor Green asked members' wishes concerning a vacancy which was created on the Harrisonburg Parking Authority by the expiration of Mr. Eddie Ney's second term on November 28th of this year. Councilman Cisney moved that Mr. T. C. Frye, Jr., 1211 Paul Street, Harrisonburg, be appointed to a first term of five (5) years on the Authority, expiring November 28, 1988. 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 11:30 PM.

CLERK

MAYOR