

January 10, 1984

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 Cisney.

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

The following monthly reports were presented and ordered filed from:

City Manager:

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

City Treasurer:

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

Police Department:

Detail report for December, 1983, showing: General Activity; Traffic Activity; Criminal Activity; Offenses and Complaints; Detective Division; Traffic Charges; Criminal Arrests; Animal Warden Report; Parking Tickets Collected, \$ 1,921.23; Meter Funds Collected, \$ 7,382.62.

City Auditor:

Financial report for City of Harrisonburg, month of December, 1983.

Report of cash discounts saved in payment of vendor's invoices for month of December, 1983, totaling \$ 239.51.

Utility Billing Department:

Report of water, sewer & Refuse Accounts; meters read; installations; cut

delinquents; complaints; re-reads, etc. for month of December, 1983.

City Manager Milam called members' attention to their copies of a petition signed by 80 residents of Fairway Hills which had been submitted by Joseph Kosnik, President of the Fairway Hills Homeowners' Association, in opposition to any change in the present R-1 zoning of land bordered by Country Club Road, East Market Street, Betts Road and Keezletown Road, and added that in addition, a second petition with 15 signatures has been received. Further opposition was expressed with regard to the placement of a fire substation within those boundaries. Mayor Green said that the City has not decided on a location for the fire substation, and in fact, is looking at another location. He noted that in view of this, there was not much to discuss at this time. Vice-Mayor Dingleline suggested that the President of Fairway Hills Homeowners' Association be notified that the location in question is not being considered for a fire substation.

For information and recordation in Council minutes, City Manager Milam acknowledged receipt of the following copies of form 8038 which have been submitted as required under Section 15.1-1377 of the Code of Virginia, 1950, as amended, with regard to issuance of bonds, said forms having been filed with the United States Internal Revenue Service:

Industrial Development Authority of Harrisonburg, \$ 1,500,000. Collegiate Facility Revenue Bonds (Eastern Mennonite College, Inc. Project)

Industrial Development Authority of Harrisonburg, \$ 5,000,000. Health Care Facility Revenue Bonds (Virginia Mennonite Home, Inc. Project)

Industrial Development Authority of Harrisonburg, \$ 300,000. Industrial Development Revenue Bond (Zapanta Project)

Industrial Development Authority of Harrisonburg, \$ 2,000,000. Industrial Development Revenue Bond (Aston-Harrisonburg)

Harrisonburg Redevelopment & Housing Authority, \$ 3,500,000. Conservation District Revenue Bond (Medical Arts Building of Rockingha, Inc. Project)

For information, City Manager Milam presented documents received in his office, relating to Notice of Intent by the City of Lexington to annex portions of Rockbridge County. He noted that this is a requirement under Section 15.1-945.7 of the Code of Virginia, 1950, as amended, and said that the information will be on file.

During a discussion concerning appointments to various Boards and Commissions, members were reminded that the unexpired term which is being filled by Mr. John J. (Jack) Broaddus on the Upper Valley Regional Park Authority, will expire on January 24th of this year. Vice-Mayor Dingleline moved that Mr. Broaddus be reappointed to the Authority for a first full term of four (4) years, to expire on January 24, 1988. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Councilmen present.

Inasmuch as Mr. James E. Hughes' first term on the Harrisonburg Parks & Recreation Commission expired on December 31, 1983, and Mr. Hughes is moving from the City, Mayor Green asked members' wishes concerning an appointment. Vice-Mayor Dingleline offered a motion for Mrs. Darla F. Le Pera of 318 Sixth Street, Harrisonburg, to be appointed to a first term of four (4) years on the Commission, expiring December 31, 1987. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Councilmen present.

Attorney Karen Geary, Chairman of the Blue Ridge Legal Services Board, appeared before Council with regard to a request for tax exemption for property situate at 204 N. High Street in Harrisonburg. She informed Council that Legal Aid is a non-profit organization, with its purpose to provide free legal counselling services to local indigent persons. She cleared up an earlier misconception by stating that no funding is derived from clients, but rather from the National League of Services, the General Assembly and United Way. Other funding in the region is also being pursued. Attorney Geary pointed out that the Legal Aid in Harrisonburg is the only legal services in the Commonwealth that has not been exempted from local taxation. She noted that in 1982, when Commissioner of Revenue Smith was approached concerning the request, he had suggested that the organization go before the General Assembly for proper legislation. She asked that Council approve a proposed resolution for Legal Aid of Harrisonburg to be placed under a tax exempt status. When City Manager Milam asked if she was aware that Commissioner Smith had recommended no exemption, based on Section 58-12 of the Virginia Code, Attorney Geary replied in the affirmative, adding that the Commissioner of Revenue should review the Code section. Manager Milam pointed out that Sec. 30-19.04 of the Virginia Code provides that a public hearing be held, prior to approval of a resolution for tax exempt status, but stated further that should Council prefer to take no action, the organization could go directly to the General Assembly for action. Following discussion, Vice-Mayor Dingleline offered a motion for a public hearing to be scheduled for Tuesday, January 24th, 7:30 P.M., and for the matter to be placed on that agenda. 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 Hearing in the Daily News Record newspaper.

The City Manager presented an application for a Certificate of Public Convenience & Necessity from Charles E. Earman and Diane R. Roach, covering one vehicle. Upon investigation by the Police Chief, his report noted no reason for denial of the application. Mr. Earman informed Council that the vehicle would be operated from 614 Franklin Street in Harrisonburg, and would be used for limousine service in transporting people to airports, other than the Shenandoah Valley Airport at Weyers Cave, namely: Dulles, National, Richmond and Roanoke. He said that the service was begun on December 6th with good response so far. In discussing the venture with the Manager of Shenandoah Valley Airport, Mr. Earman said he had expressed pleasure, in that they often have people at the airport which they cannot accommodate, and the limousine service would pick up the slack when their planes are booked. Mr. Earman pointed out that the service would be by reservation only, and would not be in competition with the City's Transportation System, in that no local hauling would be done. When question was raised concerning the rates, Mr. Earman displayed a rate schedule, which set out how the rates might be reduced (i.e. number of people being transported, etc.). City Manager Milam

made reminder that in 1976, the City purchased the privately owned transportation system, and noted that although the City does provide cab, bus or van service to the airports, the limousine rates should be less. He pointed out that approval of Council is necessary, as provided in City Code Section 14-1-35, prior to issuance of a permit. Councilman Rhodes moved that Council approve issuance of a Certificate of Public Convenience & Necessity to Charles E. Earman and Diane R. Roach, for a one year period, expiring January 10, 1985. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Councilmen present.

✓ Attorney Henry Clark, speaking on behalf of many others and himself, as an irate citizen, said that although the City has nothing to do with television pay services, but does have with Warner Amex Cable under a television cable franchise, some may feel that Council, in 1980, "gave away the store" when it renewed the company's franchise. He noted that under Section 34 of the franchise agreement, Council reserves the right to approve all basic monthly rates, which he considers a good idea, in that it is a normal way to regulate rates insofar as public utilities. The franchise renewal, however, exempts the special pay services from Council's control, and permits the company to place whatever charge it may choose. He said that Council probably felt that it would have some indirect control over the special services, with its control over the basic, when the franchise was renewed. Mr. Clark submitted that Warner-Amex Cable should be notified of its failure to comply with Sections 9, 10 and 33 of the franchise ordinance, because of the distorted picture and scrambling on ESPN, with service interrupted for hours at a time. Mr. Clark contended that he was "getting robbed" in what he was paying for, and pointed out the fact that Council has control to make the company stop this treatment to paying customers right now. He requested that Council give Warner-Amex ten days' notice for a Hearing on revocation of its franchise, based on the company's failure to comply with various sections of same. Following discussion, Councilman Rhodes offered a motion for the matter to be placed on Council's agenda for the January 24th meeting, with officials of Warner-Amex Cable Company to be present in defense of a possible franchise revocation, insofar as what it intends to do with regard to the paying services and compliance with the franchise. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Councilmen present.

✓ Councilman Robinson moved that a supplemental appropriation in amount of \$ 3,029.80, requested by the Chief of Police in order to reimburse officers on other assignments which were paid out of department accounts, be approved for second & final reading, a first reading having been approved on December 13th, and that:

\$ 3,029.80 chgd.to: General Fund (1901.01) Recoveries & Rebates
2,900.00 approp.to: General Fund (3107-7003.00) Communications
129.80 approp.to: General Fund (3101-1001.05) Patrolman

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 \$ 4,478.24 requested by the Data Processing Director in order to appropriate funds received from the City Treasurer and Commissioner of Revenue for computer time for running tax tickets, be approved for second & final reading, a first reading having been approved on December 13th, and that:

\$ 4,478.24 chgd.to: General Fund (1901.01) Recoveries & Rebates
1,478.24 approp.to: General Fund (1220-1010.01) Other Pers. 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 Vice-Mayor Dingleline, and adopted by a unanimous recorded vote of Councilmen present.

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 7,768.00, requested by the City Manager in order to appropriate dividend from Worker's Compensation Police written for period July 1, 1981 to July 1, 1982, be approved for second & final reading, a first reading having been approved on December 13th, and that:

\$ 7,768. chgd.to: General Fund (4101.01) Recoveries & Rebates
7,768. approp.to: General Fund (9102-2011.01) Worker's Comp.

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

✓ Vice-Mayor Dingleline moved that a supplemental appropriation in amount of \$ 12,321.00, requested by the Assistant City Manager and representing refund for work the Street Department did for Branch & Associates in reworking the steam line, be approved for second & final reading, a first reading having been approved on December 13th, 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 Rhodes, and adopted by a unanimous recorded vote of Councilmen present.

✓ City Manager Milam presented a request from the Parks & Recreation Director for approval of a supplemental appropriation in amount of \$ 1,695.00. representing revenue collected from city-wide sale held on December 1, 1983. Purpose of transaction is to place funds in Capital Outlay, from a Revenue account. Councilman Robinson moved that the appropriation be approved for a first reading, and that:

\$ 1,695.00 chgd.to: General Fund (1502.06) Rev. from Use of Prop.- Sales Mat.& Supp.
1,695.00 approp.to: General Fund (7107-7005.00) Cap.Outlay- Mtr.Vehicles/Equip.

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

✓ A request was presented from the Social Services Director, for approval of a supplemental appropriation in amount of \$ 10,568.00. It was noted that due to annexation, the State has increased the funding for the Employment Services Program for ADC/GR clients. Vice-Mayor Dingleline moved that the appropriation be approved for a first reading, and that:

\$ 10,568.00 chgd.to: VPA Fund (2401-2401.07) Categorical Aid-Soc.Serv.(Fed.-State share)
10,568.00 approp.to: VPA Fund (5309-5714.01) Emp.Services ADC/GR

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

✓ For consideration of a second & final reading, an ordinance amending and re-enacting Section 7-4-41 of the City Code entitled "Charge for running sewer service lines to applicant's property line", was presented. The ordinance, approved for a first reading on December 13th, sets out sewer availability fees for individual connections both inside and outside the corporate limits. Councilman Rhodes moved that the ordinance be approved for second & final reading, with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book. The motion was seconded by Councilman Robinson, and adopted by a unanimous recorded vote of Councilmen present. (Refer to Ord. Bk L, page 17).

✓ City Manager Milan reminded Council that an ordinance, which was approved for first reading on March 24, 1981, closing an alley on Third Street in Harrisonburg, has been tabled since that time, pending payment of proper fees. He noted that Mr. Gerald Myers has made settlement for the land to be derived through the closing, and all seems to be in order for a second reading of the ordinance which has been prepared by the City Attorney. Councilman Rhodes offered a motion for Council to approve 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 Councilmen present. (Refer to Ord. Bk L, page 16).

✓ An ordinance for closing portions of a 12' alley west of Monroe Street and north of Madison Street in the City of Harrisonburg, approved for a first reading on May 11, 1982, was presented for consideration of a second & final reading, in that proper payment has been received from Messrs. Jennings B. Shifflett and S. C. Good, requestors. Vice-Mayor Dingledine moved that the ordinance, as prepared by the City Attorney, be approved for second & final reading. The motion was seconded by Councilman Robinson. Attention was called to correspondence from the Commissioner of Revenue which stated that a signed release (quit claim) should be received from Mr. Terry Spitzer, adjoining property owner, indicating no interest in the portions to be closed, prior to any action by Council. City Attorney Lapsley noted the importance of this, prior to a second reading of the ordinance. Vice-Mayor Dingledine then withdrew his motion, and offered a substitute motion for the matter to be tabled, pending receipt of the signed release from Mr. Spitzer. The substitute motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Councilmen present.

✓ The following resolution designating the fourth week of every January to be "Community College Week" was presented for consideration of approval:

WHEREAS, Virginia's Community College System has for years served the educational needs of the citizens of this state; and

WHEREAS, the 23 community colleges in the system make available a wide range of programs and services to every citizen in Virginia at minimal cost; and

WHEREAS, in 1966 the Virginia State Legislature created the department of and State Board for the establishment and maintenance of a state-wide system of comprehensive community colleges; and

WHEREAS, these institutions have provided hundreds and thousands of Virginians with the skills needed for good jobs, college transfer courses, counseling services, and a variety of cultural services, serving more than 250,000 citizens each year; and

WHEREAS, the Community College System is entering into an exciting new era, with a new chancellor, greater challenges, and a new sense of mission; and

WHEREAS, it is appropriate that the people of Virginia recognize the contributions of their community colleges, support these institutions and promote public awareness of the services available to citizens; and

WHEREAS, Blue Ridge Community College has served the region since 1966, providing accessible, low cost, postsecondary educational opportunities to citizens of Harrisonburg;

NOW, THEREFORE BE IT RESOLVED by the Harrisonburg City Council, that in order to promote and maintain that ideal first put forth by Mr. Jefferson, who thought to better educate the people and enable them to protect their newly gained rights by creating institutions of higher learning within a day's horseback ride; and

BE IT FURTHER RESOLVED that the Harrisonburg City Council does hereby endorse the fourth week in January of each year to be "Community College Week" in the Commonwealth.

ADOPTED and APPROVED this _____ day of _____, 1984.

Mayor

Attest:

Clerk

Councilman Robinson moved that the resolution be approved, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

✓ Correspondence dated 12/21/83 from City Treasurer Simmons was presented, in which she advised that a list of lands delinquent for three years and subject to sale for year 1980 had been filed in the Clerk's Office, in amount of \$ 801.27. It was noted that the law prohibits the Treasurer from taking any further action in this matter. The report was for information.

✓ Correspondence was presented from Mr. David Rundgren, Executive Director of the Central Shenandoah Planning District Commission, in which he enclosed a draft resolution supporting the Economic Development Planning Activities of the Commission, on behalf of member jurisdictions. It was noted that since 1974, the Commission has been assisting various areas in becoming designated redevelopment areas and supporting the local committees. The Commission has also identified, in the District Economic Development strategy, the District's Economic Development Center which includes Harrisonburg and portions of Rockingham County, as well as the cities of Staunton, Waynesboro and portions of Augusta County. The resolution was presented as follows:

WHEREAS, the City of Harrisonburg is a member of the Central Shenandoah Planning District Commission (CSPDC) chartered under the provisions of the Virginia Area Development Act; and

WHEREAS, the CSPDC has been active in assisting the localities in the District with their economic development planning and programming activities; and

WHEREAS, the continued recognition of the CSPDC as an Economic Development District is in part dependent upon the support of the localities for the District's economic planning activities; now

THEREFORE, BE IT RESOLVED that the City Council affirms its support for the economic planning activities of the Central Shenandoah Planning District Commission.

BE IT FURTHER RESOLVED that a copy of this Resolution, duly signed and executed, be forwarded to the CSPDC for its files and to be submitted to the Economic District Administration in support of the Commission's economic planning Activities.

ADOPTED and APPROVED this _____ day of _____, 1984.

Mayor

Attest:

Clerk

Councilman Rhodes, a member of the Central Shenandoah Planning District Commission, moved that the resolution, adopted by the Commission at its December meeting, be approved by Council, with authorization for the Mayor to sign same on behalf of the City of Harrisonburg. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Councilmen present.

✓ The following resolution relating to the 25th anniversary of the IMCO Container Plant in Harrisonburg, was presented and read for Council's consideration of approval:

WHEREAS, IMCO Container Corporation of Kansas City chose to accept Harrisonburg's invitation for the location of one of its plants here in January of 1959; and

WHEREAS, the IMCO Corporation is one of the largest manufacturers of plastic bottles, produced in hundreds of shapes and sizes to meet the needs of cosmetic, chemical and pharmaceutical companies; and

WHEREAS, the industry is of inestimable value, both in economic and civic benefits, to the City, to its individuals, organizations and businesses; and

WHEREAS, IMCO continues to operate as an industry in the City of Harrisonburg; and

WHEREAS, IMCO has proven to be a "Good Neighbor", blending in well with the area of its location, through its continuing cooperation with residents,

NOW, THEREFORE, BE IT RESOLVED that I, Walter F. Green, 3rd, Mayor of the City of Harrisonburg, on behalf of the Harrisonburg City Council, extend heartiest congratulations to IMCO Container Corporation of Harrisonburg on its 25th anniversary, January 5, 1984.

Mayor

On motion of Vice-Mayor Dingleline, seconded by Councilman Rhodes, and a unanimous vote of Councilmen present, the resolution was duly adopted. Planning Director Sullivan added the fact that IMCO should be complimented on its lighted flag.

✓ Mayor Green informed Council that the National League of Cities, at its annual meeting in New Orleans in November, 1983, had agreed that all Virginia cities should take steps in preserving essential city authority over tv cable franchises, in that House Bill 4103 would be taken up soon after Congress reconvenes on January 23rd. It was felt that a stand should be taken by the cities to convince Congress that HR 4103 is an unsound Bill, tilted strongly toward the interests of cable operators and against the interests of cities and their traditional franchising powers, and further, to convince Congress that adoption of NLC's cable policies is necessary to protect the interests of consumers in both existing and new franchise agreements. In order to substantiate its position, the following resolution was approved at the League's November meeting:

WHEREAS, provision of cable television service has proven to be a valuable service to hundreds of communities across the country and holds great promise to all cities in the United States; and

WHEREAS, local governments have had the responsibility for franchising cable television systems in their cities and for overseeing the implementation of those franchises once awarded; and

WHEREAS, the presence of a strong local governmental role in the overseeing of franchise agreements has worked to ensure that contractual obligations are carried out and the public interest served; and

WHEREAS, since 1981, the National Municipal Policy of the League has called for the pursuit of federal cable television legislation which protects local regulatory authority; and

WHEREAS, the National League of Cities has provided valuable leadership in developing such legislation; and

WHEREAS, the U. S. House of Representatives has been deliberating on federal cable television legislation; and

WHEREAS, the National League of Cities recognizes that since the U.S. Senate adopted S. 66, circumstances have changed due in part to the complexity of the legislative agenda involving telephone deregulation as well as to rapidly developing technology in the field of tele-communications;

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities continue its efforts to achieve cable legislation, consistent with the following goals:

- that local and state governments not be limited in their option to negotiate the definition of basic services and to regulate the rates charged by cable television companies for basic service, should they believe it to be in the public interest;

- that at the time of franchise renewal, cities be able to obtain reasonable upgrades of system hardware to "state-of-the-art" standards; be able to refuse renewal to an operator which has

which has

given poor service during the life of the franchise; be able to negotiate the purchase price of a cable franchise when a municipality buys back a cable system or the system is transferred to a third party through a forced sale; and that any court review will not be de novo- and court review of renewal or non-renewal decisions be the same as that accorded other legislative decisions;

- *that all existing franchises and their terms and conditions and all franchise processes in which a Request for Proposals has been issued be grandfathered;*
- *that the legislation protect cities from anti-trust liability for compliance with federal law;*
- *that any limitation on franchise fees not apply to fees, charges and taxes charged to or through a cable operator as part of a larger class, for example, utility user taxes;*
- *that federal cable legislation not restrict the ability of cities to require public, educational, governmental and leased access to cable television;*
- *that cable companies not be provided with the power to abrogate contractual obligations based on a unilateral assertion of a "significant change in circumstances"; and*
- *that local government not be restricted from municipal ownership and operation.*

The Mayor pointed out the fact that Mr. Thomas Bliley of Richmond, Virginia, is serving on the House Energy and Commerce Committee, and offered an opinion that he, along with our local representatives, should be provided with a copy of the resolution. Following a brief discussion, Councilman Rhodes offered a motion for Council to endorse the resolution, as approved by the National League of Cities, and to so notify our representatives and Mr. Bliley. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Councilmen present.

✓ City Manager Milam informed Council that WVPT and WHSV have submitted applications to the City for economic development funding in the preparation of a cassette film on existing industries in this area, which may be mailed to prospective industries. He noted that the two requests do overlap somewhat, with one representing public television and the other, privately owned educational tv. He offered an opinion that both are worthwhile projects and pointed out that the cassette could be used by Rockingham Development Corporation in inviting industry to this area. The applications have been approved by the Rockingham -Harrisonburg Chamber of Commerce, although, according to the newspaper, no action taken has been taken by the County Board of Supervisors. A brief discussion followed, with no action taken by Council.

The following complaints received by Councilmen were registered:

- ✓ Unauthorized use of rented trash container boxes on Pleasant Hill Road.
(No ordinance covering this)
- ✓ Obstruction of alley from the Sease Building on Mason Street to Main Street, by metal fence and posts, making it a narrow passageway.
- ✓ Condition of railroad track on W. Gay Street, as well as the bridge overpass on West Water Street. City Manager to contact railroad officials.

✓ Councilman Robinson offered a suggestion for maps to be placed in the parking decks, designating points of interest in downtown Harrisonburg, for visitors coming into the City. He noted that they would be similar to maps which are placed within the Valley Mall.

At 9:15 P.M., Councilman Rhodes moved that Council enter an executive session to discuss real estate and a legal matter. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Councilmen present.

At 10:45 P.M., on motion of Councilman Rhodes, seconded by Councilman Robinson, and a unanimous vote of Councilmen present, the executive session was declared closed and the regular session reconvened.

There being no further business, the meeting was adjourned.

CLERK

MAYOR

Tuesday, January 24, 1984

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. Presgarve. Absent: none.

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

City Manager Milam called members' attention to their copies of the audit report for the Upper Valley Regional Park Authority as of September 30, 1983, prepared by the C.P.A. firm of Didawick, Phibbs of Staunton, Virginia. He noted from the report, total assets of \$ 1,364,916. with liabilities (inc. fund balances) in a like amount, with the General Administrative Fund showing a deficit of \$ 154,006. A copy of the report will be on file in the City Manager's Office.

✓ At 7:47 P.M., Mayor Green called the first public hearing of the evening to order, and City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper on January 5th and January 19th, 1984:

The Harrisonburg City Council will hold a public hearing on Tuesday, January 24, 1984 at 7:30 P.M. in City Council Chambers, 345 S. Main St., Harrisonburg, to consider adding the following definition to the City's Subdivision Ordinance:

"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.

The following statement is recommended as an addition to Section 10-2-27, concerning 'vacation of boundary lines':

(d) The boundary lines of any lot or parcel of land may be relocated or otherwise altered as a part of an otherwise valid and properly recorded plat of subdivision or resubdivision approved as provided in this ordinance and executed by the owner or owners of such land as provided in Sections 10-2-21 through 10-2-27, provided such action does not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas; and provided further, that no easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.

The public is invited to attend and participate in the hearing.

CITY OF HARRISONBURG- Marvin B. Milam, City Manager

Planning Director Sullivan said that a public hearing was held by the Planning Commission last fall concerning minor subdivisions. Members were dissatisfied with the language of the definition, which has since been redrafted and revised by the Commission and City Attorney. He noted that the definition reflects what the state code permits a city to do with regard to 5 acres of land, or less, where no dedication of public right-of-way would be involved. Mr. Sullivan said he anticipates many more of these minor items, and feels that the Technical Committee will relieve Council from hearing about them. The Commission will request a report, following each review by the Committee. The purpose of the proposed ordinance is to streamline the process and save time consuming matters which come before Council. The Mayor called on anyone else present, who may desire to be heard. There being no one, the Hearing was declared closed at 7:55 P.M. and the regular session reconvened.

✓ Mayor Green asked members' wishes concerning the proposed ordinance, setting out the definition of a Minor Subdivision. Vice-Mayor Dingleline moved that the ordinance be approved for a first reading, and referred to the City Attorney to be drawn in proper ordinance form. The motion was seconded by Councilman Robinson, and adopted by a unanimous recorded vote of Council.

✓ At 7:56 P.M., Mayor Green called the evening's second public hearing to order and the following Notice of Hearing advertised in the Daily News Record newspaper on January 14, 16, and 24, 1984 was read by the City Manager:

The Harrisonburg City Council will hold a public hearing on Tuesday, January 24, 1984, at 7:30 P.M. in the City Council Chamber, 345 South Main Street, Harrisonburg, to consider the request of Blue Ridge Legal Services, Inc. to be exempt from real estate taxes on property located at 204 North High Street.

The public is invited to attend and participate in the hearing.

CITY OF HARRISONBURG- Marvin B. Milam, City Manager

Mayor Green called on anyone present desiring to be heard either for, or against the request. Attorney Karen Geary, Chairperson of the Blue Ridge Legal Aid Board of Directors, stated that the organization is seeking passage of a resolution by Council, for exemption from local taxation as a non-profit organization. She noted that the Blue Ridge Legal Services, Inc. covers territory from Winchester to Staunton, Page County to Waynesboro, and up to Highland County. The Harrisonburg office is presently serving the entire region, in that some of the offices were forced to close due to the financial crunch. By receiving some funds through the National Legal Services, United Way, etc., some relief on funding by the localities is being realized. Ms. Geary pointed out that this evening's discussion is actually a follow-up of the discussion with Council on January 10th, with the primary purpose being to request a resolution from Council endorsing the organization's application for a tax exempt status for its property situate at 204 North High Street, before the 1984 session of the General Assembly, which, if approved, would maximize funds they do have for provision of services to the legal poor. Seven questions, required under Section 30-19.04 of the Code of Virginia, 1950, as amended, Sub Section B, were answered by the Board Chairperson with respect to the Harrisonburg organization, and were received favorably by Council. Councilman Cisney asked if donations are accepted from clients, and Ms. Eliza Hoover, Executive Director of the local organization, said that fees cannot be charged, and that any client financially able to pay, is referred to another attorney. Clients have to be advised that they cannot give monetary gifts to the attorney representing them. She added, however, that approximately \$200 has been received by the organization, as donations. Vice-Mayor Dingleline offered an opinion that the organization does perform a service to the community, of which he is most appreciative. There being no others present, desiring to be heard, the public hearing was declared closed at 8:30 P.M. and the regular session reconvened.

The Mayor asked member's wishes concerning the request of Blue Ridge Legal Services for a resolution. Vice-Mayor Dingledine offered a motion for the following proposed resolution, prepared by the Clerk, to be approved, with copies of same mailed to Delegate Phoebe Orebaugh and the Harrisonburg Blue Ridge Legal Aid Office:

WHEREAS, Blue Ridge Legal Services, Inc. has made request to the Harrisonburg City Council for tax exemption on property situate at 204 North High Street in Harrisonburg, Virginia, as a non-profit organization; and

WHEREAS, a public hearing was held by Council on Tuesday, January 24, 1984 in compliance with Section 30-19.04 of the Code of Virginia, 1950, as amended; and

WHEREAS, clarification by the Legal Services Board Chairperson re sub-section B of the above Virginia Code section was received favorably by the City Council,

NOW, THEREFORE, BE IT RESOLVED that the Harrisonburg City Council does hereby support Blue Ridge Legal Services in its presentation for proper legislation to be introduced into the General Assembly at its 1984 session, for tax exempt status.

ADOPTED and APPROVED this _____ day of _____, 1984.

The motion to approve the resolution was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council. The Clerk was instructed to mail copies of the resolution to Delegate Orebaugh and the Harrisonburg Blue Ridge Legal Aid Office.

Council was reminded by the City Manager that a motion was adopted at the last regular meeting on January 10th, for a representative, or representatives of Warner Amex Cable Company of Harrisonburg to be present at this time to discuss various sections of its franchise agreement with the City, and added that he had mailed copies of the sections in question to the Company's General Manager, Mr. Chuck Stigberg. Mr. Bruce Wallinger, attorney for Warner Amex, was present for the purpose of discussing the agreement and answer any questions which members of Council may have. He took the position that Warner has not violated its franchise and that the complaints before Council two weeks ago were misplaced, in that season tickets offered for additional games on ESPN were not the responsibility of the company, but rather, responsibility of the networks. The Atlantic Coast Conference owns the rights of basketball games, which gives them the privilege of terms and conditions under which they may be televised. Contracts have been made between companies that 38 games will be shown over the regular network, which all cable customers will be able to see. Last year, ESPN had additional games which were shown all over the United States, except in Atlantic Coast Conference states. As a result, viewers in those states saw a blank screen. Attorney Wallinger informed Council that this year, the company negotiated to allow 20 additional games over ESPN, but that they would only be viewed on a pay-to-view basis, with cable customers paying a separate rate for this privilege. He noted that the only choice Warner had, was to offer the program to those customers at a fee, or black out ESPN during the additional games, in that otherwise, they would be in violation of their contract. He added that out of 120 networks offering the pay services, about 70 agreed to participate, with the remaining 50 having to black out the games. Complaints came into the company's office when the programs were scrambled, and the normal reaction of customers was to place the blame on the local company. Warner had been notified that if they did not scramble the programs, they would be in violation of their contract, and legal action would be taken against them. On January 13th, Warner received notice from ESPN that the season ticket offer was being taken off the air, with money to be refunded those customers that had paid in advance, due to minimal response of customers. Because of this, Warner decided to withdraw the season ticket offer. Attorney Wallinger made it clear that Warner does not generate its own programs on ESPN, but merely shows those that are provided. Under another federal regulation, anytime a game is being broadcast on a local channel, it has to be blacked out on ESPN. He offered an opinion that other programs may be provided during the times the 20 additional games are being shown, rather than that channel being blacked out, but the decision re substitution cannot be made by Warner. When Vice-Mayor Dingledine asked if a situation such as this could arise with the movie channel or HBO, Attorney Wallinger said there was no indication of this. The offer to purchase tickets was promoted on the air prior to opening of the basketball season. Councilman Cisney asked if it was the attorney's interpretation of the franchise agreement that the company would be responsible for basic cable only, or for both the basic and pay services, and should Council assume that it has no control over the tier system. Attorney Wallinger replied that it is a matter of law that Council has no jurisdiction to regulate satellite for HBO or the movie channel. City Attorney Lapsley asked if Warner isn't obligated to offer something on channels that are blacked out and was informed that this is a matter of interpretation of the contract between Warner and the network with regard to tier services. Warner is required to show what ESPN offers, with no control as to the type of programs provided. Mayor Green noted that fact that in 1979, a special committee had spent many hours striving to work out services which Warner would provide, what would be done by Warner, and what assurance could be given with regard to HBO and the movie channel. The attorney said that Warner was to offer the 5-tier and two movie channels, and that he understands another optional service will be offered within the next few months. The Vice-Mayor said there has been frustration, in that services were assured as to news, sports, movies, etc. for subscribers, through Warner Amex. Attorney Wallinger said that the pay-to-view is a new concept where you pay for programs not offered on those channels. He said that Manager Stigberg realizes that more notice should have been given subscribers, of the intended blackout of ESPN, and further in advance of its happening. Attorney Henry Clark, speaking as a private citizen, said that his "beef" was with Warner Amex and not ESPN, in that he was led to believe that he had 24 hour channel 16 on tv, which is being blacked out for two or three hours at a time. He said he should have been told of this, and pointed out the fact that "it is easy to say, it's not my fault, but somebody else's." He offered an opinion that Warner should put some form of pressure on ESPN, adding that Council has the authority to deal with the quality of services provided by the cable company, although not for the paying services. Mr. Clark said that channel 10 is a "horrible" station, but something he is paying for. With regard to the scrambling on ESPN, Mr. Clark said that Warner should have sent letters to its subscribers far in advance. In his opinion, Warner is not living up to its contract, and he objects to paying for something that the company is not delivering. Attorney Wallinger explained about Channel 10 by saying that it was one which Council had requested, and that Warner is not able to get a clearer

picture or signal. He asked if another channel, with a clearer signal would be desired. When City Manager Milam noted that only seven of the required 12 channels, under the ordinance, were being provided, Attorney Wallinger pointed out that the seven channels were those specifically named. Mayor Green said that complaints are being received by members of Council concerning no cable service on Garber's Church Road, as well as from others who cannot get satisfactory answers, when requesting service. Manager Milam noted that complaints have also been registered by residents of Greendale Road concerning no cable service, which is in the new city under annexation. Attorney Wallinger said he would have Mr. Stigberg contact the City Manager with some information regarding service in those areas, in that he was unable to attend this evening's meeting due to health reasons and under doctor's orders.

With regard to agenda item No. 7 "Appointments to Boards & Commissions", Mayor Green noted that he would appoint ten members to the local Task Force to Combat Drunken Driving, following receipt of additional names of potential members yet to be received. The request for representatives from the City of Harrisonburg came from the President of Virginians Opposing Drunken Driving.

✓ The following proposed resolution was presented for approval of Council:

BE IT RESOLVED by the Council of the City of Harrisonburg, on January 24, 1984, at a regular meeting of Council, that the Mayor, Dr. Walter F. Green, 3rd, is hereby authorized to execute any and all documents pertaining to U.S. Environmental Protection Agency Grant C-510639.01 to the City of Harrisonburg in lieu of former Mayor Roy H. Erickson, previously authorized by resolution dated September 26, 1978.

ADOPTED and APPROVED this _____ day of _____, 1984.

Mayor

Atteste:

Clerk

City Manager Milam explained that the resolution is necessary in order to send a letter to the EPA Office, requesting final payment of \$ 3,900. which is due on the total Grant of \$219,000. On motion of Councilman Robinson, seconded by Vice-Mayor Dingledine, and a unanimous vote of Council, the resolution was approved, with authorization for the proper officials to sign same.

✓ City Manager Milam informed Council that following negotiations with Mick or Mack for rental of space in a building situate at 1598 South Main Street to house the Harrisonburg Department of Social Services, a proposed Lease Agreement had been prepared by Henry Clark, attorney for Mick or Mack, owner of the premises. Mrs. Sonja Bible, Social Services Director, and Mr. Tom Connors of the Regional State Welfare Department, expressed some concerns re the premises, terms of agreement and rent. It was felt that the City should not accept the paragraph relating to escalation of rent from increased assessment, which would be borne by the City. Attorney Clark said it is the right of a property owner to increase rent for a rate of return. The rent provision could be changed to read that rent would be increased in line with any increase in taxes. Manager Milam offered an opinion that the Landlord should be responsible for payment of any and all taxes. Section 10 re repairs and replacement, also raised some question, and Mr. Connors expressed concern re insurance under paragraph 14 of the agreement. When Manager Milam questioned public toilet facilities, Mr. Connors said that although this may not be required, it would be a good idea. Mrs. Bible said that Mr. Driver of Mick or Mack, indicated that this would be provided. Councilman Cisney offered an opinion that removal of snow and ice should be made a part of the agreement. Mayor Green suggested that the City Manager meet with Mr. Clark, Mick or Mack and Social Services to clarify the agreement for presentation to Council at a future meeting. Mr. Connors said that the state will not pay real estate taxes, but will reimburse for repairs. Following discussion, Councilman Rhodes offered a motion for the Agreement to be approved, subject to clarification of various sections by the City Manager, Social Services and Mr. Clark. 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 \$ 1,695.00 requested by the Parks & Recreation Director, representing revenue collected from a city-wide sale held on December 1, 1983, be approved for second & final reading, a first reading having been approved on January 10th, and that:

\$ 1,695.00 chgd.to: General Fund (1502.06) Revenue from Use of Property-
Sales Materials & Supplies

1,695.00 approp.to: General Fund (7107-7005.00) Cap.Outlay- Mtr.Vehicles-Equip.

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

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 10,568.00, requested by the Director of Social Services, representing an increase in state funding for ADC/GR clients, be approved for second & final reading, a first reading having been approved on January 10, 1984, and that:

\$ 10,568.00 chgd.to: VPA Fund (2401-2401.07) Categorical Aid- Soc.Serv.(Fed.-State share)
10,568.00 approp.to: VPA Fund (5309-5714.01) Emp.Services ADC/GR

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

✓ City Manager Milam presented a request from Fire Chief Shifflett for approval of a supplemental appropriation in amount of \$ 12,701.14, in order to recover funds already expended for Communication Personnel from Rockingham County. It was reported that the above amount also includes checks received for sales of used equipment by the fire department, as well as amount received through an auction held on December 7, 1983. Councilman Robinson moved that the appropriation be approved for a first reading, and that:

\$ 12,701.14 chgd.to: General Fund (1901.01) Recoveries & Rebates

9,049.31 approp.to: General Fund (3201-1001.06) Dispatchers

1,200.00 approp.to: General Fund (3201-5200.01) Communications

1,000.00 approp.to: General Fund (3201-5408.01) Gasoline

1,451.83 approp.to: General Fund (3201-5400.01) Other Mat. & Supplies

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

✓ A request was presented from the Director of Finances for the City School Board, for an appropriation from the City in amount of \$ 16,000. to assist in payment of an excessive fuel oil bill. City Manager Milam explained that when Columbia Gas Company set the meter at Keister School, it was set wrong, and when corrected, resulted in the above amount, which was in excess of amount budgeted by the Board for fuel oil. He recommended that the amount be charged to the City's General Unappropriated Fund Balance, if approved. Councilman Cisney moved that the transfer of funds be approved for a first reading, and that:

\$ 16,000. trans.from: General Fund- Unappropriated Fund Balance
16,000. trans. to: School Fund (1860.00) Appropriation from City

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

✓ City Manager Milam recommended that a supplemental appropriation in amount of \$ 16,000. be approved for a first reading, in order that the appropriation from the City's General Fund to the School Board for fuel oil, may be placed into the proper account. Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 16,000. chgd.to: School Fund (1860.00) Appropriation from City
16,000. approp.to: School Fund (1205-311.00) Oper. & Maint.- Fuel

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

✓ A request was presented from the Superintendent of Streets for approval of a supplemental appropriation in amount of \$ 19,906.00 from the Unappropriated Fund Balance of the Sanitation Department, into various Landfill Accounts, due to insufficient funds to meet expenses. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 19,906.00 chgd.to: Sanitation Fund- Unappropriated Fund Balance
13,706.00 approp.to: Sanitation Fund (3-1010.01) Other Pers.Serv. (Landfill)
3,200.00 approp.to: Sanitation Fund (3-3004.01) Maint. & Repairs to
Mach. & Equip. (Landfill)
1,500.00 approp.to: Sanitation Fund (3-5400.01) Other Mat. & Supp. (Landfill)
1,500.00 approp.to: Sanitation Fund (3-5408.01) Gas,Lub.,Tires,etc. (Landfill)

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

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

BE IT RESOLVED, that due to construction and reconstruction of certain streets within the city limits of Harrisonburg, there is additional street mileage which is eligible for maintenance payment as follows:

1. *Primary extensions that have been rebuilt and are to be added to the system, totaling 3.64 lane miles.*
2. *"Other Streets" which meet the requirements of Section 33.1-43 of the Code of Virginia as amended in 1972, totaling 3.50 lane miles. Said streets being listed on the accompanying U-1 (Rev. 7-1-82) Virginia Department of Highways and Transportation forms and shown in red 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, 1984.

Mayor

Attest:

Clerk

Following review of the attached list of street locations deemed eligible for maintenance payment, and pertinent information concerning each, Councilman Cisney offered a motion for Council to adopt the foregoing resolution. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ Concerning sites for construction of two fire sub-stations which are required under the court annexation order, City Manager Milam presented proposed plans and locations as follows:

(1) Land situate on the north side of Pleasant Valley Road across from Massanutten Vo-Tech. This property has been offered to the city by Walker Manufacturing as a gift, for construction of a sub-station. The letter from Mr. James Saker of Walker was answered by Mayor Green, after which time a meeting was held by Mr. Gary Buennemyer, Chief Engineer of Walker Mfg., City Engineer Wilcox, Fire Chief Shifflett and Mr. Ed McClintock, architect, in an effort to select a location. The selection has now been staked off. A power line owned by VEPCO is being transferred to the Harrisonburg Electric Commission. On this site, the building will have a 125' frontage and 145' depth. The lot has 4 or 5' of fill material from reconstruction of Pleasant Valley Road, which can be used, and the City has offered full engineering services to Walker in preparation of a survey. Mr. Buennemyer feels the location will be satisfactory with Walker, if it meets the needs of the City. Manager Milam invited members of Council to ride out and view the site.

(2) South side of East Market Street adjacent to Martin's Fine Furniture. Negotiations are underway with the owner, Mr. Dale Wegner, for approximately 1/3 acre of land at the crest of Chestnut Ridge, fronting on a private access road parallel to East Market. In order to provide access from this site to the westbound lanes of East Market, the City will have to construct a crossover approximately 300' west of the hills' crest, and opposite a proposed street which will run south from East Market. The building at this site would have a 100' frontage with 135' depth. An effort will be made to finalize negotiations with the owner. Following the presentations by the City Manager, Councilman Rhodes offered a motion for both sites, Pleasant Valley Road and East Market Street, to be referred to the City Planning Commission for study and recommendation. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

✓ The City Manager called members' attention to their copies of a Memo from Rockingham Administrator O'Brien, requesting assent of the Harrisonburg City Council, as well as its cooperation and support, in establishment of a Community Diversion Incentive Program to serve the southern end of the judicial circuit. In citing some of the history of the CDI Program in this region, it was

pointed out that originally, it had been envisioned by local community groups and the Department of Corrections, for a program to be established for the City of Harrisonburg, and counties of Page and Rockingham, with Rockingham to serve as the Fiscal Agent. This, however, was not accomplished due to funding constraints. It was then suggested by the Department of Corrections that the three localities become part of the Blue Ridge Diversionary Program, which was agreed to by the governing bodies of those locations. Inasmuch as it is the opinion of Rockingham County Supervisors and various community leaders that a diversionary program will not work in Rockingham, if administered from a location 75 miles distant, the Board is seeking feasibility of a Program separate from the Blue Ridge Diversionary Administration to serve the southern end of the judicial circuit, comprised of the City of Harrisonburg and Counties of Page, Shenandoah and Rockingham. Manager Milam reminded Council that Harrisonburg had, by resolution dated 1/12/82, authorized implementation of the Virginia Community Diversion Program which would offer alternatives to prison terms by way of restitution or community service work, contingent upon one hundred (100%) percent funding by the Commonwealth of Virginia, and that Mr. Hal Finlayson had been appointed on 4/26/83 as Harrisonburg's representative on the Community Corrections Board for the Blue Ridge Diversionary Program. During discussion, question was raised as to whether or not the Program, if established, would be funded 100% by the state. Vice-Mayor Dingleline offered a motion for Council to endorse establishment of a separate Diversionary Program comprised of the City of Harrisonburg and Counties of Page, Shenandoah and Rockingham, provided it will be funded 100% by the Commonwealth of Virginia. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

For information, the City Manager informed Council that Delegate Jim Olin will be in Harrisonburg on Friday, January 27th, to meet with citizens concerning matters of interest. He cited House Bill 4103 concerning tv cable service, as well as the avian flu problem, each of which are in need of a solution, and invited any members of Council to meet with Mr. Olin in the Council Chambers on that date.

✓ A complaint was registered from Mr. Bill Neff concerning snow & ice removal from his privately owned lane between Massanutten Bank and Kroger/K-Mart entrance, off Rt. 33. It was noted that no agreement has been made with regard to this privately owned road.

✓ Councilman Rhodes suggested that the City Manager draft a letter to Eastern Mennonite College officials, expressing Council's regrets on the recent fire which destroyed its Administration Building. The suggestion met with Council's approval and the City Manager was so instructed.

At 9:45 P.M., Councilman Rhodes offered a motion for Council to enter an executive session to discuss a legal matter, real estate and personnel. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

At 11:00 P.M., on motion of Councilman Rhodes, seconded by Councilman Robinson, and a unanimous vote of Council, the executive session was declared closed and the regular session reconvened. There being no further business, and on motion duly adopted, the meeting was adjourned.

CLERK

MAYOR

Tuesday, February 14, 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. 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 January 24th were approved as corrected.

The following regular monthly reports were presented and ordered filed:

From the City Manager:

A report of activities in the various departments and said office for the month of January, 1984.

From the City Treasurer:

A trial balance report as of close of business on January 31, 1984.

From the Police Department:

A report of activities in all divisions of the department for month of January, 1984; parking ticket funds collected, \$ 1,744.29; meter funds collected, \$ 4,377.99; Animal Warden report.

From the City Auditor:

A financial report for month of January, 1984.

A report of discounts saved in payment of vendor's invoices for month of January, 1984, totaling \$ 156.83.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of January, 1984.

✓ Councilman Cisney asked if various sections of the Agreement between Mick or Mack and the City had been clarified with regard to renting a portion of the building situate at 1598 S. Main Street for Social Services. City Manager Milam replied in the affirmative, noting that the offices had been moved from the Municipal Building to the new quarters.

✓ Correspondence dated 2/9/84 was presented and read from David R. and Doris J. Garber, requesting that property which they own at 715 Port Republic Road be rezoned from R-1 Single Family residential to R-3 Multi-family and B-2 General Business. It was noted that in their opinion, the requested rezoning would serve the highest and best use for this property. A copy of the site plan was attached to the correspondence, for which a project is proposed. The property is located on

the south side of Port Road and contains 4 acres, more or less. A companion letter was presented from Winfred D. and Margaret S. Keagy, requesting that their property at 735 Port Road containing 5 acres, more or less, be rezoned from the present R-1 Single Family Residential to R-3 Multi-family and B-2 General Business, for reasons stated by the Garbers. A copy of their site plan was attached to the correspondence, for which a project is proposed. Councilman Cisney moved that both rezoning requests be referred to the City Planning Commission for study and recommendation. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

Correspondence dated 2/6/84 from J. R. Copper, Jr., President of Copper & Smith, P.C., was presented, which enclosed the proposed preliminary plan for Unit 14 in Reherd Acres Subdivision. On motion of Vice-Mayor Dingledine, seconded by Councilman Robinson, and a unanimous vote of Council, the Plan was referred to the City Planning Commission for study and recommendation.

At 7:50 P.M., Mayor Green called the evening's public hearing to order and the City Manager read the following Notice of Hearing as advertised in the Daily News Record newspaper on February 3rd and February 10th:

Pursuant to Virginia Code Section 30-19.04, a public hearing will be held during the regular Harrisonburg City Council meeting to be held on February 14, 1984 at 7:30 P.M. at the Municipal Office Building, Harrisonburg, Virginia, to consider the request of Virginia Mennonite Home, Inc. and Park Village, Inc. to be exempt from real and personal property tax.

Mayor Green called on anyone present desiring to be heard re the tax exempt request. Attorney Donald Showalter informed Council that a vacant field adjacent to the Mennonite Home is in the process of preparation for construction. Heritage Haven Apartment Complex is exempt from taxation since 1981 when it was placed under the tax exempt status while located in Rockingham County. Park Village, Inc., which owns land along Park Road, and Heritage Haven apartments have been recognized as charitable organizations by the Internal Revenue Service. Virginia Mennonite Home has also been reinstated as such. He explained that Park Village cottages, owned by Park Village organization for charitable purposes, is a part of the project, and in the first stage of development. People will go there while they can take care of themselves and later on, may move into Heritage Haven. When they become incapacitated or in need of medical assistance, they may move into the Mennonite Home. All three are parts of the Virginia Mennonite Retirement Community Complex, and all meet requirements as set out in the Virginia State Code, for designation as non-profit organizations. Attorney Showalter noted that time was of the essence and that a decision of Council with regard to approval of the resolutions must be forthcoming before Thursday of this week. He called attention to two proposed resolutions substantiating the requests before the General Assembly for tax exempt status for the Virginia Mennonite Home and Park Village, Inc. Commissioner of Revenue Smith said that he is in charge of all possible taxable property in the City and that every year there are a number of requests for exemption which come across his desk. In the State of Virginia, he noted that "exemption is an exception and taxation is a rule." In his opinion, Park Village does not come under the Constitution or the Virginia Code, in that it is rental property, and if a unit is vacated, there can be no charity clause. He contended that Park Village would not fit into the charitable category either under the Constitution or Title 58 of the Virginia Code. Mr. Smith recommended that Park Village not be supported for tax exempt status, and added that he could see no reason for Virginia Mennonite Home to be requested, in that it is already under that status. When Attorney Showalter asked Mr. Smith if he felt the situation at Park Village was the same as Sunnyside Presbyterian Home, Mr. Smith replied in the negative, in that the Presbyterian Home is under one entity and the Mennonite Retirement Community under three separate corporations. He said that should Heritage Haven have been located in the City when request was made for tax exemption, he would have recommended that it not be supported. All low cost rental units are subsidized by the Federal Government. Mr. Showalter pointed out that there are no stockholders and no proprietary interest, at either Park Village or the Mennonite Home, and that people pay for the right to stay in the cottages prior to moving into the Home, which is charitable in that it serves the needs of Senior Citizens. He noted that under the Virginia State Code, they have a right to request a resolution from Council for application to the General Assembly for tax exemption. Councilman Cisney asked City Attorney Lapsley who makes the decision and was told that resolutions are desired from the Governing Body, but that should Council decide to take no action, the General Assembly can act on the requests. Final judgement is in the hands of the Legislature. He added that Senator Miller would like some expression from Council, prior to presentation before the General Assembly. Attorney Showalter added that a resolution is needed, whether Council approves the requests or not, and said it is clear that the Legislature will not act without support of the local Governing Body. When the Mayor questioned Attorney Showalter concerning the clientel at the cottages, he was informed that Park Village provides care for people with money, and when they move out of a cottage and into the Home, part of the dollars spent are being returned to them in services. The refund is not less than 75% of the appraised value when they move out of a cottage, and these funds are used in the Home. They may also receive a refund and move anywhere they choose. Councilman Cisney asked if the County had approved a resolution for tax exempt status for Heritage Haven and was assured this was so, by the attorney. Commissioner Smith pointed out that initial requests come through his office for a review of same, and noted that the City had treated Heritage Haven and Mennonite Home the same as when they were located in Rockingham County. Attorney Showalter explained that the property owned by Park Village, Inc. was taxed in the county, due to the fact that no one was living in the cottages. It was taxed as vacant land until the charitable purpose was put to use. He pointed out that they were not trying to bypass the Commissioner's Office by bringing the request to Council for resolutions. There being no others desiring to be heard, the Hearing was declared closed at 8:25 P.M. and the regular session reconvened.

Mayor Green asked members' wishes concerning the request for approval of resolutions for Park Village, Inc. and Virginia Mennonite Home, Inc. Councilman Cisney moved that the following resolution substantiating the request for Virginia Mennonite Home, be approved:

WHEREAS, in accordance with Section 30-19.04 of the Code of Virginia, 1950, as amended, the City Council held a public hearing after advertising such hearing in the Daily News Record on February 3 and February 10, 1984, examined and considered all of the provisions in Subsection B of such Code provision,

and made the following findings:

(1) Virginia Mennonite Home, Inc. is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1954.

(2) No alcoholic beverage license will be requested by the organization;

(3) No unreasonable compensation is paid to any director or officer of the organization;

(4) No part of the net earnings of the organization inures to the benefit of any individual; and no significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local state or federal grants.

(5) The organization provides services for the common good of the public;

(6) No substantial part of the activities of the organization involves carrying on propaganda or otherwise attempting to influence legislation or support candidates for public office;

(7) No rule, regulation, policy or practice of the organization discriminates on the basis of religious conviction, race, color, sex or national origin;

NOW BE IT RESOLVED that the City Council of the City of Harrisonburg, Virginia, this 14th day of February, 1984, does hereby express its support for the pending legislation before the General Assembly that the property of Virginia Mennonite Home, Inc. in Harrisonburg, Virginia, be and remain tax exempt pursuant to Article X, Sec. 6(a)(6) of the Constitution of Virginia.

Mayor

Attest:

Clerk

The motion to approve the foregoing resolution was seconded by Vice-Mayor Dingleline, and adopted by a unanimous recorded vote of Council. Councilman Cisney said he would like additional information with regard to Park Village, in that this is the first time it has been brought to Council's attention. Councilman Rhodes then offered a motion to table the resolution for Park Village, pending additional information. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

✓ Planning Director Sullivan, Chairman of the Special Truck Route Study Committee, informed Council that the committee had met diligently on a number of occasions in order to arrive at satisfactory routes for trucks to travel through the City. He noted that along with input from Messrs. Gordon Speck and Jeff Nemoytin, the committee reviewed information concerning traffic figures, street conditions and physical layout of Harrisonburg's streets and highways. As a result of those meetings, eleven recommendations were submitted for Council's consideration of approval. Following the presentation, Councilman Cisney moved that the recommendations be referred to the City Planning Commission for review, prior to any action by Council. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

✓ Mr. Kenneth Huffman, CPA, appeared before Council to review highlights of Harrisonburg's Comprehensive Annual Financial Report for fiscal year ended 6/30/83. Mayor Green expressed appreciation for the presentation and said that Council may have more questions following further review of the report.

✓ Council's attention was called to correspondence addressed to the Mayor from Mr. W.H. Groseclose, President of Rockingham National Bank, advising that the RNB would be changing its name to Dominion Bank of Shenandoah Valley, National Association on March 19, 1984. Request was made for the Harrisonburg City Council to change the name of RNB Center to Dominion Center, effective March 1, 1984, in keeping with the name change and for identification purposes. It was noted that a number of years ago, the City Council had designated the block where the bank is located, as RNB Center. Councilman Rhodes offered a motion for the request of Rockingham National Bank for the name change, to be granted, effective March 1, 1984. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous recorded vote of Council.

✓ In keeping with a request from Mr. Walter Grooms, President of the Harrisonburg/Rockingham Chapter of Virginians Opposing Drunken Driving (VODD), Mayor Green appointed the following ten members to serve on the VODD Task Force as representatives of the City of Harrisonburg:

Kenneth W. Harrell, JMU student
Mr. Lemuel D. Vick, Principal of Harrisonburg High School
Dr. Paul C. Cline, Professor at James Madison University
Ms. Joan Kosnik, Counsellor at Pear Street Halfway House
Mr. Harold Shomo, Sr. Vice President of Shomo & Lineweaver Insurance (retired)
Mrs. Leslie Ney, Nurse at RMH and affiliated with Rescue Squad
Mr. Stanley Gray, Accountant with Animal Health & Specialties
Mr. W. Price Lineweaver, Treasurer with Shomo & Lineweaver Insurance
Ms. Karen Cline, teacher
Rev. Randolph Bragg, Rector, Emmanuel Episcopal Church

✓ With regard to correspondence dated 2/7/84 from Richard F. Weeks, Jr., Associate Director of the Virginia Municipal League in which request was made for Harrisonburg to submit nominations for representatives on six policy committees, the following names are to be submitted:

Community & Economic Development- Councilman Thomas H. Robinson, II
Effective Government - Mayor Walter F. Green, 3rd
Human Development & Education- Sonja Bible, Director of Social Services
Public Safety - Chief of Police Richard W. Presgrave
Transportation- Councilman Elon W. Rhodes
Environmental Quality- Councilman James C. Cisney

Correspondence dated 1/26/84 was presented from Ms. Elizabeth H. Swecker, Commission Secretary for the Central Shenandoah Planning District Commission, requesting that the Harrisonburg City Council select one of its representatives to stand for election to the Executive Committee. Councilman Cisney offered a motion for Councilman Elon Rhodes' name to be submitted to serve on the Executive Committee. The motion was seconded by Councilman Robinson, and adopted by a majority vote of Council. Abstaining: Councilman Rhodes.

Correspondence was presented from City Treasurer Simmons in which request was made for authorization of Council to charge off nine unpaid bills for various reasons as stated. Following a review of the unpaid accounts totaling \$ 1,012.00, Councilman Cisney offered a motion for accounts referred to in the correspondence of January 20, 1984, to be charged off city records in the office of City Treasurer. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

For consideration of a second & final reading, an ordinance amending Sections 19-2-1 and 10-2-27 of the Harrisonburg City Code, was presented. The ordinance, approved for a first reading on January 24th, sets out a definition for a "Minor Subdivision" and reflects what the state code permits a city to do with regard to 5 acres of land, or less, where no public rights-of-way would be involved. Councilman Rhodes moved that the ordinance be approved for second & final reading, with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book. The motion was seconded by Councilman Robinson, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk L, page 19)

Vice-Mayor Dingleline moved that a supplemental appropriation in amount of \$ 12,701.14, requested by the Fire Chief in order to recover funds already expended for Communication from Rockingham County, be approved for second & final reading, a first reading having been approved on January 24th, and that:

\$ 12,701.14 chgd.to: General Fund (1901.01) Recoveries & Rebates
 9,049.31 approp.to: General Fund (3201-1001.06) Dispatchers
 1,200.00 approp.to: General Fund (3201-5200.01) Communications
 1,000.00 approp.to: General Fund (3201-5408.01) Gasoline
 1,451.83 approp.to: General Fund (3201-5400.01) Other Mat. & Supplies

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

Councilman Robinson moved that a transfer of funds in amount of \$ 16,000. from the General Unappropriated Fund Balance to the School Fund for payment of excessive fuel oil bill at Keister School due to wrong setting of meter, be approved for second & final reading, a first reading having been approved on January 24th, and that:

\$ 16,000. trans.from: General Fund - Unappropriated Fund Balance
 16,000. trans. to: School Fund (1860.00) Appropriation from City

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

Councilman Cisney moved that a supplemental appropriation in amount of \$ 16,000., requested by the School Superintendent in order to place funds from the City into proper account for payment of excessive fuel oil bill, be approved for second & final reading, a first reading having been approved on January 24th, and that:

\$ 16,000. chgd.to: School Fund (1860.00) Appropriation from City
 16,000. approp.to: School Fund (1205-311.00) Oper. & Maint.- Fuel

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

Councilman Robinson moved that a supplemental appropriation in amount of \$ 19,906.00, requested by the Superintendent of Streets in order to meet expenses for the City's Landfill, in that funds are insufficient in that account, be approved for second & final reading, a first reading having been approved on January 24th, and that:

\$ 19,906.00 chgd.to: Sanitation Fund- Unappropriated Fund Balance
 13,706.00 approp.to: Sanitation Fund (3-1010.01) Other Pers.Serv. (Landfill)
 3,200.00 approp.to: Sanitation Fund (3-3004.01) Maint. & Repairs to Mach. & Equip. (Landfill)
 1,500.00 approp.to: Sanitation Fund (3-5400.01) Other Mat. & Supp. (Landfill)
 1,500.00 approp.to: Sanitation Fund (3-5408.01) Gas, Lub.,Tires,etc. (Landfill)

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

A request was presented from Police Chief Presgrave for approval of a supplemental appropriation in amount of # 3,043.54 from Recoveries & Rebates into various accounts, in order to recover monies received from an insurance company for auto repair, special police at J.M.U., and auction receipts. Councilman Cisney offered a motion for the supplemental appropriation to be approved for a first reading, and that:

\$ 1,877.16 chgd.to: General Fund (1901.01) Recoveries & Rebates
 1,166.38 chgd.to: General Fund (4101.01) Recoveries & Rebates (Ins.)
 600.00 approp.to: General Fund (3101-3004.01) Maint.Repair Mach, Equip.
 1,191.38 approp.to: General Fund (3101-3004.03) Maint.Repair Auto Equip.
 738.00 approp.to: General Fund (3101-5500.02) Travel- Police School
 514.16 approp.to: General Fund (3101-1001.07) Special Police

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

City Manager Milam presented a request from the Director of Social Services for approval of a supplemental appropriation in amount of \$ 4,035.00, representing the local share (20%) for additional costs for new office space at 1598 South Main Street for period February - June, 1984. Vice-Mayor Dingleline moved that the appropriation be approved for a first reading, and that:

\$ 4,035.00 chgd.to: General Fund - Unappropriated Fund Balance
 4,035.00 approp.to: VPA Fund (2401-2401.02) Admin. (Revenue)

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

A request was presented from the Social Services Director for approval of a supplemental appropriation in amount of \$ 20,175.00, representing state share for new office space at 1598 South Main Street for the department, period February - June, 1984, to cover various expenses. (state share 80%- local share 20%). Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 20,175.00 chgd.to: VPA Fund (2401-2401.02) Administration
 1,000.00 approp.to: VPA Fund (5301-3005.01) Contractual Services
 950.00 approp.to: VPA Fund (5301-5101.01) Utilities
 3,000.00 approp.to: VPA Fund (5301-5200.01) Communications (tel.system)
 25.00 approp.to: VPA Fund (5301-5305.01) Ins. (Liability)
 4,000.00 approp.to: VPA Fund (5301-5400.01) Other Mat. & Supplies
 1,000.00 approp.to: VPA Fund (5301-5800.01) Miscellaneous
 10,200.00 approp.to: VPA Fund (5301-8001.02) Office Space Charge

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

City Manager Milam informed Council that added personnel in 1983, as well as a 30% increase in Blue Cross/Blue Shield hospitalization insurance, has resulted in a shortfall of approximately \$ 50,000. He noted that this has been discussed with the various department heads, and they have agreed to make up this shortfall out of the operating account appropriations. He added the fact that the Schools are faced with the same situation, and have agreed to make up any shortfall from their operating account. The only other alternative in making up the amount would be dipping into the City's Unappropriated Balance, which he would rather hold onto for obligations later this year. Following a brief discussion, the suggestion of the various departments making up the shortfall from operating expenses, met with Council's approval.

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

BE IT RESOLVED:

THAT, WHEREAS, the population of the City of Harrisonburg is less than 30,000, as confirmed by the latest population figures from the Tayloe-Murphy Institute of the University of Virginia; and

WHEREAS, in the judgment of the Council of the City of Harrisonburg it is deemed advisable to change the time interval between general reassessments for the City of Harrisonburg,

NOW, THEREFORE, in accordance with §58-776 of the Code of Virginia, as amended, the Council of the City of Harrisonburg, in its regular meeting on February 14, 1984, does hereby change the term of the general reassessment from a biennial term to a four year term. The next date for the general reassessment will be the year 1986.

ADOPTED and APPROVED this _____ day of _____, 1984.

Mayor

Attest:

Clerk

Commissioner of Revenue Smith, present in the meeting, offered no objection to the 4-year General Reassessment for Harrisonburg. Vice-Mayor Dingledine offered a motion for the resolution to be approved, with authorization for the proper officials to sign the same. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council.

Correspondence was presented from Lieut. John Hartsook of The Salvation Army, advising that Monday, Marcy 5, 1984 has been set aside for a Ribbon Cutting Ceremony and Dedication of the new Salvation Army Emergency Shelter completed in the Fall of 1983. Inasmuch as appropriate activities will be held throughout that day which include a special speaker, Dedication of the Shelter and Annual Civic Appreciation Dinner, request was made for the City of Harrisonburg to proclaim March 5th as Salvation Army Day. An invitation was extended for members to attend the Ribbon Cutting Ceremony at 3:00 P.M. and also the Annual Dinner at the McGaheysville Fire Hall at 6:30 PM. Councilman Rhodes offered a motion for the Mayor to issue a Proclamation, designating Monday, March 5, 1984 as Salvation Army Day. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

At 9:35 P.M., Vice-Mayor Dingledine moved that Council enter an executive session to discuss a legal matter and personnel. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

At 10:25 P.M., the executive session was closed and the regular session reconvened. There being no further business, and on motion duly adopted, the meeting was adjourned.

CLERK

MAYOR

Tuesday, February 28, 1984

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. Dingle, 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 February 14th were approved as read.

✓ For information and recordation in minutes of Council, it was reported that the Mayor had appointed Mrs. Bruce C. (Mary) Morris of 40 Maplehurst Avenue, to serve on the VODD as replacement for Mr. Stanley Gray, who found it impossible to serve, due to other commitments.

✓ A petition bearing 26 signatures was presented, requesting that the speed limit on Ashby Ave. be posted as 25 miles per hour, in order to provide a safer neighborhood for children and residents.

Violation of the speed limit was pointed out as the major concern. When questioned concerning the situation, Chief Presgrave reported that he had discussed the matter with the Superintendent of Streets, and inasmuch as all residential streets have a 25 mph speed limit, was advised that a sign would be posted. Investigation has revealed that some vehicles do travel from 29 - 30 mph on this street.

✓ City Manager Milam presented correspondence from Mrs. Christie Short of 282 Old South High Street, concerning the parking problems on that street, particularly when James Madison University is in session. A diagram, drawn by her husband, was attached to the correspondence, setting out a proposal for diagonal parking on the west side of old High, beginning at Bruce Street in a southerly direction to the cul-de-sac, which would create at least 15 additional parking spaces. Councilman Cisney offered an opinion that the proposal was a good idea, which should improve parking. Mayor Green asked the City Manager to discuss the proposal with the Street Superintendent, to determine its merit.

✓ The following report from a February 15th meeting of the City Planning Commission was presented and read by the City Manager:

"Concerning a proposal by MRM Associates of McLean, Virginia, to develop 156 residential condominium units on 8.2 acres of R-3 Multiple Dwelling District land northeast of Reherd Acres, to be called "Madison Manor", Mr. J. R. Copper, Land Surveyor, described his firm's drawing. The project will consist of 13 buildings, each with 12 units. They will be clustered in 5 groups. A project office, swimming pool, tennis courts, yard space and 321 parking spaces are proposed on the 8.2 acre site, which has 375 feet of frontage on Old Furnace Road and 1,250 feet of frontage on extended Blue Ridge Drive and a secondary entrance is shown off Old Furnace Road. The project will be built in two phases, according to Architect Thomas Wyant of Charlottesville. Phase I will be on Blue Ridge Drive. MRM Associates, by contract with Reherd Acres, Inc. will construct extended Blue Ridge Drive. Chairman Eneidy noted that a pattern will be established of traffic using Blue Ridge Drive and Meadowlark Drive, if access to Old Furnace Road is several months or years away. The Director asked Mr. Wyant what market studies have been done by MRM Associates, regarding housing needs in Harrisonburg. Mr. Wyant said they expect to attract young professionals and retired persons to the project. He stressed that Virginia Condominium Laws will dictate items regarding ownership and related rules. Mr. Milam asked what street and utility improvements will be built and by whom. Mr. Wyant said Blue Ridge Drive will be built by MRM Associates and Reherd Acres. Mr. Milam asked the developers to dedicate a new street boundary along Old Furnace Road 30' from the center line, and in exchange, the City would grant a waiver of subdivision regulations regarding curb and guttering on Old Furnace Road. The City would also require that extended Blue Ridge Drive be built from Meadowlark Drive to Old Furnace Road by June 1986, and bonds be posted by the developers. The Director then noted that no more than 20 residential units are allowed on private parking lots in group housing projects. This proposal far exceeds that number, however, at least half of the units will face Blue Ridge Drive and Old Furnace Road.

Mr. Heath concluded the discussion with a motion that the Commission recommend approval of the 'Madison Manor' preliminary site plan, with a variance to the number of units on a private parking lot and regarding curb and gutter on Old Furnace Road, providing a strip of land 30' from the center line be dedicated, and providing the developers post bonds for street and utility construction, namely, Blue Ridge Drive, and said street be completed in 30 months or by June 1986. Mr. Rhodes seconded the motion and all members present voted aye..."

Manager Milam called attention to the overall map attached to the report, showing the street pattern. Planning Director Sullivan presented three maps: (1) site plan showing 5 clusters of Condominiums, private parking, tennis courts, swimming pool, office and Manager's Headquarters; (2) showing extension of Blue Ridge Drive and location of "Madison Manor" Condominiums; (3) showing zoning categories in the development (i.e. single family, commercial, etc.) He noted that a year ago, Council approved single family lots, as well as some others not completed. In April, 1983, group townhouse units were approved, although not construct at that time. He pointed out that Vine Street is forming rather rapidly from Old Furnace Rd. to E. Market Street. Blue Ridge Drive was the Key street to the development, which brought about a 60', rather than a 50' street in that it was considered as a connection from Old Furnace Road to Country Club Road. He noted that tonight, Council is reviewing acceptance of a right-of-way for a future street. The developer will subdivide, by cutting off about 8.2 acres of a field. Mayor Green asked what time is anticipated for the project to be completed, in that 30 months is set out for the street, and was informed that Phase I will be started in the very near future, if approved, with no specific time limit for Phase II. Mr. Jack DePoy, Reherd Acres Developer, said he thinks the entire project would be completed in two years, with new street open. Vice-Mayor Dingledine asked about the entrance and exit from Old Furnace Road, and Mr. Sullivan said that although this was not in the original plan, it was recommended by the Planning Commission, as a part of the Plan, and would provide easier access. When Councilman Rhodes questioned the Control Gate, he was advised that it will be located at the lower portion of the development, with a Guard. Vice-Mayor Dingledine expressed an opinion that some traffic control measures should be placed at the intersection for flow of traffic. Mr. Steve Riddlebarger presented a petition bearing 122 signatures of residents in the Reherd Acres area, expressing opposition to the proposed extension of Blue Ridge Drive to Old Furnace Road. He expressed concern about the proposed Master Plan which was presented to the Planning Commission this month which shows a large number of family units, and offered an opinion that this is contrary to the Plan, in that it would allow R-3 traffic flow into an R-1 zone. He presented reproduced copies of the new Reherd Acres Master Plan which sets out the blocking of Blue Ridge Drive, Meadowlark Drive and Sparrow Court. It proposed for traffic to be re-directed out of the R-3 area to Old Furnace Road, which would reduce traffic into the R-1 neighborhood. Mr. Riddlebarger said that Vine Street could be used, which is already in an R-4 multi-family area. The Plan would allow for continuance of the traffic

pattern from Blue Ridge into Meadowlark. He requested that Council evaluate the Plan for the entire area. Although the petitioners are not opposing actual construction of the R-3 type project, Mr. Riddlebarger petitioned Council to be sure that Reherd Acres developers place a buffer zone between R-3 and R-1 to extend from Vine Street to I-81, which could be duplex type homes. He, personally, does not want the developers to lose money, but is concerned about traffic flow through residential streets, which would be used as a short cut to the northern part of the City. He called on the large group of residents, present in the meeting, to stand, indicating support of the petition. Mr. Stanley Turner, owner of property at 912 Broad View Drive, directed Council's attention to the overall plan which was presented on February 10th to the Planning Commission, for extension of Blue Ridge Drive to Old Furnace Road, which shows a cul-de-sac leading off Blue Ridge Drive. The new plan shows this as no cul-de-sac, but does show Blue Ridge Drive tying into some of the streets in the northeast area, which would feed all traffic into the R-1 neighborhood, which should be protected from R-3 traffic. He noted that in the area between Broad View Drive and I-81, there are about 125 lots now zoned R-1, with about 100 children ranging in age from infancy to 16 years, within the six block area, who need protection from heavy traffic. He suggested consideration of a buffer, all the way through to I-81. Mr. DePoy said that the developers would be happy to cooperate in any way, but added a personal opinion that they cannot consider themselves only, but have to consider neighbors on Old Furnace Road which is R-1 zoned, as well as Vine Street on the west. He also feels that the City's emergency services (i.e. police & fire) must be considered, in that they require some sort of loop in the area, rather than just one way in and out. Mr. DePoy expressed no problem in providing a buffer area. Mr. Sullivan informed Council that the map was reviewed on February 15th by the Commission, with no formal recommendation made to the governing body, but only to Mr. Copper. There is no report from the Commission tonight concerning the map, but Mr. Sullivan said he anticipates that a Plan will be received for review at the March 21st Commission meeting. According to the Director, a property owner of Blue Ridge Drive, stopped by his office for a copy of the Master Plan, which has not been completely studied by the Planning Commission. Mr. J.R. Copper, Jr., Land Surveyor, briefly presented the Master Plan which was discussed by the Planning Commission, and noted that Blue Ridge Drive has been shown as a through street since year 1974. He said that all aspects of the Plan would be considered, including a buffer zone, after which time they will get back with the Commission to work out further details. Councilman Robinson said he was told by a couple of residents who had purchased homes on Blue Ridge Drive, that according to the developers, the street would not be a through street. Vice-Mayor Dingledine referred to minutes of a previous Council meeting, and offered an opinion that any action should be postponed until the area is further studied by all concerned, and said he would like to see every possible consideration given to dealing with the Condominium project, to work in the interest of Old Furnace Road, to consider an entrance & exit on Old Furnace Road, and to determine how to best control traffic. He offered a motion for the Planning Commission report concerning "Madison Manor" Condominiums, to be referred back to the Planning Commission for a review of the overall Plan, prior to any action by Council with regard to its recommendation. Councilman Robinson seconded the motion and said that he agreed with the Vice-Mayor in his thinking, and feels it is appropriate to re-evaluate the area from the standpoint of alternate routes which may be approved by the Commission. The motion was adopted by a unanimous vote of Council. When Mayor Green again questioned the timetable for construction of units in the project, as compared to the 30 months allowed for the street construction, Mr. Copper replied that construction of Phase II would depend on sales in Phase I, with no specific time limit. Councilman Cisney said he would prefer that the matter not "drag on" but decision reached very soon. The question before Council is whether or not to accept dedication of a right-of-way for extension of Blue Ridge Drive.

City Manager Milam presented and read the following Planning Commission report from a meeting held on February 15, 1984:

"...Mrs. Sherry Summers, president of the Harrisonburg Rescue Squad, presented information regarding the Squad's proposals for expanding its meeting facilities. She asked for permission to locate a mobile home on City-owned property between Fire Co. No. 1 and the Civil Air Patrol mobile home which was placed at the northwest end of the City property a few years ago. Mrs. Summers explained that the Rescue Squad has several female members and the mobile home would serve as sleeping quarters for those females on duty overnight. It would also serve as a meeting place. She added that it would be landscaped and have a brick foundation. Fire Chief Larry Shifflett told the Commissioners that he and the Rescue Squad officers explored all possible ways to accommodate the Squad, and the only need which cannot be met in the fire station is housing of females. He added that construction of two new fire stations will not 'free up' additional space in the Maryland Avenue fire structure.

Mr. Sullivan noted that the City's policy regarding mobile homes is to allow them for temporary purposes, such as construction-site offices, and not to allow them for permanent residential purposes. Mr. Byrd asked what time span or is 'permanence desired'. He also asked if it will be large enough for the Squad's needs.

Mr. Fleming described the request as a 'public and emergency need' for the general public. He moved that the Planning Commission recommend approval of placing a mobile home as a temporary structure, on City owned property for the Harrisonburg Rescue Squad, between Fire Co. No. 1 and the Civil Air Patrol mobile home. Mr. Heath seconded the motion and all members present voted aye, with Mr. Milam abstaining..."

Manager Milam called attention to a letter from the Rescue Squad concerning the request, as well as a diagram showing specifications, location and elevation of the proposed mobile home. Councilman Cisney offered a motion for the request of the Rescue Squad to be granted, based on a temporary situation. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

The following Planning Commission report from a February 15th meeting was read by the City Manager:

"...Fire Chief Shifflett described two proposed locations for Fire Department Sub-Stations and he referred to architectural drawings. The first location described is a 145' x 125' site on the north side of Pleasant Valley Road, opposite the Massa-

nutten Vo-Tech Center. Walker Manufacturing Company has offered the site to the City. This location is almost in the center of the South Main-Pleasant Valley section of the City's newly annexed south end. The second location described is a 135' x 100' site on the south side of East Market Street, adjacent to Martin's Fine Furniture on Chestnut Ridge. Mr. Dale Wegner may offer the site to the City and it is located in the city's newly annexed east end. Both of these sites are in the general vicinity of what had been recommended for Fire Department Sub-Station locations in September 1983.

Concerning the south end site, Mr. Milam reported that site distance on Pleasant Valley Road is excellent and the site is above the nearby Blacks Run flood plain. For the east end site, a cross-over road will have to be constructed between the east-bound and west-bound lanes of U.S. Route 33. The City will build this cross-over and extend water and sewer lines to the site. The City Engineer and State Highway Engineers have checked the site distance factors where the cross-over is proposed, and have reported that safety standards will be met. Mr. Fleming asked if the proposed sites will be large enough. The Fire Chief said there are no foreseeable needs for expanding the sub-stations in the future.

Mr. Heath concluded the review with a motion for the Commission to recommend approval of the two proposed Fire Department Sub-Stations, one on Pleasant Valley Road opposite Massanutten Vo-Tech and one on E. Market Street just west of Martin's Fine Furniture. Mr. Fleming seconded the motion and all members voted aye...

Planning Director Sullivan explained sketches of the two sub-stations, noting that the buildings will be identical. Councilman Cisney moved that the recommendation of the City Planning Commission be approved. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

City Manager Milam read the following report submitted by the Planning Director from a Commission meeting held on February 15, 1984:

"...The Director reported that the ad hoc committee studying mobile home zoning regulations met on January 25, 1984 and has come up with two proposed zoning districts for mobile home developments; one for rental mobile home parks and one for mobile home subdivisions, where the units and lots would be owned by the occupants. Copies of proposed MH-1 Mobile Home Park District and MH-2 Mobile Home Subdivision Districts were reviewed by the Commissioners. Messrs. Trobaugh, Byrd, Sullivan, Bill Neff and Dallas Herring served on the ad hoc committee. Several changes were made from the proposed text which was considered in public hearings in December 1982 and January 1983. Mr. Byrd stressed the need to adopt zoning regulations for mobile home developments. He added that no changes will occur on the zoning map until an application for rezoning to MH-1 or MH-2 is approved on an individual case.

Mr. Heath concluded the discussion with a motion that the proposed texts for MH-1 and MH-2 Mobile Home Districts be recommended to City Council for final adoption. Mr. Fleming seconded the motion and all members present voted aye..."

Inasmuch as no action has been taken with regard to zoning for mobile homes, Manager Milam suggested that if approved, the City Attorney draw a proper ordinance for a first reading. When Councilman Cisney asked if consideration had been given concerning the discussion last year, when a number of suggestions had been made, Mr. Sullivan replied that the ad hoc committee named in the Commission's report, had thoroughly investigated and discussed the matter, with a feeling that the zoning proposal for consideration at this time, was right. He reiterated the fact that no changes will be made on the map until individual requests for rezoning are approved. Councilman Cisney moved that an ordinance setting out zoning for mobile home districts, as recommended by the Planning Commission, be approved for a first reading, and referred to the City Attorney to be drawn in proper form. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous recorded vote of Council.

City Manager Milam reminded Council that the matter of a new building to house Social Services had been touched upon, and cited the 1965 Comprehensive Plan for a Municipal Center, which had been discussed earlier. The only change in the direction of that Plan has been construction of the HEC building. Mr. Tom Conners of the State Welfare Department said that the state would participate in all phases of new quarters, except purchase of land. Parking, landscaping etc. will be amortized over the life of the building, with other sizable items amortized over an eight-year period. The state will pay only for space occupied by the Welfare Department. When Councilman Cisney asked about "up front" monies, Mr. Conners replied there would be none: The state would request to review the structure to be sure it meets all state requirements. Following the discussion period, Mayor Green expressed appreciation for the report.

Dr. Jon McIntire, representing the Harrisonburg-Rockingham Community Services Board, was present in the meeting to present the Board's annual report, as well as reports on the Board's four divisions: Mental Health Center, Mental Retardation Center, Pear Street Center, and the Summit House on East Market Street which was purchased recently. Following the presentation, Ms. Elizabeth Knighton, Executive Director of the Board, invited members of Council to contact them with any further questions they may have.

Correspondence dated 2/21/84 was presented from Attorney George H. (Skip) Roberts, Jr., enclosing report of a public hearing held by the Harrisonburg Industrial Development Authority on February 16th, a financial impact statement of Truck Enterprises, Inc., and a proposed resolution for Council's consideration, with respect to a \$2½ million Development Bond financing on behalf of that firm. The resolution was read, as follows:

WHEREAS, a public hearing was held by the Industrial Development Authority of

the City of Harrisonburg, Va. (the Authority) on February 16, 1984, 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 Truck Enterprises, Inc. (the Applicant) requesting the Authority to issue up to \$ 2,500,000 of its Industrial Development Revenue Bonds to assist the Applicant in acquiring, constructing and equipping facilities for the sale and service of over-the-road medium- and heavy-duty trucks to be located on South Main Street near its intersection with Interstate 81 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 Sec. 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, 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 Sec. 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 _____, 1984.

Mayor

Attest:

Clerk

Mr. Dwight Hartman, President of Truck Enterprises, Inc., informed Council that more land is needed for the firm to develop into Retail Business, and it was felt that the best solution would be the purchase of land further south. 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 recorded vote of Council.

✓ Councilman Cisney moved that a supplemental appropriation in amount of \$ 3,043.54 requested by the Police Chief in order to recover monies received from an insurance company for auto repair, special police at J.M.U. and auction receipts, be approved for second and final reading, a first reading having been approved on February 14th, and that:

\$ 1,877.16 chgd.to: General Fund (1901.01) Recoveries & Rebates
1,166.38 chgd.to: General Fund (4101.01) Recoveries & Rebates (Ins.)
600.00 approp.to: General Fund (3101-3004.01) Maint.Repair Mach. & Equip.
1,191.38 approp.to: General Fund (3101-3004.03) Maint.Repair Auto Equip.
738.00 approp.to: General Fund (3101-5500.02) Travel-Police School
514.16 approp.to: General Fund (3101-1001.07) Special Police

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

✓ Vice-Mayor Dingleline moved that a supplemental appropriation in amount of \$ 4,035.00 requested by the Director of Social Services, representing the local share for additional costs for new office space at 1598 S.Main Street, be approved for second & final reading, a first reading having been approved on February 14th, and that:

\$ 4,035.00 chgd.to: General Fund - Unapprop. Fund Balance
4,035.00 approp.to: VPA Fund (2401.02) Admin. (Revenue)

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

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 20,175.00 requested by the Director of Social Services, representing state share for new office space at 1598 South Main Street, be approved for second & final reading, a first reading having been approved on February 14th, and that:

\$ 20,175.00 chgd.to: VPA Fund (2401.02) Administration
1,000.00 approp.to: VPA Fund (5301-3005.01) Contractual Services
950.00 approp.to: VPA Fund (5301-5101.01) Utilities
3,000.00 approp.to: VPA Fund (5301-5200.01) Communications (tel.system)
25.00 approp.to: VPA Fund (5301-5305.01) Ins. (Liability)
4,000.00 approp.to: VPA Fund (5301-5400.01) Other Mat. & Supplies
1,000.00 approp.to: VPA Fund (5301-5800.01) Miscellaneous
10,200.00 approp.to: VPA Fund (5301-8001.02) Office Space Charge

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

✓ A request was presented from the Director of Social Services for approval of a supplemental appropriation in amount of \$ 4,228.83 in order to cover salaries of the two Emergency Fuel Assistance Program Workers, not allowed in the 1983-84 budget, in that initiation of the Program did not take place until the Fall of 1983. Vice-Mayor Dingleline moved that the appropriation be approved for a first reading, and that:

\$ 4,228.83 chgd.to: VPA Fund (1901.01) Recoveries & Rebates
4,228.83 approp.to: VPA Fund (5301-1001.05) Elig.Pub. Assistance (salaries)

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

✓ A request was presented from Fire Chief Shifflett for approval of a supplemental appropriation in amount of \$ 2,674.25 representing a refund from the state through the "One for Life" Program. It was noted that under this Program, one dollar extra is paid for vehicle license tags each year, with 25% refund to the locality. City Manager Milam noted that the refund would be used for radio equipment and as payment to the Central Shenandoah Emergency Services' Council toward salary and costs associated with providing a staff nurse for instructional purposes. Councilman Robinson moved that the appropriation be approved for a first reading, and that:

\$ 2,674.25 chgd.to: General Fund (2404.02) Emergency Services

2,674.25 approp.to: General Fund (3505-5200.01) Emerg.Services (Comm.)

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

✓ For information, City Manager Milam called members' attention to their copies of reports and 1984-85 budget requests which have been received from a number of non-profit organizations which receive yearly contributions from the City. He noted that presentation of annual requests, along with pertinent information, financial reports and other statistics are required under the City Code. He asked that the requests be reviewed, prior to Council work sessions on the upcoming City of Harrisonburg budget.

✓ For consideration of a first reading, an ordinance adding Section 6-1-24 to the City Code was presented, entitled: "Adoption of Minimum Construction Standards." City Manager Milam informed Council that use of various manuals of the Highway Commission was desired for: Road & Bridge Specifications; Road & Bridge Standards; Typical Traffic Control for Work Area Protection; Land Use Permit Manual, and Minimum Standards of Entrances to the State Highways. Councilman Cisney offered a motion for the ordinance to be approved for a first reading, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council.

✓ An ordinance adding Section 6-1-25 to the City Code, entitled: "Penalty for Violations" was presented. City Attorney Lapsley explained that the ordinance would cover a whole series of requirements under Section 6-1-24 which pertain to minimum standards for construction. On motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous recorded vote of Council, the ordinance was approved for a first reading.

✓ Council reviewed a list of 29 items recommended to be purged from the Council Calendar, by Assistant City Manager Driver and submitted by the Clerk. Following the review, Councilman Cisney offered a motion for the items to be purged, excluding numbers 4, 9 and 20, which should remain on the Calendar. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council. The items for purging are as follows:

Progress reports on steps taken by Park View Sanitary District toward City's sewerage problem - CITY ANNEXED PARK VIEW SANITARY DISTRICT.

Review petition from Reherd Acres Subdivision for final paving of streets. STREETS PAVED SUMMER 1983.

Contact Harrisonburg Parking Authority concerning its request for closing of Kimball lot, corner Wolfe & Liberty Streets. USAGE OF KIMBALL LOT HAS BEEN AGREED UPON.

Have situation of odor in rear of Gitchell's Studio from growth and trash along stream, investigated. HAS BEEN CORRECTED.

Contact Urban Office re inclusion of Port Road widening in overall project. If agreeable, discuss same with city staff, Get cost estimate from HEC for moving poles from Monument Ave. to Port Rd. for inclusion in widening project. COUNCIL SENT RESOLUTION REQUESTING PROJECT.

Contact county officials re the county serving as Fiscal Agent for Chapter 10 Board. Mayor Erickson said County agreed to serve following installation of new computer system. MATTER TAKEN CARE OF.

Petition against disturbances at 510-512 Myrtle Street. Follow up and bring in progress reports. THIS HAS BEEN COMPLETED.

Investigate present City Ordinance with regard to conflict with County's Ordinance (solicitation) and amend to conform with state & federal laws. REWORKED IN CITY CODE.

Interpret method of payment for closing portion of Kyle Street and 10' alley by the City, in order to sell parcel. THIS HAS BEEN COMPLETED.

Request of Peoples' Baptist Church for refund of city sticker fee. SETTLED IN COURT AND ORDINANCE WRITTEN.

Proposals submitted by City Manager re provision that a building permit not be issued on existing street, prior to water/sewer installations. FELT THIS SHOULD BE STRICKEN SINCE ANNEXATION.

Request of Boddie-Noell Enterprises for rezoning at Reservoir Street and Cantrell Avenue for Hardees' Restaurant. COMPLETED.

Request for rezoning of property on Port Road by Boddie-Noell Enterprises for construction of a Hardees' Restaurant. COMPLETED - REZONING DENIED.

Request of B. Saylor Neff, Jr. to rezone Brookland Addition from R-1 Residential to R-2 Residential (B-uce, Willow, Dogwood) COMPLETED.

Review and consider amendments to various sections of City Code re water & sewer main installations inside and outside the City, on request of City Manager. THIS HAS BEEN COMPLETED WITH NEW SEWER ORDINANCE.

Arrange meeting with Harrisonburg Parking Authority re downtown parking, meters at Wolfe Street deck, etc. BUILDING OFFICIAL MET WITH PARKING AUTHORITY.

Request of Gerald Myers to close paper alley on Third Street. PROPER FEES PAID AND ORDINANCE APPROVED FOR FINAL READING.

Re-activation of Madison-Community Relations Committee to investigate petition from E. Market Street residents re renting of property for JMU Fraternity. (COMMITTEE MET ON THIS MATTER.)

Conditions of properties, corner Myrtle & Gay, and Myrtle & Kelly. CORRECTED.

Possibility of leasing or selling old Hydro Electric Plant. Request to purchase turbines. REQUEST DENIED.

Nominees for Board of Equalization. COMPLETED.

Amending City Code with regard to qualifications for Insurance Agencies for city insurance coverage. THIS TAKEN CARE OF WITH PROCUREMENT ACT.

Whether or not any areas should be exempt from garbage city pickup since annexation. COMPLETED.

Decision re adjustment of salaries in Constitutional Offices to coincide with those approved by State Compensation Board. COMPLETED.

Decision concerning Harrisonburg acting as Fiscal Agent for Jobs Training Program. COMPLETED.

Appointment of remaining member to serve on the Certified Development Corp. COMPLETED.

✓ Council briefly discussed the possibility of pursuing a revision in the Virginia Procurement Act which would allow large purchases to be made through local firms, provided the bid is only up to 5% more than that of an out-of-town firm, and providing the bid meets the City's specifications. Vice-Mayor Dingledine, a member of the Virginia Municipal League Legislative Committee, said this was something that could be brought up for consideration.

✓ For Council's information, City Manager Milam reported that some of the poles on Garber's Church Road and Greendale Road, recently annexed areas, are not high enough to accommodate cable services, and that he has requested a map, in order to determine whether or not there may be something the City can do to assist in solving the problem. Complaints had been received from residents in those areas concerning the fact that no tv cable service had been provided.

✓ On motion of Councilman Cisney, seconded by Vice-Mayor Dingledine, and a unanimous vote of Council, the following Proclamation was approved:

WHEREAS, Victor Metal Produces Company of Greenwich, Connecticut, chose to accept Harrisonburg's invitation for the location of one of its plants here in April of 1959; and

WHEREAS, the Victor Metal Company is nationally known for the manufacture of tubes, cans and other containers; and

WHEREAS, the industry is of inestimable value, both in economic and civic benefits, to the City, to its individuals, organizations and businesses; and

WHEREAS, Victor Metal continues to operate as an industry in the City of Harrisonburg,

NOW, THEREFORE, BE IT RESOLVED that I, Walter F. Green, 3rd, Mayor of the City of Harrisonburg, on behalf of the Harrisonburg City Council, extend heartiest congratulations to VICTOR METAL PRODUCES of Harrisonburg on its 25th anniversary, April 7, 1984.

Walter F. Green, 3rd, Mayor

City Manager Milam said that inasmuch as both the county and city are in need of office space, it may be desired for a joint meeting to be held with county officials to discuss the possibility of combining the two in a City/County office building, at some location. This would relieve space at the Court House, County Office Building and Municipal Building. He noted that such a plan should be given consideration, prior to any decision regarding construction of a new Social Services Building. Councilman Rhodes moved that the matter be referred to the City Planning Commission for study and investigation, with all expediency. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

At 10:05 P.M., Councilman Cisney moved that Council enter an executive session to discuss a legal matter, on request of the City Manager. 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.

Walter F. Green 3rd

CLERK

MAYOR

Tuesday, March 13, 1984

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. Dingle, 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 February 28th 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, 1984.

From the City Treasurer:

A trial balance report as of close of business on February 29, 1984.

From the Police Department:

A report of activities in all divisions of the department for month of February, 1984: parking ticket funds collected, \$ 2,405.45; meter funds collected, \$ 7,468.69; Animal Warden report.

From the City Auditor:

A financial report for the City of Harrisonburg, month of February, 1984.

A report of cash discounts saved in payment of vendor's invoices for month of February, 1984, totaling \$ 188.18.

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, 1984.

Correspondence was presented from the Commission on Local Government, advising City Manager Milam of Covington's intent to annex approximately 3.74 square miles of territory within the County of Alleghany. The report was for information, in that all qualifying localities are required to be given notice of the proposed annexation, under Sec. 15.1-945.7 of the Code of Virginia.

Correspondence dated 3/7/84 from Mr. Orden L. Harman (Triple H. Farms, Inc.) was presented, in which request was made to adjust the line between business zone and R-3 zone in Harmony Heights Subdivision. Zoning of the land situate west of Rt. 42, beginning at the Pleasant View Home property and extending north to Hamlet Street, north of the Shell Station, would be reversed on two separate parcels (i.e. R-3 to B-2 and B-2 to R-3). It was noted in the correspondence that the enclosed Plan is felt to be a good and orderly Plan of Development for the land in the north Park View area, and that development of another section of the subdivision would be underway, following the minor changes in zoning. On motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Council, the Plan was referred to the City Planning Commission for study and recommendation.

Council received correspondence dated 3/13/84 from Mr. Martin Z. Eby, enclosing a preliminary plat for "Meadowgate Farms" Subdivision located on the east side of North Liberty Street, totally within the corporate limits. On motion of Vice-Mayor Dingledine, seconded by Councilman Rhodes, and a unanimous vote of Council, the Plat was referred to the City Planning for study and recommendation.

Correspondence dated 3/12/84 was presented from Mr. Jack F. DePoy, requesting that the Final Plat of Reherd Acres Subdivision, Unit 15, be referred to the Planning Commission. On motion of Councilman Cisney, seconded by Councilman Robinson, and a unanimous vote of Council, the Plat was so referred.

Correspondence was presented from Ms. Janet Detamore, Executive Director of the Harrisonburg/Rockingham Mental Health Association, requesting that the Association be permitted to use the lot beside the Catholic Church on Saturday, April 28th for its annual Family Fun Fair, with the lot closed to parking on that day. The Fair has been held on the Court House Lawn for the past three years, which is now prohibited to such use. City Manager Milam said he had talked with Mrs. Detamore and recommended that the large square area on the south side of Court Square be used, which was provided for such events, rather than blocking off a public parking lot. Vice-Mayor Dingledine offered a motion for Council to approve the City Manager's recommendation, which motion upon being seconded by Councilman Robinson, was adopted by a unanimous vote of Council.

Inasmuch as Mr. E. L. Foerster's second term on the Harrisonburg Building Code Board of Appeals had expired as of November 30, 1983, with no appointment to date, Mayor Green reproted that he had contacted Mr. William K. Monger, and that Mr. Monger has consented to serve, should Council so desire. Councilman Cisney offered a motion for Mr. William K. Monger, 595 Elmwood Drive, to be appointed to the Building Code Board of Appeals for a term of five (5) years, expiring on November 30, 1988. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

Vice-Mayor Dingledine moved that a supplemental appropriation in amount of \$ 4,228.83, requested by the Social Services Director in order to cover salaries of the two Emergency Fuel Assistance Program Workers, not allowed in the 1983-84 budget, be approved for second & final reading, a first reading having been approved on February 28th, and that:

\$ 4,228.83 chgd.to: VPA Fund (1901.01) Recoveries & Rebates

4,228.83 approp.to: VPA Fund (5301-1001.05) Elig. Pub.Assistance (salaries)

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

Councilman Rhodes moved that a supplemental appropriation in amount of \$ 2,674.25, requested by the Fire Chief, representing a refund from the state through the "One for Life" Program, be approved for second & final reading, a first reading having been approved on February 28th, and that:

\$ 2,674.25 chgd.to: General Fund (2404.02) Emergency Services

2,674.25 approp.to: General Fund (3505-5200.01) Emerg.Serv. (Comm.)

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

For consideration of a second & final reading, an ordinance adding Section 6-1-24 to the City Code, was presented, entitled: "Adoption of Minimum Construction Standards." The ordinance, appvd. for a first reading on February 28th, will permit use of various manuals of the Highway Commission for: Road & Bridge Specifications; Road & Bridge Standards; Typical Traffic Control for Work Area Protection; Land Use Permit Manual, and Minimum Standards of Entrances to the State Highways. Councilman Rhodes moved that the ordinance be approved for second & final reading, with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book. The motion was seconded by Councilman Cisney, and adopted by a unanimous

recorded vote of Council. (Refer to Ord. Bk. "L", page 20).

✓ An ordinance adding Section 6-1-25 to the City Code was presented for consideration of second & final reading, entitled: "Penalty for Violations." The ordinance, as amended, covers a whole series of requirements under Section 6-1-24 which pertain to minimum standards for construction. 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 Dingleline, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk. "L" page 22).

✓ City Water Superintendent Edgar Loker and George Bloomstrom of the U.S. Forestry Service were present in the meeting concerning a request for camping to be restricted within 500' of Switzer Lake, which serves as the City's primary water sully. Mr. Loker noted that camping poses a potential water contamination problem in that no facilities, such as rest rooms or trash pickup are available. Another potential threat to the watershed is from forest fires resulting from unattended campfires. Mr. Bloomstrom said he could see no conflict in restricting the area for camping, in that the Forestry Service wants to maintain the water quality and protect the surrounding area. At the present time, there are no restrictions, and the area is general forest area. When Vice-Mayor Dingleline asked how the area surrounding Switzer Lake would be controlled insofar as camping, he was informed that spot checks would be made, with signs posted by both the City and Forestry Service. Superintendent Loker said that the trash which has accumulated, would have to be hauled away, and added that the lake is a beautiful one, which must be protected. He pointed out that restricting camping would confine traffic to already existing roads, and reduce vehicular damage to trees and grass. Following discussion, Councilman Cisney moved that the request to restrict camping within 500' of Switzer Lake be approved. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

✓ City Manager Milam made reminder that Council had appointed Councilman James Cisney and Vice-Mayor Raymond Dingleline to serve on a City/County Liaison Committee, for the purpose of working out future matters which may concern both the City and Rockingham County. The County Board of Supervisors appointed Supervisors Lynwood Byerly and Glenn (Boo) Heatwole to serve as liaisons for the County. Several meetings of the committee resulted in seven (7) recommendations concerning water and sewer, which recommendations had been reviewed, recommended and signed by City Manager Milam and County Administrator O'Brien. Each of the following recommendations were presented by Manager Milam and explained in detail, with questions of Council, answered:

RECOMMENDATION NO. 1:

Joint City-County Sewer Line located Route 11 South and Route 701- Rockingham Motel and others.

Recommendation: County Sewer Charge to City to be 45¢/1000 gal. in accordance with Contract dated January 24, 1978. The County agrees to supply the Regional Sewer Authority with monthly sewage discharged from the County line to the Regional Sewer Authority's line.

| | Gal. of Sewer | Cost |
|--------------|---------------|-----------|
| February '83 | 26,000 | \$ 11.70 |
| March | 71,400 | 32.13 |
| April | 55,300 | 24.88 |
| May | 51,900 | 23.35 |
| June | 53,000 | 23.85 |
| July | 86,500 | 38.93 |
| August | 71,100 | 32.00 |
| September | 61,000 | 27.45 |
| October | 67,100 | 30.20 |
| November | 51,500 | 23.18 |
| December | 45,000 | 20.25 |
| January '84 | 49,100 | 22.10 |
| Total | 688,900 | \$ 310.02 |

City pays County for sewer from February 1983 through January 1984 - \$ 310.02

ACTION REQUIRED BY ROCKINGHAM COUNTY BOARD OF SUPERVISORS:

Motion to delete invoice #00446, dated 10.04/83 in the amount of \$ 4,800.00 for calendar year 1983.

ACTION REQUIRED BY HARRISONBURG CITY COUNCIL:

Motion to agree to pay 45¢/1000 gal. of sewage discharged from the City line to the County line, effective January 1, 1983.

RECOMMENDATION NO. 2:

Rosedale Subdivision water consumption.

Recommendation: To amend Section 2.1 of the Contract for water between City and County dated January 24, 1978 by deleting the minimum monthly charge of \$400.00.

ACTION REQUIRED BY ROCKINGHAM COUNTY BOARD OF SUPERVISORS:

Motion to amend Section 2.1 of said Contract by deleting the \$ 400.00 per month minimum charge.

ACTION REQUIRED BY HARRISONBURG CITY COUNCIL:

Motion to amend Section 2.1 of said Contract by deleting the \$ 400.00 per month minimum charge.

RECOMMENDATION NO. 3:

Water for Rosedale Subdivision.

Recommendation: That Rosedale Subdivision water consumption from February 1983 through January 1984 be charged 62¢/1000 gal. in accordance with agreement dated January 24, 1978 based on printed rate schedule per agreement as follows:

| | Gallons | Cost |
|--------------|---------|----------|
| February '83 | 134,000 | \$ 72.36 |
| March | 112,500 | 60.75 |
| April | 137,600 | 74.30 |
| May | 145,900 | 78.79 |
| June | 106,400 | 57.46 |
| July | 120,800 | 65.23 |
| August | 88,500 | 54.87 |
| September | 137,000 | 84.94 |
| October | 123,900 | 76.82 |
| November | 128,100 | 79.42 |
| December | 153,900 | 95.42 |
| January '84 | 118,100 | 73.22 |

For February, March, April, 1983, the County paid \$ 184.24 for water in Rosedale. From May through January 1984, the County paid \$ 3,600.00 for water in Rosedale. Total \$ 3,784.24.

ACTION REQUIRED BY ROCKINGHAM COUNTY BOARD OF SUPERVISORS:

Motion to agree to the rate of 62¢/1000 gal. in accordance with said Contract of January 24, 1978.

ACTION REQUIRED BY HARRISONBURG CITY COUNCIL:

Motion to agree to the rate of 62¢/1000 gal. in accordance with said Contract of January 24, 1978.

RECOMMENDATION NO. 4:

Water consumption charge Rosedale Subdivision and sewer charge Route 11 and Route 701 South.

Recommendation: City to pay County from February 1983 through January 1984 \$ 310.02 (See Recommendation No. 2). County owes City \$ 873.58 and County has paid \$ 3,784.24. City to reimburse County \$ 3,220.68.

ACTION REQUIRED BY ROCKINGHAM COUNTY BOARD OF SUPERVISORS:

To agree to the above charges and credits.

ACTION REQUIRED BY HARRISONBURG CITY COUNCIL:

To agree to the above charges and credits.

RECOMMENDATION NO. 5:

Water line cost across Willow Springs and Rockingham County properties.

Recommendation: That County offer to sell to City existing 12" water line located in the southeast corner of the City at the price of \$17.73/lineal ft. plus engineering, easements, and fittings to include fire hydrants, valves, and appurtenances; total length of line; engineering and easement costs to be based upon exact location of the intersection of said water line with new Corporate Limit as determined by County Director of Public Works and City Engineer. Payment to be made by City to County in two (2) installments; \$ 50,000. payable by July 31, 1984 and the balance payable by July 31, 1985.

The County shall grant to the City at no cost, a construction and permanent easement for the extension of said water line from the terminus of the water line in a northerly direction on the County owned property to Greendale Road.

ACTION REQUIRED BY ROCKINGHAM COUNTY BOARD OF SUPERVISORS:

Agree to sell County line to City as stipulated above.

ACTION REQUIRED BY HARRISONBURG CITY COUNCIL:

Agree to the purchase of the County line as stipulated above.

RECOMMENDATION NO. 6:

Water meter Pleasant Valley.

Recommendation: Rockingham County to construct underground vault at the Southern Corporate Limits line at the Callender Farm; a room large enough for all necessary valves, meters, etc. and the City will move large meter located near Schewel's Furniture Store on Route 33. County to provide all cost of moving meter and valves and City to furnish meter and installation and both City and County will have access to meter readings. Upon installation of meter and following connection of City water line along Willow Springs Road to water line transferred by County to City, County will have the right to purchase water from City in accordance with Water Contract dated January 24, 1978. Said water line connection by City to be accomplished by January 1, 1985.

ACTION REQUIRED BY ROCKINGHAM COUNTY BOARD OF SUPERVISORS:

Motion to authorize construction of the necessary meter vault and piping.

ACTION REQUIRED BY HARRISONBURG CITY COUNCIL:

Motion to relocate master meter to Southern Corporate Limits as set out above and in accordance with Agreement dated January 24, 1978.

RECOMMENDATION NO. 7:

Extension of City Water Line.

Recommendation: City to extend easterly along Willow Springs Road the existing water line located near Wampler Chemical and the railroad tracks to tie into the 12" County water line (approximately 690 ft. in length), all construction cost to be at City expense. Extension and connection to be completed by January 1, 1985.

ACTION REQUIRED BY ROCKINGHAM COUNTY BOARD OF SUPERVISORS:

None, if the previous recommendations are approved.

ACTION REQUIRED BY HARRISONBURG CITY COUNCIL:

Motion to authorize the recommended construction in the next Fiscal Year budget.

Following the presentation and discussion, Mayor Green asked members' wishes concerning any, or all of the several recommendations submitted and approved by the Liaison Committee. Councilman Cisney offered a motion for the package of seven joint city/county recommendations to be approved, and it was seconded by Vice-Mayor Dingledine. Councilman Rhodes said he could not agree with Recommendation No. 4, but that a proper motion was on the floor. The motion was then adopted by a majority vote of Council. Voting aye: Cisney, Robinson, Dingledine and Green. Voting no: Councilman Rhodes.

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

WHEREAS, Roth's Theatres have provided entertainment in the City of Harrisonburg since March 10, 1934; and

WHEREAS, Roth's Theatres have operated three indoor and two Drive-ins over the past 50 years; and

WHEREAS, Theatre entertainment has progressed from silent movie days, up through today's multi-screen theatre; and

WHEREAS, Roth's Theatres continue to provide entertainment in the City of Harrisonburg,

NOW, THEREFORE, I, Mayor Walter F. Green, 3rd, on behalf of the Harrisonburg City Council, do hereby extend heartiest congratulations to ROTH'S THEATRES on their 50th anniversary, March 10, 1984.

Mayor

At 9:06 P.M., on request of the City Manager, Vice-Mayor Dingledine moved that Council enter an executive session to discuss a legal matter. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

At 10:30 P.M., on motion duly adopted, the executive session was closed and the regular session reconvened. There being no further business, the meeting was adjourned.

CLERK

Walter F. Green 3rd
 MAYOR

Tuesday, March 27, 1984

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. Dingleline, Jr.; Councilmen Elon W. Rhodes and 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 March 13th were approved as read.

Council received the 1983 Annual Report for the Harrisonburg Redevelopment & Housing Authority.

✓ The following Proclamation was presented and read 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, Walter F. Green, 3rd, Mayor of the City of Harrisonburg, do proclaim April 16 - April 20, 1984, to be Harrisonburg Beautification Week.

Mayor

The Proclamation received approval of members, and was signed by the Mayor.

✓ For information, City Manager Milam reported that he was in receipt of correspondence today from the Shenandoah Health Commission, reporting on Health Activities, as well as a revised Budget for the Department of Health, submitted by Dr. Caplin, increasing the original request of a month ago, by approximately \$ 4,000. The request will be considered along with other appropriation requests for fiscal year 1984-85.

✓ Dr. Lee Yoder, Vice-President of Administrative Affairs for Eastern Mennonite College, was present in the meeting, along with other representatives, for the purpose of expressing appreciation to City Council for its interest in rebuilding of the Campus Center which was recently destroyed by fire. He noted that the students have expressed interest in participating in the fund drive through various activities which will be tied into the Committee's effort. Mayor Green noted that Assistant City Manager Driver has consented to coordinate student activities insofar as providing jobs for after-winter cleanup, etc. Mr. Driver said he had been striving to tie this into the City's Beautification Program, and hopes to use EMC students for jobs at Switzer Dam and other locations. Council was informed that activities by students would include a chicken barbecue, bake sales, arts & crafts sales, etc., with the Committee pledged to match the first \$ 30,000. raised by students. Mayor Green said that all citizens of Harrisonburg would be urged to call upon the students for yard work and other jobs, in order to offer support for EMC's rebuilding project, and added that he would prepare a proper Proclamation designating March 30th through the ensuing week as Community Involvement Week for Eastern Mennonite College and Seminary.

✓ The following proposed Proclamation, requested by the Harrisonburg Exchange Club, was read, for Council's consideration of approval:

WHEREAS, Child abuse and neglect is a reality that touches all segments of Harrisonburg and the Commonwealth of Virginia; and

WHEREAS, the right of children to be free of abuse, neglect and inhumane treatment is a primary concern of all citizens of this Commonwealth; and

WHEREAS, the keys to solving the problem of child abuse and neglect, which is a community concern, are prevention and treatment; and

WHEREAS, children are believed to be best served in a supportive, loving environment and the factors that create child maltreatment can be addressed with support from community resources; and

WHEREAS, the National Exchange Clubs of America, community service agencies, and private citizens have joined hands to strengthen the family's ability to continue functioning; and

WHEREAS, to call attention to the need to protect our children and increase public awareness of child abuse and neglect and of the importance of good parenting and of the need of community involvement,

NOW, THEREFORE, I, Walter F. Green, 34d, Mayor of the City of Harrisonburg, Virginia, on behalf of the Harrisonburg City Council, do hereby proclaim the month of April, 1984, to be CHILD ABUSE PREVENTION MONTH, and urge that this Proclamation be called to the attention of all citizens of the Commonwealth.

Mayor

On motion of Vice-Mayor Dingledine, seconded by Councilman Robinson, and a unanimous vote of Council, the Proclamation was approved, and signed by the Mayor.

At 7:52 P.M., Mayor Green called the evening's public hearing to order and City Manager Milan read the following Notice of Hearing as advertised in the Daily News Record newspaper on February 17th, March 16th, and March 26, 1984:

The Harrisonburg City Council will hold a public hearing on Tuesday, March 27, 1984, at 7:30 p.m. in the City Council Chambers, Municipal Bldg., 345 S. Main Street.

There will be a public hearing March 27, 1984 at the Harrisonburg City Council Chambers. This hearing will be to discuss Harrisonburg's application for Section 18 funds under the Urban Mass Transportation Act of 1964. These funds will aid in operating, capital and administrative costs for FY '85.

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

CITY OF HARRISONBURG- Marvin B. Milan, City Manager

Transportation Director Reggie Smith explained the lengthy application for funding, which included project information, bus schedules, proposed project budget, etc. The requested funds will assist the department in its administrative, operating and capital expenses, necessary to maintain operation of the Harrisonburg City Bus System during fiscal year 1984-85. He gave the breakdown of federal, state and local funding. Mr. Smith noted that continued expansion and growth in the 11.4 square mile annexation from Rockingham County, along with the increase of JMU students, present a greater need for transportation services to be provided. Due to the fact that two of the routes are overcrowded, a 40' volvo demonstration bus will be provided on a trial basis. Should this prove successful, purchase of one would be desired. Councilman Robinson asked the Director when the demonstrator would be here, and if he felt this would solve the City's problem of overcrowding. Mr. Smith replied that the coach should be here in the very near future and would be used as an experiment to determine its worth. When asked if the bus would be ordered from the same Blue Bird Company, Mr. Smith said it would have to be bid. Miss Sandy Modell, Transportation Administrator, informed Council that they would be working in the next few months to relieve crowding, with a need for some revisions in the system. She noted that they have been able to determine the changes needed and to anticipate problems that may arise in the next year. She offered an opinion that following the revisions, the bus route system should be a better one. When the Vice-Mayor asked if the 40' bus would be an additional bus, and exactly what it means, he was informed that all agencies would be using the vehicle as a transit bus and it would also be used as a back-up for fixed daily routes in the City. Manager Milan referred to the total of \$ 398,580. as set out in the project budget for the next fiscal year as project expenses, with breakdown of funding as follows: federal, \$ 278,184.; state, \$ 43,603.; local, \$ 76,796. Mayor Green called on anyone present who may desire to be heard re the application for Transportation Grants. There being no one, he declared the public hearing closed at 8:01 p.m. and reconvened the regular session.

The following proposed resolution was presented, with regard to the City's application for Section 18 Transportation funds, as discussed in this evening's public hearing:

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 \$ 278,184. 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, 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 \$ 7,070. to defray fifty percent (50%) of the local matching share for administrative expenses and in the amount of \$ 36,533. to defray ninety-five (95%) percent 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 and 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 _____, 1984.

Mayor

Atteste:

Clerk

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

The following report from a Planning Commission meeting held on March 21, 1984, was read by the City Manager:

The Commissioners reviewed the proposed Final Plan for Reherd Acres Subdivision, Unit 15, which involves 26 townhouse lots plus common area for parking and green space. They will be located on the west side of Vine Street, completing the linking of Vine between Country Club Road and Old Furnace Road. The Director reported that both water and sewer lines are already installed in Vine Street right-of-way, and Mr. DePoy stated that the street will be constructed in the summer of 1984. He added that Reherd Acres, Inc. will be building the townhouses and all of the townhouses along Vine Street will form their own homeowners' association. The Director noted that utility easements for water, sewer and electric lines must be shown on the Final Plan.

Mr. Rhodes moved that the Planning Commission recommend approval of the Final Plan for Reherd Acres Subdivision, Unit 15. Mr. Trobaugh seconded the motion and the motion passed unanimously..."

Planning Director Sullivan presented a map showing the portion of Vine Street now under construction, and reiterated the fact that this is the last link to put the street together with paving, etc. Vice-Mayor Dingledine moved that the recommendation of the Planning Commission be approved. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

The following Planning Commission report from the March 21st meeting was read by the City Manager:

"...The Director reviewed the Commission's February 15th recommendation to City Council concerning the proposed site plan for 'Madison Manor' condominiums, which included extension of Blue Ridge Drive from Meadowlark Drive to Old Furnace Road. If approved and opened, Blue Ridge Drive will serve as a collector street with Country Club Road on the south and Old Furnace Road on the north. Another collector, Vine Street, will do the same farther to the west, thus disbursing traffic to some extent. The Director added that the Master Plan for Reherd Acres, approved in 1974, called for extension of Blue Ridge Drive to Old Furnace Road. Concerning the proposed site plan for Madison Manor, no changes have been made by the developers, MRM Associates. Mr. J.R. Copper reported that the developers will open an access road off Old Furnace Road in the Phase I construction period, if the City requests it. A discussion with comments and questions from homeowners on Blue Ridge Drive involved need for traffic counts, a solution to the intersection at Vine Street and Country Club Road, and when a 'new Master Plan' for the undeveloped land will be reviewed. Mr. Jack DePoy reported that he is showing a 'new plan' to residents and Mr. Clyde Pugh said they will submit it to the Commission when they feel it meets the approval of the residents.

Mr. Trobaugh concluded the discussion with a motion for the Commission to return its February 15, 1984 recommendation to City Council, restating approval of the preliminary site plan of Madison Manor and the extension of Blue Ridge Drive from Meadowlark Drive to Old Furnace Road. Mr. Rhodes seconded the motion, adding that a special study be made of the Vine Street-Country Club Road intersection, and traffic counts be made on Blue Ridge Drive. The motion passed unanimously..."

Manager Milam called members' attention to the plan attached to the report, showing location of the proposed 8.2 acre "Madison Manor" condominiums, as it relates to Old Furnace Road and existing Blue Ridge Drive. Mayor Green noted that inasmuch as some questions had arisen at Council's February 28th meeting, he had met with various parties concerning the matter, 3 fold: the City has been given a right-of-way for widening of Old Furnace Road which will relieve the traffic situation; the developer will hasten opening of that portion of Blue Ridge Drive and Old Furnace Road; the City will do the necessary traffic studies through the area. Councilman Rhodes said there is some concern about which end of Blue Ridge Drive will be opened first. Mayor Green said the City would improve Old Furnace Road, with the added space provided through the right-of-way to help traffic. Suggestion was made for a service route to be established for trucks, during the construction period. The Mayor said this has been discussed with the developers, with assurance given that they would be willing to open an access road into Madison Manor from Old Furnace Road, and the Mayor replied that it would be opened all the way, with Blue Ridge Drive going straight through, with an exit from the service road. Following discussion, Councilman Rhodes offered a motion for Council to approve the recommendation of the Planning Commission for approval of the preliminary plan for "Madison Manor" condominiums and extension of Blue Ridge Drive. Vice-Mayor Dingledine seconded the motion after adding to the motion that the access road be provided in Phase I of the project. The motion was adopted by a unanimous vote of Councilmen present. Councilman Rhodes then offered a second motion for the matter of through trucks in the area to be referred to the Harrisonburg Department of Transportation & Safety Commission for study and report. This motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Councilmen present. A resident of Meadowlark Drive, present in the meeting, had expressed concern about through trucks on that, and other residential streets in the area.

City Manager Milam read the following Planning Commission report from its March 21, 1984 meeting for Council's consideration:

"...The Commissioners reviewed a map of revisions to Lots 3, 4 & 5 in the D.D. Cable Subdivision, located on the south side of Pleasant Hill Road, between Emery Street and Central Avenue. The Director distributed copies of the Commission's November 1983 review and approval of a proposed apartment complex which is now under construction on these lots. The 20-unit project, 'Kingsway Apartments', are being built by Mr. Sevy Rexrode. The proposed Final Plan is in accordance with the November 1983 review, but Mr. Sullivan asked that Mr. Rexrode check with Copper & Smith to confirm whether or not a 5' strip of land is being dedicated to the City along Pleasant Hill Road.

Mr. Trobaugh concluded the discussion with a motion that the Commission recommend approval of the revised D.D. Cable Subdivision, subject to confirmation that a 5' strip is dedicated along Pleasant Hill Road. Mr. Rhodes seconded the motion and the motion passed unanimously..."

Planning Director Sullivan informed Council that Mr. Rexrode had given assurance in November 1983 that the 5' strip would be dedicated, as promised, and added that the plat would be changed prior to obtaining signatures of the proper officials. Vice-Mayor Dingledine offered a motion for Council to accept the report of the Planning Commission and approve revision of lots in the D.D. Cable Subdivision, subject to dedication of the 5' strip along Pleasant Hill Road, and necessary changes on the Plat. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Councilmen present.

Mrs. Carolyn Shank, Chairman of the Harrisonburg City School Board, was present in the meeting, along with other members of the Board, for the purpose of presenting the proposed 1984-85 budget, which is required by law. Disbursements and Revenue requests total \$ 9,763,624., representing an increase of \$ 1,307,829. over the current fiscal year. The City's requested appropriation of \$ 6,506,056. for 1984-85 represents an increase of \$ 892,571. over the current fiscal year. Mrs. Shank noted that the state calls for a 10% salary increase for teachers, and expects the localities to pick up the difference. She explained in detail, various areas which necessitate the increase in appropriation, and noted that the Board had been working diligently to reduce items, wherever possible, and added a personal opinion that the proposed budget is a realistic one. Following the presentation and discussion, Mayor Green expressed appreciation for the report.

Commissioner of Revenue Smith was present in the meeting to present his proposed budget for fiscal year 1984-85, which reflects a 10% salary increase, subject to confirmation by the State Compensation Board. He noted that it had been indicated last year that Council will be going along with the Compensation Board and informed members that a meeting will be held at James Madison University on Tuesday, April 3rd, by the Board. He suggested that it would be helpful for any members of Council to attend this meeting and support an increase in its share of appropriation. Mr. Smith also asked Council for a transfer of allocation from the city budget to his department for the increase in hospital insurance, and replacement one car which is badly needed. He said he hoped that Council would see fit to approve his budget of \$ 143,448. for the 1984-85 fiscal year.

City Treasurer Beverly Simmons, in presenting her proposed budget requests for the 1984-85 fiscal year, said that she was also asking a 10% salary increase for employees in his office, and that her budget, which is self explanatory, is in total amount of \$ 118,801. for the 1984-85 fiscal year.

City Manager Milam informed Council that he was in receipt of correspondence from the Upper Valley Regional Park Authority on several occasions, requesting funds: A January '84 request for \$ 10,000.; February 9th request for \$ 10,000. for year 1985; February 23rd letter requesting \$ 10,000. immediate appropriation which is needed to open facilities next week for spring, and a February 24th request for support of the Authority's budget for the current year and a one-time contribution toward the Authority's debt of \$ 30,000. from each of the four participating jurisdictions: Harrisonburg, Staunton, Rockingham County and Augusta County. Funding is needed for some capital needs for the two parks (Grand Caverns and Natural Chimneys), which are operated by the Authority. Manager Milam said that he had attended a meeting with the other three jurisdictions this morning, and it was agreed that each representative present would present a request to his local governing body to approve an appropriation of \$ 10,000. for the Authority's immediate emergency need. The City of Staunton had made its contribution yesterday. He noted that he would like to discuss some legal matters with Council at a later date. Councilman Rhodes moved that an appropriation of \$ 10,000. for the Upper Valley Regional Park Authority, be approved for a first reading, as recommended by the City Manager, and that:

\$ 10,000. chgd.to: General Fund - Unappropriated Fund Balance
10,000. approp.to: General Fund (9104-5604.08) Support of Community & Civic Organizations- Upper Valley Regional Park Authority.

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

Correspondence dated 3/22/84 from the Utility Billing Department was presented, requesting authorization to charge off city records a list of delinquent accounts for years 1982 and 1983, totaling \$ 4,466.79. It was noted that none of the listed consumers presently have service with the City, and accounts have proven uncollectable through efforts which have been made. City Manager Milam reminded members that although delinquent accounts are charged off, they are collectable, should a delinquent consumer again request water, sewer or refuse service with the City. He noted that the amount of \$ 25.00 which is required under the UDAP Program as payment by James Madison University toward unpaid delinquent accounts of JMU students, has proven insufficient to cover bills which may be left when a proposed increase of payment by JMU for the next regular meeting of Council. Additional details concerning the Program will be brought to Council for that meeting. Following a review of the delinquent list, Councilman Rhodes offered a motion for the Department of Utility Billing to be authorized to charge off the accounts. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Councilmen present.

A list of delinquent accounts which remain unpaid in the Department of Transportation, and which have proven uncollectable through efforts which have been made by both the department and City Treasurer's Office, was presented. The list of unpaid accounts total \$ 749.30 and covers the period from 1979 through 1982. When question was raised in Council concerning the department's policy of extending credit to those using the City's transportation system, the Director assured members that this would no longer be the case, and that passengers would be hauled on a cash basis. On motion of Councilman Rhodes, seconded by Vice-Mayor Dingledine, and a unanimous vote of Councilmen present, the Transportation Department was authorized to charge the delinquent accounts off its records, with the understanding that any of those listed would not be accommodated in the future, until the amount charged off as delinquent, has been paid in full.

Inasmuch as Council has been asked to commit financial support to the Virginia Horse Center to be located at the Rockingham County Fair Grounds facilities, if so designated by the Virginia General Assembly, City Manager Milam presented the following proposed resolution for Council's consideration:

WHEREAS, 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; and

WHEREAS, the placement of the Virginia Horse Center at the Rockingham/Harrisonburg facilities is supported by an extensive feasibility study done for the Central Shenandoah Planning District; and

WHEREAS, the Virginia State Department of Agriculture has found that the financial stimulation resulting from such a facility to the Virginia economy would be an estimated 62 million dollars over the first four years; and

WHEREAS, the Virginia Department of Conservation and Economic Development estimated that travel generated tax revenue alone from the facility would be approximately 1.7 million dollars in a four year period; and

WHEREAS, estimates based on 132 days per year usage of the facility will increase the estimated annual direct revenues to the City by \$ 250,000.00 exclusive of additional local labor and supplies; and

WHEREAS, 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; and

WHEREAS, the financial support of all local governing bodies is needed,

NOW, THEREFORE, BE IT RESOLVED that the City Council of Harrisonburg, Virginia, does hereby endorse the concept of the Virginia Horse Center to be located at the Rockingham County Fairgrounds.

FURTHER RESOLVED that to evidence our support for the location of the Virginia Horse Center at the Rockingham County Fairgrounds, the City Council directs the City Manager to develop a plan that is compatible with the City revenue projections and budget requirements so that up to one million dollars (\$1,000,000.00) will be made available for the design and construction of the facility subject to the following additional conditions which must be met:

(1) The Virginia General Assembly must designate the Rockingham County Fairgrounds, located in Rockingham County, Virginia, as the location for the construction of the Virginia Horse Center;

(2) The assurance that the Commonwealth or other sources will fund fully the design and construction of such facility, in addition to those funds committed by said City and said County; and

(3) That the governing board of such Virginia Horse Center facility must agree to accept the appointment of at least one representative on such governing board, to be appoint by the City Council.

ADOPTED and APPROVED this _____ day of _____, 1984.

Clerk

Mayor

City Manager Milam said that it has been reported that if, and when, the Horse Center is built and in operation, the local economy of the facility would generate approximately \$7 million to the local area. He noted that the estimate as set out in the resolution is based on use of motel rooms and taxes which will be charged. The best estimate of what the City would realize is \$ 168,000. additional tax revenue annually, which means that the investment of \$1 million would be recovered in about a 10 year period. Following discussion, Councilman Robinson moved that the resolution be approved, with authorization for the proper officials to sign the same. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Councilmen present.

For Council's information, City Manager Milam reported that he was in receipt of correspondence from the Virginia Department of Highways & Transportation dated March 16, 1984, advising that the Commission had approved the addition of 0.91 mile of Primary Extension and the net addition of 1.39 miles of "Other Streets" eligible for maintenance payment at the annual rate of \$ 6,089. and \$,604. per moving lane available to peak hour traffic annually, and maintained to a standard satisfactory to the Commission. Payments will be effective, beginning the third quarter, January 1, 1984, for payment due after March 31, 1984. A resolution requesting the maintenance payments had been approved by Council on January 24, 1984. Manager Milam noted that next year's estimated income to the City to be used for street & highway work is \$ 928,688., which amount will be reflected on the revenue side of next year's budget.

City Manager Milam reminded Council that authorization had been granted at the last regular meeting for camping to be restricted within 500' of Switzer Dam, in order to protect the area. He recommended that authorization be granted at this time for a gate to be installed where traffic turns off Route 33 west to the Skidmore roadway at the bottom of the hill, or at the first stream crossing. He said he anticipated some repercussion if the area is closed off, but that property owners in the area have complained, in that 4-wheel drive vehicles are coming into the area for camping, which necessitates some protection for their properties. Manager Milam said that the gate would be open during hunting season, and that cars would park in the City Park area. The City will

install the gate and post signs, if approved. Locks will be placed on the gate by both the City and Forestry Service. Following a brief discussion, Councilman Rhodes moved that Council approve installation of the gate, where necessary. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Councilmen present.

✓ Vice-Mayor Dingledine, a member of the Liaison Committee, said it had been suggested that the City Planning Director contact the County Planning Director to determine the feasibility of a joint meeting to discuss a city/county office building. It was agreed that Planning Director Sullivan be so advised.

✓ On request of the Harrisonburg Redevelopment & Housing Authority, Vice-Mayor Dingledine moved that Council enter an executive session with the Authority's representatives to discuss a legal matter at this time (9:35 P.M.). 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 declared closed and the regular session reconvened.

✓ Councilman Rhodes offered a motion to approve for first reading, an ordinance prohibiting male or female nudity or disrobing in any public place, with referral to the City Attorney for the ordinance to be drawn in proper form. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous recorded vote of Councilmen present.

There being no further business and on motion duly adopted, the meeting was adjourned at 10:58 P.M.

CLERK

Walter F. Green

MAYOR

Tuesday, April 10, 1984

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. 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 March 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 March, 1984.

From the City Treasurer:

A trial balance report as of close of business on March 30, 1984.

From the Police Department:

A report of activities in all divisions of the department for month of March, 1984.

From the City Auditor:

A financial report for the City of Harrisonburg, month of March, 1984.

A report of discounts saved in payment of vendor's invoices for month of March, 1984, totaling \$ 112.24.

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, 1984.

✓ Correspondence dated 4/5/84 was presented from Mr. Bill V. Neff, requesting consideration for subdivision of approximately 12 acres of business property located between U.S. Route 11 and I-81 in the southern part of the City. City Manager Milam informed Council that only one copy of the Plat had been made available. On motion by Vice-Mayor Dingleline, seconded by Councilman Rhodes, and a unanimous vote of Council, the Plat was referred to the City Planning Commission for study and recommendation.

✓ For information, City Manager Milam reported that he was in receipt of seven copies of Harrisonburg Electric Commission's proposed budget for fiscal year 1984-85, as required under the Harrisonburg City Code.

✓ Ms. Marjorie Williams, Manager of the Virginia Employment Commission office, was present in the meeting to point out highlights from the Job Service Plan of Services for Program Year July 1, 1984 - June 30, 1985. Both employers and prospective clients will be served, insofar as striving to place persons in jobs with employers who are seeking their qualifications. She presented copies of a report on the "Dislocated Worker Program" which may not relate as much to Harrisonburg as other areas which are served, in that Harrisonburg's rate of unemployment as of February 1984 was 4.6%, which is remarkable, as compared to other areas. Ms. Williams said that no funds are being requested of Council, but rather, endorsement of the proposed activities, by Council, through the Mayor's signature. When Councilman Cisney asked how this Program compares with the Private Industry Council, Ms. Williams explained that the Job Training Service Plan included some input from the Private Industry Council through Mr. Ben Vorhies, Director, and that while the Program accepts only clients that are highly qualified to be placed in employment and require no training, clients in need of training are provided this service through the Council. When asked if referral of clients in need of training would be made to the Private Industry Council, Ms. Williams replied in the affirmative, adding the fact that once trained, they would be referred back to the Virginia

Employment Commission under its Program, for placement in employment, resulting in a basic labor exchange. Following discussion, Councilman Cisney moved that the Mayor be authorized to sign, in concurrence with the Job Service Program proposed activities. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 10,000., representing the City's contribution toward an immediate emergency need of the Upper Valley Regional Park Authority, be approved for second & final reading, a first reading having been approved on March 27th, and that:

\$ 10,000. chgd.to: General Fund - Unappropriated Fund Balance
10,000. approp.to: General Fund (9104-5604.08) Support of Community & Civic Organizations- Upper Valley Regional Park Authority

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

✓ A request was presented from Fire Chief Larry Shifflett for approval of a supplemental appropriation in amount of \$ 10,102.72, in order to recover funds already expended for Communication Personnel, from Rockingham County. City Manager Milam noted that the share of funding for Dispatchers had been received from the County. Vice-Mayor Dingleline moved that the appropriation be approved for a first reading, and that:

\$ 10,102.72 chgd.to: General Fund (1901.01) Recoveries & Rebates
9,000.00 approp.to: General Fund (3201-1001.06) Dispatchers
1,102.72 approp.to: General Fund (3201-5408.01) Gasoline

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

✓ A request was presented from Street Superintendent Ralph Smith for approval of a supplemental appropriation in amount of \$ 2,944.01, in order to recover funds paid by insured for damage to roller and demolition of a school flashing sign. Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 1,849.01 chgd.to: General Fund (4101.01) Recoveries & Rebates (Ins.)
1,095.00 chgd.to: General Fund (1901.01) Recoveries & Rebates
1,849.01 approp.to: General Fund (4102-3004.01) St.Inspect.- Repairs & Maint.- Maint. of Mach. & Equip.
1,095.00 approp.to: General Fund (4102-7001.00) Traffic Eng.- Mach. & Equip.

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

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

WHEREAS, the Harrisonburg City Council recognizes the existence of the litter problem within the boundaries of the City 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 Regulation and the Application covering administration and use of said funds,

BE IT RESOLVED that the Harrisonburg City Council:

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

HEREBY authorizes 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: _____
Mayor

Councilman Robinson offered a motion for Council to approve the Resolution, with authorization for the Mayor to sign same. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

✓ For consideration of a second & final reading, the City Attorney presented an ordinance enacting Section 16-7-34 of the Harrisonburg City Code, entitled: "Illegal Entertainment." The ordinance makes it unlawful for an entertainer to remove his or her clothing as part of a performance which results in nudity or scantily covered areas of the body. Councilman Cisney questioned whether or not the ordinance, as written, would cover the showing of X-rated film, in that he had received complaints concerning the one that was shown last Friday and Saturday nights, and will be held over this weekend, in that it did so well. Mayor Green said this was a difficult situation, and that some intensive legal investigation would have to be done to determine how, if at all, the City could control, limit or even ban the showing of such movies. On motion of Vice-Mayor Dingleline, seconded by Councilman Robinson, and a unanimous recorded vote of Council, the ordinance was approved for second & final reading, with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book. (Bk. I, pg. 26)

✓ For consideration of a first reading, an ordinance amending and re-enacting Section 7-1-16 of the Harrisonburg City Code, was presented. The ordinance increases utility deposits for City water and sewer services as follows:

Residential (single family and duplex) - \$ 50.00 (presently \$ 20.00)
Business (restaurants, service stations, apartments of four to eight units, retail shops, garages, etc.) \$ 100.00 (presently \$ 50.00)
Large Consumers (those with estimated monthly consumption to be over 100,000 gallons. \$ 200.00 (presently \$100.00)

The rates will also apply to consumers outside the City, using City water and sewer services. City

Auditor Peterman noted the fact that the deposits are refundable if twelve consecutive bills are paid on or before the past due date, and refund is applied for. Councilman Cisney offered a motion for the ordinance to be approved for a first reading. The motion was seconded by Councilman Robinson, and adopted by a unanimous recorded vote of Council.

✓ City Manager Milam informed Council that two property owners had been notified in writing by the City Engineer, that eminent domain proceedings may have to be initiated by the City in order to obtain sewer easements across their properties for construction of the "Boxwood" Collector sewer, unless affirmative replies were received by March 30th, accepting the last and final offer to purchase the easements. Manager Milam asked that he be authorized to work with the City Attorney in filing suits in Rockingham County Circuit Court. The matter has been discussed by the City Engineer and City Attorney, prior to this time. The sewer collector system will be located in the southern annexation area, and will serve several houses that are presently using septic tanks. He noted a possibility that one of the two property owners may settle for the City's final offer, prior to filing of the suit. Following discussion, Councilman Cisney moved that the City Manager be authorized to work with the City Attorney concerning the suits. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

✓ For information, Mayor Green reported that through a telephone call today, Walker Manufacturing extended an invitation to their premises, by members of Council, on April 19th, 11:00 a.m. at which time he will be presented the deed to property donated to the City of Harrisonburg as location for a fire sub-station, by an official from Wisconsin. Other invited guests will also be present.

✓ Councilman Robinson registered a complaint(s) he had received concerning loose gravel on Clay Street, Alleghany Street, Broad View Drive, etc., which poses a danger to bicycles, etc., and asked if the City intends to do additional work in the area. Assistant City Manager Driver said he had not reviewed the Street Department's budget and was not aware of proposed projects. Council asked the City Manager to look into the situation through contact with the Superintendent of Streets.

✓ Councilman Robinson said he had also received complaints of motorists who expressed difficulty on entering Port Road in morning hours, when going south on I-81, up the ramp, and turning left. The left turn results in a long wait.

At 8:28 P.M., Vice-Mayor Dingledine moved that Council enter an executive session to discuss a legal matter, on request of the City Manager. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

At 10:00 P.M., Councilman Cisney moved that the executive session be closed and the regular session reconvened. The motion was seconded by Councilman Rhodes, and adopted. There being no further business, the meeting was adjourned.

CLERK

Walter B. Green, Jr.

MAYOR

Tuesday, April 24, 1984

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. 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 April 10th were approved, as corrected.

✓ Ms. Kimberly Miller, representing the Harrisonburg Junior Women's Club, was present in the meeting as a follow-up of her letter, requesting that South Main Street be blocked off to traffic from Grand Piano Furniture to the Sovran Bank, for the Club's 10th Fall Arts Festival on Saturday, October 6th, 7 a.m. - 6 p.m. She noted that other Festivals had been held on the Court House lawn, which is no longer permitted. According to Ms. Miller, this is a wholesome entertainment for the community, and gives artists an opportunity to display their work. It is not a money making project for the Club, but merely its way of enriching the community into the world of art. Mr. Mike Lowry of the Harrisonburg Retail Merchants' Association, pointed out that traffic would be detoured up Bruce Street to Mason Street, and the Court Square area would not be closed off. Chief of Police Presgrave said his concern was whether or not traffic could swing up Bruce to Mason. Councilman Cisney asked about the possibility of using the upper level of the Elizabeth Street parking deck for the event, in view of a problem in blocking off a section of South Main Street. The Chief noted that parking permits had been sold for spaces on the top deck, but said he did not know how many park there on a Saturday morning. Mr. Lowry offered an opinion that impact of the activity would be lost in an open parking deck, and added that the Club desires to catch traffic that would also patronize downtown businesses. Ms. Miller said the Club would work in any way, in order to hold the Festival downtown. Vice-Mayor Dingleline said his thought was for the large area on south Court Square, with a possibility of block off that side of the Square during those hours. Mr. Lowry said that 50 to 60 artists display their work, which requires a great deal of space. Mayor Green said that Council wants to comply with the request of the Club, and asked the City Manager and Chief of Police to work with Mr. Lowry to determine what can be worked out.

The following Proclamation was read, for Council's consideration of approval:

WHEREAS, the United States Congress, in 1952, approved the recognition of a particular day set aside each year as a "National Day of Prayer"; and

WHEREAS, the "National Day of Prayer" for 1984 will be observed on May 3rd, with plans underway to observe it on the national, state and local levels; and

WHEREAS, President Ronald Reagan has issued a Proclamation, designating

May 3rd as the "National Day of Prayer"; and

WHEREAS, we are called upon to join our fellow Americans across the nation, to take "5 at 12" on that day (12 noon until 12:05 p.m.), to pray for our nation and its leaders,

NOW, THEREFORE, BE IT RESOLVED, that I, Walter F. Green, 3rd, Mayor of the City of Harrisonburg, on behalf of the Harrisonburg City Council, do hereby proclaim Thursday, May 3, 1984 as NATIONAL DAY OF PRAYER, and

BE IT FURTHER RESOLVED, that all citizens of Harrisonburg are called upon to observe the theme "Take 5 at 12" on Thursday, May 3rd.

Mayor

On motion of Vice-Mayor Dingleline, seconded by Councilman Rhodes, and a unanimous vote of Council, the Proclamation was approved, and signed by the Mayor.

✓ Messrs. Chuck Stigberg, manager of Warner Amex Cable Communications Company, and Bruce Wallinger, attorney for Warner Amex, were present in the meeting concerning a request for increase in basic tv cable rate. Attorney Wallinger noted that additional financial and other information was prepared, but not made available for members of Council until today. In view of this, he said he felt sure that members would want to review this information prior to any action by Council. He suggested that the TV Study Committee be reconvened to review the information, with Mr. Stigberg and himself present, to answer any questions which Council may have, in order to support the company's application for rate increase. Mayor Green said he had several people question the programming, and asked if input from the company could be provided. Councilman Cisney said the company might consider also, some information on the tier system. Attorney Wallinger replied that this information would be made available in the next month. It was agreed by Council that the Study Committee review the information and report, prior to any action re the requested rate increase.

✓ Council was informed that through correspondence from the Governor, that he was pleased to introduce to the communities of the Commonwealth of Virginia, a comprehensive community improvement program known as the Virginia Community Certification Program. City Manager Milam said he had attended a meeting to work out the organizational structure, and will bring the information to Council when more time has been allowed to put same together.

✓ The following Planning Commission report from the meeting of April 18, 1984, was presented and read by the City Manager:

"The Commissioners studied a map illustrating a minor adjustment to the B-2 General Business zone on the west side of Virginia Avenue's 1600 block, which is north of Heritage Haven in Park View. Mr. Orden Harman of Triple H Farms, Inc., owner of the undeveloped land, reported that the Highway Department has determined where the new right-of-way lines for Virginia Avenue will be, and this request to rezone a strip of land is designed to establish a business zone approximately 350' deep, for a distance of 1300'. Another minor adjustment will expand existing R-3 Multiple Dwelling land by approximately 9000 square feet. All of these figures are based on a preliminary plan for Section 2 of Harmony Heights Subdivision, drawn by Mr. Bernard Martin. Mr. Milam asked Mr. Martin if the preliminary plan's street and lot layout is basically what the developers expect to submit for final approvals at a later date. Mr. Martin stated his preliminary work is drawn to scale and will be the basic layout for Section 2.

Mr. Fleming then made a motion for the Planning Commission to recommend the rezoning of Triple H Farm's proposed B-2 strip on the preliminary plan for Section 2 of Harmony Heights Subdivision. Mr. Trobaugh seconded the motion and all members voted in favor..."

City Manager Milam called member's attention to the attached sketch, setting out location of the property, and noted that a public hearing by Council is required, in that the request is a matter of rezoning. The earliest possible date a Hearing can be held in order to meet the necessary time element, would be May 22nd. Councilman Cisney offered a motion for Council to accept the Planning Commission report, and schedule a Public Hearing for Tuesday, May 22nd, at 7:30 P.M. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

✓ City Manager Milam presented and read the following Planning Commission report from a meeting held on April 18, 1984:

"...The Commissioners reviewed a plat showing a proposed 1.4 acre parcel located adjacent to the Olen B. Landes property on West Mosby Road. It is currently part of a 6.1 acre parcel owned by Charles R. Funkhouser. Mr. Landes desires to purchase the 1.4 acre parcel. The Commission must act on this matter because the minor subdivision definition limits such reviews to property of 5 or less acres, and in this case, the Funkhouser property is 6.1 acres.

Mr. Trobaugh moved that the Planning Commission recommend approval of Mr. Landes' plan to add 1.4 acres to his existing property on West Mosby Road. Mr. Fleming seconded the motion and all members voted in favor..."

Manager Milam called attention to the attached survey sheet and sketch, setting out location of the property. Mr. Sullivan, Planning Director, reiterated the fact that should the request have been for the addition of 5 acres or less, it could have been settled by the Minor Subdivision Committee, with no need for same to be brought to Council. Following discussion, Councilman Rhodes moved that Council approve the recommendation of the Planning Commission for addition of 1.4 acres to the Olen Landes property. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

✓ The following report from the Planning Commission meeting held on April 18, 1984, was presented and read:

"...Copies of the Final Plan for Unit 14, Reherd Acres Subdivision, were presented to the Commissioners. Mr. J. R. Copper explained that 25 single family lots in the R-1 District are proposed, with 7 on Meadowlark Drive east of Blue

Ridge Drive, and 18 on proposed Mockingbird Drive, to be laid out east of Broad View Drive. Also included is the dedication of Blue Ridge Drive northward to Old Furnace Road. Mr. Copper noted that engineering plans for these new street, utility layouts and storm drainage plans are being reviewed by the City Engineer's Office. Mr. Clyde Pugh reported that MRM Associates and Reherd Acres, Inc. will post the bond for construction of Blue Ridge Drive, to be completed by mid-1986.

Mr. Heath, assured that all lot sizes and street widths meet the R-1 zoning and Subdivision Ordinance requirements, moved that the Commission recommend approval of Unit 14, Reherd Acres Subdivision, plus dedication of Blue Ridge Drive to Old Furnace Road, subject to acceptance of street, utility and storm plans by the City Engineer and furnishing a copy of the bond to the Planning Director. Mr. Hartman seconded the motion and all members voted in favor. Mr. Pugh assured the Commission that a copy of the bond will be provided as soon as closing is completed with MRM Associates..."

Planning Director Sullivan pointed out the area location on a map, and noted that two ways in and out, have been proposed on the Plat. Following a brief discussion, Councilman Cisney moved that Council approve the recommendation as stated by the Planning Commission in its report. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

The following Planning Commission report from its April 18, 1984 meeting, was presented and read:

"..Mr. J.R. Copper described a proposed Master Plan for the undeveloped portion of Reherd Acres. He noted that 67 single family lots are planned, including 25 in Unit 14. North of the single family area, a strip of proposed duplex lots are shown, from extended Blue Ridge Drive over to Interstate 81. The northern portion, with 46.6 acres zoned R-3 Multiple Dwelling District, indicates a loop road system and the possibility of 924 multiple dwelling units. Proposed 'Madison Manor's' 156 condominiums are part of these units. Mr. Copper explained that some of the buffer of duplex lots is presently zoned R-1, and Reherd Acres, Inc. will restrict these lots by covenants to duplex units only, if rezoned to R-3 District. Mr. Jack DePoy reported that he has shown this proposal to several nearby homeowners, and he hopes the plan can be implemented as shown. However, he noted that due to two large sinkholes in the R-1 portion, some of these lots may be undevelopable. He also suggested limiting the duplex strip to the south side of the proposed street which would serve them. Mr. Trobaugh wondered if the overall design of streets is good planning, since access for such a large area is limited in the attempt to separate all the single family lots from the higher density area.

Mr. Fleming concluded the discussion with a mot-on to recommend acceptance of the Master Plan for Reherd Acres 'in concept.' Mr. Heath seconded the motion and all members voted in favor. Mr. Copper was asked to work with Mr. Sullivan regarding any formal rezoning of land in the duplex buffer area..."

Mr. Sullivan stated that the Master Plan is for the still undeveloped land in Reherd Acres Subdivision, and pointed out the areas on a map. He noted that additional rezoning to R-3 will have to be requested, in that covenants set out construction of duplex houses only, along the middle strip, which is presently zoned R-1 single family residential. Concept of the Plan is based primarily on the street pattern. Mayor Green made reminder that residents in the area are opposed to through streets into the residential area, and have expressed a desire for a buffer strip. Accessibility of emergency vehicles entering the area also has to be considered. He offered an opinion that the Plan serves as a compromise, and the Planning Director agreed. Mr. Copper said that the developers are in the process of getting together re the request for R-3 zoning for the duplex houses. Manager Milan pointed out the fact that a street pattern "has nothing to do with zoning", and added that the Planning Commission is striving to satisfy neighbors in the compromise. Mr. Sullivan reminded Council that a Plan for the land was not accepted by the Planning Commission in February of this year, but that a Plan of some type for the area was desired. Following discussion, Councilman Cisney moved that Council approve the recommendation of the Plan ning Commission, and accept the Reherd Acres Master Plan "in concept." The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

The following Planning Commission report from an April 18th meeting, was presented and read:

"...The Commissioners reviewed a proposed site plan for 98 apartments on 5.45 acres of the Eby Property off South Avenue. A new public street would have to be dedicated and constructed by Mr. Eby, and a 50' easement to the Tolson property must be shown, based on earlier agreements between the two property owners. If approved, Mr. Sevy Rexrode plans to construct 98 one-bedroom apartments with 196 off-street parking spaces. The Blacks Run flood plain encompasses most of the 5.45 acres, which have been filled in over recent months to raise the building sites abote the 100-year flood plain. Building Official John Byrd discussed his concern about the M-1 Industrial District zoning text, which allows residential development in a block which is already developed 50% or more, with dwellings. The Eby property is zoned M-1 Industrial, and a feed mill plus the Wayne Oxygen Supply Company exist on adjacent land. Mr. Sullivan reported that City Attorney Lapsley has looked at the Ordinance and Zoning Map, and feels South Main Street and Central Avenue from the nearest intersecting streets, thus Eby's property is in a 'block' wity 910' of residential frontage. Thus, additional dwellings could be allowed on M-1 property. Mr. Byrd noted that the Zoning Ordinance doesn't define a block, and he stressed the reason for the 'intent' paragraph which tries to set the tone for each zoning district. If he denies a building permit for apartments, his decision could be appealed to the Board of Zoning Appeals. Another option would be for Mr. Eby to request rezon-

ing of his property from M-1 to R-3. Messrs. Rhodes and Milam suggested the rezoning process, even though the site has railroad siding and a feed mill exists adjacent to the proposed project. Dr. Eney suggested splitting the 5.45 acres, keeping the railroad side M-1. Mr. Byrd stressed the Intent paragraph as the guiding item for all zoning discussions.

Mr. Fleming then moved for the Planning Commission to deny the proposed site plan for 98 apartments in an M-1 Industrial District. Mr. Heath seconded the motion. The vote for the motion passed unanimously. The Commissioners suggested to Mr. Eby that he get together with the Director and Building Official to decide what rezoning, if any, should be pursued..."

Attorney Larry Hoover pointed out that the property is zoned M-1 Industrial, and comprised of 5½ acres off South Avenue. He noted that according to the City Attorney, there is no specific definition of a "block", but added the fact that there is far more residential in the area, than industrial. According to Mr. Hoover, this is an unusual situation, with severe timing problem for the developer. Mr. Rexrode feels there is a need for more apartments in this area, due to its proximity to James Madison University. Mr. Hoover stated that the property is off-street, and served by a 50' right-of-way, secluded from traffic. He said he felt that "Liberty Square" would be open to an apartment complex, in that it is a compatible use. He noted that the property has been "on the market" for ten years, with no sale as industrial property, and said he feels it is reasonable to use it for compatible use. The apartments would create significant tax revenue for the City. He would like to ask Council to approve the site plan, but is aware that same was denied by the Planning Commission. A suggestion was made for the Plan to be referred back to the Planning Commission for special re-consideration. Mr. Eby is willing to file application to have the property rezoned if it cannot become residential under the present request, but Mr. Hoover pointed out that this procedure would take until July or August, at which time the building season would be over. Mr. Martin Eby concurred in statements made by Attorney Hoover. Mr. Sevy Rexrode said he hoped to construct 24 of the units by August or September of this year. Planning Director Sullivan reported that a siding comes in off the C-W railroad. The map before Council is for the rezoning of 5 acres, which, in his opinion, is breaking up the zoning pattern. The zoning plan was set up because of the railroad, and possibly the Southern States Mill. He presented copies of the Ordinance governing an M-1 Industrial District, and pointed out that the primary purpose was to allow M-1 Industrial items in the area, while the apartment complex request is residential. M-1 Industrial has been the character of the area for many years. City Attorney Lapsley said that the city's ordinance does not imply what a "block" is, but offered an opinion that the area between Central Avenue and South Main Street, constitutes a block. City Manager Milam said the owner would have to dedicate land for a street, and cul-de-sac for emergency vehicles, etc., and that the details would have to be worked out with the Street Department. He noted that the purpose of the district, was his reason for his vote in denying approval of the site plan, and added that the owner would have to file application for rezoning to R-3 Residential. Councilman Rhodes said he would like clarification of the paragraph relating to 50% residential in a block. Councilman Robinson suggested that Messrs. Byrd and Sullivan work out a solution. Councilman Rhodes asked if it wouldn't be faster to go through the rezoning process, than by referral back and forth between Council and the Planning Commission. Mr. Eby made an observation that it would be impossible to rezone land which was sold off as Industrial. Manager Milam said if rezoning is not pursued, the Building Official has the authority to issue, or refuse to issue building permits, under the present text. Should the owner desire to appeal the decision of the Building Official, the next step would be before the Board of Zoning Appeals. Following the lengthy discussion, Councilman Cisney moved that the Planning Commission report be referred back to the Commission with instructions for clarification of a "block" from a legal standpoint. The motion was seconded by Vice-Mayor Dingleline, and adopted by a majority vote of Council, with Councilman Rhodes abstaining.

Mr. Ben Vorhies, Director of the Shenandoah Valley Private Industry Council, appeared before City Council in support of the "Plan for Activities to be Conducted under Title IIA of the Job Training Partnership Act" for period July 1, 1984 - June 30, 1986. He expressed appreciation for the City's interest and support last year, in setting up the Service Delivery Area, and appointment of two representatives on the P.I.C. He requested endorsement of the governing body with regard to proposed activities, as set out in the report. Another report of activities which are proposed for the summer of 1984, and already approved, was presented by the Director for information. In reply to a question, Mr. Vorhies noted that the program is federally funded, with a guarantee of funds for the next fiscal year beginning July 1, 1984. Following discussion, Vice-Mayor Dingleline moved that Council offer its endorsement and support of activities proposed by the Private Industry Council for period July 1, 1984 - June 30, 1986. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

City Manager Milam referred to minutes of the March 20, 1984 meeting of the Harrisonburg Parking Authority, which included the following adopted motion: "for the Parking Authority to take over the Kimble lot and meter it after the city paves this lot." Manager Milam offered an opinion that improvement of the lot would help development in the block, and noted that if approved, the lot could be turned over to the Authority, by letter, for metering, supervision and maintenance. Mayor Green said he felt improvements to the lot would be advantageous. Following a brief discussion, Councilman Cisney offered a motion for the City to pave the lot, and turn same over to the Authority for metering, supervision and maintenance. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

In discussing the application of Continental Telephone Company for a rate adjustment which was filed with the Virginia State Corporation Commission on April 6, 1984, Councilman Rhodes said he did not feel that Council should go along with the application, particularly on paragraph 4, section b. This section states that the company is losing significant revenue because customers are replacing leased telephones and other equipment with customer-owned phones and equipment. He noted that our local company has been promoting customer ownership of telephones. Following a brief discussion, Councilman Rhodes offered a motion for the Clerk to respond to the State Corporation Commission, stating Council's opposition to the above paragraph and section of the application. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

For consideration of a second & final reading, an ordinance amending and re-enacting Sec.7-1-16

of the City Code, was presented. The ordinance provides for an increase in utility deposits for Residential, Business, and Large Consumers with estimated monthly consumption of 100,000 gallons or more of water. Mayor Green called attention to a letter he had received from Mrs. Kathy Lynch, owner of "The Knitting Basket" located at 1427 South Main Street. Her primary concern was a requirement of the City for credit established consumers to place a deposit on a privately owned business. She questioned whether or not she would be requested to place an additional amount, should the ordinance be finally approved, and questioned deposits being held by the City with no interest paid on same. Mayor Green said he felt the one legitimate complaint was concerning established credit rating by a consumer, but added that payment of interest on all deposits would work a hardship on the City, in many respects. Vice-Mayor Dingledine offered an opinion that some guidelines were needed concerning a deposit requirement when good credit has been established. Councilman Cisney said that although a person may have established a home credit rating, this has no relation to beginning a business. He added that "we must be careful about whether or not the business would remain just that, or be incorporated, which could cause problems." Councilman Rhodes moved that Council approve the ordinance 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; and further, that the City Manager and City Staff look into the matter of established credit vs the deposit requirement. The motion was seconded by Councilman Robinson, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk "L", page 27).

Councilman Robinson moved that a supplemental appropriation in amount of \$ 10,102.72, requested by the Fire Chief in order to recover funds already expended for Communication Personnel, received from Rockingham County, be approved for second & final reading, a first reading having been approved on April 10th, and that:

\$ 10,102.72 chgd.to: General Fund (1901.01) Recoveries & Rebates
 9,000.00 approp.to: General Fund (3201-1001.06) Dispatchers
 1,102.72 approp.to: General Fund (3201-5408.01) Gasoline

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

Vice-Mayor Dingledine moved that a supplemental appropriation in amount of \$ 2,944.01, requested by the Street Superintendent in order to recover funds paid by insured for damage to roller and demolition of a school flashing sign, be approved for second & final reading, a first reading having been approved on April 10th, and that:

\$ 1,849.01 chgd.to: General Fund (4101.01) Recoveries & Rebates (Ins.)
 1,095.00 chgd.to: General Fund (1901.01) Recoveries & Rebates
 1,849.01 approp.to: General Fund (4102-3004.01) St.Inspect.-Repairs &
 Maint.- Maint. of Mach. & Equip.

1,095.00 approp.to: General Fund (41027001.01) Traffic. Eng.- Mach. & Equip.
 The motion was seconded by Councilman Robinson, and adopted by a unanimous recorded vote of Council.

Vice-Mayor Dingledine, Chairman of the Price-Rotary Senior Citizens' Advisory Board, reminded Council that the present terms of all members will expire on May 1st of this year, in that appointments have been made year by year. Although the Board meets seldom, he noted that a discussion had been held, with final determination that it was wise to keep the Board active insofar as membership. Dr. Dingledine recommended that the following members be reappointed for one year terms, to expire on May 1, 1985: Mrs. Lakey S. Logan; Mrs. Wilhelmina H. Johnson; Mrs. Henrietta Huffman; Mr. R.J. Sullivan, Jr.; Mrs. Pauline Riddle; Mr. C.W. Kestner; Gregory R. Versen and Mrs. Idah Payne Suter. On motion of Vice-Mayor Dingledine, seconded by Councilman Cisney, and a unanimous vote, all current members of the Board, including Dr. Dingledine, were reappointed to the Advisory Board for one year terms.

Chief Presgrave informed Council that he had received a plaque for traffic safety in the City of Harrisonburg for year 1982, from the American Automobile Association. The City is under a safety program, and submits records to the Association each year.

Councilman Cisney registered a complaint he had received concerning speed from South Avenue to Pleasant Hill Road, which is being used as a short-cut. Chief Presgrave said he would check on this.

In view of complaints received, Councilman Cisney suggested that the City Treasurer consider some type of mail-in for city stickers. He asked the City Manager to draw up some procedures for this.

It was agreed that a letter be written by the Mayor, to the family of Mrs. Margaret Gordon, expressing Council's sympathy in her passing, and appreciation for her services as a representative of the City of Harrisonburg on the Harrisonburg-Rockingham Regional Sewer Authority.

At 9:50 P.M., and on motion duly adopted, Council entered an executive session to discuss a legal matter and personnel.

At 10:50 P.M., on motion of Councilman Robinson, 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.

Stanton E. Green, Jr.
 MAYOR

CLERK

Tuesday, May 8, 1984

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 April 24th were approved as corrected.

The following regular monthly reports were presented and ordered filed:

From the City Manager:

A report of activities in the various departments and said office for the month of April, 1984.

From the City Treasurer:

A trial balance report as of close of business on April 30, 1984.

From the Police Department:

A report of Fines & Costs; Cash collected from street parking meters; Total cash collected and turned over the City Treasurer in total amount of \$ 8,567.25.

From the City Auditor:

A financial report for the City of Harrisonburg, month of April, 1984.

A report of cash discounts saved in payment of vendor's invoices for month of April, 1984, totaling \$ 182.50.

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, 1984.

✓ Correspondence dated 5/2/84 was presented from Mr. J. R. Copper, Jr., L.S., requesting on behalf of the Reherd Acres developers, that 11.1 acres of the subdivision be rezoned from R-1 Residential to R-3 Residential, as discussed during approval of the Master Plan, in that it adjoins Unit 14. A check in amount of \$ 75.00 was enclosed, to cover costs of the request. On motion of Vice-Mayor Dingledine, seconded by Councilman Robinson, and a unanimous vote of Council, the request was referred to the City Planning Commission for study and recommendation.

✓ Through correspondence dated 5/1/84, request was made by Attorney Micheal Hern, on behalf of Mr. Olen B. Landes of Landes Heating & Air Conditioning, Inc., for a strip of land, 43' in width, to be rezoned from R-2 Residential to B-2 General Business. Mr. Landes has purchased approximately 1.41 acres of unimproved real estate which joins the western boundary of his property at 101 Mosby Road, and desires to move the present zoning line 43' to the northwest. On motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote of Council, the attached sketch and request were referred to the City Planning Commission for study and recommendation.

✓ Mr. A. W. Mackenzie appeared before Council to stress the need for a second post office within the City limits. He noted that the present building is running out of space, and there is a need for larger boxes to be made more available for mailing letters and packages. Parking may be even more of a problem when the new Medical Arts Building is completed on the corner of North Main and Elizabeth Streets, opposite the present post office. Mr. Mackenzie informed Council that the Postmaster cannot request a second post office, but rather, it is up to the City to make a survey, and ask its representatives to have the postal service conduct its own survey. The need is for a building with free parking (no meters), and no heavy doors to enter, which is difficult, particularly for the elderly. A request by the Postmaster to purchase easy-open doors at a cost of \$ 5,400., was denied by the postal service. Mr. Mackenzie asked Council to consider his request and determine whether or not a sub-post office is indeed a valid request. Mayor Green expressed appreciation to Mr. Mackenzie for his interest and concern.

✓ Mr. "Chuck" Stigberg, Manager of Warner Amex Cable Communications, and Attorney Bruce Wallinger, counsel for the company, were present in the meeting to present a status report on activities since the last meeting of City Council. Attorney Wallinger said they had met with the City's TV Study Committee, and provided the necessary financial information. The primary interest of the Committee was for upgrading and expanding tv cable services. A general discussion was held concerning various aspects of the company's request for an increase in basic rates. He noted that another meeting of the Committee has been scheduled for May 18th, and the company hopes that by that time, all information will be in, to complete the study. The Committee has asked Council to waive a first reading of the ordinance until its next meeting, with a second reading at the 1st meeting in June. Although he cannot be present at the next meeting, Attorney Wallinger said Mr. Stigberg would be present, and that both would attend Council's public hearing on June 12th, if scheduled, to answer any questions. Mayor Green said that the Committee may have some suggestions with regard to programming, etc., which will be submitted in writing. He added that the discussion may include the possibility of changing some of the programming from the standpoint of duplication (i.e. channels 4 and 12).

✓ The following report from an April 24th meeting of the Harrisonburg Transportation & Safety Commission, was presented and read by the City Manager:

"Chairman Rhodes read an extract from City Council minutes of Tuesday, March 27, 1984. It requested the Safety Commission to make a recommendation on erecting "No Through Truck" signs on streets in Spotswood Acres and Reherd Acres Subdivisions, and report back to Council.

After discussion, Wayne King made a motion that the Harrisonburg Transportation Safety Commission recommends that "No Through Truck" signs be placed on Blue Ridge Drive at Country Club Road and on Vine Street at Old Furnace Road. When Vine Street is opened to traffic, it is recommended the Vine Street sign be moved to Meadowlark Drive where it intersects with Vine Street. Councilman Rhodes seconded the motion and all members voted aye.

After discussing the intersection of Country Club Road, East Market Street and Vine Street, Wayne King made a motion to recommend that the City make a study of this intersection for the proper signs. Councilman Rhodes seconded the motion and all members voted aye."

Following a brief discussion, Councilman Rhodes moved that the recommendation of the Harrisonburg Transportation & Safety Commission for placing of "No Through Truck" signs, be approved. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

✓ The following proposed resolution was presented and read for Council's consideration:
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 \$ 65,000. 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 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 fuels, 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 _____, 1984.

Mayor

Atteste:

Clerk

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

The City Manager reviewed five bids which were received and opened on Thursday, May 3rd, at 2:00 P.M., for construction of two fire sub-stations: No. 2 to be located on land donated to the City by Walker Manufacturing, and No. 3 on land owned by Dale Wegner in east Harrisonburg. The following five companies submitted bids on construction of the individual stations and combined bids for both stations: Adom, Inc. (Staunton); Lantz Construction Co. (Broadway); Michael Bros. (Harrisonburg); Nielsen Construction Co. (Harrisonburg- submitted only combined bid); and Thrall & Son Construction (New Market). Manager Milam recommended that Council accept the combined low bid of Michael Bros. in total amount of \$ 251,271.00. He noted that bond would have to be posted, prior to signing of the contract. Sufficient funds are in the current budget for the project to June 30th of this year, with balance to be made available in next year's budget. He added the fact that there is no question about the company's performance. In discussing the two stations, Manager Milam said he wanted to clear up a situation which had been brought to his attention through complaints to his office. It appears that a group of ladies is soliciting funds by telephone, for construction of a fire station on Port Road, under the claim that of their employment by Company No.4 on Rock Street. He pointed out that the City is not soliciting any funds, and said that Police Chief Presgrave would get in touch with the agency, for a correction. When question was raised concerning what the alternatives in the bid proposals referred to, Manager Milam explained that they were for emergency generators, but offered a suggestion that they not be considered at the present time, but rather, that negotiations be delayed on these until next year's budget. Following discussion, Councilman Cisney moved that Council accept the low bid of Michael Bros. as follows: Station 2, \$ 129,596.00; Station 3, \$ 121,675.00; total bid of \$ 251,271.00. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous recorded vote of Council.

City Manager Milam reviewed four bids which were received, and opened in the Office of the Water Superintendent on Thursday, May 3rd, for two Sanitary Sewer Improvement projects: Division I (Route 33 West Interceptor), and Division II (Boxwood Collector), both of which are required under the annexation court order. He noted that Division I Interceptor would run from Hillandale Park, along the ravine to Circle Drive, and northwest to Route 33. Division II Collector is on the Crist Subdivision, South Main Street. Bids were received on each individual division and combined project, from: M.E.Humphries; Atlantic Coast Contractors; Perry Engineering Company and Aaron J. Conner. Manager Milam recommended on behalf of Wiley & Wilson (Consulting Engineers), Superintendent Loker, and himself, that the low bid of M.E.Humphries of Stuarts Draft, Va., for Divisions I and II in amount of \$ 139,925.00, with completion time of 210 days, be accepted. He noted that the low bidder had done satisfactory work on the Circle Drive projects. Following a brief discussion, Councilman Rhodes offered a motion for the recommendation of the City Manager to be approved, with contracts awarded M. E. Humphries of Stuarts Draft, Va. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous recorded vote of Council.

City Manager Milam informed Council that he had been requested by Dr. Paul Cline, Chairman of the Harrisonburg-Rockingham Task Force to Combat Drunken Driving, for the City to approve and submit application for a federal grant of \$ 1,000., with funds to be used for initiation of a Safety Program in the area. He also made request for the City to serve as Fiscal Agent for the project, by receiving the Grant, if approved. Manager Milam said he felt the request should be cleared through the Council and City Auditor, prior to his signing the application form, and committing the City as Fiscal Agent. Inasmuch as no objections were raised, Vice-Mayor Dingleline offered a motion to authorize the City Manager to sign the application form for the Highway Safety Project Grant, with the City of Harrisonburg to serve as Fiscal Agent. The motion was seconded by Councilman Robinson, and adopted by a unanimous recorded vote of Council.

City Manager Milam presented results of the General Election held in the City of Harrisonburg on May 1, 1984, as compiled, submitted and signed by all members of the Harrisonburg Electoral Board, with votes cast for City Council members, as follows: Raymond C. Dingleline, Jr., 1,523; Elon W. Rhodes, 1,493; Thomas H. Robinson, II, 1,180; Charles L. Shank, 1,134; Lloyd Sprinkle, 2; Steven Shifflett, 1; Kim Kiser, 1. Members receiving the greatest number of votes: Dingleline, Rhodes and Robinson. The report was for information and recordation in Council minutes.

✓ City Manager Milam reported that although he had not prepared a Budget Message for Fiscal Year 1984-85, he had delivered copies of the proposed budget to members of Council on Monday, April 30th, which is required under the Charter, and had delivered copies of the proposed Appropriation Ordinance on Friday of last week. He requested authorization to publish the Budget Summary in the Daily News Record newspaper, along with Notice of a public hearing for May 22nd. From the time members received the proposed budget, they would be allowed a 30 day period in which to study same and make any changes which may be desired. The proposed budget in gross amount of \$ 33,819,646.00 was reviewed by the City Manager from the standpoint of appropriations and expenditures for each department in the City, with explanation concerning amount of increase or decrease, in each case. Following the review, Manager Milam said that although he was proposing a real estate tax rate of 80¢ on the \$100 property valuation (15¢ increase over the present rate), he had made available, information concerning lower rates for a comparison of revenue to be realized by the City, based on each rate. He noted that reductions would have to be made in the proposed budget, should a lower rate be approved. In fifteen years as Harrisonburg's City Manager, Mr. Milam reported this as the first year he had felt compelled to recommend a real estate tax increase, and added the fact that Harrisonburg has enjoyed the lowest tax rate of any city in the State of Virginia. Councilman Cisney offered an opinion that it would be wise to advertise a tax rate increase as being proposed, without stating the amount, in that it may be subject to change, following Council's budget studies. He added the fact that he was not prepared to act on the tax proposal tonight. Vice-Mayor Dingle-dine said that inasmuch as James Madison University had offered for the \$ 500,000., which is due by the City, to be waived this year in view of the City's many obligations (as mentioned in this evening's discussion), he felt the amount should be postponed and not included in the 1984-85 budget. Councilman Cisney offered an opinion that it should be met "head on", with payment made in the next fiscal year. Following discussion, Councilman Rhodes moved that the proposed Appropriation Ordinance be approved for a first reading. The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council. After further discussion concerning the tax increase proposal, which was not met with much enthusiasm by Council, Councilman Cisney offered a motion for the City Manager to be authorized to publish the budget summary with notice of the proposed 80¢ real estate tax rate, along with Notice of a public hearing to be held on Tuesday, May 22nd, 7:30 P.M. The motion was seconded by Councilman Robinson, and adopted by a unanimous recorded vote of Council. A budget study by Council was scheduled for Wednesday, May 16th, at 8:30 P.M., in the Mayor's Office.

✓ City Manager Milam informed Council that as instructed, he and Chief Presgrave had met with Ms. Kimberly Miller of the Harrisonburg Junior Women's Club, concerning the Club's 10th Fall Arts Festival. It was decided, and agreed upon, that the Club be permitted to use both the north and south sides of Court Square for the event on Saturday, October 6th, in lieu of blocking off a section of South Main Street. The report was for information.

✓ Councilman Robinson registered complaints he had received concerning the condition of sidewalks along Simms School. The City Manager was asked to look into the matter insofar as the possibility of repairs.

✓ Councilman Rhodes registered a complaint he had received concerning the alley which runs from Lee Avenue to Virginia Avenue, from the standpoint of rats, snakes, and other problems. Chief Presgrave was instructed to check with Senger's Refrigeration & Appliance, which is located at the alley, with regard to old appliances, debris, etc. which accumulates in the rear of the building.

At 10:20 P.M., on motion duly adopted, Council entered an executive session to discuss a legal matter and personnel.

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

✓ Council was reminded that second terms of two members of the Harrisonburg Industrial Development Authority had expired as of April 24, 1984. Mayor Green asked members' wishes concerning appointments to fill the vacancies. Councilman Rhodes offered a motion for Mr. William B. Gumm of 924 Oak Hill Drive, Harrisonburg, to be appointed to a first term of four (4) years, expiring on April 24, 1988, as replacement for Mr. Dwight Miller. The motion was seconded by Vice-Mayor Dingle-dine, and adopted by a unanimous vote of Council. An appointment for the second vacancy will be made at a future meeting of Council.

✓ On motion duly adopted, Council instructed City Attorney Lapsley to place the name of Mr. Mervin B. Stickley in nomination with the Circuit Court Judge, for appointment to the Board of Zoning Appeals, as replacement for Mr. T. Harry Lowry, whose second term expired on March 20, 1984.

There being no further business, and on motion duly adopted, the meeting adjourned at 11:05 PM.

CLERK

MAYOR

Tuesday, May 22, 1984

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. Dingle, 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 May 8th were approved, as corrected.

✓ Correspondence dated 5/16/84 from Attorney Nathan H. Miller, on behalf of his client, Triton Development Ltd., was presented and read. Request was made for approval of a preliminary subdivision plat for Rockingham Warehouse Subdivision, on land located east of US 11 near the State

Police Headquarters, in order that certain parcels of the real estate may be sold by the contract owner, Triton Development. On motion of Vice-Mayor Dingleline, seconded by Councilman Rhodes, and a unanimous vote of Council, the preliminary plat was referred to the City Planning Commission for study and recommendation.

✓ Attorney Richard A. Claybrook, Jr., counsel for Ms. Lois McClung, was present in the meeting as a follow-up of his letter dated May 17, 1984, requesting that she be granted issuance of a pawnbroker's license. He informed Council that Ms. McClung had petitioned the Circuit Court of Rockingham County to order an investigation into her character, which investigation has been conducted by the Commonwealth's Attorney in conjunction with the Harrisonburg Police Department. Attorney Claybrook called attention to the attested copy of Judge Sarver's Order for Issuance of the License, which was entered May 14, 1984, authorizing the Harrisonburg City Council to issue a license to Ms. McClung. Councilman Cisney asked Ms. McClung if she had operated this type of business in any other jurisdiction, to which she replied in the negative. On motion of Councilman Cisney, seconded by Councilman Robinson, and a unanimous vote of Council, the request for a pawnbroker's license was approved, with authorization for the Commissioner of Revenue to issue said license.

✓ At 7:53 P.M., Mayor Green 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 advertised in the Daily News Record newspaper on May 3, 1984 and May 17, 1984:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, May 22, 1984, 7:30 P. M. in the City Council Chamber, 345 S. Main Street, Harrisonburg, Virginia, to consider this rezoning application:

To change from R-3 Multiple Dwelling District to B-2 General Business District, a strip of vacant land approximately 1300 feet long and 110 feet wide, and located approximately 300 feet west of Virginia Avenue north of Heritage Haven Apartments and Pleasant View Home. Also, to rezone a small triangle of B-2 property to R-3 Multiple Dwelling District, located approximately 260 feet west of Virginia Ave. just north of Pleasant View Home.

Applicant is Triple H Farms, Inc. owner. Purpose is to adjust zoning lines to conform with proposed lot and street layout in Section 2 of Harmony Heights Subdivision.

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

CITY OF HARRISONBURG- Marvin B. Milam, City Manager

Planning Director Sullivan referred to the following Planning Commission report which had been presented at Council's April 24th meeting:

"The Commissioners studied a map illustrating a minor adjustment to the B-2 General Business zone on the west side of Virginia Avenue's 1600 block, which is north of Heritage Haven in Park View. Mr. Orden Harman of Triple H Farms, Inc., owner of the undeveloped land, reported that the Highway Department has determined where the new right-of-way lines for Virginia Avenue will be, and this request to rezone a strip of land is designed to establish a business zone approximately 350' deep, for a distance of 1300'. Another minor adjustment will expand existing R-3 Multiple Dwelling land by approximately 9000 sq. feet. All of these figures are based on a preliminary plan for Section 2 of Harmony Heights Subdivision, drawn by Mr. Bernard Martin. Mr. Milam asked Mr. Martin if the preliminary plan's street and lot layout is basically what the developers expect to submit for final approvals at a later date. Mr. Martin stated his preliminary work is drawn to scale and will be the basic layout for Section 2.

Mr. Fleming then moved for the Planning Commission to recommend the rezoning of Triple H Farm's proposed B-2 strip, and R-3 strip on the west side of Virginia Avenue, as shown on the preliminary plan for Section 2 of Harmony Heights Subdivision. Mr. Trobaugh seconded the motion and all members voted in favor..."

Mr. Sullivan pointed out the area on a map, and noted that the minor adjustment to rezone the small triangle of Business property to R-3 Multiple Dwelling District is necessary, in order to finish off the townhouse lots. He offered an opinion that it would be wise to make the adjustments, as requested. Mayor Green called on anyone present desiring to be heard, either for, or against the request. There being none, the Hearing was declared closed at 7:58 P.M. and the regular session reconvened.

✓ Mayor Green asked members' wishes concerning the rezoning requests of Triple H Farms, Inc., as discussed in this evening's public hearing. Councilman Cisney moved that the recommendation of the City Planning Commission for rezoning the areas requested, be approved. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

✓ At 7:59 P.M., Mayor Green closed the regular session temporarily, and called the second Public Hearing of the evening, to order. City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper:

*PROPOSED BUDGET FOR INFORMATIVE & FISCAL PLANNING PURPOSE ONLY -
CITY OF HARRISONBURG, VIRGINIA, FOR FISCAL YEAR ENDING JUNE 30,
1985- COMPARISON OF ESTIMATED RECEIPTS BY FUNDS AND SOURCES FOR
FISCAL YEARS INDICATED.*

Notice is hereby given, that a Public Hearing on said budget as submitted and amended, will be held in the Council Chamber in the Municipal Building, at 7:30 P.M. on the 22nd day of May, 1984, at which meeting the said budget will be further acted upon by the Council. All citizens (especially senior citizens) are invited to attend and provide the Council with written and oral comments and ask questioning concerning the City's entire proposed budget, and the relationship of Revenue Sharing Funds to the budget. The entire proposed budget, a statement on the proposed uses of Revenue Sharing Funds, and the proposed budget summarized above, can be inspected by the public from 8:30 A.M. until 5:00 P.M., Monday through Friday, in the City Manager's Office, second floor, Municipal Building.

*Given under my hand this 9th day of May, 1984
MARVIN B. MILAM, City Manager*

City Manager Milam noted that the total net appropriations for 1984-85, as proposed and advertised, was in amount of \$ 26,462,048.00, plus inter-fund transfers of \$ 7,357,598.00, resulting in gross appropriations of \$ 33,819,646.00. The proposal includes all existing revenues from the current fiscal year, and sets out a proposed real estate tax increase from the present 65¢ per \$100 property valuation, to 80¢, in order to support the 1984-85 budget. He informed those present in the Hearing that following a budget study by Council on May 16th, he had been asked to investigate other avenues which may allow the proposed real estate tax of 80¢ to be reduced to 72¢, namely: an increase in the transient occupancy tax for motel rooms from the present 2% to 5%; increase in refuse collection for residential customers from \$ 5.00 to \$ 7.00 per month - business minimum charge from \$ 11.00 to \$ 14.00 monthly; City Landfill minimum charge from \$ 1.00 to \$ 2.00; a proposed new tax on amusements of 10%. He presented estimated figures of revenue which could be derived from those increases. By amending the original proposals, Manager Milam said he was presenting tonight, an amended budget, unbalanced by the amount of \$ 168,133., with no recommendation at this moment as to how this shortfall could be made up. He noted that revenues from other sources (excluding real estate taxes), approved by Council, would provide sufficient funds for the 10.1 teacher salary increase, recommended by the City School Board. A meeting with School Board representatives and Superintendent, resulted in their agreeing to rearrange all categories and funds of the School Budget, as well as transfers, in order to meet the proposed salary increase. Inasmuch as problems may be encountered in imposing a 10% amusement tax, Manager Milam said it would have to be discussed as to enforcement, with effective date not likely until January of next year. In keeping with a requirement of the state code, Manager Milam read the Notice of Proposed Tax Increase in Real Estate Levy by the City of Harrisonburg, and Public Hearing notice for Tuesday, May 22nd, setting out the 80¢ tax rate as advertised in the Daily News Record newspaper. Mayor Green called on anyone present, desiring to be heard. Managers and/or owners of the various motels, expressed opposition to the 3% increase which has been proposed on rooms, for the following reasons: senior citizens, and others living on a fixed income, would have to by-pass the City for cheaper motel rates, which would reduce revenue; the increase would discourage tourists that usually stay in the local motels when passing through Harrisonburg, and eliminate their spending in the various business establishments; tourists would go either north or south in order to find a better motel rate; small motels are in competition, in that they provide a cheaper room rate; taxes have increased substantially since the motels have been annexed into the City; the increased room tax would "kill" convention business, etc. The manager of Howard Johnson Restaurant informed Council that he depends on the Lodge for a large portion of his business, which would be affected with the increased room rate. A representative of the Shenandoah Valley Travel Association expressed opposition to any form of motel tax, in that "no tax" plays a large part in travel package tours. Mr. Jackson, manager of the Sheraton Inn, noted that room rental has been affected by the weather, as well as the outbreak of avian flu in this area, which has caused a decrease in business. He added that revenues are expected to be up, this year, in that the economy is better. When Councilman Cisney asked the motel representatives if all the establishments anticipated an upswing in revenue this year, the answers were all affirmative. He was informed that competitiveness is lost, when tax is added, even though they may raise room rents comparable to other cities. Mayor Green read a letter from employees of the City, and said Council has been aware of the situation insofar as salaries, all along, with the knowledge that equality has to be maintained between teachers and those in the City's employ. There being no others desiring to be heard, the Hearing was declared closed at 8:40 P.M. and the regular session reconvened.

✓ City Manager Milam reiterated the fact that after going through some of the School items with representatives of the Board and Superintendent, it was decided that by changing categories by funds, and certain other transfers, the requested increase in teachers' salaries, could be realized. He then reviewed with Council, all amendments in the proposed 1984-85 budget, by funds. Following the review, Councilman Cisney offered a suggestion for the real estate to be figured on a 72¢ rate; the transient occupancy tax on motel rooms to be considered as 3% (an increase of 1%); an increase in refuse collection from the present \$ 5.00 monthly to \$ 7.00 for residential consumers, business minimum monthly charge from \$ 11.00 to \$ 14.00, City Landfill minimum monthly charge from \$ 1.00 to \$ 2.00; and a 10% amusement tax to be effective as of January 1, 1985. By using these tax rates as a basis, Councilman Cisney estimated that the budget would still show some \$ 200,000. shortfall. Vice-Mayor Dingledine suggested an increase in property tax and the addition of a 1% meal tax. Councilman Rhodes said he did not feel comfortable with an increase for refuse collection. Councilman Cisney then moved that Council establish a 72¢ rate on real estate; a 3% transient occupancy tax on motel rooms; an increase on refuse collection for residential customers from \$ 5.00 to \$7.00 monthly- increase on business refuse collection minimum monthly charge from \$ 11.00 to \$ 14.00- increase on Landfill from \$ 1.00 to \$ 2.00, and the addition of a 10% amusement (admissions) tax, to become effective as of January 1, 1985. Vice-Mayor Dingledine amended the motion by the addition of a 1% meal tax. The motion was seconded by Councilman Robinson. Councilman Cisney said he was opposed to addition of new taxes. The Vice-Mayor said he would compromise, by agreeing for the meal tax to be added, if necessary. After further discussion, the Vice-Mayor withdrew his amendment to the original motion, and the Mayor called for a recorded vote. All members voted "aye" on the motion as originally stated.

The Mayor called for a short break, to allow the City Manager and City Auditor to work up some amended figures, based on the newly established tax rates.

At 10:06 P.M. the regular session reconvened.

✓ Mayor Green informed members that representatives of Warner Amex Cable Communications will bring some new figures to Council, for consideration, before any action is taken on the request for increases in the basic cable rates.

✓ Mayor Green informed Council that it was necessary for a release form to be signed, in order that the city schools may receive a one-time payment from the state in amount of \$ 43,583.00. The population count made a difference in the amount paid for state aid to the County and City schools. The release form relinquishes any and all claims which City Council has, or may have, against the Commonwealth of Virginia, General Assembly, or any other agencies, with regard to allotments or payments of State Basic Aid, for any fiscal year prior to 1984. Following a brief discussion,

Councilman Cisney moved that the Clerk be authorized to sign the release form, which motion, upon being seconded by Councilman Robinson, was adopted by a unanimous vote of Council.

✓ Council was reminded of one vacancy on the Harrisonburg Industrial Development Authority, in that Mr. Gary Buennemeyer's second term had expired on April 24th of this year. Mayor Green asked members' wishes concerning an appointment. Vice-Mayor Dingledine moved that Mrs. Kevin (Frances) Miller, of 417 Mountain View Drive, Harrisonburg, be appointed to a first term of four (4) years on the Authority, expiring on April 24, 1988. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

Vice-Mayor Dingledine commended the Fire Department for its 1983 Annual Report, which was well done, and most informative.

The City Manager and City Auditor re-entered the meeting, and Manager Milam reviewed the new revenue estimates, based on the tax rates established earlier this evening.

At 10:40 P.M., on motion duly adopted, Council entered an executive session to discuss personnel.

On motion duly adopted, the executive session was declared closed at 10:58 P.M. and the regular session reconvened.

Councilman Cisney offered a motion for this meeting to be adjourned until Thursday, May 31st, 7:30 P.M., at which time the amended figures will be in the Appropriation Ordinance for the 1984-85 fiscal year budget, and ready for second & final reading. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

CLERK

Stacta F. Green

MAYOR

Thursday, May 31, 1984

At an adjourned 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 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: City Attorney Norvell A. Lapsley.

Mayor Green called the meeting to order, and announced that this was a continuation of the regular meeting of May 22nd. City Manager Milam reminded Council that when the meeting adjourned on the 22nd, he was attempting to give some balanced figures for the 1984-85 fiscal year budget, based on tax rates established, which he was unable to do that evening. As a result, a motion was duly adopted to adjourn until this time. He presented each member of Council with copies of amended sheets for the Appropriation Ordinance (already in their hands), and reviewed the various increases or decreases, as compared to figures advertised in the Daily News Record newspaper. In order to balance the budget, the estimated revenue for interest earnings, personal property and transient occupancy tax, as well as the current year's surplus, were escalated to some extent. Revenue from the amusement (admissions) tax, will not be forthcoming until January of 1985. The amendments, as proposed, would decrease the gross budget total from \$ 33,819,646.00 to \$ 33,678,343.00 for fiscal year 1984-85, and increase the net total from \$ 26,462,048.00 to \$ 26,478,229.00. The ordinance sets the real estate tax rate at 72¢ per \$100 assessed valuation, with Tangible Personal Property, Machinery & Tools and Merchants Capital to remain at \$ 2.65 on the \$100 assessed valuation. The Service Charge is set at 14¢ per annum per \$100 assessed valuation, which according to the City Manager, is the state law limit, and a 1¢ increase over the current year. Councilman Cisney offered an opinion that the estimated revenue was being overstated, particularly from the standpoint of receipts from the transient occupancy tax on motel rooms, and the amusement tax which will not become effective until January of next year. He noted that if reduced, funds would have to be taken from operating expenses of the various departments, and salaries. He noted that this would not, however, deter departments from spending the amount appropriated, regardless of revenue actually realized. Manager Milam explained a "safety valve", permitted by the General Assembly, whereby allocations cannot be spent unless sufficient revenue is received. He noted that although this could be used later in the fiscal year, it may be difficult to enforce. Councilman Cisney said, "that's like closing the barn door after the horse has gotten out", and added that he would feel more comfortable if cuts could be made in budget expenses now. Manager Milam informed Council that a survey would be made over the next few weeks to determine the amount of refuse placed for collection by the various businesses, with monthly charge to be determined for excessive amounts placed. Members of Council were in agreement that the collection charge for businesses should be increased, along with residential, although Councilman Rhodes said he had received the most complaints, concerning any increase in refuse collection. City Manager Milam said he felt comfortable with the budget, as amended. Councilman Rhodes moved that the Appropriation Ordinance, approved for a first reading on May 8th, be approved for second & final reading, as amended. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous recorded vote of Council. (Refer to Minute Book 0, pages 482-495).

Manager Milam reminded Council that an ordinance establishing an Admissions Tax had been tabled about a year ago, and this, along with ordinances from other cities, would be used by the City Attorney in drawing up the ordinance for a 10% tax, as approved. The ordinance which will be presented sometime in June, will not take effect until January 1st of next year. He noted that Roth Theatres have retained Attorney William Julias to represent them in opposing the amusement tax, and desire to be informed of the schedule for Council action on the ordinance. An ordinance setting out the transient occupancy tax for motel rooms will also require two readings, following its preparation by the City Attorney. Council agreed that first readings on the two ordinances be considered at the June 12th meeting.

For information, City Manager Milam reported that Council's Reorganization Meeting will be held on Monday, July 2nd at 10:00 A.M., in that the 1st is on a Sunday.

At 8:30 P.M., on motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Council, members entered an executive session to discuss a legal matter and personnel.

At 9:05 P.M., the executive session was closed and the regular session reconvened. There being no further business, and on motion duly adopted, the meeting was adjourned.

CLERK

MAYOR

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

F o r T h e F i s c a l Y e a r E n d i n g J u n e 3 0 , 1 9 8 5

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 1985. TO PRESCRIBE THE TERMS, CONDITIONS, AND PROVISIONS WITH RESPECT TO THE ITEMS OF APPROPRIATION AND THEIR PAYMENT; AND TO REPEAL ALL ORDINANCES WHOLLY IN CONFLICT WITH THIS ORDINANCE, AND ALL PARTS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE TO THE EXTENT OF SUCH INCONSISTENCY.

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

SECTION 1 GENERAL FUND

That the following sums of money be and the same hereby are appropriated for the general government purposes herein specified for the fiscal year ending June 30, 1985.

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-eight thousand, one hundred thirty-five dollars and no cents (\$48,135.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|-------------|
| (1) Personal Services | \$25,799.00 |
| (2) Other Operating Expenses | 20,336.00 |
| (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 seventy thousand, one hundred seventy-three dollars and no cents (\$70,173.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|-------------|
| (1) Personal Services | \$59,588.00 |
| (2) Other Operating Expenses | 10,285.00 |
| (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, nine hundred eighty-nine dollars and no cents (\$9,989.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|-------------|
| (1) Personal Services | \$ 9,349.00 |
| (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 fourteen thousand, seventy-nine dollars and no cents (\$114,079.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|-------------|
| (1) Personal Services | \$89,979.00 |
| (2) Other Operating Expenses | 22,600.00 |
| (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 six hundred dollars and no cents (\$10,600.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|-------------|
| (1) Other Operating Expenses | \$10,600.00 |
|------------------------------|-------------|

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 forty-six thousand, five hundred thirty-two dollars and no cents (\$146,532.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$119,332.00 |
| (2) Other Operating Expenses | 20,400.00 |
| (3) Capital Outlay | 6,800.00 |

Paragraph Seven - City Treasurer (1213)

For the current expenses and capital outlay of the CITY TREASURER, a division of the General and Financial Administration, the sum of one hundred twenty-four thousand, eight hundred twenty-two dollars and no cents (\$124,822.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$ 95,122.00 |
| (2) Other Operating Expenses | 24,700.00 |
| (3) Capital Outlay | 5,000.00 |

Paragraph Eight - Retirement Board (1217)

For the current expenses and contributions of the RETIREMENT BOARD, a division of the General and Financial Administration, the sum of seven hundred twenty-nine thousand, nine hundred sixty dollars and no cents (\$729,960.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|--|--------------|
| (1) Contribution to Retirement for City Employees | \$729,960.00 |
|--|--------------|

Paragraph Nine - 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 eighty-two thousand, one hundred four dollars and no cents (\$182,104.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$ 82,804.00 |
| (2) Other Operating Expenses | 85,300.00 |
| (3) Capital Outlay | 14,000.00 |

Paragraph Ten - 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 sixty-one thousand, four hundred eight dollars and no cents (\$61,408.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$ 52,426.00 |
| (2) Other Operating Expenses | 7,982.00 |
| (3) Capital Outlay | 1,000.00 |

Paragraph Eleven - 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, five hundred sixty dollars and no cents (\$5,560.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|-------------|
| (1) Personal Services | \$ 4,860.00 |
| (2) Other Operating Expenses | 700.00 |

Paragraph Twelve - Electoral Board and Officials (1301)

For the current expenses and capital outlay of the ELECTORAL BOARD AND OFFICIALS, a division of Elections, the sum of twenty-nine thousand, eight hundred forty-seven dollars and no cents (\$29,847.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$ 24,550.00 |
| (2) Other Operating Expenses | 4,297.00 |
| (3) Capital Outlay | 1,000.00 |

Paragraph Thirteen - 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 ten thousand, three hundred fifty dollars and no cents (\$10,350.00) is appropriated from the General Fund to be apportioned as follows:

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

Paragraph Fourteen - 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 |
|------------------------------|-------------|

Paragraph Fifteen - 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 Sixteen - 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 nine hundred twelve thousand, nine hundred seventy dollars and no cents (\$912,970.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$736,788.00 |
| (2) Other Operating Expenses | 149,582.00 |
| (3) Capital Outlay | 26,600.00 |

Paragraph Seventeen - 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 six hundred eighty-nine thousand, four hundred fifty-two dollars and no cents (\$689,452.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$415,302.00 |
| (2) Other Operating Expenses | 122,150.00 |
| (3) Capital Outlay | 152,000.00 |

Paragraph Eighteen - City and County Jail (3302)

For the current expenses of the CITY AND COUNTY JAIL, a division of the Department of Public Safety, the sum of twenty-two thousand, two hundred fifty dollars and no cents (\$22,250.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|-------------|
| (1) Personal Services | \$ 9,742.00 |
| (2) Other Operating Expenses | 12,508.00 |

Paragraph Nineteen - Building Inspection (3401)

For the current expenses and capital outlay of the BUILDING INSPECTOR, a division of the Department of Public Safety, the sum of one hundred twelve thousand, nine hundred twenty-nine dollars and no cents (\$112,929.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$101,279.00 |
| (2) Other Operating Expenses | 11,250.00 |
| (3) Capital Outlay | 400.00 |

Paragraph Twenty- 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, seven hundred nine dollars and no cents (\$23,709.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|-------------|
| (1) Personal Services | \$ 1,809.00 |
| (2) Other Operating Expenses | 21,900.00 |

Paragraph Twenty-One - Coroner (3503)

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

| | |
|-----------------------|-----------|
| (1) Personal Services | \$ 800.00 |
|-----------------------|-----------|

Paragraph Twenty-Two - 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-Three - 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 one hundred five thousand, one hundred eleven dollars and no cents (\$105,111.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$ 95,325.00 |
| (2) Other Operating Expenses | 6,286.00 |
| (3) Capital Outlay | 3,500.00 |

Paragraph Twenty-Four - 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 nine hundred sixty-six thousand, seven hundred thirty dollars and no cents (\$966,730.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$410,117.00 |
| (2) Other Operating Expenses | 348,993.00 |
| (3) Capital Outlay | 207,620.00 |

Paragraph Twenty-Five - Street Lighting (4104)

For the current expenses of STREET LIGHTING, a division of the Department of Public Works, the sum of one hundred ninety-two thousand, three hundred dollars and no cents (\$192,300.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Other Operating Expenses | \$192,300.00 |
|------------------------------|--------------|

Paragraph Twenty-Six - Traffic Engineering (4107)

For the current expenses and capital outlay of TRAFFIC ENGINEERING, a division of the Department of Public Works, the sum of seventy-three thousand, eight hundred seventy-nine dollars and no cents (\$73,879.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$ 34,560.00 |
| (2) Other Operating Expenses | 34,819.00 |
| (3) Capital Outlay | 4,500.00 |

Paragraph Twenty-Seven - 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 fifty-four thousand, sixty-eight dollars and no cents (\$54,068.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$ 32,076.00 |
| (2) Other Operating Expenses | 11,692.00 |
| (3) Capital Outlay | 10,300.00 |

Paragraph Twenty-Eight - 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 thirty-four thousand, eight hundred forty-three dollars and no cents (\$134,843.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$ 46,278.00 |
| (2) Other Operating Expenses | 76,565.00 |
| (3) Capital Outlay | 12,000.00 |

Paragraph Twenty-Nine - 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, nine hundred seventy-five dollars and no cents (\$2,975.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|-------------|
| (1) Personal Services | \$ 1,350.00 |
| (2) Other Operating Expenses | 1,625.00 |

Paragraph Thirty - General Properties (4302)

For the current expenses and capital outlay of the GENERAL PROPERTIES, a division of the Department of Public Works, the sum of seventy-seven thousand, eight hundred thirty-four dollars and no cents (\$77,834.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$ 23,784.00 |
| (2) Other Operating Expenses | 49,050.00 |
| (3) Capital Outlay | 5,000.00 |

Paragraph Thirty-One - Downtown Rehabilitation Project (4304)

For the capital outlay of the DOWNTOWN REHABILITATION PROJECT, a division of the Department of Public Works, the sum of twelve thousand dollars and no cents (\$12,000.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|--------------------|--------------|
| (1) Capital Outlay | \$ 12,000.00 |
|--------------------|--------------|

Paragraph Thirty-Two - Local Health Department (5202)

For the current expenses of the LOCAL HEALTH DEPARTMENT, a division of the Health and Welfare Department, the sum of one hundred eleven thousand, four hundred sixty-eight dollars and no cents (\$111,468.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Other Operating Expenses | \$111,468.00 |
|------------------------------|--------------|

Paragraph Thirty-Three - 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-four thousand, three hundred nine dollars and no cents (\$44,309.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Other Operating Expenses | \$ 44,309.00 |
|------------------------------|--------------|

Paragraph Thirty-Four - 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 four hundred nineteen thousand, six hundred seventy-four dollars and no cents (\$419,674.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$246,124.00 |
| (2) Other Operating Expenses | 77,550.00 |
| (3) Capital Outlay | 96,000.00 |

Paragraph Thirty-Five - Hillendale Park (7102)

For the current expenses of HILLDALE PARK, a division of the Parks, Recreation and Cultural, the sum of twenty-two thousand, seven hundred thirty-four dollars and no cents (\$22,734.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$ 14,984.00 |
| (2) Other Operating Expenses | 7,750.00 |

Paragraph Thirty-Six - Riven Rock Park (7103)

For the current expenses of RIVEN ROCK PARK, a division of Parks, Recreation and Cultural, the sum of two thousand, nine hundred fifty dollars and no cents (\$2,950.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|-------------|
| (1) Personal Services | \$ 1,700.00 |
| (2) Other Operating Expenses | 1,250.00 |

Paragraph Thirty-Seven - 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 ninety-three thousand, one hundred ten dollars and no cents (\$193,110.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$112,160.00 |
| (2) Other Operating Expenses | 62,950.00 |
| (3) Capital Outlay | 18,000.00 |

Paragraph Thirty-Eight - National Guard Armory (7105)

For the current expenses of the NATIONAL GUARD ARMORY, a division of Parks, Recreation and Cultural, the sum of twenty-five thousand, six hundred forty-five dollars and no cents (\$25,645.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$ 13,125.00 |
| (2) Other Operating Expenses | 12,520.00 |

Paragraph Thirty-Nine - Simms Recreation Center (7106)

For the current expenses of the SIMMS RECREATION CENTER, a division of the Parks, Recreation and Cultural, the sum of fifteen thousand, seven hundred fifty-one dollars and no cents (\$15,751.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$ 13,121.00 |
| (2) Other Operating Expenses | 2,630.00 |

Paragraph Forty - Westover Swimming Pool (7107)

For the current expenses of the WESTOVER SWIMMING POOL, a division of the Parks, Recreation and Cultural, the sum of forty-one thousand, five hundred seventy-three dollars and no cents (\$41,573.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$ 33,308.00 |
| (2) Other Operating Expenses | 8,265.00 |

Paragraph Forty-One - Planning Commission (8101)

For the current expenses of the PLANNING COMMISSION, a division of Community Development, the sum of fifty-two thousand, six hundred fifty-two dollars and no cents (\$52,652.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$ 47,352.00 |
| (2) Other Operating Expenses | 5,300.00 |

Paragraph Forty-Two - 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 twenty dollars and no cents (\$1,420.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|-----------|
| (1) Personal Services | \$ 720.00 |
| (2) Other Operating Expenses | 700.00 |

Paragraph Forty-Three - Harrisonburg Parking Authority (8106)

For the current expenses of the HARRISONBURG PARKING AUTHORITY, a division of Community Development, the sum of ninety-seven thousand, seven hundred fifty dollars and no cents (\$97,750.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$ 39,315.00 |
| (2) Other Operating Expenses | 58,435.00 |

Paragraph Forty-Four - Non-Departmental (09)

For subsidizing the City's Public Utilities, and for aiding the activities of independent, civic, charitable, and other organizations, the sum of five hundred sixteen thousand, one hundred eighty-seven dollars and no cents (\$516,187.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|--|--------------|
| 9102 Insurance - Employees | \$157,000.00 |
| 9103 Insurance and Bond Premiums | 111,200.00 |
| 9104 Support of Community and Civic Organizations: | |
| 5604.01 State Chamber of Commerce | 100.00 |
| 5604.02 Chamber of Commerce | 2,400.00 |
| 5604.03 County Rest Room | 2,000.00 |
| 5604.04 Rockingham Library Association | 75,450.00 |
| 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 | 10,000.00 |
| 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 Society | 500.00 |
| 5604.14 Central Shenandoah Planning District | 5,985.00 |
| 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 | 2,500.00 |
| 9105 Joint Expenses - Rockingham County: | |
| 3900.02 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-Five - Indebtedness Requirement General Fund (10)

For the payment of the interest on and the retirement of bonds of the City of Harrisonburg, Virginia, the sum of two million, one hundred twenty-five thousand, five hundred dollars and no cents (\$2,125,500.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|-------------------------------|-----------------|
| (1) Serial Bonds and Interest | \$ 2,125,500.00 |
|-------------------------------|-----------------|

Paragraph Forty-Six - Transfers to Other Funds (11)

For supplementing the revenue of other funds the sum of seven million, two hundred thousand, one hundred fourteen dollars and no cents (\$7,200,114.00) is appropriated from the General Fund to be apportioned as follows:

| | |
|--------------------------------|--------------|
| (1) Central Garage Fund | \$ 13,054.00 |
| (2) Central Stores Fund | 16,768.00 |
| (3) Virginia Public Assistance | 116,001.00 |
| (4) Schools | 6,176,004.00 |
| (5) Public Transportation | 94,687.00 |
| (6) Sanitation | 783,600.00 |

Paragraph Forty-Seven - 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 |
|-------------------------------|--------------|

S U M M A R Y

Expenditures and Revenue

| | |
|---|-----------------|
| Total General Fund Appropriations for the Fiscal Year Ending June 30, 1985 | \$15,838,237.00 |
|---|-----------------|

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

| | |
|--|---------------|
| Anticipated Cash Balance Available 7-1-84 | \$ 260,512.00 |
| General Property Taxes (estimated) | 5,286,836.00 |
| Other Local Taxes (estimated) | 5,679,701.00 |
| Permits, Privilege Fees and Regulatory Licenses (estimated) | 54,937.00 |
| Fines and Forfeitures (estimated) | 148,000.00 |
| Revenue From Use of Money & Property (estimated) | 236,713.00 |
| Charges for Services (estimated) | 179,780.00 |
| Miscellaneous Revenue (estimated) | 902,000.00 |
| Recovered Costs (estimated) | 220,875.00 |
| Payments in Lieu of Taxes (estimated) | 9,000.00 |
| Non-Categorical Aid (estimated) | 1,255,072.00 |
| Shared Expenses (Categorical) (estimated) | 142,650.00 |
| Categorical Aid (estimated) | 930,180.00 |
| Non-Revenue Receipts (estimated) | 16,600.00 |
| Transfers (estimated) | 515,381.00 |

| | |
|--|-----------------|
| Total General Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1985 | \$15,838,237.00 |
|--|-----------------|

SECTION II - SCHOOL BOARD

That the following sums of money be and the same hereby are appropriated for the school purposes herein specified for the fiscal year ending June 30, 1985:

Paragraph One - 17A - Administration

For the current expenses of the ADMINISTRATION OF THE DEPARTMENT OF EDUCATION, the sum of one hundred seventy-nine thousand, two hundred sixty-nine dollars and no cents (\$179,269.00) is appropriated from the City School Fund to be apportioned as follows:

| | |
|--------------------|---------------|
| (1) Administration | \$ 179,269.00 |
|--------------------|---------------|

Paragraph Two - 17B-1 - Regular Day School

For the current expenses of REGULAR DAY SCHOOL, the sum of four million, five hundred eighty-seven thousand, three hundred thirteen dollars and no cents (\$4,587,313.00) is appropriated from the City School Fund to be apportioned as follows:

| | |
|------------------------|----------------|
| (1) Regular Day School | \$4,587,313.00 |
|------------------------|----------------|

Paragraph Three - 17B-2 - Other Instructional Costs

For the current expenses of OTHER INSTRUCTIONAL COSTS, the sum of eight hundred six thousand, nine hundred forty-five dollars and no cents (\$806,945.00) is appropriated from the City School Fund to be apportioned as follows:

| | |
|-------------------------------|---------------|
| (1) Other Instructional Costs | \$ 806,945.00 |
|-------------------------------|---------------|

Paragraph Four - 17C - Attendance and Health Services

For the current expenses of ATTENDANCE AND HEALTH SERVICES, the sum of sixty-three thousand, four hundred ninety-six dollars and no cents (\$63,496.00) is appropriated from the City School Fund to be apportioned as follows:

| | |
|------------------------------------|--------------|
| (1) Attendance and Health Services | \$ 63,496.00 |
|------------------------------------|--------------|

Paragraph Five - 17D1 - Pupil Transportation Services

For the current expenses of PUPIL TRANSPORTATION SERVICES, the sum of one hundred two 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 |
|-----------------------------------|---------------|

Paragraph Six - 17E - School Food Services

For the current expenses of SCHOOL FOOD SERVICES, the sum of eight hundred five thousand, one hundred sixteen dollars and no cents (\$805,116.00) is appropriated from the City School Fund to be apportioned as follows:

| | |
|--------------------------|---------------|
| (1) School Food Services | \$ 805,116.00 |
|--------------------------|---------------|

Paragraph Seven - 17F1 - Operation of School Plant

For the current expenses of OPERATION OF SCHOOL PLANT, the sum of five hundred forty-nine thousand, four hundred seventy dollars and no cents (\$549,470.00) is appropriated from the City School Fund to be apportioned as follows:

| | |
|-------------------------------|---------------|
| (1) Operation of School Plant | \$ 549,470.00 |
|-------------------------------|---------------|

Paragraph Eight - 17F2 - Maintenance of School Plant

For the current expenses of MAINTENANCE OF SCHOOL PLANT, the sum of two hundred fifty-seven thousand, eight hundred fourteen dollars and no cents (\$257,814.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Maintenance of School Plant \$ 257,814.00

Paragraph Nine - 17G - Fixed Charges

For the current expenses of FIXED CHARGES, the sum of one million, two hundred thirty-eight thousand, two hundred fifty-six dollars and no cents (\$1,238,256.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Fixed Charges \$1,238,256.00

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

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

Paragraph Twelve - 17J - Federal Programs

For the current expenses of FEDERAL PROGRAMS, the sum of two hundred forty thousand, one hundred seventy-five dollars and no cents (\$240,175.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Federal Programs \$ 240,175.00

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

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

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 four hundred thirty-four thousand, six hundred nine dollars and no cents (\$434,609.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Serial Bonds & Interest \$ 434,609.00

S U M M A R Y

Expenditures and Revenue

| | |
|---|----------------|
| Total School Fund Appropriations for the Fiscal Year Ending June 30, 1985 | \$9,427,391.00 |
| To be provided for from the following Anticipated Revenue, which is as follows: | |
| Receipts from State School Funds (estimated) | \$2,112,635.00 |
| Revenue from Federal Funds (estimated) | 378,501.00 |
| Receipts from Other Funds (estimated) | 760,251.00 |
| Receipts from City Funds | 6,176,004.00 |
| Total School Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1985 | \$9,427,391.00 |

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, 1985:

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-eight thousand, three hundred thirty-seven dollars and no cents (\$38,337.00) is appropriated from the Water Fund to be apportioned as follows:

| | | |
|------------------------------|----|-----------|
| (1) Personal Services | \$ | 34,807.00 |
| (2) Other Operating Expenses | | 3,530.00 |

Paragraph Two - Source of Supply (2)

For the current expenses of SOURCE OF SUPPLY OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one hundred sixty-two thousand, four hundred forty-one dollars and no cents (\$162,441.00) is appropriated from the Water Fund to be apportioned as follows:

| | | |
|------------------------------|----|------------|
| (1) Personal Services | \$ | 10,486.00 |
| (2) Other Operating Expenses | | 151,955.00 |

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 seventy-seven thousand, eight hundred nine dollars and no cents (\$277,809.00) is appropriated from the Water Fund to be apportioned as follows:

| | | |
|------------------------------|----|------------|
| (1) Personal Services | \$ | 112,580.00 |
| (2) Other Operating Expenses | | 165,229.00 |

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-seven thousand, five hundred eighty-five dollars and no cents (\$27,585.00) is appropriated from the Water Fund to be apportioned as follows:

| | | |
|------------------------------|----|-----------|
| (1) Personal Services | \$ | 25,042.00 |
| (2) Other Operating Expenses | | 2,543.00 |

Paragraph Five - Miscellaneous (5)

For setting aside reserves for depreciation and payment of taxes, the sum of three hundred fifty thousand, eight hundred sixty-seven dollars and no cents (\$350,867.00) is appropriated from the Water Fund to be apportioned as follows:

| | | |
|------------------|----|------------|
| (1) Depreciation | \$ | 278,110.00 |
| (2) Taxes | | 72,757.00 |

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 two hundred twenty-four thousand, nine hundred forty-four dollars and no cents (\$224,944.00) is appropriated from the Water Fund to be apportioned as follows:

| | | |
|------------------------------|----|------------|
| (1) Personal Services | \$ | 135,854.00 |
| (2) Other Operating Expenses | | 89,090.00 |

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 thirty-seven thousand, four hundred sixty-three dollars and no cents (\$237,463.00) is appropriated from the Water Fund to be apportioned as follows:

| | | |
|--------------------|----|------------|
| (1) Capital Outlay | \$ | 237,463.00 |
|--------------------|----|------------|

Paragraph Eight - Indebtedness Requirements Water Fund (8)

For the payment of interest, retirement and handling charges of bonds of the PUBLIC SERVICE ENTERPRISES - WATER ACTIVITIES, the sum of two hundred fifty-six thousand, nine hundred ninety-three dollars and no cents (\$256,993.00) is appropriated from the Water Fund to be apportioned as follows:

| | | |
|----------------------------------|----|------------|
| (1) Serial Bonds, Interest, etc. | \$ | 256,993.00 |
|----------------------------------|----|------------|

Paragraph Nine - Non-Departmental (9)

For sharing the cost of operation in other funds for the benefit of the Water Fund, the sum of one hundred ninety-seven thousand, three hundred thirty-eight dollars and no cents (\$197,338.00) is appropriated from the Water Fund to be apportioned as follows:

| | | |
|--|----|------------|
| (1) To General Fund, Share of Accounting, Collecting & Data Processing | \$ | 108,753.00 |
|--|----|------------|

| | |
|---|--------------|
| (2) To General Fund - Insurance | \$ 25,800.00 |
| (3) To General Fund - Retirement & Social Security | 37,156.00 |
| (4) To Central Garage Fund | 13,054.00 |
| (5) To Central Stores Fund | 12,575.00 |

Paragraph Ten - Transfers to Other Funds (10)

For sharing the cost of operation of other funds the sum of fifty-nine thousand, eight hundred eighty dollars and no cents (\$59,880.00) is appropriated from the Water Fund to be apportioned as follows:

| | |
|----------------------------------|--------------|
| (1) To General Fund- Utility Tax | \$ 59,880.00 |
|----------------------------------|--------------|

S U M M A R Y

Expenditures and Revenue

| | |
|---|----------------|
| Total Water Fund Appropriations for the Fiscal Year Ending June 30, 1985 | \$1,833,657.00 |
|---|----------------|

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

| | |
|--|--------------|
| Other Local Taxes (estimated) | \$ 64,080.00 |
| Permits, Privilege Fees and Regulatory Licenses (estimated) | 74,287.00 |
| Revenue From Use of Money & Property (estimated) | 56,700.00 |
| Charges for Services (estimated) | 1,282,856.00 |
| Recovered Costs (estimated) | 11,000.00 |
| Non-Revenue Receipts (estimated) | 55,095.00 |
| Transfers (estimated) | 289,639.00 |

| | |
|--|----------------|
| Total Water Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1985 | \$1,833,657.00 |
|--|----------------|

SECTION IV - SEWER FUND

That the following sums of money be and the same hereby are appropriated for sewerage purposes herein specified for the fiscal year ending June 30, 1985:

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-eight thousand, five hundred ninety-one dollars and no cents (\$38,591.00) is appropriated from the Sewer Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$ 34,807.00 |
| (2) Other Operating Expenses | 3,784.00 |

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-seven thousand, three hundred forty-eight dollars and no cents (\$547,348.00) is appropriated from the Sewer Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$ 29,960.00 |
| (2) Other Operating Expenses | 517,388.00 |

Paragraph Three - Collection and Transmission (3)

For the current expenses of the COLLECTION AND TRANSMISSION OF THE SEWER DEPARTMENT, a division of the COLLECTION AND TRANSMISSION OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of two hundred seven thousand, one hundred sixty-five dollars and no cents (\$207,165.00) is appropriated from the Sewer Fund to be apportioned as follows:

| | |
|------------------------------|---------------|
| (1) Personal Services | \$ 110,496.00 |
| (2) Other Operating Expenses | 96,669.00 |

Paragraph Four - Miscellaneous (4)

For setting aside reserve for depreciation and the payment of taxes, the sum of two hundred one thousand, nine hundred one dollars and no cents (\$201,901.00) is appropriated from the Sewer Fund to be apportioned as follows:

| | |
|------------------|---------------|
| (1) Depreciation | \$ 163,069.00 |
| (2) Taxes | 38,832.00 |

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 eighteen thousand, nine hundred fifty dollars and no cents (\$518,950.00) is appropriated from the Sewer Fund to be apportioned as follows:

| | |
|--------------------|---------------|
| (1) Capital Outlay | \$ 518,950.00 |
|--------------------|---------------|

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 fifteen thousand, six hundred ninety-six dollars and no cents (\$215,696.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc. \$ 215,696.00

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 ninety-seven thousand, three hundred thirty-eight dollars and no cents (\$197,338.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) To General Fund - Share
of Accounting, Collecting,
Date Processing \$ 108,753.00
(2) To General Fund - Insurance 25,800.00
(3) To General Fund - Retirement &
Social Security 37,156.00
(4) To Central Garage Fund 13,054.00
(5) To Central Stores Fund 12,575.00

SUMMARY

Expenditures and Revenue

Total Sewer Fund Appropriations for
the Fiscal Year Ending June 30, 1985 \$1,926,989.00

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) 9,500.00
Revenue From Use of Money & Property (estimated) 63,590.00
Charges for Services (estimated) 1,454,300.00
Recovered Costs (estimated) 40,000.00
Non-Revenue Receipts (estimated) 24,493.00
Transfers 334,106.00

Total Sewer Fund Revenue (estimated) for
the Fiscal Year Ending June 30, 1985 \$1,926,989.00

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, 1985:

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 three hundred seventy-one thousand, eight hundred fifty-six dollars and no cents (\$371,856.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Personal Services \$ 256,375.00
(2) Other Operating Expenses 115,481.00

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 seventeen thousand, five hundred fifty-two dollars and no cents (\$117,552.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses \$ 117,552.00

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 seventy-four thousand, two hundred seventy-three dollars and no cents (\$74,273.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses \$ 74,273.00

S U M M A R Y

Expenditures and Revenue

Total Virginia Public Assistance Fund
Appropriations for the Fiscal Year
Ending June 30, 1985 \$ 563,681.00

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

| | |
|--|-------------------|
| Categorical Aid (estimated) | \$ 447,680.00 |
| Transfers from Other Funds (estimated) | 116,001.00 |
| Total Virginia Public Assistance Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1985 | \$ 563,681.00 |

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, 1985:

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 thirty thousand, five hundred forty-five dollars and no cents (\$130,545.00) is appropriated from the Central Garage Fund to be apportioned as follows:

| | |
|------------------------------|---------------|
| (1) Personal Services | \$ 106,131.00 |
| (2) Other Operating Expenses | 21,614.00 |
| (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, 1985 | \$ 130,545.00 |
|--|---------------|

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

| | |
|--|--------------|
| Revenue From Use of Money & Property (estimated) | \$ 91,383.00 |
| Transfers From Other Funds (estimated) | 39,162.00 |

| | |
|--|---------------|
| Total Central Garage Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1985 | \$ 130,545.00 |
|--|---------------|

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, 1985:

Paragraph One - Central Stores

For the current expenses and capital outlay of the CENTRAL STORES, a division of the Central Stores Revolving Fund, the sum of forty-one thousand, nine hundred eighteen dollars and no cents (\$41,918.00) is appropriated from the Central Stores Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$ 26,861.00 |
| (2) Other Operating Expenses | 13,257.00 |
| (3) Capital Outlay | 1,800.00 |

S U M M A R Y

Expenditures and Revenue

| | |
|--|--------------|
| Total Central Stores Fund Appropriations for the Fiscal Year Ending June 30, 1985 | \$ 41,918.00 |
|--|--------------|

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

| | |
|--|--------------|
| Transfers From Other Funds (estimated) | \$ 41,918.00 |
|--|--------------|

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, 1985:

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, thirty-three thousand, two hundred eighty-seven dollars and no cents (\$1,033,287.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

| | |
|------------------------------|---------------|
| (1) Personal Services | \$ 451,214.00 |
| (2) Other Operating Expenses | 336,150.00 |
| (3) Capital Outlay | 245,923.00 |

S U M M A R Y

Expenditures and Revenue

| | |
|--|----------------|
| Total Public Transportation Fund Appropriations for the Fiscal Year Ending June 30, 1985 | \$1,033,287.00 |
|--|----------------|

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

| | |
|--|---------------|
| Charges for Services (estimated) | \$ 501,500.00 |
| Recovered Costs (estimated) | 5,000.00 |
| Other Categorical Aid (estimated) | 344,800.00 |
| Transfers from Other Funds (estimated) | 181,987.00 |

| | |
|---|----------------|
| Total Public Transportation Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1985 | \$1,033,287.00 |
|---|----------------|

SECTION IX - SANITATION FUND

That the following sums of money be and the same hereby are appropriated for the Sanitation purposes herein specified for the fiscal year ending June 30, 1985:

Paragraph One - Resource Facility (1)

For the current expenses of the RESOURCE RECOVERY FACILITY, a division of the Sanitation Fund, the sum of three hundred seventy-four thousand, eight hundred twenty-nine dollars and no cents (\$374,829.00) is appropriated from the Sanitation Fund to be apportioned as follows:

| | |
|------------------------------|---------------|
| (1) Personal Services | \$ 233,904.00 |
| (2) Other Operating Expenses | 140,925.00 |

Paragraph Two - Refuse Collection (2)

For the current expenses of the REFUSE COLLECTION, a division of the Sanitation Fund, the sum of two hundred ninety-one thousand, six hundred eighty-eight dollars and no cents (\$291,688.00) is appropriated from the Sanitation Fund to be apportioned as follows:

| | |
|------------------------------|---------------|
| (1) Personal Services | \$ 227,003.00 |
| (2) Other Operating Expenses | 64,685.00 |

Paragraph Three - Sanitary Landfill (3)

For the current expenses of the SANITARY LANDFILL, a division of the Sanitation Fund, the sum of fifty-six thousand, three hundred five dollars and no cents (\$56,305.00) is appropriated from the Sanitation Fund to be apportioned as follows:

| | |
|------------------------------|--------------|
| (1) Personal Services | \$ 35,317.00 |
| (2) Other Operating Expenses | 20,988.00 |

Paragraph Four - Miscellaneous (4)

For setting aside reserve for depreciation and the payment of taxes, the sum of two hundred ninety-one thousand, twenty-five dollars and no cents (\$291,025.00) is appropriated from the Sanitation Fund to be apportioned as follows:

| | |
|------------------|---------------|
| (1) Depreciation | \$ 291,025.00 |
|------------------|---------------|

Paragraph Five - Capital Outlay (7)

For the capital improvements of the SANITATION FUND, a division of the Sanitation Fund, the sum of five hundred seventy-two thousand dollars and no cents (\$572,000.00) is appropriated from the Sanitation Fund to be apportioned as follows:

| | |
|--------------------|---------------|
| (1) Capital Outlay | \$ 572,000.00 |
|--------------------|---------------|

Paragraph Six - Debt Service (8)

For the payment of the interest on and the retirement of bonds of the SANITATION FUND, the sum of one million, one hundred seventy-four thousand, six hundred twenty-seven dollars and no cents (\$1,174,627.00) is appropriated from the Sanitation Fund to be apportioned as follows:

| | |
|-------------------------------|----------------|
| (1) Serial Bonds and Interest | \$1,174,627.00 |
|-------------------------------|----------------|

Paragraph Seven - Non-Departmental (9)

For sharing the cost of operation of other funds for the benefit of the SANITATION FUND, the sum of one hundred five thousand, nine hundred eighty-three dollars and no cents (\$105,983.00) is appropriated from the Sanitation Fund to be apportioned as follows:

| | |
|---|--------------|
| (1) To General Fund - Insurance | \$ 25,800.00 |
| (2) To General Fund - Retirement & Social Security | 80,183.00 |

S U M M A R Y

Expenditures and Revenue

| | |
|---|----------------|
| Total Sanitation Fund Appropriations for the Fiscal Year Ending June 30, 1985 | \$2,866,457.00 |
| To be provided for from the following Anticipated Revenue, which is as follows: | |
| Revenue From Use of Money & Property (estimated) | \$ 55,000.00 |
| Charges for Services (estimated) | 1,226,484.00 |
| Recovered Costs (estimated) | 900.00 |
| Revenue From Federal Government (estimated) | 509,448.00 |
| Transfers (estimated) | 1,074,625.00 |
| Total Sanitation Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1985 | \$2,866,457.00 |

TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH IX IN THIS
ORDINANCE FOR THE FISCAL YEAR ENDING JUNE 30, 1985

RECAPITULATION

| | | |
|----------------------|-----------------------------------|-----------------|
| Section I | (General Fund) | \$15,838,237.00 |
| Section II | (School Fund) | \$ 9,443,572.00 |
| Section III | (Water Fund) | \$ 1,833,657.00 |
| Section IV | (Sewer Fund) | \$ 1,926,989.00 |
| Section V | (Virginia Public Assistance Fund) | \$ 563,681.00 |
| Section VI | (Central Garage Fund) | \$ 130,545.00 |
| Section VII | (Central Stores Fund) | \$ 41,918.00 |
| Section VIII | (Public Transportation Fund) | \$ 1,033,287.00 |
| Section IX | (Sanitation Fund) | \$ 2,866,457.00 |
| TOTAL APPROPRIATIONS | | \$33,678,343.00 |

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 \$0.72 (Seventy-two 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 1984; it being expressly provided, however, that the provisions of this Ordinance shall not apply to household goods and personal effects as enumerated under subsection (9) to (12), inclusive, of Section 58-829 of said Code, and as further defined by Section 58-829.1 of said Code, if such goods and effects be owned and used by an individual or by a family or household incident to maintaining an abode, which goods and effects are hereby declared wholly exempt from taxation.

That the rate of fee or service charge imposed on Real Estate Property exempt from regular taxation shall be twenty percent (20%) of the real estate tax rate levied by the City Council in the above paragraph, which 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 Fourteen Cents (\$0.14) per annum per \$100.00 of assessed valuation, payable on or before December 5, 1984. 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, 1984, and ending June 30, 1985, 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, 1984.

Given under my hand this 31st day of May, 1984.

ATTESTE:

CLERK

Stacy E. Jones

MAYOR

Tuesday, June 12, 1984

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. Dingleline, Jr.; Councilmen Elon W. Rhodes, James C. Cisney, Thomas H. Robinson, II; City Auditor Philip L. Peterman. Absent: Police Chief Richard W. Presgrave. (sitting in for the Chief, Capt. Stroble).

Minutes of the regular meeting held on May 22nd, and adjourned meeting of May 31st 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 month of May, 1984.

From the City Treasurer:

A trial balance report as of close of business on May 31, 1984.

From the Police Department:

A report of Fines & Costs; Cash collected from street parking meters; Parking ticket funds collected, \$ 2,322.75; meter funds collected, \$ 5,888.30, for month of May, 1984.

From the City Auditor:

A financial report for the City of Harrisonburg, month of May, 1984.

A report of cash discounts saved in payment of vendor's invoices for month of May, 1984, in total amount of \$ 150.42.

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, 1984.

Councilman Robinson submitted to the City Clerk, his Oath of Office for Councilman, sworn before, and signed by the Deputy Court Clerk on June 7, 1984. Mr. Robinson was re-elected to Council in the May 1, 1984 General Election, for a four year term.

City Manager Milam called members' attention to their copies of the Upper Valley Regional Park Authority Audit Report as of September 30, 1983, and noted that the report reflects a General Fund deficit of \$ 154,006.

City Manager Milam called attention to the County of Rockingham/City of Harrisonburg General District Court Report on Audit for years ended 6/30/83 and 6/30/82, prepared by Charles Tribble, Auditor of Public Accounts. He read the following quote by the Auditor, as stated in a letter accompanying the report: "In our opinion, the financial statements referred to above, present fairly the assets and liabilities arising from cash transactions of the County of Rockingham/City of Harrisonburg General District Court as of June 30, 1983 and 1982, and the cash receipts and disbursements for the years then ended, on the basis of accounting described in Note 1, which basis has been consistently applied."

The City Manager presented correspondence dated 6/7/84 from Mr. Laurence Sauder, Project Manager for Park Village, Inc., concerning a right-of-way plat prepared by their attorney. It was noted that the attorney for Park Village, Inc. is currently working on the Deed of Dedication to the City of Harrisonburg. Manager Milam informed Council that he had mailed copies of the Plat to the City Planning Director and City Engineer, in that he understands there may be some problems with regard to the rights-of-way. On motion of Vice-Mayor Dingleline, seconded by Councilman Robinson, and a unanimous vote of Council, the Plat was officially referred to the Planning Commission for investigation and report, concerning the 15.034 acre tract.

With regard to Agenda Item No. 4 "First Reading of Proposed Ordinance - Admissions Tax", City Attorney Lapsley informed Council that a Research Group from Charlottesville had been asked to do a study, in order that the City would know its position in the levy of the tax. He asked that action of a first reading be deferred, pending receipt of the information. Attorney William Julias, representing Roth Theatres, said there were questions as to whether or not the City could adopt the ordinance, and asked to be permitted to present some legal argument when action is taken at some future meeting of Council. In a review of the state statute, Attorney Julias offered an opinion that the City may be ill-advised to act on the ordinance, due to some problems. Attorney Steve Blatt (Julias' Associate), said he had concerns that the state legislation may not be clear enough. He had contacted the Department of Taxation concerning the Code's value, with no reply to date. Some cities have imposed the Admissions Tax, but not all. He noted some serious questions which have yet to be answered, as to whether or not the Virginia Legislature would authorize Harrisonburg to pass the tax ordinance. Following discussion, Council instructed the City Manager to keep the matter on future agendas for discussion, following receipt of the information from the Charlottesville Group. Attorney Julias requested notification concerning dates for Council action.

The following Planning Commission report from its June 15, 1984 meeting, was presented and read:

"...Mr. J. R. Copper, Jr., land surveyor, representing J.M. Associates, reviewed a proposed site plan for South Gate Condominium Offices, to be constructed on a 2.5 acre tract located 500' east of South Main Street in the newly annexed territory. City Staff requested Planning Commission analysis and approval. Mr. Copper described the layout, which includes dedication by J.M. Associates of the cul-de-sac as a public extension of South Gate Court, a 60' right-of-way recorded in 1956 as a street in Edwin Crist's Boxwood Subdivision. Mr. Copper said he needs guidance on who will be responsible for building the 500' of South Gate Court and how will storm drainage be taken care of. He also noted that the six proposed office structures will be less than 30' from the cul-de-sac, and he requested variances since this overall development is a planned unit concept. Mr. Sullivan reported that the City will extend a sewer

line to the project from South Main, and J.M. Associates will pay for a water line. He also reviewed City policy on the opening of 'paper' streets - - the developer sub-grades the roadway and installs utilities and the City places the base and blacktop on the road and curbing and gutters. Concerning South Gate Court, Mr. Milam felt a 34' curb-to-curb width would be sufficient. Mr. Rhodes questioned allowing parking spaces along the cul-de-sac, forcing cars to back into the one-way traffic lane, and Chairman Eney expressed concern about the large parking lots which showed no planting areas. Mr. Milam noted that concern has been raised about access to the Hulvey farm east of this project. An overall map drawn by the Director, illustrated how a 30' private lane serves the Hulvey farm. It is located 900' north of J.M. Associates' site. Mr. Heath asked what advantages come from dedicating the turn-around. Mr. Milam noted that public ownership guarantees maintenance, trash pickup, snow removal, lighting, police surveillance, and room for fire equipment to maneuver. The Director asked for a description of how storm water will be conveyed to South Main Street. Mr. Copper described the relatively flat conditions, thus some cutting will be necessary.

Mr. Heath concluded the discussion with a motion for the Planning Commission to approve the South Gate Condominium Office plans, with details on how the developers and the City split costs, left up to Staff. Mr. Fleming seconded the motion and all members voted aye..."

City Manager Milam said that some of the public work involves agreements re city sewer which was extended out Route 11 south. The city paid all costs to the developer's property line and the developer then picked it up for completion. It was agreed that J.M. Associates would assume expense of the water line and do all the work on their side, leading up to the surface treatment. He pointed out the project area on a plat, as well as the area of street to be dedicated for public use, and added that Mr. Monger is requesting final approval of the street layout, at this time. Following discussion, Vice-Mayor Dingleline moved that the recommendation of the Planning Commission be approved. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

Assistant City Manager Driver reported that he had attended a meeting of the Virginia Department of Highways & Transportation in Richmond, last week, and the Department has tentatively scheduled August 9th as the date for its Public Hearing on Route 42, north toward Broadway. The project will begin at Harrisonburg's old corporate limits (at Stroop Oil location) and continue to the new corporate limits. Although the proposed highway will be built at no cost to the City, Mr. Driver said there is a lot of controversy on the design. The City has not been consulted on the design, but Mr. Driver said that to his knowledge, a 5-lane highway is proposed from old corporate limits to the Virginia Mennonite Home, with 4-lanes from there to the new corporate limits. He offered an opinion that 5-lanes should go all the way through, with sidewalks installed on the west side. He added the fact that 1/2 payment by the City for the sidewalks would be worthwhile, and that should the Highway Department refuse to participate, the City could pay the entire cost. Councilman Robinson moved that the information 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.

Council received a Progress Report, submitted by The Harrisonburg-Rockingham Task Force to Combat Drunk Driving, with appointment of a member to replace The Reverend Randolph Bragg, to be made by the Mayor at a future meeting.

In discussing vacancies on various Boards and Commissions, it was noted that a vacancy exists on the Harrisonburg-Rockingham Regional Sewer Authority, in that the first term of Mrs. Margaret Gordon (deceased) will expire on July 14, 1986. Councilman Rhodes offered a motion for Mr. John R. Gordon of 340 Paul Street, Harrisonburg, to fill the unexpired term to July 14, 1986. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

Council was reminded that the first term of Dr. Jon McIntire on the Mental Health & Mental Retardation Services (Chapter 10) Board, will expire on July 1st of this year, and the Mayor asked members' wishes concerning an appointment. Vice-Mayor Dingleline moved that Dr. McIntire be re-appointed to a second term of three (3) years on the Board, expiring on July 1, 1987. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

For consideration of a first reading, City Attorney Lapsley presented an ordinance amending Section 4-2-77 of the City Code entitled: "Levy and Rate." The ordinance imposes a 3% tax on room or space rental to any hotel, motel or travel campground. An increase of 1% from the present 2% tax on motel rooms was approved by Council the the 1984-85 fiscal year. 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.

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

RESOLUTION FOR PARTICIPATION

WHEREAS, the governing body of Harrisonburg is interested in the economic well-being of its citizenry and the community at-large; and

WHEREAS, the governing body is prepared to support appropriate efforts within the community to become totally prepared to promote economic development; and

WHEREAS, the Virginia Division of Industrial Development is offering a program which is specifically designed to help Virginia communities to become prepared for industrial and related economic development; and

WHEREAS, this program is entitled the Virginia Community Certification Program.

NOW, THEREFORE, BE IT RESOLVED by the City Council, that our community, Harrisonburg, Virginia, wishes to participate in the Virginia Community Certification Program, and that the leadership of this community fully realizes this program requires dedicated effort; and

BE IT FURTHER RESOLVED, that by making entry into this program, we are pledging our honest efforts to become designated as a "Certified" community; and

BE IT FURTHER RESOLVED, that the program requires the existence or formation of a Local Economic Development Organization, and this governing body designates the Rockingham Development Corporation as representing our community for the purpose of participating in this program.

This resolution is in full effect upon its adoption this 12th day of June, 1984.

Mayor

Atteste:

Clerk

Mr. D. P. Davis, Jr., President of R.D.C., was present in the meeting to present facts, figures and history of the company, in an effort to formalize certification. He noted that the company desires to join forces with both the county and city in continuing to deal with representatives of prospective new industries for the area, with a necessity for both governing bodies to approve the proposed resolution, designating RDC as their representative. Mr. Davis said it is coming to the point that if not certified, the city or county would not be given an opportunity for any industry locations, which must go to the Governor's Office. By amending the RDC By-laws, two representatives from the City and two from the County, would be appointed to serve on its Board. He noted that appointment of a Council member could be construed as conflict of interest. From the financial standpoint, Mr. Davis reported that approximately \$ 30,000. would be required the first year for carrying out its work, with 1/3 of that amount (\$ 10,000.) to be paid by the City; 1/3 by the County and 1/3 by RDC. An official application for certification must be made to the Governor's Office, following approval of the resolution by both governing bodies. Attorney Henry Clark, a member of RDC Board, said his concern was that of getting into a divided project, rather than looking at the situation as a total community project, and offered an opinion that "Certification is the way to go for prospects." He added that should any aspects of dissention arise over a location for industry, it would be negative. He solicited support for the resolution and said that if approved, the By-laws would be amended in order for the City and County to have direct representation on the Board. He insisted that appointees be active, and participate throughout the entire term, which will be for one year, with members not to succeed themselves after a couple or few terms, in order that they not be locked into an inherited position. He re-iterated the fact that an appointee should not be a member of City Council. When Councilman Cisney asked if members of the RDC Board have limited terms, Mr. Davis replied that they also serve terms of one year, and can succeed themselves. Following discussion, Councilman Cisney moved that the Resolution be approved, with authorization for the proper officials to sign same. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

✓ The following 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 Urban Mass Transportation Administration under Section 3 of the Urban Mass Transportation Act of 1964 as amended.

This application is to use the remaining funds from Federal Grant VA-03-0027 to purchase two (2) 20-passenger buses for the amount of \$ 77,960.

ADOPTED and APPROVED this _____ day of _____, 1984.

Mayor

Atteste:

Clerk

Councilman Rhodes moved that the Resolution be approved, with authorization for the proper officials to sign the same. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

✓ City Manager Milam reminded Council that an ordinance closing a 12' alley on the west side of Monroe Street had been carried on the city's docket since May 11, 1982, when it was approved for a first reading. He noted that the ordinance had been presented on January 10th of this year for second & final reading, in that the proper fees had been paid by the requestors; Jennings B. Shifflett and S.C. Good. However, action was deferred at that time, pending acquisition of a signed release (quit claim) from Mr. Terry Spitzer, adjoining property owner. Manager Milam called members' attention to their copies of the signed release dated 5/18/84, and recommended that the ordinance now be finally approved. Vice-Mayor Dingleline moved that the ordinance be approved for second & final reading, with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book. The motion was seconded by Councilman Robinson, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk "L" page 28).

✓ City Manager Milam reminded Council that the Harrisonburg-Rockingham Historical Society has been provided quarters in the Sipe House (301 S. Main St.) on a year-to-year basis, and that the present lease will expire on June 30th of this year. He noted no problems in renewing the lease for another year, and added that the City's Fire Administration Offices are also housed in the same building. Councilman Cisney offered a motion for the Historical Society's lease to be renewed for one year, expiring on June 30, 1985. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

✓ City Attorney Lapsley presented the following Resolution, prepared under a Court Order of May 9, 1984, signed by Chief Judge Robert Wolf and three other judges:

WHEREAS, Section 53.1-129 of the Code of Virginia allows prisoners confined to jail to work on state, county or city property on a voluntary basis; and

WHEREAS, by an order entered by the Twenty-Sixth Judicial Circuit, of which the City of Harrisonburg is a part, it was ordered that prisoners confined to the jail in any city or county in that circuit shall be allowed to work on state, county or city property; and

WHEREAS, the Sheriff of the county was thereby designated to have charge and be responsible for such prisoners while they are working on said state, county or city property; and

WHEREAS, the Council of the City of Harrisonburg deems it advisable to allow prisoners in Rockingham County Jail to work on city property on a voluntary basis while under the supervision of the Sheriff of Rockingham County;

NOW, THEREFORE, BE IT RESOLVED that Council of the City of Harrisonburg consents to the use of prisoner labor as stated above in accordance with Section 53.1-129 of the Code of Virginia, arrangements for such labor to be completed by the City Manager and the Sheriff of Rockingham County.

ADOPTED and APPROVED this _____ day of _____, 1984.

Mayor

Atteste:

Clerk

On motion of Councilman Cisney, seconded by Vice-Mayor Dingleline, and a unanimous vote of Council, the Resolution was approved, with authorization for the proper officials to sign the same.

A request was presented from Chief of Police Presgrave for approval of a supplemental appropriation in amount of \$ 1,828.82, representing recovered money received for special police at J.M.U., and maintenance of auto repair. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 1,828.82 chgd.to: General Fund 91901.01) Recoveries & Rebates
1,000.00 approp.to: General Fund (3101-1001.07) Special Police
828.82 approp.to: General Fund (3101-3004.03) Maint./Repair Auto Equip.

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

The City Manager presented a request from Fire Chief Shifflett for approval of a supplemental appropriation in amount of \$ 10,138.33, in order to recover already expended funds for Communication Personnel, from Rockingham County. Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 10,138.33 chgd.to: General Fund (1901.01) Recoveries & Rebates
3,450.00 approp.to: General Fund (3201-1010.01) Other Pers. Services
3,000.00 approp.to: General Fund (3201-5408.01) Gasoline
3,688.33 approp.to: General Fund (3201-5400.01) Other Mat. & Supp.

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

Request was presented from Street Superintendent Smith for approval of a supplemental appropriation in amount of \$ 38,100.00 to be used for construction of the access road to the new fire sub-station (No.3) on East Market Street. Manager Milam gave a detailed report of work to be done by the City on the project, and noted that funds were not budgeted in this year's Street Department budget. Vice-Mayor Dingleline moved that the appropriation be approved for a first reading, and that:

\$ 38,100.00 chgd.to: General Fund- Unappropriated Fund Balance
38,100.00 approp.to: General Fund (4102-7011.15) Street Inspect.- Cap.Outlay-
Fire Station Access Road.

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

Request was presented from the Finance Director for City Schools, for approval of a transfer of funds in amount of \$ 11,858.02, in order to partially pay for computers ordered for Computer Education Program, and to cover anticipated expenses for interest on literary fund loans for Spotswood and Waterman additions. Manager Milam noted that the funds are provided for in the current fiscal year school budget, and that the transaction will require only one reading for approval. Councilman Cisney moved that the transfer be approved, and that:

\$ 11,858.02 trans. from: School Fund (1201-221.01) Other Inst. Costs- Tuition Pd.Other Div.
9,845.60 trans. to: School Fund (1900-403.00) Cap.Outlay- Furn. & Equip.
2,012.42 trans. to: School Fund (2000-803.02) Debt Service- Int. Lit. Fund

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

Request was presented from the Finance Director for City Schools, for approval of a transfer of funds in amount of \$ 17,802.00 to cover unanticipated legal fees due to litigation; to partially offset unanticipated additional costs for hospitalization insurance due to increased rates; to partially offset increased fuel costs due to new additions, and to cover cost of computer education equipment. Manager Milam pointed out that this is an inter-departmental transfer, with funds available in the current fiscal year budget. Vice-Mayor Dingleline moved that the transfer, which requires only one reading, to be approved, and that:

\$ 3,400.00 trans.from: School Fund (1201-299.00) Other Inst. Costs- Other Inst.Costs
4,555.00 trans.from: School Fund (1202-199.00) Attend. & Health Services- Other
Attend. & Health Services

2,768.00 trans.from: School Fund (1207-134.01) Summer School- Comp. Inst. Pers.
7,079.00 trans.from: School Fund (1208-134.01) Adult Educ.- Comp. Inst. Personnel.
925.00 trans. to: School Fund (1200-311.00) Admin.-Other Cont.-Serv. & Exp.
1,620.00 trans.to: School Fund (1206-295.00) Fixed Chgs.- Employer Cont.Fringe Benefits
2,257.00 trans.to: School Fund (1205-311.00) Oper. School Plant- Fuel
13,000.00 trans.to: School Fund (1900-295.00) Cap.Outlay- Equipment

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

Council received a request from the City School Board for approval of a supplemental appropriation in amount of \$ 13,909.58, in order to appropriate funds to partially pay for computers ordered for Computer Education Program. Funds are available in the current fiscal year School Budget. Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 11,060.64 chgd.to: School Fund- Unappropriated Balance

822.02 chgd to: School Fund- Other State Funds - Inst. computer payment

\$ 13,909.58 approp.to: School Fund (1900-403.00) Cap.Outlay- Furn. & Equipment.

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

✓ A request was presented from the City School Board for an appropriation from the City in amount of \$ 37,222.00 in order to balance the School's 1984-85 budget, taking into consideration other transfers and appropriations within the School budget. Suggestion was made in a Memo from the School's Director of Finance, that the funds be derived from the sales tax receipts for the 1983-84 fiscal year, from which the city stands to receive approximately \$ 37,720. more than anticipated. It was noted that "since most localities show this tax as 'state' revenues, rather than incorporating these funds into the localities total appropriation for schools, it would appear to be the most likely source for the needed funds." Councilman Cisney opposed the appropriation, based on the fact that in prior years, the school board has spent whatever funds were budgeted in state sales tax revenues, even if estimates exceeded actual receipts. He offered a motion for the request to be denied. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

✓ City Manager Milam presented a request from the City School Board for approval of a supplemental appropriation in total amount of \$ 62,888.00, with funds from Anticipated and Realized Revenues to be transferred into accounts for Maintenance and Operation of School Plant, along with an appropriation from the City of \$ 37,222.00, source of same to be determined by the City Manager. Following a brief discussion, Councilman Cisney moved that the amount of City contribution, denied in the previous transaction, be deducted from the total request, with an appropriation of \$ 25,666. approved for a first reading at this time, with instructions for the School Board to submit an amended appropriation form in tha amount, prior to a second & final reading. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council.

✓ Councilman Rhodes registered a complaint he had received concerning noise, shooting of firearms, loud music, use of dope, vehicles parked illegally, etc. on Kelly Street hill, in the housing development area. He offered an opinion that the area is in need of more police protection, as well as more street lights, in that only one light is located near the pool area. According to Mr. Rhodes, the complaint registered is a valid one, from a responsible person. Capt. Stroble said the department has also received complaints, and investigations have revealed the fact that youth in age bracket 14-18 years are responsible for a large part of the disturbances. Assistant City Manager Driver pointed out the fact that the City has been placing street lights on every other pole in a residential area, and can follow this policy if so desired, and ordered by Council. Vice-Mayor Dingledine offered an opinion that "people should not have to live under these conditions." Councilman Rhodes questioned whether or not the city's ordinance is strong enough for enforcement. Following discussion, Mayor Green asked the City Manager to contact the Police, Street and Recreation Departments, in an effort to work out a solution.

✓ Mayor Green informed Council that he was in receipt of correspondence from Dr. Sqyhart, Pres. of the Keister School PTA, dated 6/8/84, requesting appropriate discussion concerning the need for a traffic light to be installed at the corner of Central and South Avenues. According to the letter, it was noted that request had been made through Councilman Rhodes last year, for a light, with reply received, advising that traffic was not enough for a light at the intersection. Following a brief discussion, it was agreed that a reply be sent Dr. Hall, by the Mayor and Assistant City Manager, setting out facts concerning last year's investigation.

At 9:26 P.M., on motion of Councilman Robinson, seconded by Vice-Mayor Dingledine, and a unanimous vote, Council entered an executive session to discuss personnel.

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

Staten B. Green

Tuesday, June 26, 1984

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; 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: City Attorney Norvell A. Lapsley.

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

✓ The Clerk received Oaths of Office from Messrs. Dingledine and Rhodes, sworn before the Deputy Clerk of Rockingham County, on 6/26/84 and 6/18/84, respectively. Both were re-elected in the May 1, 1984 General Election, to serve as City Councilmen for four year terms.

✓ City Manager Milam called Council's attention to the June 11th application of Columbia Gas of Virginia for an increase in gas rates, which is before the State Corporation Commission, with supporting testimony and exhibits prepared by the company. He noted that the requested increase is for \$ 1,846,878.00, or 2.59% of the total revenue. These rates are presently in effect, and will remain in effect, until after a Public Hearing has been held by the Commission. The report was for information.

✓ With regard to the April 6, 1984 filing of an application for rate increase, to the State Corporation Commission, by Continental Telephone Company of Virginia, Manager Milam called attention to a Proposal of May 11, 1984 from the Commission, which schedules a Public Hearing on the application to begin on September 5, 1984 in Richmond, and suspends the proposed rate increase until after the Hearing, and final determination by the Commission. During a brief discussion, it was noted

that correspondence had been mailed to the State Corporation Commission on April 27th, by the Clerk, stating Council's position regarding one particular paragraph of the application. Reply was received from the Director, giving assurance that the letter had been forwarded to the Case file. No further action taken by Council.

City Manager Milam referred to a letter from Mr. Gregory Versen, dated 6/22/84, and addressed to the Harrisonburg Transportation & Safety Commission. Request was made for a change in the discharge/pickup policies at Harrisonburg High School's Grace Street entrance. He noted that Grace Street is wide enough at the school's entrance to accommodate an adequate traffic flow, while allowing curbside discharge and pickup of students, and added that directing all traffic to the parking lot is to invite traffic congestion that, if not hazardous, is at least a great inconvenience. Mr. Versen expressed a need for a crosswalk on Grace Street, and a pickup-discharge zone on both sides. Inasmuch as this matter had been discussed by the Transportation & Safety Commission in March of 1983, with recommendation for "no change" in the present policy, approved by Council, Manager Milam recommended that the correspondence be referred to the Commission for another review and report. On motion of Councilman Robinson, seconded by Vice-Mayor Dingedine, and a unanimous vote of Council, the correspondence was officially referred to the Harrisonburg Transportation & Safety Commission.

City Manager Milam presented correspondence dated 6/14/84 from Mr. Charles Poe, Director of the Division of Court Services, enclosing By-laws of the 26th Judicial Circuit Division of Court Services. Request was made for the Harrisonburg City Council to approve a proposed Resolution for Harrisonburg to become a participating locality in the Division of Court Services for the 26th Judicial Circuit, and appoint two members to represent Harrisonburg on the Administrative Board, with at least one to be a member of the appointing governmental body. Manager Milam noted that a Resolution approved on 1/12/82 for participation in the Virginia Community Diversion Program, indicated that no local funding would be required of the localities. He added the fact that on 1/24/84, Council approved participation in a Program separate from the Blue Ridge Diversion Administration to serve the southern end of the judicial circuit, comprised of Harrisonburg and counties of Page, Shenandoah and Rockingham, provided the Program would be funded 100% by the Commonwealth of Virginia. He recommended that Council defer action on the proposed Resolution, pending approval of same by Rockingham County. Council unanimously agreed with the recommendation to defer action.

Mr. Kenneth L. Frantz, General Manager of The Harrisonburg Electric Commission, was present in the meeting to request approval of a Resolution to extend its \$5 million loan, in order that facilities of Virginia Electric and Power Company, and Shenandoah Valley Electric Cooperative in the annexed area, may be purchased. He noted that the bank would like to have the Resolution two months prior to expiration of the loan, which is August 25th. On motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Council, the following Resolution was approved..

RESOLVED, that the Harrisonburg Electric Commission unanimously requests that the City Council of the City of Harrisonburg authorize the Commission to extend the time for payment of the loan which they acquired from the United Virginia Bank in the amount of Five Million Dollars, on the same terms and conditions for an additional period not exceeding one year, said loan having been obtained for the purpose of purchasing electrical facilities owned by electric utilities operating within the recently annexed area of the City, as well as for the purpose of construction and improvement of the Commission's facilities.

The following Planning Commission report from a meeting held on June 20, 1984, was presented and read by the City Manager:

"...Attorneys Micheal Hern and Donald Litten presented the rezoning request from Mr. Olen B. Landes, involving a change from R-2 Residential to B-2 General Business. A strip of property, 43' by 400' along the west side of Landes Heating & Air Conditioning, Inc., if rezoned, would correct a mistake made two years ago when a commercial structure was built on land zoned R-2 Residential. Mr. Litten noted that the mistake occurred from not measuring the B-2 frontage on West Mosby Road correctly, and since Mr. Landes owns the residence located just west of his business, no opposition to this request is involved...

(Later in the meeting), Mr. Hartman moved that the Commission recommend approval of the Olen B. Landes rezoning request for a 43' x 400' strip of land at 101 West Mosby Road from R-2 Residential to B-2 General Business District.

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

Councilman Rhodes moved that the recommendation of the Planning Commission be accepted, and Public Hearing scheduled for Tues., July 24th, 7:30 P.M. The motion was seconded by Councilman Cisney and adopted by a unanimous vote of Council.

The City Manager called attention to the following Planning Commission report from its June 20, 1984 meeting:

"...Mr. Nathan Miller, owner/developer representing Triton Development, Ltd., explained the background of a proposed five-lot commercial subdivision located on the east side of South Main Street's 4000 block, near the new city limits. Mr. Robert E. Funk's plat of June 11, 1984 shows the 12.59 acres divided into five lots plus a proposed 50' street named Warehouse Road which extends 616' eastward off South Main Street. An existing paved road, built to state highway specifications, serves an existing warehouse on proposed Lot 4. Existing 8" sewer lines are within 20' easements across Lots 1 and 4 and a drainage easement is shown on Lot 1. Mr. Miller stated that he has a purchaser for Lot 2 which will front on Warehouse Road and is located immediately north of the existing Rockingham Warehouse Center Building. He also agrees to dedicating the 50' street, and desires to show a temporary turn-around at the east end until future development determines the location for a permanent cul-de-sac. Mr. Miller asked for a waiver concerning curb and gutter, since he built the road under state specifications when the area was in the county. Mr. Milam agreed to the waiver, providing the City Engineer and Street Superintendent

inspect the road to see if they feel the City will qualify for State maintenance funds. Mr. Wilcox added that his department needs to verify the easement lines and locations, prior to final recordation or acceptance of the street.

Mr. Rhodes concluded the discussion with a motion that the Commission recommend approval of the Rockingham Warehouse Center Subdivision, subject to the minor changes concerning easements, and if the existing roadway is approved by the Street Superintendent, a waiver of the curb and gutter requirement be granted. Mr. Hartman seconded the motion and all members present voted in favor..."

Manager Milam informed Council that he had received a Memo from the City Engineer and Street Superintendent, setting out seven questionable aspects of the subdivision, which is proposed for the east side of South Main Street, extended. He asked that Council action be deferred, in that problems exist between the Highway Department and Mr. Miller, with regard to the street's width, which must be considered, in the City qualifying for maintenance payment from the state. On motion of Councilman Rhodes, seconded by Vice-Mayor Dingledine, and a unanimous vote of Council, action was deferred on the Planning Commission's recommendation.

City Manager Milam said he felt it important to bring to Council's attention, some of the conditions where streets intersect railroads, and had asked the Fire Department, School Board, Planning Director and Street Department to get involved in the situation. Street Superintendent Ralph Smith noted that railroad crossings are an "old problem" in the city, and pointed out three most in need of repair, namely: West Market Street, Noll Drive and Country Club Road. Members of Council viewed a film, showing conditions of the various tracks, with traffic moving across same. Mr. Smith noted that work is currently being done on the Country Club crossing, and said he would like for Council to invite a C-W representative to its next meeting, in order that he might explain some "high class" repairs which could be done. Councilman Robinson said his main concern was Country Club Road, and also the angled crossing on South Main Street near Roth Theatre. Mayor Green noted that the City Manager had contacted the railroad company about a year ago with regard to the skidding of bicycles at the S. Main crossing, which has resulted in a large number of accidents. He added that the Country Club Road crossing has resulted in one death, and one skull fracture. The Mayor commended the Street Department on work which had been done on the Route 33 bridges, but pointed out that although one side of the tracks at Sheraton Inn has been repaired very well, the other side is in need of repair. Mr. Smith expressed a hope that a good bit of improvement will be noticed at the various crossings within the next couple of months. Following discussion, Council instructed the City Manager to invite a representative of the railroad company to the next regular meeting on July 10th, and to place the matter on that agenda.

For consideration of a second & final reading, the City Manager presented an ordinance amending Section 4-2-77 of the Harrisonburg City Code, which ordinance imposes and levies on each and every transient, a tax equivalent to three percent (3%) of the total amount paid for room or space rental to any hotel, motel, or travel campground. The ordinance, which increases the tax from 2% to 3%, was approved for a first reading on June 12th. Councilman Rhodes moved that the ordinance be approved for second & final reading, with authorization for the Mayor to sign the ordinance and the Clerk to attest same, and spread upon the pages of the City's Ordinance Book. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk "L", page 29).

The City Manager presented an ordinance, correcting an ordinance which was approved by Council on 1/10/84, for the closing of a portion of alley north of Third Street in Harrisonburg, on request of Mr. Gerald E. Myers. He noted that the original ordinance was in error from the standpoint of location (should have stated south of Third Street), as well as certain survey bearings, and had been recorded as such, by the City Attorney, at the Court House. Councilman Rhodes moved that the ordinance be approved for a first reading, which motion, upon being seconded by Councilman Robinson, was adopted by a unanimous recorded vote of Council.

Councilman Robinson moved that a supplemental appropriation in amount of \$ 1,828.82, requested by the Police Chief in order to place recovered money received for special police at J.M.U., and maintenance of Auto Repair, into proper account, be approved for second & final reading, a first reading having been approved on June 12th, and that:

\$ 1,828.82 chgd.to: General Fund (1901.01) Recoveries & Rebates
1,000.00 approp.to: General Fund (3101-1001.07) Special Police
828.82 approp.to: General Fund (3101-3004.03) Maint./Repair Auto Equip.

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 \$ 10,138.33, requested by the Fire Chief in order to recover already expended funds for Communications Personnel, from Rockingham County, be approved for second & final reading, a first reading having been approved on June 12th, and that:

\$ 10,138.33 chgd.to: General Fund (1901.01) Recoveries & Rebates
3,450.00 approp.to: General Fund (3201-1010.01) Other Personal Services
3,000.00 approp.to: General Fund (3201-5408.01) Gasoline
3,688.33 approp.to: General Fund (3201-5400.01) Other Mat. & Supplies

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

Councilman Cisney moved that a supplemental appropriation in amount of \$ 38,100.00, requested by the Street Superintendent due to insufficient funds for construction of the access road to the new fire sub-station on East Market Street, be approved for second & final reading, a first reading having been approved on June 12th, and that:

\$ 38,100. chgd.to: General Fund- Unappropriated Fund Balance
38,100. approp.to: General Fund (4102-7011.15) St. Inspection- Cap.Outlay-
Fire Station Access Road.

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 \$ 13,909.58, requested by the City School Board in order to appropriate funds to partially pay for computers ordered for Computer Education Program, be approved for second & final reading, a first reading having been approved on June 12th, and that:

\$ 11,060.64 chgd.to: School Fund- Unappropriated Balance
 822.02 chgd.to: School Fund- Other State Funds- Inst. Computer payment
 2,026.92 chgd.to: School Fund - Sale of Other Equipment
 13,909.58 approp.to: School Fund (1900-403.00) Cap. Outlay- Furn. & Equip.

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

City Manager Milam reminded Council that a request from the City School Board for a supplemental appropriation of \$ 62,888.00 to be used for Maintenance & Operation of School Plant, had been appvd. for a first reading on June 12th, as amended, by deducting the amount of \$ 37,222. requested from the City, which was denied. He presented a revised appropriation form in amount of \$ 25,666., as submitted by the School Board on request. Following a review of the accounts involved, and explanation by the Board, Councilman Cisney moved that the amended appropriation be approved for second & final reading, and that:

\$ 4,605.00 chgd.to: School Fund (R9A) Anticipated Revenues- State School Funds-
 Fringe Benefits- FICA
 4,663.00 chgd.to: School Fund (R-12B) Anticipated Revenues- State School Funds-
 Special Education- Categorical
 8,250.00 chgd.to: School Fund (R-28C) Anticipated Revenues- Federal Funds-
 Other Federal Funds PL 94-142
 8,148.00 chgd.to: School Fund (R-37B) Realized Revenue- Other Funds- Rebates-
 Alt. Education Program
 16,656.00 approp.to: School Fund (1205-290.01) Maint. School Plant- Cont.Serv.
 Buildings & Grounds
 9,010.00 approp.to: School Fund (1205-311.00) Oper. School Plant- Fuel

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

A request was presented from the City School Board for approval of a transfer of funds within school appropriations in amount of \$ 12,300.00, in order to cover over-expenditure for materials used in construction of stadium restrooms and concession stands. Councilman Cisney moved that the transfer be approved, and that:

\$ 7,000. trans.from: School Fund (1201-221.01) Instruction- Tuition- Private Schools
 1,500. trans.from: School Fund (1202-199.00) Attend. & Health Services-
 3,800. trans.from: School Fund (1900-403.00) Cap.Outlay- Furn. & Equipment
 12,300. trans.from: School Fund (1205-399.01) Maint. Sch.Plant- Bldg. Mat., etc.

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

Correspondence dated 6/11/84 from Ms. Elizabeth Knighton, Executive Director of the Mental Health & Mental Retardation Services Board, was presented, in which she informed City Manager Milam that Pleasant View Homes, Inc. had been awarded a Grant from the Developmental Disabilities Unit of the Department of Mental Health and Mental Retardation, for fiscal year 1984-85. Request was made for the City of Harrisonburg to act as Fiscal Agent for the Grant in amount of \$ 36,000. City Auditor Peterman informed Council that there had been no problems in handling similar Grants in the past. Following a brief discussion, Vice-Mayor Dingledine offered a motion for the City of Harrisonburg to serve as Fiscal Agent for the Grant of \$ 36,000. for Pleasant View Homes, Inc. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

Mayor Green registered complaints he had received concerning traffic flow on Dogwood Drive, insofar as heavy trucks. He said he was advised that one "No Through Truck" sign is in place at Dogwood Drive and West Market Street, but none on Route 42 (S.High St.). Street Superintendent Smith noted that signs are sometimes moved, and that he would check into the one on Route 42. The Mayor asked Police Chief Presgrave to remind some of those firms moving heavy equipment, that it is not permitted through this area.

Councilman Cisney informed Council of complaints concerning vandalism in the Holiday Hills Subdivision (i.e. damage to gardens and lawn ornaments, nails in tires, etc.), and added the fact that residents are frustrated about what they, and the police department, can do about the situation. They realize that the police are doing all they can, but desire to let Council know that it is a major problem, in which they are endeavoring to participate in order to find a solution.

City Manager Milam presented correspondence from Mr. Richard G. Sheehan, 294 Franklin Street, dated June 21, 1984. Mr. Sheehan noted that Bruce Street (really an alley) between Mason and Ott Streets, is a hazard, in that it is only 10' wide, with buildings, fences, and bushes right to the edge of the road. Visibility is extremely limited, and the speed limit is 25 miles per hour, the same as on any residential street. Suggestion was made for this portion of Bruce Street to be made one-way, with speed restricted to 15 mph. Mr. Sheehan pointed out the fact that this situation had been brought up at the time truck traffic around Court Square was discussed, and that since that time, his daughter had been struck by a car on that stretch of Bruce Street. Assistant City Manager Driver reported that in October, 1981, request was made for street lights to be installed on this portion of Bruce Street, and that he had advised Council that no houses, only garages, are situated there. The City's policy is to install lights only where there are residences, and that placing them on Bruce from Mason to Ott, could set a precedent for many other such requests throughout the City. He noted that the portion of street had been studied sometime ago by the Transportation and Safety Commission, and added the fact that streets and alleys are designated as such, according to the subdivision plat. Following discussion, Vice-Mayor Dingledine offered a motion for the Transportation & Safety Commission to take another look at the situation on Bruce Street from Mason to Ott, taking into consideration the statements and suggestions in Mr. Sheehan's letter. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

City Manager Milam informed Council that bids on eight insurance policies for the City had been opened in his office on Friday, June 15, 1984, at 11:00 A.M. In working with the City Auditor

and three other people or organizations, he had awarded contracts on the best bids, as follows: Shomo & Lineweaver: Fleet Liability; Comprehensive General Liability; Fire; Contractor's Equipment and Umbrella Excess Liability. Blue Cross/Blue Shield of Virginia: Health Care. Manager Milam pointed out that although the offer by Blue Cross/Blue Shield of Southwestern Virginia and Blue Cross/Blue Shield of Virginia were very similar, he felt that no change in charges and payroll deductions would be better than changing the reserve. Thus, the decision to stay with the present company. Due to close bids by Shomo & Lineweaver and C.G.Price for the Honesty Blanket Bond, no decision has been made concerning a contract. With regard to Worker's Compensation, Manager Milam noted a most attractive bid by Alexander & Alexander of Virginia (VML), but added that after checking with insurance experts, he would recommend leaving the policy with Shomo & Lineweaver. Council received the report for information, and left the remaining contracts to the City Manager's discretion.

✓ Councilman Rhodes commended Assistant City Manager Driver on his informative report on Resource Recovery which was sent to the Governor's Office, and selected to receive a Governor's Energy Award for Harrisonburg.

At 9:00 P.M., on motion of Councilman Rhodes, seconded by Vice-Mayor Dingleline, and a unanimous vote, Council entered an executive session to discuss personnel.

At 9:45 P.M., on motion duly adopted, the executive session was declared closed and the regular session reconvened.

✓ Mayor Green reminded members that two vacancies would be created on the City School Board as of June 30th this year, due to the expiration of second terms for Messrs. Julias and Turner. He asked if they were prepared to make appointments at this time. Councilman Rhodes offered a motion for Dr. Lillian P. Jennings of 1335 Devon Lane, Harrisonburg, to be appointed for a first term of three (3) years on the Board, representing the east side of the City, with term to expire on June 30, 1987. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council. Councilman Cisney then offered a motion for Mr. Carson I. (Mickey) Moore of 493 Virginia Avenue, Harrisonburg, to be appointed to a first term of three (3) years on the Board, representing the west side of the City, with term to expire on June 30, 1987. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

✓ Mayor Green informed members that inasmuch as notification had been received concerning the resignation of The Reverend Bragg from the Virginians Opposing Drunk Driving (VODD) Task Force, in May of this year, he would, at this time, name Mr. David Rood of 307 West Bruce Street, Harrisonburg, to fill that vacancy. Mr. Rood is Director of the Alcohol Safety Action Program (ASAP).

✓ City Manager Milam informed Council that a telephone message received in his office from the Division of Court Services, had revealed the fact that the one year term of Mr. Hal C. Finlayson on the Community Corrections Board for the Blue Ridge Diversionary Program would expire on June 30, 1984. Request was made for his reappointment, or appointment of a new members, prior to that date. Vice-Mayor Dingleline moved that Mr. Finlayson be reappointed to the Community Corrections Board for a second term of one year, expiring on June 30, 1985. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

There being no further business, and on motion duly adopted, the meeting adjourned at 9:50 PM.

Monday, July 2, 1984

At a Re-organization meeting of Council held in the Council Chamber today at 10:00 A.M. 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.

The following Special Meeting Call, signed by all present, was presented:

"An emergency existing, there will be a special meeting of the City Council, called by the Mayor, to be held in the Council Chamber on Monday, July 2, 1984, at 10:00 A.M. (Reference Section 42 City Charter), to consider the following matters and take necessary action thereon:

1. Call to order
2. Oath prescribed by law, Section 42 of the City Charter (by Court Clerk): Dr. Raymond C. Dingledine, Jr., Mr. Elon W. Rhodes, Mr. Thomas H. Robinson, II
3. Re-organization of City Council:
 - a. Election of MAYOR, 2 year term Section 7 City Charter
 - b. Election of VICE-MAYOR, 2 year term Section 7 City Charter
 - c. Appoint CITY MANAGER, Sections 37 and 38 City Charter
 - d. Appoint CITY CLERK, City Code Section 3-3-1
 - e. Appoint CITY AUDITOR, City Code Section 4-1-51
 - f. Designate DEPUTY CITY AUDITOR, City Code Section 4-1-52
 - g. Appoint COLLECTOR OF DELINQUENT TAXES, City Code Section 4-1-41
 - h. Appoint one member of Council to Planning Commission- City Code

Section 10-1-2(c)

4. Other Matters

The Clerk reported that Oaths of Office, sworn before the Deputy Court Clerk by Messrs. Dingledine, Rhodes and Robinson, had been received and placed on file, all three having been re-elected as City Councilmen for 4 year terms in the May 1, 1984 General Election.

Under Item 3 of today's agenda, "Re-organization of City Council" (sections a through h, the following actions were taken:

Councilman Dingledine moved that Dr. Walter F. Green, 3rd, be re-elected to serve as Mayor of the City of Harrisonburg for a term of two (2) years, under Section 7 of the City Charter. The motion was seconded by Councilman Robinson, and adopted by a majority recorded vote of Council. Dr. Green, abstaining.

Councilman Cisney moved that Dr. Raymond C. Dingledine, Jr. be re-elected to serve as Vice-Mayor of the City of Harrisonburg for a term of two (2) years, under Section 7 of the City Charter. The motion was seconded by Councilman Rhodes, and adopted by a majority recorded vote of Council. Dr. Dingledine, abstaining.

Under Section 3(c) of the agenda, Councilman Cisney questioned appointment of a City Manager every two years, when the Code states that he can serve a three year term. Mr. Milam explained that it has been a policy, over the years, to appoint certain city officials every two years, when Council is re-organized. Councilman Cisney then offered a motion for Marvin B. Milam to be reappointed as City Manager for the City of Harrisonburg. The motion was seconded by Councilman Robinson, and adopted by a unanimous recorded vote of Council.

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

On motion of Councilman Rhodes, seconded by Councilman Robinson, and a unanimous recorded vote of Council, Mr. Philip L. Peterman was reappointed to serve as City Auditor.

On recommendation of City Auditor Peterman, Vice-Mayor Dingledine offered a motion for Mrs. Gloria Olivas to be designated to continue serving as Deputy City Auditor. The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council.

Council was reminded that the present term of Delinquent Tax Collector, held by City Treasurer Beverly A. Simmons, will expire as of December 31st this year. Councilman Rhodes moved that Miss Simmons be reappointed to serve as Delinquent Tax Collector, beginning 12/31/84 and expiring 12/31/86. The motion was seconded by Councilman Robinson, and adopted by a unanimous recorded vote of Council.

Vice-Mayor Dingledine offered a motion for Councilman Elon Rhodes to continue serving as a representative of Council on the City Planning Commission, under Section 10-1-2(c) of the City Charter. The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council.

There being no further business, and on motion of Vice-Mayor Dingledine, seconded by Councilman Rhodes, and a unanimous vote of Council, the meeting was adjourned at 10:08 A.M.

CLERK

Walter F. Green 3rd
 MAYOR

Tuesday, July 10, 1984

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, 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 June 26th were approved as corrected. Minutes of the Re-organization meeting of July 2nd 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 June, 1984.

From the City Treasurer:

A trial balance report as of close of business on June 30, 1984.

From the Police Department:

A report of payment of Fines & Costs, \$ 2,011.22; cash collected from street parking meters, \$ 5,713.00; total cash collected and turned over to City Treasurer, \$ 7,724.22, for month of June, 1984.

From the City Auditor:

A report of cash discounts saved in payment of vendor's invoices for month of June, 1984, in amount of \$ 82.64.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of June, 1984.

✓ For information, City Manager Milam presented correspondence from Mr. W.J. Osborne, Resident Engineer of the Department of Highways & Transportation, enclosing Notice of a scheduled Public Hearing to be held in the E.M.C. Science Center Auditorium on Thursday, August 9, 1984. Purpose of the Hearing is to consider the proposed location and design of Route 42 from 0.91 mile south of the North Corporate Limits of Harrisonburg to 2.24 miles north of the North Corporate Limits of Harrisonburg, in the City of Harrisonburg and Rockingham County. Manager Milam reminded Council that the proposed project had been discussed at the June 12th meeting, with information referred to the City Planning Commission for review and report, prior to the Hearing date.

Correspondence was presented from Mr. Ted McCormack, Assistant to the Director of the Commission on Local Government, inviting oral or written testimony by the City of Harrisonburg, with regard to the proposed City of Lexington - County of Rockbridge Interlocal Agreement. A Public Hearing is scheduled for July 16, 1984 at the Rockbridge County Court House in Lexington. The correspondence stated that Harrisonburg qualifies under provisions of Section 15.1-945.7 of the Code of Virginia, for notice of the review. Manager Milam noted that Harrisonburg is involved with both Lexington and Rockbridge in the Shenandoah Valley Juvenile Detention Home, and added that in cases such as this, the City has taken the position of "no comment." Members were in general agreement that no comments be offered in this Interlocal Agreement between Lexington and Rockbridge.

✓ Mayor Green displayed the bronze plaque in the shape of the State of Virginia, inscribed as follows:

COMMONWEALTH OF VIRGINIA GOVERNOR'S ENERGY AWARD
1984

FOR OUTSTANDING PROJECT
CITY OF HARRISONBURG

Charles S. Robb, Governor

Assistant City Manager Driver informed Council that he was presented the Award in Richmond, by Governor Robb, for the City's Solid Waste (steam) Plant, and added that Harrisonburg was one of ten communities in the state, receiving energy awards.

✓ With regard to the condition of railroad crossings in the City, Manager Milam asked Street Superintendent Ralph Smith to explain the City's policy concerning maintenance, etc., and to introduce the railroad representative who was present in the meeting, on Council's invitation. Mr. Smith said that the City's present policy is for the railroad company to maintain all crossings within 1' of the ties on either side. The City works closely with the company in patching potholes, etc., furnishes equipment for repairs, and supervises street closings while repairs are being made. Following his introduction, Mr. Richard Vandergrift, General Manager of the C-W Railway, informed Council that work is scheduled to begin on the Country Club Road crossing on August 6th, but added the fact that materials, which are on order for the West Market and Rock/Liberty crossings, have not been received. When the Vice-Mayor questioned condition of approaches to the tracks, Mr. Vandergrift replied that although work on the Country Club Road track would make it smoother, it would not eliminate the 1½" gap between the rail and the parallel tie, which is a necessity. Members of Council expressed awareness that the gap is responsible for most of the accidents, in that it is wide enough for wheels of bicycles, mopeds and narrow motorcycles to drop into. Mr. David Crosby, Assistant Manager of Kawneer, noted interest in the Country Club Road crossing which has resulted in a number of accidents, particularly in early morning hours when the plant is breaking shift, and added that six years ago, one of the workers was fatally injured when he lost control of his moped while crossing the track. Mayor Green said he felt that the only way to avoid accidents, would be to provide special crossings to the side of the tracks for bicycles, mopeds, etc. He noted that about a year ago, the City Manager had contacted railroad officials in Roanoke for a solution in making the tracks safer, and had been informed that the company would install rubber ties, if purchased by the City, and if not, the company would install wooden ties. He asked Mr. Vandergrift if anyone from the company had been in touch with him concerning this, to which the representative replied that he did not know much about those. Assistant City Manager Driver noted that even if rubber ties were installed, it would still be necessary to leave the 1½" gap. He asked the possibility of using treated timbers, which would make the entrance level more stable. Mr. Vandergrift said that some of the problem at the tracks, is places where bolts have worked up. Councilman Rhodes expressed an opinion that the Gay Street, Kratzer Road and Maryland Avenue tracks are in as bad, if not worse shape, than others which have been discussed. Street Superintendent Smith said work would be done on those crossings. Following discussion, Council instructed the Assistant City Manager to work with the Street Department, Virginia Dept. of Highways & Transportation and C-W Railway Company officials, in an effort to find a solution for all crossings, with regard to elimination of the angles, providing smoother approaches to the tracks, and further investigation into the installation of rubber ties.

✓ City Manager Milam informed Council that he had been requested by phone call, for appointment of two members to the Rockingham Development Corporation Board, to be made. He reminded members that this had been discussed on June 12th, when the Resolution for Participation was approved. The City Manager was instructed to keep the matter on future agendas until appointments are made.

✓ For information and recordation in Council minutes, the City Attorney presented the official notice from the Circuit Court of Rockingham County, of the appointment of Mr. Mervin B. Stickley to the Board of Zoning Appeals. Inasmuch as Mr. T. H. Lowery's second term expired on March 20, 1984, Mr. Stickley's first five year term will expire on March 20, 1989.

✓ For consideration of a second & final reading, an ordinance correcting an ordinance closing a portion of alley on Third Street for Mr. Gerald Myers, requestor, was presented. Council was reminded that the ordinance corrects location and survey bearings of the alley, as set out in the original ordinance which was approved in January of this year, and recorded as such at the Rockingham County Courthouse by the City Attorney. Vice-Mayor Dingleline moved that the ordinance, approved for a first reading on June 26th, 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 Councilmen present. (Refer to Ord. Bk "L", page 30).

✓ Correspondence was presented from The Virginia State Library in Richmond, advising City Manager Milam that the Rockingham Public Library officials were being notified that a grant-in-aid of \$ 163,764.00 had been approved. Inasmuch as the funds must be spent for purchase of library books, materials, binding, equipment and professional staff salaries, a form for written approval of the Governing Body was enclosed. Councilman Rhodes offered a motion for the form to be signed by the City Manager, and returned to the Virginia State Library. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Councilmen present.

City Manager Milam presented the following reports concerning delinquent taxes, as required under the Tax Code of Virginia and the Harrisonburg City Code, and submitted by City Treasurer Beverly Simmons:

- (1) delinquent taxes unpaid at close of fiscal year ending 6/30/84:
 1980 Personal Property, \$ 1,431.48; 1981 Personal Property, \$ 3,876.94;
 1981 Real Estate, \$ 5,148.54; 1982 Real Estate, \$ 12,759.67
- (2) List of delinquent taxes on Real Estate and Tangible Personal Property for year 1983.
- (3) List of delinquent taxes on Tangible Personal Property for year 1982.

He noted that the lists of delinquent accounts would be on file in his office, for review.

City Manager Milam reported that traffic would be detoured from Route 33 east on Tuesday, July 17th and Thursday, July 19th, for the East Market sewer interceptor and water lines to be installed by the City, in order to extend present lines to the site of the new fire sub-station on East Market Street. The lines will also serve development of any open land on the east side of the street and east of Valley Mall, as well as the undeveloped portion of Fairway Hills Sub-division which is just north of East Market Street. Police officers will be at the intersection of Old Country Club Road and East Market Street, with flagmen all along the way. Traffic will be detoured from the eastbound lane on Tuesday for three cuts, and on the westbound lane on Thursday for three cuts. He explained in detail, all phases of the projects, and traced the water and sewer line routes on a map. According to the City Manager, 3700' of 10" sewer line will be installed in the median strip to just east of Betts Road, or approximately three-quarters of the way up the hill (top of Chestnut Ridge) and from there to the southern shoulder of the highway, along a fence, and take off cross-country through the Deyerle property, parallel to an existing storm sewer. From this point, the sewer line will proceed northeastward toward the highway, following the surface drainage pattern. Estimated cost of the sewer project is \$ 185,000. Manager Milam said this was the only location for the sewer line, in order to not have to move it at some later date. A 12" water line will be extended from the present line which ends several hundred feet east of the Country Club Road intersection, to the crest of the hill, on the south side of the highway, at an estimated cost of \$ 65,000., making the total cost of both projects, approximately \$ 250,000. In conclusion, Manager Milam expressed a hope that, weather permitting, only one day will be required on each of the traffic lanes for installation of the lines. Council received the report, for information.

Vice-Mayor Dingledine reported that a resident of Ott Street had expressed concern about traffic going west on Paul Street, insofar as site distance of the "Yield" sign. Chief Presgrave was asked to check into the situation.

At 8:40 P.M., on motion of Vice-Mayor Dingledine, seconded by Councilman Robinson, and a unanimous vote of Councilmen present, Council entered an executive session to discuss real estate and a legal matter.

At 10:30 P.M., on motion duly adopted, the executive session was declared closed, and the regular session reconvened. There being no further business and on motion of Councilman Robinson, seconded by Vice-Mayor Dingledine, and a unanimous vote of Councilmen present, the meeting was adjourned.

CLERK

MAYOR

Tuesday, July 24, 1984

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; Councilmen Elon W. Rhodes, Thomas H. Robinson, II; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: Vice-Mayor Dingledine (out of town) and Councilman James C. Cisney (hospitalized).

Minutes of the regular meeting held on July 10th were approved as read.

✓ For information, City Manager Milam informed Council that he was in receipt of correspondence from the Commission on Local Government, advising that a Public Hearing has been scheduled for July 26th, 7:30 P.M. in the auditorium of the Stuarts Draft High School, on relevant aspects of the City of Waynesboro - Augusta County Intergovernmental Agreement. Inasmuch as Harrisonburg qualifies under provisions of the Code of Virginia for notice of the review, the correspondence noted that any written testimony or exhibits which the City may desire to present, should be submitted directly to the Commission Office by August 17, 1984.

✓ Correspondence was presented from Mr. Sidney R. Bland, President of the Harrisonburg-Rockingham Historical Society, expressing appreciation to Council for renewal of the Society's lease on the Warren-Sipe Museum through June, 1985. Appreciation was expressed also for Council's past assistance, and hope expressed that the organization shall continue to merit the support provided.

✓ The City Manager presented correspondence dated 7/17/84 from Ms. Cherry Tharp, Business Director of the Rockingham-Harrisonburg Society for the Prevention of Cruelty to Animals (SPCA), in which appreciation was expressed for action taken in allowing employees of the organization be included in the City's Health Insurance coverage. It was noted that the 20% increase again this year would have made it impossible for the Society to continue to offer the insurance for its staff, and that inclusion of the Society's employees under the City's coverage will allow a savings of \$600. for the year 1985, over year 1983. The correspondence was for Council's information.

✓ City Manager Milam called attention to correspondence from Mr. Harold King, Commissioner of the Virginia Department of Highways & Transportation, enclosing 1984-85 allocations and 6-year Program

through fiscal year 1989-90, which have been approved by the Commission. In a brief review of the report, the following projects of interest to the City of Harrisonburg, were pointed out by the City Manager:

- (1) Route 81 - Rockingham Interchange Improvement - Inter. Rt. 659 - estimated cost \$ 2,412,000. (\$1,105,000.) previously funded)
- (2) Rt. 42 - Rockingham - 2, 3 & 4 lane reconstruction. 0.91 mile south of Harrisonburg's north corporate limits - 2.24 miles north of Harrisonburg's north corp. limits (3.15 miles) estimated cost \$ 3,445,000. (entire amount previously funded)
- (3) Rt. 42 - Rockingham- 2 lane reconstruction on existing location - 2.24 miles north of Harrisonburg's north corp. limits - 5.31 miles north of Harrisonburg's north corp. limits (3.07 miles) - estimated cost \$ 5,161,000. (\$1,291,000. previously funded)
- (4) Rt. 42 - Rockingham - 2 lane reconstruction on existing location - 5.31 miles north of Harrisonburg's corp. limits - 2.67 miles south at intersection of route 259 (Broadway) (2.56 miles) - estimated cost \$ 5,960,000. and no previous funding.
- (5) Harrisonburg- S. High Street - 4 lane from south corp. limits to Grace Street (1.4 miles). Estimated cost \$ 4,500,000. (\$800,000. prev. funded)
- (6) Harrisonburg - Virginia Avenue from Fifth Street to south of Harrisonburg's north corp. limits (0.6 mile) - estimated cost \$ 1,800,000. (no previous funding).

City Manager Milam presented four letters from Mr. J. R. Copper, Jr., Land Surveyor, with requests for the following to be referred to the City Planning Commission for review, with assurance that final plats would be submitted to the Commission prior to its August 3rd meeting date:

- (1) Subdivision of Fred O. Funkhouser property.
- (2) Subdivision of Kevin Leigh property (16 acres) Vine & Washington Streets.
- (3) Subdivision of 2 lots on S. Main Street for Bill V. Neff.
- (4) Subdivision for portion of Henry P. Deyerle land adjoining north end of Valley Mall.

On motion of Councilman Robinson, seconded by Councilman Rhodes, and a unanimous vote of Councilmen present, the information was referred to the Planning Commission for review and report, following receipts of the plats.

At 7:50 P.M., Mayor Green 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 July 5th and 19th:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, July 24, 1984 at 7:30 P.M. in the City Council Chambers to consider the following rezoning request:

Olen B. Landes request to rezone a 43' x 400' strip of land from R-2 Residential to B-2 General Business, located adjacent to the west side of Landes Heating & Air Conditioning, Inc., 101 West Mosby Road.

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 he had mailed all pertinent information concerning the request, to members of Council, and then read the following report from a June 20th Planning Commission meeting, which had been presented to Council on June 26th:

"...Attorneys Micheal Hern and Donald Litten presented the rezoning request from Mr. Olen B. Landes, involving a change from R-2 Residential to B-2 General Business. A strip of property 43' x 400' along the west side of Landes Heating & Air Conditioning, Inc., if rezoned, would correct a mistake made two years ago when a commercial structure was built on land zoned R-2 Residential. Mr. Litten noted that the mistake occurred from not measuring the B-2 frontage on West Mosby Road correctly, and since Mr. Landes owns the residence located just west of his business, no opposition to this request is involved..."

(Later in the meeting) Mr. Hartman moved that the Commission recommend approval of the Olen B. Landes rezoning request for a 43' x 400' strip of land at 101 West Mosby Road, from R-2 Res. to B-2 General Business District. Mr. Milam seconded the motion and all members present voted in favor..."

Mayor Green called on anyone present, desiring to be heard wither for, or against the rezoning request. Attorney Donald Litten, representing Mr. Landes, reiterated statements he had made before the Planning Commission, in support of the rezoning. There being no others present, desiring to be heard, Mayor Green closed the Hearing at 8:00 P.M. and reconvened the regular session.

The Mayor asked members' wishes concerning the request of Mr. Olen Landes for rezoning a strip of land, as discussed in this evening's public hearing. Councilman Robinson moved that the Planning Commission's recommendation be approved, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

City Manager Milam presented the following report from a Planning Commission meeting of July 18, 1984:

"...Following review of the Land Use Plan, Zoning Map and a proposed development plan from D.M.I. Corporation of Williamsburg, which shows a layout of 204 condominium living units, the Commissioners asked Mr. Sterling Nichols several questions concerning his firm's proposal. Chairman Eney asked what was the one basic reason D.M.I. is seeking R-3 zoning. Mr. Rhodes asked about the blank or open space fronting Port Republic Road. The Director asked how many units will be built in the first phase and when, if rezoned. Mr. Trobaugh asked if the proposed public street will be built in stages and would they add a right turn lane on Port Road. Mr. Heath asked if D.M.I. would still buy the 8.9 acres if

the City stipulated that the frontage remain R-3 indefinitely. The Director suggested that the south portion of Mr. Garber's land, already zoned R-3 be developed first, and if a demand exists in the future, rezoning be considered at that time.

Mr. Nichols and Mr. McCardle of D.M.I. Corp., said they are primarily residential developers and they are seeking the J.M.U. student market. They reported that they've met with the J.M.U. Dean of Students and the Dean of Admissions, and were encouraged to develop off-campus housing. Mr. Albert Constable said he has waiting lists of students looking for off-campus housing. Mr. Nichols also stated that the Garber-Keagy dwellings on Port Republic Road will not be demolished, but rented for the immediate future. He added they will work with the City or Highway Department concerning safe turning, ingress and egress off Port Republic Road. Detailed engineering and construction plans have not been drawn, since the question of rezoning hasn't been settled.

The Director then read a July 9, 1984 letter from the Williamsburg Planning Commission Chairman, expressing her confidence in Messrs. Nichols and McCardle as developers of residential development in Williamsburg. Mr. Constable then gave Mr. Sullivan a July 16, 1984 letter from the Williamsburg Board of Architectural Consultants Chairman, also expressing satisfaction of the work and cooperative attitude shown by Mr. Nichols.

Mr. Heath, noting that the Commissioners had visited the site and nearby Devon Lane and Squire Hill Apartments, offered a motion that the Planning Commission recommend the rezoning of the 8.9 acre Garber-Keagy properties on Port Republic Road from R-1 Single Family Residential to R-3 Multiple Dwelling District. Mr. Hartman seconded the motion, and all members present, voted in favor..."

City Manager Milam pointed out location of the area requested for rezoning, on a map, and noted that all pertinent information had been mailed to each member of Council. Inasmuch as a Public Hearing is required on all issues of rezoning, he suggested that it be scheduled for Tuesday, August 14th, which would be the earliest date, in order to meet time requirements for Public Hearing notices. Councilman Robinson moved that the Planning Commission report be accepted, and a Public Hearing scheduled for Tuesday, August 14th, 7:30 P.M., with instructions for the City Manager to properly advertise same. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

The following Planning Commission report from a meeting held on July 18, 1984, was presented and read:

"...The Director oriented the Commissioners to the Reherd Acres Master Plan map, pointing out the 11.1 acres of vacant land proposed as a 'buffer strip' for duplex housing, separating single family lots from future higher density housing. A July 17, 1984 letter from Mr. Jack DePoy, President of Reherd Acres, Inc., was read...

'The property upon which Reherd Acres, Inc. is requesting a rezoning is intended by Reherd Acres solely as a buffer zone between its R-3 and single family housing.

When sold, each of the three lots which are on the southeastern side of Blue Ridge Drive and the seventeen lots situate on the south side of yet unnamed street, as shown on the plan of development, will be restricted to permit no more than one duplex unit per lot.'

Mr. Milam asked about the status extending Blue Ridge Drive, the Madison Manor condominiums, and the Final Plan for Unit 14 of Reherd Acres Subdivision. Mr. DePoy said the closing with M.R.M. Associates has been delayed, but is expected to occur in a week or two. Mr. J. R. Copper said the construction plans for Unit 14 have been approved by the City Engineer.

Mr. Heath then moved that the Commission recommend approval of the 11.1 acre rezoning from R-1 to R-3 Multiple Dwelling District for Reherd Acres, Inc. based on the assurances in Mr. DePoy's letter of July 17, 1984 that duplex units only will be allowed on the lots proposed. Mr. Rhodes seconded the motion and all members present voted in favor..."

City Manager Milam reminded Council that inasmuch as the request is for the rezoning of land, a Public Hearing must be held, and noted that the land in the particular request is the large vacant area in the rear of Unit 14 of Reherd Acres Subdivision. Councilman Rhodes moved that the report of the Planning Commission be accepted, and a Public Hearing scheduled for Tuesday, August 14, 7:30 P.M., with instructions for the City Manager to properly advertise the same. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Councilmen present.

City Manager Milam read the following Planning Commission report from a meeting held on July 18, 1984:

"The Commissioners reviewed a Deed dated July 11, 1984 in which Park Village, Inc. is dedicating 20' wide sewer easements, a portion of Villa Drive and Spruce Court to the City. The project of housing units for retired persons is located on the east side of Park Road near Heritage Hagen. The Director reported that the City Engineer has reviewed and accepted the document, but noted that storm water from this development and adjacent Harmony Heights has not been fully taken care of, next to the Galen Fox property. This Deed also reserves drainage easements for Park Village, only. However, when additional street right-of-way is submitted for approval, the City will be granted the necessary drainage easements.

Mr. Trobaugh moved for the Planning Commission to recommend approval of the Deed from Park Village, Inc., stipulating that the City Attorney review it, prior to final acceptance. Mr. Rhodes seconded the motion and all members present voted in favor, with Mr. Hartman abstaining from any discussion or voting..."

Manager Milam called members' attention to their copies of the Deed, attached to the Planning Commission report, noting that it had been duly signed by Mr. Dwight Hartman, President of Park Village, Inc., on July 13, 1984, before a notary public. City Attorney Lapsley informed Council that he had reviewed the Deed and found it to be in order. Councilman Robinson moved that Council approve the Deed and authorize the City Attorney to properly record the same, at the County Clerk's Office. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

✓ The following Planning Commission report from a meeting held on July 18, 1984 was read:

"...The Commissioners studied information and a map concerning the State Highway Department's proposal to rebuild and widen Virginia Avenue from the old city limits near Stroop Oil Company to a point over one mile north of the City. Assistant City Manager John Driver explained to the Commissioners that tentative plans drafted by the Highway Department show a 5-lane road from Stroop Oil Co. to Virginia Mennonite Home, then a 4-lane road to the new city limits at Sharon Lane. He noted that the City will not be involved in funding the project. The Commissioners, having visited the project area on July 16th, noted that several residential facilities exist or are planned for the west side and more business development is probable on the east side. Mr. Earl Greaser, manager of Heritage Haven, reported that he and Harmony Heights developers visited the Highway Department's urban office in Richmond and expressed concerns and support for five lanes at least to the new city limits. Mr. Driver then urged the Commission to favor a 5-lane, curb and gutter urban road (like S. Main St.), from old city limits to the new city limits and a sidewalk on the west side. He also noted that the alignment should be improved, reducing some of the curves which are in the present roadway.

Mr. Trobaugh moved that the Planning Commission recommend to City Council that the City request the Highway Department to re-build and widen Virginia Avenue as a 5-lane, curbed and guttered urban road from old city limits (at Stroop Oil Co.) to the new city limits (at Sharon Lane) with a sidewalk along the west side. Mr. Hartman seconded the motion and all members voted in favor. The Commission asked that City Council designate a city spokesman to appear at the August 9, 1984 Public Hearing to present the City's proposal..."

Following a brief discussion, Councilman Rhodes moved that Council approve the recommendation of the City Planning Commission for rebuilding Virginia Avenue all the way through as a 5-lane urban road, curb and guttered, with a sidewalk along the west side, and that Assistant City Manager Driver be provided with the following resolution, and named to serve as spokesman at the August 9th Public Hearing:

✓ WHEREAS, the Harrisonburg City Planning Commission has studied information and a map concerning the Virginia State Highway Department's proposal to rebuild and widen Virginia Avenue from the old city limits of Harrisonburg near the Stroop Oil Co., to a point over one mile north of the City; and

WHEREAS, tentative plans drafted by the Highway Department show a 5-lane road from Stroop Oil Co. to the Virginia Mennonite Home, then a 4-lane road to the new city limits at Sharon Lane; and

WHEREAS, certain recommendations have been submitted by the City Planning Commission, to the City Council, and presented at this regular meeting on July 24th,

NOW, THEREFORE, BE IT RESOLVED that the City of Harrisonburg respectfully requests the Virginia State Department of Highways & Transportation to rebuild and widen Virginia Avenue, as a 5-lane, curbed and guttered urban road from the old city limits (near Stroop Oil Co.) to the new city limits (at Sharon Lane), with a sidewalk along the west side, and

BE IT FURTHER RESOLVED that Mr. John E. Driver, Assistant City Manager for the City of Harrisonburg, be named to serve as spokesman at the August 9th Public Hearing to be held by the Department of Highways & Transportation, in the E.M.C. Science Center Auditorium.

ADOPTED and APPROVED this 24th day of July, 1984.

Mayor

Atteste:

Clerk

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

✓ At 8:10 P.M., Mayor Green again closed the regular session temporarily, and called the evening's Public Hearing to order. City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper:

Notice 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, July 24, 1984 at 7:30 P.M. in the Council Chambers at 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 9000 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 Dept. 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 August 3, 1984.

CITY OF HARRISONBURG- Marvin B. Milam, City Manager

Manager Milam called attention to the application which had been prepared by Mr. Steve Yancey, adding that Mr. Yancey has been responsible for the preparation of Block Grant applications over the past several years, and is employed in the City's Water/Sewer Department as Assistant Superintendent. According to Manager Milam, a map will be sent along with the application, setting out the sewer line extension route and drainage area that would be served. The Interceptor which will serve streets in the Ridgeville Area, is estimated to cost \$ 412,700.00, with Grant application in amount of \$ 312,700.00. The remaining \$ 100,000. will be funded locally. Water/Sewer Superintendent Edgar Loker, noted that although water service is in one portion of the area, sewer service is badly needed. From Section C of the application, Manager Milam reviewed breakdown of the project cost as follows:

| | |
|--|----------------------------------|
| 3,000' 10" sewer line @ \$39. per foot | -\$117,000. (based on area bids) |
| 6,000' 8" sewer line @ \$28 per foot | -\$168,000. " " " " |
| 26 manholes @ \$500 each | -\$ 13,000. |
| 90 residential units @ \$500 per service | -\$ 45,000. |
| Engineering and Inspection fees (15%) | -\$ 44,700. |
| Administration based on prior Grants | -\$ 25,000. |
| Total estimated project cost | \$ 412,700. |

Manager Milam noted that the City would assume the cost for services to the 90 units. Mayor Green called on anyone present, desiring to be heard either for, or against, the proposed project. Mr. George Foley of Ridge Road, asked if the sewer line would "run up" Ridgeville Lane, and was informed by Superintendent Loker that a portion would be, with residences supplied access to the sewer service. He explained that the \$500. service charge was established under an ordinance approved this year, and is for running the service from the property line to the main sewer line. When Mr. Foley questioned whether or not a water line would be installed in Ridgeville Lane, in that approximately thirteen residences have cisterns, Manager Milam replied that although plans were being formulated for water service in that area, it was felt that sewer service should be the first priority. He added that the City would like to install both services at the same time, but that problems may be encountered with digging in the narrow street. Although Ridgeville Lane is designed as a City street, it is an existing right-of-way with a 10' width. Future plans will be to widen the street, in that it cannot presently qualify for state maintenance payment due to its narrow width. Mr. Milam noted that this application represents the second submitted for funding in the Ridgeville area. There being no others present desiring to be heard, the Hearing was declared closed at 8:47 P.M. and the regular session reconvened.

✓ Mayor Green asked members' wishes concerning the Block Grant application, as reviewed and discussed in this evening's Public Hearing. Councilman Rhodes moved that the application be approved, as presented, with authorization for the City Manager to sign and submit the same. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

✓ For information and recordation in minutes of this meeting, City Manager Milam informed Council that the Deed of Gift to the City of Harrisonburg, from Tenneco, Inc., a Delaware Corporation, had been received and properly recorded in the County Clerk's Office. The Deed, signed by Mr. K.D. Schultz, Vice-President of the Walker Division of Tenneco, represents a gift of a parcel of land (approx. 1/4 acre), situate on the north side of Pleasant Valley Road, as the site for one of the City's fire sub-stations. With regard to the Deed of Gift from Mr. Dale Wegner to the City for land on route 33 east for construction of the second fire sub-station, Manager Milam reported that the Deed had been prepared several months ago, but had necessitated several changes. He added, however, that both lands have been deeded to the City, with clear titles.

✓ A request was presented from Police Chief Presgrave for approval of a supplemental appropriation in amount of \$ 4,106.83 in order to recover money received from the U.S. Government for overtime investigation. The transaction involves placing the funds into account for Special Police, from account of Recoveries & Rebates. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 4,106.83 chgd. to: General Fund (1901.01) Recoveries & Rebates
4,106.83 approp. to: General Fund (3101-1001.01) Special Police

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

✓ Mayor Green reported that he had received a letter from Mr. Robert W. Amos, tendering his resignation as a member of the Harrisonburg School Board, effective August 1, 1984, in that he will be moving to Tell City, Indiana. Mr. Amos said that it had been a great honor and privilege to serve on the School Board for the past five years, and extended best wishes and continued success to City Council and the City of Harrisonburg. The resignation was accepted, with regret, by Councilmen present, and the Mayor said that a letter of appreciation would be sent Mr. Amos, for services rendered.

Transportation Director Reggie Smith was present in the meeting to request an increase of 20¢ per mile on taxi rates, effective 9/1/84, and also a 10¢ increase (to 50¢) on adult fare for transit bus service and a \$ 2.00 increase for adult coupon books (25 coupons for \$10.00). He noted that other rates remain primarily the same as at the present time, with a chain charge of 50¢ (representing extra amount to be charged passengers when chains are required during inclement weather when transporting emergencies) is included in the proposal. Mr. Smith reported a loss of \$ 31,056. for period 7/1/83 to 6/1/84, based on expenditures in amount of \$ 180,301. and revenue of \$ 149,245. The Director said he knew of no way to recover revenue for the extra services provided, and added that he would like to experiment from now until the first of next year, with a 24 hour taxi service on Thursdays, Fridays and Saturdays, with 50¢ extra charge after the hour of 10:00 P.M. Council was informed that the City's out-of-town services are limited to the city schools, in that the Transportation Department is not in competition with other travel services which are provided. Councilman Rhodes said he was opposed to the 50¢ extra charge for chains. Mr. Smith explained that the charge was included in the proposal, due to the fact that mechanics and drivers receive overtime pay when emergency runs are made during bad weather. He pointed out the fact that extremely bad weather is the only time some people use the City's transportation service. After a review of all rates, and discussion, Councilman Robinson moved that the rate schedule, excluding the 50¢ extra charge for chains, be approved, with tax rate increase effective 9/1/84. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present. Approved rates are as follows:

Taxi Rates:

\$1.00 first 1/4 mile
 \$0.10 each 1/8 mile after
 \$0.30 all packages over two (2)
 \$0.20 extra for all stops plus waiting time
 \$6.00 per hour waiting
 Package delivery - Taxi fare plus \$0.50 extra- minimum \$2.50
 Night Service Fee - Hours of operation 12:00 a.m. to 6:00 a.m.
 Thursday, Friday and Saturday- \$ 0.50 extra
 Experimental basis from September 1, 1984 to December
 31, 1984. If successful, extend to seven (7) days per
 week; if not, the shift will be eliminated.

Senior Citizens and Handicapped- No charges for packages after 6th of month.

BUS:

Transit Bus Rates:

| | |
|--------------------|--|
| Adult | \$0.50 (10¢ increase) |
| Student | \$0.25 |
| Seniors | \$0.25 |
| JMU Students | Valid I.D. |
| Transfers | No charge |
| Adult Coupon Books | 25 coupons for \$10.00 (\$2.00 increase) |
| Student/Senior | 25 coupons for \$5.00 |

Increases set out under Transit Buses, effective August 13, 1984.

Charter Service Rates:

(Transit Bus and 45-Passenger Bus)

\$0.80 per mile
 \$6.00 per hour waiting
 \$20.00 per hour for trips within city for all hours driver is on time clock.

School Bus Rates:

\$0.70 per mile
 \$6.00 per hour waiting
 \$0.45 per hour without driver
 \$20.00 per hour for trips within city for all hours driver is on time clock.

20-Passenger Bus rates same as School Bus.

Van Rates:

\$0.60 per mile
 \$6.00 per hour waiting
 \$0.40 per mile without driver
 \$15.00 per hour minimum

Wheelchair Van Rates:

\$1.00 first 2/6 mile
 \$0.10 each 1/6 mile after
 \$6.00 per hour waiting

The following Resolution, submitted by the City Recreation Director, was presented for consideration of Council's approval:

WHEREAS, the Virginia Division of Parks and Recreation provides funds to assist political subdivisions of the Commonwealth of Virginia in acquiring and developing open space and park lands; and

WHEREAS, there are urgent needs within the City of Harrisonburg to develop park land; and

WHEREAS, this area is deemed of high acquisition and development priority by said City of Harrisonburg and shall be referred to as Purcell Park Addition; and

WHEREAS, in order to obtain funding assistance from the Virginia Division of Parks and Recreation, it is necessary that the City of Harrisonburg guarantee a proportionate share of the cost thereof; and

WHEREAS, the proportionate project share is funded fifty percent (50%) by the Virginia Division of Parks and Recreation, and fifty percent (50%) by the City of Harrisonburg,

NOW, THEREFORE, BE IT RESOLVED by the City of Harrisonburg, that City Manager Marvin B. Milam is hereby authorized to cause such information or materials as may be necessary to be provided to the appropriate state agency and to enter into such agreements as may be necessary to permit the formulation, approval and funding of the Purcell Park Addition Project, and

BE IT FURTHER RESOLVED, the City of Harrisonburg gives its assurance that the funds needed as the proportionate share of the cost of the approved program will be provided, up to \$ 90,000.00, and

BE IT FURTHER RESOLVED, the City of Harrisonburg gives its assurance that the general provisions of the Land and Water Conservation Fund and the Virginia Outdoors Fund Fiscal Procedures will be complied with in the administration of this project, and

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

BE IT FURTHER RESOLVED, that the National Park Service, U. S. Department of the Interior, and the Virginia Division of Parks and Recreation is respectfully requested to assist in the prompt approval and funding of the Purcell Park Addition Project in order to enhance the standard of recreation enjoyment for all our citizenry.

ADOPTED and APPROVED this _____ day of _____, 1984.

Mayor

Atteste:

Clerk

Manager Milam noted that Mr. Gilkerson was unable to be present this evening, in that he is hospitalized, but had requested that action be taken at this meeting. He pointed out location of the acreage desired, which is between Purcell Park and Interstate 81. The land borders Purcell Park and is owned by Rocco, Inc. He reminded Council that a portion of the land was presented in the City's annexation, and was mandated by court order. Manager Milam added an observation that this is very vital to the park system, and that "we are fortunate that the Recreation Department and Commission have been able to negotiate with the owner." The City's \$ 90,000. represents the local share of cost, and funds are on hand at the present time. Councilman Rhodes offered a motion for approval of the Resolution, with authorization for the proper city officials to sign the same. The motion was seconded by Councilman Robinson and adopted by a unanimous vote of Councilmen present.

Assistant City Manager Driver presented each member of Council with a lengthy report compiled by the Virginia Department of Highways & Transportation, which he had received since the last meeting. He said it was an excellent report, and relevant to this evening's meeting, in that it speaks of railroad crossings, particularly those on Country Club Road and South Main Street, which were discussed with a railroad representative at the July 10th meeting. In a brief review of the report, Mr. Driver noted that the Country Club Road crossing has a 10" skew and the South Main crossing, a 25" skew, with anything over a 30" skew considered dangerous. The report contains a solution for some of the dangers: place rubber within the opening along the rail, which is depressed when a train passes over the rubber. Mr. Driver said that the only place this has been tried, is where trains are doing less than 10 miles per hour, and added that if the railroad is flagging all our crossings, trains would not be doing over 10 mph. Although rubberized crossings are about three times as expensive as wooden crossings, they will last twice as long. Mr. Driver said he had contacted Mr. Richard Vandergrift of Roanoke, and been advised that a rubberized crossing would cost approximately \$ 250. per lineal foot, which would result in the Country Club Road crossing amounting to approximately \$ 50,000. In view of the solutions mentioned which would make safer crossings, Mr. Driver said he would like for Council to write the railroad and request a delay in repairs to the Country Club Road crossing, in that he was of the opinion that the City should take some action with regard to safety. He does not feel the City should offer to pay anything at this time, in that the railroad is responsible, but noted that should the railroad not agree with the City's proposal, Council could make a decision. Two rubber companies have been contacted concerning crossings: Goodyear and Park. Mr. Driver noted a 2½" - 3" flange on each side of the rail, and said he is of the opinion that a wooden or rubber wedge could be placed on one side, leaving the other side open. Following the report, Council instructed the Assistant City Manager to pursue all possibilities through the railroad representatives, and others, particularly for the Country Club Road and S. Main Street crossing, where most accidents occur. It was agreed that the Railroad Company be asked to delay repairs, pending further investigation into types of crossings which may be desired.

There being no further business, and on motion of Councilman Rhodes, seconded by Councilman Robinson, and a unanimous vote of Councilmen present, the meeting was adjourned at 9:27 P.M.

CLERK

MAYOR

August 14, 1984

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.; Councilman Elon W. Rhodes; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: Councilmen Robinson and Cisney.

Minutes of the regular meeting held on July 24th, were approved as corrected.

The following regular monthly reports were presented and ordered filed:

From the City Manager:

A report of activities in the various departments and said office for the month of July, 1984.

From the City Treasurer:

A trial balance report as of close of business on July 31, 1984.

From the Police Department:

A report of Payment of Fines & Costs, \$ 1,303.25; Cash collected from Street

Parking Meters, \$ 5,498.46; Total Cash collected and turned over to City Treasurer, \$ 6,801.71 for month of July, 1984.

From the City Auditor:

A financial report for the City of Harrisonburg, month of June, 1984 - end of City's Fiscal Year.

A report of cash discounts saved in payment of vendor's invoices for month of July, 1984, totaling \$ 214.75.

From the Dept. of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of July, 1984.

✓ City Manager Milam called Council's attention to the State Audit for the County of Rockingham/ City of Harrisonburg General District Court - Court Services, Unit, for period 7/1/83 through 7/1/84; fiscal year ending 6/30/83 and for the period 2/1/82 through 6/30/82. He noted that the report would be on file in his office for review, if so desired.

✓ Correspondence was presented from the Harrisonburg Rescue Squad, Inc., inviting members of Council to the celebration of the organization's 35th anniversary, which will include a cake cutting ceremony at the Valley Mall on September 3rd, at 1:00 p.m.

✓ Correspondence dated 8/14/84 was presented from Attorney George H. Roberts, Jr., on behalf of Rocco Feeds, Inc. and Rocco Realty, Inc., requesting the closing of Gray Street and the portion of Kratzer Avenue lying between Main and Liberty Streets. It was noted that the request was being made under provisions of the Virginia Code and Harrisonburg City Code, and that in making the request, the only known owners of real estate adjacent to the portion of streets to be closed, are Rocco, the Southern and C-W Railway companies, all of which concur in the closing request. A lengthy traffic analysis report was attached to the correspondence, and a \$ 50. check for filing fee was paid, as required under 6-1-22 of the City Code. On motion of Vice-Mayor Dingleline, seconded by Councilman Rhodes, and a unanimous vote of Councilmen present, the request and all information was referred to the City Planning Commission for review and report.

✓ As a follow-up of his letter of August 14th, Attorney George Conrad reiterated statements and suggestions set out therein. He pointed out problems which exist at the intersections of East Market - Elizabeth and Mason Streets, with recommendations, as follows:

(1) East Market and Mason Streets -

Pedestrian crossing light hazardous. When button is pushed, lights for east and west traffic remain on green, with drivers continuing to make left and right turns across pedestrian lanes. (east-west lights should remain on red until pedestrians cross).

(2) Intersection of Mason and Elizabeth Streets -

No left turn signal. Cars going north on Mason and turning left onto Elizabeth, have to cross two lanes of heavy north and south traffic on Mason. (left turn signal recommended)

(3) Intersection of Mason and Elizabeth Streets -

Due to narrowness of Elizabeth at point where cars turn right from Mason, it is almost impossible to make the turn without running over the sidewalk. (corner should be widened)

Vice-Mayor Dingleline offered a motion for the matter of intersections to be referred to the Harrisonburg Transportation & Safety Commission for review and report. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

✓ At 7:57 P.M., Mayor Green closed the regular session temporarily, and called the first Public Hearing of the evening, to order. The following Notice of Hearing as advertised in the Daily News Record newspaper on July 26th and August 9th, was read:

"The Harrisonburg City Council will hold a Public Hearing on Tuesday, August 14, 1984, at 7:30 p.m. in the City Council Chambers to consider the following rezoning request:

David and Doris Garber and Winfred and Margaret Keagy request to rezone 8.9 acres from R-1 Single Family Residential to R-3 Multiple Dwelling District, located on the southwest side of Port Republic Road immediately east of Howard Johnson's and Exxon Station. The Garber and Keagy parcels are lots 1 and 3, Block M, Page 12 of City Block Map. Over 200 condominium living units are proposed.

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

CITY OF HARRISONBURG- Marvin B. Milam, City Manager

Attention was called to the following Planning Commission report which had been presented to Council at its July 24th meeting:

"..Following review of the Land Use Plan, Zoning Map and a proposed development plan from D.M.I. Corporation of Williamsburg which shows a layout of 204 condominium living units, the Commissioners asked Mr. Sterling Nichols several questions concerning his firm's proposal. Chairman Eney asked what was the one basic reason D.M.I. is seeking R-3 zoning. Mr. Rhodes asked about the blank or open space fronting Port Republic Road. The Director asked how many units will be built in the first phase and when, if rezoned. Mr. Trobaugh asked if the proposed public street will be built in stages and would they add a right turn lane on Port Road. Mr. Heath asked if D.M.I. would still buy the 8.9 acres if the City stipulated that the frontage remain R-3 indefinitely. The Director suggested that the south portion of Mr. Garber's land, already zoned R-3, be developed first, and if a demand exists in the future, rezoning be considered at that time.

Mr. Nichols and Mr. McCardle of D.M.I. Corporation, said they are primarily residential developers and they are seeking the J.M.U. student market. They re-

ported that they've met with the J.M.U. Dean of Students and the Dean of Admissions, and were encouraged to develop off-campus housing. Mr. Albert Constable said he has waiting lists of students looking for off-campus housing. Mr. Nichols also stated that the Garber-Keagy dwellings on Port Republic Road will not be demolished, but rented for the immediate future. He added that ^{and} they will work with the City or Highway Department concerning safe turning, ingress and egress off Port Republic Road. Detailed engineering and construction plans have not been drawn, since the question of rezoning hasn't been settled.

The Director then read a July 9, 1984 letter from the Williamsburg Planning Commission Chairman, expressing her confidence in Messrs. Nichols and McCardle as developers of residential development in Williamsburg. Mr. Constable then gave Mr. Sullivan a July 16, 1984 letter from the Williamsburg Board of Architectural Consultants Chairman, also expressing satisfaction of the work and cooperative attitude shown by Mr. Nichols.

Mr. Heath, noting that the Commissioners had visited the site and nearby Devon Lane and Squire Hill Apartments, offered a motion that the Planning Commission recommend the rezoning of the 8.9 acre Garber-Keagy properties on Port Republic Road from R-1 Single Family Residential to R-3 Multiple Dwelling District. Mr. Hartman seconded the motion, and all members voted in favor..."

Mayor Green asked anyone desiring to speak at this Hearing, to state their names clearly for the record, and added that Council would take no action following the Hearing, due to the absence of two members. Planning Director Sullivan reviewed the area requested for rezoning, and pointed out its location on the City Block Map, showing the zoning pattern consisting of R-1, R03, R-4 and B02 in the vicinity, as well as that which surrounds the Garber-Keagy properties. He noted that the land in question is located below Devon Lane and the Squire Hill Apartments. The Garber land includes a dwelling, as well as another 4 acres which is landlocked, and 2' from touching another street. It also borders along a private parking lot which is part of the Squire Hill arrangement. Mr. Sullivan added the fact that the City had left this area zoned R-1, following its annexation into the City. He oriented the Plan of Development as submitted by the Williamsburg firm, which sets out 204 condominiums in six units, each 3 stories high. One hundred fourteen of the condominiums would be situate on the present R-1 land, and the remaining ninety at the south end, would be on R-3 acreage, and not accessible except through the front portions. Included in this area are the Garber and Keagy homes which will remain, for the foreseeable future, for rental purposes. In conclusion, Mr. Sullivan noted that the request before Council this evening, is for rezoning of 8.9 acres of land from the present R-1 Residential to R-3 Multiple Dwelling District. Mr. Earl Swecker, 1180 Nelson Drive, expressed concern about the number of students that would be allowed to reside in the condominiums. Mr. Albert Constable, realtor, speaking on behalf of the D.M.I. Corp. of Williamsburg, stated that this type of housing has become popular in university cities. He called attention to letters which had been sent Council from the Chairman of the Williamsburg Planning Commission and Chairman of the Williamsburg Board of Architectural Consultants, both of which highly recommended D.M.I. for construction of the Harrisonburg proposed project, based on work performed in Williamsburg. He then presented a letter from Blue Ridge Appraisers which stated an opinion that R-3 zoning is the best possible use for the land in question. Mr. Constable said that the City had inherited this "Island" under annexation, and added that he knew there was a need for this type of housing, with interest already expressed for purchase of some of the units. He noted that the multiple housing provided on Port Road would draw students from residential areas of the City where problems exist. Mr. Sterling Nichols of D.M.I. made reminder that the number of students at J.M.U. is restricted, and said that more management would be exercised to protect the condominium property. Although the units are designed for students, he noted that some may be rented or sold to others. The units will be close enough for students to walk from JMU, or ride bicycles. Insofar as parking facilities for the units, Mr. Nichols noted no problems in other areas. Mr. L.O. Higgs, 775 Port Road, expressed opposition to the rezoning, noting that when all failed in getting his corner for a right-of-way, the developer now wants to build a road beside his house. Mr. James Eby, 1357 Devon Lane, called Council's attention to the petition bearing 134 signatures, which had been presented earlier, in opposition to the rezoning. He noted that there are several hundred single family residences in the area, and that R-1 zoning has been the long-time understanding. According to Mr. Eby, large undeveloped areas of R-3 zoned land exist in the vicinity of Port Road. He said there was no demonstrated need for more student housing, and that the 600 - 800 students residing in the units would add more congestion to traffic and pose many other problems. He added the fact that the Port Road area is already congested and over-developed. Mr. Warren Spitler, President of the Devonshire Village Homeowners' Association, expressed opposition to the R-3 zoning for condominium units. Mr. Hadley Cress of 1361 Devon Lane, expressed opposition from the standpoint of traffic congestion and other problems. Dr. Lillian Jennings of 1335 Devon Lane, said she does not see that the number of units proposed, is planned for, in JMU's own plans for its growth, in that the school is restricted as to the size of its student body. As a member of JMU's faculty, Dr. Jennings noted that when travelling from the school to her home for lunch, she is often forced to backtrack to Route 33, because of some accident or congestion on Port Road. She added that the congestion at the intersection will be much greater with the additional housing facilities. In conclusion, she said that traffic converging at the intersection will make this a greater problem than Harrisonburg has had, or may ever have. Mr. Edwin Bumbaugh, of 1373 Devon Lane, said that the term "Island" is a nice term for realtors, or someone who does not live in the area. The proposed project is strictly for JMU students and the out-of-town developer, but will result in a drastic impact on the lives and property values of those living in single family residences. He reiterated facts about traffic congestion and other R-3 land which is yet to be developed in the Port Road area. In talking with JMU representatives, Mr. Bumbaugh said he was of the impression that the school is not too anxious for students to be housed next to Howard Johnson's, and would prefer a site in rear of the Convocation Center. Mr. Ken Landreth of Devon Lane, expressed opposition to any change from the present R-1 zoning, and offered an opinion that the people in opposition should be assured of a definite need for the student housing. If no assurance, Council should not approve the request for rezoning. He noted the fact that purchase of the units by parents of students, which are resold upon graduation, would result in a turn-over cycle. He expressed concern about upkeep of the property, which will be in the backyards of some residences, and closer to other housing units. Also mentioned was a problem with pedestrian traffic and the fact noted

that the economic development will not outweigh all the problems. Mrs. Daniel Stark, Ashby Heights, resident, offered an opinion that the students bothering residents in other areas of the City, should not be moved to this area. She asked when action might be taken by Council on the rezoning issue, and was informed by the Mayor that it would possibly be acted upon at the next regular meeting on August 28th. Attorney Conrad referred to restrictions in the City's Zoning Ordinance, and said that the proposal is in exact opposition to the ordinance. He noted that the widening of the bridge will only be for a short distance, and that the only solution would be a 5-lane road. Mr. Conrad said that in order to rezone property, you have to prove that it can only be used for the requested use, and that if it cannot be used in a particular zone, then the next zone must be considered. He added that "you cannot skip from R-1 to R-3, without positive proof." Mr. Constable noted that maintenance of the property would be under a Homeowners' Association, and said the condominium units are the best use for the area, with a need for more student off-campus housing. Vice-Mayor Dingle-dine asked for clarification of the following paragraph from the Blue Ridge Appraisal Company's letter of 2/14/84: "In analyzing the two subject tracts with respect to maximizing the highest potential, it is felt that the front 250' of both tracts should be zoned business, consistent with the adjacent commercial tracts, while the remainder of the property should have its zoning changed to R-3, Multi-Family Residential." Mr. Constable replied that it was the intent to retain the front portion as R-3, with no intended business use at the present time, but to reserve the right to come back later and ask for business zoning, if desired. When Mayor Green questioned plans for getting out of the development, onto Port Road, Mr. Nichols replied that this had come up in the Planning Commission meeting, with right turn lane suggested. Mr. Constable said this would have to be worked out with the Engineering Department. Assistant City Manager Driver pointed out that under Highway standards, a right turn lane would be required, whether the developer wants it, or not. Councilman Rhodes said he would like an opinion from the City Attorney concerning Mr. Conrad's statements relating to the City's Zoning Ordinance, before any action is taken. Mr. Sullivan offered an opinion that Port Road, from the bridge eastward to the new City Limits, should be included in a priority list for widening. He reported that upon inquiry in February or March of this year concerning intended growth at JMU, he had been advised of none. When developers were asked about the need for student housing, they said they were encouraged by JMU's Dean of Students and Dean of Admissions, who requested promotion of off-campus housing. Mr. Sullivan said that these developers did tell the Planning Commission that the housing would be for students, which is a unique situation, in that some developers refuse to give out this information. He said in conclusion, that reducing congestion and traffic is in the beginning of all zoning codes, but added that he did not know how this could be done. Mr. Bumbaugh expressed concern that when the Planning Commission deferred action on the rezoning following its Public Hearing, the developers were permitted to present their case at the next meeting of the Commission, with no public views stated. Mayor Green gave assurance that this would not be the case with Council, in that all pertinent information had been received this evening, as to pros and cons in the rezoning issue. There being no others desiring to be heard, Mayor Green expressed appreciation for the interest shown by those in attendance, and closed the Hearing at 8:59 P.M.

At 9:00 P.M., Mayor Green called the second Public Hearing of the evening to order, and announced that no action would be taken on the matter presented, at this time, in view of the absence of two members of Council. City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper on July 26th and August 9th:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, August 14, 1984, at 7:30 p.m. in the City Council Chambers to consider the following rezoning request:

Reherd Acres, Inc. request to rezone 11.1 acres of land from R-1 Single Family Residential to R-3 Multiple Dwelling District, located northeast of Blue Ridge Drive and reaching eastward to Interstate 81. If rezoned, duplex housing units are proposed to serve as a buffer between single family lots and multiple dwelling development.

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

CITY OF HARRISONBURG- Marvin B. Milam, City Manager

Attention was called to the following Planning Commission report from a July 18th meeting, and presented to Council on July 24th:

"...The Director oriented the Commissioners to the Reherd Acres Master Plan map, pointing out the 11.1 acres of vacant land proposed as a 'buffer strip' for duplex housing, separating single family lots from future higher density housing. A July 17th letter from Mr. Jack DePoy, President of Reherd Acres, Inc., was read:

†The property upon which Reherd Acres, Inc. is requesting a rezoning is intended by Reherd Acres solely as a buffer zone between the R-3 and single family housing.

When sold, each of the three lots which are on the southeastern side of Blue Ridge Drive and the seventeen lots situate on the south side of yet unnamed street, as shown on the plan of development, will be restricted to permit no more than one duplex unit per lot.'

Mr. Milam asked about the status extending Blue Ridge Drive, the Madison Manor condominiums, and the Final Plan for Unit 14 of Reherd Acres Subdivision. Mr. DePoy said the closing with M.R.M. Associates has been delayed, but is expected to occur in a week or two. Mr. J.R. Copper said the construction plans for Unit 14 have been approved by the City Engineer.

Mr. Heath then moved that the Commission recommend approval of the 11.1 acre rezoning from R-1 to R-3 Multiple Dwelling District for Reherd Acres, Inc., based on the assurances in Mr. DePoy's letter of July 17, 1984 that duplex units only, will be allowed on the lots proposed. Mr. Rhodes seconded the motion and all members present voted in favor..."

Planning Director Sullivan reviewed the new map of Reherd Acres territory, calling attention to location of the buffer line between Cedar Grove and a cornfield, which location had been agreed

upon by the Commission. He noted that although R-2 Residential would be the proper zoning for duplex housing, it was felt that by recommending the R-3 (already on the map), it would eliminate cluttering of the map with a strip of a different zone. He noted that the key to the Planning Commission's recommendation to approve the rezoning, was based on Mr. DePoy's statement in his letter, that only duplex units would be built. Other than Blue Ridge Drive, Mr. Sullivan noted no other streets crossing into the area in question. Mr. DePoy reminded Council that residents had expressed concern about the tie-in streets into the area, and had also requested that a buffer zone between the R-3 and single family area be provided. He added that since a street was necessitated in the center of the area, it was felt that this would be the proper place for the buffer zone of duplex units. Mayor Green called on anyone else present who may desire to be heard either for or against the rezoning request. There being no one, he declared the Hearing closed at 9:10 P.M. and the regular session reconvened.

With regard to various matters which had been referred to the Harrisonburg Transportation and Safety Commission, by Council, Mr. John Driver, Secretary of the Commission, presented the following matters referred, and actions taken thereon at the July 31st meeting:

- (1) Request for change in pickup-discharge of students on Grace Street at Harrisonburg High School.

"no stopping or standing signs" are presently erected on Grace Street, and were placed there following request by the Principal and P.T.A. President, for safety. A second study was made by the Commission in 1983 following request for a change in discharge/pickup, with no change recommended, and approved by City Council. Motion of July 31st: "no changes be made to the present conditions on Grace Street."

- (2) Request for Bruce Street (Mason to Ott) to be made 1-way, with 15 mile per hour speed limit.

Matter studied in 1983 when similar request was made. Commission feels more complaints would be made from making the portion of street 1-way than are presently being received. Motion of July 31st: "that the Commission recommend to City Council that Bruce Street, between Mason and Ott Street, be left as a two-way street as it is presently being used."

- (3) "Councilman Elon Rhodes brought up for discussion the intersection of Paul Street and Cantrell Avenue. It is felt that this intersection could be improved. Chief Presgrave stated that this intersection has the present traffic pattern due to the fact that there were a lot of complaints on the intersection before this work was done. Councilman Rhodes made a motion that the Commission recommend to City Council that they instruct someone to make another study of the intersection of Paul Street and Cantrell Avenue to see if any improvements could be made. Jean Grimes seconded the motion and all members voted aye."

Mr. Driver reviewed each situation, and Council discussed in detail, the intersection of Paul Street and Cantrell Avenue. Members were in general agreement that further investigation was warranted, due to dangers posed under the present setup, and number of accidents occurring at this intersection. Councilman Rhodes offered a motion for Council to approve the recommendations submitted by the Harrisonburg Transportation & Safety Commission, and instruct the City Manager to contact the Highway Department concerning the Paul/Cantrell intersection. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Councilmen present.

Councilman Rhodes moved that a supplemental appropriation in amount of \$ 4,106.83, requested by the Police Chief in order to recover money received from the U.S. Government for overtime investigation, be approved for second & final reading, a first reading having been approved on July 24th, and that:

\$ 4,106.83 chgd.to: General Fund (1901.01) Recoveries & Rebates
4,106.83 approp.to: General Fund (3101-1001.01) Special Police

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

A request was presented from Police Chief Presgrave for approval of a supplemental appropriation in amount of \$ 881.66, from account of Recoveries & Rebates, representing overtime money recovered for special police traffic detail July 17 and 19 at construction site. Members were reminded that police officers were stationed at intersections on the two days, when traffic was detoured from the east and west lanes of East Market Street for water and sewer line cuts. Councilman Rhodes moved that the appropriation be approved, and that:

\$ 881.66 chgd.to: General Fund (1901.01) Recoveries & Rebates
881.66 approp.to: General Fund (3101-1001.01) Special Police

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

Council received a request from Commissioner of Revenue Smith for approval of a supplemental appropriation in amount of \$ 761.18, in order to return auto damage insurance payment to auto maintenance account of the Commissioner. Councilman Rhodes moved that the appropriation be approved, and that:

\$ 761.18 chgd.to: General Fund (1901.01) Recoveries & Rebates
761.18 approp.to: General Fund (1209-3004.03) Maint. & Auto Repair

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

For information and recordation in minutes of this meeting, City Manager Milam presented the Deed of Gift to the City of Harrisonburg, by First Park Investments, Inc. (a Virginia Corporation), of a small piece of property comprised of 9,782 square feet and situate approximately 50 - 60' off the highway on Route 33 east. The Deed, signed by Bernard R. Martin, President of First Park Investments, Inc. on 7/30/84, represents land donated as the location for a new street to serve as

an access road from the new fire sub-station on East Market Street, onto Route 33.

✓ With regard to the matter of nominating two members to serve on the Rockingham Development Corporation Board; it was agreed that action be deferred, and letter written Mr. D.P. Davis, Jr., President of the organization, requesting copies of the organization's Articles of Incorporation and By-Laws.

✓ Attorney George H. Roberts, Jr. was present in the meeting to discuss with Council the information from the Governor's Office concerning Federal Limit on Private Activity Bonds. He noted that both the R & H Authority and the Industrial Development Authority can issue private activity bonds, and added the fact that inasmuch as Multiple Housing is not included in the restrictions, the issuance of bonds by the City, for another area, would not reduce the city's borrowing power. The Governor's Order limits localities to issuing Industrial Development Bonds no more than \$ 75 per resident, which applies to any bonds applied for after June 19th of this year. Based on the 1982 census for Harrisonburg's population of 25,300, the city's limit for the remainder of '84 would be \$1.9 million. The ceiling will remain through calendar year 1985. Attorney Roberts explained that any excess portion of the state ceiling, less the local and state allocations, shall be placed in a Reserve Account, portions of which may be applied for by the various localities. Any excess allocation received by a locality, and not used, will revert back to the state's reserve. He said that forms would have to be submitted to the Governor's Office no later than October 1st, setting out how much of the Reserve would be needed, and a Public Hearing must be held prior to approval of an Inducement Resolution. Council will have to make the final decision on which developers would receive the Industrial Development Bonds, and the state's decision may be made on the "first-come, first served" basis, which has a certain simplicity. He noted that even if done in this manner, the question is "when will the decision be made"? According to Attorney Roberts, Harrisonburg seems to be an almost certain candidate for extra bond allocations, in that there are already requests for more bonds than the City is allocated for the second half of 1984. City Attorney Lapsley said that forms would be submitted prior to October 1st, setting out amount Harrisonburg needs for the remainder of this year, from the state's Reserve, and amount of allocation needed in 1985.

✓ City Manager Milan noted that he was in receipt of a form from the Virginia Municipal League to be returned by September 12th, naming the Voting Delegate and Alternate Voting Delegate for this year's Annual Conference. He pointed out that the policy has been for the Mayor to serve as Voting Delegate, and the Vice-Mayor as Alternate. Councilman Rhodes moved that the same procedure be followed this year, with authorization for the City Manager to return the requested form. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Councilmen present.

On request of the Mayor, and motion duly adopted, Council entered an executive session to discuss personnel, at 10:00 P.M.

The executive session was declared closed at 10:56 P.M. by the Mayor, and the regular session reconvened. There being no further business, the meeting was adjourned.

CLERK

MAYOR

Tuesday, August 28, 1984

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, 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 August 14th were approved as read.

City Manager Milam called members' attention to three documents which he had placed before them, prior to this meeting: Fiscal Impact Statement; Report of Public Hearing held by the Industrial Development Authority on August 23, 1984; and proposed Resolution, concerning application of North and South Lines, Inc. for issuance of Industrial Development Revenue Bonds up to \$ 1,500,000. through the I.D.A. Purpose of the application is for the company to acquire and equip over-the-road heavy-duty trucks to be headquartered at the facilities located at 2710 South Main Street. He read the Public Hearing report which included a recommendation for City Council to approve issuance of the bonds, and presented statistics as set out in the Financial Impact Statement. Attorney Henry Clark, representing North & South Lines, Inc., said that the report adequately states the financial impact. He noted that the main aspect is the poultry industry which is the main account of North & South Lines, in that poultry is transported to all areas of the country. Attorney Clark reported that the purchase of 30 tractor-trailer trucks, as additional equipment, and a minimum of five maintenance type employees, will result from expansion of the company. Following the City Attorney's statement that all seemed to be in order for the application, the following Resolution was presented for Council's consideration:

WHEREAS, a public hearing was held by the Industrial Development Authority of the City of Harrisonburg, Virginia (the Authority) on August 23, 1984, 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 North & South Lines, Inc. (the Applicant) requesting the Authority to issue up to \$1,500,000 of its Industrial Development Revenue Bonds to assist the Applicant in acquiring and equipping over-the-road heavy-duty trucks to be headquartered at its facilities located at 2710 South Main Street, 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 financing 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.

Mayor

Atteste:

Clerk

Councilman Rhodes offered a motion for the Resolution to be approved, with authorization for the proper officials to sign same. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous recorded vote of Councilmen present.

Mayor Green read the following letter dated August 22nd which he had received from Councilman Cisney:

Dear Mayor Green:

I hereby submit my resignation as a member of the Council of the City of Harrisonburg, effective September 1, 1984.

Consideration was given to a decision of this nature, after my coronary bypass surgery in October, 1980, however, I decided that I could handle the stress without difficulty. Now since I have had the second coronary bypass surgery, I believe it would be prudent health care for me to relieve myself of as much stress as I practically can. I regret that I will not be completing the term of office that the citizens of Harrisonburg have elected me to, however, I hope they will understand.

The City of Harrisonburg is fortunate to have a Council and management staff composed of such high integrity and dedicated men and women. It has been a pleasure for me to work with the Council and to serve the City of Harrisonburg for six years and I hope I have been able to make some contribution to the betterment of the City and the welfare of its citizens.

Sincerely,
James C. Cisney

Mayor Green said that Jim has been the type of person you can work with, and will be greatly missed. He noted that in talking with Jim, he had asked him to "stay in contact with us as we go along." Vice-Mayor Dingleline offered a motion for the Mayor to write a letter of regretful acceptance of the resignation and express Council's appreciation for the fine services rendered, with best wishes for his complete recovery. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote. Manager Milam made reminder that under the City Code, a successor must be named by Council to serve out the unexpired term, and the Vice-Mayor suggested that this be discussed at an appropriate time.

Mr. Gordon Speck of 126 Port Republic Road was present in the meeting to speak to truck traffic on Port Road. He noted that it had been almost a year since he had presented the matter to Council, and stressed the need for signs which would let truck drivers know which route to take in the downtown area. He offered an opinion that if signs were placed on West Market Street, trucks would go via Cantrell Avenue or Bruce Street, to I-81. He noted that Port Road is used by trucks primarily because there are no traffic lights. Mr. Speck said in conclusion, that he would like a little relief from heavy trucks travelling Port Road, and hoped that Council would consider the request of others who reside there.

The following Planning Commission report from its August 15th meeting was presented, for Council's consideration of approval:

"...The Commissioners reviewed aerial photographs of portions of the City where seven proposed business or industrial parcels are desired by various owners...Mr. Henry Clark, attorney for F. O. Funkhouser, said there is no possible way to develop business or industrial land like you develop residential land. Mr. Clark explained the proposal to add Lot 1A to Lot 1, a 5.9 acre lot recorded in October 1983 before the 'minor subdivision' amendment was adopted, and to establish Lot 2, intended to be a gift from Mr. Funkhouser to his son... City Engineer Wilcox stated that water is available along South Main Street and sewer lines will soon be in front of Lots 1 and 1A.

Mr. Milam moved that the Commission recommend approval of Lots 1 and 2A only, and Lot 2 delayed until utilities are available. Mr. Rhodes seconded the motion and it passed unanimously..."

City Manager Milam called attention to the plat, attached to the Commission's report, setting out acreage in the lots involved in the request. He noted that his motion concerning delaying action on Lot 2 was based on the fact that the City's Subdivision Control Ordinance requires that a Plan of Development include provisions for installation of utilities and street construction. The plat for the Funkhouser lots, made no such provisions. Planning Director Sullivan informed Council that

the original of the map was in Florida, and upon receiving same for proper signatures, Lot 2 would be eliminated from same, provided the Commission's recommendation is approved. Following discussion, Vice-Mayor Dingledine offered a motion for the recommendation of the Planning Commission to be approved, as set out in the report. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Councilmen present.

✓ The following Planning Commission report from its August 15th meeting, concerning Truck Routes in the City, was presented:

"...The Commissioners reviewed a map illustrating two-hour truck counts taken on various streets in June and July. The map included truck traffic figures and the heaviest counts were observed on South Main Street near Holiday Inn and Harrisonburg Truck Stop. Other large counts were on East Market Street east of Mason, North and South High, Port Republic Road and West Market Street. In downtown, Main Street carried a steady flow of north-bound truck traffic while east-west truck traffic on Court Square was slight. Bruce and Wolfe Streets carried most of the east-west truck traffic. By comparison, Cantrell Avenue did not carry much truck traffic.

The Commissioners discussed and recommended the following suggestions which had been submitted to City Council by the ad hoc Truck Route Study Committee in January 1984:

1. Adopt a map which colors all streets and highways which should be open to trucks, but shall not be marked by signs designating said streets as 'truck routes.'
2. Wolfe Street from Mason to High, should continue to be designated as a truck route for west-bound trucks.
3. Bruce Street, from High to Mason, should continue to be designated as a truck route for east-bound trucks.
4. East Market Street should continue to be the truck route for west-bound trucks to Mason Street.
5. New signs should be added at the following locations:
 - a. On North Liberty, approaching West Wolfe Street, showing south-bound trucks to turn right for U.S. Route 33 West.
 - b. On West Market, approaching High Street, showing east-bound trucks to turn right for U.S. Route 33 East.
6. The City Manager, or his designate, should contact those trucking firms using Main Street for north-bound travel, and ask them to find an alternate route, such as Cantrell-to-High, and High Street to points north.
7. As a long-range goal, the City should study the feasibility of rebuilding Campbell Street from South Main to South Mason Street, as proposed in the 1965 Arterial Street Plan.
8. As a long-range goal, the City should study the feasibility of extending Vine Street from East Washington Street north to North Main Street, then west to the intersection of Virginia Avenue and Mount Clinton Pike, as proposed in the 1995 Highway Thoroughfare Plan.

Each item above was voted on separately. All motions to support these recommendations were passed unanimously."

Planning Director Sullivan referred to maps showing two-hour truck traffic counts on various streets in Harrisonburg, summer of 1984, and two-hour truck traffic counts on Court Square: Friday, June 15, 1984 from 10 a.m. - 12 a.m., and on Wednesday, June 20, 1984 from 2 p.m. - 4 p.m. He noted that the matter of truck traffic came about after the Truck Route Study Committee (appointed by Council) had held its public hearing, and met with the Planning Commission on December 15th of last year, at which meeting, ten or twelve trucking firms were represented. Some input from those representatives was used by the Committee in compiling its report. Mr. Sullivan informed Council that the Commissioners took a tour, by city bus, after receiving and reviewing the report, to determine what recommendations should be submitted. Mayor Green asked if the Plan was the consensus of the Committee, Planning Commission and Planning Office, to which the Director replied in the affirmative. Vice-Mayor Dingledine questioned the Director concerning the News Record article which set out a suggestion that had been made in Council, for a city ordinance to be written, and was included in the Committee's report. Mr. Sullivan said the "key" was to not include the writing of an ordinance, in that Court Square and East Market Street could not be closed insofar as trucks, due to deliveries, etc. which must be made in that area. He added the fact that the Planning Commission had determined that the writing of an ordinance should be eliminated from the recommendations, following a study of the small number of trucks which were observed taking these routes. An ordinance governing truck routes would be, according to the Director, very difficult to enforce. Councilman Rhodes offered an opinion that Cantrell Avenue should not be designated as a truck route, although it may be used. He cited traffic which would be using the street as an entrance-way to Rockingham Memorial Hospital. Mayor Green said there is no way to do away with traffic, the volume of which may worsen next year. The matter of the Port Republic Road project was discussed briefly, with Assistant City Manager Driver reporting that it would be bid in November, with plans for two traffic lights: one at JMU and one at the bridge. Following the lengthy discussion, Vice-Mayor Dingledine moved that the recommendations of the Planning Commission be approved. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Councilmen present.

✓ As a follow-up of his letter of August 21st to City Council, Mr. Lance Braun, representing Skyfire Pyrotechnical Displays Unlimited, was present in the meeting. On behalf of James Madison University and the Valley Mall, Mr. Braun requested exemption from the city's ordinance prohibiting fireworks within the city limits, in order that two professional-type fireworks displays might be conducted, namely: Friday, August 31, 1984 at J.M.U. stadium area beginning at 9:15 p.m. for approximately 15-20 minutes; Monday, September 3, 1984 (Labor Day) at Valley Mall beginning at 9:30 p.m. for approximately 15-20 minutes. He noted that the JMU display follows a Pep Rally for

the Homecoming Weekend Activities, and the display at the Mall is to culminate Labor Day sales promotion. Mr. Braun noted that Skyfire of Dayton, Virginia, is federally licensed to conduct these types of displays, and they are done with particular attention focused on public safety. Arrangements have been made with the Harrisonburg Fire Department and Rescue Squad, to provide standby protection, and notice of the displays has been given the Harrisonburg Police Department and Virginia State Police for their information and assistance. Security Forces of JMU and Valley Mall will also be involved to assist in traffic and crowd control. City Manager Milam said that fireworks are prohibited in the City Code, but that this particular request had been referred to the City Attorney and Police Chief for opinions. No objections were expressed by either, providing the events are properly supervised. Following a brief discussion, Councilman Rhodes moved that permission be granted for firework displays on August 31st and September 3rd, as requested. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Councilmen present.

City Manager Milam called members' attention to correspondence dated 8/23/84 from Attorney George H. Roberts, Jr., enclosing a copy of Form 8038 "Information Return for Private Activity Bond Issues", which was filed with the Internal Revenue Service. Information on the Form (required under Section 15.1-1377 of the Virginia Code, 1950, as amended) concerned a \$1,000,000 Industrial Development Authority of the Virginia Medical Facility Revenue Bond for the Shenandoah Shared Hospital Services, Inc. project. City Attorney Lapsley noted that the request of the attorney, was for the information to be filed.

A request was presented from the Harrisonburg City School Board for approval of a supplemental appropriation in amount of \$ 48,610.00. City Auditor Peterman explained that the transaction involves transferring various anticipated revenues (which are assured) into various school accounts for electricity; replacement of equipment; boiler repairs; shortfall in fuel; replacement of leaking roofs, etc. He added the fact that when the Board received estimates from the Commonwealth for the school budget, 1982-83 figures were used. Following a review of the accounts, Vice-Mayor Dingledine moved that the appropriation be approved for a first reading, and that:

- \$ 13,780. chgd.to: School Fund (1812.01) Spec.Education- SOQ
- 31,906. chgd.to: School Fund (1817.11) Voc. Education- FTE's
- 1,364. chgd.to: School Fund (1817.22) Voc. Education- Capital
- 560. chgd.to: School Fund (1817.30) Voc. Education- Adult
- 1,000. chgd.to: School Fund (1850.00) Sale of Other Equip.
- 8,300. approp.to: School Fund (1205-207.00) Oper.Sch.Plant- Electricity
- 5,725. approp.to: School Fund (1205-215.01) Maint.Sch.Plant- Repair & Repl.Equip.
- 3,300. approp.to: School Fund (1205-290.01) Maint.School- Cont.Serv.- Bldg. & Grnds.
- 7,475. approp.to: School Fund (1205-311.00) Oper.School Plant- Fuel
- 23,810. approp.to: School Fund (1205-601.02) Cap.Outlay- Alter.to Bldgs.

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

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 Rhodes 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 (4106-5414.01) Litter Control

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

Mayor Green suggested that members review the By-laws which had been received from the Rockingham Development Corporation, with consideration given for nomination of two members to serve on the Board of Directors.

Correspondence was presented from the Director of Social Services, advising the City Manager that the Harrisonburg Department of Social Services Board had, at their June 8, 1984 meeting, approved an increase in travel reimbursement for staff persons using their personal automobiles, from 20¢ per mile, to 20½¢ per mile. It was added that the increase, effective 6/8/84, would be reflected in travel reimbursement for that department. City Manager Milam noted that the last increase in travel reimbursement for employees using their personal automobiles for city business purposes, had been approved by Council and made effective as of April 1, 1981, increasing reimbursement from 18½¢ to 20¢ per mile. Following a brief discussion, Councilman Robinson offered a motion for travel reimbursement to be increased from 20½¢ to 20½¢ per mile, to be effective as of this date, August 28, 1984. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Councilmen present.

For information, Mayor Green reported that he was in receipt of correspondence from Mr. Charles R. Stigberg, General Manager of Warner Amex Cable Communications, Inc., informing him that the company was withdrawing its request for an increase in rates for basic monthly service and installations, which request had been presented to Council on March 19th of this year.

The Mayor noted that inasmuch as more pressure needs to be exerted concerning opposition to House Bill 4103 relating to Television Cable franchises, it may be necessary to write more letters, or send information which has already been submitted. A resolution, approved by the National League of Cities, was approved by Council on January 10th of this year, and was forwarded to all representatives.

Councilman Robinson suggested that the sign for bicycles, on Route 11 at the railroad crossing, be moved farther back, directing them to use the sidewalk. He noted that this may keep them from crossing the angled track. Assistant City Manager Driver said that new signs were on order.

Vice-Mayor Dingledine registered a complaint he had received concerning speeding and truck traffic on Dogwood Drive, with suggestion for a speed limit sign. Assistant City Manager Driver noted that a 25 mph sign is at West Market Street entrance to Dogwood, but that he would check to determine whether or not a sign is in place at the southern end.

Question was raised concerning status of sewer and street work on Middlebrook Street, in that a water problem exists in that area.

✓ Councilman Rhodes registered complaints he had received concerning fire truck sirens being sounded in the vicinity of both fire stations, as well as the number of emergency vehicles that answer even the most minor calls. City Manager Milam said he also receives calls concerning the complaints, and had asked Chief Larry Shifflett to submit a report. He noted that a lengthy report has been received, which he will have xeroxed and provide a copy to each member of Council.

✓ City Manager Milam asked Council direction insofar as getting prices, etc. on properties which may come up for sale, particularly in the Bruce Street and Monument Avenue areas. He noted that in 1969, when he came to Harrisonburg as City Manager, he was advised that when properties came up for sale on Brook Avenue or Bruce Street, to pursue purchase of same for future school plans. He said that several pieces of property had been purchased in past years, with prices continuing to escalate. Although approximately 1/4 acre, plus dwelling, is for sale in this area at the present time, Manager Milam said he was of the understanding that there may be a long-term plan for relocating the Jr. High and High Schools. He reported that property on Monument Avenue which borders Purcell Park is also for sale, and noted that although this area is under the annexation court order, he is of the opinion that open land is preferred for purchase, over dwellings. Following a brief discussion, it was the general consensus of Council that properties may be considered on an individual basis, primarily open land, and that the matter of pursuing to purchase, be left to the discretion of the City Manager.

At 9:17 P.M., on motion of Vice-Mayor Dingledine, seconded by Councilman Robinson, and a unanimous vote, Council entered an executive session to discuss personnel and a legal matter.

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

✓ In view of the fact that Council had regretfully received Councilman's resignation due to health reasons, effective September 1, 1984, Mayor Green asked members' wishes concerning an appointee to serve out Mr. Cisney's unexpired term to June 30, 1986. Vice-Mayor Dingledine noted the fact that Dr. Charles Shank had been a candidate for Councilman in the May 1st General Election, and had rendered valuable service on several Commissions. He offered a motion for Dr. Charles L. Shank of 1110 Moffett Terrace, Harrisonburg, to be appointed to serve the unexpired term from September 1, 1984 - June 30, 1986. Councilman Robinson added the fact that Dr. Shank had been a "tough competitor" in the recent election, and had conducted an honorable campaign. He said it was a pleasure to second the motion for his appointment as City Councilman. The motion was adopted by a unanimous recorded vote of Councilmen present.

There being no further business and on motion duly adopted, the meeting was adjourned at 10:27 P.M.

 CLERK

 Mayor 
 MAYOR

Tuesday, September 11, 1984

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, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Clerk Loker presented the Oath of Office form for Dr. Charles L. Shank to serve as a City Councilman. The form was signed by Deputy Clerk Marlene Key and dated 9/11/84. Mayor Green extended a welcome to Dr. Shank, noting that he was now officially a member of Council.

Following roll call, minutes of the August 28th meeting 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, 1984.

From the City Treasurer:

A trial balance report as of close of business on August 31, 1984.

From the Police Department:

A report of Payment of Fines and Costs, \$ 1,693.65; Cash Collected from Street Parking Meters, \$ 7,678.59; Total Cash Collected and Turned Over to City Treasurer, \$ 9,372.24, for month of August, 1984.

From the City Auditor:

A financial report for City of Harrisonburg, month of August, 1984. Financial report for July, 1984, also received by Clerk since last meeting of Council.

Report of cash discounts saved in payment of vendor's invoices for month of August, 1984, totaling \$ 220.02.

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, 1984.

✓ Mayor Green presented a letter dated 9/11/84 from Attorney Phillip Stone, on behalf of David & Doris Garber and Winfred & Margaret Keagy, expressing their desire to withdraw the rezoning request for 8.9 acres on the southwest side of Port Republic Road, from R-1 Single Family Residential to R-3 Multiple Dwelling District. Inasmuch as Council delayed action on the request following its

August 14th Public Hearing, due to the absence of two members, the applicants are of the opinion that the matter should be brought back to Council when all members are present, and following further review of the effect the proposed widening of the bridge, and other improvements, may have in the area. On motion of Councilman Robinson, seconded by Councilman Shank, and a unanimous vote of Council, the request for withdrawal, was accepted.

City Manager Milam called Council's attention to the Annual Report for the Shenandoah Valley Soil & Water Conservation District, covering period July 1, 1983 through June 30, 1984. He noted that additional copies were available for those desiring same.

City Manager Milam called attention to the annual report for the Department of Social Services for 1983-84, copies of which had been mailed to Council members. He noted that copies of the report would be made available for anyone desiring same.

City Manager Milam presented two reports from the Rockingham Public Library: Annual Report for 1983/84 and Financial Statements of June 30, 1984 with comparative totals for June 30, 1984. A sizable contribution is made by the City each year, to the Library.

The City Manager called attention to the Annual Report of the President of Blue Ridge Community College for 1983/84, copies of which had been made available for all members of Council.

City Manager Milam informed Council that the City had received, as a gift from The Rion-Bowman VFW Post 632, a 4' x 6' nylon American Flag. Mayor Green remarked that "we are constantly in need of a flag." Vice-Mayor Dingledine moved that a letter be sent the organization, through the Clerk, expressing Council's appreciation, and assuring its members that the City is always honored to receive such a gift. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

City Manager Milam reminded Council that a Public Hearing was held on August 14th, concerning a request of Reherd Acres, Inc. for rezoning of 11.1 acres from R-1 Single Family Residential to R-3 Multiple Dwelling District, and that action on the request had been deferred due to the absence of two Council members. He referred to the following Planning Commission report which had been presented at the Public Hearing:

"...The Director oriented the Commissioners to the Reherd Acres Master Plan map, pointing out the 11.1 acres of vacant land proposed as a 'buffer strip' for duplex housing, separating single family lots from future higher density housing. A July 17, 1984 letter from Mr. Jack DePoy, President of Reherd Acres, Inc., was read:

'The property upon which Reherd Acres, Inc. is requesting a rezoning is intended by Reherd Acres solely as a buffer zone between the R-3 and single family housing.

When sold, each of the three lots which are on the southeastern side of Blue Ridge Drive and the seventeen lots situate on the south side of yet unnamed street, as shown on the plan of development, will be restricted to permit no more than one duplex unit per lot.'

Mr. Milam asked about the status extending Blue Ridge Drive, the Madison Manor condominiums, and the Final Plan for Unit 14 of Reherd Acres Sub-division. Mr. DePoy said the closing with M.R.M. Associates has been delayed, but is expected to occur in a week or two. Mr. J.R. Copper said the construction plans for Unit 14 have been approved by the City Engineer.

Mr. Heath then moved that the Commission recommend approval of the 11.1 acre rezoning from R-1 to R-3 Multiple Dwelling District for Reherd Acres Inc. based on the assurances in Mr. DePoy's letter of July 17, 1984 that duplex units only, will be allowed on the lots proposed. Mr. Rhodes seconded the motion and all members present voted in favor..."

Planning Director Sullivan again reviewed the requested rezoning, and pointed out the location of the buffer zone on a map. He reiterated the fact that the "key" to the Commission's approval of the rezoning, was assurance by Mr. DePoy that only duplex units would be constructed. Councilman Robinson asked if this would be by restricted covenant, to which Mr. DePoy replied that it would be considered as such, although there is no Plan of Development at the present time. Mr. Sullivan suggested that it would be best handled through instruments as written into the sales contracts. Councilman Robinson said his concern was based on "down-the-road with other contractors." Following the fact of no opposition to the rezoning expressed at either the Planning Commission or Council's Public Hearings, Councilman Rhodes offered a motion for the recommendation of the Commission for rezoning of the 11.1 acres of Reherd Acres, to be approved. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

City Attorney Lapsley presented for Council's consideration, an ordinance amending Section 15-2-30 of the Harrisonburg City Code, entitled: "Dog License Tax", in that request was made by City Treasurer Simmons. He explained that the request is for an additional tax of \$25. to be included in the present ordinance for a kennel, representing a minimum of five (or more) dogs. Although no provision is made in the present ordinance section for a kennel license tax, the Treasurer has been charging the amount of \$ 15. for as few as three dogs, in that the 1980 Local Government Laws of Virginia specifies a maximum of 25 dogs to comprise a kennel, but sets out no minimum number. Councilman Robinson said he had a problem with the month of January being set out as the required time for payment of dog license taxes, in view of the various times people have to come into the office to get city automobile stickers, pay taxes, utility bills, etc. He was assured that the deadline for acquisition of dog license would not be enforced in the same manner as other license taxes (i.e. automobile, real estate, etc.) Following a brief discussion, Councilman Rhodes moved that the ordinance be approved for first reading, amending Section 15-2-30 of the City Code. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous recorded vote of Council.

Attorney James Sipe appeared before Council, along with a representative of the firm of Hunton & Williams (Richmond, Va.) and Mr. James Deskins, Executive Director of the Harrisonburg Redevelopment & Housing Authority, to present information concerning issuance of Housing Revenue Bonds by the Harrisonburg Authority, for two proposed multi-family apartment projects in Prince William County. He noted that approval of resolutions by Council, represents the last step in the procedure, in that they had explained the issuance of bonds to Council several months ago. The Authority had then held a Public Hearing, with no opposition expressed, and approved proper resolutions. He added the fact that Judge Robinson had validated the order for issuance of the bonds by the Harrisonburg R & H Authority. Attorney Sipe pointed out the following: (1) Issuance of the bonds for Prince William County would place no liability on the City of Harrisonburg; (2) Issuance of the bonds would not go against the bond power indebtedness of Harrisonburg; (3) Issuance of the bonds would mean additional revenue for the R & H Authority; (4) Issuance of the bonds for Prince William County, by another locality, would be permissible, in that the Prince William County has no R & H Authority. When Vice-Mayor Dingleline said he wanted to be assured that issuance of these bonds by the R & H Authority would not affect the City, in any way, insofar as development in Harrisonburg under bond issues, Attorney Sipe assured him that the issues would be excluded from any funds which may be requested from the state under the Deficit Reduction Act. Mr. Deskins said he felt the R & H would be able to issue the bonds, with 20% set aside for moderate income units (not low income), and 80% for medium income units. Revenue derived from issuing the bonds would be used by the R & H Authority to continue projects in the downtown area of Harrisonburg. The first resolution was presented for Council's consideration, as follows:

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF HARRISONBURG, VIRGINIA
(The Artery Organization, Inc.)

WHEREAS, the Industrial Development Authority of the County of Prince William (the "Authority") has held a public hearing on August 6, 1984, regarding the issuance by the Harrisonburg Redevelopment & Housing Authority (the "Housing Authority") of its revenue bonds in an amount not to exceed \$16,000,000 (the "Bonds") to assist The Artery Organization, Inc. (the "Developer"), in the financing of the acquisition and construction of a multi-family apartment project of approximately 264 units (the "Project") to be located at the intersection of Darbydale Avenue and Minnieville Road in the Dale City area of Prince William County, Virginia; and

WHEREAS, the Authority has recommended that the City Council of the City of Harrisonburg, Virginia (the "City Council") approve the issuance of the Bonds to comply with Section 103(k) of the Internal Revenue Code of 1954, as amended (the "Code"); and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, a record of the public hearing and a "fiscal impact statement" with respect to the Project have been filed with the City Council;

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

1. The City Council approves the issuance of the Bonds by the Housing Authority for the benefit of the Developer to the extent required by Section 103(k) of the Code to permit the Housing Authority to assist in the financing of the Project.

2. The approval of the issuance of the Bonds, as required by Section 103(k) of the Code does not constitute an endorsement of the Bonds or the creditworthiness of the Developer, but, as required by Section 36-29 of the Code of Virginia of 1950, as amended, the Bonds shall provide that the Bonds shall not be a debt of the City of Harrisonburg, the Commonwealth of Virginia or any political subdivision thereof (other than the Housing Authority) and neither the City of Harrisonburg, nor the Commonwealth of Virginia or any political subdivision thereof (other than the Housing Authority) shall be liable thereon, nor in any event shall the Bonds be payable out of any funds or properties other than those of the Housing Authority specifically pledged thereto. The Bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

3. This resolution shall take effect immediately upon its adoption.

ADOPTED and APPROVED this _____ day of _____, 1984.

Mayor

Atteste:

Clerk

Councilman Robinson moved that the Resolution be approved, with authorization for the proper officials to sign same. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous recorded vote of Council. The second resolution was then presented, as follows:

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF HARRISONBURG, VIRGINIA
(Lake Ridge-Oxford Associates Limited Partnership)

WHEREAS, the Industrial Development Authority of the County of Prince William (the "Authority") has held a public hearing on August 6, 1984, regarding the issuance by the Harrisonburg Redevelopment & Housing Authority (the "Housing Authority") of its revenue bonds in an amount not to exceed \$10,000,000 (the "Bonds") to assist Lake Ridge-Oxford Associates Limited Partnership (the "Developer") in the financing of the acquisition and construction of a multi-family apartment project of approximately 180 units (the "Project") to be located near the intersection of a proposed Springwood Drive and Chaucer Lane in the Lake Ridge area of Prince William County, Virginia; and

WHEREAS, the Authority has recommended that the City Council of the City of Harrisonburg, Virginia (the "City Council"), approve the issuance of the Bonds to comply with Section 103(k) of the Internal Revenue Code of 1954, as amended (the "Code"); and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, a record of the public hearing and a "fiscal impact statement" with respect to the Project have been filed with the City Council;

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

1. The City Council approves the issuance of the Bonds by the Housing Authority for the benefit of the Developer to the extent required by Section 103(k) of the Code to permit the Housing Authority to assist in the financing of the Project.

2. The approval of the issuance of the Bonds, as required by Section 103(k) of the Code does not constitute an endorsement of the Bonds or the creditworthiness of the Developer, but, as required by Section 36-29 of the Code of Virginia of 1950, as amended, the Bonds shall provide that the Bonds shall not be a debt of the City of Harrisonburg, the Commonwealth of Virginia or any political subdivision thereof (other than the Housing Authority) and neither the City of Harrisonburg, nor the Commonwealth of Virginia or any political subdivision thereof (other than the Housing Authority) shall be liable thereon, nor in any event shall the Bonds be payable out of any funds or properties other than those of the Housing Authority specifically pledged thereto. The Bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

3. This resolution shall take effect immediately upon its adoption.

ADOPTED and APPROVED this _____ day of _____, 1984.

Mayor

Atteste:

Clerk

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 Council.

Councilman Robinson moved that a supplemental appropriation in amount of \$ 48,610.00, requested by the City School Board in order to transfer various anticipated revenues (which are assured) into various school accounts to be used for various purposes, be approved for second & final reading, a first reading having been approved on August 28th, and that:

\$ 13,780. chgd.to: School Fund (1812.01) Spec.Education- SOQ
31,906. chgd.to: School Fund (1817.11) Voc. Education- FTE's
1,364. chgd.to: School Fund (1817.22) Voc.Education- Capital
560. chgd.to: School Fund (1817.30) Voc.Education- Adult
1,000. chgd.to: School Fund (1850.00) Sale of Other Equipment
8,300. approp.to: School Fund (1205-207.00) Oper.Sch.Plant- Electricity
5,725. approp.to: School Fund (1205-215.01) Maint.Sch.Plant- Repair & Repl.Equip.
3,300. approp.to: School Fund (1205-290.01) Maint.Sch.-Cont.Serv.- Bldg. & Grounds
7,475. approp.to: School Fund (1205-311.00) Oper.School Plant- Fuel
23,810. approp.to: School Fund (1205-601.02) Cap.Outlay- Alter. to Bldgs.

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

Vice-Mayor Dingeldine moved that a supplemental appropriation in amount of \$ 3,000., requested by Assistant City Manager Driver in order to appropriate monies received from the state for Litter Control, be approved for second & final reading, a first reading having been approved on August 28th, and that:-

\$ 3,000. chgd.to: General Fund - (1901.01) Recoveries & Rebates
3,000. approp.to: General Fund (4106-5414.01) Litter Control

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

A request was presented from Water/Sewer Superintendent Loker, for approval of a transfer of funds in amount of \$ 27,409.00 from the General Fund to Water Fund, in order to have funds available to pay Fairway Hills for difference in cost between an 8" and 12" water line. Councilman Rhodes moved that the transfer be approved, and that:

\$27,409.00 trans.from: General Fund - Unappropriated Fund Balance
27,409.00 trans. to: Water Fund- Unappropriated Fund Balance

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

City Manager Milam presented a request from the Water/Sewer Superintendent for approval of a supplemental appropriation in amount of \$ 27,409.00 in order to place funds transferred in the previous transaction, into the proper account, to pay Fairway Hills the difference in cost between installation of an 8" and 12" water line. He explained that an 8" line is the minimum size required for fire protection, and in this instance, it was the desire of the City for the developer to install the larger line. When a larger line is desired, the City assumes responsibility for the difference in cost. Following a brief discussion, Vice-Mayor Dingledine moved that the appropriation be approved for a first reading, and that:

\$27,409.00 chgd.to: Water Fund- Unappropriated Fund Balance
27,409.00 approp.to: Water Fund (7011.02) Work in Progress- Cap.Outlay

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

A request was presented from Street Superintendent Ralph Smith, for approval of a supplemental appropriation in amount of \$ 10,298.74, with funds to be used for replacement of traffic controller at East Market Street and Country Club Road, to rent equipment for applying heated traffic paint and to recover funds for damage to truck #720 from accident. It was noted in correspondence from Mr. Smith, that the controller was damaged by lightning and because of its age, parts are no longer available. Following a brief discussion, Councilman Robinson moved that the appropriation be approved for a first reading, and that:

\$ 9,500.00 chgd.to: General Fund - Unappropriated Fund Balance
798.74 chgd.to: General Fund (4101.01) Recoveries & Rebates
6,000.00 approp.to: General Fund (4107-3004.01) Maint. & Repairs to Mach. & Equip.
798.74 approp.to: General Fund (4107-3004.03) Maint. & Repairs to Auto Equip.
3,500.00 approp.to: General Fund (4107-5413.01) Other Operating Expenses

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

For information and recordation in Council minutes, City Manager Milam read the following

letter dated 8/28/84 from Mr. James A. Gargas, Fiscal Director of the Governor's Employment and Training Division:

Dear Mr. Milam:

The Governor's Employment and Training Division (GETD) is in receipt of your close-out package for the Private Industry Council (PIC) Planning Grant #93-903. The GETD has reconciled with your reported expenditures amounting to fourteen thousand one hundred-forty and 61/100 (\$14,140.61) covering the period July 1, 1983 to June 30, 1984. Please consider PIC Planning Grant #93-903 officially closed. Any adjustments or refunds that are received relative to this Grant by you and/or your subcontractor should be returned directly to the GETD.

Manager Milam made reminder that Grant #93-903, which has been closed out, represents funds paid into establishment of PIC, with the City to serve as Fiscal Agent for the Program. It was the City's understanding that it would not continue, if they incorporated themselves.

Correspondence was presented from City Engineer Wilcox, enclosing Bid Tabulations for the Sanitary Sewer Improvement Project on East Market Street, and noting the low bidder as C.S. Mundy Quarries in amount of \$ 104,313.00. Other firms responding to the Bid request, advertised in the Daily News Record, Richmond Times and Roanoke newspaper, were as follows: Atlantic Coast Cont. (\$105,718.00); L. W. Engleman (\$144,201.11); F.L. Showalter (\$167,000.); Plecker Construction Co. (\$119,591.00) and M.E. Humphries (\$147,470.00). City Manager Milam traced the route of sewer line installation on a map from the vicinity of the old Country Club Road traffic light intersection, to the area of Martin's Fine Furniture and #2 Fire Substation, and informed Council that he would like to award a contract for the preferred bid on Monday of next week. Following discussion, Councilman Robinson moved that the low bid of C.S. Mundy Quarries be accepted in amount of \$ 104,313.00. The motion was seconded by Councilman Shank, and adopted by a unanimous vote of Council.

For information and recordation in Council minutes, City Manager Milam presented correspondence dated 8/29/84 from Mr. Ronald Conner, Regional Director of the Department of Health-Division of Water Programs. The Director enclosed a "Certificate to Operate" which grants the City permission by the State Water Control Board, to operate the Circle Drive Sewer System, recently installed, and comprised of over a mile of pipeline. The Certificate to Operate Program was adopted by both the Water Control Board and Health Department, and requires the owner or owning authority of any sewage treatment works or sewerage system to have a valid certificate to operate, prior to causing or permitting the operation of the subject conveyance elements.

The Clerk reported that she had been in contact with Mr. D.P. Davis, Jr., President of the Rockingham Development Corporation, to request additional information concerning stockholders and membership of the Corporation. She was advised that the Executive Committee is comprised of Mr. Cletus Houff, Mr. Roy Erickson and Attorney Henry Clark, with President Davis also serving on same. They are presently in the process of updating the list of stockholders (over 200) to determine who presently owns stock, and where they are located, in that stock was sold in 1954. Mr. Davis stated a problem in giving out information with regard to holders of stock, in that this is private information. Council deferred action on the nomination of two members to serve on the RDC Board of Directors.

Manager Milam called Council's attention to correspondence of June 14, 1984 from the Director of Court Services, requesting Harrisonburg's approval of a Resolution whereby it would participate in the establishment of a formalized Board for the Division of Court Services for the 26th Judicial Circuit (formerly known as the Division of Court Services) and to appoint two members (one of which shall be a member of the Governing Body) to serve on the Administrative Board to operate the Program. He reminded members that action had been deferred at the June 26th meeting, pending action by Rockingham County, and noted that all localities, with exception of Harrisonburg, are now members. Following a brief discussion, it was agreed that the matter be again deferred, with instructions for the City Manager to obtain additional information for a clearer understanding of the matter.

Councilman Robinson registered complaints he had received from residents of Garber's Church Road concerning needed improvement to the road, in that one side has collapsed, and failure of Warner Amex Cable Corporation to make cable service available. He said residents had been advised by the company that cable would not be provided anytime in the near future, and that he had personally contacted the General Manager of Warner Amex concerning the possibility of a waiver. Manager Milam reported that Garber's Church Road would be improved under the 10-year Annexation Improvement Program, but added the fact that installation of utilities holds priority over street and road improvements. Garber's Church Road will be improved at some time following installation of water & sewer lines from Route 33 to Route 726. He noted that excessive cost of the Reservoir Street installations and improvements will usurp city funds before the end of this fiscal year. With regard to cable service, the City Manager was instructed to contact HEC to determine what clearance they would give between their lines on Garber's Church Road, and to so inform Mr. Stigberg of Warner Amex, for his reaction.

Complaints were registered, from a safety standpoint, concerning joggers on narrow roads, and bicyclists failing to observe safety laws and have their bikes properly equipped with lights and/or reflectors. Mayor Green asked Chief of Police Presgrave to contact JMU campus police and request them to refer the matter to the JMU Safety Committee, to be brought to the attention of students. The Chief was asked to bring a report back to Council, following his contact with JMU.

At 9:20 P.M. on motion of Councilman Shank, seconded by Councilman Robinson, and a unanimous vote, Council entered an executive session to discuss a legal matter and personnel.

At 10:45 P.M., on motion duly adopted, the executive session was closed and the regular session reconvened.

Mayor Green reminded members that a vacancy had been created on the Harrisonburg Industrial Development Authority, through Dr. Shank's appointment to serve on the City Council for the unexpired

term of Councilman Cisney. He asked members' wishes concerning an appointment. Councilman Rhodes offered a motion for Mr. Fred H. Scott of 457 Preston Drive, Harrisonburg, to be appointed to the Industrial Development Authority for the unexpired term of Dr. Shank, which will expire on April 24, 1985. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

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

CLERK

Stattu
MAYOR

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. Dingleline, Jr.; Councilmen Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on September 11th, were approved as read.

Appreciation was expressed to Council for its support of the Junior Woman's Club, and invitation extended to the 11th annual Fall Festival to be held on Court Square, Saturday, September 29, 1984.

✓ City Manager Milam presented the Report of Commonwealth Revenues for the City of Harrisonburg, year ended June 30, 1984, setting out collections in amount of \$ 1,217,904.00 remittances to the state in amount of \$ 1,214,469.00, leaving a balance of \$ 3,435.00.

✓ City Manager Milam presented the Report on Examination of Financial Statements for the Shenandoah Valley Juvenile Detention Home Commission, year ended June 30, 1984, as prepared and submitted by Anderson, Sheard & White, CPA, Staunton, Virginia. He gave background information concerning the Home, with regard to localities which have participated since its establishment, and others that have joined since that time. A copy of the Report on Examination will be on file in the City Manager's Office.

✓ Council received a petition signed by 30 residents of the Maplehurst Avenue neighborhood, objecting to the neighborhood being plagued with excessive traffic, primarily trucks. In order to restore and preserve the R-1 neighborhood, request was made for "Through Trucks Prohibited" signs to be placed at the intersection of Maplehurst and South Main Street, on Newman Avenue at the intersection of Maplehurst and Hillcrest Drive, and in the alley between Maplehurst and the JMU Maintenance area. Mr. John Sowers of 25 Maplehurst Avenue and signer of the petition, said he felt the request of residents was clear, as stated. On motion of Councilman Rhodes, seconded by Councilman Robinson, and a unanimous vote of Council, the petition was referred to the City Planning Commission for review and report.

✓ By invitation of the City Manager, Mr. Charles D. Poe, Director of the Division of Court Services, was present in the meeting to give further clarification concerning the request for Harrisonburg to become participating locality of the 26th Judicial Circuit Division of Court Services. Mr. Poe noted that all localities in the area, with the exception of Harrisonburg, have joined, with representatives appointed to serve on the Administrative Board. At the present time, the Division is operated as an independent agency as allowed under Section 15.1-21 of the Virginia Code, "Joint Exercise of Powers", and administers the ASAP Program; Community Diversion Incentive Program; Social Detoxification; Work Relief Center, etc. The Community Diversion Incentive Program, of which Mr. Hal Finlayson serves as Harrisonburg's representative, is a separate function from the Court Services, and serves in an advisory capacity for all programs administered in the area, with Harrisonburg served only by the CDI Program at the present time. Mr. Poe noted that Frederick County had been serving as the sole Fiscal Agent for the Division, but that it has presented some difficulty for the, in that 3/4 million dollars per year has been coming in for distribution. As a result of the difficulty, and subject to agreement by all participating governing bodies, Frederick County and Shenandoah County will sponsor the services as Fiscal Agent. Inasmuch as some inquiries had been made as to equal representation to which programs are offered, Mr. Poe said it was felt that some adjustments needed to be made. Mayor Green expressed appreciation to Mr. Poe for his report, and asked member's wishes concerning Harrisonburg's participation in the Division of Court Services. On motion of Vice-Mayor Dingleline, seconded by Councilman Robinson, and a unanimous vote of Council, the following resolution was approved, with minor change of one word from "shall" to "may" under Section 1 of the agreement:

In re: Establishing a formalized board for the Division of Court Services of the 26th Judicial Circuit, formerly known as the Division of Court Services.

WHEREAS, the Commonwealth of Virginia in the interest of highway safety has provided by law for programs for probation, education, and rehabilitation of persons charged with driving motor vehicles under the influence of alcoholic beverages, such programs being collectively known as Virginia Alcohol Safety Action Programs or VASAP; and

WHEREAS, since 1975 one of those programs known as Division of Court Services, has been serving the counties of Frederick, Clarke, Shenandoah, Warren and Page and the City of Winchester under the sponsorship of the Frederick County Government and with the advice and supervision of an Advisory Board composed of representatives of the several political subdivisions and others working with and interested in the program; and

WHEREAS, the Division of Court Services has expanded their ASAP operations to include the Community Diversion Incentive Program (Blue Ridge Diversionary Programs), Starting Point Detoxification Center, Residential Community Corrections Facility and Civil Mediation Programs to include the entire judicial district; and

WHEREAS, the Division of Court Services, after June 30, 1984, will no longer be sponsored by the Frederick County Government, but will, subject to agreement by the several governing bodies, be under the joint sponsorship of Frederick County and Shenandoah County as permitted by Virginia Code Sections 18.2-271.1 and 15.2-21.

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Harrisonburg, that Harrisonburg shall become a participating locality in the Division of Court Services for the 26th Judicial Circuit, hereinafter called the Program, which is established for the purpose of providing as ordered by the courts in the area to be served, public information, probation, education, prevention, and rehabilitation services and to this end, this Board hereby agrees as follows:

1) An Administrative Board shall be established to operate the Program, that Board to consist of not more than sixteen (16) members, two (2) members of which shall be appointed by the governing body of each county or city receiving said service. Membership MAV include at least one (1) member of the appointing governmental body.

2) Subject to the membership requirements set out in (1) above, the initial member or members of the Administrative Board should be filled by the said Division of Court Services Advisory Board for terms as established by the appointing body. Upon expiration of said initial terms, vacancies on the Administrative Board shall be filled by the several appointing governing bodies. A Chairman and Vice-Chairman of the Administrative Board shall be elected annually by majority vote of the members.

3) The Administrative Board shall be responsible for operation of the Program within the participating localities, and shall hire and supervise an Executive Director who shall be responsible for implementing operational policies for the Programs, hiring and supervising the staff of the Program, and controlling all revenues and expenditures of the Program. Such Executive Director shall serve at the pleasure of the Administrative Board.

4) An operating budget shall be prepared by the Executive Director and submitted to the Administrative Board annually which budget shall include receipts from client fees and other sources as deemed appropriate by the Administrative Board. Copies of the budget shall be provided to each of the participating governing bodies for approval.

5. An annual report describing the activities and financial status of the Program shall be prepared under the supervision of the Administrative Board and submitted to each governing body.

6) This agreement shall remain in effect for three years beginning July 1, 1984 and shall continue thereafter automatically from year to year unless terminated by unanimous agreement of all participating governing bodies. Any participating county or city may withdraw from the agreement and from sponsorship of the Program at any time after ninety (90) days written notice to the Executive Director and to all other participating governing bodies. After such withdrawal, the withdrawing locality shall no longer be entitled to representation on the Administrative Board nor to any other participation in the Program.

7) The Program is authorized to acquire such articles of tangible personal property as the Administrative Board deems necessary or advisable for the operation of the Program and title to such property shall be vested in the Program so long as two or more political subdivisions continue to participate. In the event that only one political subdivision continues to participate in the Program, the Program shall cease to operate as a joint exercise of power and any property then owned by the Program shall become the property of the last subdivision remaining as a participant without being subject to any claims by political subdivisions formerly participating.

8) The Administrative Board is authorized to adopt by-laws for governing its operation for control of personnel and operation of the Program and to take such other action not inconsistent with law or with this agreement as its members deem advisable, all by majority vote of its members and with concurrence from the participating governing bodies.

ADOPTED and APPROVED this 25th day of September, 1984.

Mayor

Atteste:

Clerk

✓ As follow-up of his letter of September 17th, Attorney George H. Roberts, Jr. appeared before Council as bond counsel representative for Cassco Corporation's Industrial Development Revenue Bonds in amount of \$ 1,200,000. He noted that Council had been provided with a report of the Industrial Development Authority's public hearing held this morning, and the Financial Impact Statement which speaks to the finances of Cassco Corporation. The purpose of the issue is expansion of the cold storage facility on Pleasant Valley Road. Attorney Roberts noted that Council's approval of two resolutions was necessary: (1) approval of issuance of bonds by the Authority to Cassco Corporation to the extent required under Section 103(k) of the Code and Section 15.1-1378.1 of the Virginia Code; (2) to allocate \$ 1,500,000. of Harrisonburg's allocation in total amount of \$1,897,500., representing "private activity bond limit" for 1984, for projects within the City, with the remainder of \$ 397,500. to be allocated to Cassco Corporation, and request for the amount over and above that approved for Cassco, and up to the \$ 1.2 million, to be made available through the State Reserve. Councilman Rhodes asked if the allocations had been finally decided, to which Atty. Roberts replied that they had been, for year 1984. Councilman Shank asked when they would find out about the money, and was informed that applications were due on Monday, October 1st, with final determination hoped for, by October 15th. The following resolution was then presented for Council's consideration:

WHEREAS, a public hearing was held by the Industrial Development Authority of the City of Harrisonburg, Virginia (the Authority) on September 25, 1984, in accordance with the provisions of Section 103(k) of the Internal Revenue Code 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 Cassco Corporation (the Applicant) requesting the Authority to issue up to \$1,200,000 of its Industrial Development Revenue Bonds to assist the Applicant in constructing and equipping an expansion and improvement to their existing commercial refrigerated warehouse and manufacturing facilities and related equipment located at 610, 620, 650, 680 and 780 Pleasant Valley Road in the City of Harrisonburg, Virginia including related transportation vehicles; 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 Sec. 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.

Mayor

On motion of Councilman Rhodes, seconded by Councilman Robinson, and a unanimous recorded vote of Council, the Resolution was approved, with authorization for the Mayor to sign the same. The following Resolution was then presented for Council's consideration:

WHEREAS, the Industrial Development Authority of the City of Harrisonburg, Va., (the Authority) has approved the issuance of the Authority's Industrial Development Revenue Bonds in an amount not to exceed \$1,500,000 to assist in the financing, acquisition and equipping of over-the-road heavy-duty trucks in the City of Harrisonburg, Va. for the benefit of North and South Lines, Inc (the North and South Lines Bonds); and

WHEREAS, the Authority has approved the issuance of the Authority's Industrial Development Revenue Bonds in an amount not to exceed \$1,200,000 to assist in the expansion and improvements to the Cassco Corporation's existing commercial refrigerated warehouse and manufacturing facility and related equipment located in the City of Harrisonburg, Va. (the Cassco Bonds); and

WHEREAS, the City Council of the City of Harrisonburg, Va. (the Council) has approved the issuance of the North and South Line Bonds and the Cassco Bonds in compliance with Section 103(k) of the Internal Revenue Code of 1954 as amended (the Code); and

WHEREAS, the Council is presently charged with the power to make allocations of the "private activity bond limit" presently available to the City of Harrisonburg under Section 103(n) of the Internal Revenue Code of 1954 as amended (Code) and executive order number 50 (84) of the Governor of Virginia, dated July 31, 1984 (the Order), with respect to "private activity bonds" issued to finance projects within the City; and

WHEREAS, the bonds described above are such "private activity bonds"; and

WHEREAS, the companion document to the Order indicates that there is available to the City as Local Allocation, as defined therein, a total of \$1,897,500 of "private activity bond limit" for 1984 for projects within the City, none of which has heretofore been allocated, without regard to additional amounts which may be available from the State Reserve, as defined in the Order, for such projects; and

WHEREAS, the request of North and South Lines, Inc. and Cassco Corporation exceed the amount of the Local Allocation and the Council deems it appropriate to allocate the Local Allocation and to provide for the allocation from the State Reserve if such funds should become available to the City; and

WHEREAS, the Order permits the Counties and Cities of Virginia to allocate their respective "private activity bond limits" to "private activity bonds" issued by "issuing authorities" for projects within their respective jurisdictions in order to assure exemption from federal income taxation of interest on such "private activity bonds"; and

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

1. The Council hereby irrevocably allocates to the North and South Lines Bonds \$1,500,000 of the "private activity bond limit" available to the City for 1984 as a portion of the Local Allocation of the City under Section 103(n) of the Code and the Order.

2. The Council hereby irrevocably allocates to the Cassco Bonds \$397,500 of the "private activity bond limit" available to the City for 1984 as the remaining portion of the Local Allocation of the City under Section 103(n) of the Code and the Order, and to the extent that any additional amounts are made available to the City from the State Reserve as defined in the Order, such additional amounts shall be first allocated to the Cassco Bonds up to a maximum amount of \$1,200,000, as previously approved by the City.

3. The appropriate officers of the City shall make appropriate requests for amounts from the State Reserve in order to assist in the completion of the issuance of the Casco Bonds.

4. The Council, its officers, and the officers of the City, shall cooperate in complying with the requirements of Section 103(n) of the Code (and any implementing Treasury Regulations, whether temporary or final) and the Order, to the end that there shall be allocated to all "private activity bonds" issued by the Authority to finance projects within the City and which the Authority deems worthy, sufficient "private activity bond limit" to assure exemption of the interest on the bonds of federal income taxation.

5. This resolution shall take effect immediately upon its adoption.

Councilman Robinson offered a motion for the Resolution to be approved, with authorization for the Clerk to record Council's vote and for all members to sign the Certification that the allocation was not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign, both of which were provided for on the form of Resolution as submitted. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous recorded vote of Council.

✓ Correspondence dated 9/12/84 was presented and read from Mr. B.P.Saylor, recent purchaser of "The Other Place" situate at 29 South Liberty Street. Request was made for the granting of a dance permit for the business, while in operation as "The Mystic Den." City Manager Milam informed Council that the policy of referring requests for dance permits to the Police Chief, Fire Chief and Building Official, had been followed, with reports received from each, following investigation of the premises: Fire Chief Shifflett reported that the premises appears in good repair since renovation, but expressed concern of the possibility of overcrowding. The premises is adequate to handle an occupancy load of 200 people with regard to fire extinguishers, recently remodeled exhaust hood suppression system, and sufficient exits. He noted that the BOCA Fire Code requires a 36" aisle space between all tables and chairs, while occupied. No reason stated by the Fire Chief for permit not to be issued. The Building Official's office reported no problem in the issuance, providing the occupancy maximum of 200 people is complied with. Police Chief Presgrave reported that the new owner is the former owner of "The Broken Spoke" on East Market Street, which he understands will be closed. Inasmuch as problems have been encountered at both E. Market Street and Liberty Street while operating under the former management, Chief Presgrave noted that his department would offer no recommendation, either for or against the permit. Mr. Saylor was present in the meeting, and expressed a hope to get more college trade at his South Liberty Street business establishment. He added the fact that the BOCA Code has been complied with insofar as aisle distance between tables and chairs. With regard to problems, Mr. Saylor said that more control would have to be exercised. Following discussion, Councilman Rhodes moved that the Commissioner of Revenue be authorized to issue a dance permit for "The Mystic Den" at 29 South Liberty Street, subject to compliance with Code limitations. The motion was seconded by Councilman Shank, and adopted by a unanimous vote of Council.

✓ Councilman Robinson moved that a supplemental appropriation in amount of \$ 27,409.00, requested by the Water/Sewer Superintendent in order to pay Fairway Hills for difference in cost between an 8" water line which is maximum size required for fire protection, and the 12" water line desired by the City, be approved for second & final reading, a first reading having been approved on September 11th, and that:

\$ 27,409.00 chgd.to: Water Fund - Unappropriated Fund Balance

27,409.00 approp.to: Water Fund (7011.02) Work in Progress- Capital Outlay

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

✓ Vice-Mayor Dingleline moved that a supplemental appropriation in amount of \$ 10,298.74, requested by the Street Superintendent in order to replace traffic controller at East Market Street and Country Club Road, to rent equipment for applying heated traffic paint, and to recover funds for damage to truck in accident, be approved for second & final reading, a first reading having been approved on September 11th, and that:

\$ 9,500.00 chgd.to: General Fund- Unappropriated Fund Balance

798.74 chgd.to: General Fund (4101.01) Recoveries & Rebates

6,000.00 approp.to: General Fund (4107-3004.01) Maint. & Repairs to Mach. & Equip.

798.74 approp.to: General Fund (4107-3004.03) Maint. & Repairs to Auto Equip.

3,500.00 approp.to: General Fund (4107-5413.01) Other Oper. Expenses

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

✓ For consideration of a second & final reading, an ordinance amending Section 15-2-30 of the City Code, entitled "Dog License Tax" was presented. The ordinance, approved for a first reading on September 11th, makes provision for a kennel license tax of \$ 25.00 for five (5) or more dogs, in addition to other license taxes imposed under that section of the Code. Councilman Rhodes moved that the ordinance be approved for second & final reading, with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread it 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. Book L, page 31).

✓ City Manager Milam presented an Agreement between the City of Harrisonburg and Department of Highways & Transportation, for adjustment of water and sanitary sewer facilities, which is necessary prior to construction of a section of I-81 and Port Republic Road Interchange, as proposed by the Highway Department. He noted that the water line comes from the Forest Hills area, and must be changed from the southern to northern line. The sewer line runs in a southerly direction, and was crushed while outside the City, prior to annexation. The City Engineer wrote a letter to the Highway Department, after the Water/Sewer Superintendent took issue with regard to replacing the line, which resulted in the Highway Department agreeing to pick up 100% of the cost. A contract will be let in January, 1985, and the City has been asked to prepare plans and specifications, and to supervise the work. Manager Milam said he felt the agreement is a good deal for both parties, and suggested that it be approved, with the understanding that the state will pay 100% for the utility adjustments. On motion of Councilman Shank, seconded by Vice-Mayor Dingleline, and a unanimous vote of Council, the Agreement was approved with the understanding of 100% payment by the state. The City Manager and Clerk were authorized to sign the Agreement on behalf of the City.

✓ City Manager Milam reminded Council that request had been made at the last meeting for Chief of Police Presgrave to contact James Madison University concerning the danger posed by joggers and improperly equipped bicycles (i.e. no reflectors, lights, etc.) He presented a Memo from the Chief, setting out the following actions taken since that time: ran newspaper Ad; police officers have put safety spots on local radio stations; news story run in local paper; story given to the "Breeze" (JMU's paper); officers instructed to be more alert to violations. Chief Presgrave noted that he had also talked with a member of JMU's Safety Committee, who expressed appreciation for Council's concern for students. The report was for information.

✓ On motion of Vice-Mayor Dingleline, seconded by Councilman Robinson, and a unanimous vote, Council instructed the Clerk to purge the following matters from the latest Calendar of April 10, 1984, for reasons as stated:

Recommendation for relocation of Social Services Department (MOVED TO 1598 S.MAIN ST.)

Request of Rescue Squad for permission to purchase and place mobile home next to Station #1 on Maryland Avenue (APPROVED BY COUNCIL)

Recommendations from Truck Route Study Committee (APPROVED 8/28/84)

"Madison Manor" condominiums referred back to Planning Commission for review of entire area (APPROVED 3/27/84)

Request of Orden Harman for rezoning, to adjust line in Harmony Heights Subdivision. (APPROVED 5/22/84)

Reherd Acres, Unit 15 - Final Plat (APPROVED 3/27/84)

*Consider possibility of establishing local Historical Landmark Commission and make recommendation. SEVERAL BUILDINGS HAVE BEEN PLACED ON THE VIRGINIA AND NATIONAL HISTORICAL LANDMARKS LISTS (The Harrison House, Warren-Sipe House, Joshua Wilton House, Craft House, Sovran Bank Building, County Court House); ALSO, THE HISTORICAL SOCIETY IS MUCH BETTER ORGANIZED AND MORE EFFECTIVE THAN IT WAS IN THE MID-1970s.

*Matter of closing two alleys on old South High Street (between 309-312 and 337-343). FILING FEES AND CHARGE FOR THE LAND WILL BE A BURDEN FOR THE ADJACENT PROPERTY OWNERS INVOLVED.

*Request of Jerry Williams to close alley 135 E. Johnson Street Paid filing fee 4/14/81). MR. WILLIAMS WAS ADVISED HE COULD MOW THE PAPER ALLEY OR CUT THE BRUSH, BUT WOULD HAVE TO PAY 1/2 THE COST OF THE LAND IF OFFICIALLY CLOSED. (Planning Director recommended that the foling fee be returned).

*Final Plat Miller Associates west off Main Street. (JMU NOW OWNS THIS PROPERTY ON WEST SIDE OF S.MAIN, OPPOSITE MICK OR MACK).

*Final Plat on Lot #3, J.R.Hollar Tract, 1617 S.Main Street, by Edwin Swope. (MR. SWOPE ABANDONED PLANS TO PURCHASE THIS PARCEL AFTER PLANNING COMMISSION DENIED HIS RESUBDIVISION PROPOSED IN DECEMBER 1982).

*Recommendations by Downtown Development Corporation (THEIR RECOMMENDATIONS WERE TAKEN UP BY THE TRUCK ROUTE STUDY COMMITTEE AND THEIR PROPOSALS TO REZONE INDUSTRIAL PROPERTIES TO B-1 WERE REJECTED BY THE PLANNING COMMISSION'S OVERALL ZONING MAP RECOMMENDATIONS IN JULY 1983.

*Suggestions by Bill Neff for changes in R-5 Zoning Text. (THESE SUGGESTIONS WERE ABSORBED IN THE NEW MOBILE HOME ZONING TEXTS THAT WERE ADOPTED IN MARCH 1984)

*Final Plat of proposed resubdivision of Lot #3, plus 8' of Lot #1 of Section 2, Southampton Subdivision. (THIS PROBLEM WAS SOLVED AS A "MINOR SUBDIVISION" BY THE TECHNICAL COMMITTEE.

*Final Plat of proposed resubdivision of Willow Hills, Unit 1, Lot 2, Block A. THIS PROBLEM WAS ALSO SOLVED AS A "MINOR SUBDIVISION" BY THE TECHNICAL COMMITTEE.

*Request from David and Carter Flynn for approval of resubdivision of 3 lots in Turner Ashby-Liskey Subdivision. MR. AND MRS. FLYNN DECIDED TO LEAVE THEIR PROPERTY IN ONE LARGE TRACT UNTIL SUCH TIME WHEN WATER AND SEWER IS AVAILABLE ON SMITHLAND ROAD.

*"Meadowgate Farms" Subdivision, preliminary plat. (PLANNING COMMISSION GAVE AN AFFIRMATIVE GO-AHEAD IN APRIL 1984 TO THE OWNER, MR. MARTIN EBY. NO FURTHER INTEREST EXPRESSED BY MR. EBY)

Decision re need for Truck Route Ordinance. (APPROVED RECOMMENDATION OF PLANNING COMMISSION FOR TRUCK ROUTES - DETERMINED THAT AN ORDINANCE COULD PRESENT PROBLEMS).

Re-bidding of buildings for fire substations deferred until land acquired. (LAND ACQUIRED)

Closing of 12' alley west of Monroe Street deferred, pending receipt of release (quit claim) from Terry Spitzer, adjoining landowner. (SETTLED, AND ORDINANCE APPROVED 6/12/84)

* Denotes matters recommended for purging, by Planning Director Sullivan.

✓ City Manager Milam presented a Deed to the City, dated 9/17/84, for three strips or parcels of land, 60' in width, and connecting East Market Street and Reservoir Street, for the sum of \$10.00. The Deed was signed by Bill V. Neff, Linda H. Neff, J.C.Neff, Partner and Bill V. Neff, Partner. He noted that negotiations for the land had been underway for the past four years, in order to use "University Boulevard", which is a critical link in the City's eastern annexed territory. The Boulevard runs between Valley Mall and Kroger Market. Mr. Neff agreed to deed the 60' right-of-way to the City, in exchange for the City agreeing to grade, base and pave the street, and install storm sewers, by December, 1986. Under normal circumstances, Manager Milam explained that developers are required to install curb, gutter and storm sewers, and to prepare the street's foundation, before the City will accept the street into its system. He noted that upon completion, "University Blvd." will run from JMU's Convocation Center parking lot, to East Market Street, thereby lessening the difficulty of access to the Center. He suggested that Council may desire to refer the matter to the Planning Commission, in that it deviates from the standard operating procedure in accepting streets into the City's system. On motion of Councilman Rhodes, seconded by Vice-Mayor Dingleline, and a unanimous vote of Council, the matter was so referred. When the Mayor asked Mr. Neff if he had plans for water and sewer, Mr. Neff replied that it was understood that this was the responsibility of the developer, although no plan is in-hand at the present time. Mayor Green then asked about maintenance of the street, to which Mr. Neff posed the question, "doesn't the City plow every other street?" Manager Milam pointed out that water and sewer was included in the City's description for annexation improvements, to run from I-81 to "University Boulevard", and added an opinion that purchasers of the lots would provide water and sewer services. When Vice-Mayor Dingleline asked if

the state would participate in the new construction, Manager Milam replied that it would not, but would make maintenance payments following completion of the street. The Mayor expressed appreciation to Assistant City Manager Driver and Mr. Neff, for their work and time in negotiating toward a Deed for the right-of-way.

✓ The following Planning Commission report from its September 19th meeting, was presented:

"...The Commissioners viewed an area map of the industrial area in north Harrisonburg bounded by North Liberty Street on the east and Virginia Avenue on the west. Mr. William H. Heatwole, owner of 87.5 acres on North Liberty Street, proposes to sell two lots fronting said street. City water and sewer lines are located along the east side of Liberty Street, which is only 40' wide. The Commissioners requested an additional 10' strip of land across the front of the two proposed lots. They also discussed the construction of deceleration and acceleration lanes by the developer of these lots. Attorney Henry Clark said Mr. Heatwole would agree to dedicating the 10' strip of land, although legally, his client is not required to do so.

Mr. Fleming moved for the Planning Commission to recommend approval of the 2-lot W.H. Heatwole Industrial Subdivision, subject to the dedication of a 10' strip of land along the North Liberty Street frontage. Mr. Rhodes seconded the motion and all members present voted in favor..."

Planning Director Sullivan presented two maps showing the Heatwole Farm and the 2-lot subdivision comprised of 4.3 acres and 1 acre. He pointed out the fact that a house and barn are situated between the two lots. Mr. Sullivan informed Council that the land is zoned industrial and the recommendation to approve the subdivision was in order for the owner to sell some of the acreage. The owner is willing to donate to the City, a 10' strip which will allow Liberty Street (presently a 40' right-of-way) to be built as a 60' wide collector street. City Manager Milam referred to a letter dated 9/21/84 from Attorney Donald Litten, on behalf of Holly Farms, Inc., purchaser of the Heatwole land. The letter stated that "the law does not permit a requirement that a private citizen dedicate land to public use without just compensation. Nevertheless, because Holly Farms is civic minded and willing to cooperate, it has authorized me to offer to donate the ten feet in question to the City of Harrisonburg free of charge. This offer is made subject to the understanding that it is not a condition of approval of the subdivision." In conclusion, the letter noted that Holly Farms would move its fence back 10' from the original boundary line, but it would like for the City to place stakes on the front lines where the highway is to be widened. Following discussion, Councilman Robinson offered a motion for the recommendation of the Planning Commission to be approved, with the word "dedication" changed to "donation." The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

✓ Council received the following Planning Commission report from its September 19th meeting:

"...The Commissioners were oriented to a map of the Winston Weaver property on the south side of Greystone Street in Park View. Mr. J. R. Copper explained that Mr. Weaver is conveying to his sons a 0.9 acre addition to their mini-storage facilities, located on the adjacent parcel known as Lot 1, Section 2, Greystone Subdivision.

Mr. Trobaugh moved for the Planning Commission to recommend approval of the one-lot addition in Greystone Subdivision, provided the plat is redrawn by Copper & Smith. Mr. Rhodes seconded the motion and all members present voted in favor..."

Planning Director Sullivan presented the revised Final Plat which had been redrawn by Copper & Smith. He noted that some storage buildings are situated on the Winston Weaver, Sr. property, one of which is on the portion being conveyed to his sons. Following discussion, Councilman Shank offered a motion for the Planning Commission recommendation to be approved, along with the revised Final Plat for the 0.9 acre addition in Greystone Subdivision. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

✓ Council received the following Planning Commission report from a meeting held on September 19, 1984:

"...Mr. J. R. Copper reviewed the overall master plan of Kevin Leigh's Stonefield Village Subdivision, a proposed 64-lot residential development on East Washington Street near the City Reservoirs. Mr. Copper then presented a preliminary copy of proposed Section 1, which has 28 lots. He stated that construction drawings are not finished, but City Staff has agreed that Section 1 can be served by an existing 6" sewer line in E. Washington Street. All of the lots are designed for single family homes, except two large lots on the east side of Vine Street extended, where 4-unit apartments may be built.

Satisfied that the street layout and utility system will function well, Mr. Fleming moved for the Commission to recommend approval of the Final Plan for Section 1 of Stonefield Village Subdivision, subject to Copper & Smith drawing a completed Final Plat. Mr. Rhodes seconded the motion and all members present voted in favor..."

Planning Director Sullivan pointed out the location of the Subdivision on a map, and presented an architectural drawing of the proposed units, as well as an existing structure at the corner of Vine Street which will be renovated. Mr. Leigh noted that the streets will run east/west, with southern exposure, and expressed a desire for the homes to be within the \$ 60,000. range. Although the completed Final Plat had not been received, Vice-Mayor Dingleline moved that the recommendation of the Planning Commission be approved. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

✓ The following report was presented from a Planning Commission meeting held on September 19th:

"...Under new items which were not on the agenda, Messrs. Bill Neff, J.R. Copper and Henry Clark requested the Commissioners to approve a 'Final Plat of Neff Properties, Section 14' which establishes two commercial lots on the south side of a proposed 50' street known as Terri Drive, running from East Market St. to Country Club Road. Mr. Neff said he has a buyer, Domino Pizza, expecting to purchase Lot 1 behind Schewels' Furniture. Mr. Neff reported that he has constructed

curb and gutters for Terri Drive and the street is paved next to Schewel's and the Virginia Poultry Federation Building. He will be dedicating Terri Drive and all utilities and easements are in place, as shown on the plat dated September 5, 1984.

Mr. Rhodes moved for the Commission to recommend approval of 'Neff Properties, Section 14', subject to the easement and utilities being accepted by the City. Mr. Fleming seconded the motion and all members present voted in favor..."

Planning Director Sullivan presented the revised Final Plat, noting that the first drawing was in error with regard to the spelling of Terri Drive, with neither the easement descriptions, or water/sewer easements shown on same. Mr. Neff stated that the road was built to Highway specifications while located in the County. Following discussion, Councilman Rhodes moved that Council approve the recommendation of the Planning Commission, and revised Final Plat of the 2-lot commercial subdivision. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

✓ Council received the following Planning Commission report from its September 19th meeting:

"...Also under new items which were not on the agenda, Mr. J. R. Copper requested the Commissioners to review and recommend the proposed Final Plat of Interstate Commercial Park Subdivision, a 5-lot layout covering approximately eleven acres between South Main Street and Interstate 81. Four small lots will face Main Street and a cul-de-sac street. Reedy Circle will be constructed by the developer to serve the 8-acre Lot 5. Mr. Neff reported that Reedy Circle is under construction. Mr. Sullivan noted that utility and storm drainage easements must be drawn on the plat. The preliminary plan for this subdivision was reviewed and recommended in April, subject to the City Engineer's approval of engineering drawings, street construction plans, utility and storm drainage easements.

Mr. Fleming moved for the Commission to recommend approval of the Final Plat of Interstate Commercial Park Subdivision, subject to adding the easements to the plat and acceptance of engineering plans by the City Engineer. Mr. Trobaugh seconded the motion and all members present voted in favor..."

Mr. Neff pointed out the area on a map, and said the street (Reedy Circle) is "about on grade." City Manager Milam pointed out that this is one case where the Final Plan for a subdivision is coming to Council before construction plans have been reviewed by City Staff. He added that normally, staff has to review this, prior to its being referred to the Planning Commission, and said that although the developer has closing dates to meet, and project should not be delayed, it still presents a difficult situation. Councilman Rhodes (a member of the Planning Commission) pointed out that the recommendation of the Commission was to approve the plat, subject to adding easements and acceptance of plans by the City Engineer. Mr. Copper pointed out that the street has to meet certain qualifications before acceptance into the City's street system, and said he could see no reason why it could not be approved, subject to the required data. Following discussion, Councilman Rhodes moved that Council approve the Planning Commission's recommendation as stated, insofar as addition of easements and approval by the City Engineer. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

✓ The following report from a September 19th meeting of the City Planning Commission, was presented:

"...Under new items which were not on the agenda, Messrs. Bill Neff and J.R. Copper requested the Commissioners to approve a plat dated September 18, 1984 showing two parcels of land adjacent to the 12-acre site of Truck Enterprises, Inc. on South Main Street's east side. A site plan for developing the area has been submitted to City Engineer Wilcox and the additional parcels are needed. Since the one-acre parcel has no street frontage, Mr. Trobaugh moved that the Commission grant an exception based on Article VIII (Variances) and approve the request. Mr. Fleming seconded the motion, providing Truck Enterprises, Inc. construct the required deceleration-acceleration lanes along S. Main Street. All members present voted in favor... (Mr. Dwight Hartman was absent)..."

Following a brief discussion, Vice-Mayor Dingledine offered a motion for Council to approve the report of the Planning Commission, as stated. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

✓ Council received the following report from a meeting of the City Planning Commission held on September 19, 1984:

"...Under new items which were not on the agenda, Messrs. Henry Clark and J.R. Copper asked the Commissioners to approve one commercial lot in Funkhouser Subdivision on the west side of South Main Street. Owner Fred O. Funkhouser is conveying the 1.6 acre lot to his son, Douglas Funkhouser. It is located between Dallas Hollar Ford and Osman Motors. Water and sewer is available and S. Main St. is completed. Mr. Wilcox reported that grading of the site is already taking place. A 60' strip of land will remain between this lot and Dallas Hollar Ford, presumably to serve as a future street for Mr. Funkhouser's acreage to the west.

Mr. Fleming moved that the Commission recommend approval of the one-lot addition to Funkhouser Subdivision. Mr. Milam seconded the motion and all members present voted in favor..."

Attorney Henry Clark noted that Mr. Funkhouser is deeding this lot to his son. On motion of Councilman Rhodes, seconded by Councilman Robinson, and a unanimous vote of Council, the recommendation of the Planning Commission was approved.

✓ Councilman Rhodes registered a complaint he had received re trucks used in the construction project, coming into the project via Blue Ridge Drive, rather than Old Furnace Road as requested by Council during discussion at an earlier meeting. Following a brief discussion, Councilman Rhodes offered a motion for the Police Chief to ask the trucking firms to use Furnace Road, and to make the developer aware of complaints being received. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

✓ Councilman Rhodes questioned Section 16-6-58 of the City Code concerning weed cutting, as to its strength insofar as enforcement. He noted that some take the attitude "it's cheaper for the City to mow, so let them." City Manager Milam noted that his office received complaints, with mixed feelings about the code requirements. He added the fact that although a new draft has not been drawn, to date, the Police Chief and City Attorney have been working on an ordinance revision, which will be presented at a future meeting.

✓ Mr. Bill Neff offered an observation that the City's Subdivision Control Ordinance is not geared for business or industrial property, but rather for subdivisions for housing. As an example, Mr. Neff said he is being required to draw a plat for the entire acreage, install water & sewer, and divide the land into lots, when he actually only desires to sell off about four acres out of approximately 280 acres. He offered an opinion that if the property is zoned business, and an owner has a purchaser for a portion of same, he should be permitted to make the sale, in that it is impossible to plan for the entire acreage at one time without the knowledge of potential purchasers, or type of businesses to be operated. Mr. Neff noted that if property is situated in the County and zoned for business, the only requirement is for a 50' frontage to a street. He suggested a review of the City's Ordinance. Councilman Rhodes (a member of the City Planning Commission) noted that the Commission has plans to review the ordinance, very shortly. Planning Director Sullivan said that earlier this year, Council accepted a Minor Subdivision addition to the ordinance, which is not taking care of what the Commission had intended, and it was realized at an August meeting that the Subdivision Ordinance should be evaluated. Although most people refer to a subdivision as housing, Mr. Sullivan noted that the City operates under the same ordinance for all subdivisions of land. Mayor Green asked the Director to expedite a review of the Ordinance, and report back to Council.

✓ Vice-Mayor Dingleline offered a motion for appreciation to be expressed to Assistant City Manager John Driver for his excellent report concerning the City's Heat Recovery Plant, which has resulted in the project qualifying for a National Award. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council. It was pointed out that the City received one of fifteen state awards for the project earlier this year, with reports of the fifteen recipients submitted to the National Level.

At 9:50 P.M., on motion of Vice-Mayor Dingleline, seconded by Councilman Rhodes, and a unanimous vote, Council entered a brief executive session to discuss personnel.

At 10:27 P.M., on motion duly adopted, the executive session was declared closed and the regular session reconvened.

✓ Mayor Green asked members if they were prepared to name an appointee to serve out Mr. Bob Amos' term on the City School Board, at this time. Councilman Robinson offered a motion for Mr. Ned A. Hillyard of 90 Emery Street, Harrisonburg, to fill the unexpired term to June 30, 1985. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

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

CLERK

Walter E. Green

MAYOR

Tuesday, October 9, 1984

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. Dingleline, Jr., Councilmen Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on September 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 September, 1984.

From the City Treasurer:

A trial balance report as of close of business on September 30, 1984.

From the Police Department:

A report of Fines & Costs in amount of \$ 2,233.75; Cash Collected from Street Parking Meters in amount of \$ 5,904.07; Total Cash Collected and Paid on Accounts and Turned Over to City Treasurer, \$ 8,138.82, for month of September, 1984.

From the City Auditor:

A financial report for the City of Harrisonburg, month of September, 1984.

A report of cash discounts saved in payment of vendor's invoices for month of September, 1984, totaling \$ 229.27

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, 1984.

✓ City Manager Milam presented, for information and review, the financial report for the Harrisonburg Electric Commission, as of June 30, 1984, compiled and submitted by the C.P.A. firm of McGladrey, Hendrickson & Pullen. He suggested, that should Council have any questions, a representative from HEC or the accounting firm, be invited to the next meeting. It was agreed that the City Manager invite a representative of the accounting firm to the next meeting on October 23rd, for a review of the report and to answer any questions concerning same.

✓ Council received the annual report for the Shenandoah Valley Airport Commission, covering fiscal year 7/1/83 - 6/30/84, submitted by Mr. Virgil Duff, Airport Manager. The City Manager was asked to invite Mr. Roy Erickson, Council's representative on the Airport Commission, to be present at the October 23rd meeting for a review of the report, and to answer any questions members may have.

✓ Council received the Harrisonburg-Rockingham Regional Sewer Authority Report on Examination as of June 30, 1984, submitted by Ms. Nancy Showalter, Office Manager, on October 12, 1984, which had been presented to, and approved by the Board of Directors. The report was compiled by the C.P.A. Firm of Young, Nichols, Mills & Company.

✓ Through correspondence dated 10/1/84 from Mr. Orden L. Harman, the City Manager was advised of his desire to open Section II of Harmony Heights Subdivision in the near future, plans for which had been submitted to the Planning Director and City Engineer, for their review. On motion of Vice-Mayor Dingledine, seconded by Councilman Robinson, and a unanimous vote of Council, the request was referred to the City Planning Commission for review and report. Councilman Rhodes, a member of the Planning Commission, informed Council that question had been raised by one of the Commissioners as to why the plats for subdivisions, lot line adjustments, etc., other than zoning issues, had to come to Council first, rather than going straight to the Commission. City Manager Milan replied that it is a matter of policy, with Council reserving the right to determine whether or not the request should be referred. Following a brief discussion, Councilman Rhodes offered a motion for developers to present their requests for land matters, other than rezoning issues, directly to the City Planning Commission, with Council notification of the action. The motion was seconded by Councilman Shank, and adopted by a unanimous vote of Council.

✓ Correspondence was presented from The Reverend Calvin N. Baltimore, pastor of First Baptist Church, 611 Broad Street, Harrisonburg. Council was advised that First Baptist plans to open and operate a community and county-wide Senior citizens' Daily Hot Lunch Program, along with afternoon activities at the church. The church bus would be used for transporting senior citizens to and from the church, where they will be provided with a home-like atmosphere. The correspondence noted that the church is applying to the state of Virginia for funding the program, and Council was asked to adopt a resolution in support of the proposed community center. Mayor Green said he had no knowledge of state funding, insofar as Programs of this type. Vice-Mayor Dingledine, Chairman of the Price-Rotary Senior Citizens' Advisory Board, said he would like to present the letter from First Baptist, at the next meeting of the Advisory Committee, for more information concerning state funding, in that funding is provided for the Price Rotary Center, and other Centers in the County. Councilman Rhodes offered an opinion that more information is needed, prior to Council approving a Resolution. Mayor Green asked the Vice-Mayor to present the correspondence at next week's meeting, and report back to Council.

✓ Assistant City Manager Driver, Secretary of the Harrisonburg Transportation Safety Commission, reported the following actions taken at the September 14th meeting concerning situations at various intersections as set out in a letter from Mr. George Conrad:

- 1) The pedestrian cross-walk lights at the Mason & E. Market Street intersection:

"Chief Presgrave provided committee members with surveys conducted at this intersection and noted that there had been on accidents involving pedestrians at this intersection. He noted that while 296 walkers did use the current walk lights, 143 chose to "jaywalk" and did not even use the existing pedestrian safety system. Jean Grimes also noted that, based on her experience as a crossing guard at Port Republic Road and South Main Street, even though the four-way stop pedestrian crossing light recommended by Mr. Conrad was safer for pedestrians, most pedestrians were too impatient to wait for this slower system and would cross the street long before the lights could function. Also, it was noted that this type of light would further congest the flow of traffic. Based on all of these considerations, the committee members were in agreement to recommend that the pedestrian crossing system at the East Market and Mason Street intersection not be changed.

- 2) The lack of a left turn light for northbound traffic at Mason & Elizabeth Streets:

"Chief Presgrave reported that there was not enough width to permit the construction of a left turn lane and that over a period of two years and nine months, only 5 of the 14 accidents at this intersection had involved vehicles making turns. Noting these facts, as well as the fact that a left turn light without any lane would not only be useless, but would also further congest traffic, the committee members were in agreement to recommend that the current traffic signals at the Mason and Elizabeth Street intersection not be changed."

3. The turning radius of the Mason & Elizabeth Street intersection for northbound vehicles on Mason turning east onto Elizabeth:

"Before any discussion was started on the concerns, Chief Presgrave noted that according to Assistant City Manager John Driver, the turning radius of the Mason/Elizabeth intersection was already scheduled to be widened as part of a construction project by the Harrisonburg Electric Commission at this intersection. Noting this, the committee members no longer considered this point for discussion."

Mr. Driver informed Council that the widening project by HEC would be done no later than April or May of next year. On motion of Councilman Rhodes, seconded by Vice-Mayor Dingledine, and a unanimous vote of Council, the report of the Harrisonburg Transportation Safety Commission was accepted.

✓ City Manager Milan called members' attention to their draft copies of a proposed Deferred Compensation Plan Ordinance for the City of Harrisonburg, which had been reviewed and endorsed by the Harrisonburg Electric Commission's General Manager and Attorney. Mr. Steve Adkins of the law firm of Litten, Sipe & Miller was present in the meeting to present an overview of the proposal. He noted that the Plan is a vehicle to provide for employees of the City to set aside a maximum of \$ 7,500. of his/her annual salary for some type of investment which would be tax free, and provide

for those participants upon their retirement. The City Manager would be granted authorization to supervise, administer and implement the Plan, including the power to contract with private corporations, persons or institutions for services in connection with the Plan, and added the fact that the Plan offers flexibility with regard to investments. Vice-Mayor Dingledine asked if the Plan provides an option for the employee to choose the type of investment, and Attorney Adkins replied that it would, with forms to be mailed out to those desiring to join in the Plan. The Vice-Mayor then asked if every employee would have to invest in the same institution or company. The attorney replied in the negative, but added that some limitations would be placed, with regard to transfers, etc. Manager Milam noted that once adopted, the Ordinance would apply to all Boards and Commissions. When Councilman Robinson asked if the Constitutional Offices (Treasurer & Commissioner of Revenue) would be covered under the Plan, Attorney Adkins said the matter of participation would have to be determined by Council. Following discussion and on motion of Vice-Mayor Dingledine, seconded by Councilman Robinson, and a unanimous recorded vote of Council, the Deferred Compensation Plan Ordinance was approved for a first reading.

✓ For information, the City Manager presented correspondence from the State Water Control Board, dated 9/21/84, advising that the Executive Director had approved plans and specifications for the East Market Street Sewerage Collector System, with authorization for the City to proceed with the project. Letters were attached to the correspondence from the State Department of Health and Office of Water Resources Management, approving the plans and specifications for the project.

✓ Correspondence was presented from the Central Shenandoah Planning District Commission, advising the City Manager that the project known as "Lake Complex Student Housing Project" would be reviewed at its October 15th meeting in Fishersville. Any comments on the proposal were requested to be forwarded to the Commission Office prior to the meeting. Manager Milam noted that the project would be sponsored by James Madison University, to provide housing for its students, and asked that any comments be given to Councilman Rhodes, a member of the Planning District Commission. It was agreed that no comments be offered.

✓ City Attorney Lapsley reviewed with Council the state forms which he and Attorney George H. Roberts, Jr. had prepared, with information concerning Private Activity Bond Issues closing in 1984; Projects with pre-June 19, 1984 inducement resolutions and closing dates between 6/19/84 and 1/1/85 subject to provisions of the Deficit Reduction Act (Truck Enterprises, Inc. \$2½ million; Charles O. Maphis, Jr., \$2 1/4 million), and Projects from 6/19/84 to 12/31/84 with anticipated closing date prior to 1/1/85, that will be issued under the \$ 75 per capita local allocation (North & South Lines, Inc. \$ 1,500,000.; Cassco Corporation, \$ 1,200,000.) The report was for information.

At 9:00 P.M., on motion of Vice-Mayor Dingledine, seconded by Councilman Robinson, and a unanimous vote, Council entered an executive session to discuss personnel.

At 10:25 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, October 23, 1984

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. Dingleline, Jr.; Councilmen Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; 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 October 9th were approved as corrected.

Through correspondence dated 10/16/84 from Mr. Victor J. Smith, he requested that his property situate at 261 South Liberty Street, presently zoned R-3 Residential, be rezoned to M-1 Industrial. It was noted that the Daily News Record is interested in purchasing the property for future expansion at a later date, with a present need to widen the existing roadway on the south side of their property. Further noted was the fact that the News Record is zoned Industrial, and is located immediately adjacent to the Smith property. On motion of Councilman Robinson, seconded by Councilman Shank, and a unanimous vote of Council, the request was referred to the City Planning Commission for investigation and report.

Dr. Paul Cline, Chairperson for the Harrisonburg-Rockingham Task Force to Combat Drunk Driving, was present in the meeting, along with several representatives of the organization, to review the October, 1984 report which had been submitted. Dr. Cline said the organization had been meeting since March of this year, with membership consisting of appointees from the City of Harrisonburg and County of Rockingham. The primary function of the organization is to make recommendations on driving under the influence of alcohol and drugs in the City and County, and not to deal with abusive use of alcohol. Four surveys have been made among attorneys and law enforcement officers, with input from various experts and private citizens. Dr. Cline noted that the Harrisonburg Transportation Department is taking part, by having cabs and buses available for high-risk hours. A program is being presented in the schools re alcohol and related drug problems. He reviewed with Council, twenty-two recommendations in the report, which he said were made in earnest, and requested that Council action be taken on all, or as many as members feel can be approved. Ms. Karen Cline, a member of the organization, noted that by the time students enter high school, they may have been subjected to some use of alcohol, and by the 11th and 12th grades, a large number of students are practicing drinkers. Mayor Green expressed appreciation for the report and assured those present that the matter would be kept on Council's agenda.

Mr. Roy Erickson, a representative of Harrisonburg on the Shenandoah Valley Airport Commis-

sion, was present in the meeting to review the annual audit report covering fiscal year beginning 7/1/83 and ending 6/30/84. Mr. Erickson said he was pleased to represent Harrisonburg on the Commission for the airport, in which the City had been a leader in its establishment. The facility is valued at \$6 million and operates as a fixed base operation. Funds from the three participating cities (Harrisonburg, Staunton, Waynesboro), and two counties (Rockingham and Augusta), received annually, are used to support capital improvements on the airport. Mr. Erickson noted that the airport supports public transportation and said that Piedmont, which used to "pop in" for 6 - 8 passengers, is no longer federally subsidized. He said there is a need for a new fire truck to replace the 1960 model presently in use. In conclusion, Mr. Erickson said that the airport supports both industry and transportation, and expressed a hope that Harrisonburg, as well as the other participating localities, will continue their support to the airport, which also receives state funding. New hangars are proposed for construction for private plane use and rental. The Mayor expressed appreciation for the report.

Messrs. Ken Huffman and Steve Strop of the CPA Firm of Phibbs, Burkholder, Geisert & Huffman, were present in the meeting to review with Council the City's annual financial report as of June 30, 1984. Various graphs were presented, with statistics concerning General Government Revenues and Expenditures; Property Tax Assessment; Property Tax Levy in Dollars and Net Bonded Debt Per Capita. Mr. Huffman said that more cities and counties are submitting semi-annual tax statements, with payments made twice a year. He offered an opinion that this would be beneficial to the city, as well as the taxpayer, but added the fact that the Commissioner of Revenue and City Treasurer were not in favor of this change because of additional work which would be necessitated. Vice-Mayor Dingleline brought up a problem with taxpayers losing 6 months interest. Councilman Rhodes asked what month would be considered delinquent on the first payment and Mr. Huffman replied that an earlier date, about the same as the end of the year. Councilman Robinson asked how Fixed Assets, as recommended, would effect bond indebtedness, as to improvements. Although Mr. Huffman said he had no answer to the question, he noted that although the City does have some lists of assets, they are not coordinated. He offered his firm's services in compiling both real and personal assets, at a lesser amount than an out-of-town firm would charge. During the review and discussion, the matters of Reserves for Encumbrance and issuance of food stamps across the counter rather than by mail, were approached. Mayor Green said that traffic flow had hampered issuance of food stamps while the Social Services Department was housed in this building, and suggested that the new procedure may again be discussed, since the department has moved to its South Main location, with ample parking. Appreciation was expressed for the review by representatives of the Accounting Firm.

With regard to the Harrisonburg Electric Commission Financial Report as of June 30, 1984, Mr. Kenneth Frantz, General Manager, said it was his understanding that he, and Commission representatives were to answer any questions Council may have, rather than to review the entire report. He explained increases in operating costs since the addition of 400 customers in annexation, and said they are presently in the process of receiving industrial customers into the city's system. No deposit will be required of those residing in the annexed area, but a deposit will be required of new customers moving in to that area. Mr. Frantz asked that no action be taken by Council with regard to an ordinance amending Section 8-1-4(a) of the City Code relating to appointment of Commission members, until such time as they can meet with Council to discuss the matter. Mayor Green noted that time would be allowed between a first and second reading of the ordinance, for discussion, should Council prefer to act at this time.

The following report from the October 17th meeting of the City Planning Commission was read by the City Manager:

"...The Commissioners were oriented to the long-range master plan of Harmony Heights, located in northern Park View. Mr. Sullivan pointed out the location of Section 1 and proposed Section 2, adding that 35 dwelling lots are planned, plus 24 townhouse lots. Park Road and College Avenue will be extended and Birch Drive will be opened from Park Road east to Virginia Avenue. This will benefit neighborhood traffic flow by allowing more than one access to and from Harmony Heights. Developer Bernard Martin reported to the Commission that he met with the City Engineer and discussed in detail all of the public works items, including street design, easements, utilities and drainage patterns. While the layout of lots and streets is satisfactory, some construction details may have to be adjusted, according to Mr. Martin.

Mr. Fleming concluded the discussion with a motion to recommend approval of the Final Plan for Harmony Heights Subdivision, Section 2. Mr. Trobaugh seconded the motion and all members present voted in favor..."

Planning Director Sullivan pointed out the area on a map, noting that Section 1 has been recorded, and is partially developed. He said that the street extension will improve traffic flow, and that the lots, although primarily for single family residences, may attract some duplex housing units. According to the Director, all details, insofar as the drawing, were satisfactory. Councilman Rhodes said that Mr. Martin was very complimentary about City Engineer Wilcox. Vice-Mayor Dingleline moved that the recommendation of the Planning Commission be approved. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

Council received the following Planning Commission report from a meeting held on October 17th:

"...Mr. Nathan Miller, owner/developer representing Triton Development Ltd., reviewed the list of changes which have been made on the Final Plan for Rockingham Warehouse Center Subdivision following the June 26, 1984 City Council meeting, at which time the plan was deferred. Mr. Miller reported that he, Mr. Robert Funk, and Messrs. Milam, Wilcox and Smith met on the site and reviewed all of the drainage, street and site improvements needed to receive City approval. The Director noted that the Commission recommended a waiver concerning curb and gutter on existing 'Warehouse Road' when reviewing this subdivision on June 20th, since the roadway was constructed prior to annexation to meet state specifications for handling heavy trucks.

Mr. Fleming moved for the Commission to recommend approval of the revised Final Plan of Rockingham Warehouse Center Subdivision, with the understanding that curb and gutter on Warehouse Road is waived and the construction plans and profiles have

been thoroughly reviewed by the City's technical staff. Mr. Heath seconded the motion and all members present voted in favor..."

Planning Director Sullivan called attention to the survey sheet attached to the report, and noted that some storm pipe had to be moved from under the warehouse, and another easement added. Also, slight alteration was necessitated insofar as the square footage. City Manager Milam said that to his knowledge, all had been taken care of for the subdivision which is located on the east side of S. Main Street's 4000 block, near the city limits. Councilman Rhodes offered a motion for the recommendation of the Planning Commission, as stated, to be approved. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

City Manager Milam presented and read the following Planning Commission report from an October 17, 1984 meeting:

"...The Commissioners, having tabled this one-lot, three acre proposal in September, and after discussing the situation with the City Attorney, agreed that an internal family conveyance of titles to property should be approved in this case. According to Mr. Mike Sarco who was present in September, no construction of buildings is contemplated anytime soon, but he is working with the nearby Valley Church of Christ congregation to obtain a 20' addition for his current 35' private right-of-way which connects the land-locked Sarco property to Virginia Avenue.

Noting that further staff review will occur when any building permits are sought, Mr. Rhodes moved that the Commission recommend approval of the Sarco Industrial Park Subdivision, Section 1. Mr. Fleming seconded the motion and all members present voted in favor..."

Planning Director Sullivan called attention to the Plat attached to the Commission's report, and noted that Mr. Sarco was in need of the additional strip of land in order to widen the road. The subdivision is situate east of The Valley Church of Christ, which fronts on Virginia Avenue, north. On motion of Councilman Robinson, seconded by Vice-Mayor Dingledine, and a unanimous vote of Council, the recommendation of the Planning Commission was approved.

Council received the following Planning Commission report from a meeting held on October 17, 1984:

Mr. John Sowers, 25 Maplehurst Avenue, was present in support of a letter signed by 30 residents, requesting that 'Through Trucks Prohibited' signs be placed at three locations: 1st, at the intersection of Maplehurst and South Main Street; 2nd, on Newman Drive at the intersection of Maplehurst and Hillcrest; and 3rd, in the alley connecting Maplehurst and J.M.U.'s maintenance area behind Wampler Building. The letter noted that Maplehurst Avenue is being used as a short-cut and pass-through by J.M.U. maintenance trucks making deliveries to Mister Flip's Mini-Mart. It also says signs prohibiting through trucks are located on Hillcrest Drive and Moffett Terrace where they intersect with Port Republic Road. Mr. Sowers stated that the Commission's truck route recommendations support or mark all of the Maplehurst Addition as a 'no through truck' area.

Mr. Rhodes moved for the Commission to recommend that City Council have the City Manager install 'Through Trucks Prohibited' signs as requested. Mr. Trobaugh seconded the motion and all members present voted aye.

Assistant City Manager Driver observed that enforcement will be difficult, especially concerning the alley behind the Catholic Student Center, since the trucks are delivering goods. It was suggested that discussion with J.M.U. and Mr. Flip's Mini-Mart may help reduce the problem..."

Following discussion, and with the knowledge that enforcement may be difficult with regard to deliveries, Councilman Rhodes offered a motion for the recommendation of the Planning Commission to be approved. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

Council received the following Planning Commission report from meetings held on July 18th and October 17th:

"...The Director and Assistant City Manager John Driver reviewed the proposed 'Major Street Plan' which had been briefly discussed during the May 16, 1984 meeting and was the topic for discussion when the Commissioners took a bus tour of the city on May 23rd. An important consideration is that State and Federal highway funds will only apply to streets designated as 'major streets.' Mr. Driver added that the minimum width could be as low as 60' right-of-way, and since portions of existing major streets are between 60' and 85' width, the Commission may want to define 'Major Streets' as those with proposed right-of-way over 60 feet. However, there is no guarantee that financial assistance will be available for all projects the City applies for.

The Commissioners studied the map, and suggested one change: make Vine Street a 'major street' since it will eventually be extended across north Harrisonburg to intersect with Virginia Avenue and Mt. Clinton Pike. Port Republic Road, already shown as a 'major street' was discussed as a project needing priority attention, especially east of Interstate 81. Unfortunately, this portion of Port Road is not listed for improvements in the 1995 Harrisonburg Thoroughfare Plan. Mr. Milam suggested that the Commission recommend approval of the proposed Major Street Plan, to be a guide for City Staff and developers, especially when the question comes up of how much right-of-way is desired as road frontage is developed.

Mr. Hartman offered a motion for the Commission to recommend approval by Council of the 'Major Street Plan as a guide.' Mr. Trobaugh seconded the motion and all members present voted in favor. (The changes included making Vine Street a major street and defining 'major' to have right-of-way 'over 60'..."

"...As an addendum to the Commission's July 18, 1984 discussion and recommendation regarding adoption of a 'Major Street Plan', the Director reviewed the Deed between Bill V. Neff and the City, conveying 'University Boulevard' to the City. Noting that this will be a 60' wide street from East Market to Reservoir

Street, the Commissioners agreed that it be added to the map as a collector street. They also instructed the Director to show undeveloped links of future Vine Street on the Major Street Plan as a major street to be developed.."

Planning Director Sullivan pointed out the various streets on a map of Harrisonburg, showing major streets as a 60' - 80' right-of-way, collector streets with up to a 60' right-of-way, and minor streets as a 50' right-of-way. Vice-Mayor Dingledine suggested that the Planning Commission report show a major street as 60' and over, rather than over 60' as stated. When question was raised, it was noted that state aid is received on major type streets only. The Vice-Mayor asked why University Boulevard wasn't designated as major rather than collector, due to its importance. Assistant City Manager Driver said there was no chance of getting state aid on the boulevard, but added that he had no qualms with making University Boulevard a major street. The City's maintenance ends at J.M.U. property, and from that point, it is their responsibility. Mayor Green suggested that University Boulevard be a through street for traffic from Port Republic Road to Route 33. Mr. Driver said there had been objections by developers for a major street to run through a developed area, but said he could envision a through street from Port Road to Reservoir Street and through University Boulevard to Route 33. Council agreed that it would be easier to make University Boulevard a major, rather than collector street at this time, instead of later. Following discussion, Vice-Mayor Dingledine offered a motion for Council to approve the recommendation of the Planning Commission with two amendments as follows: (1) definition of Major Street to be changed to read "60' and over", rather than over 60' as stated, and (2) University Boulevard be designated as a "Major Street" from East Market to Reservoir, and as a "projected major street" to Port Republic Road. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

Attorney James Sipe, counsel for the Harrisonburg Redevelopment & Housing Authority, was present in the meeting to request Council approval, by resolution, the issuance of the Harrisonburg R & H Authority's multi-family housing revenue bonds in an amount not to exceed \$ 10,000,000. to assist (The Partnership), Dimension-Amberton Associates, Ltd., a Texas limited partnership, for the acquisition, construction and equipping of a 190 unit multi-family apartment project in Prince William County, Virginia. He noted that the proper procedure had been followed, through submission of all necessary documents. Inasmuch as Prince William County has no R & H Authority, and issuance of these bonds is almost identical to others already approved, Attorney Sipe requested approval by Council of the following resolution:

WHEREAS, the Harrisonburg Redevelopment & Housing Authority, a political subdivision of the Commonwealth of Virginia (the "Housing Authority"), has considered the application of Dimension-Amberton Associates, Ltd., a Texas limited partnership (the "Partnership"), for the issuance of the Housing Authority's multi-family housing revenue bonds in an amount not to exceed \$ 10,999,000 (the "Bonds"), to assist in the Partnership's acquisition, construction and equipping of a 190 unit multi-family apartment project in Prince William County, Virginia (the "Project"); and

WHEREAS, no redevelopment and housing authority has been activated in Prince William County and the Board of County Supervisors of Prince William County has requested that the Housing Authority finance the Project through the issuance of the Bonds; and

WHEREAS, the Industrial Development Authority of the County of Prince William (the "Prince William Authority"), at the request of the Housing Authority and the Board of County Supervisors of Prince William County held a joint public hearing concerning the issuance of the Bonds to finance the Project in accordance with applicable Federal and State law on September 17, 1984; and

WHEREAS, the Prince William Authority, following such public hearing, adopted a resolution recommending the approval of the Bonds and the financing of the Project; and

WHEREAS, the Board of County Supervisors of Prince William County has adopted a resolution approving the Bonds within the meaning of Section 103(k) of the Internal Revenue Code of 1954, as amended (the "Tax Code") and approving the financing of the Project within the meaning of Section 15.1-1378.1 of the Code of Virginia of 1950, as amended (the "State Code"); and

WHEREAS, a "fiscal impact statement" with respect to the Project has been transmitted to this Council, together with a reasonably detailed summary of comments expressed at the aforesaid joint hearing;

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

1. The City Council of the City of Harrisonburg, Virginia, approves the issue of the Bonds by the Housing Authority for the benefit of the Partnership, to the extent required by Section 103(k) of the Tax Code, and further approves the financing of the Project to the extent required by Section 15.1.1378.1 of the State Code to permit the Housing Authority to assist in the financing of the Project.

2. The approval of the issuance of the Bonds, as required by Sec. 103(k) of the Tax Code and of the financing of the Project pursuant to Sec. 15.1-1378.1 of the State Code, does not constitute an endorsement of the Bonds or the creditworthiness of the Partnership, but, as required by Section 36-29 of the State Code, the Bonds shall not be a debt of the City of Harrisonburg, the Commonwealth of Virginia or any political subdivision thereof (other than the Housing Authority), neither the City of Harrisonburg, nor the Commonwealth of Virginia or any political subdivision thereof (other than the Housing Authority) shall be liable thereon, nor, in any event, shall the Bonds be payable out of any funds or properties other than those specifically pledged thereto; and the Bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

3. This resolution shall take effect immediately upon its adoption.

Mayor

Councilman Rhodes offered a motion for the Resolution to be approved, with authorization for the

Mayor to sign the same. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous recorded vote of Council.

Mr. James Deskins, Executive Director of the Harrisonburg Redevelopment & Housing Authority, informed Council that the Authority had applied for funding on rental properties in northeast Harrisonburg, and desired to expand boundaries of the rehabilitation district to include the part identified in Exhibit I, as follows:

All that area bounded by lines beginning at the intersection of East Johnson Street and North Main Street; thence northerly on North Main to the intersection of East Washington Street; thence easterly on East Washington Street to the intersection of Tower Street; thence southerly to the intersection of Old Furnace Road; thence westerly to the junction with East Market Street; thence westerly on East Market Street; thence northerly along an alley and the eastern boundary of Lot 4, Block 4, Sheet 34, to the intersection of East Elizabeth Street; thence westerly to the intersection of North Mason Street; thence northerly to the intersection of Wolfe Street; thence easterly on Wolfe Street to an alley continually referred to as Broad Street Alley; thence northerly along said alley to the intersection of East Johnson Street; thence westerly on East Johnson Street to the intersection of North Main Street, the place of beginning.

Councilman Rhodes asked if this would allow the Authority to "go in on private property and do things." Attorney James Sipe noted that they were "only a vehicle for stimulation to update properties." After discussion, the following Resolution was approved on motion of Councilman Rhodes, seconded by Vice-Mayor Dingledine, and a unanimous vote of Council.

WHEREAS, the Harrisonburg Redevelopment and Housing Authority has recommended that the City Council, pursuant to the provisions of Section 36-52.3 of the Virginia Code, as amended, adopt a resolution declaring that the area of the City of Harrisonburg, as more particularly described in the boundary description and area shown in red upon the boundary map attached hereto and made a part hereof as Exhibits 1 and 2 respectively, is "the expanded Rehabilitation District"; and

WHEREAS such area is adjacent to the area embraced in the Conservation Plan" previously adopted by the City Council and if said area is not rehabilitated, it is likely to deteriorate to a condition similar to that which existed in the area embraced in the conservation plan; and

WHEREAS, pursuant to Title 36, the Harrisonburg Redevelopment & Housing Authority is unable to assist owners or occupants within the proposed rehabilitation district including the power to lend money and make grants to said owners or occupants until the City Council declares the area as "the expanded Rehabilitation District."

NOW THEREFORE, it is hereby

RESOLVED, that the portion of the City of Harrisonburg more particularly described in the boundary description and the red portion of the map attached hereto as Exhibits 1 and 2 respectively is adjacent to an area embraced in a "Conservation Plan" previously approved by the City Council pursuant to Sec. 36-49.1 and said adjacent area is deteriorating, and, if not rehabilitated, is likely to deteriorate to a condition similar to that which existed in the area embraced in the "Conservation Plan", and be it

FURTHER RESOLVED, that the area described in the boundary description and boundary map hereto as Exhibits 1 and 2 is hereby declared and designated as "the expanded Rehabilitation District" within the meaning of Sec. 36-52.3 of the Virginia Code, as amended, in order to enable the Harrisonburg Redevelopment and Housing Authority to among other things, encourage and assist property owners within the "expanded Rehabilitation District" including the power to lend money and make grants to owners or occupants within said district towards the prevention and elimination of deteriorating conditions therein.

ADOPTED and APPROVED this 23rd day of October, 1984.

Mayor

Atteste:

Clerk

City Manager Milam called attention to the revised Deferred Compensation Plan which had been discussed at Council's meeting on October 9th, with ordinance for same approved for a first reading at that time. He explained various changes which had been made from the original ordinance, which included one provision that a member of Council could serve on the Board, if so desired. Manager Milam noted that to the best of his knowledge, all was now in order for the document to serve as a vehicle for putting into motion a Plan for employees of the City, and members of Boards and Commissions, to invest a portion of their annual salary, up to a maximum of \$ 7,500., tax free, toward their retirement. He noted that a similar Plan had been presented in 1974, but met with Insurance Company complications. Attorney James Sipe said that the Plan, following Council's approval, would have to be forwarded to the state for approval. Following discussion, and on motion of Vice-Mayor Dingledine, seconded by Councilman Rhodes, and a unanimous recorded vote of Council, the Deferred Compensation Plan Ordinance, as revised, was approved for second & final reading, with authorization for the City Manager to sign the same.

For consideration of a first reading, an ordinance amending Section 8-1-4(a) entitled: "Appointment, terms and removal of Commissioners; filling of vacancies", was presented. The section, as amended, would permit a list of nominees submitted by the Electric Commission to be considered, along with nominees submitted by members of City Council, to serve on the Commission. Although request had been made by HEC's General Manager for the ordinance to be postponed until the amendment could be discussed, Mayor Green pointed out that Council had two alternatives: to approve the ordinance for a first reading at this time, or defer the matter until a future meeting. Councilman Rhodes offered a motion for the ordinance to be approved for a first reading. The motion was

seconded by Councilman Robinson, and adopted by a unanimous recorded vote of Council.

✓ Through correspondence to the Mayor from Mr. Wayne King, Superintendent of City Schools, request was made for City Council's approval for the borrowing of an amount not to exceed \$ 250,000. (at 5% interest rate) from the Virginia Literary School Fund, for the purpose of replacing the heating units at Thomas Harrison Junior High School. The correspondence pointed out that Harrisonburg's composite index is .6711, which results in the City coming within the 5% interest range. Indication from Richmond has been that funds are available for projects such as this, and installation of the new boilers is desperately needed in order that they may be in, by the next heating season. Inasmuch as the payback period begins one year after completion of the project, and if completed by October 1, 1985, the amount will be reflected in the School's 1986-87 budget, and paid in 20 annual payments. When question was raised in Council concerning the composite index, Superintendent King explained that it is based on income in the locality; amount of personal property taxable, and the tax rate, all of which determine the amount of state funds to go into a locality. Following discussion and on motion of Councilman Robinson, seconded by Councilman Rhodes, and a unanimous vote of Council, the request of the School Board to borrow an amount not exceeding \$ 250,000. from the Virginia Literary School Fund, was approved.

✓ A request was presented from Recreation Director Gilkerson for approval of a Supplemental Appropriation in amount of \$ 112,500.00, representing an Anticipated Grant from the Commission on Outdoor Recreation, to purchase additional land at Purcell Park. Council was reminded that a Resolution had been approved on July 24th, authorizing the City Manager to provide pertinent information and enter into such agreements as may be necessary to permit the formulation, approval and funding of the Purcell Park Addition Project. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 112,500. chgd.to: General Fund (2404-2404.10) Commission on Outdoor Recreation Grant
112,500. approp.to: General Fund (7101-7009.00) Land

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

✓ For information, correspondence was presented from the Central Shenandoah Planning District Commission's Intergovernmental Review Officer, advising that consideration of an Environmental Review of the McGaheysville Dam would be reviewed by the Commission on November 19th in Fishersville. City Manager Milam noted that someone had applied for a project permit in the area, which is legal, and the Commission must make a feasibility study. Councilman Rhodes questioned why Harrisonburg Associates was set out on the map, when the dam is owned by the City of Harrisonburg.

✓ Through correspondence of October 16, 1984 from City Treasurer Beverly Simmons, request was made for Council authorization to advertise delinquent real estate for the years 1982 and 1983, as required under Section 4-1-29 of the Harrisonburg City Code. On motion of Councilman Robinson, seconded by Councilman Shank, and a unanimous vote of Council, the City Treasurer was so authorized.

✓ 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 Wednesday, October 31, 1984 (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.

Mayor

Atteste:

Clerk

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

✓ City Manager Milam reminded Council that a Deed, signed by Mr. Bill V. Neff, Linda H. Neff, and J.C. and Bill V. Neff, partners, had been presented at the September 25th meeting, and was referred to the City Planning Commission, in that it deviated from the standard operating procedure in accepting streets into the City's system, from the standpoint of certain things required of the developer. He said he had been holding the Deed for the land which connects East Market and Reservoir Streets, and would like to record same, with the understanding that the City, in accepting the property, would grade, base and pave the street and install storm sewers by December, 1986, as requested by Mr. Neff. Following a brief discussion, Vice-Mayor Dingledine offered a motion for Council to accept the property and approve the Deed, with the understanding that the City would assume responsibility for the work requested. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ Correspondence dated 10/23/84 was presented from Attorney George H. Roberts, Jr., enclosing an Inducement Resolution, Report of Public Hearing, Fiscal Impact Statement and proposed resolution for the City, in connection with an Industrial Development Bond financing to be issued by the Rockingham County Industrial Development Authority on behalf of Banta Company, Inc., Harrisonburg. City Manager Milam read the report of a public hearing held by the County I.D.A. on October 15, 1984, concerning an issue up to \$ 2,900,000. to assist the Applicant in constructing and equipping an addition to, and expansion of its present printing facility located at 3330 Willow Spring Road, Harrisonburg. He reviewed the proposal, which dates back to about year 1979. City Attorney Lapsley pointed out that since the issue was approved by the County prior to annexation of the business location into the City, Council must also approve a resolution. He noted that the issue will not fall within the bond cap, in that it is grandfathered in, because of the year. Following discussion and on motion of Councilman Robinson, seconded by Councilman Rhodes, and a unanimous vote of Council, the following Resolution was approved:

WHEREAS, a public hearing was held by the Industrial Development Authority

of Rockingham County, Virginia (the Authority) on October 15, 1984 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 Banta Company, Inc.-Harrisonburg (the Applicant) requesting the Authority to issue up to \$2,900,000. of its Industrial Development Revenue Bonds to assist the Applicant in constructing and equipping an addition to and expansion of its present facility located at 3330 Willow Spring 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 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 Authority adopted an inducement resolution for these bonds on May 14, 1979; and

WHEREAS, the City Council concurs with the report of the Authority and the inducement resolution,

NOW, THEREFORE, BE IT RESOLVED that the issue of bonds described above is hereby approved by the City Council 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 and the City Council concurs in issuance of the bonds as required by Section 13.1-1378 of the Virginia Code.

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, Rockingham County, the City of Harrisonburg, Virginia 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, Rockingham County, the City of Harrisonburg, Va. or the Authority shall be pledged thereto.

This Resolution shall take effect immediately.

Mayor

Atteste:

Clerk

For information, City Manager Milam reported that through correspondence from the State Treasurer, he had been advised that the request for additional allocation needed for the Cassco Corporation Project had been approved from the state reserve in amount of \$ 802,500.

At 10:35 P.M., on motion duly adopted, Council entered an executive session to discuss personnel.

At 11:06 P.M., on motion duly adopted, the executive session was closed and the regular session reconvened.

✓ Inasmuch as appointment of two representatives of Harrisonburg to serve on the Rockingham Development Corporation Board of Directors had been deferred, Mayor Green asked members if they desired to make those appointments at this time. Vice-Mayor Dingledine offered a motion for Dr. Joseph E. Gardner and Mr. E. Warren Denton, Jr. to serve in that capacity for a one year term, expiring October 23, 1985. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

✓ The Mayor reminded members that a vacancy had been created on the Harrisonburg/Rockingham Regional Sewer Authority, due to the passing of Mr. James Logan. He asked their wishes concerning an appointee to fill the unexpired term on that Authority. Councilman Rhodes offered a motion for Mr. Warren L. Braun of 680 New York Avenue, Harrisonburg, to be appointed to fill the unexpired term to July 14, 1986. The motion was seconded by Councilman Shank, and adopted by a unanimous vote of Council.

There being no further business, and on motion duly adopted, the meeting adjourned at 11:10 PM.

CLERK

MAYOR

Tuesday, November 13, 1984

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. Dingleline, Jr.; Councilmen Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on October 23rd were approved as corrected.

The following regular monthly reports were presented and ordered filed:

From the City Manager:

A report of activities in the various departments and said office for the month of October, 1984.

From the City Treasurer:

A trial balance report as of close of business on October 31, 1984.

From the Police Department:

A report of Fines & Costs in amount of \$ 2,147.00; Cash Collected from Street

Parking Meters, \$ 5,904.07; Total Cash Collected, \$ 8,02.43 for month of October, 1984.

From the City Auditor:

A financial report for the City of Harrisonburg, Month of October, 1984.

A report of cash discounts saved in payment of vendor's invoices for month of October, 1984, totaling \$ 436.03.

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, 1984.

Vice-Mayor Dingleline reported that he had been asked, in the Mayor's absence, to sign a Proclamation designating the week of November 12 - 16 as "Free Enterprise Week." All citizens of Harrisonburg and members of James Madison University, were encouraged to take particular note of the value of our free enterprise system and the role of each individual in it.

Through correspondence from the Harrisonburg Retail Merchants' Association Promotional Director, members of Council were invited to participate in the annual Downtown Christmas Parade on Sunday, December 2nd, at 2:00 P.M.

At 8:00 P.M., Mayor Green closed the regular session temporarily, and called the evening's public hearing to order. The following Notice of Hearing, as published in the Daily News Record newspaper was read:

Pursuant to Virginia Code Section 30-19.04, a public hearing will be held during the regular meeting of the City Council of the City of Harrisonburg, to be held on November 13, 1984 at 7:30 p.m. at the Municipal Building, Harrisonburg, Virginia, to consider the request of Pleasant View Home for the Handicapped, Inc. to be exempt from real and personal property tax.

Attorney John Flora presented a proposed resolution for Council's consideration of approval and noted that if approved, the resolution would be forwarded to the General Assembly for approval. He reported that the Home had completed a new addition to the facility with a 15 bed capacity. According to the attorney, the facility is similar to the Virginia Mennonite Home, which was granted a tax exemption earlier this year. Commissioner of Revenue Victor Smith said it was his duty to get as much revenue for the city as possible, and offered an opinion that this organization should be tax paying citizens of the city, in that it is operated much the same as some of the nursing homes which are funded through medicare and medicaid, as well as client fees. Although they have been approved by the State Corporation Commission, Mr. Smith noted that this exempts them from federal income taxes only. He suggested that rather than approving the resolution, that Council indicate it had heard the case and makes no recommendation. He said he felt the City was setting too many tax exempt organizations, with the city subsidizing them. Mr. Flora said he did not feel the organization had much chance of gaining the legislature's approval, without a favorable recommendation from the City. There being no others desiring to be heard, the Mayor closed the public hearing at 8:06 p.m. and the regular session reconvened.

The Mayor asked members' wishes concerning the request of Pleasant View Home for the Handicapped, Inc. Vice-Mayor Dingleline offered a motion for the following resolution to be approved:

WHEREAS, in accordance with Section 30-1904 of the Code of Virginia, 1950, as amended, the City Council held a public hearing after advertising such hearing in the Daily News Record on November 2, and November 9, 1984, examined and considered all of the provisions in Sub-section B of such Code provision, and made the following findings:

- (1) Pleasant View Home for the Handicapped, Inc. is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1954;*
- (2) No alcoholic beverage license will be requested by the organization;*
- (3) No unreasonable compensation is paid to any director or officer of the organization.*
- (4) No part of the net earnings of the organization inures to the benefit of any individual; and a significant portion of the service provided by such organization is generated by funds received from donations, contributions, and local state or federal grants;*
- (5) The organization provides services for the common good of the public;*
- (6) No substantial part of the activities of the organization involves carrying on propaganda or otherwise attempting to influence legislation or support candidates for public office;*
- (7) No rule, regulation, policy or practice of the organization discriminates on the basis of religious conviction, race, color, sex or national origin;*

NOW BE IT RESOLVED, that the City Council of the City of Harrisonburg, Virginia, this 13th day of November, 1984, does hereby express its support for the pending legislation before the General Assembly that the property of Pleasant View Home for the Handicapped, Inc., in the City of Harrisonburg, Virginia, be and remain tax exempt pursuant to Article X, Section 6(a)(6) of the Constitution of Virginia.

APPROVED this _____ day of _____, 1984.

Mayor

Atteste:

Clerk

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

As a follow-up of his November 8th letter to the City Manager, Mr. J. R. Copper appeared before Council to request that a joint public hearing be held by Council and the City Planning Commission for vacation of 16 acres of Hilltop Farm Subdivision (approved as Stonefield Village Subdivision, in northeast Harrisonburg. He explained that the property in question is a portion of property that was subdivided in 1970, comprised of 70 acres, with plat recorded. The original plat for the

16 acres was recorded in 1917 and not referred to in the subdivision plat. Mr. Copper noted that in 1942, the property was foreclosed and sold, with a change of hands several times since then. He said that the overlap of two subdivisions was not picked up in the title search, but had been sold off as acres for many years. K & K Partnership would like to have the portion vacated in order that some construction can begin before the ground freezes. Planning Director Sullivan said the City had received a list of subdivisions which were on record in the county prior to annexation, and noted that for several years the City's Block Map had not shown those large tracts of land, portion of East Washington Street or an unnamed street. He pointed out that some of the property comprising Hilltop Farm is into Vine Street, not to mention East Washington Street, and added the fact that the future of two public streets is involved in this request, in that a piece of land will be stranded all to itself. Mr. Sullivan said that some property owners may be interested, and express views at a joint Hearing, which would be the quickest route in settling the matter. City Manager Milam expressed concern about property owners along Old Furnace Road, as well as lot measurements which extend out onto Washington Street. He suggested that some overlays or surveys be made, and said that he was for whatever could be done to expedite the matter, adding however, the fact that more than one property owner is involved. Mr. Copper said the information re overlays, surveys, etc. would be ready prior to a public hearing. Mr. Sullivan said no property owners had been contacted, but that the public hearing would be advertised. Mr. Copper said their property goes into a portion of Vine Street extended, which will be provided through their property, and said there is a possibility that the extension can be worked out, as set out in the plan, to serve as access to the lots. Mr. Sullivan suggested that a legal research may be advisable prior to a Hearing. Assistant City Manager Driver noted that prior to the building of East Washington Street, the area was a dirt farm trail, with old fences, and was used for horse and wagon, with a 15' - 20' right-of-way. Following discussion, Councilman Rhodes offered a motion for a joint public hearing by Council and the Planning Commission be scheduled for Tuesday, December 11th, 7:30 P.M. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

✓ Assistant City Manager Driver presented slides of the various railroad crossings in the City insofar as the state of repairs. He noted that a suggestion for making sidewalk bike trails on South Main Street had met with pros and cons, with concerns expressed about the use of sidewalks for bicycles, the number of entrances coming onto the street and cyclists being hurt at the entrances. Another question raised was how the sidewalks would be cleared of snow in time for use. Mr. Driver reported that week before last, he had met with, and discussed situations at the South Main and Country Club Crossings with Street Superintendent Smith and Police Chief Presgrave, which resulted in the following recommendations: to build, on the east and west sides of S.Main Street, a 5' asphalt pathway adjacent to the existing pavement for a distance of 50' on both sides of the railroad tracks, with a white line painted at the edge of the pavement, and signs erected, designating cyclists to stop, and walk bicycles across the tracks; and further, to request the railroad to build the crossing at Country Club Road identical to the S.Main crossing, and until this can be done, the city plan to do temporary patching on the existing crossing, sometime next spring. Mr. Driver offered an opinion that should the recommended procedures be carried out, the city would have done its part, and suggested that safety training be offered at JMU for students. Although the railroad has not responded insofar as the cost of rubber ties, or to what extent it will participate in repairs, Mr. Driver noted that rubber would be quite expensive. He offered an opinion that the company should install another rail inside the track, or place a wooden wedge on one side. His personal preference would be a steel rail, in that it does not wear down like wood, and that asphalt, rather than wood, be used between the rails. Following discussion, Councilman Rhodes offered a motion for Mr. Driver to be authorized to proceed with the S.Main and Country Club crossings, as recommended, insofar as bicycle asphalt pathways on S.Maon, and request for the railroad to build the Country Club crossing identical to the S.Main crossing. The motion was seconded by Councilman Shank, and adopted by a unanimous vote of Council.

✓ On request of Councilman Robinson, a discussion of the Virginia Procurement Act was placed on this evening's agenda. Mr. Robinson suggested that Commissioner of Revenue Smith, City Auditor Peterman and City Attorney Lapsley check to determine what tax revenue would be derived when dealing with out-of-town firms in awarding bids for purchases. Councilman Rhodes noted that care should be taken where the line is drawn, in that this could work in reverse when the county makes purchases from the City. Councilman Robinson said he had been approached about the loss of a bid by a local firm when the amount of difference is very small. Mayor Green offered an opinion that reaction of our state representatives should be sought. Vice-Mayor Dingledine suggested checking with the Virginia Municipal League to determine how other localities are handling the situation. Assistant City Manager Driver said that competitive bidding is needed, or purchases would cost much more, locally. City Manager Milam called attention to Sections 47 and 48 of the Virginia Procurement Act relating to Preference for Virginia Products and Firms, and Participating Small Businesses. Following discussion, it was agreed that the City Attorney check with the Virginia Municipal League, giving both sides of the discussion, and report back to Council with his findings.

✓ Inasmuch as the first terms of Messrs. Malcolm N. Cockerham, Percy M. Johnson and Lyle W. Sweet will expire as of November 29, 1984, as members of the Harrisonburg Redevelopment & Housing Authority, Mayor Green asked Council's wishes concerning appointments to the upcoming vacancies. Councilman Rhodes offered a motion for the three present members to be reappointed for second terms of four years, expiring on November 29, 1988. 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 \$ 112,500., requested by the Recreation Director, representing an Anticipated Grant from the Commission on Outdoor Recreation to purchase additional land at Purcell Park, be approved for second & final reading, a first reqding having been approved on October 23rd, and that:

\$ 112,500. chgd.to: General Fund (2404-2404.10) Commission on Outdoor Rec.Grant
112,500. approp.to: General Fund (8101-7009.00) Land

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

✓ A request was presented from Fire Chief Shifflett for approval of a supplemental appropriation in amount of \$ 1,879.02 from the Account of Recoveries & Rebates, in order to place funds from

donation, sale of old equipment and from the Harrisonburg Electric Commission, into the proper account. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 1,879.02 chgd.to: General Fund (1901.01) Recoveries & Rebates

1,879.02 approp.to: General Fund (3201-7001.03) Cap.Outlay- Equipment

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

✓ Through correspondence from the Jefferson National Bank (formerly Old Dominion Savings and Loan), request was made for it to be placed on the City's bank list for the annual rotation of the city's checking account. City Manager Milam explained the procedure for receiving bid quotations from the banks for Certificates of Deposit, and noted that Section 4-1-37 of the city code would have to be amended to include Jefferson National. It was pointed out that the present code section is in error with regard to bank names listed, due to various changes in names since the section was approved. Vice-Mayor Dingleline offered a motion for the City Attorney to draw an ordinance amending Section 4-1-37 by eliminating individuals names of the banks, and referral to local commercial banks in Harrisonburg. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

✓ For information and recordation in Council minutes, City Manager Milam reported that the Deed for certain easements and waterlines for extension of the city's system in the southern portion of the City (through Willow Springs properties to the southeast corporate limits), has been received, signed by O. Lynwood Byerly, Chairman of the Rockingham County Board of Supervisors. A check has been sent the County for the first of two payments, in exchange for the Deed.

✓ City Manager Milam informed Council that he had been advised through correspondence from the Virginia Department of Highways & Transportation that if requests are received, a Combined Location and Design Public Hearing would be scheduled concerning the proposed improvement of Route 710 (extension of Reservoir St.) from the East Corporate Limits of Harrisonburg to the intersection of Route 659 (Port Republic Road). If no requests are received, the Department will proceed with the project. He noted that the section referred to, is outside the City. Assistant City Manager Driver offered an opinion that it could be a very good access from Port Road to the Valley Mall.

✓ City Manager Milam presented correspondence from Mr. Laurence Sauder, Project Manager of Park Village, Inc., requesting that the City participate in the installation of approximately 870 lineal feet of sidewalks on the east side of Park Road in Park View, from the south to north boundaries of Park Village property and on the south side of Villa Drive between Park Road and the intersection of Spruce Court and Linden Court. It was noted that Belmont Builders had quoted a cost of \$ 9,940. to provide all labor and material for the project. Manager Milam offered an opinion that sidewalks in this area would be most helpful, and recommended that the City participate in the installation by assuming 50% of the cost, based on the quotation of Belmont Builders. He noted that \$ 5,000. would have to be appropriated by the City at some future date, in that the Code provides that sidewalks be constructed on a 50-50 basis between property owners and the City. Following a brief discussion, Councilman Rhodes offered a motion for the City to participate in the sidewalk installation, at 50% of the quotation by Belmont Builders in amount of \$ 9,930.00. The motion was seconded by Councilman Shank, and adopted by a unanimous vote of Council.

✓ Through correspondence from the City Treasurer and City Auditor, request was made for an ordinance amending Section 13-1-15(b) of the City Code, entitled: "City Motor Vehicle License", reducing the number of license or certificate of registration form, setting out pertinent information, from 5 copies to 4 copies. Auditor Peterman noted that the Auditor's copy could be eliminated, in that a copy is filed by the City Treasurer. He added the fact that 4 copies of the form would decrease the price on his order. Following a brief discussion, Vice-Mayor Dingleline moved that an ordinance amending Section 13-1-15(b) of the city code be approved for a first reading, and referred to the City Attorney to be drawn in proper form. The motion was seconded by Councilman Shank, and adopted by a unanimous recorded vote of Council.

✓ Councilman Robinson informed Council that concern had been expressed about four houses on Smith Street in Park View, that the road was never properly dedicated or picked up by the City. Assistant City Manager Driver said he had talked with some of the residents on several streets similar to Smith Street, and given them assurance that sometime this winter, the City Engineer would check into the rights-of-way to determine whether or not the streets qualify for acceptance into the state's system. The required rights-of-way will have to be obtained to meet state highway standards.

Councilman Rhodes brought up a problem with cars going north on Main Street and turning left onto south Court Square, in that no sign is presently in place. Chief Presgrave said he would check into the matter of the missing sign.

✓ Councilman Rhodes said he felt the City's refuse ordinance was not being properly enforced, in that refuse is placed on the streets in the downtown area before the specified time, both on holidays and at regular pickup times, which results in a litter problem when it is strewn over the streets by wind, animals, etc.

At 10:15 p.m. on motion of Councilman Rhodes, seconded by Vice-Mayor Dingleline, and a unanimous vote, Council entered an executive session to discuss real estate, personnel and a legal matter.

At 11:59 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened. There being no further business and on motion adopted, the meeting was adjourned.

CLERK

MAYOR

Tuesday, December 11, 1984

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. Dingleline, Jr.; Councilmen Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

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

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

From the City Manager:

A report of activities in the various departments and said office for the month of November, 1984.

From the City Treasurer:

A trial balance report as of close of business on November 30, 1984.

From the Police Department:

A report of Fines & Costs Collected, \$ 2,658.50; Cash Collected from Street Parking Meters, \$ 7,168.41; Total Cash Collected, Paid on Accounts and Turned over to City Treasurer, \$ 9,826.91, for month of November, 1984.

From the City Auditor:

A financial report for the month of November, 1984.

A report of cash discounts saved in payment of vendor's invoices for month of November, 1984, totaling \$ 383.11.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents, complaints, re-reads, etc. for month of November, 1984.

The City Manager presented a petition with 24 signatures, requesting a stop light, or some other measure, to ease the traffic on East Market Street. Although the petition was not clear in the location desired for a light, it was determined by names of petitioners that they may have been referring to the area of Reservoir, Broad and Sterling Streets. Councilman Rhodes offered a motion for the petition to be referred to the Harrisonburg Transportation & Safety Commission for study and report. Vice-Mayor Dingleline said he had received some concerns about cars merging off the interstate to Route 33, and remaining in that lane. He offered an opinion that some thought should be given to signs, or something else to promote safety. Councilman Rhodes said that right turns only should be designated at the various cutoffs in the Mall area. Vice-Mayor Dingleline then seconded the motion to refer the petition, with study to be requested also on the Route 33 traffic. The motion was adopted by a unanimous vote of Council.

City Manager Milam informed Council that Item 3(b) of tonight's agenda was listed, in that request had been received, through correspondence of November 16th from Mindy Carris, to be heard concerning request for Music Television to be made available by Warner Amex. He noted that Miss Carris had been advised that the November 27th meeting was cancelled, due to the National League of Cities' meeting in Indiana. Inasmuch as no one was present tonight concerning the issue, it was not discussed.

Correspondence was presented and read from Norris and Lyn Weaver, requesting action concerning the re-occurring parking and trespassing problems along Crawford Avenue and Port Road, by providing for twenty-four hour, seven day, resident parking only, along Crawford Avenue. On motion of Vice-Mayor Dingleline, seconded by Councilman Rhodes, and a unanimous vote of Council, the request was referred to the Madison/Community Relations' Committee, for study and report.

At 7:52 P.M., Mayor Green closed the regular session temporarily, and called the joint public hearing by Council and the City Planning Commission to order, with the following Commission members present: Joseph Eney, Richard Fleming, Dwight Hartman, Robert Heath, Elon Rhodes, Marvin Milam and Robert Sullivan, Jr. City Manager Milam read the Notice of Hearing as advertised in the Daily News Record on November 17th and December 6th, as follows:

The Harrisonburg City Council and Planning Commission will hold a joint Public Hearing on Tuesday, December 11, 1984 at 7:30 P.M. in the Council Chambers, Municipal Building, to consider vacating lots 31 through 40 in Hilltop Farms Sub-division. These lots are located on the north side of East Washington Street on the former Mary Simmers tract. Request is from K & L Partnership, owners.

Section 15.1-482, Code of Virginia, requires that these lots be vacated by ordinance prior to recording of any new lot layouts.

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

CITY OF HARRISONBURG- Marvin B. Milam, City Manager

Planning Director Sullivan pointed out the area location of the subdivision on a map, noting that the 16.16 acre tract to be considered for vacation as north/side of East Washington Street at the intersection of Vine Street. He reminded those present that the tract of land had been subdivided, with plat recorded, in 1917, which was not discovered during a title search which led to Council's approval of the subdivision on November 2nd of this year, designating the acreage as "Stonefield Village, Section K." Result: a request for this evening's public hearing by the Council and Planning Commission. Mr. Sullivan noted that the Commission had met this evening at 7:00 o'clock, and received a 2-page letter from the K & L Partnership, setting out four actions requested of the City with regard to the property, as well as certain actions by the Partnership and Armentrout Estate. Mr. Kevin Leigh said that Vine Street is proposed for construction all the way through the subdivision, and presented a request from the Partnership and Armentrout Estate for the following actions by the City:

- (1) Vacation of the portion of East Washington St. comprised of the portion of the present street lying within K & L's boundary.
- (2) Vacation of those interior lot lines comprising Lots 31 through 40 of "Sub-division of Hilltop Farm" contained within the K & L parcel.
- (3) Closing of East Park Drive from the northern line of East Washington Street

- ✓ northward to the south side of a 60' wide strip of land proposed to be conveyed by the Armentrout Estate to the City for the extension of Vine Street.
4. Construction, at the City's expense of Vine Street for use as a through street, upon a 60' wide strip leading from the eastern boundary of K & L's land northward to previously dedicated Vine Street at its terminus on the boundary line between the Armentrout land and Harris Gardens. Said construction would be complete within 24 months from the conveyance of said 60' wide strip by the Armentrout Estate.

Mr. Leigh said that K & L agrees to convey, at this time, a 60' strip to the City for extension of Vine Street through its land and to complete construction of Vine Street from the north of Vine (shown on approved plat of Stonefield Village, Section I) and continuing on a curve in a northerly direction to the eastern boundary of K & L tract, with completion within 24 months of the dedication of Stonefield Village, Section I. The Armentrout Estate agrees to convey to the City, at this time, a 60' wide strip for construction of Vine Street through its property. Agreement has also been worked out between K & L and Armentrout Estate, whereby a 25' wide strip would be provided the Estate in a westerly direction and parallel to the extreme southwesterly line of Lot 30 of the Armentrout land. Mr. Sullivan noted that Council had approved the Commission's recommendation of September 25th, to approve Section I of Stonefield Village Subdivision, subject to the drawing of a Final Plat, with request by Mr. J. R. Copper at Council's November 13th meeting for this joint Public Hearing, in order to vacate the tract of land recorded in 1917. Attorney Henry Clark mentioned the fact that the streets would be left open, to provide access to the property. Mr. Copper said that some concern had been expressed from the design standpoint of the Plan, with some minor changes necessitated, which will be completed prior to viewing of the area by an appointed Board of Viewers. City Manager Milam noted that the City would be responsible for construction of Vine Street through K & L property and the Armentrout land, with rights-of-way to be conveyed by both. There being no others desiring to be heard, the Hearing was declared closed by the Mayor, at 8:10 P.M., and the Commissioners left the Council Chambers to consider the discussion and come back with a recommendation.

✓ Inasmuch as Section 15.1-1377 of the Code of Virginia, 1950, as amended, requires an end of year bond activity report to be submitted, City Manager Milam presented the following issues for 1984 reported by Attorney George H. Roberts, Jr., Counsel for the Harrisonburg Industrial Development Authority: Truck Enterprises, Inc. Project, \$ 2,500,000; North & South Lines, Inc. Project, \$ 1,500,000; Charles O. Maphis, Jr. Project, \$ 1,700,000. The report was for information only.

Attorney George H. Roberts, Jr. appeared before Council on behalf of the Industrial Development Authority, to present the following pertinent information concerning issuance of Industrial Development Revenue Bonds up to \$ 5,000,000 for Rocco Feeds, Inc.; Report of the Authority's public hearing, Fiscal Impact Statement, and proposed Resolution for adoption by City Council. He noted that the purpose of the bonds would be for assisting Rocco in acquiring, contracting and equipping a poultry feed manufacturing facility and related transportation equipment at its facility located north of "One" Kratzer Avenue. City Attorney Lapsley pointed out that this issue is similar to others which had been approved in the past, and would be issued in year 1985. Mayor Green called attention to correspondence he had received from a resident in the Kratzer Avenue area, expressing opposition to any expansion of the feed mill operation due to the pollution problem which already exists there. He asked if the proposed expansion would relieve this problem. Attorney Roberts replied that other than the business being placed under pollution laws, he had no further answer to the question. He offered an opinion that the expansion would not generate steam or increase problems in the area. Following discussion and on motion of Councilman Robinson, seconded by Councilman Shank, and a unanimous recorded vote of Council, the following Resolution was approved:

WHEREAS, a public hearing was held by the Industrial Development Authority of the City of Harrisonburg, Va. (the Authority) on December 11, 1984, 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 Rocco Feeds, Inc. (the Applicant) requesting the Authority to issue up to \$ 5,000,000 of its Industrial Development Revenue Bonds to assist the Applicant in acquiring, constructing and equipping a poultry feed manufacturing facility and related equipment at the Applicant's facility located North of One Kratzer Avenue, 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 credit-worthiness of the Applicant, but, as required by Sec. 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 11th day of December, 1984.

Mayor

The Mayor asked Attorney Roberts to prepare information, along with the project engineering, to determine what can be done to prevent further problems in the area of Kratzer Avenue.

Following discussion of several agenda matters to allow time for a recommendation from the Planning Commission concerning the issue before tonight's public hearing, Planning Director Sullivan presented the following proposed recommendation:

"Based on the technical and legal need to officially vacate all interior lot lines involving Lots 31 through 40 in the Hilltop Farms Subdivision, before Section I of proposed Stonefield Village Subdivision can be recorded in the County Clerk's Office, and based on no inconvenience to adjoining property owners nor opposition being heard or presented during the City Council & Planning Commission joint public hearing, and for the orderly and harmonious development of the community, Mr. Fleming moved that the Planning Commission recommend vacating of Lots 31 through 40 of Hilltop Farms Subdivision...and that strip of East Washington Street within the K & L property be vacated. The motion was seconded by Commissioner Hartman, with all members present voting in favor."

Vice-Mayor Dingleline offered a motion for Council to approve the recommendation of the Planning Commission, which motion upon being seconded by Councilman Robinson, was adopted by a unanimous vote of Council. The Vice-Mayor then moved that a Board of Viewers be appointed by Council concerning vacation of the paper street, known as "East Park Drive", north of E. Washington St. This motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council. City Attorney Lapsley said that no further action was necessary on the portion as shown on the old plat, which lies in Washington Street, in that it will be taken care of, in tonight's action. The Mayor said that a Board of Viewers would be appointed at a later date. The City Attorney was instructed to draw a proper ordinance for vacation of Lots 31 through 40 of Hilltop Farms Subdivision and also that strip of E. Washington St. within the K & L property.

The following Planning Commission report was presented from its November 20th meeting:

"...Chairman Eneedy called the Public Hearing to order, and the Director read the Notice as it appeared in the Daily News Record.

...Mr. Smith presented his case, pointing out that the Daily News Record desires to buy his property 'for expanding in the future.' It is the only direction they can expand if they are to stay in downtown. Their immediate need will be to widen the driveway adjacent to the Smith property. In order to expand the industrial access driveway, rezoning of some or all of the Smith property is necessary.

Mr. Richard Morin, general manager of the Daily News Record, stated that he feels the News-Record will stay at its present location, and the only change in the near future would be widening of the driveway which is used daily by large trucks. Mr. Smith's house will likely continue to be used residentially.

Expressing concern was Mr. John Monger, an owner of adjacent J.M. Apartments. He said the Smith property serves as a 'buffer' between his apartments and the Daily News Record. If rezoned M-1, how close could an industrial building be located to his apartments? The Director reported that a 20' setback is required when M-1 property borders any residential property.

Mr. Rhodes stated that in this case, a very reliable firm (Rockingham Publishing Co.) is involved and has shown sensitivity to appearance and environment in its offices-newsprinting establishments here and in Winchester. He moved that the Commission recommend rezoning of the Victor J. Smith property, 261 S. Liberty St. Mr. Hartman seconded the motion and all members present voted in favor..."

Councilman Rhodes moved that the report of the Planning Commission be accepted and public hearing scheduled for Tuesday, January 8, 1985 at 7:30 P.M., with instructions for the City Manager to properly advertise the same. The motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council.

Council received the following report from a November 20, 1984 meeting of the City Planning Commission:

"...The Commissioners, having reviewed the September and October minutes, news stories, engineering consultants' reports, and petitions from the public, observed that plans to construct a 160' mill are proceeding through the city's Industrial Development Authority and the State Air Pollution Board. Closing of Gray Street and Kratzer Avenue, if closed, will have to be considered by a Board of Viewers and also discussed further in a public hearing by City Council.

Mr. Heath, noting the inconvenience affecting many people and other businesses and industries, moved that the Commission recommend Kratzer Avenue not be closed, and Gray Street be closed, providing the City retain a 50' wide easement for existing utilities. Mr. Trobaugh seconded the motion and all members present voted in favor..."

Planning Director Sullivan presented a drawing of the area, and a sketch of the proposed structure. He noted that Gray Street, recommended for closing, is paved, with street sign. Vice-Mayor Dingleline offered a motion to approve the recommendation of the Commission which includes the closing of Gray Street, with proper easement retained by the City. Mr. Robert Atkins of Collicello Street said that if Council was considering the expansion of the feed mill, a public hearing should be scheduled due to opposition which would be expressed by those in that area. Attorney George H. Roberts, Jr. pointed out that the state statute provides for a Board of Viewers to be appointed with any street closing, which would apply to Gray Street, and that a public hearing should be held. Mayor Green said that if the recommendation of the Planning Commission is approved, there would be no public hearing. City Attorney Lapsley said that "Council may appoint viewers, but does not have to." Vice-Mayor Dingleline said he did not feel it was to the best interest of anyone to drag this out any longer." The Mayor then referred to Code Section 15.1-364, noting that a public hearing is required for the alteration and vacating of streets and alleys, which would apply to the closing of Gray Street. Vice-Mayor Dingleline then re-introduced his motion to approve the Commission's recommendation to leave Kratzer Avenue open and close Gray Street, with proper utility easement retained. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council. The Vice-Mayor then moved that a Board of Viewers be appointed to view the area with regard to the closing of Gray Street, and submit its report. This motion was seconded by Councilman Robinson, and adopted by a unanimous vote of Council. Mayor Green noted that the Viewers would be appointed in the very near future, with public hearing scheduled following its report. He suggested to John Driver, Secretary of the Harrisonburg Transportation Safety Commission, that

the matter of possible relocation of access to the Safeway parking lot be reviewed by the Commission with expeditious report and recommendation.

The following Planning Commission report was presented and read:

"...Under other matters, Mr. Rhodes reminded the Commissioners that discussion of honoring Ralph Sampson in a special way has occurred over the months, and having discussed the matter with his parents and Vice-Mayor Dingleline, Mr. Rhodes moved that the Planning Commission recommend to City Council that Northeast Park be named after Ralph Sampson. Mr. Trobaugh seconded the motion and all members present voted in favor..."

Councilman Rhodes said he had received encouragement from all areas of the city to honor Ralph in some way, and offered a motion for Northeast Park to be renamed "Ralph Sampson Park." Vice-Mayor Dingleline informed Council that he had discussed the proposal with both Mr. Gilkerson and the Parks & Recreation Commission, and added that Ralph, a native of Harrisonburg who attended the city schools, has gotten great credit from this community, not only for his sports ability, but in other ways. He seconded the motion to rename the park, which motion was then adopted by a unanimous vote of Council.

City Manager Milam presented the following Planning Commission report for Council's consideration of its recommendation:

"...The Commissioners studied the proposed Final Plan for Reherd Acres Subdivision, Unit 16, which includes three duplex housing lots, located on the southeast side of Blue Ridge Drive. The Director noted that Blue Ridge Drive is now under construction at this location, and 20' utility easements are proposed on the back side of these lots. They are within the newly rezoned R-3 area just north of Meadowlark Drive and Broad View Drive.

Mr. Heath moved that the Commission recommend approval of the Final Plan for Reherd Acres Subdivision, Unit 16. Mr. Trobaugh seconded the motion and all members present voted in favor..."

Planning Director Sullivan pointed out the area on a map, noting its location as north of Meadowlark Drive, facing Blue Ridge Drive. Following a brief discussion, Councilman Shank offered a motion for the recommendation of the Planning Commission to be approved. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

For Council's consideration, the following Planning Commission report from its November 20th meeting, was presented:

"...The Director read a letter from Mr. Winston Weaver, Jr., President of Rockingham Builders, Inc., asking that the newly dedicated 60' street on the northeast side of Rockingham Square Shopping Center -e named 'Hidden Creek Lane.' Mr. Sullivan added that this street will extend into nearby R-3 high density residential land, and will cross the wet-weather stream which passes through Hillendale Park.

Mr. Trobaugh moved that the Commission recommend naming the 60' dedicated road 'Hidden Creek Lane.' Mr. Rhodes seconded the motion and all members present voted in favor..."

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

The following Planning Commission report from its November 20th meeting was presented:

"...The Director described a preliminary site plan showing 38 apartment units on Dennis Rhodes' property, located on the south side of Shenandoah in Park View. All units will be on a private parking lot, with entrance-exit on Shenandoah Street. Mr. Rhodes stated he hopes to build the first 8-unit structure this winter. An existing mobile home and house on the property will continue to be occupied. Mr. Sullivan reported that most of Mr. Rhodes' property is zoned B-2 General Business, but the surrounding block is predominantly developed as residential. In addition, a variance to allow over 20 apartments on the private parking lot is necessary. Maps showing the existing land uses in the block were studied and Chairman Eney observed that nearby residents would probably prefer more housing rather than business development. Messrs. Sullivan and Byrd suggested rezoning of the property to R-3, but the process would delay Mr. Rhodes for at least three months.

Noting that he can legally obtain his building permits under the present B-2 zone, Mr. Trobaugh moved that the Commission recommend approval of the proposed site plan, based on the determination that over 50% of the block is developed residentially. Mr. Hartman seconded the motion and all members present voted in favor..."

Planning Director Sullivan pointed out the area on a map, noting that the matter was being brought before Council due to the fact that Mr. Rhodes' property is zoned B-2 Business, and is surrounded by R-3 Residential zoning. He said there will be some plans submitted by the City Engineer with regard to storm water, etc., and added the fact that suggestion has been made to Mr. Rhodes that following construction, there be a change in zoning classification. Following a brief discussion, Councilman Rhodes offered a motion for the recommendation of the Planning Commission, as stated in the report, to be approved. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

With regard to the issuance of \$ 13,000,000 Multi-Family Housing Revenue Bonds for the Dale Forest Apartments Project (bond series 1984), in Prince William County, by the Harrisonburg Redevelopment & Housing Authority, City Manager Milam referred to correspondence from the firm of Hunton & Williams, enclosing Revenue Service Form 8038 for filing. He noted that submission of the form is a requirement under the Internal Revenue Service Code of 1954, as amended, with copy to be returned. Council acknowledged receipt of the form, and instructed the City Manager to sign and return the requested copy to Hunton & Williams.

Mayor Green informed Council that he had been requested last week by WSWA/WPQO to issue a Proclamation designating December 23 - January 1 as Drunk Driving Awareness Week. He noted the

importance of the proposed project in making people aware of the problems and hazards with drinking, particularly during the upcoming holiday season, and presented the following proposed Proclamation for consideration of approval:

WHEREAS, WSVB/WQPO will be conducting a campaign from December 23 - January 1 to bring awareness to citizens of this area concerning the problems of drunk driving; and

WHEREAS, during this period, WSVB/WQPO will be devoting consideration air time to publicize the hazards of driving under the influence of alcohol; and

WHEREAS, during this period, breath testers will be made available, through the Harrisonburg Police Department, to all restaurants and other businesses selling alcoholic beverages or liquor-by-the-drink, for distribution to customers for their personal use; and

WHEREAS, Blue Cross/Blue Shield of Virginia is serving as Co-Sponsor of the campaign,

NOW, THEREFORE, BE IT RESOLVED, that I, Walter F. Green, 3rd, Mayor of the City of Harrisonburg, do hereby proclaim December 23 through January 1 as

"DRUNK DRIVING AWARENESS WEEK:

in the City of Harrisonburg, and urge all our citizens to be aware of the problem and to participate in any way with WSVB/WQPO in its campaign.

Mayor

On motion of Vice-Mayor Dingleline, seconded by Councilman Rhodes, and a unanimous vote of Council, the Proclamation was approved. Mayor Green noted that the City's Transportation would be participating by making vehicles available to transport those in need, during holiday high risk hours.

Mayor Green called attention to the October 1984 report from the Harrisonburg/Rockingham Task Force to Combat Drunk Driving, which report had been presented to Council at its October 23rd meeting and reviewed by Dr. Paul Cline, Chairperson for the Task Force. He noted that members had been provided ample time to study the report, and expressed a desire for it to be approved. Through correspondence of November 21st from Dr. Cline, City Manager Milam said he had been informed that of the \$ 1,000. Grant, the Task Force had spent \$ 560.85. A possible use for the balance, if so approved by Council, would be for a Director of Resources for Highway Safety and Substance Abuse, as provided in Recommendation No. 5 of the report. Dr. Cline pointed out that the Rockingham/Harrisonburg Alcohol Safety Action Program would be willing to assist in preparation of the Directory. Following a brief discussion, Councilman Shank offered a motion for the October 1984 Task Force report to be approved, as well as the proposed usage for funds remaining in the Grant. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous recorded vote of Council.

For consideration of a second & final reading, an ordinance amending Sec. 13-1-15(b) of the City Code, was presented. The amendment provides for a reduction from five, to four, copies of the city motor vehicle license or certificate of registration form, which will reduce cost of the order. Auditor Peterman said it was not necessary for him to retain a copy of the form, in that they are filed with the City Treasurer. Councilman Rhodes moved that the ordinance, approved for a first reading on November 13th, 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. (Ord. Bk L, page 32).

On request of the Water Department, an ordinance amending Section 7-5-4 of the City Code by prohibiting camping, swimming, and fires on city owned lands constituting any part of the watershed, west of Riven Rock Park, was presented for consideration of approval. On motion of Councilman Shank, seconded by Councilman Rhodes, and a unanimous recorded vote of Council, the ordinance was approved for a first reading.

City Manager Milam called members' attention to their copies of the following reports submitted by the Harrisonburg/Rockingham Community Services' Board as of June 30, 1984: Administration; Client Services Coordination Program; Client; Pear Street Center Financial Reports; Mental Retardation Director; Sheltered Employment Program; Parent & Child Education; Massanutten Mental Health Center and Massanutten Mental Health Center Day Support Program. The financial reports were prepared by the CPA firm of Young, Nicholas, Mills & Company. City Manager Milam noted that copies of the reports would be available in his office.

In discussing appointments to various Boards & Commissions, it was noted that the first terms of two members on the City Planning Commission would expire on December 31, 1984. Councilman Rhodes offered a motion for Messrs. C. Robert Heath and Walter R. Trobaugh, Jr. to be reappointed to second terms on the Commission, of four (4) years each, expiring on December 31, 1988. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

Through correspondence from the Administrator of the Central Shenandoah Certified Development Corporation, the City Manager was advised that Mrs. Daisy H. Nalle was eligible for reappointment, in that her term had expired on 12/1/84. Members' attention was also called to the fact that former Councilman James Cisney had been serving on the Corporation as a representative of Local Government, prior to his resignation due to health problems. Mayor Green asked the wishes of Council concerning appointments. Vice-Mayor Dingleline offered a motion for Mrs. Nalle to be reappointed for a term of three (3) years, expiring on December 1, 1987. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council. Councilman Rhodes then moved that Councilman Thomas H. Robinson, II, be appointed to fill the unexpired term of Mr. Cisney, expiring December 1, 1986. This motion was seconded by Councilman Shank, and adopted by a majority vote of Council. Councilman Robinson, abstaining.

Councilman Rhodes moved that a supplemental appropriation in amount of \$ 1,879.02, requested by Fire Chief Shifflett in order to place funds from Account of Recoveries & Rebates, into Capital Outlay for Equipment, be approved for second & final reading, a first reading having been approved on November 13th, and that:

\$ 1,879.02 chgd.to: General Fund (1901.01) Recoveries & Rebates

1,879.02 approp. to: General Fund (3201-7001.03) Cap. Outlay - Equip.

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

A request was received from Fire Chief Shifflett for approval of a supplemental appropriation in amount of \$ 14,959.78 in order to recover funds for Fire Department expenses, with funds rec'd from Rockingham County, City of Harrisonburg, Dunham-Bush, Inc. and AmeriGas. Councilman Robinson moved that the appropriation be approved for a first reading, and that:

\$ 14,959.78 chgd.to: General Fund (1901.01) Recoveries & Rebates
 8,200.00 approp.to: General Fund (3201-1001.06) Dispatchers
 1,000.00 approp.to: General Fund (3201-3004.03) Maint. & Repairs- Auto Equip.
 1,709.78 approp.to: General Fund (3201-5400.01) Other Materials & Supplies
 4,050.00 approp.to: General Fund (3201-7001.03) Equipment

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

Council received a request from Police Chief Presgrave for approval of a supplemental appropriation in amount of \$ 1,490.92 in order to recover money received from damaged vehicle---overtime Police service and repair of sump-pump. Vice-Mayor Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 1,490.92 chgd.to: General Fund (1901.01) Recoveries & Rebates
 909.89 approp.to: General Fund (3101-3003.03) Maint./Repairs Auto Equip.
 474.32 approp.to: General Fund (3101-1001.07) Special Police
 106.71 approp.to: General Fund (3101-3004.02) Maint/Repairs Furn. & Fixtures

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

The City Manager presented a request from Police Chief Presgrave for approval of a supplemental appropriation in amount of \$ 1,700.00, representing returned Investigation Money put back in Other Operating Expenses. Councilman Shank moved that the appropriation be approved for a first reading, and that:

\$ 1,700.00 chgd.to: General Fund (1901.01) Recoveries & Rebates
 1,700.00 approp.to: General Fund (3101-5413.01) Other Oper. Expenses

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

Request was received from City Auditor Peterman for approval of a supplemental appropriation in amount of \$ 4,132.00 due to insufficient funds to pay Rockingham County on joint expenses for 1983-84 (i.e. expenses at court house, jail, courts, etc.) Manager Milam noted that the charges had exceeded the budgeted amount of \$ 95,000. by amount of request. Following a brief discussion, Vice-Mayor Dingledine offered a motion for the appropriation to be approved for a first reading, with a request for the City Auditor to compare the amount of expenses with those of last year for a better understanding, and that:

\$ 4,132.00 chgd.to: General Fund - Unapprop. Fund Balance
 4,132.00 approp.to: General Fund (9105-3009.02) Joint Expenses- Rock.County-
 Payment to Rockingham County

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

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

WHEREAS, it becomes necessary from time to time for the City of Harrisonburg to obtain permits from the Virginia Department of Highways & Transportation to install, construct, reconstruct, maintain and operate certain public works along, across, over, and upon the highway system of Virginia; and

WHEREAS, expenses, damages, or injuries may be sustained by the Commonwealth of Virginia growing out of the granting to said City of Harrisonburg said permits; and

WHEREAS, one of the conditions of the permits issued by the Virginia Department of Highways & Transportation is that the City of Harrisonburg shall indemnify the Commonwealth of Virginia against all damages and injuries to the highways and bridges and to persons or property lawfully upon such highways and bridges;

NOW, THEREFORE, BE IT RESOLVED: That the City of Harrisonburg shall in all respects comply with all of the conditions of the permit, or permits, that have been or will be granted to said City of Harrisonburg and shall indemnify and save harmless the Commonwealth of Virginia against and from all loss, damage, or injury to said highways and bridges and to the persons and property lawfully on such highways and bridges growing out of the granting of such permit, or permits, to the City of Harrisonburg, then this obligation to be void, otherwise to be and remain in full force and effect.

ADOPTED this _____ day of _____, 1984.

Atteste:

Clerk

Mayor

On motion of Councilman Rhodes, seconded by Vice-Mayor Dingledine, and a unanimous vote of Council, the resolution was approved.

City Manager Milam requested permission of Council to bid on 86 acres of land (small & large tracts) situate between Old Furnace Road and Spotswood Country Club, which will be sold (regardless of price) at public auction on Saturday, December 15th, at 10:30 A.M. Purpose of the land would be for future development of a recreational park, in the same general area as indicated by the city in the 1981 annexation trial. He pointed out the land location on a map, as well as location of existing park areas. Manager Milam expressed a hope that at least one or two tracts of the total acreage may be acquired, in that purchase of recreational land at this time would save taxpayers "an awful lot of money." Following a review of the area, and discussion, Councilman Shank offered a motion for the City Manager to be authorized to bid on the 86 acres this Saturday. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

Inasmuch as the next regular meeting of Council would be December 25th (Christmas evening),

a motion was duly adopted to cancel that meeting, with the next regular meeting to be held on Tuesday, January 8, 1985.

✓ Through correspondence dated 12/11/84 from Mr. John Horsley, President of Horsley & Constable, Inc., on behalf of property owners situate in the southeastern section of Harrisonburg (Wayland Woods Subdivision), request was made for Council's consideration in the vacation of the present subdivision plat, recorded in 1962. It was pointed out that there is a feeling that the recorded plat is not feasible for development, in that standards for subdivisions have been updated since that time. On motion of Vice-Mayor Dingledine, seconded by Councilman Robinson and a unanimous vote of Council, the request was referred to the City Planning Commission for review and report.

✓ In correspondence from City Auditor Peterman, a proposal was made, for Council's consideration, to add a payroll deduction for Cancer Insurance Premiums for city employees, due to requests from a number of employees and several insurance salesmen. He noted that as of January 1, 1985, space would be provided on the computer forms, if approved. Auditor Peterman suggested that due to the number of companies offering this type of insurance, a restriction be placed on this type of deduction to reduce potential administrative problems (i.e. requirement for at least 25% of the city employees to be enrolled with a certain company). Following a brief discussion, the City Auditor was authorized to proceed with the payroll deduction in January, as set out in his letter.

✓ Councilman Robinson noted numerous questions concerning recent changes in the telephone system (i.e. purchase of phones, maintenance; various alternatives by which consumers may save money, etc.) He asked if the company could be requested to give some "straight answers," in order that the public may be more fully informed. On motion of Councilman Rhodes, seconded by Vice-Mayor Dingledine, and a unanimous vote of Council, the City Manager was directed to contact Continental Telephone, requesting clarification.

At 10:10 P.M., on motion duly adopted, Council entered an executive session to discuss personnel.

At 11:32 P.M., on motion adopted, the executive session was declared closed and the regular session reconvened. There being no further business, the meeting was adjourned.

 CLERK

 MAYOR
 