

REGULAR MEETING
JANUARY 9, 1990

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m. there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl O. Thumma, Jr.; Vice-Mayor Raymond C. Dingleline, Jr.; Council Members Elon W. Rhodes, Curtis F. Kite, and Charles L. Shank; City Clerk Judy M. Gray; City Auditor Philip Peterman and Chief of Police Richard Presgrave.

Action on the minutes of the previous meeting was delayed.

The following monthly reports were presented and ordered filed:

From the Police Department

A report of fines and costs collected - \$5,931.00; cash collected from street parking meters - \$5,421.68; total cash collected, paid on accounts and turned over to the City Treasurer - \$11,352.68.

From the City Auditor

A report of cash discounts saved in the payment of vendor's invoices for the month of December, 1989, in the total amount of \$72.81.

From the Department of Utility Billing

A report of water, sewer and refuse accounts; meters read; installations; cut delinquents; complaints; rereads, etc. for the month of December, 1989.

From the City Treasurer

A trial balance report for the month of December 1989.

At 7:38 p.m., Mayor Green closed the regular session temporarily and called the evening's first public hearing to order. City Manager Milam read the following notice of public hearing as it appeared in the Daily News Record on Tuesday, December 26, 1989, and Tuesday, January 2, 1990:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, January 9, 1990, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider a request by Rockingham County to use property they own within the City of Harrisonburg as a landfill located at 811 Greendale Road.

A public hearing is required by City Code Section 10-3-89, Article Q of the Zoning Ordinance. The property is zoned M-1 and is identified as Sheet 99, Block A, Lot 1 on the City Block Maps.

Information on this request may be obtained from the County Administrator, William G. O'Brian.

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

CITY OF HARRISONBURG
Marvin B. Milam
City Manager

Mr. Sullivan explained that this land was part of the 1983 annexation and that the city chose to zone the land R-1 at that time. Mr. Sullivan further noted that in 1986, RDC requested that this land be rezoned from R-1 to M-1 and at this time there was no opposition to the rezoning. Following Mr. Sullivan's comments, Mayor Green called on anyone present desiring to speak in favor of the landfill.

Mr. Don Kruger, Deputy County Administrator, speaking for the landfill, read a prepared statement stating that this land would not be used in the immediate future as a landfill. Mr. Kruger explained that it would be nine years before this land would be used as a landfill. Mr. Kruger noted the reason for submitting the request at this time, is that it would be a waste to do a study on the part of the land that is in the county now and then do another study nine years later for the portion that is located in the city. Following further comments, Mr. Kruger concluded in stating that representatives from the firm of J. K. Timmons and Associates are present if the Council desires to ask any technical questions concerning the landfill.

There being no others desiring to speak for the rezoning, Mayor Green called on anyone desiring to speak against the landfill.

Mr. Mike Beckler, of 1021 Star Circle, and spokesperson from the Greendale residents, pointed out numerous factors concerning the expansion of the landfill. Mr. Beckler noted that the residents of Greendale did not expect expansion of the landfill up to their back yards and are very concerned about the health issues of a landfill being located so close to their homes. Mr. Beckler further noted that industrial development is not compatible with residential development, and noted the hazardous conditions this would present. Mr. Beckler stated that this landfill would endanger surrounding uses and create severe pollution problems because the present county landfill has a history of violating restrictions. Mr. Beckler noted that the Commonwealth has been on the County to "clean up their act" and that the County has ignored them. Mr. Beckler cited several cases which he stated proves that the County has neglected their duty to not endanger surrounding uses or not create severe pollution problems. Mr. Beckler then presented copies of reports from the Division of Waste Management stating that the landfill is not being operated satisfactorily in that at times that is not enough cover material available and that the landfill is oozing leachate. Mr. Beckler concluded in stating that "presently and historically the County has ignored the health and well-being of its citizens," and urged the Council to not allow the County to use this land as a landfill. Mr. Beckler also presented a petition signed by approximately 200 person stating their opposition to the landfill.

Mr. William T. Callender, of 3131 Willow Spring Road, and speaking against the landfill, noted that he owns 150 acres adjoining the landfill and has continually had problems with the County not doing what they promise in regards to cleaning up the landfill and correcting damage done to his property. Mr. Callender presented pictures showing damaged areas of his land and reiterated many points made by Mr. Beckler.

Mr. Walt Bradshaw, representative of the Friends of the Valley presented a sample of the leachate that is oozing from the ground at the landfill and noted that he recommends that this request be denied until the County brings the existing landfill up to standard.

Dan Stark, Pat Taylor and Ed Bartos also spoke against the landfill.

There being no others desiring to speak against the landfill, Mayor Green called on the representatives from J. K. Timmons and Associates, Engineers for Rockingham County, for comments. Mr. John Hanson explained that the State of Virginia had no guidelines and no manuals for designing landfills until about three years ago. Mr. Hanson noted that most landfills were built with no plans at all, which is part of the reason why the present County landfill has had problems. Mr. Hanson explained that the new manuals for landfills are very detailed and required a lot of operation and detail in design. Mr. Hanson explained that modern day liners are available and are now required to stop the leachate problem and he also pointed out that control basins are now required. Mr. Hanson explained that the soil at this location is excellent for a landfill and noted that this particular landfill would have a triple liner. Mr. Hanson noted that the present landfill is operated so that the public can go in and dump trash at any time thus the County does not have the control they would have at the proposed landfill. Mr. Hanson concluded in stating that today's landfills are very sophisticated and technical and that there would be daily cover available at all times. Mr. Hanson then addressed questions from the citizens.

Mayor Green called on anyone else desiring to speak either for or against the landfill. There being no others desiring to be heard the public hearing was declared closed at 8:45 p.m. and the regular session reconvened. Mayor green noted that there is an urgent need for all communities to improve their means of disposing of solid waste, and asked Assistant City Manager Baker to get together the new regulations and have them available to the public. Following further comments, Vice Mayor Dingleline offered a two part motion, moving that the zoning official be advised not to issue a permit for the expansion of the landfill because it is adjacent to a residential area and is inadvisable and unfair; and secondly that the question of solid waste disposal be referred to the City/County liaison committee for discussion and study for the long range future. The motion was seconded by Council Member Shank, and approved with a unanimous vote of

Council.

At 9:07 p.m. Mayor Green closed the regular session temporarily and called the evening's second public hearing to order. Assistant City Manager Roger Baker read the following notice of public hearing as it appeared in the Daily News Record on Tuesday, December 26, 1989, and Tuesday, January 2, 1990:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, January 9, 1990, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider this rezoning request:

Lot 20, Block N, Page 41 of City Block Map, located east of 1010 North Main Street, from B-2 Conditional Business for office use to B-

2 Conditional Business for warehouse use. Request by Wampler Foods, Inc. contract purchaser of lots 20 and 20A.

A copy of this proposed request may be examined in the Department of Community Development Office, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

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

CITY OF HARRISONBURG
Marvin B. Milam
City Manager

Assistant City Manager Baker called on Planning Director Bobby Sullivan for comments. Mr. Sullivan noted that the Planning Commission is in favor of this rezoning and further noted that there will be a buffer of existing pine trees that will remain on the site next to the home to the northeast of this lot. Assistant Manager Baker pointed out two proffers made by the requestor, one that the property will be only used for private use warehouse and no retail sales will be conducted from the premises, and secondly that the present pine tree screen will be allowed to stand and will be maintained. Mayor Green called on anyone desiring to speak either for or against the rezoning. There being no one desiring to be heard, the public hearing was declared closed at 9:09 p.m. and the regular session reconvened. Council Member Rhodes offered a motion that the recommendation of the Planning Commission to approved this rezoning request be approved by City Council. The motion was seconded by Council Member Kite and approved with a unanimous vote of Council.

At 9:11 p.m. Mayor Green closed the regular temporarily and called the evening's third public hearing to order. Assistant Manager Baker read the following notice as it appeared in the Daily News Record on Tuesday, December 26, 1989, and Tuesday, January 2, 1990:

The Harrisonburg City Council will hold a public hearing on Tuesday, January 9, 1990, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following two applications to vacate a small portion of Jackson Street and a small portion of Virginia Avenue, in the City of Harrisonburg.

(a) A request of Golden Acre Foods, Inc. to vacate a 1,631 square foot undeveloped portion of Jackson Street, from Massanutten Street to the Southern Railroad tracks. Golden Acre Foods, Inc. owns the property located on both sides of the undeveloped street. The City intends to retain a sewer easement if the street is vacated.

(b) A request of Shenandoah Manufacturing, Inc. to vacate a strip of 16,322 square feet of the Virginia Avenue right of way that will not be needed in the rebuilding of Virginia Avenue. This strip lies between Virginia Avenue and the property presently owned by Shenandoah Manufacturing, Inc. The City intends to retain a general utility easement covering the entire strip to be vacated.

Copies of the recommendations of the City Planning Commission along with copies of plats showing the portions of the streets to be vacated are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

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 Bobby Sullivan noted that the Planning Commission is recommending these closing, and that all the reasons are stated in the ad. Mayor Green called on anyone desiring to speak either for or against the vacating of these portions of land. There being no one desiring to speak either for or

against the closings, the public hearing was declared closed at 9:14 p.m., and the regular session reconvened. Council Member Shank offered a motion that the Planning Commission's recommendation to vacate an undeveloped portion of Jackson Street be approved. The motion was seconded by Council Member Rhodes and approved with a unanimous vote of Council. Vice Mayor Dingledine offered a motion that the Planning Commission's recommendation to vacate a strip of 16,322 square feet of the Virginia Ave. right of way be approved. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council. Council Member Rhodes offered a motion that the existing Board of Viewers be reappointed to review these requests. The motion was seconded by Council Member Kite and approved with a unanimous vote of Council.

✓ Assistant Manager Baker presented for Council's consideration of a second and final reading an ordinance closing two undeveloped thirty (30) foot rights of way located north of Wilson Avenue and west of North Main Street in the City of Harrisonburg. Following a few comments from City Attorney Thumma, Council Member Rhodes offered a motion that the ordinance be approved for a second reading. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

↓ Assistant Manager Baker presented for Council's consideration of a second and final reading an ordinance amending and re-enacting portions of Chapter 4, Erosion and Sedimentation Control, of Title 10 of the Harrisonburg City Code, and called on City Attorney Thumma for comments. As requested at a previous Council meeting, City Attorney Thumma reviewed the particular sections of the ordinance that were amended. Following the City Attorney's comments, Vice Mayor Dingledine offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

↓ Assistant City Manager Baker, presented for Council's consideration of a second and final reading an ordinance granting a nonexclusive easement to encroach upon City property at the Southeast corner of Federal Alley and East Water Street in the City of Harrisonburg. City Attorney Thumma noted that the only change in this ordinance since the first reading is that in the first paragraph the words "for the purpose of adding a brick veneer exterior" were added. Council Member Rhodes offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Shank, and approved with a unanimous recorded vote of Council.

Assistant City Manager Baker presented the following resolution from Transportation Director Reggie Smith for Council's approval:

↓ REQUEST FOR UMTA TECHNICAL ASSISTANCE

BE IT RESOLVED by the City of Harrisonburg, Virginia that the City Manager of the City of Harrisonburg, Virginia to execute and file an application to the Virginia Department of Transportation, Commonwealth of Virginia, for a grant

of Technical Assistance authorized under RTAP-Section 8 of the Urban Mass Transportation Act of 1964, as amended, in the amount of \$10,000.00 to assist in the Harrisonburg Bus Transit Service Evaluation Study, to accept from the Virginia Department of Transportation grants in such amounts documents and other information as may be awarded, and to authorize the City Manager to furnish to the Virginia Department of Transportation such documents and other information as may be required for processing the grant request.

The City of Harrisonburg, Virginia certifies that the funds shall be used in accordance with the requirements of the Virginia Department of Transportation, that the City of Harrisonburg, Virginia will provide matching funds in the ratio as required, that the record of receipts and expenditures of funds granted for the Technical Assistance grant may be subject to audit by the Virginia Department of Transportation.

ADOPTED and APPROVED on this ___ day of ___, 1990.

Marvin B. Milam
City Manager

ATTESTED:

Clerk

Council Member Shank offered a motion that the resolution be approved and authorization be granted for the City Manager to sign the same. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ A representative from the James Madison Cycling Team was present in the meeting and noted that the team has decided to take the City's advice and stick with the original route that was approved at the December 12, 1989, Council meeting. Assistant City Manager Baker noted that Mr. Ford requested that the City donate the overtime costs of personnel that was needed for the event and in return the City would be associated with the event. No interest was expressed in the City donating the overtime costs.

✓ Council Member Shank moved that a supplemental appropriation in the amount of \$1,349.00 requested by Building Official John Byrd for the insurance payment from USE & G for damage done to the brick wall at the Municipal Building, be approved for a second and final reading, a first reading having been approved on December 12, 1989, and that:

\$1,349.00 chgd. to: 1-1901.01-Realized Revenue Recoveries and Rebates

1,349.00 approp. to: 1-4302-3004.04 - Maintenance & Repairs - Bldg. & grounds

The motion was seconded by Council Member Rhodes, and approved with a unanimous recorded vote of Council.

✓ Council Member Shank moved that a supplemental appropriation in the amount \$5,000.00 requested by Assistant City Manager Baker for the Upper Valley Regional Park Authority for marketing, extraordinary maintenance, staffing level adjustments and compensation be approved for a second and final reading a first reading having been approved on December 12, 1989, with authorization for the City Manager to pay only if the other localities do the same.

\$5,000 chgd. to: 1 - Unappropriated Fund Balance
5,000 approp. to: 1 - 5604.08 - Upper Valley Regional Park Authority

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Parks and Recreation Commission in as much as the first term of Mr. Ronnie K. Steele expired as of December 31, 1989. Vice Manager Dingledine offered a motion that Mr. Ronnie K. Steele be appointed to a second term on the Commission, expiring December 31, 1993. The motion was seconded by Council Member Kite and approved with a unanimous vote of Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Industrial Development Authority to fill the vacancy created by Mr. Fred H. Scott's resignation. Council Member Rhodes offered a motion that Mr. James W. Gilkeson, Jr., of 1045 South Dogwood Drive, be appointed to a first term, expiring April 24, 1993, on the Industrial Development Authority. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

Council Member Shank noted that he had received numerous compliments from citizens on snow removal.

✓ Mayor Green noted that he had received calls about the intersection of Washington Street and Main Street concerning the number of accidents that occur there and requested that this matter be looked into.

At 9:30 p.m., there being no further business, and on motion adopted, the meeting was adjourned.

Judy M. Gray

CLERK

Stefan *Stefan* *Stefan*

MAYOR

jmg

cc: City Council
City Manager
City Auditor

REGULAR MEETING
JANUARY 23, 1990

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m. there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Raymond C. Dingleline, Jr.; Council Members Elon W. Rhodes, Curtis F. Kite, and Charles L. Shank; City Clerk Judy M. Gray; City Auditor Philip Peterman and Chief of Police Richard Presgrave.

Minutes of the regular meeting held on January 9, 1990 approved as corrected.

The following regular monthly report was presented and ordered filed:

From the City Manager - A progress report of activities in the various departments and said offices for the month of December, 1989.

✓ Manager Milam called on Julia Wheatley, General Coordinator for Children at Heart for a presentation. Ms. Wheatley explained that on April 4, 1990, construction will begin on a new community playground in Harrisonburg which will take 5 days to construct and utilize over 1200 volunteers. Ms. Wheatley further explained that the playground will be over 14,000 square feet in size and is a total play environment with an area designed especially for handicapped children. Ms. Wheatley stated that they are using the expertise of a world renowned playground architect that has designed over 500 playgrounds in 24 states. Ms. Wheatley noted that the cost to build the playground is \$55,000 in addition to many of the items being borrowed, meals provided for the workers and the volunteer's children cared for. Ms. Wheatley concluded in noting that they have worked with the Parks and Recreation Department in establishing a location for the playground at Purcell Park. Mr. Ken Surber, representative of the fund raising committee for Community at Heart, gave an update of the finances of the project noting that \$25,000 has been raised to date. Mr. Surber noted that several upcoming events are planned to help raised money for the project. Mr. Surber expressed that his main point is that when time comes to order materials, they do not want to have to cut the project back for lack of funds. Mr. Surber stated that what they need is approximately \$12,500, which is about one fourth of the total cost, to assure that they will have all the materials that will be required to build the design that is already in place. Mr. Surber noted that they have the unanimous approval from the Parks and Recreation Commission for the effort and also their recommendation to request City Council for the amount of \$12,500. Vice-Mayor Dingleline noted that when Children at Heart met with the Commission earlier this month, and the Commission endorsed the project and urged Council to consider appropriating \$12,500. Vice-Mayor Dingleline further noted that Lakey Logan, Director of Parks and Recreation, was asked to review the budget to see if there were any funds available. Vice-Mayor Dingleline noted that he spoke with Ms. Logan concerning this and she indicated that there are no funds available. Following further comments on possible ways of funding this project, Vice-Mayor Dingleline offered a motion that the City Manager be requested to investigate various methods of funding the project and present his findings at the next city council meeting. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on January 17, 1990:

"...Following the public hearing, Mr. Neff moved for the Commission to recommend rezoning of a house and lot at 56 North Brook Ave., from R-2 Residential to M-1 General Industrial District. Dr. Gardner seconded the motion and all members present voted in favor..."

(The request was filed by Owens-Brockway Plastics Products. Plant Manager E. H. McEnerney spoke on behalf of the company during the public hearing. No one spoke against the request.)

Following comments from Planning Director Sullivan, Council Member Shank offered a motion that Council accept the recommendation of the Planning Commission and schedule a public hearing for February 13, 1990, to hear this request. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on January 17, 1990.

"...Following the public hearing (during which the Commissioners heard supportive statements from adjoining property owners and received a written agreement between Lawson Associates, Inc. and the residents of the Preston Heights community), Mr. Lee Lawson of Roanoke, contract purchaser of the 7.29 acres bordered by Cantrell Avenue and Reservoir Street, signed the "agreement" which listed various proffers as an integral part of the

conditional rezoning applications.

Dr. Gardner moved for the Commission to recommend rezoning the 7.29 acres from R-2 Residential to R-3 Conditional Multiple Dwelling and B-2 Conditional General Business District, and all lots on Mountain View Drive from R-2 Residential to R-1 Single Family Residential, between Carlton Street and Cantrell Ave. Mr. Neff seconded the motion and all members present voted aye..."

Planning Director Sullivan urged Council to read the agreement prior to the public hearing, and called Council's attention to a map showing the rough layout of the area to be described and presented at the public hearing. Vice-Mayor Dingleline questioned if this type of agreement had legal status. City Attorney Thumma indicated that the agreement was made part of the conditions of the rezoning. Mr. David Penrod noted that it is also his understanding that the agreement is to be a condition of the rezoning so the enforcement will be by City officials. Vice-Mayor Dingleline further questioned a portion of item 3 of the agreement which states, "and prohibit any resident under the age of 25 from attending local colleges or universities." Vice-Mayor Dingleline questioned whether this is enforceable and noted that he disagrees with this. Mayor Green suggested that Vice-Mayor Dingleline and Mr. Penrod discuss this prior to the public hearing. Following further comments, Council Member Rhodes offered a motion that the Council accept the recommendation of the Planning Commission and schedule a public hearing for February 13, 1990, to hear this request. The motion was seconded by Council Member Shank, and approved with a majority vote of Council, with Mayor Green abstaining from voting.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on January 17, 1990:

"...The Director reviewed the Master Plan of Northfield Commercial Park, a proposed group of 19 business lots from North Main Street to East Washington Street. A new street, Commerce Drive, had been built through the site. Buildings exist on three lots. Attorney Larry Hoover, Jr. was present to request approval of proposed Lot 19, which fronts North Main Street and extends southeastward to Moore Street. The Director noted that the City Block Map indicates that two lots exist where Copper and Associates have illustrated proposed Lot 19, Northfield Commercial. Mr. Hoover did not feel any vacating of lot lines would be necessary, since Park Crest Land Trust bought all of the Lena Pitsenbarger property in 1986 and incorporated it into the overall Northfield Commercial Park Master Plan.

Mr. Milam concluded the discussion with a motion to recommend approval of the Final Plat of Lot 19, Northfield Commercial, and requested the City Attorney to examine the need for vacating lots shown on the City Block Map. Dr. Gardner seconded the motion and all members present voted aye..."

Planning Director Sullivan called Council's attention to a large area map showing Northfield Commercial Park and pointed out the surrounding areas. City Attorney Thumma noted there is one line that needs to be vacated that will be taken care of in the owners consent and dedication. Following further comments, Vice-Mayor Dingleline offered a motion that Council approve the recommendation of the Planning Commission to approve Lot 19 of Northfield Commercial Park. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on January 17, 1990:

"... The Commissioners reviewed the proposed Final Plan of Cambridge Place Subdivision, a group of eight single family lots to be served by extending Myers Avenue southwestward off Paul Street. The Director noted that the Water and Sewer Superintendent and Fire Chief have not completed their review of the construction plans. Mr. George Ford, of Patton, Harris, Rust and Associates responded that easements for water, sewer and drainage have been extensively discussed and are shown on the plat, including a 20' sanitary sewer easement from the subdivision down to Cantrell Avenue. Mr. Sullivan also noted that H.E.C. wants 10' easements along all lot lines, including front, for underground wiring. In addition, the 20' easement from Myers Avenue to West View Street is supposed to be designed as a pedestrian easement as well as an utility easement.

Dr. Gardner moved for the Commission to recommend approval of the Final Plan of Cambridge Place

Subdivision, providing all easements are added where necessary for utilities and pedestrians, and acceptance by all members of the City's technical review staff has occurred. Mr. Neff seconded the motion and all members present voted aye..."

Planning Director Sullivan called Council's attention to the plat and noted that there had been some slight adjustments to the plat. Following Mr. Sullivan's explanation of the revisions, Council Member Rhodes offered a motion that Council approve the Planning Commission's recommendation to approve the final plan of Cambridge Place Subdivision. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on January 17, 1990:

"...Attorney Steve Weaver, representing Mr. Ken Kline, requested the Commissioners to recommend vacating proposed Unit 11 of Holiday Hills Subdivision which was approved by the City in September 1979. Mr. Weaver told the Commissioners that the lots were never developed, and in June 1989, a revised Unit 11 of Holiday Hills Subdivision was approved by the City. In order to record the 1989 plat, the 1979 plat must be vacated.

Mr. Neff moved and Mr. Wassum seconded his motion to recommend vacating the 1979 Final Plat of Holiday Hills Subdivision, Unit 11. All members present voted aye..."

City Attorney Thumma noted that both plats are presently recorded, and this is simply a matter of vacating the old plat. Council Member Shank offered a motion that City Council approve the Planning Commission's recommendation to vacate the 1979 plat. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

↓ City Manager Milam presented and read the following resolutions for Council's consideration of approval and called on Kitty O'Donnell to explain the background information concerning the resolutions.

ADOPT-A-HIGHWAY PROGRAM

WHEREAS The City of Harrisonburg encourages its citizens, civic organizations and other interested groups to beautify and maintain public right-of-ways within the City; and

WHEREAS The City of Harrisonburg acknowledges and supports the Virginia Department of Transportation's Adopt-a-Highway program in cooperation with the Virginia Department of Litter Control and Recycling and Keep Virginia Beautiful, Inc.; and

WHEREAS The City of Harrisonburg recognizes the need for an Adopt-a-Highway program within the corporate limits of the City of Harrisonburg; and

WHEREAS it is the continued desire of the City of Harrisonburg to support programs to eliminate the debris and litter from public right-of-ways within the city; and

WHEREAS the Adopt-a-Highway Program will be called Adopt-a-Street Program within the corporate limits of Harrisonburg;

NOW, THEREFORE, LET IT BE RESOLVED THAT the City of Harrisonburg, Virginia does hereby adopt the Virginia Department of Transportation's Adopt-a-Highway Program and its guidelines, to be called "Adopt-a-Street" within its corporate limits.

ADOPTED and APPROVED THIS _____ day of _____, 1990.

Walter F. [Signature]
MAYOR

ATTEST

Judy M. Gray
CLERK OF COUNCIL

Ms. O'Donnell explained that the Virginia Department of Transportation has adopted this highway project throughout the State of Virginia. Ms. O'Donnell noted the City can adopt the same project within the city limits and call it Adopt-a-Street. Ms. O'Donnell further noted that the City's Street Department has agreed to make and put up the signs. Vice-Mayor Dingleline offered a motion that the resolution be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

ADOPT-A-SPOT PROGRAM

↓ WHEREAS The City of Harrisonburg encourages its citizens, civic organizations and other interested groups to enhance the environment and appearance of their community; and

WHEREAS The City of Harrisonburg acknowledges and supports the Virginia Department of Waste Management's "Adopt-A-Spot" litter cleanup/recycling program for the Commonwealth; and

WHEREAS The City of Harrisonburg recognizes the need for "Adopt-A-Spot" program within the corporate limits of the City of Harrisonburg; and

WHEREAS it is the continued desire of the City of Harrisonburg to support programs to enhance the environment and the appearance of the community;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Harrisonburg does hereby adopt the Virginia Department of Waste Management's Adopt-A-Spot Program and its guidelines within the corporate limits.

ADOPTED and APPROVED THIS _____ DAY OF _____, 1990.

Stacy F. Green
Mayor

Ludy M. Gray
Clerk of Council

Ms. O'Donnel explained that the Adopt-A-Spot program is a similar program except that it is done through the Department of Waste Management, and was designed for persons who do not want to adopt a two mile portion of a road. Council Member Shank offered a motion that the resolution be approved. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

EARTH DAY

✓ WHEREAS The City of Harrisonburg has long supported environmental protection and natural resource management programs and policies by cities/counties; and

WHEREAS The City of Harrisonburg has also supported state and national legislation which would help the city conserve natural resources; and

WHEREAS Public concern about protecting the Earth is rapidly increasing as new scientific information about environmental threats such as global warming, ozone depletion, acid rain, air pollution, and more becomes available; and

WHEREAS Citizens and business leaders are now recognizing environmental protection and resource conservation to be the essential the foundation of prosperity and economic development; and

WHEREAS Cities have many critical environmental responsibilities, including land-use planning, management of transportation systems, solid and liquid waste management, and much more, and

WHEREAS Almost twenty years ago, millions of Americans joined together on Earth Day to express an unprecedented concern for the environment, and their collective action resulted in the passage of sweeping laws to protect our air, our water, and the lands around us, and

WHEREAS Citizens and their governments must again renew their commitment to meet the global environmental challenge and stand together in cities, counties, towns, and villages around the world for a day of collective action to declare our shared resolve;

NOW, THEREFORE, BE IT RESOLVED that the City of Harrisonburg

- 1) Endorses Earth Day 1990, declaring that April 22, 1990, shall be designated and proclaimed as Earth Day, and that this day shall be set aside for public activities promoting preservation of the global environment; and
- 2) Endorses The Global Cities Project of Earth Day 1990, declaring its intention to join the project and, in that capacity, to sponsor one or more Earth Day 1990 activities in the community.

ADOPTED and APPROVED this _____

Stacy F. Green
Mayor

ATTEST:

CLERK OF COUNCIL

Ms. O'Donnell explained that Earth Day was originally celebrated 20 years ago to bring to everyone's attention the saving of our environment, and streams etc. Ms. O'Donnell noted that National Earth Day will be celebrated throughout the United States on April 22, 1990, and Hillandale Park will host Earth Day 1990, with 22 interested agencies supporting it. Ms. O'Donnell stated that all localities are being asked to sign this resolution supporting Earth Day. Vice-Mayor Dingleline offered a motion that the resolution be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Mayor Green explained that in conjunction with the resolution, a Citizen's Advisory Committee on Recycling has been appointed, and Mr. James H. Saker has been asked to chair the committee. Mayor Green noted that James Madison University has submitted names of persons to serve on the committee. Mayor Green also explained that Kitty O'Donnell, Roger Baker and John Holsten from the city have been asked to work with this committee. Mayor Green noted that other persons in the Community have been asked to try to get into the marketing principles involved, and it has also been suggested that people in the community get involved by supporting the bottle legislation in the General Assembly that has not been acted on for a number of years. Mr. John Holsten, Superintendent Resource Recovery Facility and Landfill, thanked the Mayor and City Council for addressing this issue. Mr. Holsten added that many of the recycling activities are not positive cash flow activities, so in the future the City will have to find another arena that addresses solid waste. Following further comments, Mr. Holsten again thanked the Council and noted that he feels the City is certainly on the right tract. Mayor Green concluded in noting that he feels that the Police Department needs to get involved in this issue with possibly reintroducing the \$500.00 fine for littering.

✓ Manager Milam called Council's attention to correspondence received from the Central Shenandoah Planning District Commission requesting that the City Council nominate one of its Commissioners to stand for election to the Executive Committee. Council Member Shank offered a motion that Council Member Rhodes be nominated. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

✓ City Manager Milam explained that the Liaison Committee for the Rockingham-Harrisonburg Jail met last week to interview architectural firms for the construction of the jail facility. Manager Milam presented and gave background information on the following firms that submitted resumes: Hayes, Seay, Mattern & Mattern, Vosbeck, The Moseley Group, Henningson Durham and Richardson, and Harris/McClintock. Manager Milam explained that Harris, of Harris/McClintock, is based out of Virginia Beach and McClintock is local. Manager Milam stated that Mr. Harris is a jail architect, and has working for the firm, Mr. Cary Gill, who is very familiar with State regulations. Manager Milam noted that Mr. Gill's expertise would be very beneficial to this project since we are looking to the State for up to \$4,000,000.00. Manager Milam concluded in stating that the liaison committee requests the City Council to authorize the committee to negotiate a contract with Harris and McClintock, which was the committee's unanimous choice. Manager Milam also added that the terms and conditions of the contract have not been discussed. Mayor Green questioned the time schedule for the construction of the jail facility. Manager Milam indicated that the design phase will take up to one year to allow for all the proper approvals, and that the construction of the facility will take a least 18 months because of the method that has to be done to acquire and demolish buildings. Manager Milam further noted that the projected prisoner count, that comes from the Department of Corrections, indicates that when the jail is completed in the year 1993-94, it will already be at capacity. Following further comments, Vice-Mayor Dingleline offered a motion that the Council accept the recommendation of the liaison committee and authorize the committee to negotiate a contract with Harris and McClintock. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council. Manager Milam further added that the estimated price of the judicial center which includes the courts and administrative portion for the sheriff is \$12,000,000.00, with the City's portion being \$4,000,000, the County's portion \$4,000,000, and the State's \$4,000,000. Manager Milam concluded in noting that we currently have out for bids a request for a financial advisor, which the committee will review and bring back a recommendation to City Council.

✓ Vice-Mayor Dingleline noted that residents of the new section of Reherd Acres had questioned him as to when street lights were going to be installed in this area. Assistant City Manager Baker noted that there are no easements in that area for the underground wires, but added that he will look into the matter.

✓ Council Member Rhodes questioned what the schedule is for Virginia Avenue from Fifth Street towards Gay Street as to the widening of the street. Council Member Rhodes noted that there is a drainage problem at the corner of Second Street and problem would possibly be corrected

when the work is done in this area. Manager Milam stated that he does not think the project comes to Second Street, but that he would look into it. Council Member Rhodes also asked where the City stood on the road on the north end of the City where trucks cross through the Eby property. Manager Milam explained that all easements for all of the rights-of-way have been obtained from Main Street through to Route 42. Manager Milam noted that currently the crew is working on North Liberty Street in the direction of Wamplers' Mill which will be the location of HEC's north substation.

At 9:00 p.m. Council Member Rhodes offered a motion that Council enter an executive session for discussion and consideration of interviews of prospective candidates for the Board of Zoning Appeals, the Parking Authority and Harrisonburg Electric Commission; and for discussion of employee health insurance and employee benefits exempt from the public meeting requirements pursuant to section 2.1-344(1) of the Code of Virginia. Council Member Rhodes further moved that Council enter the executive session for discussion and consideration of special awards for Memorial Stadium exempt from the public meeting requirements pursuant to section 2.1-344(10). The motions were seconded by Council Member Shank, and approved with a unanimous recorded vote of Council.

At 9:40 p.m., the executive session was closed and the regular session reconvened. City Clerk Gray read the following statement which was agreed to with a unanimous recorded vote of Council. I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

At 9:42 p.m., there being no further business, and on motion adopted, the meeting was adjourned.

Judy M. Gray
CLERK

Walter F. Shank
MAYOR

JMG

cc: City Manager
City Council
City Auditor

REGULAR MEETING
FEBRUARY 13, 1990

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m. there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Council Members Elon W. Rhodes, Curtis F. Kite, and Charles L. Shank; City Clerk Judy M. Gray; and Chief of Police Richard Presgrave. Absent: Vice-Mayor Raymond C. Dingleline and City Auditor Philip Peterman.

Minutes of the regular meeting held on January 23, 1990, approved as read.

From the City Manager

A progress report of activities in the various departments and said office for the month of January, 1990.

From the City Treasurer

A trial balance report for the month of January, 1990.

From the Police Department

A report of fines and costs collected - \$5,139.50; cash collected from street parking meters - \$5,330.25; total cash collected, paid on accounts and turned over to the City Treasurer - \$10,469.75.

From the City Auditor

A report of cash discounts saved in the payment of vendor's invoices for the month of January, 1990, in the total amount of \$113.11.

From the Department of Utility Billing

A report of water, sewer and refuse accounts; meters read; installations; cut delinquents; complaints; rereads, etc. for the month of January 1990.

✓ At 7:43 p.m., Mayor Green closed the regular session temporarily and called the evening's first public hearing to order. City Manager Milam read the following notice of public hearing as it appeared in the Daily News Record on Tuesday, January 30, 1990, and Tuesday, February 6, 1990:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, February 13, 1990, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following rezoning requests:

- ✓ 1. Owens-Brockway Plastic Products request to rezone Lot 35, Block R, Page 35 of City Block Map from R-2 Residential to M-1 General Industrial District. If rezoned, dwelling at 56 North Brook Avenue will be demolished and parking area will be expanded.
- ✓ 2. Lawson Associates of Roanoke, request to rezone Lot O, Block K, Page 26A of City Block Map from R-2 Residential to Conditional R-3 Multiple Dwelling District and Conditional B-2 General Business District. A 7.29 acre site, bordered by Cantrell Avenue and Reservoir Street, is planned as a multi-use development of housing, professional offices, and small businesses. In addition, all lots on Mountain View Drive, from Carlton Street to Cantrell Avenue now zoned R-2 Residential, will be considered for rezoning to R-1 Single Family District.

Copies of these rezoning requests may be examined at the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

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 noted that item #1 is a house and lot on the east side of Brook Avenue just north of West Market Street. Mr. Sullivan further noted that this rezoning has been anticipated for some time. Mr. Sullivan concluded in noting that no opposition was received at the Planning Commission's public hearing. Mayor Green called on anyone present desiring to speak in favor of the rezoning. Mr. Eugene H. McEnerney, Plant Manager for Owens-Brockway Plastic Products, noted that he plans to demolish the house and add 12 parking spaces that are badly needed for his employees. There being no others desiring to speak for the rezoning, Mayor Green called on anyone present desiring to speak against the rezoning. There was no one present desiring to speak against the rezoning.

Planning Director Sullivan called Council's attention to an area map and pointed out the location and surrounding area of item #2. Following further comments, Mr. Sullivan noted that the Planning Commission is recommending this rezoning. Mayor Green called on anyone desiring to speak for the rezoning.

Mr. David Penrod, attorney for Lawson Associates Inc., noted that this is an unusual request in that it is a request for conditional rezoning, with a set of proffers of conditions attached to the conditional rezoning which will become requirements of the development if the rezoning is approved. Mr. Penrod further

noted that the developer met with the residents of Preston Heights concerning the proposed development which resulted in a number of changes in the proposal and an agreement between the developer and the residents which states that they are together asking that the property be rezoned with these conditions. In response to concerns expressed by Vice-Mayor Dingledine about the condition which prohibits any resident under the age of 25 from attending local colleges or universities; Mr. Penrod noted that this does not violate any Virginia Law or the Federal Fair Housing Act. Mr. Penrod further noted that Vice-Mayor Dingledine contacted him and explained that he is no longer opposed to this restriction on college students. Mr. Penrod concluded in noting that this rezoning was unanimously recommended by the Planning Commission.

Mr. Lee T. Lawson, President of Lawson Associates Inc., reiterated many of the points expressed by Mr. Penrod. Mr. Lawson reviewed what type of establishments would not be allowed, and explained that the condos will be upscale condos with underground parking, extensive landscaping, security systems and range in price from \$125,000 to \$150,000.

Mr. Donald E. Kuhns, resident of Preston Heights, expressed concerns over a the possibility of a "no mans land" time frame between the time that this is approved and the development is actually built where things could change without the residents having an opportunity to respond to the changes. Mr. Penrod noted that he has prepared a legally binding agreement that binds Lawson and Associates to do what they have agreed to do. Mr. Penrod further noted that this agreement is actually between Mike Layman and Lawson Associates. Manager Milam in referring to a letter dated December 18, 1989, from Lawson and Associates; questioned if the letter is officially being submitted at this council meeting by Lawson and Associates as the proffer to the rezoning request. Mr. Lawson and Mr. Penrod both stated that this letter, which follows, is the official proffer for the rezoning request:

We would like to proffer the following conditions for our rezoning request:

1) A buffer area (75' and 50' wide as indicated on the rezoning application) will be maintained between the rezoned tract and residential lots on Mountain View Drive. This buffer area will remain undeveloped and will be left to grow in a natural state. Lawson will plant rows of white pine trees (approximately 6' to 8' tall) and will build a wooden fence approximately 6' high to further buffer and separate the developed property from the residences on Mountain View Drive. Deed restrictions running with the land will require Lawson and its successors in interest to maintain, repair or replace as needed the planted trees and fence.

2) No more than 42 (not 48 as previously indicated) condominium units will be built. The condominiums will be brick and architecturally similar on all sides to the renderings submitted to the City. The entire tract (not just the front of the buildings) will be professionally landscaped and maintained. The general location of the condominiums will be consistent with the plat submitted to the City. Each condominium facility will have underground parking, a security system and units of not less than 1,450 square feet. Lawson will use good faith efforts to keep three story portions of the condominium as far away as possible from the residences located on Mountain View Drive.

3) Lawson will undertake all reasonable and legal means available to prevent the condominiums from being occupied by college students. Those means will include restrictive covenants which limit occupancy to not more than two unrelated adults per unit, prohibit subleasing of any portion of any condominium unit, and prohibit any resident under the age of 25 from attending local colleges or universities. The restrictive covenants may be enforced not only by all residents of the condominiums, but also by the person who owns the adjoining residences on Mountain View Drive.

4) Lawson will give to the current and future owners of each of the adjoining residences on Mountain View Drive the option to purchase the remaining undeveloped property at a price of \$80,000.00 an acre, if for some reason the developer, his successors, assigns or heirs have not commenced construction on the proposed condominiums in three years from the date of the rezoning. The residents will be given a minimum of 90 days notice of their right to exercise the option; the option may be accepted only by those who are adjoining property owners when the option is exercised.

5) Subject to City approval, all vehicles access to the entire R-3 rezoned tract of land will be by a single, private road onto Reservoir Street.

6) Development on that portion of the plan designated for school use will be limited to a single story containing not more than 12,000 square feet. It may not be used for residential purposes. Signs on the school shall be in compliance with City ordinance, unobtrusive and aesthetically pleasing. School parking will be screened from the neighbors on Mountain View Drive, and the school parking lot will be closed and locked during non school hours.

7) That portion of the property to be rezoned as B-2 will contain restrictions within the deeds and running with the land prohibiting any of the property from being used for a "fast food" store, a convenience store, the sale of petroleum products, or the sale or repair of motor vehicles. In addition, no businesses located in B-2 may maintain normal business hours past 9:00 p.m. The property to be rezoned as B-2 may not be used for multiple family housing.

8) Representatives of Lawson will, during the planning and development stage of the project, continue to be available to the residents of Preston Heights to review the implementation of these proposals.

I trust that the above proposal will be well received by Council, the Planning Commission and the citizens of Harrisonburg.

Sincerely,
LAWSON ASSOCIATES, INC.

Mayor Green called on anyone else present desiring to speak either for or against the rezoning. There being no others desiring to be heard, the public hearing was declared closed at 8:12 p.m. and the regular session reconvened. Council Member Shank offered a motion that the request to rezone Lot 35, Block R., Page 35 of the City Block Map from R-2 to M-1 be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council. Council Member Rhodes offered a motion that the request from Lawson Associates to rezone Lot O, Block K, Page 26A of the City Block Map be approved. The motion was seconded by Council Member Shank, and approved with a majority recorded vote of Council with Mayor Green abstaining.

✓ Manager Milam presented and read a letter from David Lee Ingram & Associates, Inc., agent from the M. S. Liskey Estate, requesting that approximately two acres of land on the north side of West Market Street be rezoned from R-1 to B-2. Council Member Rhodes offered a motion that the rezoning request be referred to the Planning Commission. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

✓ City Manager read the following extract taken from the January 30, 1990, meeting of the Harrisonburg Transportation Safety Commission meeting:

Under new business, Jim Baker registered a complaint which he had received about the intersection of Washington and North Main Streets. Since receiving the complaint, Mr. Baker reported that a "No Parking" zone of approximately 75 feet had been posted on the southwest corner of this intersection, but that additional improvements should be considered. Councilman Rhodes motioned that the Commission recommend to City Council that this intersection be studied and redesigned as soon as funding was available. Ralph Smith seconded the motion and it was carried by unanimous vote of the Commission.

Following comments, Council Member Rhodes offered a motion that the recommendation of the Transportation Safety Commission be accepted and implemented as soon as possible. The motion was seconded by Council Member Kite and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Transportation Safety Commission meeting held on January 30, 1990:

Mr. Baker reported that due to increased traffic generated by the South High Street construction and excess moisture, the asphalt surface and sub-base on Garbers Church Road were being damaged. In order to prevent further damage, a temporary weight limit of 12-ton maximum gross weight was necessary for a least ninety days. Chief Presgrave made a motion that the Commission recommend to City Council that such a temporary weight limit be imposed. The motion was seconded by Ralph Smith and carried by unanimous vote of the Commission.

Manager Milam noted that the City is committed to put in a new water line in 1992 or 1993, and the City does not want to do extensive road work until the water line is in. Following further comments, Council Member Rhodes offered a motion that the recommendation of the Transportation Safety Commission be approved. The motion was seconded by Council Member Rhodes and approved with a unanimous vote of Council.

✓ City Manager Milam presented and read the following report received from the Board of Viewers:

A request by Golden Acre Foods, Inc. to vacate a 1,631 square foot portion of Jackson Street from Massanutten Street to the Southern Railroad tracks. The applicant owns the property located on each side of this undeveloped street. Should this street be vacated, the City intends to retain a sewer easement.

✓ A request by Shenandoah Manufacturing, Inc. to vacate a 16,322 square foot strip of right of way for Virginia Avenue inasmuch as this land will not be needed in the rebuilding of Virginia Avenue. This strip is situated between limits of improved Virginia Avenue and property owned by Shenandoah Manufacturing, Inc. The City intends to retain a general utility easement covering the entire strip to be vacated.

With respect to both requests we, the Board of Viewers, have visited both sites and considered all recommendation. The Board finds no inconvenience or problems with the vacating of both streets under the conditions stipulated herein.

Council Member Shank offered a motion that the report of the Board of Viewers be accepted. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ City Manager Milam presented for Council's consideration of a first reading an ordinance enacting sections 5-2-10 through 5-2-14 of the Harrisonburg City Code, and called on Fire Chief Shifflett for comments. Chief Shifflett noted that this ordinance is a result of changes at the State level as to who has the responsibility of the issuance of licenses for the storage and use of explosives and blasting agents and also for the enforcement of the regulations that govern the use of these explosives. Chief Shifflett noted that as of January 1, 1990, the responsibility of the enforcement of these regulations became the responsibility of local government. Following further comments, Council Member Rhodes offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Shank and approved with a unanimous recorded vote of Council.

✓ City Manager Milam presented for Council's consideration and approval of a first reading an ordinance amending and re-enacting section 5-2-35 of the Harrisonburg City Code, and called on Chief Shifflett for comments. Chief Shifflett explained that the intention of this ordinance is to formalize authority for the Fire Department during a major rescue effort in the City. Chief Shifflett noted that there is nothing currently in the City Code that stipulates who the Council wishes to be responsible for the coordination and control of these types of incidents, and further noted that this ordinance simply would stipulate who the Council wishes to be in control. Council Member Shank offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ A request was presented by Fire Chief Shifflett for approval of a supplemental appropriation in the amount of \$82,557.79, as reimbursement from Rockingham County for EOC expenses and from the State of Virginia Hazardous materials response. Council Member Rhodes offered a motion for the appropriation to be approved for a first reading and that:

\$69,313.50	chgd. to 1-3201-1901.01 Recoveries & Rebates
5,984.66	chgd. to 1-3201-1901.01 Recoveries & Rebates
3,749.83	chgd. to 1-3201-1901.01 Recoveries & Rebates
225.63	chgd. to 1-3201-1901.01 Recoveries & Rebates
1,543.41	chgd. to 1-3201-1901.01 Recoveries & Rebates
230.14	chgd. to 1-3201-1901.01 Recoveries & Rebates
1,089.32	chgd. to 1-3201-1901.01 Recoveries & Rebates
421.30	chgd. to 1-3201-1901.01 Recoveries & Rebates
\$61,813.50	approp. to 1-3201-1001.06 Dispatchers
5,000.00	approp. to 1-3201-5200.01 Communications
2,500.00	approp. to 1-3201-5400.01 Other Materials & Supplies
13,244.29	approp. to 1-3201-1010.01 Other Personal Services

The motion was seconded by Council Member Kite and approved with a unanimous recorded vote of Council.

✓ A request was presented by Street Superintendent Jim Baker for approval of a supplemental appropriation in the amount of \$50,000.00 due to insufficient funds to cover snow and ice removal. Council Member Kite offered a motion for the appropriation to be approved for a first reading and that:

\$50,000	chgd. to 1-Unappropriated fund balance
\$50,000	approp. to 1-4202-5804.01-Snow & Ice Removal

The motion was seconded by Council Member Rhodes, and approved with a unanimous recorded vote of Council.

✓ Mr. James Russel was present in the meeting to present the City Council with a plaque in recognition of the City's support of the activities of the Local Emergency Planning Committee in emergency preparedness.

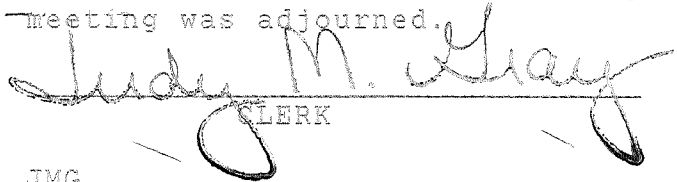
✓ City Manager Milam presented for Council's consideration of approval for a first reading an ordinance amending and re-enacting section 13-2-7 of the Harrisonburg City Code which relates to bicycles and skateboards riding on sidewalks and bicycles riding on frame or without holding handlebars. City

Attorney Thumma explained that under the State law you now have to designate the streets upon which bicycles cannot be ridden and you also have to post signs within that area stating that bicycles are prohibited. Attorney Thumma noted that he has rewritten the existing ordinance to include a description of the exact area where bicycles are prohibited and further noted that the street department has been requested to post signs in this area stating that bicycles are prohibited. Council Member Shank offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Rhodes, and approved with a unanimous recorded vote of Council.

At 8:37 p.m., Council Member Shank offered a motion that Council enter an executive session for discussion and consultation with the City Attorney concerning the transition from second-class status to first-class status, exempt from public meeting requirements pursuant to Section 2.1-344(7) of the Code of Virginia. The motion was seconded by Council Member Rhodes, and approved with a unanimous recorded vote of Council.

At 9:12 p.m., the executive session was closed and the regular session reconvened. City Clerk Gray read the following statement which was agreed to with a unanimous recorded vote of Council. I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

At 9:13 p.m., there being no further business, and on motion adopted, the meeting was adjourned.


CLERK


MAYOR

JMG

cc: City Manager
City Council
City Auditor

REGULAR MEETING
FEBRUARY 27, 1990

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m. there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Council Members Elon W. Rhodes, Curtis F. Kite, and Charles L. Shank; City Clerk Judy M. Gray; City Auditor Philip Peterman and Chief of Police Richard Presgrave. Absent: Vice Mayor Dingledine.

Minutes of the regular meeting held on February 13, 1990, approved as read.

✓ City Manager Milam presented and read a letter from Orden L. Harman, President, Triple H Farms, Inc. requesting to rezone Block A., an area of 1.37 acres from B-2 to R-3 and Blocks C & D, an area of 8.3 acres from R-3 to B-2. Council Member Shank offered a motion that the request be referred to the Planning Commission. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on February 7, 1990:

✓ "... (During a joint meeting of the City and County Planning Commissions) County Planning Commissioner Vern Michael suggested that the City and County governments explore regional or joint operations in the areas of solid waste management and water supply. He also stated that both jurisdictions need to work closely with J.M.U. as they expand east of Interstate 81... County Chairman David McCorkel said one way to continue such discussions would be for the two Commissions to establish a liaison committee of perhaps two members from each Commission...

Chairman Hartman thanked everyone for expressing themselves openly. He added that he will request City Council to endorse the liaison committee idea..."

Following comments from Planning Director Sullivan, Mayor Green noted that the City Council will take this request under consideration.

Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on February 7, 1990:

"...The Commissioners were oriented to proposed Wyndham Woods Subdivision, a 51-lot single family layout to be developed north of Circle Drive and south of Thomas Harrison Middle School. Access into and out

of the subdivision will be via a new 50' street, Wyndham Woods Circle which will intersect with Circle Drive. The preliminary plans had been endorsed by the Commission and City Council in November 1989. Attorney Steve Weaver said the necessary bonds will be posted prior to construction of streets and utilities.

Mr. Neff moved for the Commission to recommend approval of the Final Plan of Wyndham Woods Subdivision, providing bond or bonds be posted prior to construction commencing. Mr. Rhodes seconded his motion and all members voted in favor..."

Planning Director Sullivan called Council's attention to a large scale drawing of the area, and noted that the Planning Commission is recommending this as the final plan. Council Member Rhodes offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on February 7, 1990:

"...The Commissioners were oriented to the Master Plan of Blue Stone Hills Subdivision. The Director explained that proposed Stonewall Heights Subdivision, with 112 townhouse lots, will be developed by Oakcrest Builders, Inc. of Winchester. He noted that the townhouses will be built on both sides of Breckenridge Court, with proposed Stonewall Drive serving as the entrance road off Reservoir Street. A private right-of-way, serving three homes, exists adjacent to proposed Stonewall Drive. Because of the size of this subdivision, Mr. Sullivan added that the Blue Stone Hills master plan will have to be amended when development is proposed beyond (east of) Stonewall Heights.

Mr. Nicely of Copper & Associates reviewed briefly a 4-page letter listing his firm's answers to the comments made by City Staff during its study of construction plans and plat of the proposal. (The letter to Chairman Hartman was hand-delivered to the Director at 4:30 p.m. today). A crucial item, the re-routing of a sanitary sewer line, has been agreed to, between Oakcrest Builders and Plecker Construction. This is necessary if townhouses are to be built on Lots 12 through 16. Zoning Administrator Cook noted that townhouses on Lots 109 through 112 will have backyards facing any future extension of Stonewall Drive. Oakcrest Builders have agreed to provide a landscaped buffer area between the townhouses and their property line on lots 109 through 112. Councilman Rhodes asked

Mr. Ernie James if Blue Stone Hills weren't going to save as many of the trees as possible. Mr. James Vickers of Oakcrest Builders told the Commission that development of the site would be slow and difficult if the trees had been left standing. He said they will landscape all of the 112 townhouse lots with trees and shrubs.

Mr. Hughes concluded the review with a motion for the Commission to recommend approval of the Final Plan of Stonewall Heights Subdivision, providing that Oakcrest Builders place a landscaped buffer behind townhouses on Lots 109-112, where the potential exists for extending Stonewall Drive in the future, and providing that required bonds are posted prior to construction of streets and utilities. Mr. Neff seconded the motion and members voted aye..."

Planning Director Robert Sullivan called Council's attention to a map of Blue Stone Hills master plan and also to a letter from Copper and Associates regarding a current contract the City has with the developer to place a sewer line through some of this land. In referring to the map, Mr. Sullivan pointed out the 8 acres that Oakcrest Builders have purchased from Blue Stone. Mr. Sullivan reiterated many of the points stated in the Planning Commission's minutes and noted that the development will be 112 townhouse lots on Breckenridge Court. Council Member Kite questioned what kind of parking lots will be provided and if this street will be large enough to service all of the townhouses. Mr. Ernie James explained that the parking lots will be curbed and guttered and will be tar and graveled. Mr. James further noted that the street is large enough to serve all the 112 townhouses. Mayor Green stated that with no connecting street, it makes it very difficult for the City to provide adequate snow removal, trash pick up etc. and that developers should take this into consideration when planning subdivisions. Mr. James Vickers of Oakcrest Builders explained that street is long because, by not bring the entrance further down into the subdivision, it leaves the potential of a road connecting into the rest of Blue Stone. In addressing parking concerns, Mr. Sullivan noted that two off street parking spaces are provided per unit and there will be no parking permitted on the street. Mr. Sullivan further noted that the developer hopes to attract families to the development rather than students, with a code restriction of no more than two unrelated living in a unit. Following discussion on various concerns about the development, Council Member Kite stated that the City can not keep allowing this type of development to continue, and noted particular concern over the density in the long cul-de-sac. Mayor Green questioned if there was not some way the street could be connected to Blue Stone. Mr. James stated that Blue Stone Development had tried to sit down and work with the City staff on

connecting streets, and are still willing to, but to change this development now would change the original master plan of Blue Stone Hills that has already been approved. Council Member Shank questioned if the plan complies with the provisions of the subdivision ordinance. Mr. Sullivan noted that everything does comply with the provisions, even the length of the cul-de-sac. Following further discussion on the possibility of reviewing the subdivision ordinance to get rid of problems such as this, Council Member Shank offered a motion to approve the Planning Commission's recommendation because the City has no choice but to approve it. The motion was seconded by Council Member Rhodes and approved with a majority recorded vote of Council. Council Member Shank further recommended that the subdivision ordinance be reviewed to stop this kind of development.

Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on February 7, 1990:

↓ "...The Director reported that the proposed 25 townhouse lots in Reherd Acres, Section 25 will face Oriole Lane and Goldfinch Drive. These streets have been built with curb and gutter in place and water & sewer lines in both streets. Storm drainage from the site will flow northwestward to drop inlets in Oriole Lane. Mr. Sullivan added that construction plans for these lots have not been submitted for technical review, but the proposed plat provides the necessary lot sizes, utility and access easements. All parking will be behind the units.

Mr. Neff noted that construction plans aren't needed for lot-size and arrangement approval. He then moved for the Commission to recommend approval of Reherd Acres, Section 25, Final Plan. Dr. Gardner seconded the motion and all members voted aye..."

Planning Director Sullivan called Council's attention to a large scale map of the area and noted that the parking will be located in the back. Following further comments, Council Member Rhodes offered a motion that the recommendation of the Planning Commission to approve Reherd Acres, Section 25, be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on February 7, 1990:

↓ "...The Commissioners reviewed a plat drawn by David Ingram, showing a proposed 3.14 acre tract currently owned by the M. S. Liskey Estate, and located on the north side of West Market Street near Frazier's Quarry. The Director reported that HEC plans to buy the tract, as a location for a new substation. He added that Superintendent Mike York is aware that the future widening of West Market Street may require some frontage off this tract.

Mr. Rhodes moved for the Commission to recommend approval of the M. S. Liskey Estate's 3.4 acre tract of land as a one-lot subdivision, with the understanding that widening of West Market Street may require some of the frontage. Mr. Hughes seconded the motion and all members voted aye..."

Council Member Shank offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on February 7, 1990:

"...The Commissioners reviewed a Final Plat of the resubdivision of Lots 4B and 5 in Skyline Village Subdivision, Section 1. Mr. Nicely of Copper & Associates reported that a developer wants to purchase both lots and merge them into one lot of 1.409 acres. Mr. Sullivan reported that the various drainage and utility easements are in order. No additional street construction will be involved. The property faces East Market Street and is one of the "outer parcels" in front of Skyline Village Shopping Center.

Mr. Neff moved, and Mr. Hughes seconded his motion for the Commission to recommend approval of the resubdivision of Lots 4B and 5 in Skyline Village Subdivision. The motion passed unanimously..."

Following comments from Planning Director Sullivan, Council Member Kite offered a motion that the recommendation of the Planning Commission to approve the resubdivision of lots 4B and 5 in Skyline Village Subdivision be approved. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on February 7, 1990:

"...Mr. Raymond Ressler, owner of Lots 1 & 2 located on the southwest corner of Greystone Street & Hillside Avenue, presented a request to vacate the lot line between said lots, and establish a new lot with frontage on Greystone Street. Mr. Ressler's home will then be

↓ on a 15,968 square foot lot, facing Hillside Avenue. Noting that his garage will be 9.4' from the proposed new lot line and therefore 6" shy of the required setback, Messrs. Neff and Hughes suggested reducing the width of proposed Lot 1 from 60' to 59', and granting a variance for Lot 1, since the R-2 Residential District requires a minimum lot width of 60'. Mr. Ressler agreed to this.

Mr. Neff moved for the Commission to recommend approval of Mr. Ressler's resubdivision, with variance of one foot for the width of proposed Lot 1 on Greystone Street. Mr. Hughes seconded the motion and all members voted aye..."

Following comments from Planning Director Sullivan, Council Member Shank offered a motion that the recommendation of the Planning Commission to approve Mr. Ressler's resubdivision be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on February 7, 1990:

"...Mr. Jacob Martin, owner of lots 29 and 30 on the southeast corner of Greystone Street and Hillside Ave., presented a request to vacate the lot line between said lots, and establish a new lot with frontage on Hillside Avenue. Mr. Martin's home will then be on a 15,204 square foot lot, facing Greystone Street. His proposed new lot will face Hillside Avenue with 53' width and 7,006 square feet of total area. Mr. Martin told the Commissioners he plans to build a new small home on the smaller lot. Mr. Hughes suggested he increase the width to 60", as required in the R-2 Residential District. Following discussion concerning variances and justified hardships, Mr. Hughes moved for the Commission to recommend approval of Mr. Martin's resubdivision, providing the Hillside Avenue lot is changed to have 60' width. Dr. Gardner seconded his motion and all members voted aye.

Council Member Rhodes offered a motion that the recommendation of the Planning Commission to approve Mr. Martin's resubdivision be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

↓ Assistant City Manager Baker, introduced Mr. Tom Cary, Assistant Supervisor of the Gypsy Moth AIPM office, to give a report on the gypsy moth infestation. Mr. Cary noted that the two programs Virginia presently has in effect concerning the gypsy moth are the Virginia Cooperative Suppression Program and the Appalachian Integrative Pest Management project in which Rockingham County and the City of Harrisonburg are designated a part of geographically. Mr. Cary noted that the Appalachian project is a locally based program that is a 100 percent federally funded project. Mr. Cary explained that they have had a program in place in Rockingham County for the past two years and it has been deemed necessary to treat approximately 7,500 acres in the County of which about 350 acres, or two treatment blocks, lie in the City of Harrisonburg. Mr. Cary noted that these two treatment blocks are Riven Rock Park and the area along Reservoir Street, University Blvd and Port Republic Road. Mr. Cary further noted that Rockingham County does not want to proceed with treatments in the City without the City being informed or without the City's approval. Mr. Cary concluded in noting that the project is 100 percent voluntary to property owners located within the treatment blocks. Mayor Green questioned if other city property, such as Hillandale Park, had been investigated to determine if there is a need in this area for treatment. Mr. Cary stated that surveys have been done in this area and showed that there was not a need to treat. Following further discussion, Mr. Cary addressed questions of several Council members and Mr. Frances Bell, resident of Forest Hills, noted that the residents of Forest Hills have written letters stating their support of this project. Council Member Shank offered a motion that the City endorse the Gypsy Moth program and note their desire to participate in the program. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

↓ City Manager Milam presented and read for Council's consideration of a second and final reading an ordinance enacting Sections 5-2-10 through 5-2-14 of the City Code, relating to the handling of explosives and blasting agents. Council Member Rhodes offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Shank, and approved with a unanimous recorded vote of Council members present.

↓ City Manager Milam presented and read for Council's consideration of a second and final reading an ordinance re-enacting Section 5-2-35 of the City Code relating to Fire Chief appointment, duties, and term of office. Council Member Kite offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Rhodes, and approved with a unanimous recorded vote of Council members present.

↓ City Manager Milam presented and read for Council's consideration of a second and final reading an ordinance re-enacting Section 5-2-7 of the City Code relating to bicycles and skateboards riding on sidewalks etc. Council Member Shank offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Rhodes and approved with a unanimous recorded vote of Council Members present.

City Manager Milam presented and read for Council's consideration of a first reading an ordinance closing a portion of Jackson Street between Massanutten Street and the Southern Railway right of way east of North Liberty Street and an ordinance closing a portion of Virginia Avenue in front of Shenandoah Manufacturing Co. Inc. Manager Milam noted that both of these closings were favorable with the Planning Commission and Board of Viewers. Council Member Rhodes offered a motion that the two ordinances be approved for a first reading. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council Members present.

Council Member Rhodes moved that a supplemental appropriation in the amount of \$82,537.79, requested by Fire Chief Shifflett, as reimbursement from Rockingham County for EOC expenses and reimbursement from the State of Virginia for hazardous materials response, be approved for a second and final reading, a first reading having been approved on February 13, 1990, and that:

\$69,313.50	chgd. to 1-3201-1901.01 Recoveries & Rebates
5,984.66	chgd. to 1-3201-1901.01 Recoveries & Rebates
3,749.83	chgd. to 1-3201-1901.01 Recoveries & Rebates
225.63	chgd. to 1-3201-1901.01 Recoveries & Rebates
1,543.41	chgd. to 1-3201-1901.01 Recoveries & Rebates
230.14	chgd. to 1-3201-1901.01 Recoveries & Rebates
1,089.32	chgd. to 1-3201-1901.01 Recoveries & Rebates
421.30	chgd. to 1-3201-1901.01 Recoveries & Rebates
\$61,813.50	approp. to 1-3201-1001.06 Dispatchers
5,000.00	approp. to 1-3201-5200.01 Communications
2,500.00	approp. to 1-3201-5400.01 Other Materials & Supplies
13,244.29	approp. to 1-3201-1010.01 Other Personal Services

The motion was seconded by Council Member Shank, and approved with a unanimous recorded vote of Council.

Council Member Shank moved that a supplemental appropriation in the amount of \$30,000, requested by Street Superintendent James Baker, due to insufficient funds to cover snow and ice removal, be approved for a second and final reading, a first reading having been approved on February 13, 1990, and that:

\$50,000	chgd. to: 1 - Unappropriated fund balance
50,000	approp. to: 1 - 4202-5804.01 - Snow & Ice Removal

The motion was seconded by Council Member Rhodes, and approved with a unanimous recorded vote of Council.

A request was presented by Chief of Police Presgrave for approval of a supplemental appropriation in the amount of \$3,287.28, to recover overtime money from JMU and repair of police vehicles. Council Member Shank offered a motion for the appropriation to be approved for a first reading, and that:

\$3,287.28	chgd. to: 1-1901.01-Recoveries & Rebates
1,057.41	approp. to: 1-3101-3004.03-Maint. Repairs Auto and Equipment.
2,229.87	approp. to: 1-3101-1001.07-Special Police

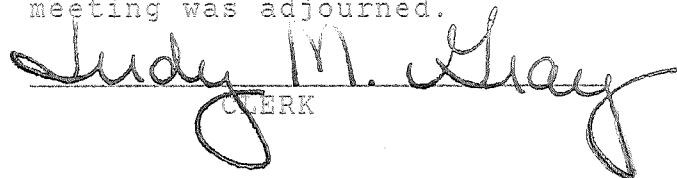
The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

City Manager Milam read the list of all the 1990-91 Budget requests received from Community and Civic organizations and noted they were for Council's review and comments.

Manager Milam called Council's attention to a letter from County Administrator Bill O'Brien that was addressed to I. V. Harris, Jr., of Harris and McClintock, which is the architectural firm recommended for the Joint Judicial Complex project. Manager Milam explained that the liaison committee met with this firm, and as a result of the meeting, the architect would like permission to do core drillings in the sidewalks around the piece of property that has been indicated as a possible site for the complex to determine the type of rock formation and soil type. Manager Milam noted that the committee has not yet employed the architect firm, but the architect would like to know something about the soil before submitting final figures. Manager Milam cautioned that whoever does the core drillings, should be careful to locate all underground wires, sewer lines, gas lines etc. before starting to drill. Manager Milam noted that the Housing Authority is currently preparing appraisals in this location, but have not been authorized to proceed any further than this. Mayor Green questioned how this will be funded. Manager Milam explained that it will be split 50/50 with the County. Manager Milam stated that the contract with Harris and McClintock has not been finalized, but a meeting has been scheduled to finalize the negotiations. Manager Milam concluded in again stating that it is his request that the liaison committee be granted approval to authorize a firm to

do core drilling on in the proposed area which is on West Market St., Graham Street, North Liberty Street and Court Square. Council Member Rhodes offered a motion that approval be granted to authorize the core drillings. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council Members present.

At 9:20 p.m., there being no further business, and on motion adopted, the meeting was adjourned.


CLERK


MAYOR

cc: City Council
City Manager
City Auditor

REGULAR MEETING
MARCH 13, 1990

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m. there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Raymond C. Dingledine, Jr.; Council Members Elon W. Rhodes, Curtis E. Kite, and Charles L. Shank; City Clerk Judy M. Gray; and Chief of Police Richard Presgrave.
Absent: City Auditor Philip Peterman.

Minutes of the regular meeting held on February 27, 1990, approved as read.

The following monthly reports were received and ordered filed:

From the City Manager - A progress report of activities in the various departments and said office for the month of February.

From the City Treasurer - A trial balance report for the month of February, 1990.

From the Police Department - A report of fines and costs collected - \$5,769.00; cash collected from street parking meters - \$7,069.08; total cash collected, paid on accounts and turned over to the City Treasurer - \$12,838.08.

From the City Auditor - A report of cash discounts saved in the payment of vendor's invoices for the month of February, 1990, in the total amount of \$209.22.

From the Department of Utility Billing - A report of water, sewer and refuse accounts; meters read; installations; cut delinquents; complaints; rereads, etc. for the month of February, 1990.

At 7:35 p.m., Mayor Green closed the regular session temporarily and called the evening's public hearing to order. City Manager Milam read the following Notice of Hearing as published in the Daily News Record three times: February 9th, March 6th and March 13, 1990:

The Harrisonburg City Council will hold a public hearing on Tuesday, March 13, 1990, at 7:30 p.m. in the City Council Chambers, Municipal Building, 345 South Main Street.

There will be a public hearing March 13, 1990 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 FY91.

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

CITY OF HARRISONBURG
Marvin B. Milam
City Manager

Transportation Director Reggie Smith noted that this is the annual application for Section 18 funding of the Federal Public Transportation Act of 1982, for capital, administrative, and/or operating assistance for public transportation systems in nonurbanized areas for fiscal year 1990-91. Mr. Smith noted that again this year they are applying for a grant for an addition to and renovation of the present transportation building. Mr. Smith further noted that with the growth of the city and within his department the present building is no longer adequate. Mr. Smith also explained that the amount of \$26,000 under capital is for a sedan station wagon that will have a wheelchair lift. Mr. Smith noted that his department currently transports 20 to 25 wheelchair bound persons per day.

Following further comments, Mayor Green called on anyone present desiring to speak either for or against the application. There being no one present desiring to be heard, the public hearing was declared closed at 7:41 p.m. and the regular session reconvened.

City Manager Milam called Council's attention to the following proposed Resolution, authorizing him to file the application for the requested funding:

BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia that the City Manager is authorized, for and on behalf of the City of Harrisonburg to execute and file an application to the Virginia Department of Transportation, Commonwealth of Virginia, for a grant of federal public transportation assistance under Section 18 of the Urban Mass Transportation Act of 1964, as amended, in the amount of \$564,955.00 to assist in the capital, operating and administrative costs of public transportation services, to accept from the Virginia Department of Transportation grants in such amount as may be awarded, and to authorize the City Manager to furnish to the Virginia Department of Transportation such documents and other information as may be required processing the grant request.

FURTHER, BE IT RESOLVED that the City Manager is authorized, for and on behalf of the City of Harrisonburg, to execute and file an application to the Virginia Department of Transportation, Commonwealth of Virginia for a grant of state financial assistance for public transportation in the amount of \$169,565.00 to defray fifty percent (50%) of

the local matching share for administrative expenses and ninety-five percent (95%) of the local matching share of the City of Harrisonburg for capital and maintenance parts and supplies costs of an approved federal grant, to accept from the Virginia Department of Transportation grants in such amount as may be awarded, and to authorize the City Manager to furnish to the Virginia Department of Transportation such documents and other information as may be required for processing the grant request.

The City Council of the City of Harrisonburg, Virginia certifies that the funds shall be used in accordance with the requirements of the UMTA Section 18 Program and the State Appropriations Act of 1982, that the City of Harrisonburg will provide matching funds in the rations required, and that the record of receipts and expenditure of funds granted the City of Harrisonburg, may be subject to audit by the Virginia Department of Transportation and by the State Audit of Public Accounts.

The undersigned duly qualified Clerk of Council of the City Council of the City of Harrisonburg, Virginia certifies that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the City Council of the City of Harrisonburg, Virginia held on March 14, 1989.

Judy M. Gray
Clerk of Council

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 Council Member Shank, and adopted by a unanimous recorded vote of Council.

↓ Mr. Bob Satterwhite, staff member of the Shenandoah Valley Private Industry Council, appeared before Council for the purpose of presenting the annual Summary of Planned Operations in Service Delivery Area 4 under Title II-A of the Job Training Partnership Act, period July 1, 1990 - June 30, 1991. Mr. Satterwhite noted that the Summary is presented each year to all participating jurisdictions, with request for approval of the Plan of Job Training Activities for the year beginning July 1, 1990. Mr. Satterwhite, noted that this is the first year that their funds have not been reduced by the State. Following the presentation, Council Member Rhodes, offered a motion for approval of the Plan of Activities for 90-91, with authorization for the clerk to sign the form provided. The motion was seconded by Council Member Kite, and adopted by a unanimous vote of Council.

↓ City Manager Milam presented a letter and petition from Lawrence and Ellen Miller and Timothy and Donna Parrish regarding drainage problems in the 400 block of East Rock Street and called on Mr. Lawrence Miller for comments. Mr. Lawrence noted that every time it rains, even a little amount, the street floods with water. Mr. Lawrence further noted that in recent years the water is very muddy and contains a lot of trash and debris. Mr. Lawrence stated that most of the people park on the street and track all this mud and debris into their homes, and noted that there is also concern from parents of small children of the water knocking the children down and the children getting hurt or even drowning. Mr. Lawrence noted that this problems has existed for at least 37 years with nothing being done about it. Mr. Lawrence concluded in stated that they realized that

there are a lot of priorities of the city, but since the problem has existed for such a long time, they are hopeful that Rock Street will be a priority in this year's budget. City Manager Milam noted that after visiting the site, he feels that most of the water is being generated from the Forkavitch Subdivision which is incomplete. Manager Milam described how the water flows in this area and the underground pipe layout. Manager Milam stated that estimates prepared to eliminate the water problem were between \$44,210 and \$60,000. Street Superintendent Jim Baker, explained that the storm drainage system in this area is very old. Mr. Baker also noted that the Forkavitch Subdivision is causing some of the problem and stated that they do have in their plans a retention pond which will eliminate some of the runoff. Mr. Baker stated that he feels the best plan would be to run a drainage pipe down the alley, but further stated that there will still be occasions when the street will flood like in a 100 year storm. Council Member Rhodes stated that he feels this issue should be moved up on the priority list, since this was brought to Council's attention several years ago. Council Member Kite noted that he has spoken with residents of the area concerning the water problems and noted that the curbing will not stand much drainage. Following further discussion, Vice-Mayor Dingleline offered a motion that the City Manager be requested to put this project at a high priority for fiscal year 1990-1991, with an effort to do the best that seems to be feasible to eliminate the problem right now with the idea that it will be kept on the Street Department's agenda for adjustment and future change. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ Mr. Tom Brubaker, representative of the Citizens for Downtown, was present in the meeting to request the Council's permission to place banners on the lamp posts around Court Square. Mr. Brubaker handed out a brochure about Citizens for Downtown, and noted that many cities are beautifying their downtowns with banners depicting certain aspects of the city and surrounding areas. Mr. Brubaker called Council's attention to examples of the banners and explained that Citizens for Downtown will do this at their own cost. Mr. Brubaker stated that they wish to start with the four corner posts of Court Square and spread to others areas at a later date. Following further discussion, and concerns expressed by Assistant City Manager Baker about the banners being hit by trucks, Mayor Green requested Street Superintendent Jim Baker, and Assistant City Manager Roger Baker to meet with Citizens for Downtown and get a better idea as to sizes etc. and bring the request back to Council.

✓ City Manager Milam presented for Council's consideration a proposed resolution requesting the Virginia Department of Transportation to acquire all rights of way necessary for the Port Republic Road project in the City of Harrisonburg, and called on Assistant City Manager Roger Baker for comments. Mr. Baker called Council's attention to the plans that were presented at the January public hearing. Mr. Baker noted that the project will be done in the following three phases: phase 1 would involve moving all the traffic to the north, keeping two lanes open at all times, and working on the south side of Port Road putting in a storm drainage system; phase 2 involves shifting the traffic to the south and working on the north side improving curb and gutter, putting in storm drains, and excavating and phase 3 would involve shifting the traffic to the north side and doing the reconstruction necessary on the south side. Mr. Baker then called Council's attention to the plan for the entire project and pointed out the storm drain system, the sidewalks etc. and noted that the project will consist of four - twelve foot lanes. Mr. Baker noted that the project was requested in March of 1983, and to date approximately \$165,000 has been spent on engineering and preliminary plans. Mr. Baker further noted that he was asked to look into shifting the intersection over in an effort to protect the stone building on the corner. Mr. Baker stated that if the intersection is shifted over it would lessen the impact on several properties, but on the other hand it would completely take one house and would cause an apartment complex to lose its parking lot. Mr. Baker explained that this would involve more costs because of the properties the city would have to acquire. Mr. Baker concluding in stating that City staff is recommending that City Council approve the resolution so the State can proceed with the project. Council Member Kite expressed concerns over the Sedwick house being taken, and questioned the possibility of shifting the house on the site. Council Member Kite noted that two citizens contacted him and stated they feel the City Council should allow citizen input on the project. Following further discussion, the matter was tabled so the two property owners can be contacted and allowed to speak to the matter.

✓ City Manager Milam presented a rezoning application from JMU Foundation and Mosby Heights Association. Planning Director Sullivan noted that J.M.U. Foundation is requesting 18.6 acres to be rezoned from R-2 to R-3 Multiple Dwelling District and 7.1 acres to be rezoned from R-2 to B-2 General Business District, and that Mosby Heights Associates is requesting 13.1 acres to be rezoned from R-2 to R-3 Multiple Dwelling District. Following further comments, Council Member Shank offered a motion that the rezoning request be referred to the Planning Commission. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

✓ City Manager Milam presented for Council's consideration of a second and final reading, an ordinance closing a portion of Jackson Street between Massanutten Street and the Southern Railway right of way east of North Liberty Street. Council Member Rhodes offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Shank, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam presented for Council's consideration of a second and final reading, an ordinance closing a portion of Virginia Avenue in front of Shenandoah Manufacturing Company, Inc. Council Member Shank offered a motion that the ordinance be approved for a second reading. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

City Manager Milam presented for Council's consideration the Shenandoah Valley Regional Airport Commission Resolution (Lease with Option to Purchase Agreement with Municipal Leasing Corporation, which provides funds for Escrow Account Agreement) and a proposed Ground Lease with Municipal Leasing Corporation. Manager Milam explained that the Shenandoah Valley Regional Airport Commission has put out proposals for bids to construct T-hangars at the Airport, and are requesting consent of the four governing bodies for the Airport to enter into a Ground Lease with Municipal Leasing Corporation for a term equal to the term of payments in the Lease with Option to Purchase Agreement, but in no case longer than May 1, 2030. Following discussion this matter was tabled until City Attorney Thumma can review the information.

Council Member Kite moved that a supplemental appropriation in the amount of \$3,287.28, requested by Police Chief Presgrave to recover overtime money from JMU and repair of police vehicles, be approved for a second and final reading, a first reading having been approved on February 27, 1990, and that:

\$3,287.28 chgd. to: 1-1901.01-Recoveries & Rebates
1,057.41 approp. to: 1-3101-3004.03-Maint. Repairs
Auto and Equipment.
2,229.87 approp. to: 1-3101-1001.07-Special Police

The motion was seconded by Council Member Rhodes, and approved with a unanimous recorded vote of Council.

A request was presented by Fire Chief Shifflett, for approval of a supplemental appropriation in the amount of \$4,585.00, for "One for Life" funds from the State. Council Member Rhodes offered a motion for the appropriation to be approved for a first reading and that:

\$4,585.00 chgd. to: 01-3201-1901.01 Recoveries &
Rebates
4,585.00 approp. to: 01-3505-5413.01 Other Operating
Expenses

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

↓ Manager Milam presented for Council's consideration of approval bids received on February 27, 1990, regarding the 24-inch Raw Water Line from Route 33 to Silver Lake. Manager Milam noted that the apparent low bidder is Dixon Contracting, Inc. with a bid price of \$779,130, for 12,450 feet of water line. Water and Sewer Superintendent Mike Collins noted that this is phase two of a three phase program and further noted that the completion of the three phases will help get the City through to the year 2000 with the current growth. Mr. Collins also stated that all the necessary easements have been obtained for this project. Following further comments from Mr. Collins, Council Member Shank offered a motion that the contract be awarded to Dixon Contracting, Inc. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

At 8:51 p.m., Council Member Rhodes offered a motion that Council enter an executive session for purposes of discussing the following: condition, acquisition and use of real property for public purposes, as permitted by 2.1-344(A)(3) of the Code of Virginia; the legalities of the Joint Judicial Complex agreement as permitted by 2.1-344(A)(7) of the Code of Virginia and appointment of persons to the Board of Zoning Appeals, the Harrisonburg Parking Authority, the Harrisonburg Electric Commission, and the Liaison Committee between the City and County Planning Commissions as permitted by 2.1-344(1) of the Code of Virginia. The motion was seconded by Council Member Shank, and approved with a unanimous recorded vote of Council.

At 10:15 p.m. the executive session was closed and the regular session reconvened. City Clerk Gray read the following statement which was agreed to with a unanimous recorded vote of Council. I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

↓ Mayor Green asked Council's wishes concerning appointments to the Board of Zoning Appeals, inasmuch as Mr. Owen D. Simmons and Mr. Mervin B. Stickley's first terms have expired. Council Member Rhodes offered a motion that Mr. Simmons and Mr. Stickley be recommended to the court to serve second terms of five years with Mr. Simmons' term expiring March 20, 1995, and Mr. Stickley's term expiring March 20, 1994. The motion was seconded by Council Member Kite and approved with a unanimous vote of Council.

✓ In discussing appointments to various Board and Commission, it was noted that the first term of Mr. James R. Sipe, as a member of the Harrisonburg Parking Authority, had expired as of November 28, 1989. Mayor Green asked members' wishes concerning an appointment. Vice-Mayor Dingledine moved that Mr. James R. Sipe, Jr. be reappointed to the Authority for a second term of five (5) years expiring on November 28, 1994. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Harrisonburg Electric Commission inasmuch as the second term of Mr. James H. Saker expired December 31, 1989. Council Member Rhodes offered a motion that Mr. Walter R. Trobaugh, Jr. of 690 New York Avenue, be appointed to a first term, expiring December 31, 1992. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

✓ Following discussion concerning a liaison committee between the City and County Planning Commissions, Council Member Shank offered a motion that the Council endorse the idea of the committee and authorize the Planning Commission to appoint members to serve on the committee. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

✓ Following discussion, and on motion adopted, Council agreed to hold a public hearing on June 12, 1990, to hear persons interested in serving on the City School Board.

✓ Following discussion, Council Member Rhodes offered a motion that the City Manager be authorized to negotiate the purchase of a piece of land owned by Tip Top Fruit Farm Inc. located between Port Republic Road and Stone Spring Road consisting of 68.593 acres of land to be used for a potential school site and other public purposes. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of the Council.

✓ Manager Milam presented a request for approval of a supplemental appropriation in the amount of \$650,000, to acquire 68.593 acres of land from Tip Top Fruit Farms, Inc. for future school site and other public purposes. Council Member Shank offered a motion that the appropriation be approved for a first reading and that:

\$650,000.00 chgd. to 1-Reserve for Future Construction Projects

10,000.00 approp. to: 1-94-1-14.41-Reserve for Contingencies

625,000.00 approp. to: 1-4302-7009.00-General Properties Land

15,000.00 approp. to: 1-4302-7009.00-General Properties Land

The motion was seconded by Council Member Rhodes, and approved with a unanimous recorded vote of Council.

At 10:30 p.m., there being no further business, and on motion adopted, the meeting was adjourned.

Judy M. May
CLERK

Walter R. Trobaugh, Jr.
MAYOR

jmg

cc: City Council
City Manager
City Auditor

REGULAR MEETING
MARCH 27, 1990

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m. there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Raymond C. Dingledine, Jr.; Council Members Elon W. Rhodes, Curtis F. Kite, and Charles L. Shank; City Clerk Judy M. Gray; City Auditor Philip Peterman and Chief of Police Richard Presgrave.

Minutes of the regular meeting held on March 13, 1990, approved as corrected.

↓ City Manager Milam presented for Council's consideration of approval a proposed resolution requesting the Virginia Department of Transportation to acquire all rights of way necessary for the Port Republic Road project and called on Assistant City Manager Baker to review the scope of the project as it is proposed by the Highway Department. Mr. Baker explained the project pointing out where the project starts at Hillside Avenue and running to Main Street which was the original end of the project. Mr. Baker explained after further review, the State Department did not feel the original intersection was adequate to handle the traffic and would not allow the necessary turning moving. Mr. Baker noted that as a result of this the project was increased to go over to Maryland Avenue with an additional right turn lane and Maryland Avenue and Port Republic Road. Mr. Baker stated that this is a two million dollar project with one half going to construction and one half for engineering and right of way costs. Mayor Green asked Mr. Baker to go over what properties would be lost as a result of the project. Mr. Baker explained that the only property that would have to be taken on the review layout is Dr. Sedwick's office on the corner of Main and Port Road. Council Member Rhodes questioned if the office could be relocated. Ms. Nancy Sedwick explained that due to the heavy weight of the stones, and the internal support struction of the house it would be impossible to move the house. Ms. Sedwick also noted that if the orginial plan was used where the road would just come close to the office building, it would be a fairly minor project to relocate the solar collector wells on the side of the building. Mr. Jim Gaither, of 53 Port Republic Road, stated that he would rather not have the widening of Port Road done because he hates to lose the land and . Mr. Gaither noted that he had spoken with people all over the City, and "no one in town is in favor of the project." Mayor Green questioned which plan the Highway Department wants to do. Assistant Manager Baker noted that the Hgihway Department's recommendation is to go with the final proposal, because they feel if the City does not go with this plan, they will have to come back in five years to do it over again. Manager Milam pointed out the Major Street plan of the City, and noted that the City is not able to develop mew streets to relieve traffic conjection. Manager Milam noted that a new location would be ideal, but because of the growth, it is almost impossible. Following furhter discussion, and several question from citizens concerning truck traffic on Port Road and the possibility of underground utilites, Mayor Green asked the resolution be tabled at this time and for Mr. Baker to review the project with the State Department further to see that as little damage as possible will be done.

↓ City Manager Milam presented the Shenandoah Valley Regional Airport Commission Resolution (Lease with Option to Purchase Agreement with Municipal Leasing Corporation, which provides funds for Escrow Account Agreement) and proposed Ground Lease with Municipal Leasing Coporation, and noted that City Attorney Thumma was to meet with the Airport's attorney Doug Noland, to review the information. City Attorney Thumma explained that the Airport Commission is reconsidering other alternatives and have asked the City Council to delay any action on this resolution. The Council agreed to table the resolution.

↓ City Manager Milam presented for Council's consideration of approval a proposed agreement for the new Sheriff's Office, Jail and Lower Court Complex among the City and Housing Authority. Council Member Shank explained that the revised agreement has been improved upon, and is stating that the City and County are going to work together to build this complex and the Housing Authority will acquire the property and arrange the financing. City Attorney Thumma called attention to a couple of typos in paragraph number one and noted that paragraph number eight needs to be reworded so that the money is available to acquire the property. Council Member Rhodes questioned paragraph number seven where it states the "...Project shall be supervised and operated by the County". Council Member Rhodes stated that he does not feel comfortable with this wording, and feels that the operation and maintenance should be on a 50/50 basis. Following discussion it was decided to reword the sentence to state "...Project shall be supervised and operated by the County and City." City Manager Milam explained the complex will be done on a lease purchase arrangement where the Housing Authority will acquire the property and own the facility and lease it back to the City and County on a 50/50 basis. Following further discussion and comments, Vice-Mayor Dingledine offered a motion that the Agreement be approved subject to the changes as suggested in paragraphs one, seven and eight. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ City Manager Milam called Council's attention to a memorandum from I.V. Harris and Associates, Inc. and noted that the memorandum is stating that Harris and Associates agree with the committee on A/E fees not to exceed 6.5% and a maximum fee not to exceed \$965,000. Manger Milam also reviewed Option 2 of the

letter which is the option that the City and County decided to go with and the cost breakdown of the project which totals \$17,368,560. Manager Milam stated that what is needed is for Council to authorize the proper officials to jointly enter into this contract with Rockingham County for architectural services. Council Member Shank offered a motion that Council authorize the proper officials to enter into this contract with Rockingham County for architectural services. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

Council received the following extract from minutes of the Harrisonburg Planning Commission held on March 21, 1990:

✓ "...The Commissioners studied a map showing the 3.14 acre tract of land, presently owned by the M. S. Liskey Estate, to be sold to Harrisonburg Electric Commission. Approximately 2 acres are zoned R-1 Single Family Residential, and the Liskey Estate has requested the rezoning to B-2 General Business. H.E.C. plans to locate an electric substation on the site.

Mr. Ken Kline, representing the Liskey Estate, spoke in favor. No opposition was expressed. After closing the hearing, Mr. Neff moved for the Commission to recommend the rezoning. Dr. Gardner seconded the motion and all members voted aye..."

Council Member Rhodes offered a motion that a public hearing date be set for April 24, 1990, to hear the rezoning request. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

Council received the following extract from minutes of the Harrisonburg Planning Commission held on March 21, 1990:

✓ "...The Commissioners reviewed the Final Plat of Deyerle Subdivision, Section 36. The Director showed the one-lot proposal as it appears on the overall map of Valley Mall Commercial Park. It is located on the west side of Evelyn Byrd Avenue, between University Boulevard and Neff Avenue. Utility and drainage easements, 10' wide, are shown on the side and rear lot lines. The street is built and curbed.

Mr. Rhodes moved for the Commission to recommend approval of the Final Plat for Deyerly Subdivision, Section 36. Mr. Neff seconded the motion and all members voted aye..."

Planning Director Sullivan noted that this lot is next to the Child's Choice Daycare Center on Evelyn Byrd Avenue and the street is built and curbed. Vice-Mayor Dingleline offered a motion that the recommendation of the Planning Commission to approve Deyerle Subdivision, Section 36, be approved. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

Council received the following extract from minutes of the Harrisonburg Planning Commission held on March 21, 1990:

✓ "...Attorney Charles McNulty reported to the Commission that a similar plat was approved in December 1989, but the Lawyers Title Insurance no longer accepts the format used in December, plus certain signatures by current owners were not obtained during the 60 days following City Council's approval. The new plat, now calling the one-lot tract the "Forward Carlton Subdivision," has not changed the lot size.

Mr. Neff moved for the Commission to recommend approval of the Forward Carlton Subdivision, Section 1, Lot 1. Mr. Rhodes seconded the motion and all members voted aye..."

Following comments, Council Member Kite offered a motion that the recommendation of the Planning Commission to approve the Forward Carlton Subdivision be approved. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission held on March 21, 1990:

"...The Commissioners reviewed proposed Maphis Subdivision, consisting of two lots on the west side of Ott Street. The Director reported that Mr. Bob Maphis withdrew the plat from the Commission's October agenda. In November, the Board of Zoning Appeals did not agree to consider Mr. C. O. Maphis's enclosed tennis courts and swimming pool as the principal building on the site. If the Maphis Subdivision is approved, proposed Lot 2 will have a non-conforming situation because the enclosed recreational facilities will cover well over 30% of the lot.

Mr. Bob Maphis told the Commissioners that he hopes to build a home for himself on proposed Lot 1. Both lots are well over the 10,000 square foot minimum required in R-1 Single Family Residential District.

Also, vehicular access will be via an alley from Campbell Street. An existing driveway off Ott Street will continue to serve Mr. C. O. Maphis's home on proposed Lot 2.

Mr. Hartman moved for the Commission to recommend approval of the Maphis Subdivision, based on the large size of the lots and approval to enclose the tennis court and swimming pool occurred several years ago when no plans for subdividing existed. Mr. Rhodes seconded the motion and all members voted aye...."

Council Member Rhodes offered a motion that the recommendation of the Planning Commission to approve the Maphis Subdivision, be approved. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

↓ Vice-Mayor Dingledine moved that a supplemental appropriation in the amount of \$4,585.00, requested by Fire Chief Shifflett, for "One for Life" funds from the State, be approved for a second and final reading, a first reading having been approved on March 13, 1990, and that:

\$4,585.00 chgd. to: 1-3201-1901.01 Recoveries & Rebates

4,585.00 approp. to: 1-3505-5413.01 Other operating expenses

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

↓ Council Member Shank moved that a supplemental appropriation in the amount of \$650,00, requested by City Manager Milam to acquire 69.593 acres of land from Tip Top Fruit Farms, Inc. for future school site and other public purposes, be approved for a second and final reading, a first reading having been approved on March 13, 1990, and that:

\$650,000 chgd. to: 1-Reserve for Future Construction Projects

\$ 10,000 approp. to: 1-9401.01-14.41 reserve for contingencies

625,000 approp. to: 1-4302-7009.00 General Properties Land

15,000 approp. to: 1-4302-7009.00 General Properties Land

The motion was seconded by Council Member Rhodes, and approved with a unanimous recorded vote of Council.

↓ A request was presented by Water Superintendent Collins, for approval of a supplemental appropriation in the amount of \$200,000 for partial funding for 24-inch raw waterline - Silver Lake to Route 33. Council Member Shank offered a motion for the appropriation to be approved for a first reading, and that:

\$200,000 chgd. to: 3-Unappropriated fund balance

200,000 approp. to: 3-7-7013.22-Water - Capital Outlay
24" Raw Water Main

The motion was seconded by Council Member Rhodes, and approved with a unanimous recorded vote of Council.

↓ A request was presented by Street Superintendent Baker, for approval of a supplemental appropriation in the amount of \$137,445.00 to cover expenses paving new subdivision streets in accordance with Section 10-2-61 d of the City Ordinance. Council Member Kite offered a motion for the appropriation to be approved for a first reading and that:

\$137,455.00 chgd. to: 1-Unappropriated fund balance

137,455.00 approp. to: 1-4102-3004.17-Maint. Repairs
Highway Annex (Non-allowable)

The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council.

↓ A request was presented from School Superintendent Hiner for approval of a transfer of funds in the amount of \$10,000.00 to cover unanticipated expenses in pupil transportation. Vice-Mayor Dingledine offered a motion that the transfer be approved, and that:

\$ 4,000.00 trans. from: 2-61000-1000-Instruction
Personal services

5,000.00 trans. from: 2-62000-5000-Admin-Attendance
& Health Other Charges

1,000.00 trans. from: 2-64000-3000-Operation & Maint.
Purchased Services

10,000.00 trans. to: 2-63000-3000-Public Transportation
Purchased services

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ A request was presented from Water Superintendent Collins for approval of a transfer of funds in the amount of \$200,000.00 for partial funding for 24-inch raw water line - Silver Lake to Route 33. Council Member Kite offered a motion that the transfer be approved, and that:

\$200,000.00 trans. from: 4-Unappropriated Fund Balance
(To reimburse water fund for loan to sewer fund for
partial payment for HRRSA Improvements in the amount
of \$1,834,613. Loan made march 22, 1988)

200,000.00 trans to: 2-Unappropriated Fund Balance

The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council.

✓ Manager Milam introduced Mr. Lester Seal to City Council, and explained that Mr. Seal is a CPA and has been with the City since November 1989, and is assigned to the preparation of financial statements. Manager Milam noted that Mr. Seal has a B. S. degree in Accounting from Va. Tech, a Masters degree from JMU, and a CPA licenses. Manager Milam stated that Mr. Seal has been very helpful to the City and had in researching financial data to the City and has development a comprehensive financial statement. Manager Milam concluded in noted that Mr. Seal will be preparing the City's financial statement at the end of the year.

✓ Ms. Helen Hanson questioned if a notice of the meeting of the Southwestern Neighborhood Association could be run on the new information channel. Manager Milam explained that the new channel is for governmental information only, but asked that any requests be submitted to Ms. Betty Jolly.

Manager Milam presented and read the following resolution for Council's consideration of approval and asked Assistant City Manager Roger Baker to give the basic outline of the project following the reading:

RESOLUTION

✓ WHEREAS, the City Council of the City of Harrisonburg desires to plan for future growth and,

WHEREAS, an alignment which allows the safe and orderly movement of traffic is desirable, and

WHEREAS, the City desires to relieve congestion on other City streets,

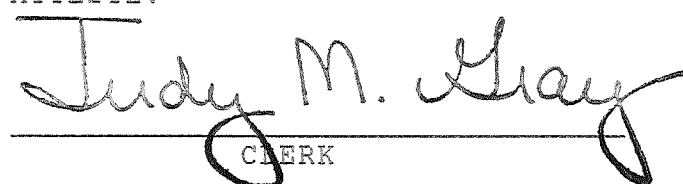
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisonburg at its regular meeting on the 27th day of March, 1990 that:

1. The concept and general location of a north/south corridor east of Interstate 81 as designed by Mattern & Craig and dated January, 1990, is hereby approved.
2. That the City Manager or his designee and/or the Virginia Department of Transportation is hereby authorized to establish and set up a project to acquire the necessary rights of way.
3. The City Manager is directed to proceed with construction as funds are available.

ADOPTED and APPROVED this 27th day of March, 1990.


MAYOR

ATTESTE:


CLERK

Assistant City Manager Baker called Council's attention to a large layout of the project and pointed out the major roads that the corridor would be crossing. Mr. Baker noted that the corridor will start at Walker Manufacturing and Pleasant Valley School and will move in a north easterly direction ending up at and eventually tying into Smithland Road. Manager Baker noted that the right of way will be a minimum of 80 feet with four moving lanes with one median and a sidewalk on one side. Manager Milam stated that two critical locations are where

the corridor will cross through Forbes Commercial Park, which is currently under construction, and the JMU Arboretum. Manager Milam further noted that both Forbes and JMU have been contacted concerning this and are both willing to cooperate with the City. Manager Milam also noted that the Dunham Bush people had been extremely cooperative concerning the project. Manager Milam explained that almost all the route is undeveloped and the City hopes to get the resolution approved so as to give developers some guidance. Manager Milam explained that they tried to select locations where the corridor would be less damaging to existing neighborhoods so for this reason they feel it needs to be done as soon and quickly as possible. Manager Milam stated that the total distance is seven miles and the cost, based on December 1989, is 14 million for a 60 foot right of way. Manager Milam explained that they want to ask for an 80 foot right of way which will cost more money.

At 9:32 p.m., there being no further business, and on motion adopted the meeting was adjourned.


CLERK


MAYOR

JMG

cc: City Council
City Manager
City Auditor

REGULAR MEETING
APRIL 10, 1990

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m. there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Raymond C. Dingleline, Jr.; Council Members Elon W. Rhodes, Curtis F. Kite, and Charles L. Shank; City Clerk Judy M. Gray; City Auditor Philip Peterman and Chief of Police Richard Presgrave.

Minutes of the regular meeting held on March 27, 1990, approved as read.

✓ The following monthly reports were received and ordered filed:

From the City Manager - A progress report of activities in the various departments and said office for the month of March.

From the City Treasurer - A trial balance report for the month of March, 1990.

From the Police Department - A report of fines and costs collected - \$7,567.50; cash collected from street parking meters - \$9,068.46; total cash collected, paid on accounts and turned over to the City Treasurer - \$16,635.96.

From the City Auditor - A report of cash discounts saved in the payment of vendor's invoices for the month of March, 1990, in the total amount of \$969.51.

From the Department of Utility Billing - A report of water, sewer and refuse accounts; meters read; installations; cut delinquents; complaints; rereads, etc. for the month of March, 1990.

✓ City Manager Milam presented and read a letter from Bruce J. Rathke, Council President for Muhlenberg Lutheran Church stating the Church's desire to purchase the alley which runs past the church's back entrance. The letter noted that by owning this piece of roadway, the church would be able to expand over the road into their parking lot. Manager Milam explained that for alley closings, it is Council's policy to refer the matter to the Planning Commission for a report and recommendation and then appoint a Board of Viewers to review the closing. Council Member Kite noted that Mr. Joe Bowman should be notified concerning this request because the alley extends down past the lot that is owned by Mr. Bowman. Council Member Shank offered a motion that the request be referred to the Planning Commission. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

↓ City Manager Milam presented and read a petition, with 320 signatures, stating that the undersigned are opposed to the change of zoning in Willow Hills Subdivision from R-2 to R-3 and stating strong opposition to the extension of Central Avenue as proposed by City Staff for the following reasons: 1. Drastic increase in traffic flow through R-1 neighborhood; 2. Traffic Pattern

in South part of City has changed and is changing with the construction on South High Street. Mr. Kent St. Pierre, spokesperson for the group, noted that the same petition with over 400 signatures was presented to the Planning Commission last fall. Mr. St. Pierre stated that the basic issue is the extension of Central Avenue, and it is their request that City Council go on record opposing that extension once and for all. Mr. St. Pierre stated that it has caused many problems for the neighborhood in never knowing whether the issue will be brought up again; and Mr. St. Pierre further stated that the citizens have no idea where the Council stands on the issue. Mr. St. Pierre noted that the original idea of extending Central Ave. is now outdated due to the size of Route 42 and Route 11. Mr. St. Pierre concluded in stating that he sees no benefit to the extension of Central Avenue; and if this matter is tabled by City Council, it will be taken as a vote against the citizens. Council Member Shank, noting that he is sympathetic to the group's concerns, noted that if the Council should state opposition to the extension, it could always be reversed in the future. Planning Director Sullivan explained that a public hearing was held last fall to consider rezoning some of the vacant land behind the Moose property. Mr. Sullivan stated that RCR and Associates came in with a plan that changed the land to partly business and partly residential. Mr. Sullivan noted that City Staff urged RCR and Associates to present a layout of streets that would include Central Avenue with the theory that Central Avenue would eventually be connected together. Mr. Sullivan noted that there were a couple of properties in the way and the rezoning was never voted on so the case was never brought to City Council. Mr. Sullivan further noted that the business portion was voted on and approved. Mr. Sullivan explained that the theory behind extending Central Avenue is to add a collector street so the overall large area will have a new north south street with no suggestion that it would ever become a truck route. Mr. Sullivan concluded in stating that the goal of city government is to have more through streets, but noted that Central Avenue is not in any capital improvement program for the next five years. Mr. George Rose, retired landscape architect and planner, noted that in his opinion if Central Avenue is connected to Mosby Road, the City will eventually have to install a traffic light on Central to slow the traffic down going past Keister School, which is extremely expensive. Mr. Rose further noted that it is bad planning to take traffic off of a main artery and put it on a residential artery, and if the City does this it will only complex the problem in the future. Mr. I. C. Rowan, of RCR and Associates noted that he feels that the residents of Pleasant Valley were ill served and deceived by the Planning Commission. Mr. Rowan explained that in 1988, he submitted plans that did not show Central Avenue. After being put off for several months, Mr. Rowan noted that finally the city offered that if he helped to establish Central Avenue, the city would give him R-3 land on the east side of Central Avenue. Mr. Rowan explained that now, 16 months later he has no subdivision and no lots and is "caught in a vicious circle" between City staff and the residents of Pleasant Valley. Mr. Rowan concluded in stating that he feels that it is the duty of City Council to consider dumping the idea of Central Avenue. Council Member Rhodes stated that he does not agree with some of Mr. Rowan's comments, and he is not ready to vote on this issue tonight and refuses to make a commitment that will tie future councils. Mayor Green noted that Council is always sensitive to what the public wants, but that we do have to let city staff, the planning commission etc. get their "duck in a row" because this has not come to council before, is not in the budget and is not recommended in the five year plan. Mr. John Neff, member of the Planning Commission, noted that one of the major items concerning work for the Planning Commission is the update of the Comprehensive Master Plan which does include a transportation plan. Following further questions and discussion, Vice-Mayor Dingledine, offered a motion that the City Council specifically request the Citizens Advisory Group to pay particular attention to this issue and for whatever recommendation they come up with, that there are reasons given for their decision. The motion was seconded by Council Member Shank, and approved with a majority vote of Council. (Council Member Rhodes abstained from voting.)

✓ Mr. Ed Hughes, Chairman of the Planning Commission, noted that one of the immediate plans of the Planning Commission is to amend the way subdivision ordinances are presented to Council. Mr. Hughes also noted that three of their members are taking an eleven week course to become certified Planning Commissioners. Mr. Hughes then called on Mr. John Neff to present the City Planning Commission's annual report on activities. Mr. John Neff, member of the Planning Commission presented the following report:

As you gentlemen are aware, one of the major responsibilities of the Planning Commission is the preparation, implementation, and updating of a comprehensive master plan, which provides firm direction in the development of zoning and subdivision controls and the capital improvements program.

Our master plan serves as a vehicle for our local government officials and the citizens of our city to express goals for the future of our community. We engage in planning in order to understand what has happened in our community and why; to acquire insight into potentials for the future; and to influence the development of our city.

In our planning process, we look at the past:

We observe trends and develop insights for probable future trends.

We look at the present:

We determine needs for changes to improve our community.

We anticipate the future:

Recognizing what will be required for the future and planning for it, we increase the changes so that local government will operate more economically and efficiently.

In our planning, we are responsible to the citizens of this city and will encourage involvement by all concerned citizens in our local planning program.

A well-developed comprehensive plan includes goals & objectives which reflect our citizens ideas to guide future development of our community. This plan is based on the desires and needs of our clients.

In order to effect a controlled and organized growth for our city with established development controls, a citizens advisory committee was appointed in 1989 by you, the City Council. to update our comprehensive master plan. This committee includes a diverse group of concerned citizens of varied backgrounds and interests with a common goal; to plan for an orderly and planned growth for our city, emphasizing the concern for maintaining a quality of life for all of our citizens.

The committee is now in the inventory & analysis stage which consists of the factual and analytical basis of the comprehensive plan. Data on demographic, and economic conditions, social characteristics, community facilities, environmental factors and related matters are tabulated and evaluated to assess how we have developed and how we are likely to develop.

Our projected time table and critical milestones for your planning are as follows:

I. The Inventory and Analysis Phase

- A. August 10, 1989 - Reviewed History Section
- B. September 14, 1989 - Reviewed Natural Features and Population (by 2010 - 35,600) Sections.
- C. October 12, 1989 - Developed Planning Sector Boundaries (34 total). Will provide analysis of City on neighborhood level.
- D. November 9, 1989 - Presentation on JMU New College by Mark Warner. A section of the Plan will deal solely with JMU. Discussion on the Transportation Study by Frederick R. Harris, Inc. to provide data.
- E. December 14, 1989 - Reviewed Government Structure and Finance Section
- F. January 11, 1990 - Reviewed Housing Section.
- G. February 8, 1990 - Reviewed Community Facilities Section. Detailed information was provided by all City departments. A complete assessment of all City facilities and services is included in this section.
- H. March 8, 1990 - Continued review of Community Facilities Section
- I. Our next meeting - Will review the Economic Profile of Harrisonburg. The Rockingham/Harrisonburg Development Corporation is assisting with the review of this Section.

From this point, the Committee intends to proceed with the following tentative schedule:

- A. 3rd/4th week of April - Committee Field Trip
- B. 2nd week of May - Review Land Use Section
- C. Latter part of May - Hold 1st Public Hearing
- D. 2nd week of June - Review Existing Conditions and Problems Statements Section
- E. Latter part of June - Hold 2nd Public Hearing
- F. 2nd week of July - Develop Goals and Objectives
- G. 2nd week of August - Develop Land Use Guild Map and Plan
- H. Date to be determined - Joint Planning Commission/City Council Public Hearing. (A joint public hearing with City Council/Planning Commission is recommended to expedite and make the process move more efficiently).

Major elements of the plan will include:

- A. Land Use Plan - Outlines the needs and areas for dwellings, commerce, industry, and public facilities.
- B. Transportation Plan - Delineates plans for roads, rails, rapid

transit, public transportation, and other modes of transportation.

- C. Housing Plan - Outlines the location of dwelling types and uses.
- D. Community Services and Facilities Plan - Describes needs for public utilities, schools, health services and recreation.

Our revised comprehensive plan will function as a practical guide to the City Council, the Planning Commission, and to the staff in carrying forth the goals and objectives in accordance with the economic, environmental, fiscal, and development issues of importance to the citizens of our fine city.

We emphasize that this process is one of community involvement in which public awareness, understanding and input is imperative to be successful.

The Planning Commission see the adoption and implementation of the revised comprehensive plan as a primary goal for 1990. From this plan, we look forward to the development of revised zoning and subdivision ordinances to provide controls for the corporate plan.

We also look forward to the following in programs and planning activities for the coming year.

- A. An annual meeting with City Council to develop goals and objectives for next fiscal year.
- B. Annual review and analysis of capital improvements program.
- C. Participation in a joint liaison planning committee with Rockingham County to study cooperative programs and services between jurisdictions.
- D. Review and study formal procedures and rules for conducting our meetings, public hearings, and plan reviews for rezoning and subdivisions.
- E. Continuing an open line of communications in an advisory capacity with the City Council.

We appreciate the opportunity to bring this report to you this evening.

We look forward to a year of cooperative efforts and a positive working relationship between our Commission and the City Council.

Mr. Neff noted that it is the committee's goal to have the plan adopted this year, and further stated that the committee would like the public's input and would appreciate any ideas, concerns, and considerations. Mr. Neff concluded in noting that the committee plans to hold their meetings in various places in the city and urged people to come and express their ideas.

Ms. Lakey Logan, Director of Parks and Recreation, was present in the meeting to give a report from the Bird Committee. Ms. Logan explained that at the request of City Manager Milam, a group consisting of: Animal Warden Cassidy, Fire Chief Shifflett, Chief of Police Presgrave, the Assistant City Manager and twelve residents of South Dogwood met to discuss the problems of the high concentration of birds in the area between Neyland Drive and Hillandale Avenue. Ms. Logan noted that the heaviest concentration was determined to be north of South Avenue to Neyland Drive, Hillandale Park and a piece of property owned by Bridgewater College. Ms. Logan noted that the birds have been in these areas since October 1989, and the residents have tried all measures to try to get rid of the birds to no success. Ms. Logan stated that this problem is not unique to the City of Harrisonburg, and noted that the two solutions that seem to work the best are noise and to destroy the roosting area. Ms. Logan further noted that the result of these measures is that the birds will just relocate to another location. Ms. Logan added that Animal Warden Cassidy contacted the Health Department, and was told that the bird droppings may present a potential health threat at some future time and that humans should be restricted from the areas with the most concentrated feces. Ms. Logan noted that Hillandale Park does not have a heavy concentration of feces at the present time; that the heavy concentration is located on the property owned by Bridgewater College because of the heavy concentration of cedar trees in the area. Ms. Logan explained that Bridgewater College has been contacted about thinning out some of the trees on the property, and their building and grounds people are scheduled to survey the property to see what will be feasible to do. Ms. Logan stated that numerous companies and persons have been contacted that know about getting rid of birds for suggestions and that she has secured a tape made by the pest control people that a resident claims helped get rid of the birds. Ms. Logan also noted that another problem that exists is that there are a lot of dead birds on this property and in the park which will require clean up. Ms. Logan concluded in stating that the bottom line is that the only thing that will be accomplished from ridding this area of birds is that they are going to relocate to another area and the best that we can hope to do is to get them in an area where they are not in a neighborhood and disturbing the neighbors.

Mr. James Saker, was present in the meeting to present the report and re-

commendations of the Harrisonburg's Citizens' Advisory Committee on recycling. Mr. Saker noted that the committee is made up of himself as chairman, Jim Auckman, Kathy Forvarque, Lill Richardson, Phillip Dean, Junior Hicks, John Holsten and Kitty O'Donnell. Mr. Saker stated that solid waste reduction is mandated by the State over the next three year period. Mr. Saker explained that the committee expanded this charge to complete solid waste management to include planning or source reductions, reuse, hazardous waste, waste to energy incineration and landfill management. Mr. Saker stated that the committee is concentrating only in the City of Harrisonburg, but noted that the Central Planning District Commission is attempting to formulate a Regional Plan which this committee will cooperate fully with. Mr. Saker also noted that the City of Harrisonburg has an advantage over other areas due to the present Resource Recovery Facility. Mr. Saker further stated that they are recommending changes in staffing and making recommendations as to how the total plan should be handled, and they are looking for more accuracy so they know the size of the waste stream and what is happening in the private sector. Mr. Saker stressed that compliance on current waste handling will have to be enforced so the resource recovery facility can be fully utilized. Mr. Saker also noted that they are recommending some additional equipment. Mr. Saker went on to say that the committee is recommending starting homeowner separation on a voluntary basis city wide, with the initial individual separation being for glass items since they have a high weight factor. Mr. Saker also stated that plastics will be added to this on a very limited basis, because they are difficult to separate. Mr. Saker explained that they are recommending phase two concentrate in the paper area mainly due to the limited market availability at this time. Mr. Saker also stated that they are looking at yard wastes as a part of phase two. Mr. Saker stated that the last area they are looking at is to set up a group to work with JMU, in view of the fact that they represent approximately 1/3 of the city's population and make up a large part of our solid waste stream. In concluding, Mr. Saker stated that the Advisory Committee recommends the following action for the First Phase of a Total Management Program:

1. Provide the necessary departmental restructuring to give control overall and responsibility of Waste Management to the existing Solid Waste Department.
2. Adopt the necessary ordinances needed to ensure accurate reporting of waste generation and recovery by all segments of the community (Voluntary organization, professional recyclers and private disposal contractors.)
3. Adopt the necessary ordinances required to ensure compliance on necessary waste separation of the respective generation sources. (Industrial firms, construction firms, Institutions, retail businesses and homeowners.
4. Allocate the required funds for the capital equipment acquisition (Baler-shredders, etc.)
5. Agree to begin a city wide pick up service, on demand, or call of products sorted voluntarily by the homeowners. A good deal of media coverage and paid informational ads should accompany the programs kick off.
6. Establish a high level negotiating team to contract and work with the JMU Administration in setting up a full-scale Campus Waste Management Program. Assist in publicizing the successes of this program in conjunction with the total city wide plan.
7. Advise the community that paper products and yard wastes are a factor in the complete and comprehensive plan. These presently represent over half the average landfill volume and will be addressed in the Second Phase of the total plan.

Mayor Green thanked Mr. Saker and the Advisory Committee for the hard work that went into preparing this report and recommendations.

✓ City Manager Milam presented a letter from Mr. Joseph L. Lapp, of Eastern Mennonite College, requesting that the City of Harrisonburg consider adopting an ordinance which would allow "pedestrian right-of-way cross-walks" on certain streets of the City. Mr. Lapp, stated that with increasing pedestrian traffic, it seems it would be appropriate to develop pedestrian right-of-way cross-walks on certain streets in the city. Mr. Lapp noted that even though this is something EMC is interested in, he also feels that it would be of interest to other communities, and would like to propose that Council consider this as a planning tool for the City and develop an ordinance that would allow this to be a method where by there could be such cross walks on certain streets in the city. Mr. Lapp also noted that he has submitted this request to PARMAC, Park View Mennonite Agency Council, and the agencies working together in PARMAC are supportive of the idea. Following further discussion, Council Member Rhodes offered a motion that this request be referred to the Planning Commission. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Cheryl Whitmore, of 1030 Oakview Court, presented and read a letter from Group Force - Residents of Oakview Court (Stonefield Village Subdivision) stating that the water pressure at Oakview Court is inadequate for sanitation and sewer purposes and may be considered a hazard by insurance companies in the event of a fire. Ms. Whitmore stated that they would like to find out what can be done to

remedy this situation and find out who is responsible for providing adequate water pressure. City Manager Milam explained that when the subdivision was originally approved, the developer submitted minimum water and sewer lines, so you now have an eight inch water lines supplying many homes. Mr. Milam also noted that in some cases individual home owners have to install a booster pump in their homes to help with the water pressure. Following further comments, Manager Milam noted that he will have the Water and Sewer Superintendent check into the problem and report back to him.

✓ City Manager Milam presented and read the following resolution for Council's consideration of approval.

WHEREAS, the Commonwealth of Virginia, Department of Housing and Community Development has issued a notice of funding availability and has requested applications under the SHARE - Programs.

WHEREAS, assistance is needed to adequately address the shelter needs of homeless persons in the City of Harrisonburg

WHEREAS, an application for a grant under this program has been prepared.

WHEREAS, Marvin B. Milam, City Manager, can act on behalf of the City of Harrisonburg and will sign all necessary documents required to complete the grant transaction.

WHEREAS, a nonSHARE dollar-for-dollar match is required under this Program, and will be provided.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Harrisonburg hereby authorizes Marvin B. Milam, City Manager, to apply for and accept the grant and enter into a Grant Agreement with the Department of Housing and Community Development and perform any and all responsibilities in relation to such Agreements.

ADOPTED and APPROVED this _____ day of _____, 1990.

Judy M. Gray Harlan B. Dingle
Clerk Mayor

Vice Mayor Dingle offered a motion that the resolution be approved. The motion was seconded by Council Member Kite and approved with a unanimous vote of Council.

✓ City Manager Milam noted that the Harrisonburg Electric Commission is required by City Ordinance to prepare and submit to the City Council a copy of their approved budget by April of each year. Manager Milam noted that they have done this and their total expenditures and revenues are used in the preparation of the City Budget.

✓ City Manager Milam presented for Council consideration of a second and final reading an ordinance closing a portion of Fourth Street, a fifty foot undeveloped street, between Chicago Avenue and North Dogwood Drive, east of North Dogwood Drive. Following discussion, Council Member Shank offered a motion that the ordinance be approved subject to the City Attorney having the ability to correct any name changes that could have occurred. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ Council Member Kite moved that a supplemental appropriation in the amount of \$200,000, requested by Water and Sewer Superintendent Collins for partial funding for 24-inch raw water line - Silver Lake to Route 33 be approved for a second and final reading, a first reading having been approved on March 27, 1990, and that:

\$200,000 chgd. to: 3-Unappropriated fund balance

200,000 approp. to: 3-7-7013.22 - Water - Capital
Outlay 24" Raw Water Line

The motion was seconded by Vice-Mayor Dingle, and approved with a unanimous recorded vote of Council.

✓ Council Member Rhodes moved that a supplemental appropriation in the amount of \$137,455.00 to cover expenses of paving new subdivision streets in accordance with Section 10-2-61 d of the City Ordinance be approved for a second and final reading, a first reading having been approved on March 27, 1990, and that:

\$137,455.00 chgd. to: 1-Unappropriated fund balance

137,455.00 approp. to: 1-4102-3004.17-Maint. Repairs
Highway Annex (Non-allowable)

The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council.

↓ Assistant City Manager Baker noted that in reference to the widening of Port Road, that he contacted the State Dept. of Transportation, and they requested him to submit a letter describing what the city desires. Mr. Baker also stated that he met with Dr. Sedwick, along with a representative of the Department of Transportation and that they had a very positive meeting. Mr. Baker concluded in stating that he is now waiting to hear back from the State.

✓ Assistant City Manager Baker reported that the last drawdown of federal money has been requested for the Community Improvement Grant in the Ridgeville Area and that the project has been conditionally closed out as of this date. Mr. Baker stated that all the work will be completed by the middle of May.

✓ Ms. Sheila Riley, of 43 Emory Street, noted that a number of parents whose children attend Thomas Harrison Middle School have concerns about the school and would like to be placed on the Council's agenda for the next meeting. Ms. Riley noted that parents have tried to express their concerns to the School Board and Superintendent with no results. Mr. Carson Moore, member of the School Board, stated that the School Board and Superintendent are aware of the concerns and that meetings will be set up to listen to the concerns and the Superintendent will be meeting with parents. Following discussion and comments from other parents, Mayor Green stated that if the superintendent does not address the problem to the parents' satisfaction, the Manager will place the matter on the Council's agenda. Mayor Green did note though, that the Council has no jurisdiction over the School Board.

At 9:40 p.m., Council Member Shank offered a motion that Council enter an executive session to discuss with the City Attorney the Agreement for the judicial complex, as permitted by Section 2.1-344(7) of the Code of Virginia. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

At 10:43 p.m., the executive session was closed and the regular session reconvened. City Clerk Gray read the following statement which was agreed to with a unanimous recorded vote of Council. I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Following discussion, Vice-Mayor Dingledine offered a motion that the Agreement for the new Sheriff's Office, Jail and Lower Court Complex be approved. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

At 10:50 p.m., there being no further business, and on motion adopted, the meeting was adjourned.

Judy M. Gray CLERK *Walter F. Green* MAYOR

JMG

cc: City Council
City Manager
City Auditor

REGULAR MEETING
APRIL 24, 1990

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m. there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Raymond C. Dingledine, Jr.; Council Members Elon W. Rhodes, Curtis F. Kite, and Charles L. Shank; City Clerk Judy M. Gray; City Auditor Philip Peterman and Chief of Police Richard Presgrave.

Minutes of the regular meeting held on April 10, 1990, approved as read.

At 7:35 p.m. Mayor Green closed the regular session temporarily and called the evening's public hearing to order. City Manager Milam read the following notice as it appeared in the Daily News Record on Tuesday, April 10, 1990 and Tuesday, April 17, 1990:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, April 24, 1990, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider this rezoning request:

To rezone 2 acres of a 3.14 acre tract owned by the M. S. Liskey Estate, from R-1 Single Family Residential to B-2 General Business. The tract is located on the north side of West Market Street, 1,400' west of Waterman Drive. If rezoned, Harrisonburg Electric Commission will purchase the tract for a substation location.

A map is available for review in the Department of Community Development Office, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

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

CITY OF HARRISONBURG
Marvin B. Milam
City Manager

Planning Director Sullivan pointed out the location of the tract on the city zoning map, and noted that the Planning Commission is recommending this rezoning. Mayor Green called on anyone desiring to speak for the rezoning. Mr. Ken Kline, representative of the Liskey estate and speaking for the rezoning, noted that the use of the property will be commercial and the property is bounded on the east side by commercial property. There being no one present desiring to speak against the rezoning, Mayor Green closed the public hearing at 7:40 p.m. and the regular session reconvened. Vice-Mayor Dingledine offered a motion that the rezoning request be approved. The motion was seconded by Council Member Kite and approved with a unanimous recorded vote of Council.

City Manager Milam called on Ms. Ann Bender, Executive Director of Valley Program for Aging Services (VPAS), for a report on VPAS. Ms. Bender stated that statistics show that there are over 4,200 persons in Harrisonburg over the age of 60. Ms. Bender explained that the goal of VPAS is to provide services to the people that are most economically and socially needy and provide them the services needed to permit them to live in independent settings as long as possible. Ms. Bender stated that VPAS makes sure that everything possible is done to support the elderly person plus their family members. Ms. Bender explained that last year the City of Harrisonburg contributed \$9,006.00 to VPAS and \$5,000 to the Adult Care Center, which is sponsored by VPAS, but is not part of the Federal funds they received. Ms. Bender went on to say that one concern of the agency is the Price Rotary Senior Center in that it is not adequately used. Ms. Bender stated that the location of the center is not accessible for some persons, so they are studying the situation and would like Council's help in analyzing the problem. Ms. Bender stated that she would like to ask the City Council for an increased allocation over last year and also for the Council's support of the Adult Care Center. Ms. Bender explained that the Adult Care Center is a service for people who can't be left alone and to provide a break for their care givers. Ms. Bender then introduced Ms. Mary Hanna, a care giver, who has had her mother in the Adult Care Center since its beginning. Ms. Hanna expressed her support of the Adult Care Center and noted that the Center and its services are vital to our community and to the care givers in the area. Following further comments from Ms. Hanna, Ms. Bender concluded in stating that she hopes the Council will consider the VPAS's request along with the request for the Adult Care Center.

Mr. Taylor L. Howell, Manager of the Virginia Employment Commission, was present at the meeting to present the Virginia Employment Commission's Plan of Service for Delivery Area IV, 1990 Program Year. Mr. Howell noted that the VEC is now completely automated with State and nationwide access. Following Mr. Howell's remarks, Council Member Rhodes offered a motion for the Delivery Area IV Plan to be endorsed, with authorization for the Mayor to sign the signature page provided. The motion was seconded by Council Member Shank, and adopted with a unanimous vote of Council.

↓ Mr. Bob Bersson, President of the Citizens for Downtown was present in the meeting to present a report on Citizens for Downtown. Mr. Bersson noted that Citizens for Downtown, which is soon to become Harrisonburg's Downtown Development Corporation, would like to establish a close working relationship with the City and to request the City to provide them with office space and to fund one half (50%) of a moderate budget. Mr. Bersson reported that in the spirit of a true "public-private sector partnership" Citizens of Downtown will raise the other half of the budget. Mr. Bersson stated that in working together with the City and the Redevelopment and Housing Authority, they believe they can help make downtown more: economically diverse; socially active, culturally vibrant, historically sensitive and aesthetically minded. Mr. Bersson stated that Citizens for Downtown feel that by working together they can raise both the quality of life and the tax base for downtown. Mr. Bersson then called on the individual committee chairpersons for comments.

Linda Chatelain, of the architecture and design committee, noted that the goal of her committee is to achieve a higher quality of architecture and aesthetics in the downtown and to provide an overall plan for continuity in the downtown. Ms. Chatelain also stated that to make the downtown more festive, they plan to hang banners in the downtown, and turn Blacks Run into an attractive asset. Anne Shumate, of the promotions committee, noted that her committee will promote downtown events, work with the parking authority in looking into the downtown parking needs, sponsor cultural events to make the downtown a place where people will want to go, and help recognize contributions made to the downtown. Mr. Bersson noted that the Citizens for Downtown have held two gallery walks in the downtown which have brought over 300 persons to the downtown, and is something they are considering doing on a regular basis. Mr. Bersson stated they are also working with the Rockingham Fine Arts Association to develop a major arts and cultural center in the downtown. Kathy Whitten, reporting for the Economic Development Committee, reported that this committee will be supporting current businesses, recruiting new businesses in the downtown, coordinating available funding through the Redevelopment and Housing Authority along with assessing the needs that are downtown. In reporting for the Organizational Committee, Ms. Whitten stated that they would like to continue the legacy of the original downtown development corporation of Harrisonburg. Ms. Whitten noted that their guidelines follow closely the guidelines of the original corporation and that they have been in close contact with that group; have their endorsement and are in the process of becoming the downtown development corporation. Ms. Whitten noted that they do need a full time coordinator, and they are asking the city to fund one half of the total budget which is \$60,000. Along with other comments, Mr. Jim Deskins, Executive Director of the Housing Authority, stated his support of the efforts of Citizens for Downtown and named all the recent improvement projects already completed in the downtown. In closing, Mr. Bersson stated that by working with the City and the Housing Authority, he feels they can make the City of Harrisonburg a truly great city. Manager Milam questioned if the Downtown Development Corporation, which was established ten years ago, would be dissolved. Mr. Deskins explained that there would simply be a changing of the board of directors, in that the new board of directors would be the individuals that are presently active in citizens for downtown. Mr. Deskins further explained that they would assume the corporate shell and continue on. Manager Milam stated that the proposed articles of incorporation should be presented to Council so they can see how it would be structured. Mr. Bersson added that the director would be responsible to the board, but there would be a representative from the City government and the housing authority serving on the board.

↓ City Manager Milam called Council's attention to a letter and a deed from the Redevelopment and Housing Authority. Manager Milam explained that the deed concerns the conveyance of a 1396.49 square foot strip of land to the city so that Rock Street can be widened to allow greater access of fire and emergency vehicles into Hose Company #4. Jim Deskins, Executive Director of the Redevelopment and Housing Authority, stated that the Housing Authority recently purchased this property due to the interest expressed by City Council for the widening of Rock Street. Mr. Deskins further noted that the Housing Authority has invested \$37,000 in the property in hopes to resell the property under the home ownership program for low and moderate income persons. Mr. Deskins also explained that the Housing Authority has also purchased a piece of property at 88 E. Johnson and there is an alley that runs through the middle of the lot and an alley that runs behind the lot. Mr. Deskins stated that in consideration for conveyance of the piece of property to widen Rock Street, the Housing Authority would like Council's consideration of closing the alleys at 88 E. Johnson Street so they can remodel the existing property and hopefully build one more single family unit, both to be sold to low and moderate income persons. Following further comments, Council Member Shank offered a motion that City Council accept the 1,396.49 square foot strip of land at the corner of Broad and East Rock Street conveyed to the City from the Housing Authority. The motion was seconded by Council Member Rhodes and approved with a unanimous vote of Council. Council Member Rhodes offered a motion that the alley closing request be referred to the Planning Commission and that the existing Board of Viewers be reappointed to review the closings. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council. It was noted that the City will pay the Board of Viewer's fees.

↓ Mr. Bill Wright, General Manager of Warner Cable Communications, Inc., was present in the meeting to report on three important changes that Warner Cable is making to cable television service in Harrisonburg and to update the Council on service improvements currently underway. Mr. Wright stated that as a result of a recent survey, Turner Network Television (TNT) and Country Music Television

(CMTV) will be added to the basic channel line up beginning May 1, 1990. Mr. Wright further added that in an effort to provide customers with a wide variety of service offerings, Warner Cable will also offer an alternative basic cable service for customers with a limited viewing interest. Mr. Wright explained that effective June 1, 1990, the 34 channel standard service will be priced at \$16.45 per month with two tiers: a 12 channel tier priced at \$12.95 and a tier of 22 channels for an additional \$3.50 per month. Mr. Wright noted that the increase in the price is a result of increases in expenses for programming, maintenance and operating expenses which the company incurred in providing customers with a diversity of programming. Mr. Wright also reported that Warner Cable is performing at optimum levels following last year's rebuilt. He reported that the cable company meets or exceeds the standards set up by the NCTA for operating standards in improved response time to telephone calls and fast installation and repairs. Mr. Wright further added that much time and effort has gone into studying ways to improve picture quality; and that he is pleased to announce that Warner Cable has entered into an agreement with a common carrier microwave provider for the reception of all distant off-air channels which will greatly enhance the reception of all off-air channels. Mr. Wright noted that this is expected to be completed in July 1990. Council Member Kite stated concerns over the pay schedule noting that for customers who choose the limited viewing tier of channels at a cost of \$12.95 that if there is another price increase they will be back up to the \$14.95 which is what they pay now for the full service. Council Member Kite also noted dissatisfaction over the persons having to pay up to \$30.00 to have a trap put in so they will only get the 12 channel basic service. Council Member Kite further expressed concerns over price increases occurring more than once a year. Council Member Kite further stated that he feels that the City and Warner Cable should work more closely together and that someone from the City Council and community should be allowed to help choose the channels that are offered in the basic service. Council Member Kite then presented the Council members with a handout of Page County's and Elkton's cable service which listed the 35 channels that they receive for \$12.00. Following further comments, Council Member Kite stated that he would just like to see Warner Cable look like they are giving Harrisonburg some type of bargain and questioned if the City will ever go for a 12 month period without a price increase. Mr. Wright replied that he would hope so, but can not say what the future expenses are going to be and noted that one of the fastest growing expenses of the cable company is in the area of programming. Mr. Wright then presented Council with a handout of the improvement that have been made in the way of daily performance, service calls etc. and thanked Council for their time and attention.

✓ City Manager Milam called Council's attention to a letter from the Commonwealth of Virginia, Auditor of Public Accounts stating that they have received copies of the audited financial statements of the City of Harrisonburg for the year ended June 30, 1989, and that they have accepted the report. Manager Milam further noted that a copy is available in the City Manager's office for public inspection.

✓ City Manager Milam presented and read the following resolution for Council's consideration of approval along with a list of the additional street mileage which is eligible for maintenance payments.

WHEREAS, 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 payments as follows:

1. Collector/Local streets which meet the requirements of Section 33.1-41.1 of the Code of Virginia as February 22, 1985, that are eligible for maintenance payment totaling 1.72 miles (3.44 lane miles). Said streets being listed on accompanying U-1 (7-1-85), Virginia Department of Transportation forms and shown in red on city map.

NOW THEREFORE BE IT RESOLVED THAT, the City of Harrisonburg respectfully requests the Virginia Department of Transportation to make maintenance payments effective July 1, 1990.

Ind. J. Gray
Clerk

Walter B. Jones Jr.
Mayor

Council Member Rhodes offered a motion that the resolution be approved. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

✓ Council Member Rhodes called Council's attention to a plaque received from the Builders' Association for planting trees at the arboretum in recognition of Arbor Day.

✓ Kathy Whitten expressed concerns over the pavement on Bruce Street being extended all the way to the wall leaving no place for the children to get off the road while walking to and from school. Manager Milam noted that all that has been done on Bruce Street at the wall is some shoulder work to improve drainage.

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At 9:03 p.m., there being no further business, and on motion adopted the meeting was adjourned.

Judy M. Gray Walter F. Ziemer

CLERK

MAYOR

JMG

CC: City Council
City Manager
City Auditor

REGULAR MEETING
MAY 8, 1990

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m. there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl O. Thumma, Jr.; Vice-Mayor Raymond C. Dingleline, Jr.; Council Members Elon W. Rhodes, Curtis F. Kite, and Charles L. Shank; City Clerk Judy M. Gray; and Chief of Police Richard Presgrave. Absent: City Auditor Peterman.

Minutes of the regular meeting held on April 24, 1990, approved as corrected.

The following monthly reports were received and ordered filed:

From the City Manager - A progress report of activities in the various departments and said office for the month of April

From the Treasurer - A trial balance report for the month of April, 1990.

From the Police Department - A report of fines and costs collected - \$6,489.50; cash collected from street parking meters - \$7,567.59; total cash collected, paid on accounts and turned over to the City Treasurer - \$14,097.09.

From the City Auditor - A report of cash discounts saved in the payment of vendor's invoices for the month of April, 1990 in the total amount of \$543.93.

From the Department of Utility Billing - A report of water, sewer and refuse accounts; meters read; installations; cut delinquents; complaints; rereads, etc. for the month of April, 1990.

✓ City Manager Milam presented and read a petition requesting the City Council to help with the surface water drainage problem in the Southampton Drive Area. Mr. Bret Wescott explained that they have had serious problems for several years and with the present housing boom in the area and the widening of South High Street adding to the problem; they feel that the storm water run off problem needs attention. Mr. Wescott explained that even a mild storm causes a very large volume of water to be channeled through this area causing severe erosion. Mr. Wescott further noted that the residents are very concerned about safety because many soluble chemicals are found in the runoff water, plus erosion has caused about a 10 foot section of a natural gas line to be exposed. Mr. Wescott noted that all these problems will be compounded further with the additional water that will be captured after the reconstruction of South High Street. Mr. Wescott explained that after speaking with a representative of the State Highway Department the following factors were determined to be detrimental to the area: 1. the increased surface area of the pavement on South High St. will increase the amount of rainwater caught by the street, 2. the curb and guttering directs all the water into the sewer pipes where before some of the water was absorbed into the ground, and 3. because of the geography of the area, the water off of South High Street will eventually be channeled to Southampton Drive. Following further comments, Mr. Wescott thanked Council for their attention and requested that Council appropriate funds for the restoration of the Southampton area. Manager Milam noted that what Mr. Wescott said about the widening of South High Street adding to the existing water problem is exactly correct. Manager Milam further commented that when the subdivision was laid out, the property owners consented with the City to build certain standards of the street and the storm water system. Manager Milam explained that when the storm water system that was laid out, the City required the installation of a pipe across the Street with the rest of the area having easements at the rear of the properties. Manager Milam noted that in 1972, the developers consented to these conditions, which means that the owners are basically responsible for their own stormwater in this location. Manager Milam further commented that to correct this problem with a pipe system would probably cost several hundred thousand dollars. Manager Milam concluded in noting that there is a real problem of water run off and erosion in

this area that needs attention. Following further comments and discussion, Mayor Green requested, with all Council Members agreeing, that the Engineering Department and the Department of Highways be contacted to see what can be done about the problem.

✓ Manager Milam presented and read a letter from the Congregation Council of Muhlenberg Lutheran Church requesting rezoning of their property from B-2 to B-1 to conform to their neighbors. Council Member Shank offered a motion that the rezoning request be referred to the Planning Commission. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

✓ For information and recordation in Council minutes, City Manager Milam presented results of the General Election held in the City of Harrisonburg on May 1, 1990, for City Council Members. The report, submitted and signed by members of the Harrisonburg Electoral Board, set out the voting results as follows:

C. Robert Heath	2,080
Carson I. "Mickey" Moore	1,146
Walter F. Green, III	1,558
Kenneth M. Handrich	1,099
Agnes Massie Weaver	1,374

Greatest number of votes cast for C. Robert Heath, and Walter F. Green, III for the two seats on Council.

✓ Manager Milam requested City Clerk Gray to read and enter into the minutes the following Proclamation proclaiming the City of Harrisonburg to be a city of the First Class:

WHEREAS, Section 15.1-1012 of the Code of Virginia provides procedures for the establishment of a city of the first class; and

WHEREAS, the Judge of the 26th Judicial Circuit entered an order in the Circuit Court of Rockingham County on December 13, 1989, declaring that in accordance with the 1980 Federal Census legal enumeration the City of Harrisonburg has a population in excess of ten thousand inhabitants; and

WHEREAS, by an order entered on February 12, 1990, the aforesaid Judge has adjudged, ordered and decreed that the order of December 13, 1989, be certified to the Honorable Pamela M. Womack, Secretary of the Commonwealth; and

WHEREAS, the foresaid order has been duly received by the Honorable Pamela M. Womack and she had fulfilled all the procedural obligations mandated by law;

NOW, THEREFORE, in accordance with the facts established above, the law of this Commonwealth and the authority vested in me, I, Lawrence Douglas Wilder, Governor, do hereby proclaim the City of Harrisonburg to be a City of the First Class.

It is directed that the Secretary of the Commonwealth do certify to the Clerk of the Circuit Court of Rockingham County a copy of this proclamation, who shall endorse the date thereon when received and record the same in the common-law order book of said court.

Given under my hand and under the lesser seal of the Commonwealth this 27th day of April, in the year of our Lord one thousand, nine hundred and ninety, and in the two hundred and fourteenth year of the Commonwealth.

Lawrence Douglas Wilder
Governor

By the Governor:
Pamela M. Womack
Secretary of the Commonwealth

✓ City Manager Milam called Council's attention to their copies of the proposed Appropriation Ordinance for the City's 1990-91 Budget, balanced in gross amount of \$59,764,746. Manager Milam requested approval of the Ordinance for a first reading, as well as authorization to publish for informative fiscal planning purposes a synopsis of the proposed budget in the Daily News Record newspaper, along with public hearing date for Tuesday, May 22, 1990, 7:30 p.m. Manager Milam presented and read his Budget Message emphasizing that in order to balance this budget on the present tax structure, \$6,134,096 was eliminated in departmental requests. Manager Milam also called Council's attention to several grafts attached to his budget message and asked Council to pay particular attention to the school board's percentage. Council Member Rhodes moved that authorization be granted the City Manager to publish a synopsis of the proposed Budget in the Daily New Record newspaper, along with a public hearing date for Tuesday, May 22, 1990, 7:30 p.m. The motion was seconded by Vice-Mayor

Dingledine, and approved with a unanimous vote of Council. Council Member Shank offered a motion for the appropriation ordinance to be approved for a first reading in title only. The motion was seconded by Council Member Rhodes, and approved with a unanimous recorded vote of Council. Council Member Kite offered a motion that a budget work session be scheduled for Tuesday, May 15, 1990, at 7:30 p.m. in the Council Chambers. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

✓ Manager Milam called Council's attention to a letter from the Department of Transportation concerning the Port Republic Road Project and called on Assistant City Manager Baker for comments. Mr. Baker explained that at the first Council meeting in April he was directed to contact the State Department and have them study the intersection again concerning moving it or downsizing it. Mr. Baker stated that he met with the State Department and with Doctor and Mrs. Sedwick and discussed the situation with them. Mr. Baker further noted that as stated in the letter, it is the State's opinion that it would be to the detriment of the project if the intersection is not sized as presented at the public hearing on January 24, 1990. Mr. Baker concluded in stating that he supports the State's recommendation to approve the project as presented at the public hearing on January 24, 1990. Mayor Green questioned if the Sedwicks met with the engineers. Mr. Baker stated that they are aware of this and are not happy, but feel they are going to be affected regardless of which plan is approved, noting that the smaller intersection would still affect their office building. Mayor Green questioned if the City has heard from HEC concerning the power line and noted that in 1980, it was stated that the power line would be moved from Monument Avenue to Port Road and placed underground when Port Republic Road was widened. Manager Milam stated that a copy of the resolution was forwarded to HEC and then read an excerpt from the minutes of the July 8, 1980, City Council minutes which states that assurance had been given the Purcell Park Neighborhood Association that the 69,000 volt power line will be re-routed to Port Road following widening and placed underground. Manager Milam noted that Mike York, HEC's General Manager, has an engineering firm that is studying the situation and noted one of the problems on Port Road is that the poles belong to the telephone company and not HEC. Manager Milam stated that he indicated to Mr. York that if the resolution is approved by the City Council, the Highway Department will anticipate trying to require all the rights of way by the end of the year and have the project ready for spring bidding. Manager Milam stated that Mr. York explained that it will take him to the end of the year to get a good engineering plan and cost factor to bring back to Council. Following further discussion, Mayor Green requested that HEC be given a time limit to come up with a plan and cost factor. Vice-Mayor Dingledine stated that he feels it is very important to follow up on this since a commitment was made. Manager Milam then presented the following resolution for Council's approval:

WHEREAS, a Public Hearing was conducted on January 24, 1990, in the City of Harrisonburg by representatives of the Commonwealth of Virginia, Department of Transportation after due and proper notice for the purpose of considering the proposed location and design of Port Republic Road, Project: U000-115-106, PE 101, RW 201, C-501 in the City of Harrisonburg at which hearing aerial photographs, drawings and other pertinent information were made available for public inspection in accordance with State and Federal requirements; and

WHEREAS, all persons and parties in attendance were afforded full opportunity to participate in said public hearing; and

WHEREAS, representatives of the City of Harrisonburg were present and participated in said hearing; and

WHEREAS, the Council had previously requested the Virginia Department of Transportation to program this project; and

WHEREAS, the Council considered all such matters; now THEREFORE BE IT RESOLVED that the Council of the City of Harrisonburg hereby approves the location and major design features of the proposed project as presented at the Public Hearing; and

BE IT FURTHER RESOLVED that the City of Harrisonburg requests the Virginia Department of Transportation to acquire all rights of way necessary for this project conveying this right of way to the City of Harrisonburg at the appropriate time.

ADOPTED ON THIS _____ DAY OF _____, 1990.

ATTEST:

JUDY GRAY, CITY CLERK

WALTER F. GREEN, III, MAYOR

Council Member Rhodes offered a motion that the resolution be approved. The motion was seconded by Council Member Shank, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam presented and read a letter from City Treasurer Beverly Miller requesting authorization to charge off the following delinquent 1988 and

1989 City Business Licenses which are either out of business or have filled bankruptcy:

#2704 James E. Baker T/A J & B Cleaning - 1989	\$ 40.75
#2523 Centimark Corp. - 1989	77.15
#2808 Carl Croy - 1989	41.10
#2515 Junior A. Dean & Sons Excavating - 1989	40.75
#2726 Ronald R. Deviers, Jr. - 1988	40.75
# 664 Dorcase, Inc. T/A The Pierced Ear - 1989	26.33
#2573 Everett Eye T/A Everett's Exxon - 1988	75.99
#2832 Wm. John Hall Assoc. w/Hess & Miller - 1989	10.75
#2224 Glenn Hinegardner - GEH Business Equip. '88	40.75
#2802 Erwin N. Lam, Jr. - 1989	86.77
#2574 James B. & Kendall Luttrell - 1988	550.75
#2461 James B. & Kendall Luttrell - 1989	550.75
#2800 Danny Nelson - 1989	25.77
#2157 New York Auction Co. Corp. - 1988	550.75
#2820 Thomas & Thomas, Inc. - 1989	470.96

Vice Mayor Dingleline offered a motion that authorization be granted to the City Treasurer to charge off the delinquent 1988 and 1989 City Business Licenses. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Ms. Agnes Weaver, speaking on behalf of the Friends of the Valley and the Shenandoah Valley Soil and Water Conservation District stated that they have come to Council to express their concern about the continuing problems with erosion and sedimentation behind the Valley Mall. Ms. Weaver further stated that they are present to request that the existing State laws and City ordinances be enforced and complied with. Ms. Weaver also noted that Harrisonburg has an excellent erosion and sedimentation ordinance, but there has been a continuing problem on behalf of the City to enforce these Erosion and Sedimentation Ordinances. Ms. Weaver then pointed out the following four basic areas in which the State law and City ordinances are being violated and called Council's attention to photos of these areas: 1. Large areas which have been allowed to go un-seeded for long periods of time. Ms. Weaver noted that the State law and City ordinance states that any area left for 60 days be stabilized; 2. Places where work has been done, and erosion and sedimentation (E & S) program has been attempted and silt and sediment containment is clearly undersized or improperly installed resulting in sediment depositing on the roads and other property owners; 3. Where E & S control actions have been taken and then not maintained resulting in silt fences which are completely buried in silt and delivering sediment and damage to drainage paths, storm sewers, and adjoining property owners; and 4. Where a project was begun without every having an adequate E & S control plan in place. Ms. Weaver concluded in stating that they simply want to request the City Council to direct its government to begin consistently enforcing its erosion and sedimentation control ordinance and to make Erosion and Sedimentation Control and inspection a full-time position. Vice-Mayor Dingleline agreed that it is something that needs to be done and suggested that it be examined and some type of system be set up for taking corrective action to enforce the City ordinance and State Law. Mayor Green agreed with Vice-Mayor Dingleline's comments, and requested that the matter be checked into from an administrative standpoint.

Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on April 18, 1990.

✓ "...The Harrisonburg Planning Commission will hold a Public Hearing to consider these rezoning cases:

1. To rezone 8.3 acres on west side of Virginia Avenue, north of Harmony Drive, from R-3 Multiple Dwelling District to B-2 General Business district. Also, to rezone 1.37 acres on east side of Buttonwood Drive, north of Harmony Drive, from B-2 General Business to R-3 Multiple Dwelling District.

✓ Applicant: Triple H Harms, Inc.

Mr. Orden Harman, President of Triple H Farms, Inc. described the overall revised Plan of Development for the northern tip of Harmony Heights Subdivision. Along the west side of Virginia Avenue, his plan indicates 8.3 acres for general business development. Mr. Harman and Mr. Bernard Martin said they hope small shops, professional offices, a family restaurant and perhaps a motel will eventually be constructed. The R-3 Multiple Dwelling District area will be developed as garden apartments, townhouses and probably some single family or duplex dwellings.

A farm pond on the site will be enlarged and walking trails plus picnic or rest areas will be established near the pond.

A letter from Rockingham County Planning Director William Veno indicated that the County Planning Commission had no comments to make. Mr. Veno suggested minimizing curb cuts along Virginia Avenue as the frontage attracts business uses. Mr. Neff suggested having entrances off Harmony Drive and the future "new" streets, or no more than one direct entrance off Virginia Avenue. Mr. Martin said the sight

distance along Route 42 is excellent.

Mr. Neff concluded the discussion with a motion for the Commission to recommend rezoning 8.3 acres along the west side of Virginia Avenue from R-3 to B-2 General Business, and 1.37 acres on the east side of Buttonwood Drive from B-2 to R-3 Multiple Dwelling District. Mr. Harman seconded the motion. All members of the Commission voted aye...."

Following comments from Planning Director Sullivan, Council Member Rhodes offered a motion that a public hearing date be scheduled for June 12, 1990, to hear this rezoning request. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on April 18, 1990.

"...The Harrisonburg Planning Commission will hold a public hearing to consider these rezoning cases:

- ✓ 2. To rezone 7.1 acres west of Wheatley Motors from R-2 Residential to B-2 General Business and 18.6 acres from R-2 Residential to R-3 Multiple Dwelling District. Applicant: JMU Foundation. Also, to rezone Mosby Heights Apartments from R-2 Residential To R-3 Multiple Dwelling district. Applicant: Mosby Heights Association..."

The Commissioners were oriented to the location of the JMU Foundation property (25.7 acres) and the Mosby Heights Apartments (13 acres). The Director described the surrounding development and zoning districts. Mr. Ray Nicely of Copper and Associates, representing the requestors, described a revised Plan of Development showing a 60' proposed street from South Main Street heading west across the JMU Foundation property and terminating with a temporary cul-de-sac next to the Issac Garber property. Two other proposed streets were shown heading south to the Beulah Craun property. Mr. Nicely said the proposed 7.1 acre B-2 section will be on the west boundary of Wheatley Motors and Harrisonburg Honda. Some interest in developing this acreage by businesses has been expressed, according to Mr. Nicely. He stated that no developer exists at this time for the proposed R-3 Multiple Dwelling District, where up to 164 dwelling units may be built. J.M.U. Foundation wants a more marketable piece of property as they hope to sell the land. Mr. Nicely said Mosby Heights Apartments, a 112-unit project, consists of 4-unit structures which are "non-conforming" under R-2 Residential since the R-2 text was changed in 1987. Mr. M. R. Copper told the Commissioners that the J.M.U. Foundation hasn't been able to sell the R-2 land. He noted that it is "solid rock" and a large portion is extremely steep, thus can't be used for housing. The cost of constructing the entrance road necessitates some rezoning to cover the cost of said street work. Councilman Rhodes asked if the Plan of Development is a "dream item"?

Chairman Hughes asked for additional comments, pro or con. The Director read a letter delivered today (April 18, 1990) from Charles D. Garber. Mr. Garber said 4 members of the Issac J. Garber family oppose the rezoning from R-2 to R-3.

Mr. Cathy McClatchy, 1614 Central Avenue, asked if this case wasn't "spot zoning" and wouldn't it add more congestion, traffic and school-age children?

Mrs. Candance Blatt, 1634 Central Avenue, said the citizens of Pleasant Hill Acres think this case is leading to another ploy to extend Central Avenue southward to West Mosby Road. Mr. Kevin McClatchy, 1614 Central Avenue, observed that pressure may come to extend Central Avenue, especially if J.M.U. Foundation's proposed road does not extend across the Garber property to connect with West Mosby Road at or near Pear Street.

There being no further comments, Chairman Hughes closed the public hearing.

Councilman Rhodes asked if this case isn't one of "convenience" and spot zoning, to upgrade the value of land. Mr. Neff noted that the rewriting of the Comprehensive Plan will include a new Land Use Plan, so perhaps this request should be delayed. Chairman Hughes asked if the B-2 request should also be delayed or acted on. Mr. Copper responded that J.M.U. Foundation would "accept" the B-2 portion.

Councilman Rhodes offered a motion for the Commission to recommend rezoning 7.1 acres of J.M.U. Foundation property, located 650' west of South Main Street, from R-2 Residential to B-2 General Business. Dr. Gardner seconded the motion and all members voted aye.

Councilman Rhodes then moved for the Commission to table J.M.U. Foundation's request to rezone 25.7 acres from R-2 to R-3, for a time span of up to 60 days. Dr. Gardner seconded the motion. It passed unanimously.

Dr. Gardner moved for the Commission to table Mosby Heights Associates' request to rezone 13 acres from R-2 to R-3, for a time span of up to 60 days. Mr. Hartman seconded the motion. It passed unanimously..."

Following comments from Planning Director Sullivan, Council Member Rhodes offered a motion that a public hearing be scheduled for June 12, 1990, to hear this rezoning request. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on April 18, 1990.

✓ "...Mr. Bruce Rathke, Muhlenberg Lutheran Church Council President, described a map of the Lutheran Church property on East Market Street, which showed a portion of an 18.3' public alley that runs east-west behind the church. He told the Commissioners that if the City is willing to close the alley, the church wants to have plans drawn for a future addition to the church. Muhlenberg owns a parking lot on the south side of the alley. Mr. Sullivan reported that he has copies of three letters from adjacent property owners who do not object to the church's alley-closing request.

Mr. Rhodes moved for the Commission to refer the proposed alley closing as requested by Muhlenberg Lutheran Church to City Council, asking council to appoint a Board of Viewers to visit the site and report back. Mr. Hartman seconded the motion and all members voted in favor. The Director added that no City utilities are in this alley.

Following comments from Planning Director Sullivan, Council Member Shank offered a motion that the existing Board of Viewers be appointed to review this alley closing request. The motion was seconded by Council Member Rhodes and approved with a unanimous vote of Council.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on April 18, 1990.

"...The Commissioners reviewed the proposed Final Plat of Country Club Court Office Complex, a 3-lot plan to be developed by Mr. Bernard Bolt. A subdivision Review Sheet, explaining the technical details, was read by the Director. Mr. Ray Nicely of Copper and Associates told the Commissioners that an additional sewer easement will be platted after final approval is given by the Water and Sewer Superintendent. It will serve the three lots and extend northwest onto Smith Transfer property. Traffic will enter the 3-office unit complex from both Country Club Road and Country Club Court. The parking lots and landscaped area will be under a common ownership arrangement.

Mr. Neff moved for the Commission to recommend approval of the Final Plat of Country Club Court Office Complex. Mr. Rhodes seconded the motion and all members voted aye..."

Planning Director Sullivan explained that this development will be office units on R-3 land facing Country Club Road. Mr. Sullivan further noted that the recommended approval is subject to the water and sewer superintendent approving the location of the sanitary sewer easement. Mr. Knicley noted that the water and sewer locations have now been accepted. Vice Mayor Dingleline offered a motion that the Country Club Court Office Complex be approved. The motion was seconded by Council Member Kite and approved with a unanimous vote of Council.

Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on April 18, 1990.

↓ "...The Commissioners reviewed the proposed Final Plat of Lawson Subdivision, Section 1. The Director read the Subdivision Review Sheet and Mr. Cook reported that the Commission will be reviewing a site plan of Dominion Business school when it applies for a building permit. The Zoning Ordinance requires parking lots for schools to be reviewed by the Commission. When Lawson Associates received approval for rezoning this area to R-3 and B-2 Conditional, Dominion Business School was described as the structure to be built on proposed Lot 4. Numerous utility and drainage easements are shown on the plat, and access to Lots 3 and 4 will be strictly off Reservoir Street. No access will be allowed off Cantrell Avenue or Carlton Street.

Mr. Neff moved for the Commission to recommend approval of the Final Plat of Lawson Subdivision, Section 1. Mr. Rhodes seconded the motion and all members voted aye..."

Planning Director Sullivan noted that the Planning Commission is recommending approval of this resubdivision request. Mr. Sullivan explained that the two

small parcels facing Reservoir Street will be future commercial development and one of the larger tracts will house Dominion Business school with access only off of Reservoir Street and the other large tract will house condominium structures. Council Member Kite offered a motion that the Final Plat of Lawson Subdivision, Section I, be approved. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on April 18, 1990.

✓ "...The Commissioners studied the proposed Final Plat of Olde Mill Village Subdivision, Section 1, which consists of two lots. It is located off the south side of South Avenue. Mr. J. L. Hopkins, developer, has 84 apartment units in 7 separate structures on Lot 2. Attorney Roger Williams told the Commissioners that Mr. Hopkins plans to construct two 12-unit apartment structures on proposed Lot 1. Zoning Administrator Cook reported that Lot 1 is large enough for two 12-unit apartment structures, but not large enough for a third 12-unit structure (which was shown on the original Master Plan, submitted to the City in early 1989).

The Director read the Subdivision Review Sheet and Mr. Hopkins told the Commission he has established 33 extra off-street parking spaces in the project, a basketball court, trees and other landscaping, and the trash dumpsters will soon be screened. Mr. Sullivan commended Mr. Hopkins for paving his parking lots and the private road leading into the JMU student housing project.

Councilman Rhodes moved for the Commission to recommend approval of the Final Plan of Olde Mill Village Subdivision, Section 1. Mr. Neff seconded the motion and all members voted aye..."

Planning Director Sullivan noted that an old lot line that was on the block map where the mill stood was overlooked and will be eliminated on a revised plat. Mr. Knicley stated that the revised plat will show the old property line and that by City Council action tonight it will be vacated. Council Member Rhodes offered a motion that the Olde Mill Village Subdivision, Section 1, be approved. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on April 18, 1990.

"...The Commissioners reviewed a plat for "Heatwole Subdivision," drawn by Surveyor Bobby Owens. It shows four residential lots on the east side of "Smith Avenue" where it extends south off Mt. Clinton Pike. Mr. John Heatwole, 1032 Smith Avenue, told the Commissioners the street doesn't extend across the front portion of his lot or Mrs. Goldie Wenger's lot which is opposite Mr. Heatwole's. Mr. Sullivan pointed out, while reading the Subdivision Review Sheet, that Mr. Heatwole's plat includes dedicating to the City a 15' strip of land from the northwest corner of his lot 4 to Mt. Clinton Pike. This strip represents the east half of "Smith Avenue." Mr. Milam told the Commissioners that the State Highway Department never did accept the road as a public right-of-way. However, since annexation in 1983, the City has graded and surface treated it for the 10 or more families who must use it.

At this point in the discussion, Mr. Heatwole handed a statement dated April 17, 1990, to Mr. Sullivan; it was signed by Lawrence M. Yoder, Elmer J. Miller, and Barry K. Kelley, owners of lots on the west side of "Smith Avenue." It surrenders to the City a 15' wide parcel or strip of land, parallel to Mr. Heatwole's 15' strip of 1579' length, from Lot 4 to Mt. Clinton Pike.

The Commissioners agreed that further work needs to be done before the City can claim ownership of the offers presented tonight. Mr. Neff moved that the Planning Director, City Attorney and City Engineer get together and determine what is needed. Mr. Hartman seconded the motion and all members voted aye.

Concerning proposed Heatwole Subdivision, Mr. Hartman moved for the Commission to recommend approval, with a variance to accept a 15' wide right-of-way, namely "Smith Avenue." Mr. Neff seconded the motion and all members voted in favor. The director noted that the City Staff feels strongly that Smith Avenue still needs to be dedicated in front of Mr. Heatwole's house (on Lot 4) and the Wenger house directly across from Mr. Heatwole. Another section of Smith Avenue exists south of this area. It comes off Greystone Street and served four homes..."

Planning Director Sullivan called Council's attention to maps illustrating the subdivision and noted that the subdivision is located on Smith Avenue. Mr. Sullivan then called Council's attention to a long 15 foot wide strip of land and noted that this subdivision is dedicating this strip of land to the City which is about 1/2 of the existing road. Mr. Sullivan noted that the other half will be dedicated to the City by the existing owners and called Council's attention to the signed statement by these property owners. Mr. Thumma stated that a meets

and bounds description will need to be obtained from the Engineering Dept. for the 15 foot strip and then a deed will be prepared to the City. Council Member Kite offered a motion that the Heatwole Subdivision be approved subject to the deed being prepared by the City Attorney. The motion was seconded by Council Member Rhodes and approved with a unanimous vote of Council.

City Manager Milam presented a request for approval of a transfer of funds in the amount of \$95,000.00 from the General Fund to the Transportation Fund due to insufficient funds for the operation of the Public Transportation Department. Council Member Rhodes moved that a transfer be approved and that:

✓ \$95,000.00 trans. from General - Unappropriated Fund
Balance

95,000.00 trans. to: - Transportation - Unappropriated
Fund Balance

The motion was seconded by Council Member Kite and approved with a unanimous recorded vote of Council.

A request was presented by Transportation Director Smith for approval of a supplemental appropriation in the amount of \$95,000.00 due to

insufficient funds for the operation of the Public Transportation Department. Council Member Kite offered a motion for the appropriation to be approved for a first reading, and that:

\$95,000.00 chgd. to: 8 - Unappropriated fund balance

✓ 35,000.00 approp. to: 8-2-1001.08 School Bus Operators
20,000.00 approp. to: 8-2-5408.04 Fuels, Lubricants, Tires
40,000.00 approp. to: 8-3-1001.07 Taxi operators

The motion was seconded by Council Member Rhodes and approved with a unanimous recorded vote of Council.

✓ A request was presented by Chief of Police Presgrave for approval of a supplemental appropriation in the amount of \$23,182.41, to recover monies expended for overtime at JMU ball games and other overtime, and to recover grant received for communications equipment from Dept. of Criminal Justice Services. Council Member Shank offered a motion for the appropriation to be approved for a first reading, and that:

\$23,182.41 chdg. to: 1901.01 Recoveries and Rebates

22,365.00 approp. to: 1-3101-7003.00 Communication Equip.
638.41 approp. to: 1-3101-1001.07 Special police
179.00 approp. to: 1-3101-5400.01 Other Materials &
Supplies

The motion was seconded by Council Member Kite and approved with a unanimous recorded vote of Council.

Manager Milam called Council's attention to a letter of resignation from Mr. James W. Blauch from the Plumbing Board of Appeals. Mayor Green requested the City Clerk to write a letter of appreciation to Mr. Blauch for his service on the Board.

At 8:58 p.m., there being no further business and on motion adopted, the meeting was adjourned.

Ju

CLERK

Gray State F. Green

MAYOR

jmg

cc: City Council
City Manager
City Auditor

REGULAR MEETING

MAY 22, 1990

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m. there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Raymond C. Dingledine, Jr.; Council Members Elon W. Rhodes, Curtis F. Kite, and Charles L. Shank; City Clerk Judy M. Gray; City Auditor Philip Peterman and Chief of Police Richard Presgrave.

Minutes of the regular meeting held on May 8, 1990, approved as read.

✓ At 7:36 p.m., Mayor Green closed the regular session temporarily and called the evening public hearing to order. City Manager Milam called attention to the budget synopsis, which appeared in the Daily News Record newspaper on May 10, 1990, and read the following notice of public hearing:

NOTICE IS HEREBY GIVEN, that a Public Hearing on said budget as submitted and amended will be in the Council Chamber in the Municipal Building, at 7:30 p.m. on the 22nd day of May, 1990, at which meeting the said budget will be further acted upon by the Council. All citizens are invited to attend and provide the Council with written and oral comments and ask questions concerning the City's entire proposed budget. 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.

Marvin B. Milam, City Manager

Mayor Green called on anyone present desiring to be heard.

Mr. Richard Arehart speaking on behalf of the Rockingham Public Library explained that the Library's request for this fiscal year was \$136,000 and the City appropriated approximately \$129,000, leaving the Library short \$6,000. Mr. Arehart stated that this is the first year that the City has not granted their request which they feel is modest and quite justified particularly when compared to other cities such as Staunton and Waynesboro which have operating costs as much as four times that of Harrisonburg. Mr. Arehart further noted that the Library is a labor intensive operation with approximately 75% of the operating costs going for salary and wages. Mr. Arehart also noted that they feel they have not been fair to employees for the past seven or eight years, at best having tried to keep up with inflation and in some years not even doing that. Mr. Arehart concluded in stating that the County has not come through this year or in past years and they desperately need the money and hope the City can grant the additional \$6,000.

Mr. David Penrod speaking on behalf of the Fraternal Order of Police which is a voluntary association which many of the Harrisonburg Policemen belong to, stated that he is present to request the Council for \$152,000 that is not included in the budget for retirement benefits for public safety employees. Mr. Penrod explained that the legislature recognizes that policemen and firemen are unlike other employees in that their work is extra hazardous and extremely stressful, they have shorter life spans because of the stress, and they work terrible schedules including nights and holidays. Mr. Penrod noted that the average policeman does not live to be 60 years old. Mr. Penrod further stated that the legislature made it possible for municipalities to add special retirement benefits for public safety employees which enable these employees to retire at age 55 or after 30 years of service plus get a monthly supplement up until their 65th birthday. Mr. Penrod then read a list of numerous other cities that have already adopted this retirement program for their public safety employees. Mr. Penrod also noted that last year Council was asked to invest in a survey with the Va. State Retirement system to see what the costs of a program like this would be. Mr. Penrod stated that the figures that came back from VSRS showed that the cost to the City for joining this program would be around \$152,000. Mr. Penrod noted that they were very disappointed to find that Harrisonburg had not budgeted monies for this retirement program again this year, and it is their position that it is unfair to employees and the community. Mr. Penrod also noted that it is becoming difficult for the city to hire officers, so starting salaries have been raised, but salaries within the ranks have not been raised proportionately, thus you have fully trained officers who have been on the force for two to three years making only \$1,000 more than a rookies just hired. Mr. Penrod noted that it is no longer a step up for Police Officers to come to Harrisonburg, noting that the Harrisonburg Police Department lost seven patrolmen a year for the past two years to more competitive localities. Mr. Penrod stated that the City of Harrisonburg is paying to train these men only for them to leave after two years. Mr. Penrod noted that the city's officers are well-trained and dedicated to their work and the City needs to retain this quality personnel. Mr. Penrod concluded in stating that the enhanced retirement program would give the officers a reason to stay and become invested for their entire professional careers, so therefore would like to ask Council to reconsider the budget and find a way to at least be comparable with the other jurisdictions in the area.

Mayor Green noted that the Manager and City Council are sympathetic to the new law which goes into July 1, 1990, and can be entered into at any time. Mayor Green further noted that City Manager Milam is looking into other things including an updated study of salary proposals for the all city employees and will make every effort to work with the Chief of Police and Fire to address this problem latter on this year.

Malcolm Wilfong, police officer with the city and sergeant for nine year, and speaking for the other police officers stated that the retirement program is something that has been looked forward to and something that would help encourage officers to stay with Harrisonburg.

Jim Werner, past president of the Fireman association, noted that this is legislation that they have been pushing for the past six years. Mr. Werner reiterated many of the points expressed by Mr. Penrod, noting the hazardous working conditions, terrible schedules and dangerous work these men do. Following further comments, Mr. Werner asked the Council to try and find a way to appropriate monies this year for this program.

Mrs. James E. Hoy, Jr., asked what will happen to the people who are planning to retire between now and the time a decision is made on the enhance retirement program. Mrs. Hoy questioned if these persons will just "slip through the cracks." Mayor Green assured her that no one will "slip through the cracks."

Bob Berrson, speaking for Citizens for Downtown, thanked the City Council for considering their proposal and stated that they look forward to working with the City. Mayor Green reminded Mr. Berrson that Mr. Deskins of the Housing Authority has been requested to include the Citizens for Downtown's request on his agenda to try and work out a situation where Citizens for Downtown will work through the Housing Authority.

Jim Laprevotte, Captain for the Fire Department for 10 years, stated that all the guys are very dedicated to their jobs and work very hard at trying to overcome the obstacles that come before them. Mr. Laprovotte stated that the retirement system is a major concern to him in his decision to stay with Harrisonburg with other localities trying to lure him away.

Larry Werner, fireman for the past six years, noted that out of the past 36 months he has been with the City, 40% of the persons employed with the Fire Dept. have left due to lack of wages and benefits.

Stewart Haslett, five years on the Police Department, stated that he is proud of the Police Dept, and noted that his salary is right at \$18,000, and there are untrained new recruits with starting salaries within \$1,000 of what he is making. Mr. Haslett noted that it is hard to afford to live in Harrisonburg with costs continuing to rise and concluded in stating that the enhanced retirement program is extremely important to him.

Tom Moffett, employed with the Fire Department, and Paul Rodefer and Charles Eaton with the Police Department all spoke in favor of the enhanced retirement program.

Mayor Green stated again that the Council and City Manager are sympathetic to the requests and problems and will continue to look into the matter and work things out.

There being no others desiring to be heard, the Public Hearing was declared closed at 8:15 p.m., and the regular session reconvened. Vice Mayor Dingledine stated his appreciation for the willingness of these men to express their concerns and for the caliber of employees the City has in the Fire and Police Department.

City Manager Milam presented and summarized for Council's consideration of approval for a second and final reading the appropriation ordinance noting changes to the schools' budget and the sanitation department's budget. Manager Milam also noted that the addition \$1.00 fees for garbage collection has been eliminated. Vice-Mayor Dingledine offered a motion that the appropriation ordinance be approved for a second and final reading. The motion was seconded by Council Member Shank, and approved with a unanimous recorded vote of Council.

✓ Manager Milam called on Mr. Jack Cavanaugh to present a report on the Youth Services Council. Mr. Cavanaugh explained that last September the community held a meeting with 75 community leaders to examine the whole issue of youth at risk in the Harrisonburg and Rockingham County area. Mr. Cavanaugh explained that from this meeting a core group of about 25 persons who wanted to serve on a youth task force was formed. Mr. Cavanaugh then introduced Ms. Jane Hubbell, chairperson for the task force. Ms. Hubbell stated that the group that was formed looked at the critical needs of youth at risk which include youth involved with alcohol and drug abuse, teen pregnancy, school drop out etc.

Ms. Hubbell explained that the task force decided to focus its energy on the concept of a youth services council in an effort to provide a "hub for the wheel of youth services in our community". Ms. Hubbell noted that there are a lot of youth services in this community, but it is impossible for all of them to know what each other is doing. Ms. Hubbell also noted that the council will reduce the duplication of services in the area and help to expand services so there are no youths "falling through the cracks." Ms. Hubbell went on to explain that the State has created a new department of Youth Services that goes into effect July 1, 1990. Ms. Hubbell further stated that there are monies available from the State for communities to set up youth service councils, and noted that they would like to apply for \$38,000 from the State. Ms. Hubbell stated that in order to apply for this money the City and County has to write an ordinance or resolution endorsing the concept of the youth services council and be willing to help with 25% of the funding. Ms. Hubbell noted that the 25% can be in-kind services such as office space etc. Ms. Hubbell stated that the County Board of Supervisors is looking into the matter and would like to meet with the City/County liaison committee to further discuss the concept. Ms. Hubbell explained that they would like to open an office in July, 1991, and apply for the grant in the fall of this year. Ms. Hubbell also noted that this funding would be permanent funding for an going department. Ms. Hubbell concluded in stating that they are asking for a combined total of \$4,000.00 from the City and the County to help with opening an office which, as stated before, can be in-kind services. Mayor Green asked the City Manager to put together a resolution endorsing the concept to be presented to Council later this summer.

✓ Ms. Betty S. Redmond, Nurse Manager for the Central Shenandoah Health District, appeared before Council for the purpose of presenting a report on nursing activities at the Harrisonburg-Rockingham County Health Department. Ms. Redmond reviewed the current nursing staff with the Health Department and the primary responsibilities and activities in public health programs. Ms. Redmond also gave progress reports as to the Department's involvement in AIDS detection and prevention and the implementation of medicaid supported health services for high risk maternity patients and infants.

✓ Mr. Barry S. Hensley was present in the meeting to discuss some of the safety concerns regarding Garbers Church Road. Mr. Hensley stated that there are approximately 25 school age children who live on this street, and it is under a lot of residential development and there are two businesses located on the street. Mr. Hensley explained that in some sections of the street the pavement is only 13 feet wide with other sections being 16 feet wide. Mr. Hensley noted that the shoulders are a primary concern with there being as much as a five inch drop off in some locations. Mr. Hensley further noted that there is no curb or gutter anywhere on the street which makes for a rapid run off of water across the road. Mr. Hensley also stated that there are no lines on the road and at night time it is very difficult to see because there are no street lights either. Mr. Hensley noted that heavy construction traffic uses the road which are destructive to the road and are impossible to pass. Mr. Hensley explained that deer cross the road regularly and there are no signs to warn people of this or signs advising of the low shoulders etc. Mr. Hensley added that the speed limit is 35 miles per hour and they do not feel it is safe for school bus traffic. Mr. Hensley further added that there are two creeks which the road crosses they have no railings with three foot drops on each side. Following a slide presentation, Mr. Hensley concluded with presenting Council with the following recommendations: keep money in budget to purchase rights-of-way to improve the street; reduce speed limit from 35 mph to 25 mph; install temporary street lights every 100 yards; limit tonnage allowed on street in an effort to eliminate through traffic; place information signs warning of low shoulder, deer crossing etc.; begin implementation to upgrade the street to meet City standards; and when construction work is done on the street that it is done in such a way that it does not contribute to more problems. City Manager Milam explained that this is an inherited problem as a result of annexation. Manager Milam also noted that this street is scheduled to be totally reconstructed by the year 1992-93 with money being set up in next year's budget to begin acquiring rights-of-way. Manager Milam stated that the street has to be a minimum of 50 feet but will probably be 60 feet wide to accommodate poles, fire hydrants etc. Following further comments, Mayor Green requested that signs be placed on the street warning of the low shoulders, deer crossing etc.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on May 16, 1990:

"...Mr. John Newton, owner of Lot 32 in Section 1 of Blue Stone Hills Subdivision, told the Commissioners of his desire to build a duplex house on the northwest corner of Diamond Court and Blue Stone Hills Drive. The structure will face Diamond Court, a street designated for single family dwellings in the Blue Stone Hills Master Plan. Zoning Administrator Cook reported that he has received a letter from Mr. Ernie James, assuring the City that Lot 32 is designated for "luxury multi-family housing" along with nearby lots on Blue Stone Hills Drive. Mr. Sullivan reported that existing 20' drainage and utility easements are on parts of the proposed Lots 32A and 32B, both streets are paved, curbed and guttered, and adequate off-street parking will be provided for both lots. Mr. Newton is constructing a single-family home on Lot 31, just west of Lot 32. Chairman Hughes emphasized the importance of developers and realtors explaining the Master Plan to any purchaser of lots or dwellings, especially when mixtures of housing type are in the same neighborhood.

Mr. Hartman concluded the review with a motion to recommend approval of Mr. John Newton's resubdivision of Lot 32 in Section 1 of Blue Stone Hills, with variance allowing proposed Lot 32A to have "frontage" on both Diamond Court and Blue Stone Hills Drive. Mr. Neff seconded the motion and all members present voted aye..."

Following comments from Planning Director Sullivan, Council Member Shank offered a motion that the recommendation of the Planning Commission to approve the resubdivision of Lot 32 in Section 1 be approved. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on May 16, 1990:

"...Mr. Ralph Smith described a proposed resubdivision of Lots 66 and 67 in the Garber Addition. He explained to the Commissioners that rearranging two existing lots on the northwest corner of East Rock and Hill Streets will improve the situation. A dwelling exists on proposed Lot 25, and will "gain" a back yard. Also, a buildable corner lot with 6,985 square feet will be formed.

Mr. Neff concluded the review with a motion to recommend approval of Luella C. Smith's resubdivision, with variance permitting two single family lots slightly below the 7,000 square foot minimum lot size in

the R-2 Residential District. Dr. Gardner seconded the motion and all members present voted aye..."

Vice-Mayor Dingledine offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on May 16, 1990:

"...Attorney Steve Weaver and Surveyor J. R. Copper reviewed a proposed resubdivision in Perry Martin's Addition, located in the southern extension of Hillside and Summit Avenues. They have agreed to increase the width of a proposed 20' sanitary sewer easement to 25' and to add a note "vacating existing lot lines." Mr. Sullivan reported that the Commission endorsed this resubdivision in March, with a variance "relieving the developers of installing curb and gutter and storm sewer." Both streets are hard-surfaced but without curbs and gutters.

Mr. Hartman moved for the Commission to recommend the resubdivision of five lots in Perry Martin's Addition, subject to a 25' easement for sanitary sewer, a note vacating old lot lines, and a variance relieving the developers of installing curb and gutter and storm sewer. Mr. Neff seconded the motion and all members present voted aye..."

Following comments from Planning Director Sullivan, Council Member Rhodes offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on May 16, 1990:

"...Mr. J. R. Copper described a proposed resubdivision of Lots 33-26 in Holiday Hills, Section 10. Mr. Raymond Kiser owns Lots 33 and Mr. Gary Turner owns Lots 34, 35, and 36. Mr. Kiser's home is on Lot 33 which will be enlarged, and Mr. Turner's lots are undeveloped. They are zoned R-1 Single Family Residential and access to them will be via a 20' ingress-egress easement which will be partially on Mr. Kiser's lot. Vehicles will thus enter and leave Virginia Avenue at one point. Mr. Copper agreed to add a note to the plat, indicating the vacating of existing lot lines. Also, water and sewer lines in newly constructed Virginia Avenue have been stubbed for each lot, thus construction of three new homes will not necessitate cutting the new pavement. Chairman Hughes urged the developer to warn buyers that variances for additions should not be routinely expected. The lots are odd-shaped and placing of homes on them will be a challenge, according to Messrs. Hughes and Cook.

Mr. Neff concluded the discussion with a motion to recommend approval, subject to adding a note vacating existing lot lines and showing minimum setback lines for dwellings. Mr. Wassum seconded the motion and all members present voted aye..."

Council Member Rhodes offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on May 16, 1990:

✓ "...The Commissioners studied a plat drawn by Surveyor David Ingram, showing a 10' strip of land to be dedicated to the City of Harrisonburg by Physical Therapy Associates. In addition, existing lot lines are to be vacated within a 23,949 square foot parcel on the northeast corner of Reservoir Street and Norwood Street. The 10' strip will increase Reservoir Street's width to 50' along the frontage of the lot to be developed by Physical Therapy Associates. the director reported that a deteriorated house will be removed and the zoning is R-3 Multiple Dwelling District, which permits professional offices.

Mr. Hartman moved for the Commission to recommend approval of Physical Therapy Associates' dedication of a 10' strip of land on Reservoir Street and the vacating of lot lines within a 23,949 square foot parcel. Dr. Gardner seconded the motion and all members voted aye..."

Planning Director Sullivan explained that this is located at the northeast corner of Reservoir Street and Norwood Street. Mr. Sullivan stated that this group will be constructing an office structure in this R-3 zone, and further explained that the dedication of a 10 foot strip of land will provide Reservoir Street a 50 foot width. Mr. Sullivan also noted that a vacant older house located on the corner will be removed. Council Member Kite offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on May 16, 1990:

"...Mr. Olin Vanpelt, Jr. and Surveyor Beverly Suter presented a plat showing a proposed one-acre lot, located on the northeast side of Smithland Road, to be deeded to Prentice G. Shifflett, if approved by the City and Rockingham County. Mr. Suter told the Commissioners that only .18 acre of the lot is in the County. If a dwelling is built on the one-acre lot, it will be totally inside the City. Mr. Vanpelt said this lot has been discussed with Mr. Shifflett for a long time, and future lots fronting on Smithland Road may be proposed in the future.

Noting that a septic tank will be necessary until City utilities are extended to the area in the future, Dr. Gardner moved for the Commission to recommend approval of Mr. Vanpelt's 1-acre lot to be deeded to Prentice G. Shifflett. Mr. Neff seconded the motion and all members present voted aye..."

Council Member Shank offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Rhodes and approved with a unanimous vote of Council.

✓ City Manager Milam presented and read the following ordinance amending and re-enacting section 77 and section 87 of Chapter 2 of Title 4 of the Harrisonburg City Code for Council's consideration of a first reading:

Article F. Transient Occupancy Tax

Section 4-2-77 Levy and rate

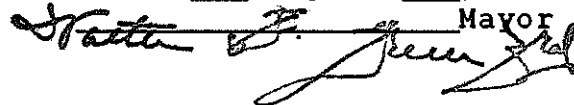
In addition to all other taxes of every kind, now or hereafter imposed by law, there is hereby imposed and levied on each and every transient a tax equivalent to four (4) percent of the total amount paid for room or space rental to any hotel, motel or travel campground.

Article G. Meals Tax

In addition to all other taxes of every kind, now or hereafter imposed by law, there is hereby imposed and levied on food items sold by restaurants, as defined herein, a tax equivalent to two (2) percent of the total amount paid for said food items.

This ordinance shall be effective from the 1st day of July, 1990.

ADOPTED AND APPROVED this ____ day of ____, 1990.

 Mayor

ATTESTE:

Clerk

Mr. Wayne Wenger, Manager of Howard Johnsons, questioned why the City Council always "picked on their industry" noting that the people who stay with them get nothing out of the City except for a nights stay. Mr. Wenger stated that they have lost bus tours over it and noted that he would rather see the City buses, that run around empty, terminated and that money be used for the school. Mr. Wenger concluded in noting that he is proud of the City, but just wishes the Council could divide it up some other way, noting that the higher tax rate will turn people away. Mr. Mark Ware, with the Belle Meade Restaurant, asked the Council not to always pick on restaurants and hotels and to consider not raising taxes again in a future years. Council Member Rhodes offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Shank, and approved with a unanimous recorded vote of Council.

✓ Vice-Mayor Dingledine moved that a supplemental appropriation in the amount of \$95,000.00 requested by Transportation Director Reggie Smith due to insufficient funds be approved for a second and final reading, a first reading having been approved on May 8, 1990, and that:

\$95,000 chgd. to: Unappropriated Fund Balance

35,000 approp. to: 8-2-1001.08 School Bus Operators

20,000 approp. to: 8-2-5408.04 Fuels, Lubricants,
Tires

40,000 approp. to: 8-2-1001.07 Taxi operator

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ Council Member Shank offered a motion that a supplemental appropriation in the amount of \$23,182.41 requested by Chief of Police Presgrave to recover monies expended for overtime at JMU ballgames and other overtime, and to recover grant received for communications equipment from Dept. of Criminal Justice Services, be approved for a second and final reading, a first reading having been approved on May 8, 1990, and that:

\$23,182.41 chgd. to: 1901.01 Recoveries & Rebates

006

22,365.00 approp. to: 1-3101-7003.00 Communications
Equipment
638.41 approp. to: 1-3101-1001.07 Special Police
179.00 approp. to: 1-3101-5400.01 Other materials
and supplies

The motion was seconded by Council Member Rhodes, and approved with a unanimous recorded vote of Council.

✓ A request was presented by Chief of Fire Shifflett for approval of a supplemental appropriation in the amount of \$83,807.36, for reimbursement from Rockingham County for EOC expenses and reimbursement from the State. Council Member Kite offered a motion for the appropriation to be approved for a first reading, and that:

\$ 2,940.00 chgd. to: 1-3201-1901.01 Recovery & Rebates
5,256.00 chgd. to: 1-3201-1901.01 Recovery & Rebates
2,023.44 chgd. to: 1-3201-1901.01 Recovery & Rebates
69,313.50 chgd. to: 1-3201-1901.01 Recovery & Rebates
74.42 chgd. to: 1-3201-1901.01 Recovery & Rebates
4,200.00 chgd. to: 1-3201-1901.01 Recovery & Rebates

29,360.00 approp. to: 1-3201-1001.06 Dispatchers
19,382.00 approp. to: 1-3201-1010.01 Other Personal
Services
1,500.00 approp. to: 1-3201-2005.01 Hospital &
Accident Insurance
4,000.00 approp. to: 1-3201-5400.01 Other materials
and Supplies
2,000.00 approp. to: 1-3201-5413.01 Other Operating
expenses
2,000.00 approp. to: 1-3201-5415.01 Uniforms
6,000.00 approp. to: 1-3201-7001.03 Equipment
15,065.36 approp. to: 1-3201-7006.00 Fire Programs Fund
4,500.00 approp. to: 1-3201-7010.00 Buildings

The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council.

✓ A request was presented by Chief of Police Presgrave for approval of a supplemental appropriation in the amount of \$4,000.00 because of insufficient funds in certain categories, which are hard to anticipate. Council Member Rhodes offered a motion for the appropriation to be approved for a first reading, and that:

\$4,000 chgd. to: General - General unappropriated
surplus

2,000 approp. to: 1-3302-3002.01 Court appointed
attorney
2,000 approp. to: 1-3302-3009.02 Board & Care of
prisoners

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ A request was presented by John Holsten for approval of a supplemental appropriation in the amount of \$58,564, for equipment and supplies for recycling and additional costs at resource recovery facility. Vice Mayor Dingledine offered a motion that the appropriation be approved for a first reading, and that:

\$58,564 chgd. to: 09-1619.17 - Sale of Steam

58,564 approp. to: 9-1-5400.01 - Other materials &
Supplies

The motion was seconded by Council Member Shank, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam presented and read a petition signed by 45 tenants of the Lineweaver Apartments stating opposition to Warner Cable's rate increase that will go into effect June 1, 1990. Manager Milam noted that copies of the petition were mailed to Mayor Green, Warner Cable's manager and Congressman Jim Olin.

✓ Manager Milam presented and read the following resolution 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 Waste Management Act provides, through the Department of Waste Management, Division of Litter Control and Recycling for the allocation of public funds in the form of Grants for the purpose of enhancing local litter control programs, and

WHEREAS Having reviewed and considered the Regulations and the application covering administration and use of said funds.

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

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

HEREBY Authorizes Kitty O'Donnell, Litter Control Coordinator, to plan, budget, apply, and administer said Grant, which, if approved, will be used to fund said Program and

HEREBY requests the Department of Waste Management, Division of Litter Control and Recycling to consider and approve the Application and Program, said Program being in accord with Regulations governing the expenditure of said funds.

APPROVED THIS ____ day of ____, 1990.

Judy M. Gray, Clerk
Harrisonburg City Council

Vice Mayor Dingleline offered a motion that the resolution be approved. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ Mayor Green requested the City Clerk to send letters of appreciation to Dr. Skip Booth for his service on the Board of Public Welfare and to Dr. J. F. Wine for his service on the Industrial Development Authority.

At 10:10 p.m, Council Member Shank offered a motion that Council enter an executive session for discussion and consideration of the prospective candidates to be appointed to the Industrial Development Authority and assignment and performance of personnel, exempt from the public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia. The motion was seconded by Council Member Rhodes and approved with a unanimous recorded vote of Council.

At 10:15 p.m., the executive session was closed and the regular session reconvened. City Clerk Gray read the following statement which was agreed to with a unanimous recorded vote of Council. I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ City Manager Milam presented and read the following ordinance amending and re-enacting a portion of Chapter 4 of Title 10 of the Harrisonburg City Code for Council's consideration of a first reading:

Chapter 4
EROSION AND SEDIMENTATION CONTROL

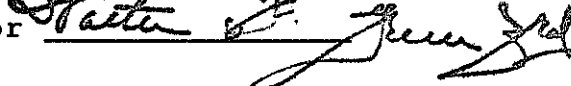
Section 10-4-5 Definitions

Administrator - The official designated by the City Manager to serve as the agent to administer this chapter.

This ordinance shall be effective from the date of its passage.

ADOPTED AND APPROVED this ____ day of ____,
1990.

ATTESTE:

Mayor 

Clerk

Council Member Shank offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Rhodes, and approved with a unanimous recorded vote of Council. Council Member Rhodes offered a motion that Assistant City Manager Roger Baker be appointed as interim Erosion and Sedimentation Control administrator. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

At 10:17 p.m. there being no further business and on motion adopted, the meeting was adjourned.

REGULAR MEETING
JUNE 12, 1990

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m. there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Raymond C. Dingledine, Jr.; Council Members Elon W. Rhodes, Curtis F. Kite, and Charles L. Shank; City Clerk Judy M. Gray; and Chief of Police Richard Presgrave.
Absent: City Auditor Peterman.

Minutes of the regular meeting held on May 22, 1990, approved as read.

The following regular monthly reports were presented and ordered filed:

From the City Manager

A progress report of activities in the various departments and said office for the month of May, 1990.

From the City Treasurer

A trial balance report for the month of May, 1990.

From the Police Department

A report of fines and costs collected - \$6,316.90; cash collected from street parking meters - \$9,093.59; total cash collected paid on accounts and turned over to the City Treasurer - \$15,410.49.

From the City Auditor

A report of cash discounts saved in the payment of vendor's invoices for the month of May 1990, in the total amount of \$320.28.

✓ At 7:40 p.m., Mayor Green closed the regular session temporarily and called the evening's public hearing to order. City Manager Milam read the following Notice of Public Hearing, as advertised in the Daily News Record Newspaper on Tuesday, May 29, 1990, and June 5, 1990:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, June 12, 1990, at 7:30 p.m. in the Municipal Building, 345 South Main Street, Harrisonburg, Virginia.

The Harrisonburg City Council will receive the views of citizens within the Harrisonburg School District concerning the vacancies in the East and West School Wards. These School Board members' terms will commence July 1, 1990, and be for a three year term to June 30, 1993.

Pursuant to Section 22.1-29.1 of the Code of Virginia, 1950, as amended no nominee or applicant whose name is not considered at this public hearing shall be appointed as a School Board member.

Marvin B. Milam, City Manager

Manager Milam stated that correspondence had been received from the following persons stating a desire to be considered as a nominee for the School Board: Mr. Greg L. Coffman of 66 Laurel Street; Mr. Jimmy V. MacNaughton of 84 Hope Street; Mr. Cecil F. Gilkerson of 507 Paul Street; Ms. Jean Foerster Gearing of 540 South Mason Street; Mr. Kent St. Pierre of 73 Middlebrook Ave. and Ms. Jane C. Prey of 28 East Laurel Street. Manager Milam further noted that a verbal submission was received from Mr. James Crawford of 105 Brook Avenue. Mayor Green noted that Mr. Greg T. Kramer of 831 Lee Avenue would also like to be considered for the School Board. Mayor Green called on anyone present desiring to submit their names or any other names. Mr. Dan Nardi, of 79 Hope Street, stated that he would like to put his name in as a nominee to be considered for a position on the School Board. Mr. Nardi stated that he was born and raised in Harrisonburg and went through the Harrisonburg school system and graduated from James Madison University. There being no others desiring to be heard the public hearing was declared closed at 7:46 p.m. and the regular session reconvened.

✓ At 7:46 p.m. Mayor Green closed the regular session temporarily and called the evening's second public hearing to order. Manager Milam read the following notice of public hearing as it appeared in the Daily News Record on Tuesday, May 29, 1990, and June 5, 1990:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, June 12, 1990, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following rezoning request:

- ✓ 1. To rezone 8.3 acres on west side of Virginia Avenue, north of Harmony Drive, from R-3 Multiple Dwelling District to B-2 General Business. Also, to rezone 1.37 acres on east side of Buttonwood Drive, north of Harmony Drive, from B-2 General Business to R-3 Multiple Dwelling District. Applicant: Triple H Farms, Inc.
- ✓ 2. To rezone 7.1 acres west of Wheatley Motors from R-2 Residential to B-2 General Business. Applicant: JMU Foundation

A map is available for review in the Community Development Department,
409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

009

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

City of Harrisonburg
Marvin B. Milam, Manager

Planning Director Sullivan called Council's attention to a map outlining the area in the first request and stated that the Planning Commission is recommending this rezoning request. Mr. Orden Harmon stated that the reason for this rezoning request is to comply with the overall master plan of the area which has just recently been finalized. Mr. Harmon pointed out a strip of land along Virginia Avenue that he sees being advantageous for small shops. Mr. Harmon also pointed out a seven acre tract that is already zoned business that he would like to put a shopping center on. Mr. Harmon further noted that it is his "dream" to have a restaurant and a small motel located in this area sometime in the future. Mr. Harmon also pointed out an area that he is hoping to build nice housing for retired persons. Mr. Harmon noted that the existing lake will be enlarged and that they plan to put in some trails and a lot of green areas. Mayor Green called on anyone desiring to speak either for or against the rezoning. There was no one else present desiring to be heard.

Planning Director Sullivan called Council's attention to a map outlining the 7.1 acres of flat land west of Wheatley Motors. Mayor Green called on anyone present desiring to speak either for or against the rezoning. Mr. J. R. Copper, representing the JMU Foundation, oriented the Council as to the location of the property and noted the surrounding businesses. Mr. Copper noted that they do plan to construct the street up to the B-2 property. Mr. Copper further added that the cul-de-sacs shown on the map are only temporary cul-de-sacs; intended for future extension. Mr. Copper added that they have one prospective buyer for one acre of the property and that Wheatley Motors and Honda representatives have been contacted and have agreed to dedicate the right-of-way and help with some of the costs of the road that will run along the back of their property lines. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council. Ms. Cathy McClatchy, of Central Avenue, voiced concern that since there is only one way in and out of this development that they may eventually want to go through to Mosby Road and then the Central Avenue issue would resurface. Ms. McClatchy questioned if this matter could not wait for the completion of the Comprehensive Plan since they do not have a site plan or developer at present. Mayor Green called on anyone else present desiring to be heard. There being no one else present desiring to be heard, the public hearing was declared closed at 8:06 and the regular session reconvened. Council Member Shank offered a motion that the request to rezone 8.3 acres on the west side of Virginia Avenue, north of Harmony Drive from R-3 to B-2; and 1.37 acres on the east side of Buttonwood Drive from B-2 to R-3 be approved. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council. Vice-Mayor Dingledine offered a motion that the request to rezone 7.1 acres west of Wheatley Motors from R-2 to B-2 be tabled until the Planning Commission makes a recommendation concerning the rest of the property. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council. Planning Director Sullivan noted that the Planning Commission will be looking at the R-3 portion of the land at their next meeting since it was tabled at a previous meeting and can look at the entire portion next week.

✓ Manager Milam presented for Council's consideration of a second and final reading and ordinance amending and re-enacting Section 77 and Section 87 of Chapter 2 of Title 4 of the City Code - Finance, Taxation, Procurement - Article F. Transient Occupancy Tax; Article G. Meals Tax. Manager Milam noted that the only change from the first reading is that the words Bed and Breakfast and lodging and etc. has been added by the City Attorney at the Manager's request. Council Member Rhodes offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Shank, and approved with a unanimous recorded vote of Council.

✓ Manager Milam presented for Council's consideration of a second and final reading an ordinance amending and re-enacting a portion of Chapter 4 of Title 10 of the City Code - Erosion and Sedimentation Control. Vice-Mayor Dingledine offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ Manager Milam presented for Council's consideration of a first reading an ordinance enacting Section 4-2-16 of the City Code - Tax on criminal and traffic cases. City Attorney Thumma explained that this is a new section added to this particular title of the code and explained that the General Assembly passed a statute where localities can collect an additional fee up to \$2.00. by passing an ordinance, to be taxed as cost in any criminal or traffic case. Following further comments, Council Member Rhodes offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ City Manager presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 13-1-3 of the City Code - Adoption of State Law. City Attorney Thumma explained that this is the annual reenactment of

all of the revisions to the State statutes which we adopt within our ordinances. Council Member Shank offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ Manager Milam presented correspondence from Mr. Lance Braun of Skyfire Pyrotechnical Displays Unlimited, requesting authorization to conduct a fire works display as part of the 1990 July 4th Family Fund Fest, being sponsored by WSWA-WQPO Radio, Sovran Bank, and James Madison University on Saturday, June 30, 1990, at approximately 9:15 p.m. Mr. Braun noted that the display will be similar to last years' display which featured fewer and "less loud" noisemaking aerial shells and more of the colorful and unique colored aerial shells. Council Member Shank offered a motion for permission to be granted for the June 30, 1990, display. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ City Manager Milam presented a letter from David A. Penrod on behalf of Scripture Building Corp. requesting conditional rezoning of a parcel of land on the north side of Cantrell Avenue which is currently zoned R-1 with request to zone the land R-3 with the condition that the property be used exclusively for professional offices. Following comments, Council Member Rhodes offered a motion that this rezoning request be referred to the Planning Commission. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Manager Milam noted that House Bill 1477 which addresses Early Retirement Benefits for public safety employee was discussed during the public hearing at the previous City Council meeting. Manager Milam further noted that he was requested to look further into the matter and work something out. Mr. Milam stated that he has been in contact with Mr. David Penrod for the past two week and has prepared a proposed resolution which is a typical State resolution furnished by the VSRS. Manager Milam explained that the start up date in the resolution for the program will be September 1, 1990 if approved. Manager Milam stated that the Chiefs of Police and Fire are very much interested in the program and further stated that the only professional firefighter who would be eligible for the program is J. C. Huffman. Manager Milam explained that Mr. Huffman has no desire currently for early retirement. Manager Milam also explained that there are six Police Officers eligible for early retirement, but only Sergeant Hoy has indicated a desire to retire. Manager Milam stated that Sergeant Hoy has already submitted his letter to the state and could possibly "fall through the cracks" in receiving the early retirement benefits if the program is approved. Manager Milam did note that if the program is approved, Sergeant Hoy could withdraw his letter from the State and resubmit it. Mr. David Penrod, noted that his formal representation is for the Fraternal Order of Police but stated that he has also been in contact with other Police Officers and Firefighters. Mr. Penrod explained that the consensus expressed at the previous public hearing basically falls into two categories; one being wage differences which is a problem that does not have an easy solution, and the other being the retirement benefits for public safety employees. Mr. Penrod further explained that the program is supported by both the Chiefs of Fire and Police and the main issue seems to be how to pay for the program. As stated before, Mr. Penrod noted that the cost of the program would be \$150,000 a year which would be billed on a monthly basis. Mr. Penrod also noted that the resolution that he had prepared is one that is approved by the VSRA and would go into effect September 1, 1990, if approved. Mr. Penrod stated that this program is very important to the men it affects and would do wonders for moral and help to decrease turnover plus would indicate to these employees that the city takes their concerns seriously. Mr. Penrod concluded in stating that it is his request that the City Council adopt the resolution in the form that has been presented. Mayor Green called attention to the minutes of the previous Council meeting which state that the City Manager was charged to look into an updated study of salary proposals for the entire city and to make every effort in working with the Chiefs of Police and Fire to address these problems latter on this year. Mayor Green questioned the Manager as to how long it would take to do a salary study. Manager Milam stated that the salary study will have to be comprehensive to include all employees of the City and it would probably be late fall or early winter before a study could be completed. Following additional comments, Mayor Green requested the Manager to prepare and submit to City Council an outline of the way he intends to pay for this enhanced retirement program because the City Council needs to know these figures before they can vote on the resolution.

✓ City Manager Milam presented and read the following resolution for Council's consideration of approval.

WHEREAS, State mandates usually require expenditure of local funds and,

WHEREAS, local funds and revenue sources are limited,

NOW, THEREFORE BE IT RESOLVED, that the City Council of Harrisonburg, Virginia does support and encourage the passage of House Bill No. 751.

Walter F. Green
Mayor Walter F. Green

Attest:

Judy M. Gray, Clerk

Following comments from City Manager Milam, Council Member Shank offered a motion that the resolution be approved. The motion was seconded by Vice-Mayor Dingledine and approved with a unanimous vote of Council.

✓ City Manager Milam presented and read the following report from the Board of Viewers:

We, the undersigned, Members of the Harrisonburg Board of Viewers, hereby submit the following report concerning the closing of a portion of a 18.3' public alley that runs east-west behind the Muhlenberg Lutheran Church on East Market Street.

We find that the closing of the requested portion of the 18.3' public alley would create an inconvenience for nearby property owners, therefore it is the unanimous decision of the Board of Viewers that this request be denied.

J. Nelson Liskey
John H. Byrd
Wilmer C. Byrd, Sr.
Robert L. Brumback

Council Member Shank questioned what happened. Manager Milam stated that apparently a property owner has stated that the closing of this alley would be an inconvenience to him, noting that the key word in the State Code is "inconvenience" and the Board of Viewers duty is to report any inconveniences. Council Member Shank questioned if this is really acting in the best interest of the community when it affects so many people in the church with possibly only one person stating an objection to the closing. City Attorney Thumma commented that if the alley is used on a regular basis, and "inconveniences" anyone then a closing request will be denied. Following further comments, Council Member Rhodes offered a motion that Council accept the report from the Board of Viewers. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

✓ Manager Milam presented a report from the Board of Viewers concerning the closing of a public alley at 88 East Johnson Street. The report stated the following:

We find that no inconvenience will result in the closing of the public alley, therefore we unanimously agree that the request to close the alley located at 88 East Johnson Street be granted.

Council Member Shank offered a motion that the report from the Board of Viewers be accepted and the City Attorney be requested to prepare the proper paper work. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Manager Milam stated that the following bids were received on the Water Street bridge replacement over Blacks Run: Allegheny Construction - \$267,003.00; and Wilkins Construction - \$199,917.60, and called on Street Superintendent Baker for comments. Mr. Baker explained that this bridge badly needs replaced and called Council's attention to pictures illustrating the deteriorated beams etc. Mr. Baker stated that the bridge will be taken out entirely which means Water Street will have to be closed. Mr. Baker noted that all the businesses will have access and that the parking deck will remain open. Mr. Baker further noted that it is a 120 day contract with the clause that Water Street can only be closed for 60 days. Mr. Baker stated that they would like to start after July 4. Council Member Kite offered a motion that authorization be granted to award the contract to Wilkins Construction. The motion was seconded by Council Member Rhodes and approved with a unanimous vote of Council.

✓ City Manager Milam presented and read the following report from the Harrisonburg Transportation Safety Commission:

Upon the introduction of old business by Chairman Rhodes, Jim Baker reported that he had not had any more "sight Distance" complaints about the intersection of Washington and North Main Street since the "No Parking" zone had been created. He reported that this department was considering the use of split phases on the Washington Street lights in order to further improve the safety and design on the intersection. Noting that the only complete solution to the problem was to redesign the intersection, Ralph Smith motioned that the Commission recommend to City Council that the City investigate the possibility of purchasing the necessary right-of-way while there was still a vacant lot at the intersection. Jim Baker seconded the motion which was carried by unanimous vote of the Commission.

Following comments, Council Member Rhodes offered a motion that the report be accepted. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

✓ Council Member Rhodes questioned if there were any plans to widen Washington Street from Main to Liberty Street. Manager Milam replied that there are no plans at this point.

012 ✓ Vice-Mayor Dingledine moved that a supplemental appropriation in the amount of \$83,807.36, requested by Fire Chief Shifflett for reimbursement from Rockingham County for EOC expenses and reimbursement from the State, be approved for a second and final reading, a first reading having been approved on May 22, 1990, and that:

29,360.00	approp.	to:	1-3201-1001.06	Dispatchers
19,382.00	approp.	to:	1-3201-1010.01	Other Personal Services
1,500.00	approp.	to:	1-3201-2005.01	Hospital & Accident Insurance
4,000.00	approp.	to:	1-3201-5400.01	Other materials and Supplies
2,000.00	approp.	to:	1-3201-5413.01	Other Operating expenses
2,000.00	approp.	to:	1-3201-5415.01	Uniforms
6,000.00	approp.	to:	1-3201-7001.03	Equipment
15,065.36	approp.	to:	1-3201-7006.00	Fire Programs Fund
4,500.00	approp.	to:	1-3201-7010.00	Buildings

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ Council Member Rhodes moved that a supplemental appropriation in the amount of \$4,000.00, requested by Chief Presgrave because of insufficient funds in certain categories, which are hard to anticipate, be approved for a second and final reading, a first reading having been approved on May 22, 1990, and that:

\$4,000 chgd. to: General - General unappropriated surplus

2,000 approp. to: 1-3302-3002.01 Court appointed attorney
2,000 approp. to: 1-3302-3009.02 Board & Care of prisoners

The motion was seconded by Council Member Shank, and approved with a unanimous recorded vote of Council.

✓ Vice-Mayor Dingledine moved that a supplemental appropriation in the amount of \$58,564, requested by John Holsten for equipment and supplies for recycling and additional costs at the resource recovery facility, be approved for a second and final reading, a first reading having been approved on May 22, 1990, at that.

\$58,564 chgd. to: 09-1619.17 - Sale of Steam

58,564 approp. to: 9-1-5400.01 - Other materials &
Supplies

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ A request was presented by Recreation Director Logan for approval of a supplemental appropriation in the amount of \$2,955.00 to transfer \$1,500.00 to the general budget, for lease payment for Smithland Road property and sale of 1982 Mercury Lynx and 1974 Simplicity tractor with mower and new Holland mower at a cost of \$970.00 and for sale of wood at \$485.00. Council Member Kite offered a motion for the appropriation to be approved for a first reading, and that:

\$1,500	chgd. to	1502.01	- Rental of properties	5-22-90
			#19214	
870	chgd. to	1901.01	- Recoveries & Rebates	4-16-90
			#10642	
100	chgd. to	1901.01	- Recoveries & Rebates	9-22-89
			#07820	
100	chgd. to	1901.01	- Recoveries & Rebates	1-2-90
			#17374	
50	chgd. to	1901.01	- Recoveries & Rebates	1-8-90
			#17388	
100	chgd. to	1901.01	- Recoveries & Rebates	1-31-90
			#17237	
50	chgd. to	1901.01	- Recoveries & Rebates	2-16-90
			#17268	
135	chgd. to	1901.01	- Recoveries & Rebates	2-21-90
			#17275	
50	chgd. to	1901.01	- Recoveries & Rebates	2-23-90
			#17281	

585 approp. to 1-7101-3004.01-Maint. & Repairs - Mach.
and Equip.

870 approp. to 1-7101-3004.03 Maint. & Repairs - Auto
Equip.

1,500 approp. to 1-7101-8001.01 Rents & Leases - Equip.

The motion was seconded by Council Member Rhodes, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam presented a request from School Superintendent Hiner for approval of a transfer of funds in the amount of \$52,000 to provide funds to purchase equipment and software for computer assisted instruction-remedial program and to provide funds for summer school and pupil transportation. Council Member Rhodes moved that the transfer be approved and that:

\$20,000 trans. from: 2-62000-8000 adm./attend Health
Capital Outlay

30,000 trans. from: 2-64000-3000 Oper. & Maint.
Purchased Service

2,000 trans. from: Facilities - Purchased service

50,000 trans. to: 2-61000-8000-Instruction - Capital
Outlay

2,000 trans. to: 2-63000-3000-Pupil Transportation -
Serv. - Purchased Service

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam presented a request from Assistant City Manager Baker for approval of a transfer of funds in the amount of \$371,391.45 from the General Fund to the Community Development Revolving Revenue fund for the General Fund's share of the Ridgeville Project. Council Member Shank offered a motion that the transfer be approved, and that:

\$371,391.45 trans. from - General - Unappropriated
Fund Balance

371,391.45 trans. to. - Community Development Revolving
Revenue

The motion was seconded by Council Member Rhodes, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam presented a request from Assistant Manager Baker for approval of a transfer of funds in the amount of \$243,862.58 from the Water Fund to the Community Development Revolving Revenue for the Water Fund share of the Ridgeville Project. Council Member Kite offered a motion that the transfer be approved, and that:

\$243,862.58 trans. from: Water - Unappropriated fund
Balance

243,862.58 trans. to: Community Development Revolving
Revenue

The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam presented a request from Assistant Manager Baker for approval of a transfer of funds in the amount of \$35,300.69, from the Sewer Fund to the Community Development Revolving Fund for the sewer funds share of the Ridgeville Project. Council Member Rhodes moved that the transfer be approved, and that:

\$35,300.69 trans. from: Sewer - Unappropriated Fund
Balance

35,300.69 trans. to: Community Development Revolving
Revenue

The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council.

✓ Council Member Rhodes offered a motion that City Council send a letter of congratulations to Cheryl Wise, principal of Spotswood Elementary School, for being chosen Outstanding Principal of the Year. The motion was seconded by Council Member Kite and approved with a unanimous vote of Council. Request was also made to send a thank you letter to the Harrisonburg Kiwanis Club for having the flag pole installed at the Monument at the intersection of Gratten Street and Main Street. Appreciation was also expressed to the Street Department for helping to set the pole and to the Police Department's Honor Guard for participating in the dedication ceremony.

At 9:25 p.m., Council Member Shank offered a motion that Council enter an executive session for discussion and consideration of personnel in the Auditor's

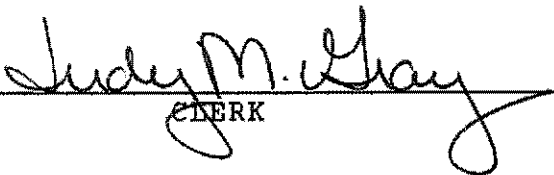
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Department, exempt from the public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia. The motion was seconded by Council Member Rhodes, and approved with a unanimous recorded vote of Council.

At 10:25 p.m., the executive session was closed and the regular session reconvened. City Attorney Thumma read the following statement which was agreed to with a unanimous recorded vote of Council. I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

Assistant City Manager gave a brief report on Erosion and Sedimentation Control in the area behind the mall.

At 10:55 p.m., there being no further business and on motion adopted, the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

JUNE 26, 1990

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m. there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Raymond C. Dingledine, Jr.; Council Members Elon W. Rhodes, Curtis F. Kite, and Charles L. Shank; City Clerk Judy M. Gray; City Auditor Philip Peterman and Chief of Police Richard Presgrave.

Minutes of the regular meeting held on June 12, 1990, approved as corrected.

✓ City Manager Milam presented and read a petition signed by residents who would like city officials to reconsider the ban of resident parking on Reservoir and Norwood Streets. The petition stated that they feel the parking area that is now designated for area residents is unsuitable and unsafe due to the distance they have to walk from their homes and apartments. Council Member Rhodes offered a motion that the petition be referred to the Harrisonburg Transportation Safety Commission. The motion was seconded by Council Member Kite and approved with a unanimous vote of Council.

✓ City Manager Milam presented and read a letter from Mr. G. L. Lineweaver, Sr. Service Representative for Virginia Power requesting the City to consider the feasibility of restricting parking in the area along East Mosby Road near the rear entrance to Virginia Power's Office. The letter stated that construction requirements involve transporting poles and other equipment of various lengths on a daily basis and negotiating this turn around parked vehicles presents a potential safety hazard as they enter or exit the property. Vice Mayor Dingledine offered a motion that this matter be referred to the Harrisonburg Transportation Safety Commission. The motion was seconded by Council Member Kite and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on June 20, 1990:

"...Attorney Steve Weaver, representing Mr. Alan Poster, asked the commission to recommend vacating of the lot lines between Lots 1 & 2 and 2 & 3 in Nelson Subdivision which is located on the north side of Neff Avenue. Mr. Poster plans to construct one commercial structure which will include the area within Lots 1, 2 & 3. The structure will be a 20-unit retail complex to be named "Valley Center."

Dr. Gardner moved for the Commission to recommend vacating lot lines between Lots 1 & 2 and 2 & 3 in Nelson Subdivision. Mr. Hartman seconded the motion and all members voted aye..."

Attorney Steve Weaver stated that this is a plat of six lots in which they are asking for the vacation of the lot line between 1 and 2 and between 2 and 3 so that this becomes one large lot. Mr. Weaver explained that Mr. Poster, through his corporation, is going to build one building on all three lots and convert this building into retail condominium space. Council Member Shank offered a motion that the recommendation of the Planning Commission be approved. The

motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Planning Commission meeting held on June 20, 1990:

"...The Commissioners reviewed a map drawn by Hal Benner, illustrating a proposal to divide Lot 2 in Weaver Addition. Dr. Robert Shouey, owner, desires to establish a 13,763 square foot lot facing South Main Street, and a 6,122 square foot lot facing Edgelawn Drive. Existing dwellings will face the respective street. The house at 1340 South Main Street is available for professional office or residential occupancy, with backyard parking spaces, and the house at Edgelawn Drive is a residence and zoned R-1 Single Family District. A letter supporting Dr. Shouey's proposal was received from Mr. Giles Stone of 1341 Edgelawn Drive, and Mr. Dwight Miller, adjacent property owner (1348 South Main Street) was present to support the division. Dr. Shouey requested a variance concerning the 6,122 square foot lot, based on the fact that the dwelling has been there over 30 years, and it has sufficient rear and side yards. Mr. Cook agreed that since the case involves existing dwellings and adequate yard and parking areas, the variance was justified.

Mr. Neff moved for the Commission to recommend division of Lot 2 in Weaver Addition, with variance concerning the proposed 6,122 square foot lot fronting on Edgelawn Drive. Dr. Gardner seconded the motion and all members voted aye..."

Planning Director Sullivan stated that the Commission is recommending the division of one long lot that faces South Main Street and has frontage on Edgelawn Drive. Mr. Sullivan explained that they are recommending a variance for the small lot which is being formed on Edgelawn Drive and has a small home located on it. Mr. Sullivan noted that the adjoining property owners support this variance. Mr. Sullivan called Council's attention to drawings of the area and noted the parking areas and a garage that is located in the back. Council Member Kite questioned if Judge Porter Graves has been notified of this request. Mr. Sullivan stated that letters were not sent to all the adjoining property owners. Following further discussion, Council Member Rhodes offered a motion that this matter be tabled to give time to notify the adjoining property owners by letter. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on June 20, 1990:

"...The Commissioners reviewed the Final Plan for Willow Hills Subdivision, Unit 4. Developer Ike Rowan said he plans to build single family homes on the 16-lot subdivision. Willow Hill Drive will be extended southwesterly to the end of the property (so that it may be continued to Pear Street in the future) and a short cul-de-sac, Flory Court, will extend southeasterly to serve 5 lots. Mr. Rowan said he met with Water and Sewer Superintendent Collins concerning water and sewer line requirements and he'll install what the City requires. The Director noted that easement locations and lot depth adjustments have been made since the Commission saw a preliminary plat in March. he also added that we encouraged RCR Associates to develop Unit 4 rather than pursue the Central Avenue extension plans.

Mr. Rhodes moved for the Commission to recommend approval of the Final Plan for Willow Hills Subdivision, Unit 4. Mr. Neff seconded the motion and all members voted aye...."

Mr. Ike Rowan in referring to a letter that was written to City Council from Planning Director Sullivan called Council's attention to a notation on the letter which states the Planning Commission recommends approval provided the Water and Sewer Superintendent, Street Superintendent, City Engineer and Fire Chief are satisfied with construction plans. Mr. Rowan explained that he has gotten approval from everyone except the City Engineer who wants something that he is not willing to accept. Mr. Rowan explained that the subdivision has a 250 foot strip of road which they have meet all the proper grades for. Mr. Rowan explained that the State code states that you have to have a view of 215 feet on streets with 30 mph speed limits, but further noted that the State does not enforce this. Mr. Rowan explained that the City Engineer wants him to bring the subdivision up to this state code standard, and he feels it is unreasonable for the City to be more restrictive than the State of Va. Mr. Rowan further explained that if he does what the City Engineer wants him to do that he will have to layout the entire subdivision again including all water, sewer and sanitary sewer lines. Mr. Rowan stated that he would like to resolve this problem with Mr. Wilcox, but to do so he will need help from other City staff. Following comments from Planning Director Sullivan, Mayor Green requested that Planning Director Sullivan and Assistant City Manager Baker meet with Mr. Rowan prior to the next City Council meeting.

Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on June 20, 1990:

"...Mr. Sullivan reminded the Commissioners that a public hearing was held on April 18, 1990, to consider rezoning properties owned by Mosby Heights Associates and JMU Foundation, south of West Mosby Road and west of South Main Street. No decisions were made in May. After the Director reviewed an overall neighborhood map, Mr. J. R. Copper showed the Commissioners a potential layout of street and lots for the JMU Foundation property, and the existing layout of Mosby Heights Apartments. He said there is some interest in constructing a business function in the proposed 7.1 acre business area of JMU's property, but no plans exist to develop the proposed R-3 acreage. He stated that if rezoned to R-3, the 18.6 acres would be marketable. Chairman Hughes listed several options, including one for JMU Foundation to withdraw its R-3 request until interest in developing the land is realistic. Mrs. Kevin McClatchy of 1614 Central Avenue asked the Commission to delay the R-3 request until the City's Comprehensive Plan is adopted. Mr. Wassum asked if the Commission shouldn't wait for adjoining property owners to respond and Dr. Gardner asked if it is wise to establish an R-3 district surrounded by R-2 zoning?

Mr. Rhodes concluded the discussion with a motion for the Commission to recommend rezoning of Mosby Heights Apartments (13 acres) from R-2 to R-3 Multiple Dwelling District, and 7.1 acres of JMU Foundation's property from R-2 to B-2 General Business District. Mr. Wassum seconded the motion. Mr. Copper then stated he was withdrawing JMU's request to rezone 18.6 acres from R-2 to R-3. Mr. Rhodes amended his motion to include JMU's withdrawal of the R-2 and R-3 section. Mr. Wassum accepted the amended motion and all members voted aye..."

✓ Mr. J. R. Copper noted that a public hearing needs to be scheduled to hear the Mosby Heights Apartment rezoning request and further noted that the Foundation has withdrawn the R-3 portion of the property because of concern over the actual development of the property. Mr. Copper stated that this will be brought back at a latter date when they have a buyer. Mr. Copper explained that the B-2 portion of the request was tabled at the June 12, 1990, City Council meeting for additional discussion and recommendation. Mr. Copper stated that it was discussed again at the Planning Commission and they came back with another unanimous recommendation for approval of the B-2 portion. Mr. Copper noted that the Foundation does have interest in this property from a wholesale distributor which would allow funds to build the street. Mr. Copper further noted that the Foundation has an agreement with the adjoining property owners that the road running along the back of the property would be jointly built. Council Member Rhodes offered a motion that a public hearing be scheduled for July 24, 1990, to hear the request to rezone Mosby Heights Apartments from R-2 to R-3. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council. Vice Mayor Dingledine offered a motion that the recommendation of the Planning Commission to approve the request to rezone 7.1 acres of the JMU Foundation's property from R-2 to B-2 be approved. The motion was seconded by Council Member Kite and approved with a unanimous vote of Council.

✓ City Manager Milam presented for Council's consideration of a second and final reading an ordinance enacting section 4-2-16, Tax on criminal and traffic cases, of the Harrisonburg City Code. City Attorney Thumma stated that the only change since the first reading, is that the words "and ordinary maintenance" were added to the first paragraph. Council Member Kite offered a motion that the ordinance be approved for a second reading. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam presented for Council's consideration of a second and final reading an ordinance amending and re-enacting Section 13-1-3, Adoption of State Law, of the Harrisonburg City Code. Council Member Rhodes offered a motion that the ordinance be approved for a second reading. The motion was seconded by Council Member Shank and approved with a unanimous recorded vote of Council.

✓ City Manager Milam called Council's attention to their copies of the plans for the joint Judicial Complex, County of Rockingham/City of Harrisonburg showing schemes "A", "B", "C" and "D". Manager Milam also called Council's attention to their copies of the preliminary architectural programs concerning square footage needs of the various areas. After explaining the four different schemes, Manager Milam stated that the committee would like for the Board of Supervisors and the City Council to select one of the schemes. Council Members Rhodes noted that the way these schemes are designed, it seems the City would be loosing a lot of the tax role. Manager Milam stated that he has the Redevelopment and Housing Authorities' estimates on some of the land costs, and further noted that the Wetsel Property in the Redevelopment and Conservation Plan was designated not to be acquired. Mayor Green suggested that the Council take time and look over the four schemes presented and further suggested that they meet with the architects to discuss and explain the reasons behind the various plans.

✓ Council Member Shank moved that a supplemental appropriation in the amount of \$2,955.00, requested by Recreation Director Logan to transfer \$1,500 to the general budget, for lease payment for Smithland Road property and sale of 1982 Mercury Lynx and 1974 Simplicity tractor with mower and new Holland mower at a cost of \$970.00 and for sale of wood at \$485.00, be approved for a second and final reading, a first reading having been approved on June 12, 1990, and that:

open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Inasmuch as Council's public hearing was held on June 12, 1990, to hear citizen's views and comments concerning appointments to the City School Board, Mayor Green said that consideration should be given at this time for two appointees due to the expiration of the second term of Mr. Carson I. Moore and the expiration of the first term of Mr. John J. Broaddus. Council Member Kite moved that Mr. Greg L. Coffman of 66 West Laurel Street be appointed to a first term of three years on the School Board representing the west ward, to expire June 30, 1993. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council. Vice-Mayor Dingledine offered a motion that Ms. Jean Foerster Gearing, of 540 South Mason Street be appointed to a first term of three years on the School Board representing the east ward, term to expire June 30, 1993. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.


✓ Mayor Green called Council's attention to the fact that the first term of Mr. Jack Neff, on the Board of Public Welfare will expire on June 30, 1990. Council Member Rhodes offered a motion that Mr. Jack Neff be appointed to serve a second term of four years on the Board of Public Welfare, term to expire June 30, 1994. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Blue Ridge Diversionary Program Community Correction Resources Board inasmuch as Ms. Agnes M. Weaver's term will expire on June 30, 1990. Vice-Mayor Dingledine offered a motion that Ms. Agnes M. Weaver be appointed to serve another term on the Board. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Board of Plumbing Examiners inasmuch as Mr. James W. Blauch has resigned from the Board. Council Member Kite offered a motion that Mr. Craig M. Miller, of 1027 Waterman Drive, be appointed to the Board of Plumbing Examiners. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

At 10:15 p.m. the being no further business, and on motion adopted, the meeting was adjourned.


CLERK


MAYOR

REORGANIZATION MEETING

MONDAY, JULY 2, 1990

✓ At a reorganization meeting held in the Council Chamber today at 10:00 a.m. there were present: City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Council Members Walter F. Green, III; Raymond C. Dingleline, Jr., Elon W. Rhodes, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave.

The following special meeting call was presented:

An emergency existing, there will be a special meeting of the City Council, required by Section 42 of the City Charter, to be held in the Council Chamber on Monday, July 2, 1990, at 10:00 a.m., 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: Dr. Walter F. Green, III and Mr. C. Robert Heath.
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 ATTORNEY, 2 year term City Code Section 3-2-1
 - e. Appoint COLLECTOR OF DELINQUENT TAXES, 2 year term City Code

Section 4-1-41
f. Appoint one member of Council to Planning Commission, City Code Section 10-1-2(c)

4. Designate regular meeting times and dates (Currently 2nd and 4th Tuesdays of each month at 7:30 p.m.)
5. Other matters

City Clerk Gray reported that she was in receipt of Oaths of Office, duly taken by Dr. Walter F. Green, III, and Mr. C. Robert Heath.

Under Item 3 of today's agenda, "Re-organization of City Council, section a through f, the following actions were taken:

City Manager Milam entertained a nomination for Mayor of the City of Harrisonburg. Council Member Kite stated that Harrisonburg's history is attributed to many experienced people who have helped make the City a great City. Council Member Kite noting, that Dr. Green has served on the City Council for 20 years and that experience means a great deal, offered a motion that Dr. Walter F. Green, III be re-appointed Mayor, for a term

of two years expiring June 30, 1992, under Section 7 of the City Charter. The motion was seconded by Council Member Rhodes and approved with a majority vote of Council with Dr. Green abstaining.

Mayor Green expressed appreciation for the support of the Council Members, and proceeded to preside over the remainder of the meeting.

Council Member Dingledine, noting that it has been an honor and privilege to serve as Vice-Mayor, stated that he felt that there was no one better qualified to serve in this capacity than Council Member Rhodes. Council Member Dingledine offered a motion that Mr. Elon W. Rhodes be nominated to serve as Vice-Mayor of the City of Harrisonburg for a term of two years, expiring June 30, 1992, under Section 7 of the City Charter. The motion was seconded by Council Member Kite, and approved with a majority vote of Council with Council Member Rhodes abstaining. Mayor Green, on behalf of the City Council, expressed appreciation to Council Member Dingledine for all he has done for the City of Harrisonburg.

Council Member Heath offered a motion that Marvin B. Milam be reappointed for a term of three years as City Manager, expiring June 30, 1993. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

On motion of Vice-Mayor Rhodes, seconded by Council Member Dingledine, and a unanimous vote of Council, Mr. Earl Q. Thumma, Jr., was reappointed as City Attorney.

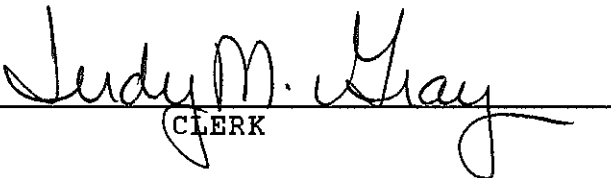
Council was reminded that the present two year term of Delinquent Tax Collector, held by City Treasurer Beverly S. Miller, will expire as of December 31st of this year. Council Member Heath moved the Mrs. Miller be reappointed to serve as Delinquent Tax Collector for the City of Harrisonburg, beginning 12/31/90 and expiring 12/31/92. The motion was seconded by Vice-Mayor Rhodes and adopted by a unanimous vote of Council.

Council Member Dingledine stated that in view of the fine job Mr. Rhodes has done in representing the Council on the City Planning Commission, he would offer a motion for Mr. Rhodes to continue to serve in that capacity. The motion was seconded by Council Member Kite and approved with a majority vote of Council with Mr. Rhodes abstaining.

Mayor Green stated that the City Auditor and City Clerk serve at the pleasure of Council.

Mayor Green noted that the regular City Council meetings will continue to be held on the 2nd and 4th Tuesdays of each month at 7:30 p.m.

There being no further business, and on motion of Council Member Kite, seconded by Council Member Heath, and a unanimous vote of Council, the meeting was adjourned at 10:09 a.m.


CLERK


MAYOR

REGULAR MEETING
JULY 10, 1990

✓ At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m. there were present, Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Chief of Police Richard Presgrave and City Auditor Peterman. Absent: Council Member Raymond C. Dingledine, Jr.

Minutes of the regular meeting held on June 26, 1990, approved as read.

✓ Mr. James R. Perkins, President of Blue Ridge Community College, was present in the meeting to make a presentation to the Council on behalf of Blue Ridge Community College. Mr. Perkins thanked the Council for their support and noted that Mr. Price Lineweaver and Ms. Julia Grandle, who represent the City on the College Board are very active valuable members of the board. Mr. Perkins noted that this was a record year for the college with approximately 2500 students enrolled in the various programs the college offers. Mr. Perkins explained that two new programs were offered this year one being a nursing program and an industrial technologies program. Mr. Perkins also noted that they would like to expand the facility by adding a science and technologies center. Mr. Perkins explained that the facility is one of the oldest in the State and in need of some upgrading, stating that he is currently working on a 10 year plan for the college. Following additional comments, Mr. Perkins concluded in again thanking the City Council for their generous support of the college.

✓ City Manager Milam presented a letter from The Wetsel Seed Company, Incorporated and F & K Auto Parts, Inc. requesting that a portion of the Black Marble Addition Plat be vacated and resubdivided. Vice-Mayor Rhodes offered a motion that the request be referred to the Planning Commission. The motion was seconded by Council Member Kite and approved with a unanimous vote of Council Members present.

✓ City Manager Milam presented a Youth Services Commission Resolution and called on Mr. Jack Cavanaugh for comments. Mr. Cavanaugh explained that what is really needed is a joint resolution between the City Council and the Board of Supervisors. Mr. Cavanaugh also noted that the resolution needs to contain a statement that the City Council and Board of Supervisors will consider the possibility of helping to fund the project. Following comments, Mayor Green requested City Attorney Thumma to work something out with the County Attorney.

✓ City Manager Milam presented and read the following notice:

You are hereby notified that on July 10, 1990, at 7:30 p.m. in the City Council Chambers, at the Municipal Building, 345 South Main Street, Harrisonburg, VA 22801, I will present to the City Council a report on the unsafe, dangerous and unsanitary condition of the building (formerly The Train Station Restaurant) located at 700 Port Road, Harrisonburg VA 22801 and request that the City Council compel the abatement and removal of the above described nuisance. You have the right to appear at the above time and place, in order to be heard on this matter. See Section 23 of the Charter of the City of Harrisonburg and Section 15-3-1 of the Harrisonburg City Code.

Marvin B. Milam
City Manager

Manager Milam noted that he has spoken with Mr. Trout, and Mr. Trout has indicated a willingness to have the building razed. Mr. Trout noted that due to delays, construction should be started by the end of this month and that demolition of the existing building will be within a couple of weeks. Mayor Green requested that this matter be continued on Council's agenda to monitor the progress.

✓ Manager Milam called on Transportation Director Reggie Smith to review with City Council the new proposed bus routes between the City of Harrisonburg and JMU. Mr. Smith explained that three years ago the City and VDOT funded a consultant to come in and look at transportation needs in the city. Mr. Smith noted that with JMU closing their housing at Howard Johnsons and with the growth the City has had it is a good time to proceed with this bus system. Mr. Smith noted that the City is fortunate to have JMU to help support the bus system and further noted that what is proposed is a system that will provide service to the citizens of Harrisonburg and the students of JMU. Mr. Smith explained that the system will go from a four bus system to a six bus system, with six buses operating only while JMU is in session. Mr. Smith reviewed the six schedules of the system and noted that the new system will be adding 5000 hours of service each year. Mr. Smith explained that the contract with JMU will be increased from \$116,000 to \$200,000 per year. Mr. Smith also noted that the proposed contract is a one year contract and further noted that the consultant is studying a long term contract that they hope to incorporate after the first year. Following further comments, Council Member Heath offered a motion that the contract between the City and JMU for bus service be approved. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council Members present.

✓ Transportation Director Smith also presented a proposal for increased taxi fares. Mr. Smith called Council's attention to an expense sheet illustrating the

operating loss in running the taxis. Mr. Smith explained that there has not been a rate increase since 1983, with the costs of operating a vehicle greatly increasing. Mr. Smith noted that the rate increase is very much in line with the surrounding localities. In the past, Mr. Smith noted that Council was concerned about the effect a taxi rate increase would have on persons living on fixed incomes. Mr. Smith explained that to compensate for this, senior citizens will receive \$1.00 off any fare of \$3.00 or more. Mr. Smith explained that the additional traffic in town has really run their costs up with the drivers not being able to make as many trips. Mr. Smith also added that persons in most cases do not have to ride a taxi with the bus system available, and further pointed out that a good percentage of riders are not Harrisonburg residents. Following further comments and questions, Council Member Kite offered a motion that the taxi cab rate increase be approved. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council Members present.

✓ City Manager Milam called Council's attention to a certified letter, prepared by the City Attorney, which was sent to Michael Brothers, Inc. at the request of City Council. Manager Milam further noted that the City Staff is prepared to present some facts and show slides to the Council concerning Greendale Subdivision that has been underway for more than three years and has yet to be completed. City Engineer Wilcox gave a brief history of the subdivision stated that the original plans were presented in January of 1987. Street Superintendent Jim Baker called Council's attention to a map of Greendale Subdivision and pointed out the following areas: storm drainage, drainage ditches or detention areas and street surface repair areas. Mr. Baker and Mr. Wilcox then showed numerous slides of the subdivision pointing out the various problems within the subdivision. One of the first major problem areas pointed out was the storm drainage pipe which was improperly installed and now is in a deplorable condition. Mr. Baker also pointed out various streets within the subdivision where the surface treatment is deteriorating and noted that the streets need an overall cleaning to remove the stone and siltation. Another problem area pointed out is the area that was intended to be a dry pond which is full of debris and swamp areas which make it impossible to mow and maintain. Mr. Wilcox further pointed out that there is a question as to who maintains this area. Following further discussion of the slides, Mr. Wilcox noted that all the problems areas have been reported numerous times to the developer and are on the final punch list. Mr. Wilcox also stated that he does not feel the property owners are aware that they have to maintain the easements. City Attorney Thumma noted that he spoke with Mr. Bennie Roach, City Inspector, and Mr. Roach stated that all the punch list items have been taken care of with the exception of a couple of manholes and the curb cuts and that the paver is to be there by the end of the month to make these repairs. Mr. Thumma further stated that it is his understanding, from talking with Michael Brother's attorney, that the drainage pipe and easements were never intended to be conveyed to the City as set up in the restrictive covenant. Mr. Thumma further stated that Michael Brothers intend to give the City a letter stating that under the restrictive covenant the easements are to be maintained by the property owners and they also are going to state that they intend to stand behind the drainage pipe as far as the property owners are concerned. As for the remaining easements that carry the city utilities, Mr. Thumma noted that Michael Brother's attorney stated that he is preparing a deed conveying these easements to the City. Mr. Wilcox again expressed concern over what happens five years from now when a big rain washes out the drain pipe and front lawns are damaged; as to who decides who is responsible for the repair of the lawns. Mr. Wilcox questioned how the City is going to get Michael Brothers to go in and make the repairs. City Manager Milam stated that he feels the City is responsible to the property owners to some degree right now in seeing that they are getting a fair installation regardless of who is going to maintain the pipe. Mr. Milam further noted that the subdivision does not have a bond, but that the City can still request one before it accepts the project. Following further discussion, Mayor Green requested City Staff to follow up on this matter and report back to Council at the next meeting.

✓ Correspondence was presented from the City Treasurer, submitting a report of delinquent taxes remaining unpaid at the close of fiscal year ending June 30, 1990:

<u>Year</u>	<u>Tax</u>	<u>Amount</u>
1986	Personal Property	\$13,730.62
1987	Personal Property	11,702.21
Prior to 1987	Real Estate	24,437.48
1988	Personal Property	21,851.32
1988	Real Estate	27,807.60
1987	Real Estate	6,282.94

A list of delinquents taxes on Real Estate and Tangible Personal Property for the year 1989 as required by Chapter 20, Sec. 58-978 of the Tax Code of Virginia, and Article 9, Sec. 4-1-28 of the City Code was also submitted and is available for public inspection in the City Manager's Office.

✓ City Manager Milam presented an easement for the Harrisonburg-Rockingham Regional Sewer Authority prepared by the Regional Sewer Authority's engineer. Manager Milam explained that it is a request for a 36 inch sanitary sewer easement, a 24 foot permanent easement near the sewerage treatment and a 50 foot construction easements which is about 263 lineal feet and is located at the head end of the old sewerage treatment plant up to Valley Block. Following further comments, Vice-Mayor Rhodes offered a motion that the easement be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of

Council Members present.

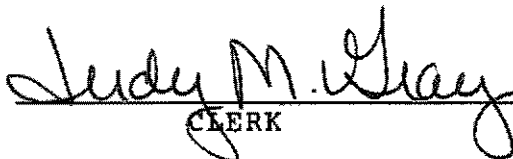
✓ City Manager Milam called Council's attention to Schemes "A", "B", "C", and "D" for the Joint Judicial Complex, County of Rockingham/City of Harrisonburg. Manager Milam noted that since all the schemes involve a large number of real estate, that it might be advisable to have a joint meeting with the Board of Supervisors before a decision is made. Vice-Mayor Rhodes stated that he is in favor of a joint meeting because he feels too much real estate is involved that will take away from the tax role. Following further comments, it was decided that a joint meeting between the City Council and Board of Supervisors will be arranged.

✓ Manager Milam called on Lester Seal, CPA to review the bond issue that is now outstanding concerning rates and possible ways to save money. Mr. Seal stated that he would like to see the City do a refunding bond issue to refund the resource recovery bond of 1981 since the bond rates now are considerably lower than what the City is presently paying. Mr. Seal explained that it would take approximately 11 million dollars to refund the bond issue but the City could save one million by doing so because of the lower interest rates. Another alternative to this, Mr. Seal explained, is to call the bonds, in which you have two bonds outstanding, but the old one is defeased and is no longer rated and the City would not be obligated to pay on it. Mr. Seal then reviewed a schedule of cost and savings if the call provision is exercised. Mr. Seal also reviewed the responses that were received from the RFP #1990 -1(Underwriter). Manager Milam noted that the next move, if the City Council wants to do this, is to select one of the underwriters, then select an attorney, and possibly a financial advisor to give their opinion on what the underwriters are proposing. Following further discussion, Council Member Heath stated that he would like to see this followed up on in 30 days since the interest rates are down. Manager Milam noted that the City should go ahead and interview some of the underwriters, since it will take a minimum of two months to go through the whole procedure.

✓ City Manager Milam presented a request from the Rockingham Chamber of Commerce for the rezoning of .443 acres located on the east/north side of Vine Street and Country Club Road. Vice-Mayor Rhodes offered a motion that this request be referred to the Planning Commission. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council Members present.

Mr. Tanies G. Rontopoulos, owner of George's Soda & Sandwich Shoppe, noted that the new jail complex is something that the Police and Sheriff's office needs, but further stated that he hates to see small businesses run out of the downtown. Mr. Rontopoulos noted that the City needs to stand behind the small businesses.

At 9:50 p.m., there being no further business, and on motion adopted, the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

JULY 24, 1990

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m. there were present, Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Chief of Police Richard Presgrave and City Auditor Peterman.

Minutes of the regular meeting held on July 10, 1990, approved as read.

At 7:40 p.m. Mayor Green closed the regular session temporarily and called the evening's first public hearing to order. City Manager Milam read the following notice as it appeared in the Daily News Record on Tuesday, July 10, and July 17, 1990:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, July 24, 1990, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street Harrisonburg, Virginia, to consider this rezoning request.

To rezone Mosby Heights Apartments, 2510 Mosby Court,
from R-2 Residential to R-3 Multiple Dwelling District.
Applicant: Mosby Heights Associates.

A map is available for review in the Department of Community Development Office, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

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 explained that at the time when Mosby Court was built, R-2 regulations allowed four units per building. Mr. Sullivan further explained that in 1987 when the zoning text was amended, any future development of three or four unit apartment buildings was eliminated. Mr. Sullivan noted that the Mosby Heights Associates are simply asking that the city change their acreage and their development of 112 units so the existing project will conform to the text. Mr. Sullivan stated that they have no plans to add additional units and that all their acreage is used for the existing buildings, play areas and parking lots. Mr. Sullivan also noted that this case came about when the JMU Foundation requested about a 19 acre area immediately adjacent to this for R-3. Mr. Sullivan also noted that the JMU property has been withdrawn temporarily from this until they find a developer. Mayor Green called on anyone desiring to speak for the rezoning. Mr. J. R. Copper, representing Mosby Heights Associates, called Council's attention to a map and pointed out the location of Mosby Heights Apartments. Mr. Copper reiterated many of the points expressed by Mr. Sullivan. Mayor Green called on anyone else present desiring to speak either for or against the rezoning. There being no one else present desiring to be heard, at 7:45 p.m. the Public Hearing was declared closing and the regular session reconvened. Council Member Heath offered a motion that the rezoning request be approved. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

✓ At 7:46 p.m. Mayor Green closed the regular session temporarily, and called the evening's second public hearing to order. City Manager Milam read the following notice as it appeared in the Daily News Record on Saturday, July 14, and July 21, 1990:

The Harrisonburg City Council will hold a public hearing on Tuesday, July 24, 1990, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following application to vacate a ten (10) foot alley, in the City of Harrisonburg:

A request of Harrisonburg Redevelopment and Housing Authority to vacate a ten (10) foot alley, that runs from the north side of East Johnson Street to an unused alley that runs along the north property line of the lot owned by the Authority. Harrisonburg Redevelopment and Housing Authority owns the property located on both sides of the undeveloped street.

Copies of the recommendations of the City Planning Commission and the Harrisonburg Board of Viewers, along with a copy of a plat showing the alley to be vacated are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

MARVIN B. MILAM, CITY MGR.

Planning Director Sullivan pointed out the location of the property on the map and stated that it is located just east of the old Imperial Ice Cream Company and just north east of the parking lot surrounding Roses. Mayor Green called on anyone present desiring to speak either for or against the closing. There being no one present desiring to be heard, the public hearing was declared closed and the regular session reconvened. Council Member Kite offered a motion that the alley closing request be approved and for the City Attorney to prepare the necessary ordinance. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

✓ City Attorney Thumma noted that he prepared a joint resolution establishing a Youth Services Commission and sent it out on July 18, 1990, to the County's attorney, Mr. Aldhizer, with a copy to the City Manager and to Jane Hubble. Mr. Thumma stated that he spoke with Mr. Aldhizer and Bill O'Brien, the County Administrator, and they indicated that they do not have any objections to the resolution, but that the resolution will be on the Board of Supervisors agenda for Wednesday evening. Mayor Green requested the matter be carried over to the next City Council meeting pending the Board of Supervisors' action.

✓ In reference to The Train Station Restaurant located at 700 Port Road, Manager Milam stated that as of late this afternoon the building had been demolished and most of the debris has been hauled away. Manager Milam suggested that this matter be continued on the next meetings' agenda to make sure it is properly cleared.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on July 18, 1990:

"...A map of the East Market Street commercial corridor was reviewed, and Mr. Sullivan noted that Shoney's Motel and Restaurant, Market Square East Shopping Center and other nearby businesses along the south side of East Market Street were constructed in the M-1 Industrial District when general businesses were permitted under the M-1 Industrial zone. After the zoning text amendments were approved in September 1987, these developments became nonconforming. Chairman Hughes said he has received letters favoring the rezoning from Aston Properties of Charlotte, N.C. and Harman Construction, Inc. of Harrisonburg. Zoning Administrator Cook said he became aware of the nonconforming issue earlier this year and Aston-Harman had not been aware of their zoning problem. Mr. Orden Harman spoke in favor of the rezoning. No one spoke again it.

Mr. Hartman moved for the Commission to recommend that the Aston-Harman and Cloverleaf Properties be rezoned from M-1 Industrial to B-2 General Business District. All members present vote aye..."

Vice Mayor Rhodes offered a motion that the Planning Commission Report be accepted and that a public hearing be scheduled for August 14, 1990. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on July 24, 1990

"... Attorney Henry Clark, representing Ray Carr Tires, Inc. told the Commissioners that this client located their recapping, reconditioning operation on land west of Virginia Route 42 in 1967 and it was in the county. Mt. Clinton Pike was opened by the Carr facility in 1981, and the homes on nearby Woodleigh Court and Stuart Street were built 10 to 14 years ago. Ray Carr Tires' 5.6 acres were zoned M-1 Industrial by the county. In 1983, the City zoned them B-2 General Business when the newly annexed territory was rezoned. His client wasn't aware they had been rezoned to B-2 General Business. While "grandfathered" and therefore allowed to operate the recapping and reconditioning business, they won't be allowed to expand or rebuild if damaged 50% or more.

Mr. Neil Braithwaite, 1169 Stuart Street, presented a petition signed by 143 Holiday Hills residents. It suggests that a "written Grandfather Clause of exemption to current zoning requirements be given to Ray Carr Tires, Inc. in lieu of a zoning change." Mr. Braithwaite said the residents aren't trying to close Ray Carr Tires, but fear that other types of industrial functions could move in if the site is sold in the future. He also labeled the request as "spot zoning." Also speaking in opposition: Ms. Joan Frederick, 1139 Woodleigh Court; Mr. Allen Nichol, 1141 Woodleigh Court; Mr. Orden Harman for Eastern Mennonite High School, and Mr. Ron Heiper for Eastern Mennonite College. Mr. Forrest Palmer, chairman of the City's Board of Zoning Appeals, expressed concern about having a written grandfather's clause. There are numerous situations where the term is used, but circumstance vary greatly.

After closing the hearing, Commissioner Wassum said he had trouble seeing an M-1 zone dropped between a single family zone and a high school & college campus. He then moved for the Commission to recommend denial of Ray Carr Tires, Inc. "spot rezoning" at 781 Mt. Clinton Pike, from B-2 General Business to M-1 Industrial District. Mr. Rhodes seconded the motion. All members present voted for the motion..."

Following comments from Planning Director Sullivan, Vice-Mayor Rhodes offered a motion that the report of the Planning Commission be accepted and any further action be delayed until Ray Carr Tires' attorney can be contacted. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on July 18, 1990:

"...The Commissioners reviewed the Final Plat of a resubdivision of Lot 9, Section A in Hilltop Addition. Mr. Sullivan explained to the Commissioners that the Harrisonburg Redevelopment & Housing Authority owns the property on the northeast corner of Kelley & Hill Streets and desires to establish two single family lots, each with 9,175 square feet. The property is zoned R-2 Residential. Minimum lot size requirement is 7,000 square feet for single family dwellings. Hill Street will have to

be constructed to serve proposed Lot 9B.

Dr. Gardner moved and Mr. Rhodes seconded his motion to recommend approval of the resubdivision of Lot 9, Section A in Hilltop Addition. All members voted aye..."

Vice-Mayor Rhodes offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on June 20, 1990:

"... The Commissioners reviewed maps and a letter from Wetsel Seed Company and F & K Auto Parts, Inc., requesting resubdivision of several lots in the Black Marble Addition and vacating of portions of undeveloped Monroe Street. Mrs. Doris Pye from Hoover, Hoover, & Penrod law firm and Mr. Hal Benner, surveyor, described the proposal. Wetsel's and F & K Auto Parts desire to exchange certain lots. The two firms occupy the land, including most of undeveloped Monroe Street. Mr. Nelson Wetsel was also present to tell the Commissioners that Wetsel's and F & K Auto Parts have worked out a mutual agreement for the necessary exchanges of property. An aerial photo was shown, to orient the Commissioners to the uses of the land.

Mr. Hartman moved, and Dr. Gardner seconded his motion for the Commission to recommend approval of the resubdivision of Black Marble Addition, and that a Board of Viewers be appointed to consider closing of part of Monroe Street west of North Liberty Street. All members present voted aye..."

Following comments from Planning Director Sullivan, Council Member Heath offered a motion that the resubdivision of Black Marble Addition be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council. Vice-Mayor Rhodes offered a motion that the Board of Viewers be requested to review the closing of part of Monroe Street west of North Liberty Street. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ In regards to the Greendale Subdivision, Manager Milam stated that there have been no improvements from the developer in the past two weeks. Manager Milam noted that the subdivision was approved by the Planning Commission in 1987, and the homes have proceeded to be built and the streets are privately owned. Manager Milam further noted that the streets have not been completed sufficiently for the City to take them over for perpetual care. Mr. Vern Michael, developer of Greendale Subdivision, stated that the City paved the streets and that the streets do have some flaws in them, but the City cut them up. Mr. Michael further noted that he was not notified of this Council meeting or the previous Council meeting and feel that this is "more of a lynching than anything else." Mr. Michael further stated that he is not prepared at this time to make a formal statement because he was not notified of the meeting. Mr. Michael also stated that there are some things that need to be taken care of, but referred Council to Mr. Bennie Roach's, the City Inspector, report which states that everything is basically accepted. Mr. Michael also noted that he has been told this same thing for the past three months. Mr. Michael stated that he is offering the most affordable lots in the City and further noted that "some of the people working for the City Council jump from one developer to another trying to make blame on everybody." Mr. Michael concluded in encouraging the Council to evaluate what Mr. Roach stated which is that everything had been reviewed and has been accepted. Mr. Michael stated that he has had problems with water run off, but noted in hilly terrains there is not much you can do about it but they have tried to address the problem. Mr. Art Wilcox, City Engineer, noted that he has a punch list dated January 23, 1990, which everything has been completed on but called Council's attention to note which states that a 50" by 30" corrugated metal pipe is damaged in several places and has not been corrected. It was also stated that there is a detention area on Blaze Court that is silted up and malfunctioning. Mr. Wilcox stated that this has come up since the inspection. Mr. Jim Baker, Street Superintendent, noted that the streets were paved as a cooperative means in assisting the developer but this does not imply that the City has accepted the streets. Mr. Baker noted that there are several drive way entrances cut by the developer that need to be repaired. Mr. Baker also noted that he has been with Mr. Roach on most of the inspections and noted that each time an inspection is made there are some things corrected, but he has yet to see all the punch list items corrected. Mr. Michael stated that the curb entrances have been made, but further noted that he has an agreement with Partners Excavating that when they come to prepare the road they will also fix the curb cuts. Following further comments, Mayor Green requested that Mr. Vern Michael get with Assistant City Manager Roger Baker to get things straightened out. Mr. Mark Fedorka questioned if the citizens will be responsible for the corrugated pipe, and noted that he would like to know just what the property owners are responsible for. Mayor Green suggested the Mr. Fedorko give his name and telephone number to Mr. Baker so he can be contacted before anything is done. Mayor also noted that this

will be continued on the next City Council's agenda. Manager Milam noted that the matter will be brought back to City Council before the streets are accepted.

✓ City Manager Milam explained that the lease for the Harrisonburg Rockingham Historical Society is renewed every June. Manager Milam noted that the Historical Society is located on the first and second floors of the building, which is located at 301 South Main Street, with the Fire Chief housing the ground floor. Manager Milam stated that he is requesting Council to renew the Historical Society's lease for one year to expire June 30, 1991, for the first and second floors of the building at 301 South Main Street with the exception of the two offices to the left of the main entrance. Council Member Heath offered a motion that the Historical Society's lease be renewed for one year and except from the lease the two rooms to the left of the main entrance. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

A meeting between the City Council and the Board of Supervisors was tentatively scheduled for Monday, July 30, 1990, at 7:30 p.m. in the office of McClintock and Harris at 1 Court Square. It was noted that the meeting will be confirmed and all Council Members will be notified.

✓ Manager Milam noted that his office has been receiving complaints from the North Liberty Street neighborhood concerning an odor in the area. Manager Milam stated that these complaints have been referred to the Health Department, and the Health Department is working with the Department of Agriculture to investigate the problem to pin point the exact location. Manager Milam noted that the Department of Agriculture will possibly be starting the investigation on Wednesday.

At 8:25 p.m., Council Member Heath offered a motion for an executive session to discuss and/or consider the following: Discussion and consideration of the prospective candidates to be appointed to the Board of Public Welfare, Community Services Board, Valley Program for Aging Services Board, Harrisonburg Rockingham Regional Sewer Authority and the Central Shenandoah Planning District Commission Solid Waste Management Study Committee exempt from the public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia; and discussion or consideration of the leasing of publicly held property exempt from the public meeting requirements pursuant to section 2.1-344(3) of the Code of Virginia. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

At 9:30 p.m., the executive session was closed and the regular session reconvened. City Clerk Gray read the following, which was agreed to with a unanimous recorded vote of Council. I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

At 9:32 p.m., there being no further business and on motion adopted the meeting was adjourned until 7:30 p.m. on Monday, July 30, 1990.

Ludyn M. Gray clerk

Walter F. Jones Mayor

July 30, 1990

✓ Joint meeting between the City Council
and the Board of Supervisors

The City Council meeting reconvened at 7:30 p.m., in the office of Ed McClintock.

County Administrator Bill O'Brien passed out copies of news articles relating to the joint city/county jail and stated that the original plans for the jail were for a 132 bed facility, but a follow-up study, done by the Department of Corrections, indicated that a 132 bed facility would be at capacity by the year 1993 or 1994. As a result of this study, the Department of Corrections recommended a 220 bed facility which would carry into the next century. Mr. O'Brien noted that this is where the escalated costs have come from. Mr. O'Brien also noted that time plus the increased scope, plus adding facilities to serve the juvenile domestic court and general district court have also added to the increased costs.

In response to the creation of a regional jail, Mr. O'Brien stated that the only commitment they have is that five beds have been reserved for the U.S. Marshall Service, for which in turn they will contribute \$150,000 towards the construction costs.

Mayor Green questioned if it is feasible to look at building onto the Safeway Building or the Municipal lot and add on the Police Station to house the sheriff. Mr. Chuck Ahrend noted they want to build the jail on less expensive property and Sheriff Weatherholtz noted that transportation is a big cost and the most dangerous time to the public and to his people. Mr. Weatherholtz also noted that additional personnel is needed in transporting prisoners.

Mr. Cary Gill, from I. V. Harris and Associates stated that it takes 5.2 people to man one post which becomes very expensive when you take into account salaries plus fringes. Mr. Gill noted that anything you can do to eliminate a post and become more staff efficient you are ahead of the game.

Mr. Hulings questioned how much of the increase in cost is due to the extra beds being added and how much is due to the district courts being added.

Mr. McClintock stated that there has been no escalation on their part since the 230 beds were what they received. Mr. McClintock did note that it is very expensive to build the jail in phases. Mr. McClintock noted that the jail would have to be six stories high if built on the Woolsworth property. Mr. McClintock stated that four alternate plans were submitted because spreading the building and parking lots would be much more aesthetically attractive and staff efficient and furthermore it is his recommendation to build the jail all at once.

Following further discussion on the jail site, etc., Vice-Mayor Rhodes stated that the City Council would rather stay with the original site for the jail and not cross Liberty Street.

The meeting was adjourned at 8:50 p.m.

SPECIAL CALL MEETING

MONDAY, JULY 30, 1990

At a special call meeting held in the Council Chamber today at 10:00 a.m., there were present: City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Mayor Walter F. Green; Vice-Mayor Elon W. Rhodes; Council Members Curtis F. Kite, and C. Robert Heath; City Clerk Judy M. Gray; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave.

The following special meeting call 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 30, 1990, 10:00 a.m.

1. To discuss vacancy created by the death of Dr. Raymond C. Dingledine, Jr.
2. Executive Session for the purpose of discussing City Council member appointment, as permitted by 2.1-344(A) (1) of the Code of Virginia

3. Election of Council Member

4. Motion to adjourn meeting until 7:30 p.m., July 30, 1990, at the office of McClintock and Harris, 1 Court Square, Harrisonburg, VA.

At 10:04 p.m., Council Member Kite offered a motion that Council enter an executive session for discussion and consideration of the prospective candidates to be appointed to the Harrisonburg City Council, exempt from the public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

At 11:00 p.m., the executive session was closed and the regular session reconvened. City Clerk Gray read the following which was agreed to with a unanimous recorded vote of Council. I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Council Member Kite stated that Dr. Raymond Dingleline was a longtime servant of the City of Harrisonburg, and the principles upon which he based his decision swill long be remembered and the effects of his wisdom not forgotten. Council Member Kite further noted that his vacancy would best be filled by a member able to make his or her own decisions. With this in mind, Council Member Kite stated that it would be an honor for him to nominate Dr. Dingleline's wife, Emily, to complete his term. Council Member Kite noted that she has stood by his side during his tenure and accompanied him on many of his city-related business trips. He also noted that Mrs. Dingleline is knowledgeable and has a career background as a school teacher, now retired. Council Member Kite further noted that Mrs. Dingleline would be the first lady to sit on the Council and would have the time and serve the City well with her background, knowledge and interest in the City of Harrisonburg. In seconding the motion, Vice-Mayor Rhodes stated that many names were considered for the position, but stated that he feels Mrs. Dingleline will represent the citizens of Harrisonburg well. The motion was approved with a unanimous vote of the Council Members.

At 11:05 a.m., there being no further business, Council Member Heath offered a motion that this meeting be adjourned until 7:30 p.m., this evening at the office of McClintock and Harris, 1 Court Square, Harrisonburg, Va. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

Judy M. Gray
CLERK

Stanton B. Rhodes
MAYOR

Regular Meeting

August 14, 1990

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m. there were present, Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Curtis F. Kite and C. Robert Heath; and City Auditor Peterman. Absent: Council Member Emily R. Dingledine, Chief of Police Presgrave and City Clerk Gray. Sitting in for Chief of Police Presgrave was Captain Stroble.

Minutes of the regular meeting held on July 24, 1990, approved as read.

The following regular monthly reports were presented and ordered filed:

From the City Manager

A progress report of activities in the various departments and said office for the month of July, 1990

From the City Treasurer

A trial balance report for the month of July, 1990

From the Police Department

A report of fines and costs collected - \$2,160.00; cash collected from street parking meters - \$6,547.28; total cash collected paid on accounts and turned over to the City Treasurer - \$8,707.28

From the City Auditor

A report of cash discounts saved in the payment of vendor's invoices for the month of July, 1990, in the total amount of \$174.55.

✓ At 7:40 p.m., Mayor Green closed the regular session temporarily and called the evening's public hearing to order. City Manager Milam read the following notice as it appeared in the Daily News Record on Tuesday, July 31, 1990, and August 7, 1990:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, August 14, 1990, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider this rezoning request:

To rezone properties owned by Aston-Harman Limited Partnership, Cloverleaf Properties and Harriet H. Steiner & Others from M-1 General Industrial to B-2 General Business District. Properties are located on west side of East Market Street from Interstate 81 to the Econo Lodge Motel. Purpose: to have Market Square East Shopping Center and other adjacent businesses conform to the zoning text.

Maps and other information are available for review in the Department of Community Development Office, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

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 stated that the Planning Commission has initiated this change because of the text rewriting that occurred in 1987. Mr. Sullivan also noted that during the Planning Commission public hearing support was received from the property owners. Mayor Green called on anyone present desiring to speak either for or against the rezoning. There being no one desiring to be heard the public hearing was closed at 7:50 p.m. and the regular session reconvened. Vice-Mayor Rhodes offered a motion that the recommendation of Planning Commission to approve this rezoning request be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council Members present.

✓ City Manager Milam presented and read a letter from Mr. Thomas H. Arthur requesting that the 75 foot by 16 foot section of Ash Tree Lane from Ott Street heading west behind the property at 298 Campbell Street be closed off so his family can use it as an off-street parking area. Council Member Heath offered a motion that the request be referred to the Planning Commission. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council Members present.

✓ City Manager Milam presented for Council's consideration of approval a proposed joint resolution establishing a youth services commission. Following comments from City Attorney Thumma, Council Member Kite offered a motion that the resolution be approved. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council Members present.

✓ City Manager Milam called Council's attention to their copies of the County of Rockingham/City of Harrisonburg General District Court Report on Audit for the year ended June 30, 1989, and noted that a copy of this report is available in the Manager's Office for public inspection.

✓ Mayor Green stated that Building Official John Byrd has indicated that the Train Station Restaurant is no longer a nuisance and that everything has been done except for the removal of the train car. Mayor Green noted that arrangements have been made for its removal.

✓ In reference to Greendale Subdivision, City Attorney Thumma, stated that in talking with City officials, everything has been done on the punch list but they are still waiting on the deed of easements which sets forth all the easements for the utilities. Mr. Thumma stated that Michael Brothers' attorney has indicated that they are currently preparing the deed and should have it completed soon. Mr. Frank Surber of 1071 Greendale Road stated that he lives below the retention pond and noted that nothing has been done to the retention pond. Mr. Surber stated that he gets water runoff from the retention pond in his yard for up to ten days after a heavy rain and further stated that he does not feel it should be left in the condition it currently is. Mr. Thumma explained that this retention pond is not included in any of the utilities or lines of easements that the city will be taking in. Mr. Thumma did note that Mr. Michael has acknowledged this problem and says he plans to take care of it. Following further discussion of the retention pond, Mayor Green requested City officials to look into the retention pond problem and see what possibly can be done about it and report back to Council at the next City Council meeting.

✓ City Manager Milam noted that bids were received on July 26, 1990, at 2:00 p.m. for the building facility for the Harrisonburg Water & Sewer Department. City Manager Milam noted that bids were received from eight construction companies with the low bidder being J. B. Wine Construction with a total bid of \$515,055. City Manager Milam pointed out the location where the new building will be constructed and described the building to the City Council noting that this will be the first building that has ever been built specifically for the water and sewer department. Following

further discussion, Council Member Heath offered a motion that the bid be awarded to J. B. Wine Construction. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council

✓ Manager Milam presented for Council's consideration of a first reading, an ordinance to vacate a ten foot alley, that runs from the north side of East Johnson Street to an unused alley that runs along the north property line of the lot owned by the Harrisonburg Redevelopment and Housing Authority. Vice-Mayor Rhodes offered a motion that the ordinance be approved for a first reading subject to the plat being attached prior to the second reading. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ In reference to the odor in the North Liberty Street area, Manager Milam stated that Water and Sewer Superintendent Mike Collins and Assistant City Manager Baker have met on several occasions with plant personnel to try and resolve the problem. City Manager Milam stated that they are currently working on internal plant facilities by using chemical treatments that they would like to experiment with for 60 days and if that does not work, they will go to another method. Mr. Collins noted that during the 60 days the odor should be greatly reduced. Mr. Warren Pence, Environmental Engineer with WLR explained that they are working to eliminate the unit that is causing the odor. Ms. Jean Gochenour, resident of the area, stated that she has lived on this street for 32 years and has been requesting that something be done about the odor for over a year. Ms. Gochenour questioned what happens after the 60 days if WLR starts using the odor producing unit again. Mr. Eddie Mason of WLR stated that they have continuously been working on the odor problem. Mr. Mason also apologized for any inconvenience or discomfort that they have caused the neighborhood, and noted that they feel very strongly that they will eliminate the problem in the future. Ms. Priscilla Thompson, a Park View resident stated that they also have a odor problem in her neighborhood.

✓ City Manager Milam presented and read a letter which stated that in accordance with Chapter 755, Section 4-5.02 of the Acts of Assembly, 1984, the Board of Virginia State Library Archives is pleased to inform the City that the Rockingham Public Library has been awarded \$225,826.90 in state aid to public libraries for fiscal year 1990-91. Manger Milam noted that it is customary to bring this type of information to the City Council meeting for recordation in the minutes.

✓ City Manager Milam presented a report from the Board of Viewers which states that the Board unanimously voted to recommend closing part of Monroe Street west of North Liberty Street as requested. City Attorney Thumma stated that he will prepare the ad for the public hearing which has to be held prior to approval of the ordinance.

✓ City Attorney Thumma stated that he received a letter from the town of Dayton concerning the granting of an easement for water and sewer lines to the home of Joseph and Virginia Armentrout. Mr. Thumma explained that these people live outside the town of Dayton and they need an easement along a piece of property the City owns in order to run water and sewer lines. Mr. Thumma noted that he requested Dayton's attorney to prepare the utility easement which includes a drainage easement which was never included on any easement. Mr. Thumma stated that he and the Engineering Department have reviewed the easement and found no problem with it. Council Member Heath offered a motion that the utility and drainage easement be accepted. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ A request was presented by Louse Hostetler, Director of Braddock House for approval of a supplemental appropriation in the amount of \$7,100.65 for services provided to Harrisonburg youngsters during the fiscal year 1989-90. Cost not covered by the State. Vice-Mayor Rhodes offered a motion for the appropriation to be approved for a first reading, and that:

\$7,100.65 chdg. to: General - Unappropriated Fund
Balance

7,100.65 approp. to: 1-9104-0-0-5605.11 Braddock House
Juvenile Probation House

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ A request was presented by City Manager Milam for approval of a supplemental appropriation in the amount of \$5,000.00 as additional contribution to the Valley Program for Aging Services. Council Member Heath offered a motion for the appropriation to be approved for a first reading, and that:

\$5,000.00 chgd. to General - Unappropriated fund
balance

5,000.00 approp. to 1-9104-0-0-5604.15 Valley Program
for Aging Services

The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

✓ Council Member Heath stated that he has received complaints from citizens concerning large outdoor advertising signs in the City of Harrisonburg. Council Member Heath noted that he also has a problem with these large signs and explained that these signs are going up in the MI District and pointed out that the zoning ordinance for MI seems to be ambiguous as to whether or not these signs are allowed. Council Member Heath stated that he would recommend that the City offices be very careful about granting additional permits for outdoor advertising signs and offered a motion that this matter be referred to the Planning Commission for study. Following discussion as to whether or not most of these signs are located on railroad property, the motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council Members present. Mayor Green requested Planning Director Sullivan to check with the railroad concerning the signs prior to the Planning Commission meeting.

✓ Mr. Tanis Rontropolis stated that the Old Rhodes Candy Company building, which is located at 50 N. High Street is infested with rats and has an odor emanating from the it. Mayor Green requested the Manager to have someone look into the matter.

✓ Vice-Mayor Rhodes noted that the sidewalks and gutters on Kelley Street are in bad condition and need of repair work. Vice-Mayor Rhodes further noted that mud and water, coming from the Forkavitch Subdivision, are still a problem on Rock Street, and requested the Manager to move Rock Street up on the Street Department's priority list.

✓ City Manager Milam reported that the municipal building was broken into on Friday night, August 10th between 9:00 p.m. and 7:55 a.m. Saturday morning.

At 8:45 p.m., Vice-Mayor Rhodes offered a motion for an executive session for discussion and consideration of the prospective candidates to be appointed to the Community Services Board, Board of Public Welfare, Valley Program for Aging Services Advisory Bd., Harrisonburg Rockingham Regional Sewer Authority, Central Shenandoah Planning District Commission Solid Waster Management Study Comm., the City-County Liaison Committee; for discussion of leasing a city facility and for discussion and consideration of the acquisition of real estate for the City-County jail and court complex, exempt from public meeting requirements pursuant to Section 2.1-344(3) of the Code of Virginia. The motion was seconded by Council Member Kite, and approved with a motion of Council Members present.

At 10:06 p.m., the executive session was closed and the regular session reconvened. City Auditor Peterman read the following which was agreed to with a unanimous recorded vote of Council. I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Mayor Green noted that Mr. Warren Denton is willing to let the Citizen's for Downtown use an office, rent free, in the old Litten, Sipe and Miller building as long as they adhere to the requirements set forth by the Housing Authority.

✓ Mayor Green asked Council's wishes concerning an appointment to the Board of Public Welfare inasmuch as Dr. Hobson G. Booth has resigned from the Board. Vice-Mayor Rhodes offered a motion that Ms. Nancy Callender be appointed to fill the unexpired term of Dr. Booth on the Board of Public Welfare. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council Members present.

✓ Council Member Heath offered a motion that Council Member Kite, Dr. Charles Shank and City Manager Milam be appointed to the City County liaison committee. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous vote of Council members present.

✓ Mayor Green suggested that a committee be appointed to work on community relations with James Madison University and someone be appointed to speak at JMU's orientation.

At 10:20 p.m., there being no further business, and on motion adopted the meeting was adjourned.

Judy M. Gray
CLERK

Walter F. Green
MAYOR

August 22, 1990

Joint meeting of the Harrisonburg City Council
and the Rockingham County Board of Supervisors
at the Rockingham County Court
House to discuss the judicial complex

A special meeting of the City Council, called by the Mayor, was held in the Rockingham County Court House on August 22, 1990, at 8:00 p.m. Present in the meeting were: Mayor Walter F. Green; III, Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingleline, Curtis F. Kite and C. Robert Heath; City Manager Marvin B. Milam; Chief of Police Richard Presgrave and Dr. Charles L. Shank. Absent: City Attorney Earl Q. Thumma, City Clerk Judy M. Gray, City Auditor Philip Peterman and Assistant City Manager Roger D. Baker.

The following special meeting call was presented:

An emergency existing, there will be a special meeting of the City Council, called by the Mayor, to be held in the Rockingham County Court House on August 22, 1990, to consider the following matters and take necessary action thereon:

1. To meet with the Board of Supervisors at 8:00 p.m., August 22, 1990, Rockingham County Court House
2. Executive session to discuss and consider the acquisition of real estate for the jail and/or court complex, exempt from public meeting requirements pursuant to Section 2.1-344(3) of the Code of Virginia.

At 8:45 p.m. Council Member Kite offered a motion that Council enter an executive session. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council.

At 9:04 p.m. on motion adopted, the executive session was closed and the regular session reconvened.

At 9:05 p.m., there being no further business, and on motion adopted, the meeting was adjourned.

Judy M. Gray
CLERK

Walter F. Green III
MAYOR

REGULAR MEETING

AUGUST 28, 1990

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m. there were present, Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingledine, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Chief of Police Richard Presgrave and City Auditor Peterman.

Minutes of the regular meeting held on August 14, 1990, approved as read.

At 7:37 p.m., Mayor Green closed the regular session temporarily and called the evening's public hearing to order. City Manager Milam read the following notice as it appeared in the Daily News Record on Tuesday, August 14, and August 21, 1990:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, August 28, 1990, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following rezoning request:

To rezone 5.6 acres owned by Ray Carr Tires, Inc. from B-2 General Business to M-1 General Industrial District. Property is located on south side of Mt. Clinton Pike, 450' west of Virginia Avenue (Lots 2,3,4, Block M, Page 47 of City Block Map) Purpose: to have Carr's Tire Distributors conform to the zoning text.

Maps and other information are available for review in the Department of Community Development Office, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

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

CITY OF HARRISONBURG
Marvin B. Milam
City Manager

Planning Director Sullivan called Council's attention to the City zoning map and indicated where Ray Carr Tires is located and pointed out the adjacent properties. Mr. Sullivan stated that the request for change is to locate in the commercial district the 5 1/2 acre strip owned by Ray Carr Tire. Mr. Sullivan concluded in stating that the Planning Commission's recommendation is to leave the zoning B-2 General Business, noting that the company can continue to operate under B-2 but would not be able to expand. Mayor Green called on anyone desiring to speak for the rezoning.

Attorney Henry Clark, representing Ray Carr Tires, Inc., gave a brief background history on the property explaining that in 1968 the County zoned the land M-I, but following the 1983 annexation, the City zoned the land B-2. Mr. Clark noted that Mr. Carr discovered his land was B-2 during a recent restructuring and refinancing. Mr. Clark stated that it drastically affects the security value of the property by being in a non-conforming zone. Mr. Clark further noted that Mr. Carr has no intentions of expanding this property, stating that the reason for this request is because the security interest of the lender is greatly affected. Mr. Clark also stated that he feels it is grossly unfair for this property to be zoned B-2, and further stated that this property was here long before any of the homes. Mr. Clark further added that the property was mistakenly zoned B-2 because City officials were not aware that this was a manufacturing facility. Mr. Clark explained that if over 50% of the building was ever destroyed, Mr. Carr would not be allowed to replace the building since it is located in a non-conforming zone. Mr. Clark concluded in stating that this is a valuable industry to the City and urged positive action on the request. Mayor Green called on anyone present desiring to speak against the rezoning request.

Mr. Neil Braithwaite, adjoining property owner, stated that he contacted financial institutions, lending institutions and insurance companies and they accept that non-conforming use is no problem with them because it is protected by law. Mr. Braithwaite noted that the buffer of trees does not buffer tire smoke. Mr. Braithwaite also stated that this is spot zoning and if Ray Carr is allowed to do this, it will set a precedent for someone else to come in and request the same. Following further comments, Mr. Braithwaite submitted a petition with 143 signatures and asked the City Council to please deny the rezoning request.

Mr. J. David Yoder, president of Eastern Mennonite High School, and representing the High School and the Board of Directors, noted that the High School has been a neighbor of Ray Carr's for many years and has always has a good working relationship with them. Mr. Yoder stated that the High School is not objecting to the continuance of the present business, but disapproves of spot zoning, which he considers this to be and urged City Council to deny the rezoning request.

Mr. Henry Clark, again stated that financial institutions are not happy with non-conforming use loans and do not make them. Mr. Clark also noted that this is not spot zoning as defined by the law. Mayor Green called on anyone else present desiring to speak either for or against the request. There being no others desiring to be heard, the public hearing was declared closed at 8:05 p.m. and the regular session reconvened. Council Member Heath stated that he feels the

Planning Commission acted properly and in the best interest of the City in 1983 when they zoned the property B-2, and would like to offer a motion that the recommendation of the Planning Commission to deny the request be accepted. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ City Manager Milam called on Bret Wescott to speak on the petition regarding storm drainage in the Southampton Drive area. Mr. Wescott stated that with the near completion of the Route 42 project, the Southampton Drive area has seen a drastic increase in the flow of water coming into this area. Mr. Wescott called Council's attention to pictures showing water coming out of the culvert and noted that it comes out in flash flood producing 5,000 to 6,000 gallons of water per minute. Mr. Wescott stated that the safety of the children in the area is a real concern with the amount and speed of water coming out of the pipe. Mr. Wescott also noted that there is an exposed gas line very close to Central Avenue where the water goes under the road. A resident on Central Avenue noted that she has muskrat holes in her yard and also noted the safety concern of the children in the area who are fascinated with the water. Mr. Gene Pitensbarger noted that he has lived in the Southampton area for five years and noted that he has never seen the water act like it does now. Mr. Pitensbarger further noted that he measured three feet of water in his back yard after the last rain. Following comments from other citizens, Manager Milam noted that he prepared a letter some time ago explaining to the property owners that the development, was laid out in 1967 and 1968, and the property owners bought into the subdivision after the developer and City had agreed on certain improvements. Manager Milam also noted that it was the developer that wanted to put the streets on the high ground and the utilities in the low area which is almost impossible to correct. Manager Milam further noted, that it is not the City's policy to correct drainage on private property; noting the City only maintains drainage structures on public property. City Engineer Art Wilcox called Council's attention to a detailed map of the subdivision plan and noted that it would cost in the neighborhood of \$165,000 to run a pipe along the drainage ditch and further noted that it would be very difficult to do because it would have to go below the sanitary sewer and gas line. Mr. Wilcox further noted that "noting scares him more than a large culvert under a street or a highway in a residential area, because he has seen too many cases of children getting sucked into the pipes." Mr. Wilcox concluded in stating that it is the general policy that it is up to the property owner to maintain the ditch as much as he can, and if it is not maintainable then he is to be aware of the problem and do what he can to keep his family and yard safe. Mayor Green questioned if the City has met with the State concerning the South High Street project and the increased water run off. Mr. Wilcox indicated that he has not met with them concerning the drainage design, but the Engineering Department has reviewed the plans for the benefit of the existing water and sanitary sewer facilities in South High street and what adjustments were necessary for them. Following further discussion, Mayor green requested Mr. Wilcox to form a committee consisting of the engineers from the State Department and a representative from the Southampton Neighborhood and see if there is anyway to get around this problem in a manner that is reasonable and come back to Council with the findings. Mayor Green also requested that something be done about the exposed gas line.

✓ City Attorney Thumma noted that the proposed deed he received from Michael Brother's attorney concerning the easements in Greendale Subdivision was not acceptable as reviewed by himself and the Engineering Department. Mr. Thumma did state that once he gets the deed in proper form, then the conveying of the easements to the City will be taken care up. Mayor Green questioned if anything had been done about the detention pond problem and the fact that Michael Brothers is dumping water on two individual's property. Assistant City Manger Baker noted that there is a contract between Mr. Michael and the property owner to take care of the detention poind, but noted that the contract is to get rid of the pond and will not solve the other persons' problem. Mr. Thumma also noted that the drainage easements are between the property owners and Michael Brothers because they were never intended to be deeded to the City and are not going to be deeded to the City. Mayor Green noted that he still thinks the City owes these people an answer to their question, whatever it may be. Mayor Green further noted that he agrees with the property owners that the City maybe somewhat responsible because of accepting the engineering design. City Engineer Wilcox explained that the detention pond was not built in the manner or area that was agreed upon, plus Michael Brothers did not take the City's recommendation and use perforated pipe. Following further discussion concerning the detention pond, Mayor Green requested City Engineer Wilcox and the City Attorney to get together and see what can be done about the detention pond and see if the City has any legal recourse against Michael Brothers and report back to City Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on August 15, 1990:

"...To rezone a 0.44 acre lot on northeast corner of Country club Road and Vine Street, from R-1 single Family Residential to R-3 Conditional Multiple Dwelling District. The Harrisonburg-Rockingham Chamber of Commerce desires to construct a professional office building..."

Attorney Henry Clark told the Commissioners that the Chamber of Commerce officers have been negotiating the purchase of a vacant lot on the northeast corner of Country Club Road and Vine Street for over a

year, after being unsuccessful in finding a downtown location. They intended to "obtain an option to buy subject to rezoning." but the Bilhimer Estate wouldn't agree to an option. Mr. Clark noted that the Chamber's original letter requesting rezoning asked for B-2 Conditional (since B-2 zoning exists on the west side of the property), but decided to change the request to R-3 Conditional to be more compatible with the single family homes on Country Club Road. Also, the planned colonial-style office building will have to sit only 10' from the side lot line if zoned R-3, whereas the B-2 zone will require a 30' side setback because it would be next to an R-1 zone. Mr. Ray Nicely of Copper & Associates showed a "conceptual masterplan" of the Chamber's layout. The building will face Country Club Road and an 18-space parking lot will be entered from Vine Street, approximately 140' north of Country Club Road. Landscaping will be placed throughout the site. Mr. Clark also submitted a statement of "no objection" from all adjacent single family home owners on Country Club Road.

No one was present to speak against the case.

Mr. Neff moved for the Commission to recommend rezoning the Chamber of Commerce lot from R-1 Single Family Residential to R-3 Conditional Multiple Dwelling District, based on the condition that a colonial-style office building for Chamber of Commerce will be built with landscaping and off-street parking. Mr. Wassum seconded the motion and all members voted aye..."

Following comments from Planning Director Sullivan, Council Member Heath offered a motion that a public hearing be scheduled for September 25, 1990, to hear this rezoning request. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on August 15, 1990:

"...The Commissioners studied a proposed Final Plan of the resubdivision of Lots 1 & 2, Section 3-D of Blue Stone Hills Subdivision, drawn by Surveyor Bobby Owens. The Director explained that Emerald Drive and Crystal Lane are constructed with curb and gutter, ten lots will face Emerald Drive, and a 39,356 square foot "reserved area" will remain behind the ten lots, where Mr. Kirk Hardy plans to build five duplex homes. A detention pond, private road plus landscaping will occupy the reserved area. It will also serve as a buffer between the duplex dwellings and what may be built in the future along Evelyn Byrd Avenue. Mr. Neff asked where the storm water drains to and is the adjacent owner agreeable to the plan? Mr. Richard Mason confirmed that Blue Stone Land Co., Inc. (Mr. Ernie James & others) is in agreement and provides a storm drainage easement over to Evelyn Byrd Avenue. Also, the construction plans for this project have been approved by the Community Development Department.

Mr. Rhodes moved and Mr. Wassum seconded his motion to recommend approval of the resubdivision of Section 3-D, Blue Stone Hills Subdivision. All members voted in favor..."

Planning Director Sullivan noted that this is a recommendation for Council's approval of the resubdivision of the final plat of two large parcels in Blue Stone Hills. Mr. Sullivan noted that the owner wants to eliminate the two large parcels and place on the acreage 10 lots which will face Emerald Drive. Mr. Sullivan noted that behind the lots there is a large reserved area left over which will contain a private roadway, land to be covered with trees and a detention pond. Mr. Sullivan also noted that the contractor must post bond prior to proceeding with the subdivision. Mr. Sullivan noted that Mr. Ernie James and the Blue Stone Land Company, are aware of, and have agreed to the storm water that will be increased and be heading towards Evelyn Byrd Ave. Following further discussion, Council Member Heath offered a motion that the recommendation of the Planning Commission to approve the resubdivision be approved subject to the posting of the bond and the signing of an agreement between the property owner and the adjacent property owner concerning the storm water run off. The agreement should state that the adjacent property owner is aware of and has agreed to the fact that the storm water will be increased and head towards his property. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on August 15, 1990:

"...The Commissioners reviewed a map by Surveyor Bobby Owens, showing a boundary survey of a portion of Lots 1-5 of the Logan Addition. The Director described the subject by referring to a neighborhood map, explaining that the property is in the northeast corner of South High Street and South Avenue. Four dwellings were removed when the two streets were recently rebuilt. A 15' drainage easement exists along the northeast boundary of the property. The current owner, Alan Strawderman, is requesting the vacating of the lot lines, in order to form one lot of 19,211 square feet.

Mr. Hartman moved and Mr. Rhodes seconded his motion to recommend approval of the resubdivision of Lots 1 through 5 in Logan Addition. All members voted in favor..."

Planning Director Sullivan noted that this is actually the vacating of lot lines on the north east corner of South Avenue and South High Street with the purpose being so the property can be commercialized. Following comments, Vice-Mayor Rhodes offered a motion that the recommendation of the Planning Commission to approve the resubdivision be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ City Manager Milam presented for Council's consideration of a second and final reading an ordinance to vacate a ten foot alley, that runs from the north side of East Johnson Street to an unused alley that runs along the north property line of the lot owned by the Harrisonburg Redevelopment and Housing Authority. Following comments from City Attorney Thumma, Vice-Mayor Rhodes offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ Vice-Mayor Rhodes moved that a supplemental appropriation in the amount of \$7,100.65, requested by Louise Hostetler, Director of Braddock House for services provided to Harrisonburg youngsters during the fiscal year 1989-90, be approved for a second and final reading, a first reading having been approved on August 14, 1990, and that:

\$7,100.65 chgd. to: General unappropriated Fund
Balance

7,100.65 approp to: 1-9104-0-0-5605.11
Braddock House - Winchester Juvenile
Probation House

The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

✓ Council Member Kite moved that a supplemental appropriation in the amount of \$5,000, requested by City Manager Milam for additional contribution to the Valley Program for Aging Services be approved for a second and final reading, a first reading having been approved on August 14, 1990, and that:

\$5,000 chgd. to: General - unappropriated fund balance

5,000 approp. to: 1-9104-0-0-5604.15 Valley Program for
Aging Services

The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

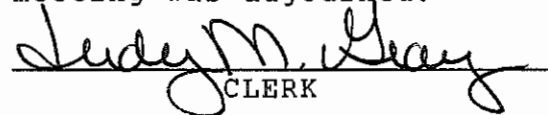
✓ City Manager Milam called Council's attention to a letter from the Virginia Municipal League regarding the Governor's budget shortfall plan. Manager Milam noted that hopefully more information will be forthcoming.

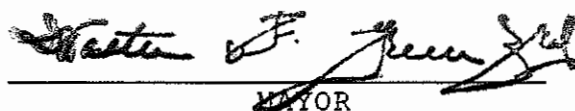
Manager Milam also called Council's attention to their copies of the VML 1991 Preliminary Legislative Program and Policy Statements.

Vice-Mayor Rhodes offered a motion that the September 11, 1990, City Council meeting be cancelled due to the fact that it conflicts with the Virginia Municipal League Annual Conference.

✓ Planning Director Sullivan stated that at the June 26, 1990, meeting, City Council tabled the request to divide lot 2 in the Weaver Addition pending notification of the adjoining property owners by letter. Mr. Sullivan noted that Mr. Graves and the Shanks have been notified concerning this request and are not opposed to the resubdivision. Following these comments, Council Member Kite offered a motion that the recommendation of the Planning Commission to approve the division of Lot 2 in the Weaver Addition be approved. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

At 9:15 p.m., there being no further business, and on motion adopted, the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

SEPTEMBER 25, 1990

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m. there were present, Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingledine, and Curtis F. Kite; City Clerk Judy M. Gray; Chief of Police Richard Presgrave and City Auditor Peterman. Absent: C. Robert Heath.

✓ Minutes of the regular meeting held on August 28, 1990, approved as read. At 7:40 p.m., Mayor Green closed the regular session temporarily and called the evening's first public hearing to order. Manager Milam read the following notice of hearing as it appeared in the Daily News Record on Tuesday, September 11, and September 18, 1990:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, September 25, 1990, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following rezoning request:

To rezone a 0.44 acre lot on northeast corner of Country Club Road & Vine Street, from R-1 Single Family Residential to R-3 Conditional Multiple Dwelling District. (Lot O, Block H., Page 28 of the City Block Map) The Harrisonburg-Rockingham Chamber of Commerce desires to construct a professional office building.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

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

CITY OF HARRISONBURG
Marvin B. Milam
City Manager

Following brief comments from Planning Director Sullivan, Mayor Green called on anyone desiring to speak for the rezoning. Mr. Henry Clark, representing the Chamber of Commerce, stated that this is a request for R-3 zoning with the condition that at such time Vine Street or the intersection are improved or changed, that the owners will convey to the city an easement of a minimum width of five feet depending on what is needed and required. Mr. Clark also noted that the reason for the request for R-3 instead of B-2 is that they feel this area in possibly in a transition period and feel it would be better for it to be rezoned R-3 conditional feeling that the professional office being located there will constitute a barrier for the protection of the residential neighbors. Mr. Clark further noted that all the surrounding residents have addressed a letter to City Council and the Planning Commission stating that they have no objection to the rezoning of this parcel. Council Member Kite, questioned if this rezoning request will set a precedent for rezoning requests for the 10-12 acres located behind this property Mr. Clark stated that it would depend upon the proposal for development that comes before City Council at some future time and noted that he feels it would not be setting a precedent for other rezoning requests. Following further comments, Mr. Kite stated that he feels this location would tie the Chamber to the downtown and to the "new town" to the east. There being no others present desiring to speak either for or against the rezoning request, the public hearing was declared closed at 7:54 p.m. and the regular session reconvened. Mayor Green questioned if the set backs are sufficient considering the congested intersection and for visibility coming down Country Club Road. Mr. Clark noted that the set backs are sufficient. Mayor Green further questioned if the Chamber will object to it if the City takes more off the radius for a turn lane for the widening of Vine Street. Mr. Clark replied that if it improves the City, they are in favor of it. Vice-Mayor Rhodes offered a motion that the request to rezone this parcel from R-1 single family to R-3 Conditional Multiple Dwelling District be approved. The motion was seconded by Council Member Kite and approved with a unanimous vote of Council.

✓ At 8:00 p.m., Mayor Green closed the regular session temporarily and called the evening's second public hearing to order. Manager Milam read the following notice of hearing as it appeared in the Daily News Record on Saturday, September 15, and September 22, 1990:

The Harrisonburg City Council will hold a public hearing on Tuesday, September 25, 1990, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following application to vacate an undeveloped portion of Monroe Street, in the City of Harrisonburg:

A request of Wetsel Seed Company and F & K Auto Parts, Inc. to vacate an undeveloped portion of Monroe Street, that lies on the west side of North Liberty Street and runs through the property owned by Wetsel Seed Company and F & K Auto Parts, Inc.

Copies of the recommendation of the City Planning Commission and the Harrisonburg Board of Viewers, along with a copy of a plat showing the portion of the undeveloped street to be vacated are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

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 reminded Council that the Planning Commission in reviewing the resubdivision of this group of lots also reviewed and recommended the closing of the portions of Monroe Street. Mr. Sullivan also noted that the Board of Viewers has responded and recorded that it would be satisfactory to close that portion of Monroe Street. Mr. Larry Hoover, called Council's attention to a large map of the area and gave a brief background history of the area, and noted that he has a petition signed by all residents of the Black Marble addition stating that they are in favor of the closing. There being no others desiring to speak either for or against the closing the public hearing was declared closed at 8:05 p.m. and the regular session reconvened. Following further comments, City Attorney Thumma noted that he will prepare the necessary ordinance for a first reading.

✓ City Manager Milam presented for Council's consideration a request from Wampler-Longacre Turkey, Inc. to vacate a portion of Jackson Street, Massanutten Street, and an alley perpendicular thereto. Vice-Mayor Rhodes offered a motion that the request be referred to the Planning Commission along with copies to the existing Board of Viewers for review. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ City Manager Milam called Council's attention to their copies of the Harrisonburg-Rockingham Regional Sewer Authority 1989-1990 Annual Report of Operations and noted the report is for their review. Mayor Green requested that Mr. Curtis L. Poe, Executive Director of the Sewer Authority be invited to attend a City Council meeting to explain the report.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on September 19, 1990:

"...The Commissioners reviewed a proposed Subdivision of Weaver Family Home Place, 157 Port Republic Road. Mr. Cris Bland explained that three single family lots are proposed, facing Port Republic Road. A dwelling exists on the corner of Port Road and Crawford Avenue. The other lots are undeveloped. Mr. Bland said a 12 foot private alley exists along the rear side of the property, plus a 5 foot utility and drainage easement. Mr. Sullivan noted that all lots have over 10,000 square feet, but they do not measure 80 feet in width. The plans to widen Port Republic Road will take 5 or less feet off the frontage of this property.

Dr. Gardner moved for the Commission to recommend approval of the Weaver Family Home Place Subdivision with variance regarding lot width. Mr. Rhodes seconded the motion and all members present voted aye..."

Following comments from Planning Director Sullivan, Vice Mayor Rhodes offered a motion that the recommendation of the Planning Commission to approve the Weaver Family Home Place Subdivision be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on September 19, 1990:

"...Mr. Ray Nicely of Copper and Associates reviewed a Final Plat for Valley Professional Commons Subdivision, Section 1. The property, located on the north side of University Boulevard, is developed with doctors' offices in one structure and commonly shared parking lot on the area marked "Lot 5". Zoning Administrator Cook told the Commission that the Board of Zoning Appeals granted a variance in June 1990 to allow zero lot lines for this development. A request to approve this project as a subdivision of five lots had been tabled by the Planning Commission several months ago, pending a decision on the zero lot line issue.

Mr. Neff moved for the Commission to recommend approval of the Valley Professional Commons Subdivision. Mr. Rhodes seconded the motion and all members voted aye..."

Planning Director Sullivan stated that this is a matter of creating smaller lots within a larger lot and will permit the Doctors to either sell individually or own individually. Mr. Ray Nicely also stated that the concept is to allow

ownership to the lots and share the common space. Vice-Mayor Rhodes offered a motion that the recommendation of the Planning Commission for approval of the Valley Professional Commons Subdivision be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on September 19, 1990:

"...The Commissioners studied a proposed Final Plat of Wheatley Subdivision, Section 1. The Director oriented them to its location, referring to a neighborhood map. The proposed 2.2 acre commercial lot is on the northeast corner of South Main Street and Southgate Court. Two lot lines will be vacated (near Southgate Court) and utility easements of 20 feet and 10 feet will be placed along the boundaries. No public street construction will be necessary.

Mr. Neff moved and Mr. Rhodes seconded his motion for the Commission to recommend approval of Wheatley Subdivision, Section 1. All members present voted in favor..."

Council Member Dingledine offered a motion that the recommendation of the Planning Commission to approve the Wheatley Subdivision, Section 1, be approved. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on September 19, 1990:

"...Mr. Ray Nicely of Copper and Associates described a plat showing a revised Lot 8 in Summit Heights Subdivision. He explained that the lot lines between Lots 8A and 8B need to be moved slightly, due to a mistake in surveying when the subdivision was drawn in April 1989. Apartment buildings have been built, and the shift of lot lines is needed to meet minimum setback regulations.

Mr. Neff moved and Mr. Wassum seconded his motion to recommend approval of the revised resubdivision of Lot 8 in Summit Heights. All members present voted aye..."

Council Member Kite offered a motion that the recommendation of the Planning Commission to approve the resubdivision of Lot 8 in Summit Heights be approved. The motion was seconded by Council Member Dingledine and approved with a unanimous vote of Council.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on September 19, 1990:

"...The Commissioners were presented statistics showing the number of parking spaces in City-owned or leased parking lots in downtown Harrisonburg, and the number of vehicles observed on the lots. Mr. Sullivan explained that these observations are made at least yearly and for this report, he showed counts made in October 1983, June 1986 and September 1990. These three counts were done on Fridays, from 11:00 a.m. to 12:00 noon. In 1983, 53% or 614 or 1,163 spaces were occupied. In 1986, 53% or 712 of 1,354 spaces were occupied. On September 7, 1990, 59% or 813 of 1,386 spaces were occupied.

In addition to the parking lot and parking deck spaces, 71% or 109 of 153 on-street metered spaces were occupied on Friday, September 7, 1990. There are also 173 "free" parking spaces on several downtown streets, and 65% or 106 were occupied. The most recent count also indicated that 84% of the Vehicles using downtown parking spaces are from the City, Rockingham County and its incorporated towns.

Mr. Sullivan also pointed out that private property owners provide 3,454 off-street parking spaces in the greater downtown area. Some of these are rented, some are for employees and most are for customers. A recent weekday survey observed 47" or 1,628 vehicles occupying the 3,454 private off-street parking spaces.

The Commissioners discussed the data, adding that changes in parking lot will continue to be part of the development and upgrading of downtown. For example, the Presbyterian Church lot on North Court Square may soon be unavailable and construction of the jail and judicial complex will likely require additional off-street parking. It was agreed to have the Director make a report on the parking survey to City Council and the Parking Authority, if Council desires..."

Planning Director called Council's attention to a large map and pointed out the various parking lots in the greater downtown area. Mr. Sullivan reviewed the number of spaces available and noted the percentage as to how much they are used. Mr. Sullivan also reviewed how the usage of the lots has changed since 1983. Following further comments, Mr. Sullivan concluded in noting that the Planning Commission has requested that this information be shared with the Parking Authority.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on September 19, 1990:

"...The Commissioners reviewed the 1990 "Preliminary Housing Unit and Group Quarters Population Counts" from the Census Bureau, plus a map of the City showing how many dwelling units, vacant dwelling units and people in group quarters were counted in each Census Tract. Mr. Sullivan added that the City's total population is 28,078 people. The total number of dwelling units counted in April was 10,656 and 582 housing units were vacant. Only 4,217 people were counted as residents in group quarters. The Director pointed out that only 3,082 James Madison University dormitory residents were reported. At present, 4,795 JMU students reside in campus dormitories. At Eastern Mennonite College, 520 students reside in dormitories. The Census counted 497 dormitory residents at EMC in April. Other group quarters facilities in the City include nursing homes, First Step, the jail and the Fire Stations.

The Commissioners felt this information should be presented to City Council and a letter to the Census Bureau's regional office should be written, to alert them regarding the JMU figures"

Planning Director Sullivan called Council's attention to the population chart and to the city wide census map. Mr. Sullivan handed out a map of the JMU campus and pointed out an area that the Planning Commission feels was completely left out of the census figures thus making the figures inaccurate. Following further comments, Mr. Sullivan noted that he has sent a letter to the Census Bureau's regional office noting the discrepancies.

✓ A request was presented by Recreation Director Logan for approval of a supplemental appropriation in the amount of \$3,208.50 due to construction of addition to National Guard Armory and the close proximity to the Willow Street Tennis Courts, erosion control, netting, regrading, planting of bank and a security fence must be installed to prevent any damage to courts. Vice-Mayor Rhodes offered a motion for the appropriation to be approved for a first reading, and that:

\$3,208.50 chgd. to: Unappropriated fund balance

3,208.50 approp. to: 1-1-7105-2-0-3004.04 National
Guard Armory - Maintenance & Re-
pairs - Bldg. & Grounds

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam presented a request from the John Holsten, for approval of a transfer of funds in the amount of \$247,936.00 from the General Unappropriated Fund Balance for funds needed for staffing and operation and maintenance of recycling activities. Council Member Kite moved that a transfer be approved and that:

\$247,936.00 trans. from: General unappropriated fund
balance

247,936.00 trans. to: Sanitation unappropriated fund
balance

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

✓ A request was presented by Sanitation Superintendent John Holsten for approval of a supplemental appropriation in the amount of \$247,936, for needed operating funds for staffing and O & M of recycling activities. City Manager Milam explained that these monies will be used to fund the recycling program and out of the 247,000 approximately 150,000 to 155,000 will be used for personnel services which will primarily result in two crews that will run parallel with the existing refuse collectors. In addition the City will need to employ one person at the recycling center to be called a yard person with the other funds being used for operation and maintenance. Vice Mayor Rhodes offered a motion for the appropriation to be approved for a first reading, and that:

\$247,936 chdg. to: Unappropriated fund balance -
Sanitation Fund

247,936 approp. to: various line items to fund
recycling expenses

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam presented for Council consideration of approval a proposed contract to purchase real estate between Triple H. Farms, Inc. and the City of Harrisonburg. Manager Milam noted that this is a standard form to purchase real estate prepared by the City Attorney and further noted that the

purchase price is for \$10,000. Manager Milam explained that the agreements calls for \$1,000 to be paid initially and the balance to be paid at closing. Manager Milam suggested that this be referred to Planning Commission since it is for the purchase of land. Council Member Dingledine offered a motion that the request be referred to the Planning Commission. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous vote of Council.

At 8:58 p.m. Vice-Mayor Rhodes offered a motion for an executive session for discussion and consultation with the City Attorney in reference to the suit pending of Clayton Homes, Inc. versus the City of Harrisonburg, exempt from the public meeting requirements pursuant to Section 2.1-344(7) of the Code of Virginia, and for discussion and consultation with the City Attorney in reference to the joint City/County Jail and Court Complex exempt from the public meeting requirements pursuant to Section 2.1-344(7) of the Code of Virginia. The motion was seconded by Council Member Dingledine and approved with a unanimous vote of Council.

At 10:06 p.m. the executive session was closed and the regular session reconvened. City Clerk Gray read the following which was agreed to with a unanimous recorded vote of Council Members present: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Vice-Mayor Rhodes offered a motion that Council Member Emily R. Dingledine be appointed to serve on the Parks and Recreation Commission for the tenure of her office. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council Members present.

✓ Council Member Kite offered a motion that Mr. John E. Driver, Mr. John R. Gordon, Mr. Warren L. Braun and Mr. Roger D. Baker be reappointed to the Harrisonburg-Rockingham Regional Sewer Authority for terms as set up according to the by-laws of the Regional Sewer Authority. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous vote of Council Members present.

At 10:10 p.m. there being no further business and on motion adopted the meeting was adjourned.

Judy M. Gray
CLERK

Stanton F. Jones
MAYOR

REGULAR MEETING
OCTOBER 9, 1990

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m. there were present, Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingledine, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Chief of Police Richard Presgrave and City Auditor Peterman.

Minutes of the regular meeting held on September 25, 1990, approved as read.

The following regular monthly reports were presented and ordered filed:

From the City Manager

A progress report of activities in the various departments and said office for the month of Sept. 1990

From the City Treasurer

A trial balance report for the month of Sept. 1990

From the Police Department

A report of fines and costs collected - \$5,144.05; cash collected from street parking meters - \$6,603.36; total cash collected and paid on accounts and turned over to the City Treasurer - \$11,747.41.

From the City Auditor

A report of cash discounts saved in the payment of vendor's invoices for the month of September, 1990, in the amount of \$451.68.

↓ Mr. Curtis L. Poe, Executive Director of the Harrisonburg Rockingham Regional Sewer Authority presented the 1989-90 Annual Report of Operations. Mr. Poe reviewed the figures for the past year and concluded in stating that the Authority had a good solid steady year. Manager Milam also called Council's attention to their copies of the financial statements for the year ended June 30, 1990, and noted that copies of the report are available in the Manager's office for public inspection.

↓ City Manager Milam presented for Council's approval of a first reading an ordinance closing a portion of Monroe Street including a forty foot (40') right-of-way lying west of North Liberty Street. Vice-Mayor Rhodes offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

↓ City Manager Milam presented for Council's consideration of approval the proposed amendments to the Agreement for the new Sheriff's Office, Jail and Lower Court Complex. Following comments and a review of what the amendments are, Council Member Kite offered a motion that the proposed amendments be approved. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council Members.

↓ Assistant City Manager Baker gave an update on the construction of the Water Street bridge. Mr. Baker noted that the contract stated that the bridge was only to be closed to traffic for 60 days with the 60 days being up this past Saturday. Mr. Baker further noted that the contractor was ready himself but is having trouble getting a paving contractor with only two being available in the area. Mr. Baker also noted that the paving contractor is going to make every effort to start work on Wednesday morning. Following other comments, Mr. Baker concluded in noting that he is pleased with the progress of the work on the bridge.

✓ Council received the following extract from minutes of a meeting of the Harrisonburg Transportation Safety Commission meeting held on Tuesday, September 25, 1990:

In regard to the old business of Mr. Stoneburner's request to remove the median strip on South High Street to Erickson Road. Chief Presgrave motioned that the Commission recommend to City Council that the median be removed along South High Street all the way to the city limits when funding becomes available. The motion was seconded by Secretary Tamkin. Following a discussion of the matter, the Commission voted unanimously to carry the motion.

Following comments from Vice-Mayor Rhodes, Council Member Heath offered a motion that City Council accept the report of the Transportation Safety Commission. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

↓ Council Member Dingledine moved that a supplemental appropriation in the amount of \$247,936.00, requested by Sanitation Superintendent Holsten for needed operating funds for staffing and O & M of recycling activities be approved for a second and final reading, a first reading having been approved on September 25, 1990, and that:

\$247,936 chdg. to: Unappropriated fund balance -
Sanitation Fund

247,936 approp. to: various line items to fund
recycling expenses

The motion was seconded by Council Member Kite, and approved with a unanimous

recorded vote of Council.

✓ Council Member Heath moved that a supplemental appropriation in the amount of \$3,208.50, requested by Recreation Director Logan due to construction of addition to National Guard Armory and the close proximity to the Willow Street Tennis Courts, erosion control, netting, regrading, planting of bank and a security fence must be installed to prevent any damage to courts, be approved for a second and final reading a first reading having been approved on September 25, 1990, and that:

\$3,208.50 chdg. to: Unappropriated fund balance

3,208.50 approp. to: 1-1-7105-2-0-3004.04 National
Guard Armory - Maintenance & Repairs
- Bldg. and Grounds.

The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

✓ Mr. Wayne Alley, Chairman of HEC, presented the Harrisonburg Electric Commission's financial report for the year ended June 30, 1990. Mr. Alley called Council's attention to their copies of the report and reviewed the gross revenues for the past year. Mr. Alley also reviewed the cash flow financial activities, and concluded in stating that the facility is in excellent shape.

✓ Mayor Green, noting the on going problems with the cable FM service, stated that Council Member Kite is currently working with Warner Cable to try and remedy the problem.

✓ Ms. Agnes Weaver expressed concerns about the safety in the one half mile area from Howard Johnsons to Deer Run on Port Republic Road. Ms. Weaver noted that there are approximately 3,120 people living in this one half mile stretch and that the road is extremely unsafe. Following other comments, Ms. Weaver noted that she would like to request that the MPH be lowered from 35 mph to 25 mph and to also request increased police controls in this area. Council Member Dingleline offered a motion that this request be referred to the Harrisonburg Transportation Safety Committee. The motion was seconded by Council Member Heath and approved with a unanimous vote of Council.

At 8:37 p.m., Council Member Heath offered a motion for an executive session for discussion of prospective candidates to be appointed to the Community Services (Chapter 10) Board, the Valley Program for Aging Services Advisory Board the Central Shenandoah Emergency Medical Services Council and the Private Industry Council Steering Committee and for prospective candidates to be recommended to the Circuit Court of Rockingham County, VA., to be appointed to the Board of Zoning Appeals exempt from the public meeting requirements pursuant to Section 2.1-344(1) of the Code of VA., and for discussion and consideration of the use of real property presently owned by the City of Harrisonburg exempt from public meeting requirements pursuant to section 2.1-344(3) of the Code of Virginia.

At 9:27 p.m. the executive session was closed and the regular session reconvened. City Clerk Gray read the following which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Assistant City Manager Baker reported that the detention pond in Greendale Subdivision has been taken care of and all property owners are satisfied. Mr. Baker also reported that Jim Baker and Art Wilcox met with Bret Wescott and Fred Dooley concerning the drainage problem in the Southampton Subdivision. Mr. Baker reported that the drain pipes have been cleaned out which should help some, and that Mr. Wilcox has suggested putting some bars over the pipes so there is no chance that children may get sucked into the pipes. Mr. Baker stated that it was also suggested to Mr. Wescott that the property owners rip rap problem areas and crout it in place. Mr. Baker concluded in noting that Mr. Wescott seemed to be satisfied but still wants to get Council involved. Vice-Mayor Rhodes requested that a letter be sent to Columbia Gas to make them aware of the exposed gas line in the area.

✓ Mayor Green noted that he has received a letter from Ms. Churchman requested that the City of Harrisonburg send a letter to Russia inviting them to Harrisonburg. Following comments, Council requested that before they agree to send a letter they would like to know what is involved.

At 9:50 p.m., there being no further business, and no motion adopted the meeting was adjourned.

Judy M. Gray
CLERK

Walter F. Green
MAYOR

REGULAR MEETING
OCTOBER 23, 1990

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingleline, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Chief of Police Richard Presgrave and City Auditor Peterman.

Minutes of the regular meeting held on October 9, 1990, approved as corrected.

The following regular monthly report was presented and ordered filed:

From the City Manager - A progress report of activities in the various departments and said office for the month of September 1990.

↓ City Manager Milam read a letter from City Treasurer Beverly Miller requesting permission to advertise as unpaid the delinquent real estate for the years 1988 and 1989. Vice-Mayor Rhodes offered a motion that the City Treasurer be given permission to advertise the delinquent real estate. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council.

↓ City Manager Milam presented for Council's consideration of a second and final reading an ordinance closing a portion of Monroe Street including a forth foot (40') right-of-way lying west of North Liberty Street. City Manager Milam noted that the city has received the funds as requested. Council Member Heath offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Kite and approved with a unanimous recorded vote of Council.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on October 17, 1990:

"...The Commissioners studied a map showing the location of a 14,420 square foot parcel on the west side of Berry Road. The Director reported that the property is owned by Triple H Farms, Inc. and is adjacent to the City's Recycling Center. If the City acquires the land, it will become part of the Recycling Center's site. Mr. Milam said that funds are available and if purchased, the City will improve the parcel and own all of the land along the west side of Berry Road from the curve to the Interstate 81 right of way.

Dr. Gardner moved for the Commission to recommend approval of the purchase of said parcel from Triple H Farms, Inc. for \$10,000.00. Mr. Hartman seconded the motion and all members voted aye..."

Following comments from Planning Director Sullivan, Vice-Mayor Rhodes offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on October 17, 1990:

"...Attorney Roger Williams, representing Wampler-Longacre Turkeys, Inc., reviewed a map illustrating his client's request to close 450' of Massanutten Street, 138' of a 10' alley, and 138' of an alley named "Jackson Street." Wampler-Longacre owns all of the property on both sides of Massanutten Street and the alleys where the closing is requested. Existing dwellings at the south end of Massanutten Street will still face the street and will be permitted to turn around on the company's parking lot area if the road is abandoned. Easements for utilities and storm drainage will be granted to the City and an easement for vehicular turning will be granted. City staff has met with Wampler-Longacre and their engineer, and accepts the plan for easements and relocation of certain utilities. Mr. Milam asked that the proposed easements be wide enough for the City's use.

Mr. Neff moved for the Commission to recommend that portions of Massanutten Street and two alleys be closed, as described, and the Board of Viewer be appointed by City Council to study and report on the request. Mr. Hartman seconded the motion and all members voted aye..."

Planning Director Sullivan noted that the Board of Viewers has already been instructed to review this closing. Vice-Mayor Rhodes offered a motion that Council accept the recommendations of the Planning Commission and schedule a public hearing date for November 13, 1990, to hear this request.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on October 17, 1990:

"...The Commissioners studied a map illustrating a 91' portion of Ash Tree Lane that Dr. Thomas Arthur of 298 Campbell Street has requested closing. Dr. Arthur told the Commissioners he would like to acquire the undeveloped right-of-way behind his home, and his neighbors, Mrs.

Ruth Jones and Mr. and Mrs. David Cason of Franklin Street have no objections. The Director reported that City Staff visited the site and supports the request, provided a 25' utilities easement is retained. An 8" water line exists in the undeveloped street. Vehicular access to the dwellings west of Dr. Arthur's request will not be affected.

Mr. Rhodes concluded the review with a motion for the Commission to recommend closing a 91' of Ash Tree Lane, beginning at Ott Street, provided a 25' utilities easement is retained and the Board of Viewers be appointed to review and report on the request. Mr. Neff seconded the motion and all members voted aye..."

Following comments from Planning Director Sullivan, Council Member Heath offered a motion that the recommendation of the Planning Commission be accepted, for the Board of Viewers to be requested to review the closing and for a public hearing to be scheduled for November 13, 1990, to hear this request. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous vote of Council.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on October 17, 1990:

"...Attorney George Aldhizer, Jr. told the Commissioners that Forbert Corporation desired to sell a 10,204 square foot lot to Donald Mercer. Mr. Mercer owns a lot on Carlton Street which is leased to Arby's Restaurant. The proposed lot is directly behind Arby's and it has frontage on Kenmore Street. Mr. Aldhizer said there are no development plans for the proposed lot or the remaining property owned by Forbert Corporation. The Director noted that City Staff is concerned about storm water which backs up along Carlton Street in front of Pizza Hut and China Inn. Mr. Aldhizer assured the Commission that storm water runoff will be addressed when site plans are prepared for Mr. Mercer's lot and any future lots on Kenmore Street.

Mr. Rhodes moved for the Commission to recommend approval of the Forward Carlton Subdivision, Section 2, Lot 1 with 10' easements on the side and rear lot lines provided. Mr. Neff seconded the motion and all members aye.

Planning Director Sullivan noted that there are no plans of development at this time for the lot. Council Member Kite offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on October 17, 1990:

"...Mr. Ray Nicely, Vice President for Planning from Copper and Associates, told the Commissioners that Hidden Creek Properties Subdivision, Section 1 is a 24,685 square foot commercial lot located on the southwest side of Rockingham Square Shopping Center. It has 81 feet of frontage on South High Street. A one-story commercial structure is planned, with orientation to the shopping center parking lot. Several existing easements are on or adjacent to this proposed lot, including one for sanitary sewer, one for ingress and egress across the shopping center parking lot, and a 30' easement for slope construction and maintenance. The Director reported that City Staff has returned construction plans to the developer, pending revisions to provide a fence for protection to pedestrians and vehicles from rocks that may fall from the 20' cliff which exists on the west border of this property. Mr. Nicely said the request will be addressed by the owner.

Mr. Hartman moved for the Commission to recommend approval of Hidden Creek Properties Subdivision, Section 1, providing that City Staff's requests are adhered to. Dr. Gardner seconded the motion and all members voted aye

Planning Director Sullivan reiterated many of the points in the Planning Commission's report. Mr. Nicely stated that he building will have storage space, a retail sales area and office space making it attractive to stores like carpet sales or plumbing supplies. Council Member Heath offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on October 17, 1990:

"...Attorney Henry Clark told the Commissioners that Truck & Equipment Corporation desired to add 32,600 square feet to its 7 acre parcel located at 3640 South Main Street. The Final Plat shows Lots 2A and 2B. Mr. Clark said Lots 2A will become part of Lot 1. Also, an existing 20' sewer easement on Lot 2B will be vacated and a new 20" sewer easement will be established where a sewer line is actually in place. No development plans exist for Lot 2B.

Dr. Gardner moved and Mr. Rhodes seconded his motion for the Commission to recommend approval of the resubdivision of Lot 2, Section 1, Howard A. Miller Subdivision. All members voted aye..."

Following comments from Planning Director Sullivan, Mr. Nicely handed out a revised plat that makes clear the intent of the subdivision to take care of all the technical details. Council Member Heath offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on October 17, 1990:

"...Mr. Ray Nicely, Vice President for Planning for Copper and Associates, reported to the Commissioners that he, Mr. Andy Depoy of Logic, Inc., City Street Superintendent Baker and Mrs. Grim met on October 16, 1990, to review the proposed location for constructing a new East Hawkins Street from Wine Street into Mrs. Grim's property. Mrs. Grim told the Commissioners that she is satisfied with the new location and with the plan to curb and gutter and pave the road. She also said she will furnish new fence and posts which Mr. Depoy has agreed to install. Mr. Andy Depoy said he agrees with the new road plan, including curb and gutters, a drop inlet and 14' of pavement which will taper off where the road crosses into Mrs. Grim's parcel. Logic, Inc. will do the road work and the City will assign an inspector to supervise the job.

Mr. Nicely requested approval of the plan to relocate East Hawkins Street and approval of the proposed 23-lot Reherd Acres Subdivision, Unit 26; which has been studied thoroughly by City Staff and contains all necessary utility and drainage easements requested. All proposed lots meet the R-1 Single family requirements for size and setbacks. Both Honeysuckle Lane and Morninglory Court will be cul-de-sacs, as requested by adjacent home owners.

Mr. Neff moved for the Commission to recommend approval of the Final Plat for Reherd Acres Subdivision, Unit 26 and the plans for Construction of a relocated East Hawkins Street, as presented and based on the agreements made between Logic, Inc., the City Street Department and Mrs. Grim. Mr. Hartman seconded the motion and all members voted aye..."

Planning Director Sullivan noted that Mrs. Grim has reached an agreement with the City and the developer. Mr. Sullivan also noted that the Planning Commission is recommending the relocation of East Hawkins Street. Mr. Sullivan further noted that Vine Street to Country Club Road will be curbed and guttered and that all of this will tie in with the Chamber of Commerce lot. Council Member Dingledine offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Rhodes and approved with a unanimous vote of Council.

✓ Planning Director Sullivan presented for Council's information and review, a procedure review for the Planning Commission, Observations and Objectives.

✓ Manager Milam explained that the Braddock House is a juvenile detention facility location in Winchester and is used by a number of municipalities. Manager Milam further noted that the City Manager of Winchester is considering closing the home down because it ended up in a deficit last year at a great expense to the City of Winchester. Manager Milam called Council's attention to the financial statement from the Braddock House and noted that they did transfer one employee to help cut costs. Manager Milam further noted that Rockingham and Warren Counties do not wish to participate in the costs because nonparticipants have a cheaper rate than participants. Following further discussion, Manager Milam called Council's attention to their copies of an agreement setting up a commission to run the Braddock House. It was noted that the agreement is to be taken under consideration.

✓ City Manager Milam presented the following resolution for Council's consideration of approval:

BE IT RESOLVED, that curfew is hereby declared, to be effective and endorsed at and after the hour of 11:00 p.m. in the night of Wednesday, October 31, 1990. (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.

APPROVED this ____ day of ____, 1990

CITY OF HARRISONBURG

CITY OF HARRISONBURG

Walter F. Green Mayor

ATTESTE:

Clerk

Vice-Mayor Rhodes offered a motion that the resolution be approved. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council.

\ City Manager Milam presented for Council's consideration of approval a Resolution of Participation in the Virginia Community Certification Program. Manager Milam noted that a previous resolution was approved on June 12, 1984, and it is Mr. Ted Byrd's desire to have this on approved by the end of the year. It was noted that action on the resolution will be taken at a later time.

\ Council Member Heath noted that citizens have expressed concerns to him about inadequate parking in the downtown area. Council Member Heath noted that it seems there are a great number of spaces which are leased and not available to shoppers etc. Council Member Heath stated that he would like to request the Parking Authority to provide the Council with information on the number of parking spaces available in the downtown, the number of spaces available to shoppers and how many spaces are leased.

\ Assistant City Manager Baker noted that erosion and sediment control checks are being conducted daily and that all construction sites are visited and checked frequently to monitor progress. Mr. Baker further noted that he has been in contact with the City Attorney and the Commonwealth Attorney and they feel that the City is within the code. Mr. Baker also noted that they will bring suit when they have a case and do not wish to bring suites that are going to be a waste of money to the City. Mr. Baker concluded in noted that his major concern at this time is the erosion of public trust.

\ Council Member Heath questioned if there is a study being done on a sign ordinance; which Manager Milam indicated that there will be.

\ Council Member Kite questioned if the City could rewrite the ordinance to state that paved parking is required of a townhouse development or any development. Planning Director Sullivan noted that he is interested in pursuing the idea.

At 8:40 p.m., there being no further business and on motion adopted, the meeting was adjourned.

Judy M. Gray
CLERK

Walter F. Green
MAYOR

REGULAR MEETING
NOVEMBER 13, 1990

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingleline, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; and Chief of Police Richard Presgrave. Absent: City Auditor Peterman.

Minutes of the regular meeting held on October 23, 1990, approved as read.

The following monthly report were presented and ordered filed.

From the City Treasurer

A trial balance report from the month of October, 1990.

From the Police Department

A report of fines and costs collected - \$5,531.00; cash collected from street parking meters - \$8,228.63; total cash collected and paid on accounts and turned over to the City Treasurer - \$13,759.63.

From the City Auditor

A report of cash discounts saved in the payment of vendor's invoices for the month of October, 1990, in the amount of \$482.94.

At 7:34 p.m., Mayor Green closed the regular session temporarily and called the evening's public hearing to order. City Manager Milam read the following notice as it appeared in the Daily News Record on Tuesday, November 6, and November 13, 1990:

The Harrisonburg City Council will hold a public hearing on Tuesday, November 13, 1990, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following applications, (1) an application to vacate a portion of Massanutten Street and portions of two adjoining alleys, and (2) an application to vacate a portion of Ash Tree Lane, in the City of Harrisonburg.

(1) A request of Wampler-Longacre Turkeys, Inc. to vacate 450 feet of Massanutten Street, 138 feet of a 10 foot alley and 138 feet of an alley named "Jackson Street," all of which lie north of West Washington Street in the northwest section of the City of Harrisonburg and run through the property owned by Wampler-Longacre Turkeys, Inc.

(2) A request of Dr. Thomas Arthur to vacate 91 feet of Ash Tree Lane, which lies west of Ott Street and north

of Campbell Street, in the southeast section of the City of Harrisonburg and adjoins the lot owned by Dr. Arthur.

Copies of the recommendations of the City Planning Commission and the Harrisonburg Board of Viewers, along with copies of the plats showing the portion of the street, alleys and lane to be vacated are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

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

CITY OF HARRISONBURG
Marvin B. Milam

(1) Planning Director Sullivan noted that the Planning Commission is recommending this closing and that the City retain easements for utilities. Mayor Green called on anyone present desiring to speak in favor of the closing.

Mr. Roger Williams, attorney representing Wampler Longacre Turkey, called Council's attention to the location of the street and alley on a plat and noted that the street and alley does not serve the public in anyway. Mr. Williams explained that Wampler-Longacre owns all the surrounding property, and is the only party that would ever need to use the street or alley. Mr. Williams further noted that these closings would unify the tracts of land and would permit two pending construction projects to proceed. Mr. Williams concluded in stating that the company is also agreeable to the City's request to have a turn around easement on Massanutten Street to also be a component of the vacation.

There being no others desiring to speak either for or against the vacation, the public hearing was declared closed at 7:55 p.m., and the regular session reconvened. Manager Milam presented and read a letter from the Board of Viewers stating that the Board met and found that closing portions of Massanutten Street, and an alley perpendicular to

Massanutten Street would cause no inconveniences. Following discussion, Vice-Mayor Rhodes offered a motion that the ordinance closing the above described street and alley be approved for a first reading. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council. Manager Milam explained that the ordinance will be prepared by the City Attorney and that all fees have to be paid prior to approval of a second reading.

(2) Planning Director noted that this is the eastern most extension of Ash Tree Lane and stated that City staff feels it would be advantageous to close this street because the City does not need to be in a position to construct this street. Mr. Sullivan also noted that a easement will have to retained for utilities. Mr. Sullivan explained that the reason for Dr. Arthur's request is so that he can have private access to his own backyard. Mr. Sullivan concluded in noting that he has received no objections to the closing and that the Board of Viewers have reviewed the site and agreed to recommend to City Council to close this portion of Ash Tree Lane. Mayor Green called on anyone present desiring to speak either for or against the closing. There being no others desiring to speak either for or against the vacation, the public hearing was declared closed at 7:55 p.m., and the regular session reconvened. Council Member Heath offered a motion that the ordinance closing a portion of Ash Tree Lane be approved for a first reading. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

City Manager Milam called on Earl Taylor, Chairman of the Parking Authority, to review the parking situation in the Downtown. Mr. Taylor called attention to the Police Department's 1990 report on metered parking in the downtown. Mr. Taylor noted that the city just opened a new lot with 65 spaces which is located between Rock and Wolfe Street which is 100% rented. Mr. Taylor stated that this lot is helping to free up spaces to be used for patrons to the downtown. Mr. Taylor also noted a new parking lot with 60 spaces owned by Gus Flores and Bill Julias is also 100% rented. Following a review of the rate structure and other comments, Mr. Taylor noted that there is a real need for more parking downtown with all rented spaces full and long waiting lists. Mr. Taylor noted that the entire Kimble lot with 41 spaces will be changed to all 25 cents meters with emphasis for the Retail Merchants' employees to park either in this lot or the Municipal Building lot noting that employees are taking up a lot of the metered spaces downtown. Following further discussion on parking deck spaces available, Council Member Heath noted that he feels more information is needed concerning the number of spaces available to shoppers etc., and requested that a more scientific study be made on the number of spaces available. Mr. Heath noted that he feel the study should be done immediately since there is a real parking problem in the downtown. Planning Director Sullivan and Earl Taylor noted that they will work together on getting the study done. Kim Griffith, from Innovations in Hair Design located on Water Street, noted that the meter maid gives tickets out every day to her employees but does not ticket the police cars parked in the same places. Wayne Harrison, of Harrison Antiques located on High Street noted that the Police Officers are leaving their cars on the lot beside the Police Station all day. Mr. Harrison further noted that after he voiced complaints about this, the meters were pulled off the lot which took more spaces away from customers. Mr. Harrison concluded in noting that the upper deck is constantly half empty every day. Ms. Nancy Garber, of Garber Jewelers, voiced several complaints about the downtown parking including: a need for handicapped parking spaces in the deck, a need for bicycle racks, that the upper deck is never but 1/2 to 1/3 full, meters were put in at 25 cents when the customers requested nickel meters, a need for tougher action against constant offenders, etc. Ms. Garber noted that she feel the upper deck worked better when it was metered and suggested color codes for fast turn over meters. Ms. Garber also noted that there is a lot of gossip and hearsay about subleasing of parking spaces. Following comments from other citizens, Council Member Kite noted that citizens, business owners, etc.

need to go through the correct chain of command, that they need to go through the Parking Authority who is willing to work with them. Mayor Green stated that Police Offices should park in the Municipal lot and leave the lot beside the Police Station for citizens.

↓ For information and recordation in Council minutes, City Manager Milam presented results of the General Election held in the City of Harrisonburg on November 6, 1990, for member of the United States Senate, member House of Representatives and the proposed constitutional amendments.

↓ City Manager Milam presented and read a letter from the Harrisonburg Retail Merchants Association requesting permission to hold the annual Christmas Parade on December 7, 1990, at 7:00 p.m. The letter also requested approval to use the sidewalk directly in front of the court house. Vice-Mayor Rhodes offered a motion that permission be granted for the parade and the use of the sidewalks. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

↓ City Manager Milam presented and summarized a letter from School Superintendent Alan Hiner stating that he applied for a sign permit for Thomas Harrison Middle School and the Zoning Administrator has indicated that the sign is not in accordance with the R-1 zone which limits a sign to 24 square feet. Manager Milam noted that the sign the school wishes to construct is 14 feet by 4 foot 6 inches high is approximately 63 square feet. Mr. Hiner felt that if this is approved by City Council it would be looked at as a governmental building which would be exempt from the R-1 zoning regulations. City Attorney Thumma noted that he feels this is considered a governmental building and would be exempt from zoning regulations. City Attorney Thumma further stated that if this has to be approved, the approval would have to come from the Board of Zoning Appeals and not the City Council. Following further discussion, City Attorney Thumma stated that he would check into the matter as to whether or not the School Board needs approval to erect the sign.

↓ Mayor Green stated that the City of Harrisonburg was essentially without water two weeks ago and noted that the water crews worked around the clock to correct the problem. Council Member Heath offered a motion that a letter of appreciation be sent to the Water department staff and personnel on behalf of the City for their hard work and dedication. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous vote of Council.

↓ Mr. William Shirkey, of Circle Drive, was present in the meeting to request when the appeals process for assessments will be held. Mr. Shirkey noted that the Commissioner of Revenue's office has been very rude to him and that he feels the increase in property values in the City are out of line.

At 8:55 p.m. Council Member Heath offered a motion for an executive session for discussion of the acquisition or use of real property in reference to the joint City/County Jail and Court Complex exempt from public meeting requirements pursuant to section 2.1-344 of the Code of Virginia; and for consultation with the City Attorney in reference to the Warner Cable franchise agreement exempt from public meeting requirements pursuant to section 2.1-344(7) of the Code of Virginia and for discussion of employee benefits exempt from public meeting requirements pursuant to section 2.1-344(1) of the Code of Virginia.

At 11:15 p.m., the Executive Session was closed and the regular session reconvened. City Clerk Gray read the following which was agreed to with a unanimous recorded vote of Council Members: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

052

City Council agreed that during the month of December there will be only one City Council meeting to be held on December 18, 1990.

At 11:18 p.m., there being no further business and on motion adopted, the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING
NOVEMBER 27, 1990

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingleline, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Chief of Police Richard Presgrave and City Auditor Peterman.

Minutes of the regular meeting held on November 13, 1990, approved as read.

The following regular monthly report was presented and ordered filed:

From the City Manager - A progress report of activities in the various departments and said office for the month of October, 1990.

City Manager Milam presented and read the following resolution for Council's consideration of approval:

BE IT RESOLVED that the City of Harrisonburg, Virginia currently participating in the Virginia Retirement System under the provisions of Title 51, Chapter 3.2, Article 4, of the Code of Virginia, acting by and through the City Council, does hereby elect to have those of its employees who are members of the Virginia Retirement System and who are employed in law enforcement positions comparably hazardous to that of a State police officer or in positions as full time salaried firemen to be eligible, effective December 1, 1990, to be provided benefits equivalent to those provided for State police officers of the Department of State Police, as set out in Section 51.111.37 of the Code of Virginia, in lieu of the benefits that would otherwise be provided as such section has been or may be amended from time to time; and the City agrees to pay the employer cost for providing those employees such benefits.

NOW, therefore, Walter F. Green, III, Mayor of the City Council of the City of Harrisonburg, and Judy Gray, Clerk, are hereby authorized and directed in the name of the City, to execute any required contract in order that the above described employees of the City may become entitled to retirement benefits equivalent to those provided for State police officers of the Department of State Police. In execution of any contract which may be required, the seal of the City shall be affixed and attested by the Clerk; and those offices of the City are hereby authorized and directed to do all other things, incident and necessary of the lawful conclusion of this matter. The Treasurer of the City is hereby authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the City and its employees for this purpose.

Manager Milam explained that in the 1989 General Assembly, the House Bill 1477, known as the Special Benefits for Public Safety Employees, was approved. Manager Milam reviewed several items of correspondence received from the State concerning the Special Benefits program and read on paragraph from correspondence received on August 31, 1990, which stated that the employer contribution rate has been revised to 5.40, which is a 3% reduction. Manager Milam noted that with this change, there is sufficient money already in the current year's budget to support this program. Following further discussion, Council Member Heath offered a motion that the resolution be approved. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

↓ City Manager called Council's attention to their copies of the Harrisonburg-Rockingham Community Services Board, and noted that a copy is available in the Manager's office for public inspection.

↓ Mayor Green called on Mr. Andrew Tolliver, former employee of the Harrisonburg Fire Department for comments. Mr. Tolliver noted that he was present in the meeting to ask several questions concerning the employee's handbook. Mr. Tolliver questioned if the handbook is a policy adopted by the City Council; what actions are necessary to change the policies in the book, and can Department Heads implement policies that can supersede the policies in the handbook. Mr. Tolliver also questioned if the Leave without Pay section in the handbook, located on page 8, is truly a valid policy. To update the Council on the situation, Manager Milam noted that MR. Tolliver submitted a letter, in January of 1990, to Fire Chief Shifflett requesting an educational leave of absence for one year. Manager Milam noted that Fire Chief Shifflett discussed the request with Assistant Manager Baker and it was decided that the City does not grant educational leaves of absence for one year. Mr. Milam further explained that after Mr. Tolliver was told this, he resigned from the fire department. Mr. Milam stated that the case was reopened in June 1990, with two hearings before Mr. Baker and three hearings with himself. Following reading the policy, Manager Milam stated the policy is a discretionary policy, but he feels the policy was fairly interpreted. Mr. Tolliver questioned who has the authority to change the policies in the handbook and noted that he was told specifically that the policy will be changed if he wants to use it. Manager Milam explained to Mr. Tolliver that the City Council has the authority to change the handbook at anytime on the recommendation of the Manager or Department Heads, but noted that Department Heads do not have the authority to change the policies. Mr. Milam did note that the Police Department and Fire Department do have separate Standard Operating Procedures, and they can adopt any rule or regulation as long as it does not conflict with the City's handbook policies.

↓ City Manager Milam presented and read a letter from Christine A. Whitelow, from the Utility Billing Department, requesting permission to write off a list of delinquent accounts. The letter stated that none of the accounts listed currently have service with the City of Harrisonburg. Following discussion, Vice-Mayor Rhodes offered a motion that permission be granted for the accounts to be written off. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

↓ City Manager Milam presented for Council's consideration of a second and final reading, an ordinance vacating a portion of Massanutten Street, a portion of Jackson Street and a portion of a 10 foot alley, all lying east of North Liberty Street in the City of Harrisonburg. Manager Milam noted that the City has received a check from WLR for the closing. Council Member Heath offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

↓ Manager Milam called Council's attention to copies of letters from Wetsel Seed Company, Inc. and The Box Factory, Inc., and noted that the letters are in response to the Redevelopment and Housing Authority attempting to acquire properties for the judicial center. Manager Milam stated the letters are for Council's information and study and noted that they will be discussed at the meeting on Wednesday.

↓ For recordation in the minutes, City Manager Milam presented and read a letter received from Mr. Bruce J. Rathke, President of the Muhlenberg Lutheran Church. The letter states that due to current circumstances, the Church has decided to pursue other options at this time. It also noted that they would like to retain the option of reopening similar action in the future. This letter is in reference to an earlier request made by the Church for an alley closing between Market Street and Water Street. Vice-Mayor Rhodes requested that a copy of the letter be sent to the Planning Director.

At 8:15 p.m., Council Member Heath offered a motion for an executive session for discussion and consideration of the prospective candidates to be appointed to the: Community Services Board, the Valley Program for Aging Services Advisory Board, the Central Shenandoah Emergency Medical Services Council, the Private Industry Council Steering Committee, the Harrisonburg Parking Authority, the Harrisonburg Redevelopment and Housing Authority and the Building Code Board of Appeals exempt from the public meeting requirements pursuant to section 2.1-344(1) of the Code of Virginia; and for discussion and consideration of the prospective candidates to be recommended to the Circuit Court of Rockingham County, Virginia, to be appointed to the Board of Zoning Appeals, exempt from public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia; and for discussion and consultation with the City Attorney concerning the use of public property exempt from public meeting requirements pursuant to section 2.1-344(7) of the Code of Virginia and for discussion and consideration of the acquisition of real estate for public purposes, exempt from the public meeting requirements pursuant to Section 2.1-344(3) of the Code of Virginia. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

At 10:13 p.m., the Executive Session was closed and the regular session reconvened. City Clerk Gray read the following which was agreed to with a unanimous recorded vote of Council Member: I hereby certify to the best of my

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knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

↓ Council Member Heath offered a motion that this meeting of November 27, 1990, be continued and reconvened on November 28, 1990, at 5:00 p.m., with the County of Rockingham Board of Supervisors on the 2nd floor of the Rockingham County Courthouse to consider other matters concerning the Judicial Center. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous vote of Council.

↓ The City Council meeting reconvened at 5:00 p.m. on Wednesday, November 28, 1990, in the County Court House with the County of Rockingham Board of Supervisors, All members present. Tim Hulings called the meeting to order, and Chuck Ahrend noted that his meeting was called to reveal the plans of the Judicial Center to the citizens, the location of the center and to explain why certain decision were made.

↓ At 5:05 p.m., on motion adopted and voted on, the City Council and Board of Supervisors entered an executive session for discussion and consideration of the acquisition of real estate for public purposes exempt from the public meeting requirements pursuant to Section 2.1-344(3) of the Code of Virginia.

↓ At 5:30 p.m., the executive session was closed and the regular session reconvened. City Clerk Gray read the following which was agreed to with a unanimous recorded vote of Council Members: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

↓ Following comments, Council Member Heath offered a motion that Mr. Jim Deskins, Director of the Redevelopment and Housing Authority, be authorized to proceed with land acquisitions in the designated areas and in accordance with his report. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

Ms. Betty Jolly, Public Relations director, read portions of a press release, and noted that copies are available for the public and press.

At 5:45 p.m, there being no further business, and on motion adopted, the meeting was adjourned.


MAYOR


CLERK

REGULAR MEETING

DECEMBER 18, 1990

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingledine, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Chief of Police Richard Presgrave and City Auditor Peterman.

Minutes of the regular meeting held on November 27, 1990, approved as read.

The following regular monthly report was presented and ordered filed:

From the City Manager's Office

A progress report of activities in the various departments and said office for the month of November, 1990.

From the City Treasurer

A trial balance report for the month of November - 1990

From the Police Department

A report of fines and costs collected - \$4,936.50 ; cash collected from street parking meters - \$7,249.88; total cash collected and paid on accounts and turned over to the City Treasurer - \$12,186.38

From the City Auditor

A report of cash discounts saved in the payment of vendor's invoices from the month of November, 1990, in the amount of \$575.70

From the Utility Billing Department - a report of water, sewer and refuse accounts; meters read; installations; cut delinquents; complaints; rereads, etc. for the month of November 1990.

City Manager Milam presented a letter from David A. Penrod, on behalf of Scripture Building, Corp., requesting that the City conditionally rezone approximately six (6) acres of property located on the north side of Cantrell Avenue to R-3 for conditional use as professional offices. Council Member Dingledine offered a motion that the letter be referred to the Planning Commission. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

Council Member Heath offered a motion that the summary of the Board of Zoning Appeals' activities for 1990 be accepted. The motion was seconded by Council Member Kite and approved with a unanimous vote of Council.

City Manager Milam presented the following resolution for Council's consideration of approval:

WHEREAS, the community of Rockingham County - Harrisonburg successfully met the standard of the Virginian Community Certification Program; and

WHEREAS, the community was duly recognized for this achievement by the Governor of the Commonwealth of Virginia on the 5th day of January, 1988; and

WHEREAS, participation in this program has positioned the community to enhance and expand its economic base; and

WHEREAS, the governing body of the City of Harrisonburg is interested in continuing its economic development effort.

NOW THEREFORE, BE IT RESOLVED by the Harrisonburg City Council that our community wishes to maintain its status as one of Virginia's CERTIFIED COMMUNITIES AND, THEREFORE, wishes to participate in the Virginia Community Recertification Program; and

BE IT FURTHER RESOLVED that the leadership of this community fully realized this program requires dedicated effort; and

BE IT FURTHER RESOLVED that by making entry into this program, we are pledging our honest efforts to continue our designation 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 18th day of December, 1990.

Walter F. Green, III
Mayor

Judy M. Gray, Clerk

Following comments from City Manager Milam, Council Member Heath offered a motion that the resolution be approved. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ City Manager Milam presented a letter from R. Mitchell Slaymaker, requesting permission to hold the second annual Harrisonburg Cycling Classic Race. The letter stated that the race would be held on Saturday, April 20, 1990, between the hours of 8 a.m. and 6 p.m. Mr. Slaymaker explained that they plan to use Main Street, Bruce Street and Liberty Street which will leave Water Street open. Mr. Slaymaker also noted that the committee plans to do a lot of advertising to attract more people downtown and that they will inform all the merchants affected by the race well in advance of the race. Mr. Slaymaker concluded in noting that they have the support of various organizations including the downtown merchants and the Chamber of Commerce. Following comments from Vice-Mayor Rhodes, Council tabled the matter until the first meeting in January, since it was noted that they have not heard from two business that were most inconvenienced last year.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on November 21, 1990:

"...Mr. Ray Nicely of Copper and Associates described the request to change four duplex lots to four single family lots in Section 1 of Easthampton Subdivision. Utility easements have been added along front, rear and side lot lines. Easthampton Court had been constructed. Mr. V. W. Nesselrodt told the Commissioners that single family dwellings at this location will be more compatible for the adjacent properties along nearby Central Avenue and Laurel Street.

Mr. Hartman moved for the Commission to recommend approval of the resubdivision of Lots 5 & 5A, 6 & 6A, 7 & 7A and 8 and 8A in Section 1, Easthampton Subdivision. Mr. Rhodes seconded the motion and all members voted aye..."

Following comments from the Planning Director, Council Member Heath offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on November 21, 1990:

"...The Commissioners studied a plat drawn by Surveyor Robert Shiflet on June 14, 1990, showing a portion of the Joseph W. Good land, located 170' north of Charles Street. Mr. Sullivan reported that the owner wants to establish a 1.782 acre parcel to be accessed via a 40' private right of way off Charles Street. The City has requested a 20' utility easement, from Charles Street to the northeast corner of the Good land. It has been added to the plat.

Dr. Gardner moved for the Commission to recommend approval of the Joseph W. Good Plat dated June 14, 1990, with variance permitting access by private right of way. Mr. Hartman seconded the motion and all members voted aye..."

Council Member Dingledine offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on November 21, 1990:

"...Mr. Bill Neff described proposed Deyerle Subdivision, Section 37, which will include three commercial lots and a new street, Deyerle Avenue, which will extend from University Boulevard southward to Neff Avenue. Easements will border all side and rear lot lines. Deyerle Avenue will have a 50' right of way, and construction plans for the street are under review. Mr. Baker said its location is good, as it lies midway between Evelyn Byrd Avenue and Medical Avenue, thus splitting a large area of commercially zoned land.

Dr. Gardner moved for the Commission to recommend approval of the Final Plat for Deyerle Subdivision, Section 37. Mr. Hartman seconded the motion and all members voted aye..."

Planning Director Sullivan called Council's attention to the overall map of this area and pointed out the location of Section 37. Council Member Heath offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on November 21, 1990:

"...The Commissioners studied a Final Plat for the resubdivision of Lot 1, Section 4 of Deyerle Subdivision, which is necessary in order to locate proposed Deyerle Avenue as submitted in Section 37. Lot 1,

consisting of 2.2225 acres, will be shifted slightly to the west and south. A 20' utility easement will remain along the south border of the lot.

Mr. Rhodes moved for the Commission to recommend approval of the resubdivision of Lot 1, Section 4, Deyerle Subdivision. Dr. Gardner seconded the motion and all members voted aye.

Council Member Heath offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on November 21, 1990:

"...Mr. Glen K. Shomo told the Commissioners that this request to divide a lot on Grove Street is for family convenience. His son's new home is on proposed Lot 2 and he constructed Grove Street from New York Avenue to the corner of proposed Lot 1. (It is a gravel access lane only.) He also worked with the City to get water and sewer up to his property from the Circle Drive area. Mr. Shomo stated he hopes Maryland Avenue will not be developed. Mr. Milam noted that the City hasn't required anyone to make improvements to undeveloped Maryland Avenue. There is a cave and large sinkhole in the right-of-way. Mr. Shomo III asked if a future owner of proposed Lot 1 will have to build Grove Street more than has been done to date? Mr. Milam said it will need to be rough graded and based on the property owners on the north side (Mongers) should be required to participate. Mr. Rhodes asked if the City can assess the Mongers for any improvements if they don't participate initially. Mr. Milam said the Code of Virginia allows a city to do so.

Mr. Rhodes moved for the Commission to recommend approval of the resubdivision of Glen K. and Nancy Shomo's lot into two lots on the south side of Grove Street, with the condition that the owner be responsible for rough grading and basing Grove Street when they apply for a building permit for Lot 1, and all necessary utilities and easements are installed and provided. Mr. Hartman seconded the motion and all members voted in favor..."

Following discussion, Council Member Kite offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Mayor Green and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on November 21, 1990:

"...Surveyor David Ingram described a plat showing the division of a 5.95 acre wooded parcel, owned by Unity and Leon Powell. The land is located between undeveloped portions of Grove Street and Neyland Drive. Dr. William Cale of 710 New York Avenue desires to purchase the proposed 3-acre parcel with frontage on Grove Street. Mr. Ingram said that neither the Powells or Dr. Cale have any plans to develop the parcels.

Mr. Milam pointed out that a division of land means the owner will be responsible for rough grading and basing adjacent undeveloped streets, and getting utilities to the property.

Dr. Gardner concluded the discussion with a motion recommending approval of the division of Unity and Leon Powell's 5.95 acre tract, with the condition that the owner be responsible for rough grading and basing any adjacent paper street and getting utilities to their land when they apply for permits to build. Mr. Hartman seconded the motion and all members voted in favor..."

Following comments from Planning Director Sullivan, Council Member Heath offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on November 21, 1990:

"...The Commissioners reviewed a Final Plat of Harmony Square Subdivision, drawn by Bobby Owens, Surveyor. The proposed commercial project will include a 5.164 acre lot and two small outer lots on the corners of Birch Drive, Virginia Avenue and Buttonwood Avenue. The Director reported that all needed utility easements have been placed on the plat, all surrounding street are complete, and the developer will be adding an ingress-egress lane along Virginia Avenue. Mr. Orden Harman, owner/developer, told the Commission that Food Lion will be constructing a store on Lot 1.

Mr. Hartman moved and Dr. Gardner seconded his motion for the Commission to recommend approval of Harmony Square Subdivision. All members voted in favor...

Council Member Kite offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on November 21, 1990:

"...The Commissioners reviewed a Final Plat of Acorn Industrial Park Subdivision, Section 2, drawn by Jerry L. Brunk, Surveyor. Mr. Gary Lee owner/developer, told the Commission that he will extend Red Oak Street approximately 200' to serve proposed Lots 25A & 25B. Both lots are 44,038 square feet in size and outside of the nearby Blacks Run floodplain. City staff has reviewed and approved Mr. Lee's construction plans.

Dr. Gardner concluded the discussion with a motion for the Commission to recommend approval of Acorn Industrial Park Subdivision, Section 2. Mr. Neff seconded the motion and all members voted in favor..."

Council Member Dingledine offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Mayor Green and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on November 21, 1990:

"...The Commissioners discussed and reviewed suggested language that will amend the City's Subdivision Ordinance regarding "minor subdivisions", requiring the paving/surfacing of parking areas, and who should be responsible for applying the final paving of new streets. Mr. Neff presented a proposed amendment concerning minor subdivisions and Mr. Milam brought up the issues regarding paving of parking areas and streets.

Mr. Neff moved for the Commission to hold the public hearing on January 16, 1991, to consider these amendments. Mr. Wassum seconded the motion and all members voted in favor. The Director will incorporate these items into a legal ad for publication as required by the Code of Virginia..."

Planning Directors Sullivan stated that the Planning Commission is recommending that the City's subdivision ordinance be amended to "get away from the graveled parking lots" and to remove the words the currently leaves it up to the City to apply the final black top coating and make it the developer's responsible. Mr. Sullivan also noted that the Planning Commission is presenting for Council's consideration a new wording that would change the process of reviewing of minor subdivisions by a subdivision agent. Following other comments, Mr. Sullivan concluded in noting that the Planning Commission is strongly and unanimously recommending these three items. City Attorney Thumma stated that the City ordinance requires that any amendments to the subdivision ordinance come as a recommendation from the Planning Commission and then it requires City Council to hold a public hearing and then have two readings. Following further comments from Mr. Thumma, City Council decided to table this proposal until after they receive the report and recommendation from the Planning Commission.

↓ City Manager Milam presented for Council's consideration of approval an agreements to establish a regional commission for the purpose of operating The Braddock House. Manager Milam explained that the Braddock House is owned by, and located in, the City of Winchester and for the last four or five years has been operated by the City of Winchester through a group of employees who are compensated partially through the State. Manager Milam noted that the only jurisdictions interested in participating in the Braddock House at this time are Frederick County, Clark County and the City of Winchester. Manager Milam further noted that he indicated that he would recommend to the City Council that the City of Harrisonburg also participate in the Braddock House. Manager Milam also stated that the City of Winchester has indicated that they will close the home if the participating jurisdictions do not pay their share. Manager Milam stated that the court system and Social Services feel that they have other alternatives, but noted that there are no assurances that Harrisonburg boys will have a room when needed on any particular day. Following further comments from the City Manager, Assistant City Manager Baker noted that he also feels that it would be to the City's advantage to participate in the home. Vice-Mayor Rhodes offered a motion that the City of Harrisonburg agree to participate in the commission. The motion was seconded by Council Member Heath and approved with a unanimous vote of Council.

↘ A request was presented by Street Superintendent Baker for approval of a supplemental appropriation in the amount of \$280,000.00 for funds for engineering costs of construction plans and construction materials and funds to purchase complete traffic signal system. Vice-Mayor Rhodes offered a motion for the

appropriation to be approved for a first reading, and that:

\$280,000.00 chdg. to: 1-Unappropriated fund balance

155,000.00 approp. to: 1-2-4102-0-0-7012.01 Work in
Progress - Annexed Area

125,000.00 approp. to: 1-2-4107-0-0-7001.00 Machinery
& Equip. - Traffic Signals

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

↓ A request was presented by Street Superintendent Baker for approval of a supplemental appropriation in the amount of \$19,000.00 for funds to cover replacement of centerline painting machine for traffic engineering. Council Member Heath offered a motion that the appropriation be approved for a first reading, and that:

\$19,000.00 chgd. to: 1-Unappropriated fund balance

19,000.00 approp. to: 1-2-4107-0-0-7001.00 Machinery &
Equipment - Traffic Signals

The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous recorded vote of Council.

↓ A request was presented by Chief of Fire Shifflett for approval of a supplemental appropriation in the amount of \$87,221.11, for state grants-donations and reimbursements. Council Member Heath offered a motion that the appropriation be approved for a first reading, and that:

\$ 504.20	chgd.	to:	1-1900-1901.01 Recovery & Rebates
26,364.70	chgd.	to:	1-unappropriated fund balance
15,000.00	chgd.	to:	1-2404.03 haz. materials grant
1,529.07	chgd.	to:	1-1900-1901.01 recovery & rebates
43,823.14	chgd.	to:	1-unappropriated fund balance

24,059.00 approp. to: 1-1-3201-1-0-1005.07 - inspector
32,370.03 approp. to: 1-2-3201-0-0-7006.01 - fire
 programs fund

28,785.81 approp. to: 1-1-3502-2-0-5416.02 - Haz. Mat.
equipment

2,006.27 approp. to: 1-1-3201-2-0-5400.01 - Other Mat.
and supplies

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

↓ A request was presented by Chief of Police Presgrave for approval of a supplemental appropriation in the amount of \$5,293.13 to recover money seized and forfeited in drug cases; to recover overtime money from JMU and Sunshine Carnivals; to recover monies for reimbursements from property damage, tow bills, bad check for parking ticket and overcharge on an invoice. Council Member Kite offered a motion that the appropriation be approved for a first reading, and that:

\$5,293.13 chdg. to: 1-1900-1901.01 - Recoveries & rebates

4,496.20 approp. to: 1-1-31-1-2-0-5802.02 Drug Forfeiture
305.14 approp. to: 1-1-3101-2-0-5413.01 Other operating
expenses

491.79 approp. to: 1-1-3101-1-0-1104.07 Special Police

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

City Manager Milam presented a request from School Superintendent Hiner for approval of a transfer of funds in the amount of \$5,660.00, to transfer funds budgeted for salaries for summer school elementary program to pupil transportation for elementary summer school. Vice-Mayor Rhodes offered a motion that the transfer be approved, and that:

\$5,660.00 trans. from: 02-01-61000-00-0-305618 -
Instruction - Personal Services

5,660.00 trans. to: 02-01-63000-00-0-300000 - Pupil
transportation - Purchased
Services

The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

City Manager Milam presented a request from School Superintendent Hiner for approval of a transfer of funds in the amount of \$10,234.00 to transfer funds for unanticipated expenses for architect and engineering fees for HHS renovation. Council Member Heath offered a motion that the transfer be approved, and that:

\$10,234.00 trans. from: 02-01-61000-00-0-305618 -
 Instruction-Personal service
 10,234.00 trans. to: 02-02-66000-00-0-300001 -
 Facilities purchased service

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

↓ City Council requested that the Mayor write a letter of appreciation to Zane Showker for having the welcome to Harrisonburg signs placed around the city and that the Council go on record expressing their appreciation to Mr. Showker. City Council also requested that a letter be sent to County Administrator, Bill O'Brien commending the County on their new office facilities.

↓ At 8:40 p.m. Vice-Mayor Rhodes offered a motion for an executive session for discussion and consideration of the acquisition of real estate for the City/County Judicial Complex, exempt from the public meeting requirements pursuant to Section 2.1-344(3) of the Code of Virginia; and for discussion and consideration of the report of the Ad Hoc Committee for a Study of the City of Harrisonburg Department of Community Development, exempt from the public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia; and for discussion and consideration of the prospective candidates to be appoint to the Community Services Board, the Central Shenandoah Emergency Medical Services Council, the Private Industry Council Steering Committee, the Harrisonburg Parking Authority, the Harrisonburg Redevelopment & Housing Authority, the Building Code Board of Appeals, the City Planning Commission, the Harrisonburg Electric Commission and the Parks and Recreation Commission exempt from the public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia; and for discussion and consideration of the prospective candidates to be recommended to the Circuit Court of Rockingham County, VA., to be appointed to the Board of Zoning Appeals, exempt from public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council.

At 11:15 p.m., the Executive Session was closed and the regular session convened. City Clerk Gray read the following which was agreed to with a unanimous recorded vote of Council Members: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

↓ Mayor Green asked members if they desired, at this time, to make a recommendation for a member to the Board of Zoning Appeals, to fill the unexpired term of Dr. Joseph D. Eney to March 20, 1993. Vice-Mayor Rhodes offered a motion that the City Attorney be instructed to recommend to the Circuit Court Judge the name of Mr. William H. Kuydendall, 54 Emery Street, to fill the unexpired term of Dr. Eney to March 20, 1993. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

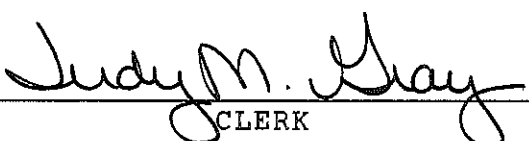
↓ Mayor Green asked Council's wishes concerning an appointment to the Shenandoah Emergency Medical Services Council in as much as Mr. Norlyn L. Senger's second term expired on October 10, 1990. Council Member Heath offered a motion that Mrs. Leslie S. Ney, 331 New York Avenue, be appointed to serve a term of three (3) years, expiring October 10, 1993, on the Medical Services Council. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

↓ Mayor Green asked Council's wishes concerning an appointment of a Council Member to represent the City on the Private Industry Council. Vice-Mayor Rhodes offered a motion that Council Member C. Robert Heath be appointed to represent the city on the steering committee. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

↓ Mayor Green asked Council's wishes concerning an appointment to the Harrisonburg Parking Authority to fill the one vacancy. Council Member Kite offered a motion that Ms. Debra York, 530 Fairway Drive, be appointed to serve a first term of five (5) years on the Parking Authority. Term to expire November 28, 1995. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

↓ Following discussion, Council Member Dingledine offered a motion that Mr. Paul Cline be re-appointed to a second term of four (4) years on the Parks and Recreation Commission. Term to expire December 31, 1994. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous vote of Council.

At 11:30 p.m., there being no further business, and on motion adopted the meeting was adjourned.


 CLERK


 MAYOR