

At a regular meeting of Council held in the Council Chamber this evening at 7:30 PM there were present:- Mayor Roy H. Erickson, City Manager Marvin B. Milam, City Attorney Norvell A. Lapsley, Clerk N. Arlene Loker, Vice-Mayor E. Warren Denton, Jr., Councilmen Paul C. Cline, Raymond C. Dingleline, Jr., Walter F. Green, III, City Auditor R. William Shifflet and Chief of Police Julius F. Ritchie. Absent:- none.

The evening's Invocation was led by The Rev. Sam P. Jones, Jr., pastor of the Harrisonburg Baptist Church.

Minutes of the regular meeting held on August 27th, and Reorganization Meeting held on September 3rd, were read and approved as corrected.

The following regular monthly reports were presented and ordered filed:

From the City Manager:-

A report of activities in the various departments and said office for the month of August, 1974.

From the City Treasurer:-

A Trial Balance report as of close of business on August 31, 1974.

From the Police Department:-

A report of total number of arrests, parking meter fines collected, cash collected from parking meters, and total cash collected, all sources.

From the City Auditor:-

A financial report of City of Harrisonburg for month of August, 1974.

A report of cash discounts saved during month of August, 1974 totaling \$ 383.95.

From the Data Processing Manager:-

A report of water and sewer and refuse accounts, meters read, installations, cut delinquents, complaints, etc. for month of August, 1974.

Mr. Bob Gordon of 742 Ott St. (southeast corner of Ott St. & Cantrell Ave.), was present in the meeting to express concern re revised plans of the Highway Department & Planning Unit for the final segment of Cantrell Ave., in that same would be shifted southward approximately 31', with a point which intercepts his property on the northwest corner. He offered an opinion that the revised plans have worked opposite to avoiding a severe problem. He suggested that consideration be given for the right-of-way to be shifted north again, which would mean that the distance from the Main Street dwelling to the north right-of-way boundary, would be the same as corresponding distance on the south. He asked Council's support and interest in formally expressing directly to the Planning Office of the Highway Department that the revision be re-studied. Mayor Erickson said he felt that Mr. Gordon had expressed his thoughts completely and that the matter would be reviewed to determine the possibility of engineering changes in the Plan. He reminded those present of the pre-hearing which will be held on the 17th of this month, and public hearing on the 18th, at the HHS Auditorium. Assistant City Manager Driver noted that the original plan had been changed on a request from department heads and Council, in order to save the Hickman property, in that cost of a retaining wall was prohibitive, and by shifting to the north, the house would have to be demolished. The next suggestion was to put a smaller retaining wall on the south side and raise the grade, which would have cut the site distance down to approximately 150' toward the hospital and would have been a dangerous situation. The City then decided to hold to the original cut of 13'. He offered an opinion that the right-of-way could possibly be shifted 5 to 10' to the north, which may give some relief, but noted that the final decision would be up to the Highway Department. Following discussion, Councilman Dingleline moved that Council request the Assistant City Manager to discuss this with the Highway Department in order to eliminate the possibility of hardship, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

A request from Mr. Lloyd Knicely, Sr., of 431 Neyland Drive, for dividing one lot situated on the southeast corner of Neyland Drive and S. Dogwood Drive, into two separate lots, was presented. If granted, this would provide a lot in rear of his residence, facing S. Dogwood. Following a brief discussion, Vice-Mayor Denton moved that the request be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

A preliminary plat submitted by James C. Wilkin & Associates, owners, for a two parcel addition to the Holiday Hills Subdivision consisting of 27 lots, was discussed briefly and referred to the City Planning Commission for study and recommendation, on motion of Councilman Cline, seconded by Vice-Mayor Denton and a unanimous vote of Council.

Mr. Victor J. Smith, Commissioner of Revenue, appeared before Council to request an inter-departmental transfer of funds in the amount of \$ 158.00, in order to increase the annual salary of Mr. Don Horn, full-time Real Estate Assessor, from \$ 10,442, as shown in the 1974-75 City of Harrisonburg budget, to \$10,600. He said that he was fully convinced that an agreement had been reached re this salary, following a conference with the City Manager, and had received approval of this amount from the State Compensation Board for the state's share. He noted, however, that the lesser amount is in the city budget, and unless corrected, reimbursement would have to be made to the state for overpayment thus far. Mr. Smith said that the Yarger report approved by Council, contains no job description for a Real Estate Assessor. City Manager Milam explained that Mr. Horn had been employed less than one year when the report was approved in 1973, and that the position was classified as Assistant Commissioner of Revenue, at an annual salary \$ 9,942,

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at that time, which was top of the scale. He said he felt that Mr. Smith was aware of this, at that time. In the 1974-75 budget, the position class was changed 5% for all employees, with a large number receiving 10% increase in salary. Mr. Smith stated that inasmuch as the position had been carried in his budget request as Real Estate Assessor, and the same is carried in this manner by the Compensation Board, he would like to set a salary scale for same. Councilman Cline said that since this affects state agencies, and regardless of how the misunderstanding came about, it should be straightened out in some manner. The City Manager noted that the reason for not signing the transfer of funds when requested by Mr. Smith, was because there were a lot of other employees at top scale, and that if one salary was changed, they should all be changed. He offered an opinion that since there was only one Commissioner of Revenue at the present time, and no Assistant, one should be employed. Mr. Smith said he was opposed to this classification for Mr. Horn in that there are presently two Deputy Commissioners employed in his office who are duly sworn into office at the Court House, and are capable of handling all duties of the Commissioner of Revenue. Mayor Erickson suggested that one course of action would be to establish a classification for Real Estate Assessor, with salary scale. Following discussion, Councilman Dingledine moved that the City Manager establish an appropriate classification for this position, with appropriate salary scale, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

✓ Mr. James Rhodes, Chairman of the Highway Safety Commission, reported that an award was presented to the City of Harrisonburg by the Highway Safety Division in Virginia, for work done in the area of pedestrian safety in 1973. He, along with Chief Ritchie and Assistant City Manager Driver, had received the award in Richmond at the AAA Safety Award luncheon, with presentation by Gov. Godwin. Harrisonburg was one of three cities receiving the award. Mr. Rhodes expressed appreciation for Council's participation in carrying out the program, as well as all others concerned. The Mayor commended the Commission and Chief Ritchie for their efforts, and thanked Mr. Rhodes for the written safety report compiled by the Commission and made available to each member of Council. Chief Ritchie informed Council that a second award had been received, namely that for six years with no pedestrian fatalities.

✓ City Manager Milam read the following recommendation from the CATV Study Committee and signed by:- Marvin B. Milam, Chairman, Wayne King, Richard Parker, Merwin Stickley, Ralph Craun:-

"The CATV Ad Hoc Study Committee recommends that City Ordinance relating to rates be amended to read \$ 6.00 per month for cable service effective April 1, 1975."

City Manager Milam noted that the Federal Communications Commission had granted the carrying of station WVIR-TV (channel 29) out of Charlottesville, Va., by the local company, which will increase the total number of stations, to nine. Attorney George Aldhizer, Jr., counsel for Warner Cable, asked Council to support the Ad Hoc recommendation for rate increase, and requested an early decision in order that the company may prepare its budget for the coming. He noted an increase in the cost of poles and other materials. Manager Milam pointed out that approval would require an ordinance amending Sec. 34 "Rates" of the Franchise Ordinance. On behalf of the Study Committee, he recommended approval of the ordinance for a first reading at this time, with referral to the City Attorney to be drawn in proper ordinance form. Vice-Mayor Denton moved that the recommendation of the Ad Hoc Committee be approved, which motion was lost for lack of a second. The City Manager was asked to place this matter on Council's agenda for the next regular meeting in order to allow time for review. Councilman Dingledine said he would like a written report from the Committee in order to publicize some reasons for the requested rate increase, for the general public. Manager Milam was asked to see that such a report was prepared and distributed, prior to the next meeting.

✓ City Manager Milam reminded Council that approval had been given at the meeting on August 13th for opening of an alley running north to south approximately 225' off Grattan St. and between and parallel to Mason & Ott Sts., in order to allow for off-street parking for residents. A petition signed by seven property owners had been presented at that meeting. Work was begun by the City, but stopped when complaints were registered. Mr. J. Francis Miller was present in the meeting re the matter and reported that Mrs. Lillian Yates and Mrs. Jay Wilton, were both elderly ladies and highly emotional. Their homes are located at 211 Grattan St. and 201 Grattan St., respectively. Mrs. Yates' bedroom is on the first floor, and the traffic would deprive her of rest. Mrs. Wilton's property is on the west side of the alley, and a gas line is 6" below the surface of the alley. An explosion occurred at one time, and she was hospitalized. The foundation of her house is approximately 30' from the edge of the alley, and piling of snow against her house would create dampness. He asked that opposition of the two property owners be made public record, and that neither be obligated for any expense. Mayor Erickson said that the City does not want to do anything which would be harmful or deteriorate properties, but offered an opinion that opening of the alley would be advantageous to the parking situation. He asked Assistant City Manager Driver to contact both property owners and explain the proposed project, and that work on the alley be held up until the matter is settled.

✓ City Manager Milam presented correspondence from Mr. Robert T. Cash, Health Planner, advising that Mr. J. Nelson Liskey had been re-nominated as a provider-representative of the City of Harrisonburg on the Central Shenandoah District Planning Commission, and requesting that he be reappointed by Council for a four year term expiring on October 15, 1978. All additions and improvements of the various hospitals go through this committee and then to the main Commission, in order to correlate health facilities in the District. Mayor Erickson reminded members that Mr. Liskey had originally been appointed to serve on the Health and Human Resources Committee, and asked their wishes. Vice-Mayor Denton moved that Mr. Liskey, Administrator of Rockingham Memorial Hospital, be reappointed for a four year term to expire on October 15, 1978, which motion upon being seconded by Councilman Cline, was adopted by a unanimous vote of Council.

✓ City Manager Milam referred to a recommendation submitted by the Planning Commission from a meeting held on May 15, 1974 which had been presented to Council at its meeting on May 28th, that the streets of Bluestone, Valley and Crawford be closed where they border on Purcell Park property, provided that all adjoining property owners were contacted by a Board of Viewers and that they then found no inconvenience in the closing as requested by the Recreation Department. He reminded members that following this recommendation, a duly appointed Board of Viewers had filed their report which registered a complaint by one property owner concerning a promise which had been made to place a fence between her property and the park. Assistant City Manager Driver then reported that a fence was constructed between the park and two of the adjoining properties, following the Viewer's report which incorporated the complaint.

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Following a brief discussion, Councilman Dingledine moved that the ordinance effecting the closing of portions of the three streets be approved for a first reading, and referred to the City Attorney to be drawn in proper ordinance form, which motion upon being seconded by Councilman Green, was adopted by a unanimous recorded vote of Council.

✓ The City Manager read a re-worded ordinance amending Sec. 31-83 of the Zoning Ordinance with reference to public hearings by the Planning Commission and Council. The original last sentence setting forth months in which Council would hold its hearings was deleted, with the following addition, "The City Council shall hold public hearings at such times and places as it may deem necessary." Following discussion, Councilman Green moved that the ordinance, approved for first reading on August 13th, be approved for second and final reading as reworded and that the Mayor be authorized to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk.K page 54).

✓ The City Manager presented and read a letter dated 8/23/74 from Mr. Philip Guenmerich, Secretary of Hose Co. No. 4, with a request from the Board of Directors for Council's permission to use the parking lot in rear of the Municipal Building for five days in either June or July of 1975, for the holding of a lawn party. Although the lawn party would be held on Thursday, Friday and Saturday only, the other two days would be required for setting up and removing equipment. Manager Milam informed Council that a copy of the letter had been given the Street Superintendent, though he had not had an opportunity to talk with him re the request. He said that he personally felt that the request should not be granted on this property for an entire week due to use of the parking lot by many city employees, shoppers, etc., and suggested that the lawn party be held at the corner of Mason & Gay Sts. Following discussion, Councilman Green moved that Hose Co. No.4 be notified of the City Manager's recommendation to use the different location, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ Councilman Green moved that an appropriation in the amount of \$ 2,000. and representing funds received from Rockingham County for its share of expenses for the Chapter 10 Board, be approved for second and final reading, a first reading having been approved on August 27th, and that:-  
\$ 2,000. chgd.to: General Fund (1005) Recoveries & Rebates.  
2,000. approp.to: General Fund (1503-393) Chapter 10 Board.  
which motion upon being seconded by Councilman Cline, was adopted by a unanimous recorded vote of Council.

✓ Councilman Cline moved that an appropriation in the amount of \$ 100,000. from the Water Bond Fund for use on the Skidmore Dam Project, be approved for a second and final reading, a first reading having been approved on August 27th, and that:-  
\$ 100,000. chgd.to: Water Bond Fund - Unappropriated Surplus Account.  
100,000. approp.to: Water Fund (Proj. #1-72-73 6-7-7701) Water - Capital Outlay-  
Work in Progress - Skidmore Dam.  
which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

✓ A request from the Recreation Director was presented for approval of an appropriation in the amount of \$ 2,599.70 in order to transfer monies for participants' wages incurred during the month of July, as per agreement with the Virginia Employment Commission. Councilman Dingledine moved that the appropriation be approved for first reading, and that:-  
\$ 2,599.70 chgd.to: General Fund (1005) Recoveries & Rebates.  
973.36 approp.to: General Fund (11020-11-6) Parks & Recreation-  
Emergency Employment Act.  
1,626.34 approp.to: General Fund (11020-12) Wages.  
which motion upon being seconded by Councilman Green, was adopted by a unanimous recorded vote of Council.

✓ City Manager Milam requested approval of an appropriation in the amount of \$ 2,091.13 in order to transfer money paid by Columbia Gas Distribution Companies (formerly Blue Ridge Gas Co.) on their debt to the Sinking Fund, which is the 10th and final installment on the original amount of \$ 13,500. Councilman Green moved that the appropriation be approved for a first reading, and that:-  
\$ 2,091.13 chgd.to: Sewer Fund - Cash Reserve for Depreciation & Replacement.  
2,091.13 approp.to: Sewer Sinking Fund - Sinking Fund.  
which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

✓ A request was presented from Mr. Cecil Gilkerson, Recreation Director, for approval of an appropriation in the amount of \$ 18,000. from account of Recoveries & Rebates, representing amount anticipated to be received from the Harrisonburg Rotary Club on or about October 1, 1974 toward construction of the Senior Citizens' Center. City Manager Milam said that a check in this amount would be drawn to the City of Harrisonburg in order to deposit these funds. Following a brief discussion, Councilman Dingledine moved that the appropriation be approved for a first reading, and that:-  
\$ 18,000. chgd.to: General Fund (1005) Recoveries & Rebates.  
18,000. approp.to: General Fund (1-11020-72) Recreation Department-  
Capital Outlay - Buildings.  
which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

✓ City Manager Milam, having been instructed by Council at a meeting held on August 13th to finalize an application for flood insurance, presented the following proposed resolution for consideration:-  
RE FLOOD INSURANCE - APPROVED PLAN FOR BUILDING PERMIT REVIEW  
WHEREAS, the City of Harrisonburg is subject to and is enforcing the Virginia Uniform Statewide Building Code; and  
WHEREAS, the Virginia Uniform Statewide Building Code requires building permits before the commencement of any construction, alterations, etc.; and  
WHEREAS, Section 873.5 ("Floodproofing") of the Virginia Statewide Building Code required:

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Where a structure is located in a 100-year flood plain, the lowest floor of all future construction or substantial improvement to an existing structure (the cost of which equals or exceeds 50% of the actual cash value of the construction), must be built at or above that level, except for non-residential structures which may be flood-proofed to that level. In the absence of data on the 100-year flood, the local government shall require structures to be designed to resist or overcome anticipated flood conditions in riverine and coastal areas based upon historical data, soil maps, flood flow, flood elevations or other approved data sources. Listed below are the performance requirements that must be satisfied:

- (a) Either elevate structures and/or design same to assure protection from hydrostatic or hydrodynamic loadings from anticipated flood levels.
- (b) Design all structures to be safeguarded from collapse and/or flotation.
- (c) Provide for adequate protection of all heating and mechanical equipment of structures subject to flood damage.
- (d) Provide protection of electrical installations of structures subject to flood damage as called for in Article 15.
- (e) Provide adequate sewerage and water system protection of structures subject to flood damage as called for in the Plumbing Code Sections of Article 17.
- (f) All existing structures which are scheduled to undergo major improvements, repairs and/or rehabilitations shall, to the maximum extent practicable, provide floodproofing protection as described in this section.

WHEREAS, the City Building Official must examine all plans and specifications for the proposed construction when application is made to him for a building permit:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia, as follows:

That the City Building Official in reviewing all applications for construction in flood hazard locations within City of Harrisonburg shall require that any such proposed construction must:

- (a) Provide adequate drainage in order to reduce exposure to flood hazards.
- (b) Locate public utilities and facilities on the site in such a manner as to be elevated and constructed to minimize or eliminate flood damage, such facilities and utilities including sewer, gas, electrical and water systems.

It is further resolved that the City Planning Director in reviewing all subdivision applications shall make findings of fact and determine if:

- (a) All such proposed developments are consistent with the need to minimize flood damage.
- (b) Adequate drainage is provided so as to reduce exposure to flood hazards.
- (c) Adequate drainage is provided so as not to increase the exposure of flood hazards of adjacent lands.
- (d) All public utilities and facilities are located and constructed so as to minimize or eliminate flood damage, these utilities and facilities to include sewer, gas, electrical and water systems."

The City Manager provided each member with a general map prepared by the Department of Housing & Urban Development (Fed. Insurance Administration), showing flood areas in the City, running primarily along Blacks Run, but eliminating the downtown area, and offered an opinion that areas should be added. He pointed out that if a piece of property is located in the designated area and the owner not included in the program, any request for mortgage may be denied. He noted further that should a major catastrophe occur, the City would not be eligible for any form of federal assistance. Manager Milam explained that should the City not participate in the program, the flood area would be designated, without an opportunity to select areas subject to flooding. He expressed a desire for the City to make application for the City's participation in the National Flood Insurance Program. Following discussion, Councilman Cline moved that the resolution be approved and the City Manager authorized to file application for the City of Harrisonburg, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council. Voting: Aye- Councilmen Cline, Denton, Dingledine, Green and Erickson. Voting no- none.

Council discussed briefly the fact that the September 24th meeting would be in conflict with the Virginia Municipal League meeting, after which time Vice-Mayor Denton moved that the last meeting in September be cancelled, with a special meeting to be called, should the need for such arise, which motion upon being seconded by Councilman Cline, was adopted by a unanimous vote of Council.

✓ As a follow-up of a field trip made last week by Council to the site of Skidmore Dam construction, City Manager Milam reported that a proper contract had been drawn between the City of Harrisonburg and English Construction Co.; the City Attorney had filed a check for condemnation of 52 acres of mountain land; and certification report of what had taken place, to date; and the contractor had been instructed to move the cutter in. He noted that a Special Use Permit had not been received from the Forestry Service, but that a Management Agreement between the Forestry Service and City is in effect which would cover the same as a Permit, such as cutting of timber, etc. The report was for information.

✓ City Manager Milam reported last year as not good with respect to hospitalization insurance claims by city employees, and reported a 15% increase requested by Shomo & Lineweaver Insurance Agency. He asked whether the increase should be added to the employees' cost or the City to absorb the entire amount. Manager Milam then suggested dividing the 15% between the City and employees and pointed out that at the present time, the City pays on a 75%-25% ratio on the 164 employees which includes HEC and Schools. Following discussion, the City Manager was instructed to notify Shomo & Lineweaver Insurance Agency that the City goes along with the increase on division of cost between City and employees, with same ratio.

There being no further business and on motion duly adopted, the meeting adjourned at 10:55 P.M.  
(Official signatures top next sheet)

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W. Adene Loken  
CLERK

Ray E. Erickson  
MAYOR