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Tuesday, October 22, 1974

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, Councilmen Paul C. Cline, Raymond C. Dingleline, Jr., Walter F. Green, III, and Chief of Police Julius F. Ritchie. Absent:- Vice-Mayor E. Warren Denton, Jr. and City Auditor R. William Shifflet who was excused to attend a special class.

The evening's Invocation was led by A. Don Augsberger of Eastern Mennonite College.

Minutes of the combined public hearing and regular meeting held on October 8th were read, and approved as corrected.

✓ Mr. Frank Suter appeared before Council on behalf of residents of Madison Terrace Apts, and the Mauck Apts., to present a petition and to report that the parking situation on Walnut Lane was even worse than some months ago when he had come to a meeting re the matter. He said that fuel oil trucks find it impossible to deliver to the residents, and unless something is done about the parking spaces available, they will refuse to deliver. One serious problem, according to Mr. Suter, is the parking of cars by some Madison students, for a week at a time. He informed Council that no more spaces can be added, than are there at the present time. Assistant City Manager Driver reported that he and the Police Chief had checked the area following Council's meeting when an investigation was requested, and that they found the street completely full of cars, but no violations on which tickets could be given. On other visits, he reported as follows: Sept. 11, 1974 (10 AM) 52 cars on Walnut Lane: 12 belonging to residents and 40 believed to belong to college students; Sept. 16, 1974 - 58 cars: 8 residents and 42 others believed to be college students; Oct. 2, 1974 (10 AM) 58 cars: 10 resident's and 48 believed to be collect students'; Oct. 2, 1974 (6:30 PM) 46 cars: 28 resident's and 18 believed to be students'. Mr. Driver noted that a number of cars had college stickers. Chief Ritchie said that only a few cars were parked on the lot adjoining the college shop, and pointed out that this lot could be used, with a 50-60 car capacity. Councilman Dingleline suggested that the Assistant City Manager and Police Chief confer with Madison College Security relative to the parking situation, and inform them that the lot could be used. Also, to impress upon them the fact that students were posing a real hardship on apartment residents. Councilman Green suggested that Mr. Suter be included in the conference. Following discussion, Councilman Dingleline moved that Mr. Driver, Chief Ritchie and Mr. Suter, confer with the Madison College officials re student parking, in order to ease the situation, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Councilmen present.

✓ The City Manager presented and read a letter from Mr. M.A. Firebaugh, City Treasurer, requesting Council's authorization, as required under Chapter 9, Sec. 16 of the City Code as amended Dec. 11, 1973, to advertise as unpaid, the delinquent real estate for the years 1972 and 1973. Following a brief discussion, Councilman Cline moved that the City Treasurer be so authorized and directed, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Councilmen present.

Manager Milam reported that the new state code sets maximum age limit of 70 years for Welfare Board members, and noted that none of the three members on the local Board are affected, in that they are not to this age.

✓ The City Manager reported that the annual Audit Report for the Shenandoah Valley Juvenile Detention Home, to end of fiscal year 6/30/74, had been completed, showing a \$ 265,000. restrictive balance. He reminded members that original members of the Home were Harrisonburg, Lexington, Staunton, Rockingham County and Augusta County, and that the City of Charlottesville and County of Albemarle had joined fairly recently. The report will be on file in the Manager's Office, for review.

✓ A request was presented from American Legion Rockingham Post 27 for an appropriation by City Council in the amount of \$ 300.00 to help curtail expenses for the Veterans' Day Parade to be held on November 11th at 4:30 PM and reception to be held at the Harrisonburg Electric Commission offices following same, for the participating A.M.A. Cadets and City Officials. Mayor Erickson noted that support has been given over past years and said he felt that this is an attraction for the community in celebrating Veterans' Day and by including the young men from the military academy. During discussion, Councilman Dingleline, speaking from the standpoint of use of public funds, asked if the amount might be reduced, and then moved that an appropriation in the amount of \$ 200.00 be approved. Councilman Green offered an opinion that the amount requested should be approved, at this late date, rather than reducing same. The motion for a \$ 200. appropriation was lost for lack of a second. After further discussion, Councilman Green moved that the amount of \$ 250.00 (amount given other years), be approved, and that:-

\$ 250.00 chgd. to: General Fund - Unappropriated Surplus Account.  
250.00 approp. to: General Fund (1-1503-372) Non-Departmental- Support of  
Community & Civic Organizations - Chamber of Commerce (to be endorsed  
over to American Legion Post 27)

which motion upon being seconded by Councilman Cline, was adopted by a unanimous vote of Councilmen present.

✓ City Manager Milam presented and read a letter from the law offices of Moore, Jackson & Graves, representing Peoples' Baptist Church. The letter stated that the church desires to purchase 2,400 sq. feet of land from Mr. C. H. St. John, which would reduce his lot to 7,800 sq. feet and would be in violation of R-1 Single Family District. Manager Milam noted that the two lots, numbers 33 & 34, front on Bluestone St. and that in order to re-subdivide, a variance was necessary. Following discussion, Councilman Green moved that the request be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Councilman Cline, was adopted by a unanimous vote of Councilmen present.

A letter from the Commonwealth of Virginia, Department of Corrections, was presented, outlining a schedule of public meetings of the Department on "Adult-Youth Probation & Parol". One listing was for November 5th, 7:30 P.M. in the District Court Room, Rockingham County Court House. The notice was for information.

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Mr. H.H. Bush, Soil & Water Conservation District Representative, expressed thanks to Mayor Erickson for his Proclamation of Natural Resources Conservation Week. The organization, a State Governing Body comprised of a two county, 3 city Board, works with local organizations and landowners on care and land use, Natural Resources. Mrs. Bonnie Paul, representative, reported that Mr. Carl Lively had retired after 43 years, and introduced Mr. Randy Maupin, his replacement, who has been with the Soil & Water Conservation District since 1957. Mr. Maupin has been mapping and testing soils, and compiling reports on soil and sediment erosion control. Mayor Erickson then read his Proclamation, as follows:-

WHEREAS, Our common heritage of natural resources has afforded Virginia great progress and prosperity. The proper use and management of these resources is crucial to the well being of every citizen of the Commonwealth.

WHEREAS, Together we mold our future as we personally accept the role of steward in conserving, developing, and protecting this precious wealth of resources.

WHEREAS, Many organizations, agencies and individuals dedicated to resource conservation are working to raise the quality of our environment. Their success depends on the support and responsible action of each of us,

WHEREAS, in recognition of the challenges ahead and the need for greater individual commitment, the Virginia Association of Soil and Water Conservation Districts and many other organizations join in the observance of Natural Resources Conservation Week during the period of October 20 -26, 1974.

NOW, THEREFORE, I, call this observance to the attention of all Virginians.

Roy Erickson, Mayor of Harrisonburg

The Mayor thanked Mr. Bush and Mrs. Paul for their reports and Mr. Maupin for his presence.

Mr. Zane Showker, representing the Harrisonburg-Rockingham Chamber of Commerce, appeared before Council to present the following resolution for Council's consideration and approval:-

WHEREAS, the area in the City of Harrisonburg bounded by E. Market Street, S. Mason Street, E. Water Street, and Federal Street is owned by Rockingham National Bank; and

WHEREAS, during 1974 Rockingham National Bank has completed renovation of this area; and

WHEREAS, this renovation has substantially improved the appearance of this area and is a decided asset to the City of Harrisonburg:

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Harrisonburg-Rockingham Chamber of Commerce that the area heretofore defined be designated by the City of Harrisonburg as the RNB Center, and the Harrisonburg-Rockingham Chamber of Commerce respectfully asks the Honorable Council of the City of Harrisonburg to so proclaim this designation.

Unanimously adopted by the Harrisonburg-Rockingham Chamber of Commerce this seventeenth day of October, 1974 at Harrisonburg, Virginia.

Mr. Showker made it clear that recognition and naming of the area was strictly a request of the organization, and not the owners. Mayor Erickson noted that the corner is most attractive and pointed out that the City shared in same by the widening of Federal St. Councilman Dingledine raised the question as to whether action such as this, by City Council, could set a precedent for many other areas of improvement to request designated names by the Governing Body. Mr. Showker replied that any time the City could recognize any type of business for improvement such as this, it should be given high priority. Following discussion, primarily from the standpoint of wording of the resolution with regard to Council's designation of the area as RNB Center, Councilman Cline moved that Council applaud the Chamber for recognizing of people for improvements and beautification in our city and support the resolution from the Chamber of Commerce insofar as it does recognize this beautification by The Rockingham National Bank, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Councilmen present.

Mr. Victor Smith, Commissioner of Revenue, reminded Council that a number of months ago when various sections of the tax ordinance were amended, his request to eliminate the maximum limit on professional license tax was tabled for additional information. He pointed out the fact that each year the number of professional people reaching the maximum of \$ 500, increases, while two of the three poultry processing businesses are at maximum of \$ 500. and one below maximum. He said he knew of no other locality who bases the tax on gross receipts. The Commissioner of Revenue had supplied each member of Council with copies of a report in detail re license tax on professional business, with the following recommendations, as well as a comparison of tax rates with other cities:-

- (1) That Sec. 16-88 "Processors of Poultry & Poultry Products" be amended to rescind or remove the \$ 500. maximum limitation.
- (2) That Sec. 16-89 "Professional Occupations" be amended as follows:
  - a. That the basis of the initial charge of \$ 30. on the first \$ 5,000. of gross receipts be changed to read \$ 30. on the first \$ 3,000. of gross receipts.
  - b. That the 75¢ rate for each additional \$ 100. of gross receipts in excess of first \$ 3,000. be retained.
  - c. That the maximum limitation of \$ 400. be removed from the ordinance.
- (3) That any change or amendments that the City Council may make, be made effective as of January 1, 1975, in time for the renewal of all licenses for the coming calendar year.

The City Manager read a letter from the Rockingham Automotive Trade Association, stating that auto dealers pay a dis-proportionate share of taxes which are based on gross sales. They have a large dollar volume but the average net profit for Virginia dealers is only 1.3%. The letter noted that the association felt that the dealers' fees should be revised down 50%. Mr. Dwight Hartman said that some of the larger businesses are paying taxes in excess of \$ 10,000. and requested Council's consideration. Mr. Kay Shomo, auto dealer, pointed out that the cost of living is not going down, and that time changes everything. He said that because other localities do not do something, means little to him, but felt that Council should be cognizant of the time we are living in. He suggested a revised tax structure which would be fair to everyone in the community. Councilman Green said it looks like the ordinance needs to be completely revised. Mr. Smith informed Council that the last review was made in 1958, following one year of study and work, and that this revision was made effective in 1959. He offered no objection to a complete review.

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Mr. Smith noted that in another month, another state man will be here to assist the Real Estate Board. Following a lengthy discussion, Mayor Erickson asked members to absorb information in the report, as well as the recommendations, and be prepared at the next meeting to make suggestions for members to serve on a committee to study the present tax structure. No other action taken at this time. The Mayor thanked those present in the meeting re the matter, and gave assurance that a thorough study would be made.

City Manager Milam reported that the 1973-74 City Audit as of end of fiscal year 6/30/74 had been completed by Keeler Phibbs & Co., with copies made available for each member of Council. Mayor Erickson asked members to take their copies home for a thorough study, with a representative of the firm possibly being present in a future meeting, to discuss the report and explain their recommendations. Councilman Dingleline moved that the Audit Report be accepted, which motion upon being seconded by Councilman Cline, was adopted by a unanimous vote of Councilmen present.

Manager Milam reported that he had received the 1973-74 Audit Report of the Harrisonburg Electric Commission, and that seven copies had been distributed to Council members, the City Auditor and the City Manager. The report would be on file in his office for review.

Mayor Erickson reminded members that a public hearing was held by Council on October 8th re a rezoning request for 33 acres of land known as Reherd Acres in northeast Harrisonburg, from R-1 Residential to R-4 Planned Development, at which time a decision was set aside to allow more time for further study. He noted that the main questions which arose during the discussion at that hearing were sewage disposal and open space. Councilman Green called attention to the fact that no objections had been raised at either of the two public hearings held by the Planning Commission and Council. Mr. Howard Ore, a member of the Parks & Recreation Commission, pointed out the fact that 25 people who opposed the rezoning had appeared at the Planning Commission hearing, with little publicity. He said he could not believe that the City needs the concrete jungle which would result from the planned area, in close proximity with five shopping centers located within 1.2 miles, and that although he had no objection to development, he would suggest that members of Council take a look at other areas in order to avoid making the same mistakes in this area. Mr. Ore offered an opinion that if permission is given to rezone, some land should be reserved in the planned area which could be purchased by the City for recreational purposes. He expressed concern over the fact that the Planning Commission had not made complete information from their public hearing available to Council, including objections raised, and noted that had this been done (as was anticipated), there would have been no need for the same people to attend a second hearing. Mr. Jack Depoy, Developer, explained that the planned development would not result in a concrete jungle, in that open space is planned for around each apartment, rather than lumping all apartments together. When asked if the Planning Commission had been informed of the questions raised at Council's hearing, Mr. Sullivan, Planning Director, replied that it had not. Councilman Green said that in view of the fact that the Commission had not had complete information from the City Staff, and that Council had not seen minutes from the Commission hearing, but only the recommendation, he would like a decision re the rezoning, tabled until the next meeting of Council to allow both Council and the Planning Commission to review full information about the Plan. The City Manager pointed out that the School Board had suggested 10 acres for location of a new school in the northeast section of the City, but that no specific area had been designated for same, and that this also applied to the Recreation Commission. He said that the Plan for Development in question is in accordance with the City's Zoning Ordinance, and that Council has the right to make a decision. He noted further that the ordinance does not require a developer to set aside land for schools or recreation, nor had any developer been asked to do this in the past. The only requirement made of a developer is for easements for street widening, utilities, etc. Councilman Dingleline questioned whether this type of density would be in the best interest of the City and community, and asked if the project could proceed without approval at this time, in that the beginning portion would be single family residences, for which the area is presently zoned. Councilman Green said he would feel more comfortable about making a decision after the Planning Commission had reconsidered the request for rezoning from the standpoint of an additional school, additional recreation area, overall land planning, etc. Mayor Erickson said he felt that these things may not change thoughts since they do not reflect directly on the zoning request. Mr. Depoy offered an opinion that the matters brought out (school, recreation, etc.) were not relevant to the planned development, and said he could not see how delaying a decision by referring same back to the Planning Commission, would help. After further discussion, Councilman Cline moved that the recommendation of the Planning Commission to rezone the 33 acres from R-1 Res. to R-4 Planned Development, be approved, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Councilmen present. Absent:- Vice-Mayor Denton.

The following suggested charges for Landfill, effective November 1, 1974, were presented by the City Manager, for Council's consideration:

	<u>Proposed</u>	<u>Existing</u>
Minimum Charge	\$ .50	\$ .50
Pick-Up - No sides and not piled above standard height of bed	1.00	1.00
Pick-Up - With built up sides or piled above standard height of bed	2.00	1.50
Trailer pulled by Car or Pick-Up	2.00	1.00
Single Axle Dump Truck	4.00	3.00
Commercial and Other Stake Trucks	4.00	3.00
Tandem-Axle Dump Truck	6.00	3.50
Packer Truck up to 10 Yd.	6.00	3.50
Packer Truck 10 - 18 Yd.	8.00	4.50
Packer Truck 19 - 29 Yd.	10.00	5.00
Packer or Open Truck - 30 Yd and Over	14.00	5.00

Assistant City Manager Driver informed Council that since the County had started its Landfill, fees were higher, and as a result, the City is having loads brought from the County in order to get cheaper rates. An agreement had been made with various haulers for the City to take part of a County load which may be on a truck while picking up a City load, in order to eliminate more than one trip to different Landfills. Mr. Driver said that the present fees of the City are not sufficient to cover operations at the Landfill at the present time, and that with an operating budget of only \$ 12,000., a number of years is necessary to pay for any added equipment. City Manager Milam noted that he had authority to make certain changes in charges, providing the changes are approved by Council. Following a brief discussion,

members present agreed with the above listed changes, and so authorized the City Manager.

✓ Assistant City Manager Driver reported that he had contacted the two property owners, namely, Mrs. Lillian Yates and Mrs. Jay Wiltin, and explained the City's proposed project of opening the alley off Grattan St. to allow for off-street parking for residents, following a petition filed by seven property owners requesting same. He noted that the two ladies still had objections to the opening, but with no real good reason. Mr. Driver then called the person who had submitted the petition, and was told that under the circumstances, the owners would rather withdraw the request. Following discussion, Councilman Cline moved that the requestors be permitted to withdraw their petition, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Councilmen present.

✓ City Manager Milam reminded Council that final reading on an appropriation in the amount of \$18,000. representing amount anticipated to be received from the Harrisonburg Rotary Club toward construction of the Senior Citizen's Center, had been deferred until this meeting, or until check was received from the Club. He reported that a check in amount of \$ 18,000. was received on October 21st and deposited with the City Treasurer, although following the last meeting, funds had been taken from another account in the Recreation Department in order to pay some bills for the Center. Councilman Dingledine moved that the appropriation be approved for second and final reading, and that:-

\$ 18,000. chgd.to: General Fund (1005) Recoveries & Rebates (Amt. anticipated to be received from the Rotary Club on or about Oct.1,1974)

18,000. approp.to: General Fund (1-11020-72) Recreation Department-  
Capital Outlay - Buildings.

which motion upon being seconded by Councilman Cline, was adopted by a unanimous recorded vote of Councilmen present.

✓ A request was presented from the Director of Parks & Recreation for approval of a supplemental appropriation in the amount of \$ 2,181.50 in order to transfer monies from Westover Concession Stand Checking Account to repay the General Fund for 3 concession workers' salaries. Councilman Dingledine moved that the appropriation be approved for a first reading, and that:-

\$ 2,181.50 chgd.to: General Fund (1005) Non-Rvenue Receipts- Recoveries & Rebates.

2,181.50 approp.to: General Fund (1-11030-12) Westover Swimming Pool - Wages.

which motion upon being seconded by Councilman Cline, was adopted by a unanimous recorded vote of Councilmen present.

✓ Councilman Cline moved that an appropriation in the amount of \$ 1,053.83 requested by the Fire Chief in order to appropriate money received from State Farm Insurance on damage to his station wagon, be approved for second and final reading, a first reading having been approved on October 8, and that:-

\$ 1,053.83 chgd.to: General Fund (1005) Recoveries & Rebates.

1,053.83 approp.to: General Fund (1-9020-274) Fire Department - Maint. &  
Reapris - Auto Equipment.

which motion upon being seconded by Councilman Green, was adopted by a unanimous recorded vote of Council.

City Manager Milam presented a request from the Director of Social Services for approval of a supplemental appropriation in the amount of \$ 152.80, representing reimbursement to foster care for expenditures for children in foster care received from Social Security and parents. Following a brief discussion, Councilman Green moved that the appropriation be approved, and that:-

\$ 152.80 chgd.to: VPA Fund (Rev. a/c 1005-2) Recoveries & Rebates-  
Unanticipated Revenue - ADC-FC

152.80 approp.to: VPA Fund (8-8022-394-B) Bureau of Public Assistance-  
Aid to Dependent Children - F.C.

which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Councilmen present.

✓ A request was presented from the Director of Social Services for approval of a supplemental appropriation in the amount of \$ 567.00 in that the Court ordered ADC refunds for child support and reimbursement for ADC funds received. Councilman Green moved that the appropriation be approved, and that:-

\$ 567.00 chgd.to: VPA Fund (Rev. a/c 1005-2) Recoveries & Rebates- Unanticipated  
Revenue - Aid to Dependent Children.

567.00 approp.to: VPA Fund (8-8022-394-A) Bureau of Public Assistance- Aid to  
Dependent Children.

which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Councilmen present.

✓ A request was presented from the Department of Social Services for approval of a supplemental appropriation in the amount of \$ 900.00 representing reimbursement to foster care for expenditures for children in foster care received from Social Security and parents. Councilman Green moved that the appropriation be approved, and that:-

\$ 900.00 chgd.to: VPA Fund (Rev. a/c 1005-2) Recoveries & Rebates- Foster Care.

900.00 approp.to: VPA Fund (8-8022-395) Bureau of Public Assistance- Foster Care.

which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Councilmen present.

✓ Chief Julius Ritchie presented the following proposed Halloween Curfew resolution for Council's consideration:-

BE IT RESOLVED, that curfew is hereby declared, to be effective and enforces at and after the hour of 11:00 P.M. on the night of Thursday, October 31, 1974 (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.

\_\_\_\_\_ Clerk

\_\_\_\_\_ Mayor

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Councilman Cline moved that the resolution be approved, with authorization for the proper officials to sign, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Councilmen present.

City Manager Milam presented each member of Council with a copy of an audit report submitted by the City Cab of Harrisonburg, Inc., and Yellow Cab of Harrisonburg, Inc., showing breakdown of classes within the system, for information.

✓ Councilman Dingleline moved that the original list of members for the Bicentennial Commission be amended, to include the name of Dr. Albert Keim of 672 E. Wolfe St., a professor at Eastern Mennonite College. He reminded Council that the original listing approved at the meeting on October 8th, allowed for a future appointment from EMC. Councilman Cline seconded the motion, which was adopted by a unanimous vote of Councilmen present.

There being no further business and on motion duly seconded, the meeting adjourned at 11:20 P.M.

  
CLERK

  
MAYOR