

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, Vice-Mayor E. Warren Denton, Jr., Councilmen Raymond C. Dingleline, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- City Clerk N. Arlene Loker. (sitting in for the Clerk, Assistant City Manager Driver).

Minutes of the regular meeting held on December 28th were approved as received by each Councilman prior to this meeting.

The following regular monthly reports were presented and ordered filed:-

From the City Manager:-

A report of activities in the various departments and said office for the month of December, 1976.

From the City Treasurer:-

A Trial Balance report as of close of business on December 31, 1976.

From the Police Department:-

A report of total number of arrests, parking meter fines collected, cash collected from parking meters, total cash collected all sources, for month of December, 1976.

From the City Auditor:-

A financial report for month of December, 1976.

A report of cash discounts saved in payment of vendors' invoices for month of December, 1976, totaling \$ 91.81.

From the Department of Utility Billing:-

A report of water, sewer and refuse accounts, meters read, installations, cut delinquents, complaints, re-reads, etc. for month of December, 1976.

✓ The City Manager advised Council that Mr. Bill Neff is desirous of the City purchasing a one-acre tract of land which is situated east of the skating rink and north of the S. Main St. Mick or Mack store, in that this matter has been pending for some time. He explained that a couple of years ago Mr. Neff had presented a subdivision plan for his property, dividing it into five or six tracts, which included construction of the skating rink, and a question as to whether or not the survey included other land than that owned by him, had been raised at that time; namely this particular tract which was believed to be owned by the City. However, the survey was proven correct. Manager Milam pointed out that the tract of land is adjacent to Purcell Park, with no access to same, and further, that Blacks Run goes through it. Mr. Neff was of the opinion that the City was interested in purchasing the tract at the time his subdivision plan was submitted. Although an appraisal was submitted by Home-Land Realty in August of last year, Mr. Milam stated that this was not acceptable to Mr. Neff, and that to date no settlement has been reached. He recommended that Council consider a fair market value to offer Mr. Neff, and suggested that if it is felt by Council that something should be offered, that the matter be referred to the Recreation Commission and Planning Commission for a report and recommendation concerning purchase of additional land for the City. After further discussion, Councilman Green moved that the communication from Home-Land Realty with appraisal value of the one-acre tract be referred to the two commissions, as recommended by the City Manager, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

✓ Mr. Bruce Burgess, Chairman of Great Eastern Rally '77 (GEAR), was present in the meeting to explain the Memorial weekend event which will be held at Madison College. He explained that approximately 1,000 cyclists are expected to participate in the bicycle festival, ranging in age from 8 to 80. Madison College will serve as Host and provide lodging, meals and facilities. Planned tours for the cyclists range from a r to 100 mile radius in the scenic Shenandoah Valley. Mr. Burgess said he had discussed this with both the Recreation Director and Chief of Police. Every precaution will be taken to make this a safe, family type fellowship. Although the riding will occur on Rockingham County secondary roads, cyclists will have to proceed from the College, using some City streets. Each member of the governing body was presented with literature concerning GEAR, as well as an issue of the League of American Wheelmen magazine. A short film was also shown. Mayor Erickson expressed a hope for a successful meet in this area and extended a welcome to the group on behalf of the City of Harrisonburg.

✓ The City Manager reminded Council that he had been asked to have officials of the Recreation Dept. and School System send in written statements concerning their interpretation of use of gymnasiums at the Keister and Spotswood Elementary Schools, due to questions which had arisen at the last regular meeting of Council on December 28th. He presented correspondence dated 1/4/77 from Mr. Cecil Gilkerson, Recreation Director, and another dated 1/5/77 from Mr. Wayne King, School Superintendent, neither of

which seemed to offer a solution to more complete usage of the facilities. Council discussed the matter at length with a suggestion made by Vice-Mayor Denton that for a trial period these two facilities be made available evenings and weekends for recreation. It was agreed that such a trial basis would be advisable now, rather than waiting to determine use of the new Community Activities Center, and that weekends (Saturdays and Sundays, 9:00 - 12:00, and 1:00 -5:00) might be appropriate hours in that younger children may benefit more at these locations. At least a 6-month trial period was felt advisable with a report to Council in the spring when the change to daylight savings time is effected, to determine success of the program. When asked to what extent the gyms are being used by the Recreation Dept., Mr. Gilkerson replied two evenings at Spotswood for women's basketball and volleyball. Janitorial service for use of the gyms on after school hours has been controversial between the School System and Recreation Dept., and would have to be settled should a trial period be decided upon. Following discussion, it was unanimously agreed that the Recreation Director be asked to bring in a report to the next meeting of Council of a plan of operation for the two gymnasiums on weekends, along with cost estimates for janitorial service, any other needed personnel, etc.

✓ A request was presented from City Treasurer Firebaugh for approval of a supplemental appropriation in the amount of \$ 1,250. due to insufficient funds to pay extra help used in his office for issuing special parking permits in the residential areas set forth by Council. Councilman Rhodes moved that the appropriation be approved for first reading, and that:-

\$ 1,250. chgd.to: General Fund - Unappropriated Surplus Account.

1,250. approp.to: General Fund (4020-11.05) Extra Help.

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 a supplemental appropriation in the amount of \$ 742.00 from account of Recoveries & Rebates in order to transfer funds for transportation and recreation under the CETA Program. Vice-Mayor Denton moved that the appropriation be approved, and that:-

\$ 742.00 chgd.to: General Fund (1005) Non-Rev. Receipts- Recoveries & Rebates.

742.00 approp.to: General Fund (11020-212.00) Parks & Recreation - Other Mat. & Supplies.

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

✓ City Manager Milam presented a request from Mr. Ralph Smith, Superintendent of Streets, for approval of a supplemental appropriation in the amount of \$ 687.18, representing reimbursement from an insurance company for truck repairs and tool replacements. The funds have been received and are currently in account of Recoveries & Rebates. Councilman Rhodes moved that the appropriation be approved, and that:-

\$ 687.18 chgd.to: General Fund (1005) Recoveries & Rebates.

687.18 approp.to: General Fund (10110-274.00) Highway & Street Beautification-
Maint. and Repairs to Auto Equipment.

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

✓ Councilman Green moved that an appropriation in the amount of \$ 90,000. for a pedestrian mall and improvement of downtown sidewalks from a Reserve for Future Construction Projects be approved for second and final reading, a first reading having been approved on December 28th, and that:-

\$ 90,000. chgd.to: General Fund - Reserve for Future Construction Projects.

90,000. approp.to: General Fund (10110-77.12) Street Inspect.- Capital Outlay-
Work in Progress- Pedestrian Mall.

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

✓ City Manager Milam, by request at the last regular meeting of Council, presented a report of expenses incurred on the Sipe property to be used as a guideline for estimating an operational budget for the remainder of this fiscal year for the new Community Activities Center. He reminded members that a seven-month proposed budget for the new center had been submitted by the Recreation Director in October of last year for personal services and operation in total amount of \$ 54,959.94, and that only the personal services portion of \$ 22,095.01 had been approved, with the operational portion deferred pending correlation and adjustment in various items. Manager Milam then presented for Council's consideration, a total figure of \$ 16,000. for operating the Center for a six-month period (January - June, 1977) which included materials and supplies, communications, rents and leases - machinery and equipment, electricity, and other operating expenses. Other items requested by the Director were deleted in that a balance remaining in budget appropriations for the Sipe Bldg. could be used for the new center, as well as other available funds. In order to arrive at the needed total of \$ 16,000.00, Manager Milam recommended that an amount of \$ 9,215.00 be drawn from the General Fund Unappropriated Surplus Account, and an amount of \$ 6,785.00 be transferred from the personal services portion of the original request, already approved. He explained that four employees at the Center are currently paid through the CETA Program which has been extended at least through March of this year, which accounts for the recommendation to transfer a portion of personal services (wages). Following a discussion, Councilman Green moved that a supplemental appropriation in amount of \$ 9,215.00 be approved for a first reading, and that:-

\$ 9,215.00 chgd.to: General Fund, Unappropriated Surplus Account
To Community Activities Center (as follows)

1,000.00 approp.to: (11027-212) Other Materials & Supplies.

1,100.00 approp.to: (11027-240) Communications

400.00 approp.to: (11027-292) Rents & Leases- Mach. & Equipment

6,215.00 approp.to: (11027-361) Electricity

500.00 approp.to: (11027-390) Other Operating Expenses.

which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous recorded vote of Council. Councilman Dingledine moved that a transfer in amount of \$ 6,785. (requiring only one reading) be approved, and that:-

699.19 trans.from: General Fund (11027-11.01) Center Director.

1,175.50 trans.from: General Fund (11027-11.02) Assistant Center Director

292.00 trans.from: General Fund (11027-11.03) Receptionist

DD550

40-3-77

\$ 503.19 trans.to: General Fund (11027-11.04) Custodian
 2,778.44 trans.to: General Fund (11027-11.05) Janitor
 1,336.68 trans.to: General Fund (11027-12.00) Wages

which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

✓ The City Manager reminded Council that at the last regular meeting he had advised of a mailgram received from the CETA Contract Supervisor, authorizing continuance of CETA employees in present positions and noting that a new contract would be sent. He noted that since that time a communication dated 12/27/76 had been received, indicating an amount of \$ 19,337. to be allocated to the City and authorization to extend CETA positions until March 31, 1977. In as much as this amount would not be sufficient to pay the 38 employees, the Virginia Employment Commission was contacted. They advised that the communication was a printed form letter and that the date should have read January 31st, with the amount of \$ 19,337. to cover one month only (January, '77). Manager Milam presented a new contract stating an amount of \$ 69,410.00 to cover CETA employees for remainder of quarter ending 3/31/77, and requested authorization to accept the allocation by signing of the contract, which must be in the Richmond office by January 17th. Councilman Rhodes moved that the City Manager be so authorized, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ The City Manager said there was no substantial information concerning underground wiring on the South Main Street project since a meeting held with Harrisonburg Electric Commission on January 4th. He did, however, offer the following suggestion for consideration, should the total estimated cost of \$ 341,144.29 for the entire distance from Grattan St. to Port Road seem too expensive, namely: that the City authorize underground wiring from C-W railroad to Grace Street (est. \$ 103,376.75) and from Grace to Grattan Streets (est. \$ 69,824.82) as well as 1/6 of the distance from the C-W railroad to Port Road, which would end at a point near Maplehurst Avenue. Poles would be placed between Maplehurst Ave. and the Arco Station, above ground, with wires running down the alleyway to serve businesses in the area. Mayor Erickson asked if further thought had been given regarding the ditching - whether the excavation would be done by a contractor or City force. Manager Milam suggested that 15% of the estimated figure, be offered. Councilman Green offered an opinion that ditching be coordinated by the City Street Department, Assistant City Manager Driver, and other staff members concerned, rather than piecemeal with no definite plan. Mr. Driver said the state requests plans by February 1st, and that action should be taken at this time as to distance for the underground wires. Exact locations could be worked out later with the Harrisonburg Electric Commission. (i.e. to the north or south of Maplehurst Ave.). Following a lengthy discussion, Councilman Green moved that Council authorize underground electrical wiring from Grattan St. to a point near Maplehurst Ave., that the City participate in cost of ditching by 15%, and that this be coordinated by the City, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

✓ Council was reminded of two vacancies on the Parks & Recreation Commission as of December 31, 1976. Manager Milam pointed out that Mr. Claude Garber had completed his second successive term, making him ineligible for reappointment, and that Mr. Michael Layman had moved from the west ward to the east ward. Councilman Rhodes moved that Mr. Wilmer C. Byrd, Sr., of 365 Hill St., be appointed to a four year term on the Parks & Recreation Commission, expiring December 31, 1980, replacing Mr. Claude Garber from the east ward, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council. A replacement was not named for the other vacancy from the west ward.

✓ In as much as Mayor Roy Erickson's term on the Shenandoah Valley Airport Commission will expire on January 28th of this year, Vice-Mayor Denton moved that he be reappointed for a three year term expiring January 28, 1980, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council. Mayor Erickson abstaining.

✓ Vice-Mayor Denton moved that Dr. Hollen G. Helbert, whose term on the Upper Valley Regional Park Authority will expire on January 24th of this year, be reappointed for a term of four years, expiring January 24, 1981, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ City Auditor Shifflet and City Manager Milam pointed out highlights of their regular monthly reports, and various items on both were discussed. The Police Chief was asked to bring in a report of how parking violations for overtime parking are handled on out of state vehicles.

✓ City Attorney Lapsley advised Council for information that four lots were involved in the Cantrell Ave. parking lot, with one lot subject to condemnation suit which has been completed, with titles to all lots in hands of the Highway Department. He is checking to determine the status of one lot, residue from which was to be conveyed back to the City, and will report back to Council, when known.

✓ Vice-Mayor Denton suggested that City officials be notified by the City Manager's office each year, preferably by December 1st, to file a report of property owned. Manager Milam said he would comply with the suggestion.

✓ With regard to the Kavanaugh Hotel Rehabilitation Project, the following information was relayed to Council. Mr. Dick Kelly, Director of Downtown Development, said that the City had applied for another H.U.D. Grant of \$ 500,000. in that the amount of \$ 700,000. (\$525,000. HUD Grant and \$175,000. local funds) is insufficient, adding that an approximate \$1.1 million would be needed to purchase the entire block of N.Main St. between Elizabeth and Wolfe Sts. Of the total project allocation, \$ 325,000. has been earmarked for purchase of the hotel and other buildings. Although none of the properties have been purchased to date, negotiations thus far indicate this amount to be insufficient. Mr. John Byrd, Jr., City Building Official, reported on the architectural feasibility of the Kavanaugh Hotel based on determination of the Richmond consulting firm, Harland Bartholomew & Associates. It is, according to Mr. Byrd, "a reasonably good example of the best turn-of-the century architecture." The main building contains 64 units, with 49 in use at present. The proposal is to create 40 one or two bedroom units for the elderly with kitchen and bath for each. He offered an opinion that the City

should keep what is good of the present building, rather than rebuilding with modern steel and concrete. The "bone structure" of the Kavanaugh is basically good. Since housing is contemplated for people who are still mobile, it would be classified as a multi-unit residential dwelling which does not exceed three floors, and this would allow a break under the safety code. Due to the fact that the building is located in the central city fire zone, Mr. Byrd pointed out the fact that it would have to be replaced by a non-combustible structure if it were torn down or destroyed over 50%. Mr. Robert Sullivan, Planning Director, presented maps of the proposed downtown traffic pattern as well as pedestrian traffic, and a larger scale sketch of the proposed covered walkway from the parking deck to Court Square. He pointed out that if the City takes action which would lead to rehabilitation or rebuilding of a new structure, the space would be keyed in to save open space for continuation of pedestrian movement. During discussion, Mayor Erickson raised questions as to how the Kavanaugh Hotel property could be made more dollar productive and whether or not housing should be placed here or elsewhere. Possible alternatives mentioned were to provide area in the basement or lower floor for commercial use, or moving the house project to the rear of the block and commercial development along Main Street. According to Assistant City Manager Driver, consultants say the hotel could be renovated for apartments for approximately \$ 7.00 per square foot less than new construction. Manager Milam noted no cost estimates for new construction. Mr. Driver informed Council that appraisals have been made by the City appraiser and two others on the hotel property, and B.Ney property, with the City's appraisal resulting in a higher figure. Another appraisal has been requested to determine which is correct. Two other property owners in the block have not placed figures on their properties, which may result in condemnation proceedings. The Mayor said some guideline is needed by those working on the project and suggested following the original intention. It was agreed that Mr. Driver pursue negotiations for the B.Ney building while awaiting appraisal determination on the hotel. The City Manager asked whether the project should be transferred to the Redevelopment & Housing Authority at this time, or further along the line, in that it has authority to acquire and develop along line of housing. Mayor Erickson suggested a meeting be held with the Authority after more information is in.

There being no further business and on motion duly adopted, the meeting adjourned at 12:05 A.M.

N. Clarence Loken

 CLERK

Ray Erickson

 MAYOR

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, Vice-Mayor E. Warren Denton, Jr., Councilmen Raymond C. Dingle, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- Clerk N. Arlene Loker. (sitting in for the Clerk, Assistant City Manager Driver.)

The evening's Invocation was led by The Rev. Gene Knicely, pastor of Mt. Bethel Church of the Brethren.

Minutes of the regular meeting held on January 11th were approved as mailed to each member of Council.

✓ Mr. Charles W. Wampler, Jr. appeared before Council in his role as Chairman of the Rockingham Memorial Hospital Foundation, affiliate of the hospital whose function is to raise capital money for the hospital. He presented and read the following proposed resolution proclaiming the first week in February as Hospital Week, noting that this has been the practice for the past several years, with this year's goal being \$ 150,000.

WHEREAS, Rockingham Memorial Hospital serves the health needs of the people both in and around Rockingham County; and

WHEREAS, the City Council of Harrisonburg has designated the first week in February of each year as Rockingham Memorial Hospital Appreciation Week;

NOW, I, Roy Erickson, Mayor of Harrisonburg, in recognition of the importance of Rockingham Memorial to our community, urge all of my fellow citizens to support the Hospital's 1977 Annual Gifts Program, the proceeds of which will be used to purchase needed equipment at the Hospital.

The resolution was approved by unanimous agreement of all members and the Mayor was authorized to sign the same.

✓ For information, the City Manager read a communication from Mr. Robert Sterrett, Executive Vice-President of the Harrisonburg-Rockingham Chamber of Commerce, advising that on Friday, January 28th, 2:00 PM, a group of Chamber members from North Myrtle Beach, S.C. would like to meet with representatives of the local Chamber and members of the Harrisonburg City Council. At this time, a certificate of appreciation will be presented to the Mayor of Harrisonburg by the group. Members were invited to be present.

✓ City Manager Milam presented correspondence dated 1/12/77 from Mrs. Joan Yancey of 1147 Dale Circle, Harrisonburg, requesting exemption of licensing on antique motor vehicles. He then introduced Mr. Todd Zeiss of 215 Campbell St., a member of the Antique Auto Club of America, present in the meeting concerning the matter. He told Council that any cars 25 years or older which have been restored, are seldom on the road and not parked on city streets, but are used primarily for participation in parades, fairs, etc. In as much as there are only a few of these in the City of Harrisonburg, very little loss in revenue would be realized by exempting same for licensing. Insurance on antique cars runs 20-25% of ordinary insurance. Mr. Zeiss asked that Council consider an amendment of the City's License Tax Ordinance either exempting antique cars from licensing, or a one-time purchase of license tags. Following a brief discussion, the City Attorney was asked to review the state regulation with regard to licensing of antique cars, and report back to Council.

✓ The City Manager presented correspondence from the State Board of Elections, enclosing a form to be completed and returned stating whether or not the City desires to establish a central absentee voter election district. He reminded Council that the local Electoral Board had requested no change through the year 1979 of not establishing such a district, which was not acceptable, in that Sec. 24. 1-233.1 of the state code provides that a decision be made by the governing body each year in the month of January. Mayor Erickson said he had voted by absentee ballot in a separate room at his precinct, and questioned whether a separate polling place was necessary. Councilman Dingleline asked if it would be better to have all absentee ballots at one place to be counted. Council was informed that the present policy is for the Electoral Board Secretary to collect all absentee ballots and deliver them to the various precincts for counting. Following discussion, Councilman Green moved that the City of Harrisonburg continue as at the present time, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

✓ City Manager Milam reminded Council that the matter of using the multi-purpose gyms at Keister and Spotswood Elementary Schools on weekends had been discussed at the last regular meeting, and the Recreation Director was asked to submit cost estimate for specified hours. He called attention to a report received from the Parks & Recreation Commission setting forth a total of eleven hours at each of the two schools on Saturdays & Sundays for recreation at a total cost of \$ 131.78, which amount included \$ 67.54 for a supervisor at each school and \$ 64.24 for a janitor at each school. For ten weekends (February thru April 10), total cost of \$ 1,317.80 was quoted. Councilman Dingleline pointed out the fact that heating and lighting of the gyms was not included in the cost estimate, which would add to the total. Vice-Mayor Denton moved that in light of the cost involved and the recent opening of the new Community Activities Center, that the matter of providing recreation on weekends at the two elementary schools be tabled, to determine usage of the Community Center, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Councilman Dingleline moved that a supplemental appropriation in the amount of \$ 1,250. requested by the City Treasurer for the purpose of paying extra help in his office for issuance of special parking permits, be approved for second and final reading, a first reading having been approved on Jan. 11, and that:-

\$ 1,250. chgd.to: General Fund - Unappropriated Surplus Account.

1,250. approp.to: General Fund (4020-11.05) Extra Help.

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

✓ Councilman Green moved that a supplemental appropriation in the amount of \$ 9,215. which was approved for a first reading at the last regular meeting, along with a transfer of other funds, for operation of the new Community Activities Center for the remainder of this fiscal year, be approved for second and final reading, and that:-

\$ 9,215. chgd.to: General Fund - Unappropriated Surplus Account.

To Community Activities Center (as follows)

1,000. approp.to: (11027-212) Other Materials & Supplies.

1,100. approp.to: (11027-240) Communications.

400. approp.to: (11027-292) Rents & Leases- Mach. & Equip.

6,215. approp.to: (11027-361) Electricity

500. approp.to: (11027-390) Other Operating Expenses.

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

✓ A request was presented from Mr. Cecil Gilkerson, Recreation Director, for approval of a transfer of funds in amount of \$ 2,074.29, representing monies received from Price Rotary Center Valley Program for Aging Services to reimburse the Dept. of Parks & Recreation for invoices paid 11/20/76-12/31/76. Councilman Dingleline moved that the transfer be approved, and that:-

from: Price Rotary Center VPAS

\$ 882.05 trans.from: General Fund (11028-11.00) Salary-Director

607.74 trans.from: General Fund (11028-11.01) Salary- Driver/Janitor

76.55 trans.from: General Fund (11028-211.00) Gas, oil, tires, etc.

56.69 trans.from: General Fund (11028-240.00) Communications.

422.76 trans.from: General Fund (11028-361.00) Electricity

3.00 trans.from: General Fund (11028-362.00) Sewer

2.50 trans.from: General Fund (11028-363.00) Water

23.00 trans.from: General Fund (11028-390.00) Other Oper, Expenses

to: Parks & Recreation

\$ 1,489.79 trans.to: General Fund (11020-12.00) Wages

584.50 trans.to: General Fund (11020-390.00) Other Oper. Expenses.

which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

✓ The City Manager presented a request from Mr. Paul Quintrell, Director of Finance, Harrisonburg City Schools, for approval of a transfer of funds within current school appropriations in order to provide "matching" local funds for unanticipated National Defense Education Act, amount to be reimbursed by the federal government at rate of 50%. Following a brief discussion, Councilman Rhodes moved that the transfer be approved, and that:-

\$ 6,000. trans.from: School Fund (1201-305.00) Other Inst.Costs- Inst. Supplies.

4,000. trans.from: School Fund (1201-320.00) Other Inst.Costs- Textbooks furn.free.

10,000. trans.to: School Fund (1900-403.00) Capital Outlay- Furn. & Equip.

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

✓ A request was presented from the School Board Office for approval of a transfer of funds from various school appropriations into Operation of School Plant, to cover unanticipated expenditures due to increased electrical rates, fuel oil prices and increased consumption caused by extremely cold weather. Councilman Green moved that the transfer be approved, and that:-

\$ 3,635.00 trans.from: School Fund (1201-299.00) Other Inst. Costs.

\$ 1,500.00 trans.from: School Fund (1201-305.00) Inst. Supplies.
 4,559.68 trans.from: School Fund (1201-134.01) Comp. Inst. Salaries- Summer Schl.
 398.63 trans.from: School Fund (1201-305.00) Summer School- Inst. Suppl.
 5,000.00 trans.to: School Fund (1205-207.00) Oper. Sch.Plant- Electricity.
 5,093.31 trans.to: School Fund (1205-311.00) Oper. Sch.Plant- Fuel.

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

City Manager Milam presented a request from Mr. Paul Quintrell, Director of Finance, Harrisonburg City Schools, for approval of a supplemental appropriation in the amount of \$ 25,000. from anticipated federal and other funds, to cover insufficient appropriation for operation of school cafeterias. It was noted that the appropriation would not be used unless funds are received to offset expenditures. Following a brief discussion, Councilman Dingleline moved that the appropriation be approved for a first reading, and that:-

\$ 15,000. chgd.to: School Fund (R-27) Anticipated Receipts from Fed.Funds-
 School Food & Programs.
 10,000. chgd.to: School Fund (R-35) Anticipated Receipts from Other- Cafeteria.
 15,000. approp.to: School Fund (1204-310.00) Sch.Lunch & Milk Sub.
 10,000. approp.to: School Fund (1204-399.01) Food

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

City Manager Milam presented and read a letter dated 1/12/77 from American Legion Post 27, requesting that the City consider furnishing lights and stadium use expense for American Legion baseball this past season in amount of \$ 372.00, and placing this project into the budget for future years. The organization depends entirely on donations from city and county merchants to support this worthwhile youth program, and new uniforms are badly needed for next season. A financial report enclosed with the correspondence revealed receipts of \$ 2,481.53 for the past season, disbursements of \$ 2,560.63, with the difference of \$ 79.10 funded by Post 27. Council was informed by Manager Milam that this same request had been received in his office in September of last year, at which time he had held a conference with the School Superintendent and Recreation Director. He was told that the Recreation Department pays for the umpires to be used by the American Legion and the School Board furnishes facilities (i.e. use of stadium, concession, water and sewer). At the time this arrangement was made with the organization, it was understood that the American Legion would pay for the lights. Because of this information, the request was not brought before the governing body. He offered an opinion that this is a matter to be handled by the Recreation Dept. and School Bd. Following a brief discussion, Councilman Green moved that the request be referred to the School Board, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

The City Manager informed Council that the Shenandoah Valley Travel Association would be holding a meeting on March 1st at Ingleside, Staunton, Va., and noted that consideration could be given to naming a person from the City of Harrisonburg to serve on the Board of Directors in that there is no representation at this time. He explained that this association prints up a number of travel information booklets and holds meetings at various places between Winchester and Roanoke. Mayor Erickson asked members to be giving this matter some thought.

The following recommendation submitted by the Planning Director from a meeting held on January 19, 1977 by the Planning Commission, was read:-

"During the January 19, 1977 meeting of the Harrisonburg Planning Commission, four rezoning applications were taken up for consideration. A public hearing was held on December 15, 1976 to hear testimony on these cases. Recommendations were formed on two of the cases, and it is hereby requested that City Council schedule a public hearing for February 22, 1977 to consider these rezonings.

1. To rezone from R-1 Single Family Residential to R-2 Residential, lots 33-43, Block C, and lots 44-57, Block G, Page 39 of City Block Map. These lots are located on the east side of Chicago Ave. between 4th St. and Waterman Drive. Application is from George W. Taliaferro and Henry C. Clark.
2. To rezone from R-2 Residential to R-3 Multiple Dwelling District, lots 5-7 and 75-89, Block G, Page 18 of City Block Map. These lots are located on the west side of Harrison St. between Medical Arts Center and West Fairview Ave. Application is from Medical Arts Building, Inc. The Planning Commissioners are recommending both of these rezoning applications. Extracts from our minutes will be available and distributed to you prior to your public hearing."

The third and fourth rezoning applications being considered by the Planning Commission involve six lots in the 100 block of Ott Street. The Commissioners are seeking further data and legal interpretation and therefore respectfully requests a 30-day extension of time. If at all possible, we will meet before your February 8, 1977 meeting so that we can report our recommendation by that time."

Mr. Sullivan, Planning Director, pointed out the area requested by Mr. George Taliaferro and Mr. Henry Clark for construction of 22 townhouse living units. He noted that the Plan of Development indicates access to the units by way of a 20' public alley which has been dedicated but not as yet built. He then pointed out the small area requested by Medical Arts for rezoning in order to provide additional parking spaces. Council was informed by the City Manager that there would be no change in boundaries under the rezoning requested for Chicago Ave. Vice-Mayor Denton moved that the recommendation of the Planning Commission be accepted and that a public hearing for same be scheduled for Tuesday, February 22, 1977, 7:30 PM in the Council Chamber, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council. The City Manager was instructed to properly advertise the public hearing in the Daily News Record newspaper. Following a brief discussion, Councilman Dingleline moved that the 30-day extension requested by the Planning Commission on the rezoning applications in the 100 block of Ott St. be granted, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ Planning Director Sullivan presented to Council a preliminary plat for Country Club Court Townhouses which had been briefly reviewed by both the city staff and Planning Commission. Land involved is 14.3 acres located in the northeast corner of Cloverleaf (formerly the Hirsch farm) near Smiths' Transfer. The Plan is for 108 townhouse units with access from a new street off of Country Club Rd. He noted that the City ordinance allows only 20 living units on a private parking lot and noted that there are more shown on a couple of lots, according to the Plan. City staff would like more turn around for emergency vehicles, etc. He said that the Plan would be further reviewed by the Planning Commission if so referred at this time, by Council. Vice-Mayor Denton moved that the Plat be referred to the Planning Commission for study and recommendation, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

✓ The following recommendation submitted by the Planning Commission from a meeting held on Jan. 19th was read by the City Manager:-

"...The Planning Commissioners reviewed the City's Master Plan for the Parks & Recreation and noted that areas indicated for future acquisition include the one-acre parcel jutting into Purcell Park which is owned by Mr. Bill Neff. Mr. Sullivan reported that the acre is zoned R-1 Residential, is land-locked, and is located directly behind 'Skatetown'. He added that its usefulness to the City is basically aesthetic...if acquired, the Purcell Park boundary will be straightened in the area behind 'Skatetown'.

Manager Milam reported that the City has obtained two appraisals from real estate appraisers concerning the Neff lot, but these reports are not close to Mr. Neff's asking price of \$ 25,000.

Recognizing the overall long-range goal of squaring off Purcell Park's boundaries as shown on the Master Plan, Dr. Shank offered a motion that the Planning Commission recommend to City Council that the City proceed to negotiate with the owner for purchase of the acre, if a 'reasonable' price can be agreed upon. Mr. Gilkeson seconded the motion and all members present voted in favor..."

Members of Council were presented copies of the recommendation as well as a plat showing the lot location. Manager Milam explained that the lot is zoned R-1 and restricted to no more than one building in that there are no utilities or street frontage. It has been maintained by the Parks & Recreation Department. In 1975 the City had an appraisal made which resulted in a very low figure. A second appraisal in August of 1976, was slightly higher. He then called attention to a memo which he had sent to Mr. Gilkeson on January 14th of this year, requesting answers concerning the lot. Reply received was that the City should purchase the lot for no more than the \$ 4,500. appraisal price. Mayor Erickson asked Council's wishes. Councilman Dingleline questioned whether the city had an obligation, either moral or legal, to purchase the lot, adding that it would be nice to straighten the Park boundary. City Manager Milam said that when Mr. Neff subdivided the land, he could possibly have used this lot along with approximately 5 other acres, but that he felt it was indicated that the City was interested in purchasing same. According to Manager Milam, both Recreation Officials and the Planning Commission had indicated that the lot was a part of the City's Master Plan and felt it was desirable to add this to the Plan. After further discussion, Vice-Mayor Denton moved that the City Manager be authorized to negotiate for purchase of the lot, within the City's appraisal figure, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ The City Manager informed Council that a communication had been received from the U.S. Department of Commerce, Philadelphia Office, advising that the City's request for an E.D.A. Grant for completion of Cantrell Ave. (Mason to Paul Sts.) had been denied. He noted that following receipt of this, the Mayor had written the Highway Department requesting it to proceed with the project and advising them of the denial. A reply dated 1/13/77 was received from Mr. J.G. Ripley, State Urban Engineer, advising that in as much as all work required for advertisement of the project was expected to be completed within the next couple of weeks, they would proceed with advertisement (possibly March 15) and award of the contract. The following resolution, necessary prior to advertising of the project, was presented and read for Council's consideration:-

WHEREAS, the Highway Department proposes to construct or otherwise improve a section of Cantrell Ave. from the intersection south of Mason St. to the intersection of Paul St. designated as Highway Project U000-115-104, RW-201, C-501; and

WHEREAS, the City Council is responsible for making arrangements for the adjustment and/or relocation of certain utilities and for the installation of any new facilities:

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Harrisonburg hereby certifies that all arrangements have been made or will be made for the relocation and/or adjustment of said utility facilities, and for the installation of any new facilities. In the event of any justifiable claims from the road contractor for delays or interference caused by said utilities, the City of Harrisonburg hereby agrees to be responsible for said claims, provided that the City is advised in writing by the Highway Department at the time of delay that the road contractor intends to file a claim.

Said utilities are identified as follows:

<u>Utility Owner</u>	<u>Type of Facility</u>
City of Harrisonburg	Water and Sewer
Harrisonburg Electric Commission	Electrical
Continental Telephone Co. of Va.	Communication
The Chesapeake & Potomac Telephone Co. of Va.	Communication
Columbia Gas Co.	Gas
Warner Cable T.V.	Cable T.V.

Councilman Rhodes moved that the resolution be approved with the proper officials authorized to sign the same, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council. Councilman Green raised the question of hospital entrances from the new Cantrell Ave. and following discussion the Assistant City Manager was asked to contact Mr. Nelson Liskey, Hospital Superintendent, concerning their proposed plan.

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City Manager Milam informed Council that he, along with City Attorney Lapsley, Attorney for the Regional Sewer Authority Don Litten, City Engineer Donn Devier and Water-Sewer Superintendent Edgar Loker had met with Steve Blatt, William Julias and Dick Arndt representing Shenandoah Valley Poultry Co., Inc., concerning B.O.D. charges. He then read correspondence received from William Julias and also Harvey Scott, General Manager of Shenandoah's Pride, requesting that the surcharge for B.O.D. be eliminated by amending the City's Ordinance, or otherwise, now that the waste is being treated by the Sewer Authority. Manager Milam explained that the charge was made effective in 1974 when the City's sewer plant required extensive change in order to handle the increasing load. Four other industries are also affected by the charge, namely: Kawneer, Howard Johnsons, Lloyd's Steak House and Swift & Co. He offered an opinion that dropping the charge would remove incentive for the industries to continue the pre-treatment processes many began in the early '70s, and called attention to the fact that the industries paid nothing for construction of the regional sewer plant which was done with federal, state and local government funds, although more recently formed authorities have required industry participation. Under the new Authority, Harrisonburg is the only member making a surcharge, which does not mean, however, that local industry is paying more than those in the nearby towns, also Authority members. The City Manager said that the City is required to complete a survey of industrial waste within its boundaries by July 1st of this year and suggested that this could be used as a basis for possible lowering of the surcharge, in that the present charge is based on 1974 and 1975 surveys. City Attorney Lapsley said that Section 29-93 need not be amended even if the charge is dropped, in that it does not state that the City must charge for hard-to-treat waste, but outlines steps which may be taken. Councilman Green offered an opinion that it does not seem fair to penalize industry within the city limits with a surcharge, if this is what is being done. Manager Milam offered a suggestion that the charges could be temporarily suspended until the survey is completed, or that charges could be continued pending receipt of the survey, and adjusted accordingly. He pointed out that in 1974 the City was ordered to stop all construction, or reduce wastes going into the sewer system. At that time, letters were sent to local industries advising them of the situation and setting forth dates on which samples would be taken to determine the amount of affluent from each. Superintendent Loker noted that through efforts of the various plants, the B.O.D. was considerably reduced. Mayor Erickson said he would like to see some basic figures on B.O.D. or affluent, and would also like to find out from the Water Control Board or E.P.A. what their thoughts are on industrial wastes as well as industrial responsibility to a public sewer system. Following a lengthy discussion, Councilman Green moved that the industries be advised that the City is conducting an investigation through the Regional Sewer Authority and Water Control Bd. in order to arrive at a fair and equal charge, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

Mrs. Mary Bradshaw, Coordinator of the Chapter 10 (Mental Health & Mental Retardations Services) Board, appeared before Council to present the 1977-78 proposed budget. She first reported on services rendered by the Massanutten Mental Health Center (E. Market St.) and the Rockingham-Harrisonburg Halfway House (Pear St.) and presented proposed budget for each as follows: Massanutten Mental Health Center, \$ 142,224. (Harrisonburg's share \$ 10,274. as compared with \$ 8,958. for this year); Halfway House, \$ 57,026. (Harrisonburg's share \$ 5,000. as compared with \$ 2,500. this year). Mrs. Bradshaw pointed out that the largest increase in the overall budget is under Administration in that a full-time Coordinator is desired at an annual salary of \$ 12,264. She has been serving on a part-time pay basis, and hopes to continue working only on a part-time volunteer basis. The City is requested to appropriate \$ 4,671. next fiscal year for Administration as compared to \$ 2,781. for this year. The total proposed budget is \$ 658,591. with an anticipated \$ 200,000. in state and local funds. Following a brief question and answer session, City Manager Milam reminded Mrs. Bradshaw that it will be several months before the City's 1977-78 budget has been completed and approved. Mayor Erickson thanked her for the report and presentation of budget.

For Council's information and recordation in Council minutes, the City Manager presented the following report: DURING CALENDAR YEAR 1976, 118 CITY EMPLOYEES WERE TERMINATED IN THE FOLLOWING DEPARTMENTS: Fire Dept., 4; Public Works, 44; Recreation, 41; Social Services, 4; Police, 10; Commissioner of Revenue, 1; Water & Sewer Dept., 6; City Treasurer's Office, 2; Engineer's Office, 1; Public Transportation, 1; City Manager, 4. DURING CALENDAR YEAR 1976, 70 EMPLOYEES WERE HIRED THAT ARE STILL EMPLOYED IN THE FOLLOWING DEPARTMENTS: Public Works, 13; Recreation, 20; Social Services, 4; Police, 6; Engineer's Office, 1; Public Transportation, 20; City Manager, 6. He explained that some of the terminations were due to seasonal work (summertime), and others who left voluntary, were dismissed, or left the City to join another work force. The employees listed under Public Transportation are largely part-time.

Mayor Erickson stated that the City Attorney had requested an executive session for the purpose of discussing a legal matter. Councilman Green moved that this meeting be adjourned (10:15 PM) to enter an executive session, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

N. Arlene Loker
CLERK

Ray Erickson
MAYOR

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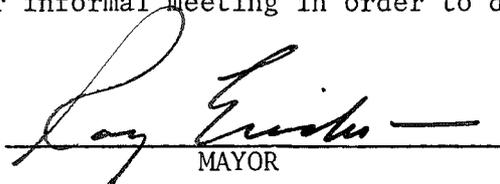
Monday, January 31, 1977

At an emergency meeting of Council held in the Council Chamber this morning at 9:00 A.M. there were present:- Mayor Roy H. Erickson, City Manager Marvin B. Milam, City Attorney Norvell A. Lapsley, Vice-Mayor E. Warren Denton, Jr., Councilmen Raymond C. Dingle, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- Clerk N. Arlene Loker. (Sitting in for the Clerk, Assistant City Manager John Driver.)

✓ Mayor Erickson informed those present that the intent of this meeting was to ascertain exactly where various departments within the community stand insofar as the crisis we are faced with, and to review energy sources which are available and how this may affect the community in the near future. He noted further that Governor Godwin's Declaration made effective January 26th would also be reviewed, with the hope of more understanding and knowledge derived as to what direction we are going to take.

City Attorney Lapsley pointed out that Section 44.146-17 of the state code gives the Governor authority to declare a state of emergency, and Section 44.149-19 gives authority to governing bodies for implementing emergency procedures. The City Manager posed various questions and called on representatives from the fuel oil companies; gas companies; Electric Commission; coal company; Water Department; Va. Employment Commission; Redevelopment & Housing Authority; School Dept. and Recreation Dept. From answers received and other pertinent remarks, it was determined that although there is an emergency with regard to supply of gas and oil, there was no need for panic by citizens of the community. Vice-Mayor Denton asked if there was a necessity, or if it would be a good idea to appoint a committee for the purpose of checking with other cities concerning their handling of the situation in order to determine how best to go about it in our own area. This was deemed a good idea, and Mayor Erickson appointed the following to serve on the committee: Mr. Emmet Stroop (fuel oil representative); Mr. Kay Monger (coal representative); Messrs. William Gunn and James Rowe (gas company representatives); City Manager Milam (representing the City); Chief of Police Presgrave (representing law enforcement); Mr. Wayne King (representing the School Dept.) and Mayor Erickson (relationship with Civil Defense). Council discussed the matter of a 40-hour work week as set forth under the Governor's Declaration and who would be responsible for handling any violations of same. It was determined that the Police Dept. would be the authorized body in that a violation would be treated as a misdemeanor. The City Manager recommended that all commercial places affected by the 40-hour work week be required to post notice of their hours, not only for the general public but also for the police department to aid them in carrying out their investigation for possible violations. Vice-Mayor Denton moved that the recommendation of the City Manager be approved, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council. Mayor Erickson thanked all those present for their participation in this meeting and set next Thursday (Feb. 3) at 9 AM for another informal meeting in order to digest further information which may be available at that time.


CLERK


MAYOR

Tuesday, February 8, 1977

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, Vice-Mayor E. Warren Denton, Jr., Councilmen Raymond C. Dingleline, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- Clerk N. Arlene Loker. (sitting-in for the Clerk, Assistant City Manager John Driver.)

Minutes of the regular meeting held on January 25th were approved as mailed to each member prior to this meeting.

The following regular monthly reports were presented and ordered filed:

From the City Manager:

A report of activities in the various departments and said office for the month of January, 1977.

From the City Treasurer:-

A Trial Balance report as of close of business on January 31, 1977.

From the Police Department:-

A report of total number of arrests, parking meter fines collected, cash collected from parking meters, total cash collected all sources, for month of January, 1977.

From the City Auditor:

A financial report for the City of Harrisonburg for month of January, 1977.

A report of cash discounts saved in payment of vendors' invoices for the month of January, 1977, totaling \$ 95.02.

From the Department of Utility Billing:

A report of water, sewer and refuse accounts, meters read, installations, cut delinquents, complaints, re-reads, etc. for month of January, 1977.

✓ The City Manager presented and read a communication from Mr. K. L. Frantz, General Manager of the Harrisonburg Electric Commission, dated 2/1/77, advising that the cost of hanging and removing banners for various organizations has become such an expense that they could no longer absorb it. The correspondence further advised that as of February 1st, no banner would be hung or removed without a charge which must be paid in advance and that they would not hang any banner which was felt to be unsafe. Manager Milam pointed out that several different organizations had requested to have banners hung during the same week and that there are only two locations used for this, namely:- front of Madison College and intersection of Newman Avenue and Main Street. Mayor Erickson offered an opinion that information should be obtained as to the charge being placed by HEC., etc., in order that the organizations could make a decision as to whether they wanted banners hung. He asked the City Manager to check into the matter.

✓ City Manager Milam presented correspondence from Imco requesting that the rear portion of lots 28#31 be rezoned from R-2 Residential to M-1 Industrial to permit expansion of off-street parking area. This would relieve congested street parking which occurs particularly during shift changes. A drawing of the proposed parking area was enclosed along with a check in amount of \$ 50. Following a brief discussion, Councilman Dingleline moved that the request be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ A request was presented from Town & Country Real Estate to redivide lots 56-57-58 of Conrad Reherd Addition to permit three townhouse units for sale. Manager Milam explained that the lots are presently zoned R-2 Residential and situated on the corner of Sunrise Ave. and S. High St. and vacant. The correspondence stated that site plans would be in the City Manager's Office no later than noon, February 8,

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and noted that they were received today. Councilman Rhodes moved that the request be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

✓ A request was presented from Nelson Cline, Broker, Town & Country Real Estate, for redividing lot no. 6 in the C.C. Conrad Addition situated on the north side of W. Wolfe St. near Imco, showing a new dividing line to allow two townhouse units to be built for sale. Manager Milam said that the drawing shows a 51' lot with the dividing line in the center. Following a brief 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 Dingledine, was adopted by a unanimous vote of Council.

✓ For information, the City Manager presented correspondence from Attorney James Sipe with Certificates of Dissolution of the Yellow Cab of Harrisonburg, Inc. and City Cab of Harrisonburg, Inc. issued by the State Corporation Commission and admitted to record. He noted that copies had been given to the Clerk for recordation. The two companies were certified by SCC on February 2nd.

✓ Manager Milam informed Council that requests for bingo permits had been received from the following five organizations, namely: B.P.O.E. Elk's Lodge 450; Ladies' Auxiliary of Fire Company No. 1; V.F.W. Post 632; Moose Lodge; and Ladies' Auxiliary of Hose Company No. 4. Mr. Victor Smith, Commissioner of Revenue, present in the meeting, advised Council that all applications were in order and included financial statements of the organizations and a check for \$ 10. from each. Vice-Mayor Denton moved that bingo permits be approved for the five organizations, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ City Manager Milam reminded Council that last year the City had received a federal grant of \$ 6,400. as reimbursement on sewer lines installed in the northern section of the City under Division C of the 1967 project. An application had been filed in September 1974 and covered a period of time from 1960 to 1970. As of this week, he received notice that the City would be reimbursed an additional \$ 1,000. on the lines under Section 2 of the Federal Water Pollution Control Act (1972 amendment). The report was for information.

✓ Manager Milam presented and read the following report submitted by a duly appointed Board of Viewers comprised of Messrs. P.H. Hardy, T.H. Lowery and John H. Byrd, Sr.:-

"The undersigned, being the Viewers appointed by the City Council at a regular meeting of the same Tuesday, December 28, 1976 to view a 10' alley in the rear of a lot owned by Frank Cline & Son, Inc., Citgo Service Station, located at the corner of N. Main and W. Gay Streets, and report in writing whether in their opinion any and if any what inconvenience would result from discontinuing the said alley, do hereby respectfully report that on the 3rd day of February, 1977, the assembled and viewed said alley and after consideration of the same report that in their opinion no inconvenience either to the public or private interests would result from discontinuing the said alley, therefore we recommend the 10' alley be closed.

Respectfully submitted this 7th day of February, 1977."

Manager Milam noted that the closing had also received favorable recommendation by the City Planning Commission. Following a brief discussion, Councilman Dingledine moved that the City Attorney be instructed to draw a proper ordinance for the closing, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ The Commissioner of Revenue presented each member of Council with a lengthy report concerning how the City of Harrisonburg will be affected by Bills which were passed by the 1976 General Assembly with regard to reassessment of real estate. Provision was made for all real estate to be reassessed on a planned schedule at 100% of fair market value and that communities can appoint a Board of Assessors July 1st of the preceding year. He noted that the City's next reassessment year is 1978 and that we can ask the Circuit Court to appoint the City's Board, after which time the reassessment may begin, rather than waiting until next January 1st, which gives the City an 18 month period to complete the project instead of 12 months. A recommendation was cited from the report by Mr. Smith that the firm of Wingate Appraisal Service of Roanoke do the work in that Mr. Wingate has looked over our set-up and made a tentative proposal. He noted that a commercial firm was recommended in that 39 communities have already asked the state to conduct their reassessments. Mayor Erickson asked members to absorb information from the report and instructed the City Manager to place this matter on the agenda for the next regular meeting of Council.

✓ Assistant City Manager Driver presented members with copies of a Feasibility Study "Harrisonburg's Solid Waste Energy Recovery Systems" as prepared by William F. Cosulich Associates, New York, and Deward M. Martin & Associates, Williamsburg, Va. He suggested that a special night be set aside for discussion of the report, following study of same by members of Council. Mr. Driver pointed out highlights of the study which included: present cost of disposing of refuse by the City at the Landfill is \$ 5.00 per Ton as compared with \$ 4.80 for the County. The County used a 5% charge for overhead expense and the City used 10% which accounts for the difference in cost. The study uses two sites for the Heat Recovery project, namely:- the old steam plant at City Shop (could use the building & smoke stack), and the other side of the C-W Railroad Crossing behind the Medical Arts Building off Maryland Ave. in rear of the Fire House. Mr. Driver said that although the Maryland Ave. site is closer and would require less pipe lines, the project would be less expensive at the City Shop area. In summer time there would be a surplus of steam from the project and we could possibly go to Walker Manufacturing Plant for air conditioning, should the City Shop site be used. On the other hand, we could possibly go to the Medical Arts for air conditioning should the Maryland Ave. site be chosen. The survey is based on supplying only two institutions (Rockingham Memorial Hospital & Madison College). Should any other place be selected to receive energy, it would reduce cost of disposal of refuse. Under the Heat Recovery Project it is proposed to sell steam at \$ 3.00 per 1,000 cubic yards while the institutions now pay \$ 3.60. The hospital now had 4 heating units which could be kept in reserve to be used during peak hours or in case of a breakdown. Mr. Driver said both the City and County would have to be involved in the project to make it work. The \$5 1/2 million dollar cost of facilities will mean that a bond issue must be floated and an Authority

established for providing certain information such as method of financing the project. He noted that he would distribute copies of the Feasibility Study to both the college and hospital, as well as to Mr. D.P. Davis who is representative for design work for the hospital, and said he would like to have representatives from both institutions as well as from Rockingham County present at the special meeting to be scheduled. Mayor Erickson suggested that copies be made available also for those concerned with garbage disposal. The City Manager pointed out the fact that certain adjustments would have to be made on the S. Main Street project should the Maryland Ave. site be decided upon. After further discussion, it was agreed that the matter be placed on next meeting's agenda in order to determine where we stand on the matter and to set up a special meeting.

Members of Council were presented copies of the revised League of Women Voters Local Government Study, by Mrs. Marjorie Tobias, President.

Following a request by City Manager Milam that Council appoint an Architect for the Kavanaugh Hotel Rehabilitation Project, Council held a lengthy and controversial discussion. Members of Council expressed concern about safety of the building if renovated for living units, whether or not the project is feasible, and placing of the elderly in this area. Manager Milam pointed out that federal funds received thus far are specifically for the renovation for low cost living units and that a recent application was made for an additional \$ 500,000. grant after it became evident that more funds would be needed. Acquisition of the entire block (Wolfe to Elizabeth & Main to Liberty) is estimated by City Officials to cost \$1.5 million and between \$ 500,000. and \$ 600,000. to renovate the hotel. Following receipt of a report from the firm of Harland Bartholomew & Associates last month, Council had requested Mr. John Byrd, Building Official, to supply further information, which has not been forthcoming to date. Manager Milam recommended that the Architectural Firm of Davis & McClintock be employed to draw preliminary plans for the hotel in that they are well equipped and have both engineering and architectural backgrounds. Council agreed that preliminary plans should cost no more than from \$ 3,000. to \$ 5,000. According to Assistant City Manager Driver, an architectural firm had estimated a cost of \$ 22. - \$ 25. per square foot for renovating the hotel, and a local building firm estimated \$ 40. - \$ 42. per square foot for new construction. It was agreed that an Architectural Firm could look further into the matter of difference in cost. More information from the Building Official was again requested. Following discussion, Vice-Mayor Denton moved that the City Manager proceed in getting preliminary plans drawn by the firm of Davis & McClintock, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

The City Manager asked direction of Council with regard to either he and/or the Redevelopment & Housing Authority to submit an application through the Section 8 Housing Assistance Payments Program, established by the Housing and Community Development Act of 1974. Correspondence from the Virginia Housing Development Authority dated 1/11/77 advised that HUD has announced its willingness to provide rental assistance payments for 50 lower-income families in Harrisonburg, if an application is submitted prior to February 18, 1977. In as much as the Redevelopment & Housing Authority Commissioners had voted not to apply for the allocation, Mr. Dick Kelly, Dr. Hollen Helbert and Robert Sullivan had been asked to be present in this meeting to express views on the matter. Mr. Kelly explained that under the subsidy program, persons below a certain income could apply to the Authority for payment of a portion of their rent. Persons qualifying would find their own apartment and the landlord would have to agree to accept a part of the rent in a subsidy from the federal government. Mayor Erickson pointed out that on a number of occasions the R & H Authority had asked for funds to build 50 new living units, and said he assumed this accounted for the 50 units mentioned in the correspondence. Dr. Helbert said that the primary reason for declining the invitation for the subsidy was basically that they did not wish to assume any additional responsibilities at this time since they were presently involved in the modernization program for units now under the Authority, and would presumably handle the Kavanaugh Hotel project once it is completed. Some Authority members have reservations as to whether a sufficient number of landlords in Harrisonburg would go along with the subsidy program. Another obstacle is the tremendous load of paper work which would be involved. Councilman Dingleline said he hesitates not making this available for those persons so desiring rent subsidy. Vice-Mayor Denton said he felt that on the surface this may be good, but that he would defer his comments for the Commission which had been asked to handle the matter and administrate the housing. City Manager Milam explained that this matter was placed on the January 11th agenda but was not discussed at that time due to the long agenda and late meeting. Following that meeting, he had asked Mr. John Byrd and Mr. Robert Sullivan to take the information to the R & H Authority to obtain some information. Many involvements of Council in other matters had prompted him to delay this matter until the latest possible date for presentation. Dr. Helbert said that another look could be taken by the Commission, but offered a doubt that a decision could be reached in the short period remaining prior to application. Councilman Dingleline moved that Council request the Redevelopment & Housing Authority to further consider the Subsidy Program, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council. After further discussion, an informal meeting with the Housing Authority was scheduled for Friday, February 11th, 12:30 P.M.

Council was reminded by the City Manager of a vacancy on the Parks & Recreation Commission, created as of December 31, 1976 by the expiration of Mr. Michael Layman's term. Councilman Dingleline moved that Mr. Joseph Deadrick of 366 West Avenue be appointed to the Commission for a term of four (4) years, expiring December 31, 1980, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

Council was reminded of a vacancy on the Harrisonburg Electric Commission since December 31, 1976 when Mr. George Heitz' term expired. Vice-Mayor Denton moved that Mr. Robert F. Moss of 479 Andergren Drive be appointed to the Commission for a term of three (3) years, expiring on December 31, 1979, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

Councilman Green requested to be excused from the remainder of the meeting.

Councilman Dingleline moved that a supplemental appropriation in the amount of \$ 25,000. from anticipated federal and other funds, requested by the Schools' Director of Finance in order to cover insufficient appropriation for operation of school cafeterias, be approved for second and final reading,

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a first reading having been approved on January 25, and that:-

\$ 15,000. chgd.to: School Fund (R-27) Antic. Receipts from fed.funds- School Food & Programs.

10,000. chgd.to: School Fund (R-35) Antic. Receipts from Other- Cafeteria.

15,000. approp.to: School Fund (1204-310.00) Sch.Lunch & Milk Subsidies.

10,000. approp.to: School Fund (1204-399.01) Food

which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Councilmen present.

✓ A request was presented from the Water-Sewer Superintendent for approval of a supplemental appropriation in the amount of \$ 276,000. representing the anticipated balance needed for payment to the Regional Sewer Authority for the remainder of the 1976-77 fiscal year. City Manager Milam explained that this amount was based on amount of \$ 46,000. per month (average monthly billing) for a six month period, January thru June, 1977. Following discussion, Vice-Mayor Denton moved that the appropriation be approved for a first reading, and that:-

\$ 276,000. chgd.to: Sewer Fund (719.03) Anticipated Realized Revenue.

276,000. approp.to: Sewer Fund (2-390.01) Sewer- Treatment & Disposal- Payment to Harrisonburg-Rockingham Regional Sewer Authority.

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

✓ The City Manager presented a request from Chief of Police Presgrave for approval of a supplemental appropriation in the amount of \$ 918.59 from account of Recoveries & Rebates into regular Police Department appropriations for repair of automobiles involved in accidents and also for schooling of officers. Monies for the repairs were received from insurance companies. Vice-Mayor Denton moved that the appropriation be approved, and that:-

\$ 918.59 chgd.to: General Fund (1005) Recoveries & Rebates.

329.24 approp.to: General Fund (9010-274.00) Maint. & Repairs- Auto Equip.

589.35 approp.to: General Fund (9010-330.01) Schools

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

✓ A request was presented from Mr. Ralph Smith, Superintendent of Streets, for approval of a transfer of funds in amount of \$ 5,000. from within Street Department appropriations, due to insufficient funds for snow removal. Councilman Rhodes moved that the transfer be approved, and that:-

\$ 5,000. trans.from: General Fund (1-10110-275.01) Bureau of Street Inspect.- Repairs & Maint.- Maint. & Repairs-Highways, Streets & sidewalks.

5,000. trans.to: General Fund (1-10330-350.00) Bureau of Street Cleaning- Snow & Ice removal.

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

✓ Mayor Erickson called attention to minutes of an emergency meeting which had been held on Monday, January 31st, copies of which were distributed tonight prior to this meeting. He asked that they be acted upon at this time as to approval. Mr. Driver was asked to instruct Clerk Loker to insert the name of City Auditor Shifflet as being present at that meeting, which had been omitted, after which time the minutes were approved as received. Mayor Erickson noted that meetings held informally since January 11th have been well represented by firms and organizations concerned with the energy crisis, and reminded Council that a committee had been appointed to obtain additional information.

✓ City Manager Milam called attention to his monthly progress report and noted a total of 374 frozen water meters and 24 service lines in streets which had to be thawed, during the month of January, due to the extremely cold weather. He mentioned also that five new Chevrolet Novas have been received for the City's Public Transportation System.

There being no further business, Vice-Mayor Denton moved that the regular session adjourn at 10:40 P.M. and that Council go into an executive session on request of the City Attorney, for the purpose of discussing a legal matter, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

N. Arlene Loker
CLERK

Lay Erickson
MAYOR

DDD550

DDD550

Tuesday, February 22, 1977

At a combined public hearing and regular meeting 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 Raymond C. Dingledine, Jr., Walter F. Gree, III, Elon W. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- Vice-Mayor E. Warren Denton, Jr.

Minutes of the regular meeting held on February 8th were read, and approved as corrected.

Mayor Erickson called the public hearing to order and the City Manager read the following Notice of Hearing as advertised in the Daily News Record newspaper:-

"The Harrisonburg City Council will hold a Public Hearing on Tuesday, February 22, 1977, at 7:30 PM in the City Council Chamber, Municipal Building, 345 S. Main St., to consider the following rezoning requests:

1. To rezone from R-1 Single Family Residential to R-2 Residential, lots 33-43, Block C, and lots 44-57, Block G, Page 39 of the City Block Map. These lots are located on the east side of Chicago Avenue, between Fourth St. and Waterman Drive. Application is from George W. Taliaferro and Henry C. Clark.

2. To rezone from R-2 Residential to R-3 Multiple Dwelling District, lots 5-7 and 75-78, Block G, Page 18 of City Block Map. These lots are located on the west side of Harrison Street between Medical Arts Center and West Fairview Ave. Application is from Medical Arts Bldg., Inc.

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

City of Harrisonburg, Marvin B. Milam, City Manager

Mayor Erickson called on Mr. Robert Sullivan, Planning Director, to report on the request for rezoning of lots on Chicago Ave., listed as No. 1 in the Hearing Notice. Mr. Sullivan presented the following recommendation of the Planning Commission adopted at a meeting held on January 19, 1977:-

"...The Director reviewed the location of lots on Chicago Avenue's east side where 23 townhouse apartment units may be constructed if the land is rezoned from R-1 Single Family to R-2 Residential. Mr. Sullivan then introduced a letter dated January 14, 1977 from Attorney Steven Blatt, which raised questions about restrictive covenants placed by Mr. George Taliaferro upon other lots sold in the Holiday Hills Subdivision and whether such covenant would apply to the lots concerned in this rezoning case. Mr. Sullivan reported that he met with City Attorney Lapsley and Mr. Blatt's letter was reviewed. It was Mr. Lapsley's opinion that restrictive covenants which apply to all of the single family properties in Holiday Hills Subdivision can be enforced or applied to the remaining undeveloped lots in Holiday Hills. Mr. Sullivan read the following information from a recent Supreme Court Case (Mid-State Equipment Co. v. Bell):

"...Where a common grantor develops land for sale in lots and pursues a course of conduct which indicates an intention to execute a general scheme or plan of improvement for the benefit of himself and the purchasers of the various lots, and by numerous conveyances incorporates in the deeds substantially uniform restrictions, conditions and covenants against the use of the property, the grantees acquire by implication the equitable right, sometimes referred to as an implied reciprocal negative easement, to enforce a similar restriction against the residential lot or lots retained by the grantor or subsequently sold without the restrictions to a purchaser with actual or construction notice of the restrictions and covenants. Evidence considered as a whole establishes equitable right to have restriction apply to unnumbered portion of tract involved..."

The Commissioners discussed the Plan of Development submitted by Mr. Taliaferro and Mr. Clark, which indicates 23 apartment units with off-street parking arranged in lots to be served by a 20' alley running parallel to Chicago Ave. This presently undeveloped alley would separate the apartments from the back yards of homes on Grant Street. Mr. Kuykendall noted that Mr. Taliaferro or a buyer of his Chicago Avenue lots could legally obtain 20 building permits for single family houses, most of which would be on 30' wide lots. These are 'lots of record' which were recorded prior to the City's present subdivision regulations. The Commissioners agreed that 20 minimum sized single family dwellings would be almost the same density as 23 townhouse apartment units. The Director reported that a minimum 5' side yard setback would be required on the 30' lots, thus houses of 20' width would be the result, and Farmers Home Administration will not approve a house like this. However, Mr. Clark stated on December 15 that Farmers Home funding was not being considered anyway.

Dr. Shank concluded the discussion with a motion that the Planning Commission recommend rezoning of the lots from 4th Street to Waterman Drive on the east side of Chicago Ave. from R-1 Single Family to R-2 Residential. Mr. Kuykendall seconded the motion. Voting for the motion: Messrs. Shank, Kuykendall, Denton, Milam and Gilkeson. Voting against: none. Abstaining due to family kinship: Mrs. Bowman.

Mr. Sullivan suggested that Attorneys Clark and Blatt explain the covenant issue to City Council. Dr. Shank stated that if this case is parallel to the Mid-State Equipment Co. v Bell Case, it should be determined in the courts. Mr. Kuykendall added that he fears what 20' wide single family houses will look like and do to area values versus having townhouse style apartment structures..."

Mr. Sullivan pointed out the area on a map, noting that east of the lots in question are single family residences with a commercial development in the center of the strip, namely: Garnet Ward's Truck Terminal & Used Car Operation, which business was grandfathered in with R-1 when the area was last annexed, and further, that these business lots are included in the present rezoning request. He said that the Site Plan shows a proposed arrangement of apartment units and the requestor calls these for-sale townhouse units, which would be permitted under R-2 zoning regulations. Mr. Sullivan called attention to the 20' alley on the east side of the lots which is intended as the approach route, pointing out that this is a Paper Street (dedicated in the Holiday Hills Subdivision but not physically there), which would have to be opened and developed. Mr. Henry Clark, developer, said it is felt that the area would be better developed as indicated with duplex units and access from the rear, rather than developed as single family units on the Mt. Clinton Pike. He offered an opinion that any restrictive covenants were of no concern to either the City Council or the Planning Commission but would be dealt with by the developer. When questioned re density, Mr. Clark said this would not change substantially with the rezoning, in that 19 homes could be built under the single family zone, and 21 units of for-sale townhouses. Mr. Leslie Morris asked the possibility of subdividing the lots rather than rezoning, thereby leaving the single family zoning. Mr. Terry LePera, 318 6th St., suggested that trees be planted to provide a buffer between the homes and the trucking operation. Mr. Dick Workman of 1126 Waterman Dr. said the zoning plan for R-1 should be abided by and provide some protection for present home owners in Holiday Hills. He noted an overcrowding of Waterman School and very low water pressure in the area at times. Dr. F.H. Goodyear, 1018 Waterman Drive, said that traffic would be increased and more complex by the addition of apartment units, which would result in parking on Chicago Avenue, a very narrow

street. He pointed out the fact that the 20' alley narrows down to only 18' and questioned the type of vehicle that could travel through. An opinion was expressed that in as much as the present homeowners were told that the vacant lots were zoned R-1, there is a commitment between the developer (Mr. Taliaferro), the real estate agent, City Council and the purchaser, for the land to remain R-1. Dr. Goodyear said that once rezoned to R-2, the two present businesses in the area could use their lots for apartment units which would greatly increase the number when combined with those being proposed under this request. He informed Council that a petition bearing 60 signatures had been presented at the Planning Commission's Public Hearing and that a sizable group of residents attended the Planning Commission meeting on the night their decision was made to recommend the rezoning. He asked the group present this evening in opposition to the rezoning, to stand, and then presented the Mayor with a petition signed by 208 residents. Attorney Henry Muller, Counsel for the Holiday Hills residents, said that the area has been laid out as R-1 Single Family Residential on the City's Land Use Plan and noted that the Supreme Court has made several statements abouts Plans of this type and their status. A developer would be required to show some substantial benefit or circumstance that the rezoning will address (which has not been done in this particular case), and that Council must hold a public hearing to amend its Land Use Plan when a rezoning request is heard. He cited three recent court cases which he felt would support his clients' objections. Mrs. Long, 1011 Rockingham Drive, interpreted her property deed as R-1 applying to all lots in the Holiday Hills Subdivision, and told Council that her bedroom was next to the alley which is intended as approach route to the apartment units. Mayor Erickson said he felt that Council has the perogative to change zoning where beneficial to the City's growth and that when the Land Use Plan is studied from time to time, changes which have been submitted by the Planning Commission are considered. Attorney Lapsley said he would check into the court cases cited by Attorney Muller, as well as the requirement of a public hearing prior to amending a Land Use Plan, prior to any action being taken on this rezoning request. Councilman Dingledine moved that the matter be tabled until the next regular meeting and placed on that agenda, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

Mayor Erickson closed this portion of the Hearing and opened for discussion the request for rezoning of lots by the Medical Arts Building, Inc, listed as no.2 in the Hearing notice.

Mr. Sullivan pointed out the area on a map and read the following recommendation submitted by the Planning Commission from a meeting held on January 19, 1977:

"...The Commissioners reviewed the map of the Harrison Street area and pointed out that the need for additional off-street parking is critical. In this case, an existing fenced-in and landscaped parking lot can be used to help the situation if R-3 zoning is applied to the west side lots along Harrison Street.

Noting the lengthy petition (over 1,000 signatures) supporting R-3, and no opposition from property owners, Mr. Kuykendall moved that the Planning Commission recommend rezoning from R-2 Residential to R-3 Multiple Dwelling District, all lots on the west side of Harrison Street from Medical Arts Center to West Fairview Ave. Mrs. Bowman seconded the motion. Voting for the motion: Messrs. Kuykendall, Denton, Milam, Gilkeson and Mrs. Bowman.

Voting against: none. Abstaining due to professional association: Dr. Shank.."

Attorney James Sipe, representing Medical Arts, Inc., pointed out the fact that this would not be considered spot zoning in that the land is bordered by M-1 Industrial to the west and north, and R-3 to the east. He noted that when the entire area was purchased by Medical Arts in 1968, there was a clear understanding that the land in question would be used to provide additional parking at some time. Mr. Sipe said that the lots have been cleared, fenced and landscaped, and that there was no opposition expressed at the Planning Commission's public hearing concerning rezoning of same. Only one resident from the west side of Harrison Street spoke, and that was to inquire about installation of curb and gutter for that side of the street, and to question what type of buildings may be constructed if the area is rezoned as requested. He was told that the request is specifically for additional parking for Medical Arts Center, and that a plan of street projects is followed each year insofar as funds are available, for curb & gutter work. There being no others to be heard, Councilman Dingledine moved that the rezoning request be deferred until the next regular meeting of Council and placed on that agenda, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Councilmen present.

The public hearing was declared closed at 9:15 PM and the regular session reconvened.

City Manager Milam presented an application which he had received from Attorney Steven Blatt, representing R.C.R. Associates, a partnership, for rezoning of 24 acres of land for Willow Hills Subdivision, situated on the south side of Pleasant Hill Rd., from R-2 Residential to R-4 Planned Unit Development. It was noted in the correspondence that plans for the Subdivision had already been presented to the City Planning Commission and City Staff for study and review, and requested that all matters pertaining to the subdivision be referred by Council at its regular meeting, for study. Mr. Sullivan, Planning Director, pointed out the area on a map and explained that the owners have a farm which straddles the city and county line and is access to Pleasant Hill Road at one spot (Eddie Edwards Sign Shop). The majority of the land lies in the county. He reminded Council of the Joint Planning Study Committee, which will study this request tomorrow for the first time. He mentioned a requirement in the City's R-4 Planned Unit Development zoning for a minimum of 25 acres, and said this would have to be considered. A public hearing will be scheduled by the City Planning Commission. Following discussion, Councilman Green moved that the request and application be referred to the Planning Commission for study and recommendation, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Councilmen present.

Manager Milam presented Public Notice concerning the Verona Lake, printed in small booklet form by the Dept. of Army, Baltimore, Md. Although no meetings in the near future were suggested, the notice explained some background of the Lake such as the Potomac River Basin Report of 1970 and other Water Supply Studies. It gave a description of the property and its location as 4.6 miles from Verona. A map of the Dam Site off route 606, near New Hope, was included as well as data pertaining to same. Estimated cost \$96,427,000. and anticipated benefits of \$11 million. Mr. Milam said that members may review the report, if so desired.

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✓ Correspondence dated February 8, 1977 from James R. Sipe, President of the Rockingham Public Library, was presented and read by the City Manager. A request was made for an appropriation of \$ 48,000. from the City of Harrisonburg for fiscal year 1977-78, in order to continue the service to the citizens of our area. It was pointed out that operating expenses of the Library have increased considerably such as fuel costs, electric bill, purchase of new books, etc. A complete financial report accompanied the correspondence. It was agreed that this request be considered along with others in the 1977-78 budget study.

✓ A petition signed by six property owners on the north side of Taliaferro Drive was presented, requesting curb and guttering in that problems with water drainage and erosion presently exist. Following a brief discussion, the request was referred to Mr. Ralph Smith, Street Superintendent, to be considered in street projects.

✓ Council was reminded by the City Manager that since August of last year when Dr. Cline's term expired on the governing body, Harrisonburg has not been represented on the Central Shenandoah Manpower Council by a voting delegate. He noted that Mr. Driver has been attending meetings as an alternate, which does not qualify him to serve on any committees. Following a brief discussion, Councilman Dingle-dine moved that Mr. John E. Driver be appointed as Voting Delegate on the Manpower Council, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

✓ Council was reminded by the City Manager that Mr. P. H. Hardy's term on the Board of Zoning Appeals would expire on March 20th of this year and that a name should be submitted to the Circuit Court Judge for appointment. Also, that a Board of Assessors should be suggested to the Judge with a minimum of three names. It was agreed that the Mayor contact Messrs. John Byrd, Sr., T. H. Lowery and Richard Suter to determine if they would be willing to serve as a Board for the 1978 reassessment.

✓ The City Manager presented correspondence dated 2/2/77 from Mr. Charles W. Wampler, Jr., Chairman of the Harrisonburg-Rockingham County Independence Bicentennial Commission, requesting that Mr. Thomas Eugene Regan, Hinton, Va., be added to the Commission's membership list. Councilman Dingle-dine moved that the request be granted and Mr. Regan appointed to serve on the Bicentennial Commission, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Councilmen present.

✓ Correspondence dated February 10th from Mr. Lathan Mims was read in which he informed the Mayor and Council that because of health considerations, he regretted having to submit his resignation as a member of the Harrisonburg Downtown Development Committee. Expiration of Mr. Mim's term is November of 1978. Councilman Dingle-dine moved that Mr. Mim's resignation be accepted with regrets, and that appreciation be expressed to him for services he has rendered, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Councilmen present.

✓ Council was reminded by City Manager Milam that the Commissioner of Revenue had recommended at the last regular meeting, employment of Wingate Appraisal Service of Roanoke to handle the City's 1978 reassessment of real estate. Mayor Erickson asked members' wishes. Manager Milam offered an opinion that a consulting firm would do a more comprehensive job at not much more in cost, than the state. Following a brief discussion, the City Manager was asked to get a firm proposal from the firm for the total project and report back at the next regular meeting.

✓ Council discussed possible dates for a joint meeting with Rockingham County, and representatives from Madison College and Rockingham Memorial Hospital concerning the Heat Recovery Project. The City Manager was instructed to suggest the dates of Wednesday, March 2nd and Wednesday, March 23rd to the County Board of Supervisors to determine the one most suitable.

✓ Councilman Green moved that a supplemental appropriation in the amount of \$ 276,000. representing anticipated balance needed for payment to the Sewer Authority for the remainder of this fiscal year and requested by the Water-Sewer Superintendent, be approved for second and final reading, a first reading having been approved on February 8, and that:-

\$ 276,000. chgd.to: Sewer Fund (719.03) Anticipated Realized Revenue.

276,000. approp.to: Sewer Fund (2-390-01) Sewer- Treatment & Disposal- Payment to Harrisonburg-Rockingham Regional Sewer Authority.

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

✓ The City Manager presented and read correspondence from Mr. Bill V. Neff, Chairman of the Harrisonburg-Rockingham Chamber of Commerce Highway Committee, expressing thanks of the community for highway activities completed in 1976 and submitting the following five priority projects for the 1977 Highway Program, all of which have been approved by the Chamber's Board of Directors:-

Primary I. Dual lane approximately 1 mile U.S.Route 11 from South City Limits of Harrisonburg to connection to Interstate 81 at interchange 62, which will be a continuation of the reconstruction of five lanes from Grattan Street to South City Limits. The survey work has been completed for this project.

Primary II. Early decision on the location of State Route 42 between Harrisonburg and Broadway-Timberville, and early approval of this project. The Committee believes, in view of the statistical information pertaining to average daily traffic volumes, fatal accidents, persons killed, number of injury accidents, number of persons injured and property damage, considered over a five-year period, that this project should take precedence over what we understand is the planned project for improvement of U.S.Route 33 West from West City Limits of Harrisonburg to Route 613.

Urban III. Dual lane South High Street from Grace Street to South City Limits of Harrisonburg. This is currently 1 1/4 miles of two-lane road, bottle-necking four-lane Route 42 from the south, four-lane High Street from the north, and four-lane Cantrell Avenue from the east.

Urban IV. Dual lane approximately 1/2 mile of Route 33 West from High Street to West City Limits. Not only will this relieve traffic congestion in this area, but will facilitate flow of East-West traffic for Harrisonburg, complementing

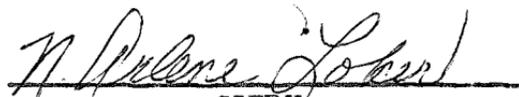
the improvements currently being made by the City of Harrisonburg on Bruce and Wolfe Streets to improve East-West movement of through traffic.

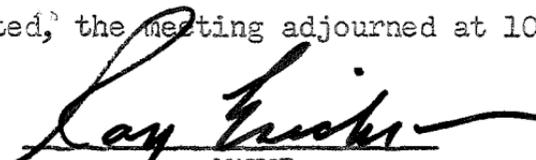
Primary V. Reconstruction of U.S. 340 (Stuart Ave.) in the town of Elkton between Business 33 and Spotswood Trail, including the bridge over Elk Run. (Approximately 1/5 mile) .

Following a discussion of the projects, Councilman Rhodes moved that the Five-Point Highway Program for 1977 be approved, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Councilmen present.

Following a brief discussion of an appropriate date for a special meeting to discuss the Kavanaugh Hotel Rehabilitation Project, Councilman Dingedine moved that it be scheduled for Tuesday, March 15, 7:30 P.M. in the City Council Chamber, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Councilmen present.

There being no further business and on motion duly adopted, the meeting adjourned at 10:15 P.M.


CLERK


MAYOR

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 Raymond C. Dingleline, Jr., Elon W. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- Walter F. Green, III.

Minutes of the regular meeting held on February 22, 1977 were read and approved.

The following regular monthly reports were presented and ordered filed:-

From the City Manager:-

A report of activities in the various departments and said office for the month of February, 1977.

From the City Treasurer:-

A Trial Balance report as of close of business on February 28, 1977.

From the Police Department:-

A report of total number of arrests; parking meter fines collected; cash collected from parking meters; total cash collected all sources, for month of February, 1977.

From the City Auditor:-

A financial report for the month of February, 1977.

A report of cash discounts saved in payment of vendors' invoices for month of February, 1977, totaling \$ 109.88.

From the Department of Utility Billing:-

A report of water, sewer and refuse accounts, meters read, installations, cut delinquents, complaints, re-reads, etc. for month of February, 1977.

✓ For Council information, the City Manager presented a communication from the Division of Justice & Crime Prevention, enclosing an approved budget amendment notice reducing the total award of \$ 26,676.00 for the Rockingham-Harrisonburg Halfway House (Pear St. Center) in accordance with a revised budget which was submitted on February 4, 1977.

✓ A communication dated 1/26/77 was presented from Mr. Gene Combs, Manager Spotswood Mobile Home Estates, requesting sewage treatment service by the City of Harrisonburg. It was noted that at the present time they are using 20,000 gallons of water per day with approximately 2,000 gallons per day being treated by the City. Mr. Ed Loker, Water-Sewer Superintendent explained that they have their own private water system, but no sewer, and that 1/2 lots are involved. Following a brief discussion, Councilman Dingleline moved that the request be referred to the Water-Sewer Department for further study and recommendation, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Councilmen present.

✓ Dr. Barbara Kenney, Director, Rockingham-Harrisonburg Health Department, presented a report of nursing activities for the City, January thru December 1976; a clinic report for calendar year 1976; and a summarized report of children served with all expenditures in the Crippled Childrens' Program July 1, 1975 thru June 20, 1976. She noted a \$ 2,500. return which is mostly revenue; the fact that a certain amount of money will be reimbursed for family planning program, and that a full-time woman dentist will begin serving the City and County in June of this year on basis of 50% city and 50% county. Mayor Erickson thanked Dr. Kenney for the presentation.

✓ Manager Milam reminded Council of the request of Medical Arts to rezone from R-2 Residential to R-3 Multiple Dwelling District, 18 lots situated on the west side of Harrison Street for the purpose of providing additional parking. The Planning Commission held its public hearing (with no opposition on the request) and recommended to Council rezoning of the area. Council's public hearing on this, and another rezoning request, was held on February 22nd, with action deferred until this time in order that the City Attorney could investigate a statement made during the hearing that a public hearing must be held on amending of the Land Use Plan, at the same time as for a rezoning request. City Attorney Lapsley reported that he had read the Plan and the state law which governs Land Use Plans and had interpreted it as meaning that Council not only consider rezoning requests but also the Plan, but could find no requirement for the Plan to be amended or revised with each request. Mayor Erickson asked Council's wishes concerning the request of Medical Arts, Inc. Vice-Mayor Denton moved that the Planning Commission's recommendation for approval of the request, be approved, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

✓ Council was reminded by the City Manager that a request from Mr. George Taliaferro and Mr. Henry Clark for rezoning of lots on the east side of Chicago Avenue from R-1 Single Family Residential to R-2 Residential for the purpose of constructing 23 townhouse units, had been deferred for action until this meeting, following Council's public hearing on February 22nd, in order for the City Attorney to investigate amending of Land Use Plan with each rezoning request. He called attention to the petition which had been presented, showing strong opposition by residents of Holiday Hills subdivision, as well as some question concerning restrictive covenants on lots for R-1 zoning. Mr. Lapsley, City Attorney, informed Council that upon investigation he could find no requirement for the City's Land Use Plan to be amended or revised with each rezoning case, but that Council not only consider the rezoning request but also its Plan. Mayor Erickson asked Council's wishes re the request of Messrs. Taliaferro and Clark. A recommendation submitted earlier by the Planning Commission, had recommended approval of the request. Councilman Dingledine said that several good points were brought out in Council's public hearing by residents in the area, namely: that zoning laws reflect a plan for the City and that when an area is zoned a certain category, a citizen has every right to expect this zoning. He offered an opinion that the Planning Commission had acted in good faith, but said he could see no overriding effect which would result from the rezoning. Following these statements, Councilman Dingledine moved that the rezoning request for lots on the east side of Chicago Avenue be denied, and R-1 zoning continued, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present. Vice-Mayor Denton said he would like for City Staff to study the area for a plan, along lines of thinking of the Planning Commission.

✓ The following recommendation submitted by the Planning Director from a meeting of the Commission held on February 23, 1977, was read:-

"...The Commissioners reviewed a proposed site plan for law offices at 120 Ott Street. The plan showed future additions to the house on the north and east, and a parking lot for 31 vehicles north of the house. Existing and new landscaping was shown. A letter dated January 31, 1977 from City Attorney Norvell Lapsley was read, indicating that rezoning the former Thomas Estate from R-2 to R-1 is, from a legal point of view, almost identical to the Broad Street case of 1974. In that case, the Virginia case of Fairfax County v. Snell was cited. Mr. Lapsley's letter concluded that 'a more restrictive zoning of the three lots now owned by Conrad, Litten, Sipe and Miller would . . . be contrary to the law as stated in Fairfax County v. Snell, and (which was) applied in the Broad Street case.

Chairman Kuykendall listed these options:

- a) Leave all lots R-2
- b) Recommend rezoning all lots R-3
- c) Recommend rezoning lots 1-3 to R-1 and lots 4-6 to R-2
- d) Recommend rezoning lots 1-3 to R-1 and lots 4-6 to R-3

Mr. Williams pointed out that a difficult decision is involved and difficult to make. He felt the neighbors do not want more apartment units and based on the size of lots, 4, 5 & 6, twelve apartment units would be allowed. He pointed out that the law firm would be a quiet operation and would not create too much traffic. However, the property involved is not on a major artery and therefore additional traffic will be unwelcomed.

Mr. Gilkeson pointed out that real estate ads promoted 120 Ott Street as a 'Single Family Home' but the law firm bought it for professional office use based on information given by the Planning Office that the property was zoned R-3. This has since been ruled to be R-2.

Mr. Milan asked Mr. Liskey if he is unhappy with the R-2 zone. Mr. Liskey said he prefers R-2 over R-3. Mr. Liskey's attorney, Mr. Don Burch, stated that he has met several persons who are interested in buying 120 Ott Street for single family use.

Mr. Williams moved that the Planning Commission recommend to City Council that Lots 1, 2 & 3 be rezoned from R-2 to R-1 and Lots 4, 5 & 6 be rezoned from R-2 to R-3. Mr. Milan seconded the motion. Those voting in favor: Mrs. Bowman, Messrs. Gilkeson, Kuykendall, Milan and Williams. Voting against: none; abstaining due to kinship: Dr. Shank..."

Vice-Mayor Denton moved that the Planning Commission's recommendation be accepted and that Council schedule its public hearing on the request for Tuesday, April 12, 1977, 7:30 PM in the Council Chamber, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present. The City Manager was instructed to properly advertize the hearing in the Daily News Record newspaper, as required.

✓ The City Manager read the following recommendation submitted from a meeting of the Planning Commission held on February 23, 1977:-

"...The Commission reviewed a preliminary plan for Country Club Court, a proposed 108-unit townhouse development to be located in the northwest corner of Interstate 81, U.S.Rt. 33 interchange. Mr. Bernard Bolt, of Haymarket, Va., owner of the 14 acre site, reported that he hopes to develop the townhouse project in stages, and he will begin with a 6-unit cluster in the center of the site. Mr. Bolt added that a property-owners' association document is being written and the townhouses will be sold individually. Concerning access into the site off Country Club Road, Mr. Bolt said he has 'tentatively agreed' with C-W Railroad to a signalized crossing.

The Director reviewed the staff's comments as noted on the Subdivision Review Sheet and added that the proposed location for the entrance-exit street has fairly good sight distance, however vehicles tend to exceed the speed limit on Country Club Road at this point. He suggested to Mr. Bolt that circular turn-around areas be designed at the upper ends of the proposed private parking lots. Mr. Bolt stated that his engineer-designer

will work with the City on this idea.

The Commissioners asked questions about parking and how much open space would be included in the first phase of six units, and Mr. Williams concluded the review with a motion that the Planning Commission recommend approval of the overall Preliminary Plan for Country Club Court. Mrs. Bowman seconded the motion and all members present voted in favor..."

Mr. Sullivan, Planning Director, pointed out the location of the subdivision as the northwest corner of the Cloverleaf intersection and said that the developer will soon be submitting a final plat for the first phase, in that he will begin developing in the near future. He reminded Council that this is a preliminary plan of the subdivision and some changes may have to be made with regard to parking lots, turn-arounds, etc. Mr. Sullivan pointed out that a public street is included in the first phase of the development which will run the length of the project and separate living units from the flood plain. A Homeowners' Association will own and operate open space land for recreation, etc. With regard to utilities, the Director noted that a 6" water line and 8" sewer line is required. The 6" water line is presently there but the sewer line may have to be revised. Following discussion, Councilman Dingledine moved that the recommendation of the Planning Commission be approved, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

The following recommendations submitted from a meeting of the Planning Commission held on February 23, 1977 were read by the City Manager:-

"...The Director presented two letters and proposed re-subdivision plans from Town & Country Real Estate. One letter requests division of Lot 6, Block I of the C.C. Conrad Addition into two townhouse lots of 3,861 square feet and 25.75' width in the 300 block of W. Wolfe Street. The other letter requests that Lots 56, 57 & 58 of Block 4, Conrad-Reherd Addition be subdivided for 3 townhouse lots plus a common area parking lot. These lots will be in the southwest corner of Sunrise Avenue and S. High Street.

Mr. Sullivan read a memorandum which pointed out that the Zoning Ordinance (Sec. 31-75) requires 15 foot side yard, setbacks for townhouses, and the definition states a townhouse is 'one of a series of from four to ten attached dwelling units...' He recommended further study be given by the Commission and the Board of Zoning Appeals.

Mr. Milam offered a motion for the Planning Commission to recommend that resubdivision of Lot 6, Block I of the C.C. Conrad Addition (314 West Wolfe St.) be denied due to violation of the side yard setback and definition of 'townhouse.' Dr. Shank seconded the motion and all members present voted for the motion.

Dr. Shank offered a motion for the Planning Commission to recommend that resubdivision of Lots 56, 57 & 58 of Block 4, Conrad-Reherd Addition (209 Sunrise Ave.) be denied due to violation of the side yard setback and definition of 'Townhouse.' Noting that an easement for water and sewer lines is needed through this property, Mr. Milam seconded the motion. All members present voted for the motion..."

Director Sullivan informed Council that the Board of Zoning Appeals is giving further consideration to the definition of Townhouses to determine whether it should be left as is, or amended. The 15' side yard eliminates many projects. Based on violations with the City's Zoning Ordinance as set forth in the recommendations for denial, Councilman Rhodes moved that the Planning Commission's recommendations on both resubdivision requests be approved, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Councilmen present.

City Manager Milam reminded Council that several months ago the State Water Control Board had required that a survey of the City's Industrial Waste be prepared no later than July 1, 1977. He noted that as a result of this and the fact that two local industries had requested elimination of the sewer surcharge, the firm of Edmond Cox Associates, Chemists & Engineers, of Richmond, Va., had been employed by the City to take independent samples at four of the local industries, namely:- Shenandoah Valley Poultry Co., Inc.; Shenandoah's Pride Milk Producers; Kawneer Plant and Swift & Company. Split samples were also obtained from the industries by personnel of the City's Sewer Plant and these were divided with the Regional Sewer Authority, the chemist representing the local industries and Mr. Cox of the Richmond firm. Mr. Marvin Armstrong, Sewer Plant Operator, presented each member of Council with a copy of the Industrial Waste Survey and pointed out that it covers a three day period, February 8 - February 11. In addition to the total flow figures and proportion of sewer charge, the survey shows how much "hard to treat" waste (i.e. oil & grease) is going into the City's sewer lines from the four industries, with samples revealing approximately 74%. He offered an opinion that even with the surcharge, the industries are not paying their proportionate share of sewer cost, based on their usage. City Manager Milam explained that the extra charge was placed on industries in 1974 when the City's sewer plant needed extensive changes to handle the increasing load. He said that the surcharge is being lifted from Kawneer, in that pre-treatment which they have done, has upgraded the quality of its sewage. Mr. Armstrong pointed out that without pre-treatment, the B.O.D. at other industries is at the lowest point. Following a lengthy discussion, Mayor Erickson asked members to absorb information from the survey and thanked Mr. Armstrong for his presentation. No action taken at this time on the surcharge.

Mr. John Driver, Assistant City Manager and member of the Harrisonburg Highway Safety Commission, presented the following resolution establishing downtown truck route, for Council's consideration:-

WHEREAS, in order to relieve traffic congestion in downtown Harrisonburg and to facilitate the flow of traffic on U.S. Route 33 east and west through the City, the Council deems it necessary and proper to establish a route alternate to the present one following Market Street and Court Square.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Harrisonburg, Virginia, in regular session on March 8, 1977, that the following route be, and the same is hereby, established, and shall be marked as a truck route through downtown Harrisonburg:

Westbound: East Market Street to Mason Street; north on Mason Street to East Wolfe Street; west on Wolfe Street to North High Street; south on High

street to West Market Street; west on Market Street.

Eastbound: West Market Street to High Street; south on High Street to West Bruce Street; East on Bruce Street to South Mason Street; north on Mason Street to East Market Street; east on Market Street.

BE IT FURTHER RESOLVED:

THAT parking shall be eliminated on Wolfe Street from North Main Street to North High Street, and the same section of Wolfe Street shall be made one way going west.

BE IT FURTHER RESOLVED:

THAT parking shall be eliminated on Bruce Street between South Main Street and South Mason Street.

This resolution ADOPTED and APPROVED this _____ day of March, 1977.

Mayor

Atteste:

Clerk

Mr. Driver noted that the foregoing truck route is a result of several years of work concerning an east/west traffic pattern around the City. He pointed out that no trucks would be permitted to travel around Court Square, except to load and unload at places of business. It will probably be the end of March before the resolution could be effected, if approved by Council, due to erection of necessary signs, etc. Mr. Sullivan, Planning Director, informed Council that this had been approved by the Planning Commission and the Downtown Development Committee. Mr. Driver called attention to the fact that new traffic lights have been hung in two locations to assure a steady flow of traffic through the route, namely: corner of Mason & Bruce Streets and corner of Wolfe & High Streets. He noted that in order to accommodate the truck route, approximately a dozen parking spaces with meters on Bruce Street between Main & Mason will be removed, as well as five parking spaces with meters on the east side of Mason Street, north of the intersection with Bruce. The light at the intersection of Bruce & Mason Streets brought some opposition from residents whose properties lie between Franklin & Bruce Streets. A fear was expressed that the light would serve as an invitation for increased traffic on Bruce Street which is narrow in width. A suggestion was made by the residents that Bruce Street be made a one-way street east of Mason, to prohibit entry from the Mason-Bruce intersection. When asked by Mayor Erickson if a "no thru traffic" sign would serve the purpose, the residents replied that this would imply that the street "goes somewhere" and may have a reverse effect on encouraging traffic. The Mayor then suggested that measures set forth in the resolution be given a chance to work, prior to any thinking with regard to any revisions. Consideration of the proposed one-way on Bruce Street could be given, following a trial period. Councilman Dingleline moved that the Harrisonburg Highway Safety Commission make a careful study of the situation, based on opinions brought out in tonight's discussion, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present. Councilman Rhodes then moved that the resolution be approved, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Councilmen present. The proper officials were authorized to sign the resolution.

✓ Mr. Ray Wine, Chairman of the City School Board, was present in the meeting along with Mr. Wayne King, School Superintendent, and a few members of the School Board, for the purpose of presenting to Council their 1977-78 proposed budget in total amount of \$ 4,163,616.00., representing an increase of \$ 418,896.00 over the present year, including an increase from the City of \$ 380,368. Salaries made up the majority of the increase by increments of \$ 43,016. (for those school employees who have not yet reached the top of the scale), and \$ 193,263.00, representing a 7% increase for all employees from the lowest paid to the highest paid. Mr. Wine noted that they were "locked in" on amounts proposed for utilities; cross connections to meet State Plumbing Code; school census; debt service and the Vocational Technical School. With regard to the \$ 21,000. increase for hospital insurance, Mr. King pointed out that the employees have been picking up the increase for several years, and the need is felt for the school department to assume approximately 65% of the cost this year. In addition to the regular requests, capital outlay projects of \$ 139,000. were listed, which Mr. Wine said should qualify under Revenue Sharing Funds. He said that the Board had tried to "hold the line" in producing the "maintenance budget" which does not include any new programs or positions. Mr. King said he would rather the entire School Board meet with City Council concerning any adjustments which must be made on their proposed budget, rather than just he and the City Manager meeting, in that the School Board is responsible for working out the figures. The City Manager reminded those present that he is required to present to Council a "balanced budget", taking into consideration all the various departments in the city as well as the schools. Following discussion, Mayor Erickson asked members to study their copies of the school's report.

✓ A request was presented from the School Board Office for approval of a supplemental appropriation in the amount of \$ 11,550.78 in order to appropriate receipts from the Comprehensive Employment & Training Act (CETA). Following a brief discussion, Councilman Dingleline moved that the supplemental appropriation be approved for a first reading, and that:-

- \$ 11,550.78 chgd.to: School Fund (R-28A) Receipts from Federal Funds- Other Fed. Funds- CETA (Realized Revenue)
- 2,061.82 approp.to: School Fund (1201-109.50) Other Inst. Costs- Comp. Teacher Aides- CETA
- 1,106.56 approp.to: School Fund (1201-109.51) Other Inst. Costs- Comp. Clerical- CETA
- 8,382.40 approp.to: School Fund (1201-134.50) Day School Inst.- Comp. Elem. Teachers- CETA

which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Councilmen present.

✓ The City Manager presented a request from the School's Director of Finance for approval of a supplemental appropriation in the amount of \$ 20,275.00 in order to allocate additional anticipated receipts which have become available under Title I, since the School Budget was approved. It was noted that the funds would not be spent unless receipts for reimbursement were available from the federal government and no appropriation is necessary from City funds in that this is 100% reimbursable. Following a brief discussion, Vice-Mayor Denton moved that the appropriation be approved for a first reading, and that:-

- \$ 19,275.00 chgd.to: School Fund (R-21A) Receipts from Federal Funds- ESEA (PL-89-10) Operating.

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\$ 1,000.00 chgd.to: School Fund (R-21B) Receipts from Federal Funds- ESEA
 (PL-89-10) Capital Outlay.
 38.00 approp.to: School Fund (1209-100.00) Clerical Employees.
 157.00 approp.to: School Fund (1209-100.01) Comp. Dir. Fed.Programs.
 500.00 approp.to: School Fund (1209-100.02) Travel- Admin.
 880.00 approp.to: School Fund (1209-134.11) Comp.- Elem. Teacher.
 2,000.00 approp.to: School Fund (1209-200.02) In Service Training.
 13,000.00 approp.to: School Fund (1209-200.05) Teaching Supp.for Instruct.
 500.00 approp.to: School Fund (1209-200.06) Travel Instruction.
 2,000.00 approp.to: School Fund (1209-800.00) Fixed Charges.
 200.00 approp.to: School Fund (1209-1100.00) Community Services.
 1,000.00 approp.to: School Fund (1209-1230.03) Equip.for Instruction.

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

✓ For Council's information, the City Manager said it is his understanding that the Administrative Officer(which would be the City Manager) must conduct a separate public hearing from that held by City Council, for presentation of a report for Revenue Sharing Funds over the next five years, with emphasis placed on programs for the aging, noting that he wanted Council to be aware of this prior to a hearing notice appearing in the newspaper. He pointed out that he usually goes through the City's budget items while balancing same, and pulls out some high priority projects recommended by the City Planning Commission, to be funded by Revenue Sharing Funds. This is presented to Council following approval of the regular budget. Mayor Erickson said he would like to have a copy of rules and regulations which deems this action necessary.

✓ Manager Milam informed Council that he had approached the County with the two dates suggested for a joint meeting concerning the Heat Recovery Project, with neither being a suitable time. They had requested to meet on Tuesday, March 15th, in that this was their only open date. Although this date had previously been scheduled by Council as a special meeting to discuss the Kavanaugh Hotel Rehabilitation Project, he had informed the County that both matters could be placed on the special meeting agenda. Members of Council signed the special meeting notice.

✓ The following recommendation submitted by Mr. John Driver, Secretary of the Harrisonburg Highway Safety Commission, from a meeting held on January 25th, was presented and read:-

"The Commission discussed the request of Mrs. Claude Vance, Jr. to remove truck traffic from Hill Street. This request was referred to the Commission by Harrisonburg City Council. It was felt that if truck traffic was taken off Hill Street they would use another residential street such as Myrtle or Sterling Streets and nothing would be accomplished. Also it was stated that most trucks traveling Hill Street were dump trucks and not tractor trailers, also very few trucks were traveling Hill Street at night or on weekends. Julius Ritchie made a motion that until the revised Arterial Plan is received and a recommendation can be made on re-routing trucks through the northeast section of Harrisonburg, the Commission recommend to City Council that no action be taken on the Hill Street truck traffic. Wayne King seconded the motion and all members voted aye."

Following discussion, Councilman Dingledine moved that the recommendation of the Harrisonburg Highway Safety Commission be approved, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Councilmen present.

✓ City Manager Milam read the following recommendation submitted by the Harrisonburg Highway Safety Commission from a meeting held on January 25, 1977:-

"John Driver read an extract from City Council requesting the Commission make a recommendation on the heavy traffic on a 10' alley running parallel to Ott Street in the 400 block of Ott Street. Chief Presgrave reported he ran a traffic count for one week on the alley and there was an average of 13 cars per day going through the alley. It was felt that most of the 13 cars were people living in homes along the alley and this was not a heavy traffic flow, also one way traffic was discussed and it was felt it would not work, too many of the property owners would be dissatisfied with this. After a lengthy discussion, Wayne King made a motion that no action be taken on the alley until after the reconstruction of the alley running from Ott Street to Monticello Avenue. If upon completion, construction does not help the condition on the alley running parallel to Ott Street in the 400 block, another study be made. Julius Ritchie seconded the motion and all members voted aye."

Following a brief discussion, Vice-Mayor Denton moved that the recommendation of the Harrisonburg Highway Safety Commission be approved, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

✓ City Manager Milam called Council's attention to a proposed lease between the City of Harrisonburg and Shenandoah Valley Educational Television Corporation for city owned land for construction of a telecommunications earth station. He noted the following two locations as set forth in plans attached: (1) on Central Avenue across from Keister School; (2) on the north corner of the City's Landfill between Interstate 81 and the road leading to the Landfill, which road has been completed. The facility will require a 72' x 68' fenced in area. The lease is for a term of eleven years beginning June 1, 1977 and ending the 31st day of May, 1988, with an option for two additional terms of 10 years each. He pointed out that before any substantial land is leased, Council must obtain a recommendation from the City's Planning Commission as well as representatives from utilities involved, which in this case would be the Public Works Department for its participation at the Landfill. Mr. Richard L. Parker, Secretary of Shenandoah Valley Educational Television Corp., informed Council that the receiving station would be 42' in height, 30' across, and from 8' to 10' above ground. Construction of a chain-link fence around

the structure is proposed, for security. When asked to compare the two proposed sites, Mr. Parker noted no appreciable difference. He did point out that the Keister School site would cost less for construction and may be better from the standpoint of security. The Landfill Site, although good high ground, has an overpass over the highway directly in line between their tower and the proposed site which would require a sizable tower at the Landfill in order to be able to get the microwave signal back. Manager Milam mentioned the City's annual contribution to W.V.P.T. for educational television and asked Mr. Parker if this was done by other municipalities. He replied that at the present time, seven, either municipalities or county governments were making contributions, namely:- Lexington, Augusta County, Rockingham County, Harrisonburg, Waynesboro, Shenandoah County & Page County, with the hope that during the year both Charlottesville and Staunton will be added. Following discussion, Councilman Dingleline moved that the matter be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

✓ The City Manager advised Council that by communication dated 2/23/77 from Attorney William Smith, representing the Madison Group, developers of a proposed College Court Townhouse development in the eastern section of the City near Camelot Nursing Home, had requested time at this meeting to discuss a problem which has arisen since Council's approval of the development. Mr. Smith called attention to an agreement between the City, the developers and C-W Railway, drawn up by the Railway, setting forth responsibilities of the City and developers with regard to its crossing over which a new access street to the new townhouse complex would cross. He noted that the agreement was satisfactory, with exception of paragraph 6 which reads as follows:-

Cross Protection: If automatic crossing protection is deemed necessary in the future by City or Railway or required by public authority, such crossing protection shall be installed and maintained at the sole cost and expense of Developer if such crossing protection shall be deemed necessary or required within a period of ten (10) years from the date of execution of this agreement. If such crossing protection is deemed necessary or required after said period of ten (10) years, such crossing protection shall be installed and maintained at the sole cost and expense of City.

In the event Developer refuses or is unable to install and maintain automatic crossing protection when required hereunder, the automatic crossing protection shall be installed and maintained at the cost and expense of the City and the City reserves all rights against the Developer for reimbursement for the same.

Council was asked for the City to assume responsibility for the first 10 year period, rather than the Developer, in that it is felt the City is in a better bargaining position for this period of time. Mayor Erickson suggested that the City Manager contact the Railway concerning the matter. The City Manager recommended that the City assume responsibility for the first 10 years, with paragraph six of the agreement to be reworded. The City Attorney offered an opinion that the type of construction should be spelled out and said he could not recommend signing of the agreement under its present wording. Following discussion, Councilman Dingleline moved that the City Attorney be authorized to revise paragraph 6 and present same to Council at the next regular meeting, which motion upon being seconded by Councilman Rhodes, was adopted by a majority vote of Councilmen present. Voting aye:- Councilmen Dingleline, Rhodes and Erickson. Absent:- Councilman Green. Abstaining: Vice-Mayor Denton. Attorney Smith also requested Council's consideration for change of name for the development from College Court Townhouses, to University Court Townhouses. On motion of Councilman Rhodes, seconded by Councilman Dingleline and by a majority vote of Councilmen present, the matter was referred to the City Planning Commission for study and recommendation.

✓ For information, the City Manager reported that the State Compensation Board would be meeting in Richmond on April 7, 1977 to set salaries for Constitutional Officers. The City Treasurer and Commissioner of Revenue will present their proposed budget at that time.

✓ Mr. Jerry Gass, Executive Director of the Virginia Poultry Federation, appeared before Council with a request that a policy similar to one used for Winchester Apple Blossom Festivals re vendors' licenses, be established by the City of Harrisonburg for its Poultry Festival in May of this year. By so doing, a group would be appointed by Council to set a fee and issue permits to vendors who are here for one day, or more, during the festival, with an amount excessive to the point where the City would derive its normal fee, and the remainder would be used to defray expenses of the festival. Mr. Victor Smith, Commissioner of Revenue, after discussing this with Mr. Gass, had written Mr. Julian Armel, Sr., Winchester's Commissioner of Revenue, to determine that City's policy, and had made the information available to Council for this meeting. Chief Presgrave said there is a requirement in the City's code for vendors to check by the police station and go from there to the office of Commissioner of Revenue to receive a permit for selling of wares, etc. at the festival. Mayor Erickson questioned whether or not anyone, other than the City Treasurer, could collect city monies and the City Manager pointed out the fact that the City Treasurer, a Constitutional Officer, is custodian of all city monies, and responsible for same. Following discussion, it was agreed that the City Manager check with the Commissioner of Revenue and City Treasurer concerning the request and report back to Council at the next regular meeting.

✓ The City Manager presented an ordinance which had been drawn by the City Attorney for closing of a 10' alley running south from W.Gay St. between N.Main St. and Noll Drive and immediately to the rear of real estate owned by Frank Cline & Son, Inc., for consideration of a first reading. He explained that a recommendation from the Planning Commission for the closing had been presented earlier, as well as a report from a duly appointed Board of Viewers noting no inconvenience in the closing, and Council had instructed the drawing of an ordinance effecting same. However, due to matters which are being worked on with regard to the Main Street railroad track, the City Manager suggested tabling of the matter at this time. Vice-Mayor Denton moved that the matter be tabled, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Councilmen present.

✓ City Manager Milam explained to Council that on June 8, 1976 action had been taken to close a 30' alley known as alley street situated behind the Rockingham Farm Bureau off Chesapeake Avenue, following a recommendation for same from the City Planning Commission and report from a Board of Viewers stating

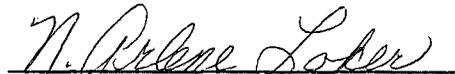
no inconvenience in vacating of same. Although this action was taken, a proper ordinance was not drawn at that time for Council's approval. He asked that a first reading be approved at this time. Following a brief discussion, Vice-Mayor Denton moved that the ordinance be approved for a first reading, and referred to the City Attorney to be drawn in proper ordinance form, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous recorded vote of Councilmen present.

The City Manager called Council's attention to vacancies on various Boards & Commissions, and noted that correspondence had been received from the Central Shenandoah HSA Subarea Council advising that Harrisonburg had not as yet appointed a representative to serve on the Health Systems Agency Council. Council agreed to defer action on appointments until a future meeting.

Council's attention was called to the City Manager's Monthly Report; a report from Hose Co. No. 4 listing Directors & Committees for 1977; and report from Shomo & Lineweaver Insurance Agency showing escalating cost of Workmen's Compensation Insurance in all categories.

Members were reminded of the special public meeting scheduled for Tuesday, March 15th concerning application for Community Development Block Grant (Kavanaugh Hotel Rehabilitation Project); and to discuss the Heat Recovery Project with Rockingham County Bd. of Supervisors and representatives from the college and hospital.

There being no further business, and on motion duly adopted, the meeting adjourned at 11:34 P.M.


CLERK


MAYOR

At a special public 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 Raymond C. Dingleline, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- none.

City Manager Milam read the special meeting notice for consideration of the following matters:-
 (1) meet with Rockingham County Board of Supervisors relating to Solid Waste Energy Recovery System;
 (2) public meeting Community Development Block Grant Application relating to Kavanaugh Hotel Rehabilitation for Elderly Housing; (3) Other matters.

✓ Mayor Erickson extended a welcome to members of the Rockingham County Board of Supervisors and representatives of Madison College and Rockingham Memorial Hospital who were present in the meeting with regard to the Solid Waste Energy Recovery System, and called on Mr. John Driver, Assistant City Manager, to present the matter for discussion. He gave background information leading up to the present time, of steps which had been taken by the City, beginning with a study which was made in 1971; a 1974 application for federal grant which had been denied; and Council's 1975 action to employ the firms of Deward M. Martin & Associates of Williamsburg, Va. and William F. Cosulich Associates of New York, to make a feasibility study for Harrisonburg and Rockingham County, copies of which had been distributed last month. Mr. Driver pointed out the fact that this must be a joint effort between the county and city in that approximately 100 tons of refuse are produced by both combined, daily, whereas the City produces only 30 tons of the total and could not carry out the project on its own. The college and hospital must also participate in the project by purchasing steam to be produced from the garbage & refuse. He introduced Messrs. Paul Small and Miro Dvirka, representatives of the aforementioned firms, and asked them to point out highlights of the Study and to explain the project. Charts were presented, with a 20 year projection period beginning with year 1980 with regard to population; waste generation; energy equivalent; projection of combined steam demands for college and hospital; plant capacity, etc., which figures revealed that the City and County could provide enough refuse to supply most of the steam needs for heating and colling the two institutions. A recommendation was included in the Study for the hospital's system to be kept operable for use in peak periods, which may be only a few days out of a year. The Study was based on a \$ 5.00 per ton charge for delivery of solid wastes to the plant which was felt to be in line with current figures, in that the City pays \$ 5.00 per ton and the County \$ 4.85 per ton to dispose of garbage and refuse. An anticipated drop to under \$ 1.00 per ton by the year 2000 was noted. A cost of \$ 3.00 for each 1,000 feet of steam, as set forth, would be a saving to both institutions in comparison with current cost of heating and cooling. Suggested ways to generate additional income were: recovery and recycling of metals presently buried in the Landfills; and by selling steam to secondary users during periods of low demand, when excess steam is available. Messrs. Small and Dvirka cited their qualifications and discussed other projects in which they have been involved. Both noted feasibility of this joint venture. It was pointed out that although the new plant will not eliminate the need for Landfills, it will greatly extend their lives by several decades. Following a lengthy question and answer session, Mr. William Sipe, Chairman of the County Bd. of Supervisors, said the Board was here this evening to listen and learn, noting that they would sit down and discuss the project, although a number of problems are anticipated. Representatives of the college and hospital expressed interest in the project if feasibility was determined by the governing bodies. Mayor Erickson thanked all concerned for their presence and asked that the Feasibility Study be further reviewed by members of Council and the County Board.

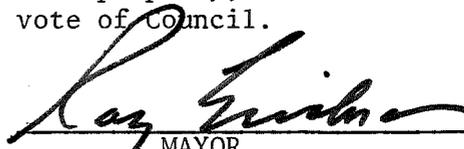
✓ Mayor Erickson stated that in as much as the City proposed to submit an application for a Community Development Block Grant representing additional funding for the Kavanaugh Hotel Rehabilitation Project, this public meeting was called in order to meet a requirement of two such meetings prior to application. City Manager Milam said that several months ago Council had authorized a local architectural firm, Davis & Associates, to study the feasibility of renovating the hotel building and to draw preliminary plans. Mr. D.P. Davis informed Council that his office had worked along with city officials, state fire marshall's office, the firm of Bartholomew & Associates, owners of the Kavanaugh Hotel property, as well as several other out-of-town firms, in preparing the report, copies of which were presented to each member of

Council. An inspection of the property was made and various codes reviewed as to requirements, after which time some pre-drafting was done under the analysis of a good job and one the City would be proud of. He reported the structure of the building as remarkably good, and only minor improvements to the roof as being necessary. He noted some prior damage to the building's interior and pointed out recommendations for renovating which included: new electrical wiring throughout; new heating system; new plumbing & sprinkler systems; new partitions and all new ceilings; replacement of exit stairs, etc. An estimated cost of \$ 1,393,200. was quoted by Mr. Davis. The Hotel Annex was not included in the study. Thirty-six living units were considered in the plans, with lower portion of the hotel reserved for commercial use. A possibility of rebuilding the back portion to replace the long wing was also mentioned. By renovating the hotel under the recommendations as stated, Mr. Davis anticipated 30-35 years use with no major problems. He said that feasibility of the project would rest with Council, in that new housing could be provided in another location, possibly providing more living units at a lesser cost. Mayor Erickson thanked Mr. Davis for the presentation. Mrs. David Garber, of Garber's Jewelers, questioned whether any plans for relocating present businesses in the Kavanaugh Hotel block had been considered, or whether those businesses would be permitted space in the hotel, if desired. She noted that the retail merchants are interested in space being provided in the area for businesses. City Manager Milam pointed out the fact that the City is still in the negotiating stage with owners for purchase of the hotel property, which is the first step. Mrs. Juanita Sanders offered an opinion that the anticipated housing would be extremely expensive and would be in an undesirable location, right on Main Street. She asked if input from any of the elderly groups in the City had been sought, concerning the location. She expressed appreciation of the report by a local architectural firm, noting too many out-of-town consultants are being employed to plan a City they are unfamiliar with. Finally, Mrs. Sanders said it was her understanding that plans for a project should be in order, prior to filing application for funds. Mr. Dick Kelly, Director of Downtown Development, pointed out that funds received from the Department of Housing and Urban Development are specifically for renovating the hotel building and providing living units for elderly persons of low and moderate income. He noted that should another avenue be pursued (i.e. new housing or commercial use), the funds may have to be returned. Following the lengthy discussion period, the matter was closed and Council moved to the next matter of business.

✓ City Manager Milam presented and read a proposed agreement requested by the Highway Department concerning Phase I of the South Main Street Project, (Monument Ave. intersection to south corporate limits), for the City of Harrisonburg to maintain this section of highway improved under the Code of Virginia and the policies of the Highway & Transportation Commission. The agreement sets forth a total estimated cost of \$ 1,101,581.15, with the City's portion of cost estimated as \$ 367,480.31 (15%). He noted that the agreement must be executed in three copies, with form approved under signature of the City Attorney. Following a brief discussion, Councilman Green moved that the City Manager be authorized to sign the agreement on behalf of the City of Harrisonburg, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

There being no further business, Vice-Mayor Denton moved that the meeting adjourn (10:00 P.M.) and that Council enter an executive session to discuss purchase of property, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.


CLERK


MAYOR

Tuesday, March 22, 1977

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 Raymond C. Dingledine, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- none.

Minutes of the regular meeting held on March 8, 1977 and special meeting held on March 15, 1977 were read and approved.

✓ Mr. Donald Holsinger of 153 W. Wolfe St. presented a petition bearing eighteen signatures of residents and property owners on Wolfe Street between Liberty & N. High Streets, stating opposition to the recently approved east/west truck route which will proceed through that block. Reasons for opposition included: several homes situated on the property line no further than 10' from the street; increased noise level; dirt from heavy truck traffic; and removal of parking in that two of the properties have no off-street parking. The petitions suggested two alternative routes, namely: south on Liberty Street to West Market St., and west on Rt. 33; and north on Mason Street to intersection with Gay Street and continuing west on Gay. Mayor Erickson explained that plans for the route have been in the making for some time, with installation of driveways, widening of streets, etc. Residents do not feel that removal of parking is necessary in that the street will be made one-way. Following discussion, the matter was referred to the Harrisonburg Highway Safety Commission for study.

✓ Mr. C.W. Kestner, a senior citizen of Harrisonburg and active member of the A.A.R.P., commended Council on its first objective (Kavanaugh Hotel Rehabilitation Project), and as a concerned citizen, commended Council on its second objective (downtown improvement). He suggested that the present B Ney building be demolished and that area provided as open space, parking lot area, or replaced with an attractive building with proper setback and landscaping of the grounds. Mr. Kestner questioned whether the project should be funded through tax payers, or by the floating of bonds. He asked if the need could be better served through a new facility for living units in another location. Mayor Erickson thanked Mr. Kestner for his comments and asked if copies could be made available for future reference.

✓ A petition bearing twenty-two signatures of residents of Holiday Hills Subdivision was presented to Council requesting construction of curb & gutter on the east side of Stuart Street from Waterman Drive to Taliaferro Drive and on the west side of Stuart Street from Waterman Drive to Woodleigh Court. Excessive water following rains which accumulates in pools creates a breeding place for insects and constitutes health and aesthetic problems. Another fact brought out in the petition was the fact that

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the curve of Stuart Street at the south end is not well delineated and the road is one lane at this point, creating a safety problem for children playing in the area, as well as being difficult for two cars to pass at this point. Following a brief discussion, the matter was referred to the Street Department for consideration along with other projected street projects.

✓ Mr. Reggie Smith, City Transportation Director, was present in the meeting to present a proposal for transporting City school students at a reduced rate. He noted that the system would be based on coupon books issued in lots of 25 coupons at a cost of \$ 5.00. This would result in a reduction of rate from 25¢ to 20¢ per trip. Mr. Smith offered an opinion that this would be a much better way to handle the situation and would eliminate weekly charge accounts or paying daily with cash which could easily be lost or misplaced by students. No special qualifications would be necessary for a student to obtain coupons and those having no funds for transportation could be furnished with coupons by the school system, social services dept., or interested civic groups. According to the Director, the School Board has agreed to purchase the coupons from the Transportation Dept. and sell them to students. City Manager Milam pointed out the fact that group transportation and use of coupons would allow advance scheduling by the Transportation Dept. He also noted that an amendment to the City Code would be necessary in order to provide for the student group transportation at a reduced rate. Following discussion, Councilman Rhodes moved that the coupon system be approved with instructions for the City Manager to proceed with implementation of same and to take steps toward amending the code, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

✓ The following recommendation submitted by the Planning Director from a meeting of the Commission held on March 16th was read by the City Manager:-

"...During the Public Hearing to consider IMCO Container Company's request for M-1 Industrial Zoning, Mr. C. B. Howard, plant manager, stated that adding 60 off-street parking spaces for employees will eliminate the necessity for employee parking on West Wolfe St. and Brook Avenue. He stated that an expanded parking lot will be enclosed by a chain-link fence and a buffer of shrubbery will be planted 'as required by the City.' Access will continue to be off Brook Avenue and West Wolfe Street. Mr. Tim Vichnear of 296 W. Market Street stated that he does not want the area's residential atmosphere disrupted and he asked if IMCO plans any additions to their building. The IMCO manager replied that there are no building plans.

Mr. Sullivan explained the reduced lot sizes which will result concerning four houses facing W. Market St. All of the houses will continue to have back-yard parking space, but 316 W. Market Street, a 4-unit apartment, will be less than R-2 density requirements. The Director also pointed out that IMCO will have to apply for alley closings for all or some of a 10' alley in the area being sought for M-1 zoning. Mr. Williams concluded the discussion with a motion that the Planning Commission recommend rezoning from R-2 Residential to M-1 Industrial, the rear portions of lots 28-31, Block R, Page 35 of City Block Map, based on the February 4, 1977 Plan as submitted by IMCO. Mr. Milam seconded the motion. Members voting in favor: Mrs. Bowman; Mr. Gilkeson; Dr. Shank; Mr. Milam and Mr. Williams. Voting against: None..."

Mr. Sullivan pointed out the area location on a map and noted that the former Silk Mill property was zoned Industrial in 1939 but is now surrounded by homes. Several years ago, IMCO purchased properties on W. Market St. for the purpose of additional parking, if needed. He noted that should the alley not be closed, some of the space could still be used by IMCO. Only one resident offered opposition at the Commission's public hearing which was deterioration of neighborhood appearance by industrial parking. Following discussion, Councilman Green moved that Council accept the Planning Commission's recommendation and schedule a public hearing on the matter for Tuesday, April 26, 1977, 7:30 PM in the Council Chamber, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council. The City Manager was asked to properly advertise the hearing.

✓ The following Planning Commission recommendation submitted from a meeting held on March 16, 1977 was read by the City Manager:-

"...Mr. Richard Parker, Secretary of the Shenandoah Valley Educational Television Corporation, described W.V.P.T.'s need for a Telecommunications Earth Station and he described two possible sites, the City's Land Fill or City-owned property near Keister School and between Central Avenue and the C-W Railroad. The facility will require a 72' x 68' fenced-in area. A lease agreement has been drafted for an eleven-year time, with an option for two additional 10-year terms.

Mr. Sullivan reported that City Staff recommends the Land Fill site. Mr. Milam stated that he wants to work out a few details concerning fees and maintenance responsibilities before Council action. Mr. Parker agreed to this.

Mr. Gilkeson offered a motion that the Planning Commission recommend to City Council that the Land Fill site be established for W.V.P.T.'s 72' x 68' Telecommunications Earth Station. Mr. Williams seconded the motion and all members present voted in favor..."

Mr. Parker presented photographs of views of the Landfill Site from all directions where the earth station would be constructed. He noted that although the lease provides for eleven years beginning in 1978, and options for two additional ten year terms, the site may not be needed longer than the initial period of eleven years. City Manager Milam proposed that the city pay 6¢ per capita and that 1/2 of this be used for the telecommunications operation. Mr. Parker offered a hope that the City would find it possible to accept \$1.00 per year as set out in the lease agreement in that it would provide services to the City. Mr. Milam then said the City may as well give the land to W.V.P.T. at only \$1.00 per year, and suggested either withholding 1/2 of the City's contribution to W.V.P.T. or charge ground rent. He pointed out that the City has 20 acres on one side of the highway and 40 acres on the other side, plans for which should be determined in five years. Anything which would cut up the property would interfere with future plans. He suggested that use of the land be allowed until needed for another purpose. Mr. Parker said that due to cost of facilities, it was necessary to find a location which would allow at least a minimum of 10 years for operation. A suggestion was made to remove from the lease the option

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for two additional 10-year terms and that no assignments be made without approval of Council. The suggestions met with Council's approval. Following a lengthy discussion, Vice-Mayor Denton moved that the recommendation of the Planning Commission for site location be approved and the City Manager instructed to have the lease redrawn for presentation at the next regular meeting of Council, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ The following report submitted by the Planning Director, was read:-

"...A letter dated March 14, 1977 from William R. Smith was discussed by the Commissioners. Mr. Smith, on behalf of The Madison Group, asked that the proposed College Court Townhouse Subdivision be renamed 'University Court Townhouse Subdivision' due to the fact that the Virginia General Assembly has changed Madison College's name to James Madison University. The proposed townhouses will be a short distance northeast of the J.M.U. campus.

The commissioners present agreed that the name change should be accepted by the city..."

Mr. Sullivan said that the new street will be an extension of Mountain View Drive, but that a street which will be constructed within the cul-de-sac may well be named University Court Street. Following a brief discussion, Councilman Dingleline moved that the name of the development be changed to University College Court Townhouse Subdivision, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ Council was reminded by the City Manager that the City Attorney had been instructed at the last regular meeting to reword paragraph 6 of an agreement between the City of Harrisonburg, Developers, and the C-W Railroad, for provision of protection at the crossing by an automatic device should it be deemed necessary. Mr. William R. Smith, representing The Madison Group, had requested that the City assume this responsibility for the first ten year period, rather than the developer. City Attorney Lapsley read the proposed amended paragraph 6 as follows:

"If automatic crossing protection is deemed necessary in the future by City or Railway or required by public authority, such crossing protection shall be installed and maintained at the sole cost and expense of City if such crossing protection shall be deemed necessary or required."

Mr. John Driver, Assistant City Manager, pointed out that the automatic crossing signs referred to in the agreement are not required at this time. Following discussion, Councilman Rhodes moved that the agreement, as amended, be approved, which motion upon being seconded by Councilman Green, was adopted by a majority vote of Council. Voting Aye: Councilmen Dingleline, Green, Rhodes and Erickson. Abstaining: Vice-Mayor Denton.

✓ City Manager Milam reported that several meetings had been held since a price of \$ 300,000. was quoted to the City for purchase of the Kavanaugh Hotel property (excluding the annex) and called attention to a communication received on March 18th stating that the amount of \$ 250,000. would be accepted by the owners. He recommended that Council accept this offer of \$ 250,000. for the Kavanaugh proper and also the highest appraisal figure of \$ 95,000. for the B.Ney building situated on the corner of N.Main & Elizabeth Streets. The Kavanaugh property under consideration for purchase is comprised of 1 1/2 acres or approximately 65,600 sq.feet. Manager Milam noted that the amount recommended would be \$3.81 per square foot which would be in line with the downtown business area location. Following discussion, Vice-Mayor Denton moved to approve the recommendation of the City Manager, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council. It was pointed out that three parking spaces would be required for use of the Annex, with location of spaces to be determined by mutual agreement of the City and Klingstein Estate. The Mayor said he would like to have some progress reports at each meeting to determine how rapidly the project is moving along.

✓ For Council's consideration, the City Manager presented a proposed ordinance amending Chapter 17 of the Motor Vehicle section of the City Code by adding thereto a new paragraph (17-15.1) with regard to licensing of antique automobiles. He reminded Council that a request for either eliminating the license fee, or setting a one-time fee had been requested at the regular meeting on January 25. City Attorney Lapsley pointed out the fact that he had used the definition of an antique automobile as spelled out in the Virginia Code, for drafting of the ordinance and had then submitted a copy to the City Treasurer for review, in that he would be directly affected by same. Two suggestions of changes were made by Mr. Firebaugh, namely: (1) that the words "by the commissioner" be deleted from the paragraph in that this is referring to the Commissioner of Motor Vehicles and not relevant in our ordinance; and (2) that the one-time fee be changed from \$ 5.00 to \$ 10.00. Attorney Lapsley recommended that the ordinance, with the revisions, be approved. Following a brief discussion, Councilman Dingleline moved that the ordinance be approved for a first reading and referred back to the City Attorney for the necessary revisions, which motion upon being seconded by Councilman Green, was adopted by a unanimous recorded vote of Council.

✓ City Manager Milam presented an ordinance which had been approved for a first reading at the last regular meeting, effecting the closing of "Alley Street" in rear of and south of the Rockingham Cooperative Farm Bureau property and immediately west of the right-of-way of Chesapeake Western Railway. Councilman Rhodes moved that the ordinance be approved for second and final reading with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K page 107).

✓ Mr. Jerry Gass, Executive Director of the Poultry Federation, was present in the meeting to learn of Council's decision concerning a request made on March 8th for the festival committee to establish a license fee for vendors during the poultry festival days, and collecting of same, with the amount in excess of the City's usual fee being retained for the purpose of defraying cost of the parade and festival. He noted that the committee would like to control the quality of vendors and to assure acquisition of license by vendors in order that funds would remain in the City, rather than being lost by those persons not acquiring a license. In as much as Council had received no firm recommendation from either of the two Constitutional Officers involved in the transaction, the City Attorney was asked to further investigate the matter through contact with the Commissioner of Revenue and City Treasurer, and report

back at the next regular meeting.

✓ Correspondence dated 3/31/77 from City Treasurer M.A. Firebaugh was presented by the City Manager which included a copy of salary & expense requests for his office for fiscal year ending June 30, 1978. Mr. Firebaugh noted that the salaries requested were believed to be with the minimum-maximum salary range established by the Division of Personnel for persons employed by the State of Virginia and also within the step range established by the City of Harrisonburg, with the exception of one Assistant Treasurer with minimum step of \$ 9,000. The budget request will be presented to the State Compensation Board in Richmond by Mr. Firebaugh on April 7th. City Manager Milam said that the budget seems to be in line, but added that no action will be taken concerning same until the total budget is approved. Vice-Mayor Denton moved that receipt of the City Treasurer's proposed budget for fiscal year 1977-78 be acknowledged, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ Correspondence dated March 22, 1977 from Mr. Victor J. Smith, Commissioner of Revenue, was presented by the City Manager, along with a copy of the 1977-78 fiscal year budget for his office which will be presented to the State Compensation Board on April 7th. Councilman Dingledine moved that Council acknowledge receipt of the 1977-78 fiscal budget for the Commissioner of Revenue's office, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

✓ Vice-Mayor Denton moved that an appropriation in the amount of \$ 11,550.78 requested by the City School Board Office in order to appropriate receipts from the Comprehensive Employment & Training Act into proper accounts, be approved for second and final reading, a first reading having been approved on March 8th, and that:-

- \$ 11,550.78 chgd.to: School Fund (R-28-A) Receipts from Fed.Funds- Other Fed. Funds- CETA (Realized Revenue).
- 2,061.82 approp.to: School Fund (1201-109.50) Other Inst.Costs- Comp. Teacher Aides- CETA.
- 1,106.56 approp.to: School Fund (1201-109.51) Other Inst.Costs- Comp. Clerical - CETA.
- 8,382.40 approp.to: School Fund (1201-134.50) Day School Instruct.- Comp. Elementary Teachers - CETA.

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

✓ Councilman Dingledine moved that an appropriation in amount of \$ 20,275. requested by the School Board Office in order to allocate additional anticipated receipts which have become available under Title I since the School Budget was approved, be approved for second and final reading, a first reading having been approved on March 8, and that:-

- \$ 19,275.00 chgd.to: School Fund (R-21A) Receipts from Fed.Funds- ESEA (PL-89-10) Operating.
- 1,000.00 chgd.to: School Fund (R-21B) Receipts from Fed.Funds- ESEA (PL-89-10) Capital Outlay.
- 38.00 approp.to: School Fund (1209-100.00) Clerical Employees.
- 157.00 approp.to: School Fund (1209-100.01) Comp. Dir.Fed.Programs.
- 500.00 approp.to: School Fund (1209-100.02) Travel- Admin.
- 880.00 approp.to: School Fund (1209-134.11) Comp.- Elem. Teacher
- 2,000.00 approp.to: School Fund (1209-200.02) In Service Training.
- 13,000.00 approp.to: School Fund (1209-200.05) Teaching Supp.for Instruct.
- 500.00 approp.to: School Fund (1209-200.06) Travel Instruction.
- 2,000.00 approp.to: School Fund (1209-800.00) Fixed Charges.
- 200.00 approp.to: School Fund (1209-1100.00) Community Services.
- 1,000.00 approp.to: School Fund (1209-1230.03) Equip.for Instruct.

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

✓ A request was presented from the Director of Social Services for approval of a transfer of funds in amount of \$ 7,151.68 from within the department's appropriations, due to insufficient funds in various accounts to cover expenditures. Councilman Green moved that the transfer be approved, and that:-

- \$3,000.00 trans.from: VPA Fund (05-8022.391.02) General Relief.
- 3,000.00 trans.from: VPA Fund (05-8022-391.03) Aux. Grants- Mandatory.
- 1,151.68 trans.from: VPA Fund (05-17-74.00) Capital Outlay- Auto Equip.
- 6,000.00 trans.to: VPA Fund (05-8030-401.00) Day Care.
- 575.84 trans.to: VPA Fund (05-8021-240.00) Communications.
- 575.84 trans.to: VPA Fund (05-8021-272.00) Accounting Costs.

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

✓ The City Manager presented a request from Police Chief Presgrave for approval of a supplemental appropriation in amount of \$ 400.66 representing monies received from an insurance company, in order that it might be placed in proper account for repairs to a vehicle. Following a brief discussion, Councilman Green moved that the appropriation be approved, and that:-

- \$ 400.66 chgd.to: General Fund (1005) Recoveries & Rebates.
- 400.66 approp.to: General Fund (9010-274.00) Maint. & Repairs- Auto Equip.

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

✓ A request was presented from Mr. John H. Byrd, Jr., City Building Official, for approval of a transfer of funds in amount of \$ 5,400. from a Capital Outlay Account, into proper accounts, due to insufficient funds for expenses of the City's Municipal Building. Following a brief discussion, Councilman Rhodes moved that the transfer be approved, and that:-

- \$ 5,400.00 trans.from: General Fund (10210-73.00) Maint. of City Buildings- Capital Outlay - Work on Building.
- 2,000.00 trans.to: General Fund (10210-212.01) Maint. of City Buildings- Fuel.
- 1,400.00 trans.to: General Fund (10210-361.00) Maint. of City Buildings- Insurance.
- 2,000.00 trans.to: General Fund (10210-361.00) Maint. of City Buildings- Electricity.

which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

✓ A request was presented from Sgt. H. K. Darr for approval of a transfer of funds in amount of \$9,000. from within the departmental appropriations to proper accounts, due to insufficient funds in various categories for operation of the Fire Department. Following discussion, Councilman Green moved that the transfer be approved, and that:-

\$ 8,900.00 trans. from: General Fund (9020-11.01) Fire Dept.- Personal Services- Fire Chief.
 100.00 trans. from: General Fund (9020-11.02) Fire Dept.- Personal Services- Sergeants.
 700.00 trans.to: General Fund (9020-211.00) Fire Dept.- Gasoline, Lubricants, Tires, etc.
 3,000.00 trans.to: General Fund (9020-240.00) Fire Dept.- Communications.
 800.00 trans.to: General Fund (9020-261.00) Fire Dept.- Insurance.
 4,500.00 trans.to: General Fund (9020-361.00) Fire Dept.- Electricity.

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

✓ City Manager Milam presented a request from Mr. Ralph Smith, Superintendent of Streets, for approval of a supplemental appropriation in amount of \$ 34,117.20 from account of Recoveries & Rebates (monies have been received) for installation of curb & gutter, storm drain & basing on East Washington Street along the Northfield Development. Following discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:-

\$ 34,117.20 chgd.to: General Fund (1005) Recoveries & Rebates.
 34,117.20 approp.to: General Fund (10110-77.00) Work in Progress (Wash.St.)

which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

✓ A request was presented from Mr. John Driver, Assistant City Manager, for approval of a supplemental appropriation in amount of \$ 1,463.85 from account of Recoveries & Rebates (monies received) in order to transfer same into proper accounts, -from Title II,TQ and Title VI funds for months of November & December, 1976 and January, 1977. Councilman Green moved that the appropriation be approved for first reading, and that:-

\$ 1,463.85 chgd.to: General Fund (1005) Recoveries & Rebates.
 1,463.85 approp.to: General Fund (6015-112.50) Police Court- Wages-Title II,TQ-Title VI

which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

✓ A request was presented from the office of City Auditor for approval of a supplemental appropriation in amount of \$ 3,080.10 from account of Recoveries & Rebates (monies received) in order to reimburse F.I.C.A. for wages paid CETA employees for months of November & December, 1976 and January, 1977. Vice-Mayor Denton moved that the appropriation be approved for a first reading, and that:-

\$ 3,080.10 chgd.to: General Fund (1005) Recoveries & Rebates.
 3,080.10 approp.to: General Fund (4110-250.00) Social Security.

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

✓ A request was presented from Assistant City Manager Driver for approval of a supplemental appropriation in amount of \$ 3,825.44 in order to transfer Title II,TQ and Title VI funds received from the Va. Employment Commission for months of November & December, 1976 and January, 1977, to proper accounts. Councilman Dingleline moved that the appropriation be approved for first reading, and that:-

\$ 3,825.44 chgd.to: General Fund (1005) Recoveries & Rebates.
 3,825.44 approp.to: General Fund (4040-12.50) Purchasing Agent- Wages- Title II,TQ and Title VI

which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

✓ A request was presented from the Assistant City Manager for approval of a supplemental appropriation in amount of \$ 4,305.50 in order to transfer Title II,TQ and Title VI funds received from the Virginia Employment Commission for months of November & December, 1976 and January, 1977, to proper accounts. Councilman Green moved that the appropriation be approved for first reading, and that:-

\$4,305.50 chgd.to: General Fund (1005) Recoveries & Rebates.
 1,795.14 approp.to: General Fund (9010-12.01) Police Dept.- Title II/Title VI-Wages-Traffic Cont.
 2,510.36 approp.to: General Fund (9010-12.50) Police Dept.- Title II,TQ/Title VI-Wages-Patrolman.

which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

✓ A request was presented from the Assistant City Manager for approval of a supplemental appropriation in amount of \$ 5,171.16 in order to transfer Title II,TQ and Title VI funds received from the Virginia Employment Commission for months of November & December, 1976 and January, 1977, to proper accounts. Vice-Mayor Denton moved that the appropriation be approved for a first reading, and that:-

\$ 5,171.16 chgd.to: General Fund (1005) Recoveries & Rebates.
 5,171.16 approp.to: General Fund (9020-12.50) Fire Dept.- Title II,TQ/Title VI-Wages- Fireman.

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

✓ A request was presented from Assistant City Manager Driver for approval of a supplemental appropriation in amount of \$ 5,920.07 in order to transfer Titles II,TQ and Title VI funds received from the Virginia Employment Commission for months of November & December, 1976 and January, 1977 into proper accounts. Councilman Dingleline moved that the appropriation be approved for first reading, and that:-

\$ 5,920.07 chgd.to: General Fund (1005) Recoveries & Rebates.
 5,695.34 approp.to: General Fund (10110-12.01) St.Inspect.-Wages-Laborers- Title II/Title VI
 132.41 approp.to: General Fund (10110-12.50) St.Inspect.-Wages-Laborers-Title II,TQ/Title VI
 92.32 approp.to: General Fund (10110-12.51) St.Inspect.-Wages- Mech.-Title II,TQ/Title VI

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

✓ The City Manager presented a request from Recreation Director Gilkerson for approval of a supplemental appropriation in amount of \$ 14,430.83 in order to transfer Title II,TQ and Title VI funds received from the Virginia Employment Commission for months of November & December, 1976 and January, 1977 into proper accounts. Councilman Dingleline moved that the appropriation be approved for a first reading, and that:-

\$ 14,430.83 chgd.to: General Fund (1005) Recoveries & Rebates.

1,127.50 approp.to: General Fund (11020-12.53) Recreation-Title II,TQ/Title VI-
Wages- Clerk Typist.

984.13 approp.to: General Fund (11020-12.55) Recreation-Title II,TQ/Title VI-
Wages- Grounds Maint. Man.

5.03 approp.to: General Fund (11020-12.56) Recreation-Title II,TQ/Title VI-
Wages- Tree Trimmer.

623.75 approp.to: General Fund (11020-12.57) Recreation-Title II,TQ/Title VI-
Wages- Concessioner.

1,845.00 approp.to: General Fund (11020-12.05) Recreation-Title II/Title VI-
Wages- Rec. Athl.Supvr.

1,553.37 approp.to: General Fund (11020-12.50) Recreation-Title II,TQ/Title VI-
Wages- Recreation Instructor.

1,629.56 approp.to: General Fund (11020-12.51) Recreation-Title II,TQ/Title VI-
Wages- Park Maint. Supt.

1,214.97 approp.to: General Fund (11020-12.52) Recreation-Title II,TQ/Title VI-
Wages- Janitor.

1,828.97 approp.to: General Fund (11020-12.01) Recreation-Title II/Title VI-
Wages- Recreation Supvr.

1,472.95 approp.to: General Fund (11020-12.02) Recreation-Title II/Title VI-
Wages- Athletic Instructor.

1,429.47 approp.to: General Fund (11020-12.03) Recreation-Title II/Title VI-
Wages- Security Officer.

716.13 approp.to: General Fund (11020-12.04) Recreation-Title II/Title VI-
Wages- Maint. Man.

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

City Manager Milam presented a modification of the Comprehensive & Training Act (CETA) contract extending the program to September 30th of this year, effective April 1, 1977. The present contract would have expired the end of this month. He pointed out that the City would receive increased funding of \$ 142,304.00 for the extended period. Due to a deadline of March 17th for the contract to be in Richmond, he had signed same on behalf of the City. Following a brief discussion, Councilman Rhodes moved that Council receive the report, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

Mayor Erickson reminded Council that the Harrisonburg Electric Commission has lost one member due to Mr.O.M.Porterfield,Jr. moving out of the City, and said consideration should be given this matter as to appointment of a replacement.

City Manager Milam called Council's attention to a communication dated 2/18/77 from Mr. Elmer Kramer, Chairman of the Board of Public Welfare, stating a desire of the Board that Mr. James F.Logan be reappointed for a four year term in as much as his present term will expire on June 30,1977. Councilman Dingleline moved that Mr. Logan be reappointed for four years with term to expire on June 30,1981, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

City Auditor Shifflet reminded members of Council that his office will be open tomorrow evening at 7:30 for a review of the City's financial report for last month.

Council was informed by the City Manager that calls are being received in his office with inquiries concerning appointment of a representative to the Central Shenandoah Health Systems Subarea Council. It was agreed that consideration be given this matter.

City Manager Milam requested a special meeting for Tuesday, April 5, 7:30 PM to discuss several matters which will be considered by the Regional Sewer Authority on April 4th which will require two readings of Council, namely: amended contract re certain payments and obligations to the sewer authority; approval of a form of resolution for Series A bonds, and approval of a contract for construction and operation of the sewer plant. The meeting was scheduled with all members signing the meeting call notice.

Councilman Rhodes said he had received several complaints concerning traffic hazard of on-street parking and people crossing the street to a Barbeque which is being held on the corner of Mason & Gay Streets. The primary problem is traffic from Roses' Department Store going east on Gay, with right turn on red. He suggested that the Barbeque be moved farther up the hill. Following a brief discussion, the City Manager was asked to see that someone contact the Jaycees concerning the matter.

There being no further business and on motion of Vice-Mayor Denton, seconded by Councilman Dingleline and a unanimous vote of Council, the regular session was adjourned at 10:25 PM with Council entering a brief executive session on request of the City Attorney for the purpose of hearing a report.

N. Adams Lopez
CLERK

Jay Erickson
MAYOR

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Tuesday, April 5, 1977

At a special meeting of Council held in the Council Chamber this evening at 8:00 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 Raymond C. Dingledine, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- none.

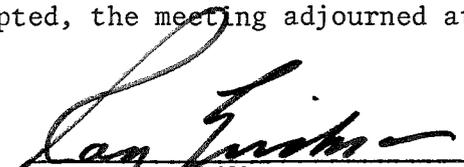
Mayor Erickson opened the meeting by stating that this is a special called meeting for the purpose

of Council discussing and acting on certain matters which were approved by the Regional Sewer Authority at a meeting held April 4th.

City Manager Milam read the special meeting notice and reported that several documents prepared by the bond attorneys were in readiness for Council action with regard to first readings. The first lengthy document presented was a "CONTRACT AMENDING CONTRACT FOR THE CONSTRUCTION AND OPERATION OF SEWAGE DISPOSAL SERVICE, AND PAYMENT OF THE COSTS THEREOF, AMONG THE HARRISONBURG-ROCKINGHAM REGIONAL SEWER AUTHORITY, THE CITY OF HARRISONBURG, THE COUNTY OF ROCKINGHAM AND THE TOWNS OF BRIDGEWATER, DAYTON AND MOUNT CRAWFORD." Manager Milam explained that this document deals primarily with definitions of terms; financing; allocation of treatment capacity; debt service; construction & operating of the sewer plant. Initial Capital Contributions referred to in the contract are labeled in this manner due to the fact that Rockingham County has made cash contributions. It later will be referred to as Capital Outlay. On the closing date (when bonds are delivered to the purchaser), the participating municipalities will provide the Sewer Authority with all of the unpaid balance through a percentage rate of same, not to exceed \$ 5,405,405.00 as follows: Rockingham County, 25% plus 1% share received from town of Mt. Crawford; Harrisonburg, Bridgewater & Dayton, 74%. The plant capacity of 8 million gallons per day is divided as follows: Rockingham County, 2,000,000 gallons plus 80,000 gallons representing Mt. Crawford's share; Harrisonburg, Bridgewater & Dayton, 5,920,000 gallons. The amended contract spells out responsibility of the participating municipalities with regard to payment on debt service, based on their percentage of use of the capacity of the sewage treatment portion of the Authority's Sewage Disposal System. Manager Milam pointed out the fact that should payments from the municipalities be insufficient at the end of an eleven month period, they will be billed accordingly. However, should there be an over amount paid in, the municipalities will not be billed for the twelfth month. The second lengthy document presented was a "BOND RESOLUTION AUTHORIZING THE ISSUANCE OF AND SECURING NOT EXCEEDING \$ 4,000,000. HARRISONBURG-ROCKINGHAM REGIONAL SEWER AUTHORITY REVENUE BONDS, SERIES A (HARRISONBURG, BRIDGEWATER AND DAYTON GUARANTEED). Council was informed that this document is tied in with the contract and will be the controlling document. Set forth therein: definitions; form, execution, delivery and registration of bonds; form of coupon; financing, etc. Exact amount of the issue has not been established as yet but will be filled in, prior to sale date. The resolution provides that the interest rate not exceed 6%. A tentative payment schedule is based on a 25-year period for bond maturity and 5.75% interest rate, with annual payments averaging \$ 280,000. The Authority will, however, recommend a 30-year period in order to reduce payments for the first several years when income at the plan will be low. Manager Milam presented a "GUARANTY AGREEMENT" setting forth responsibility of Harrisonburg, Bridgewater & Dayton with regard to payment of bonds (with amount to be filled in prior to sale date) and agreement by the municipalities that in the event the amount in the Reserve Account on any interest payment is less than the Reserve Account requirement, they will pay from any available funds, and will levy ad valorem taxes if necessary. An ordinance requiring two readings was presented and read by the City Manager, for the Guaranty Agreement. He pointed out that Rockingham County will not underwrite the bonds since a state law prohibits counties from issuing bonds without approval through a county-wide referendum. In lieu of this procedure, the County agreed to pay its share of construction cost with cash contributions, (\$1.2 million). Following a review of the various documents by Manager Milam, Mayor Erickson said that sufficient time would be permitted between first readings tonight and second readings at Council's regular meeting on next Tuesday evening for members to review same further, if desired. He asked the wishes of Council concerning first readings on the Contract and Bond Resolution. Councilman Dingleline moved that the ordinance for the Contract Amending Contract be approved for a first reading, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council. Vice-Mayor Denton moved that an ordinance approving the Guaranty Agreement be approved for a first reading, which motion upon being seconded by Councilman Green, was adopted by a unanimous recorded vote of Council. Manager Milam then presented a resolution submitted by the bond attorneys authorizing the issuance of bonds and securing of same not to exceed \$4 million, as set forth in the Bond Resolution Document. On motion of Vice-Mayor Denton, seconded by Councilman Rhodes, and a unanimous vote of Council, the resolution was approved. Council was informed that after all participating municipalities (Harrisonburg, Bridgewater & Dayton) have approved the Contract and Bond Resolution, the bonds will be advertised and reviewed by the Circuit Court. Sale date has been tentatively scheduled for May 2nd, with final settlement anticipated for the early part of June.

There being no further business and on motion duly adopted, the meeting adjourned at 9:13 P.M.


CLERK


MAYOR

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Tuesday, April 12, 1977

At a combined public hearing and regular meeting 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 Raymond C. Dingle, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave.
Absent:- none.

Minutes of the regular meeting held on March 22 and special meeting of April 5 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 March, 1977.

From the City Treasurer:-

A trial balance report as of close of business on March 31, 1977.

From the Police Department:-

A report of total number of arrests, parking meter fines collected, cash collected from parking meters, total cash collected all sources, for month of March, 1977.

From the City Auditor:-

A financial report for the month of March, 1977.

A report of cash discounts saved in payment of vendors' invoices for month of March, 1977, totaling \$ 171.51.

(submitted also a special report of Revenue Sharing dated March 31, 1977)

From the Department of Utility Billing:

A report of water, sewer & refuse accounts, meters read, installations, cut delinquents, complaints, re-reads, etc. for month of March, 1977.

✓ A communication dated April 5th from Gary A. Judd, Certified Land Surveyor and Agent for H. Grant Preston, Jr., and Others, was presented and read by the City Manager. Council's consideration for a nine lot subdivision to be known as Section 6, Preston Heights, was asked. The lots will be located on both sides of Mountain View Drive and will extend from the southern side of Carlton St. to the northern side of Cantrell Avenue. A plat showing the design of the lots and street extension was attached. Manager Milam pointed out that this would create an intersection with the University Court Townhouse Development, and recommended that it be referred to the City Planning Commission for study and recommendation. Following a brief discussion, Councilman Dingleline moved that the recommendation be approved for referral to the Planning Commission, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council. Abstaining due to kinship: Councilman Green.

✓ Council was reminded by the City Manager that a recommendation from the Planning Commission approving the overall preliminary plan for Country Club Court, a 108 unit Townhouse Development to be located in the northwest corner of Interstate 81 - U.S.33 Interchange, had been presented at the March 8th meeting and approved at that time. He then presented the proposed final plan for Section 1 of the development as submitted by Mr. Bernard Bolt of Haymarket, Va. On motion of Councilman Green, seconded by Councilman Dingleline, and a unanimous vote of Council, the plan was referred to the Planning Commission for study and recommendation.

✓ Council received a petition signed by 13 residents of the Holiday Hills Subdivision requesting installation of curb and gutter on the southwest side of 7th Street from the intersection of Lee Avenue to the intersection of Rockingham Drive, including Park Circle. Some of the reasons cited were: rain producing large quantities of stagnant water in yards and basements, causing many foundations to crack; ground erosion and property damage. City Manager Milam explained that this area was platted and recorded in the 1962 annexation and because of this fact, the city will provide curb & gutter on these existing streets, although there is a waiting list. Following a brief discussion, Councilman Dingleline moved that the request be referred to the Street Superintendent for consideration in next year's budget, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Mr. Robert Lisle, Chairman of the newly formed Shenandoah Health Subarea Council, appeared before Council to clear up any problems which may be blocking appointment of a representative from the City of Harrisonburg to serve on the Council. He said that the Council is comprised of a representative from each jurisdiction from Planning District 6, and that its purpose will be to investigate present health facilities and to screen proposals for new facilities. A representative from each locality is necessary in order to ensure citizens' participation, and for input from the local level. Meetings of the Council are held monthly in Staunton, Va., with special meetings and public meetings to be called, as necessary for a review of proposals for new facilities, etc. When questioned concerning any restrictions or qualifications for a representative, Mr. Lisle replied none, other than they not be medical or health facility personnel. He pointed out that there is no obligation or request for funding from the localities. Following discussion, Mayor Erickson gave assurance that Council would give consideration to appointment of a representative from Harrisonburg.

✓ Mayor Erickson closed the regular session temporarily and called the public hearing to order. City Manager Milam read the public hearing notice as advertised in the Daily News Record newspaper, to consider the following rezoning requests:

- a. Rezone from R-2 Residential to R-3 Multiple Dwelling District, lots 1-6, Block G, Page 26 of City Block Map. These lots are located on the east side of Ott Street, between E. Bruce Street and a road into Woodbine Cemetery. Application is from Charlotte L. Heslep and Conrad, Litten, Sipe & Miller, contract purchaser of lots 4-6. Purpose: to convert the house at 120 Ott Street into law office.
- b. Rezone from R-2 Residential to R-1 Single Family District, lots 1-6, Block G, Page 26 of City Block Map. These lots are located on the east side of Ott Street between E. Bruce Street and a road into Woodbine Cemetery. Application is from W. Paul Liskey, Jr., Mrs. William H. Byrd, and Bernard H. Arey, owners of lots 1-3, Block G, Page 26 of City Block Map. Purpose: to preserve the lots for single family use.

Mr. Robert Sullivan, Jr., Planning Director, explained that there are two separate rezoning requests for the same group of lots and pointed out the area on a zoning map. He called attention to the Planning Commission's recommendation to Council presented at a previous meeting, which reads as follows:

"...The Commissioners reviewed a proposed site plan for law offices at 120 Ott Street. The plan showed future additions to the house on the north and east, and a parking lot for 31 vehicles north of the house. Existing and new landscaping was shown. A letter dated January 31, 1977 from City Attorney Norvell Lapsley was read, indicating that rezoning the former Thomas Estate from R-2 to R-1 is, from a legal point of view, almost identical to the Broad Street case of 1974. In that case, the Virginia case of *Fairfax County v Snell* was cited. Mr. Lapsley's letter concluded that 'a more restrictive zoning of the three lots now owned by Conrad, Litten, Sipe and Miller would...be contrary to the law as stated in *Fairfax County v. Snell*, and (which was) applied in the Broad Street case."

Chairman Kuykendall listed these options: (a) Leave all lots R-2; (b) Recommend rezoning all lots R-3; (c) Recommend rezoning lots 1-3 to R-1 and lots 4-6 to R-3.

Mr. Williams pointed out that a difficult decision is involved and difficult to

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make. He felt the neighbors do not want more apartment units and based on the size of lots 4, 5 & 6, twelve apartment units would be allowed. He pointed out that the law firm would be a quiet operation and would not create too much traffic. However, the property involved is not on a major artery and therefore additional traffic will be unwelcomed.

Mr. Gilkeson pointed out that real estate ads promoted 120 Ott Street as a 'Single Family Home' but the law firm bought it for professional office use based on information given by the Planning Office that the property was zoned R-3. This has since been ruled to be R-2.

Mr. Milan asked Mr. Liskey if he is unhappy with the R-2 zone. Mr. Liskey said he prefers R-2 over R-3. Mr. Liskey's attorney, Mr. Don Burch, stated that he has met several persons who are interested in buying 120 Ott Street for single family use.

Mr. Williams moved that the Planning Commission recommend to City Council that Lots, 1, 2 & 3 be rezoned from R-2 to R-1 and Lots 4, 5 & 6 be rezoned from R-2 to R-3. Mr. Milan seconded the motion. Those voting in favor: Mrs. Bowman, Messrs. Gilkeson, Kuykendall, Milan and Williams. Voting against: none; abstaining due to kinship: Dr. Shank..."

Mr. Sullivan presented the site plan for 120 Ott Street showing location and expansion of the house, parking area on north side, and landscaping. An alley on the south side of the house was not shown on the plan in that landscaping will be here to screen the southern boundary. He pointed out that R-3 zoning allows professional offices in addition to single family residences and apartments. Due to the large number of citizens present, Mayor Erickson said it would be well for each side to have a spokesman in order to avoid repetition, but noted that no one desiring to comment would be denied the privilege. Attorney Don Burch of Charlottesville, representing Mr. W. Paul Liskey, Jr., asked numerous questions of the Planning Director, some of which were irrelevant to the issue at hand. One such question posed was how the Planning Commission had decided on a split zoning for the area in question. Mr. Sullivan replied simply "compromise", stating further that the Commission, by law, can act on all or part of a rezoning request. Attorney Burch said that the landscaping would be placed on his client's driveway. Mr. Sullivan said he was under the assumption that it would be placed on the 120 Ott Street lot. Richard Sheehan of 294 Franklin Street read a petition stating reasons for property owners' desire that the entire 100 block of Ott Street be R-1 Single Family Residential, and asked that "spot zoning" be avoided. Mr. Kent Zimmerman, 236 Franklin St., said that Council should be aware of the opposition to the rezoning in this meeting, and consider the request on the same basis as that of Chicago Avenue rezoning which had been denied, and decision made in favor of the residents. Attorney Burch presented a petition signed by 104 residents and a letter from Mr. B.H. Arey who could not be present. Mr. Sam Fletcher said there are 20 small children within a 1/2 block radius of 120 Ott St. which points out that this is an R-1 neighborhood. Attorney Bruce Wallinger, representing Mrs. Charlotte Heslep, informed Council that his client had inherited the property and elected several months ago to sell. It was on the market as a residence for quite some time. The law firm then looked at the property to evaluate its location, etc. for their offices. The zoning map was checked and revealed R-3 which allows professional offices. Following this, the property was purchased by his clients and now belongs to them. A letter was written by Mr. Liskey's attorney stating that his client would seek an injunction against this use of the property, and the residents followed up with a request for the 6 lots to be rezoned R-1. The law firm then presented its request for the lots to be rezoned R-3 since the map was found to be in error. He offered an opinion that the offices would provide an ideal buffer between commercial use and the residential area which is already there. Mr. James Sipe, a member of the firm requesting the rezoning, stated that there is a need for expansion which is impossible at the present location on E. Market St. The property at 120 Ott St. suited their needs as to location in the proximity with downtown, and that the architectural structure of the house and landscaping were to their liking. He pointed out that for 14 years the lots were zoned R-2, and for the past 11 years have been R-3 since error was made on the City's zoning map. Mr. Sullivan explained that in 1966, several properties on E. Market St. owned by Mr. A.L. Garber were rezoned to R-3 in order to provide for construction of the Massanutten Mental Health Clinic, and at that time the Planning Commission had added the Woodbine Cemetery in as R-3 to avoid spot zoning. The six lots in question at this time were located on the border of the cemetery and colored in on the map along with the rest of the properties, although it was later discovered that they were not included in the advertisement for rezoning. Mr. Paul Liskey said that when it was discovered that a law firm desired to locate at 120 Ott St., next door to his residence, he felt something was wrong in that he had always been under the impression that the block was zoned R-1 Single Family Residential. An investigation revealed the map error. Following a lengthy discussion, Mayor Erickson expressed appreciation for the large delegation present, and closed the public hearing at 9:45 P.M.

The regular session reconvened.

Mayor Erickson suggested that the rezoning request be placed on the agenda for Council's next regular meeting in order to allow time for members to hear the tapes of tonight's public hearing. This met with Council's approval.

✓ The City Manager presented an ordinance amending Section 17-15.1 of the City Code with regard to licensing of antique automobiles, as redrawn by the City Attorney to make the following changes therein: remove words "by the commissioner" and increasing the one-time fee to \$ 10.00, as requested by Council when same was approved for a first reading. Following a brief discussion, Councilman Dingleline moved that the ordinance be approved for second and final reading with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book, which motion upon being seconded by Councilman Green, was adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K page 108).

✓ City Manager Milan reminded Council that a coupon system for transporting of school students by taxicab had been approved at the last regular meeting and presented an ordinance amending Sec. 28-8 of the City Code which included the following addition of words: "Not more than one passenger shall be transported at one time in any public vehicle, taxicab or for-hire car operated within the city-- EXCEPT WHEN PASSENGERS ARE BEING TRANSPORTED TO OR FROM A PUBLIC SCHOOL WITHIN THE CITY OF HARRISONBURG-- without the consent of the person first engaging the vehicle." Councilman Rhodes moved that the ordi-

nance be approved for a first reading, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council. City Attorney Lapsley informed Council that upon request of the Director of Transportation, he had drawn an ordinance amending Sec. 28-45 of the Code dealing with Taximeter Rates Generally, to provide for use of coupons. The heading of this ordinance section was changed to "Taxi Rates Generally" and the second paragraph amended by the following addition of words: "The rates to be charged and collected for service by taxicabs shall be determined--EITHER BY COUPONS PREPARED AND SOLD BY THE TRANSPORTATION DEPARTMENT OF THE CITY OF HARRISONBURG AND WHICH ARE TO BE PRESENTED ONLY FOR TAXI SERVICE IN CITY CABS, OR BY TAXI METER WHEN NO COUPON IS PRESENTED--regardless of destination within the corporate limits of the City." Following a brief discussion, Councilman Green moved that the ordinance be approved for a first reading, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous recorded vote of Council.

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 34,117.20 requested by the Street Superintendent in order to use funds in Recoveries & Rebates for installation of curb & gutter, storm drain & basing on E. Washington St., be approved for second and final reading, a first reading having been approved on March 22, and that:-

\$ 34,117.20 chgd.to: General Fund (1005) Recoveries & Rebates.

34,117.20 approp.to: General Fund (10110-77.00) Work in Progress- Washington St.

which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

✓ Councilman Green moved that a supplemental appropriation in amount of \$ 1,463.85 requested by the Assistant City Manager in order to transfer monies from Title II, TQ and Title VI Funds into proper accounts for months of November & December, 1976 and January, 1977, be approved for second and final reading, a first reading having been approved on March 22, and that:-

\$ 1,463.85 chgd.to: General Fund (1005) Recoveries & Rebates.

1,463.85 approp.to: General Fund (6015-112.50) Police Court- Wages-Title II,TQ-Title VI

which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

✓ Vice-Mayor Denton moved that a supplemental appropriation in amount of \$ 3,080.10 requested by the City Auditor in order to reimburse F.I.C.A. for wages paid CETA employees for months of November & December, 1976 and January, 1977 with monies received, be approved for second and final reading, a first reading having been approved on March 22, and that:-

\$ 3,080.10 chgd.to: General Fund (1005) Recoveries & Rebates.

3,080.10 approp.to: General Fund (4110-250.00) Social Security

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

✓ Councilman Dingleline moved that a supplemental appropriation in amount of \$ 3,825.44 requested by the Assistant City Manager in order to transfer Title II,TQ and Title VI funds for November & December, 1976 and January, 1977, into proper accounts, be approved for second and final reading, a first reading having been approved on March 22, and that:-

\$ 3,825.44 chgd.to: General Fund (1005) Recoveries & Rebates.

3,825.44 approp.to: General Fund (4040-12.50) Purchasing Agent- Wages- Title II,TQ and Title VI

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

✓ Vice-Mayor Denton moved that a supplemental appropriation in amount of \$ 4,305.50 requested by the Assistant City Manager in order to transfer Title II,TQ and Title VI funds into proper accounts for November & December, 1976 and January, 1977, be approved for second and final reading, a first reading having been approved on March 22, and that:-

\$ 4,305.50 chgd.to: General Fund (1005) Recoveries & Rebates.

1,795.14 approp.to: General Fund (9010-12.01) Police Dept.- Title II/Title VI- Wages-Traffic Control.

2,510.36 approp.to: General Fund (9010-12.50) Police Dept.- Title II,TQ/Title VI- Wages-Patrolman.

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

✓ Councilman Green moved that a supplemental appropriation in amount of \$ 5,171.16 requested by Assistant City Manager Driver in order to transfer Title II,TQ and Title VI funds into proper accounts for November & December, 1976 and January, 1977, be approved for second and final reading, a first reading having been approved on March 22, and that:-

\$ 5,171.16 chgd.to: General Fund (1005) Recoveries & Rebates.

5,171.16 approp.to: General Fund (9020-12.50) Fire Dept.- Title II,TQ-Title VI-Wages-Fireman

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

✓ Vice-Mayor Denton moved that a supplemental appropriation in amount of \$ 5,920.07 requested by the Assistant City Manager in order to transfer Title II,TQ and Title VI funds into proper accounts for November & December, 1976 and January, 1977, be approved for second and final reading, a first reading having been approved on March 22, and that:-

\$ 5,920.07 chgd.to: General Fund (1005) Recoveries & Rebates.

5,695.34 approp.to: General Fund (10110-12.01) St.Inspect.-Wages-Laborers-Title II/Title VI

132.41 approp.to: General Fund (10110-12.50) St.Inspect.-Wages-Laborers-Title II,TQ/Title VI

92.32 approp.to: General Fund (10110-12.51) St.Inspect.-Wages-Mech.- Title II,TQ/Title VI

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

✓ Vice-Mayor ^{Denton} ~~Dentil~~ moved that a supplemental appropriation in amount of \$ 14,430.83 requested by the Recreation Director in order to transfer Title II,TQ and Title VI funds received from the Virginia Employment Commission for months of November & December, 1976 and January, 1977, into proper accounts, be approved

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for second and final reading, a first reading having been approved on March 22, and that:-

\$ 14,430.83 chgd.to: General Fund (1005) Recoveries & Rebates.

1,127.50 approp.to: General Fund (11020-12.53) Recreation-Title II,TQ/VI- Wages-Clk.Typist.
 984.13 approp.to: General Fund (11020-12.55) Recreation-Title II,TQ/VI- Wages- Grnds.Maint.Man.
 5.03 approp.to: General Fund (11020-12.56) Recreation-Title II,TQ/VI- Wages-Tree Trimmer.
 623.75 approp.to: General Fund (11020-12.57) Recreation-Title II,TQ/VI- Wages- Concessioner.
 1,845.00 approp.to: General Fund (11020-12.05) Recreation-Title II/VI-Wages- Rec.Athl.Supvr.
 1,553.37 approp.to: General Fund (11020-12.50) Recreation-Title II,TQ/VI-Wages- Rec.Instructor.
 1,629.56 approp.to: General Fund (11020-12.51) Recreation-Title II,TQ/VI-Wages-Park Maint.Supt.
 1,214.97 approp.to: General Fund (11020-12.52) Recreation-Title II,TQ/VI-Wages- Janitor.
 1,828.97 approp.to: General Fund (11020-12.01) Recreation-Title II/VI- Wages- Rec.Supvr.
 1,472.95 approp.to: General Fund (11020-12.02) Recreation-Title II/VI- Wages- Athletic Instr.
 1,429.47 approp.to: General Fund (11020-12.03) Recreation-Title II/VI-Wages- Security Officer.
 716.13 approp.to: General Fund (11020-12.04) Recreation-Title II/VI- Wages- Maint.Man.

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

✓ A request was presented from Mrs. Marie Arrington, Director of the Social Services Department, for approval of a supplemental appropriation in amount of \$ 1,506.60 representing reimbursement to foster care for expenditures for children in foster care by funds received from Social Security and parents. Councilman Green moved that the appropriation be approved for a first reading, and that:-

\$ 1,506.60 chgd.to: VPA Fund (1005-2) Recoveries & Rebates.- Unanticipated Rev.- F.C.

1,506.60 approp.to: VPA Fund (05-8022-395.00) Bureau of Public Assistance- Foster Care.

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

✓ City Manager Milam presented a request from Assistant City Manager Driver for approval of a supplemental appropriation in amount of \$ 10,176. which is currently in the Account of Recoveries & Rebates, to be used for purchase of snow removal equipment. He explained that these funds were received in November of 1976 from the Anti-Recession Fiscal Assistance Program for quarters beginning July & October, 1976, as authorized by Title II of the Public Works Employment Act of 1976. He pointed out the fact that no funds are authorized for the City in the present quarter due to unemployment being below requirements. Manager Milam told Council that the funds must be appropriated within a 6-month period following receipt of same and must be appropriated in the same manner as Revenue Sharing, or for Capital Outlay Projects. Following a brief discussion, Vice-Mayor Denton moved that the appropriation be approved for a first reading, and that:-

\$ 10,176.00 chgd.to: General Fund (1005) Recoveries & Rebates.

10,176.00 approp.to: General Fund (10330-76.00) St.Cleaning- Capital Outlay- Mach. & Equip.

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

✓ A request was presented from the Assistant City Manager for approval of a transfer of funds in the amount of \$ 50,000. to be used for improvement of sidewalks in the downtown area. The funds requested represented a portion of the amount which had been earmarked for the pedestrian mall (covered walkway & purchase of Hoover property included). This amount had been offered for purchase of the property and was not accepted by the owners. Mr. Driver said that although no plan had been received for the downtown improvements, the engineering department and city staff had been working since November, with a proposal to come before Council prior to July 1st of this year. In the meantime, Mr. Driver set out the following procedure which will be followed in order to get the project underway: north side of E. Market St. at an approximate cost of \$ 12,402.; concrete the small alley in rear of the Masonic Lodge and plant shrubbery; sidewalks in Kavanaugh Hotel block; and then on Wolfe St. to N. Main St. The project would then proceed back to the south side of E. Market St. at an approximate cost of \$ 12,402. Mr. Driver reminded Council that the City ordinance provides for the property owner to pay 1/2 the cost for sidewalk construction and called attention to Sec. 26-41 (paragraph c) which states that in the absence of an agreement between the City and property owners, the Council may, by a 3/5 vote of all members, order the construction of sidewalks. It was felt that this would be the only way to proceed in the areas designated, rather than having all property owners involved, agree to pay 1/2 the cost. When sidewalks are repaired, replaced or constructed in a street project, the City assumes the entire cost of same. Mr. Driver explained that the areas mentioned for sidewalk improvement were chosen due to the fact that only small decisions would have to be made with regard to street lighting, traffic signals, width of street, shrubbery, etc. Mrs. Nancy Garber, president of the Harrisonburg Retail Merchants Association and associated with Garbers Jewelers, called Council's attention to a letter dated 3/17/77 which had been sent to Mr. Dick Kelly, Director of Downtown Development, setting forth a list of priority items approved by the Association as follows: (1) better lighting; (2) sidewalks in entire business area; (3) security; (4) paint up, fix up and beautification. She then handed out to all members of Council a supplement to that request, setting completion of street lighting as top priority, before spending funds elsewhere. Mr. Robert Bell, Manager of the A & N Store, offered an opinion that the City needs to concentrate on areas where lighting would do the most good, and serve shoppers as well as businesses. A suggestion of the possibility of later store hours was made, should street lighting be improved. Vice-Mayor Denton pointed out that Council is well aware of the pressing needs and that he felt the project should begin as outlined by the Assistant City Manager in that the staff is aware of power line locations, light poles, etc. on the various streets. Mr. Driver noted that in the area from Famous Restaurant to Glen's Fair Price Store, on N. Main St., the property line is approximately 5' from the curb facing with approximately 4' in front of the buildings which is privately owned. He said that these owners have agreed to pay the full cost for the sidewalk on their own footage. Following a lengthy discussion, Councilman Green moved that the transfer of funds be approved, and that:-

\$ 50,000. trans.from: General Fund (10110-77.12) St. Inspect.- Capital Outlay- Pedestrian Mall.

50,000. trans.to: General Fund (10110-77.14) St. Inspect.- Capital Outlay- Sidewalks, Central Business District.

which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous recorded vote of Council. Councilman Dingledine then moved that Council authorize a variance from the 50-50 policy for sidewalk construction in the downtown area, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

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Council agreed to defer appointments to various Boards & Commissions until a future meeting.

✓ Council was advised by the City Manager that Mr. Eddie Ney had made arrangements with Charlottesville for the City Council to visit there on Wednesday, April 27th for a walking tour of the pedestrian mall and parking structure. Available transportation would be arranged, with departure from the municipal building at 9:00 A.M. for those desiring to make the trip. A dutch treat would follow the tour.

City Manager Milam presented for second and final reading an ordinance for CONTRACT AMENDING CONTRACT FOR THE CONSTRUCTION AND OPERATION OF SEWAGE DISPOSAL SERVICE, AND PAYMENT OF THE COSTS THEREOF, AMONG THE HARRISONBURG-ROCKINGHAM REGIONAL SEWER AUTHORITY, THE CITY OF HARRISONBURG, THE COUNTY OF ROCKINGHAM AND THE TOWNS OF BRIDGEWATER, DAYTON AND MT.CRAWFORD," which ordinance had been approved for a first reading on April 5th. Following discussion, Councilman Dingledine moved that the ordinance be approved for second reading, which motion upon being seconded by Councilman Green, was adopted by a unanimous recorded vote of Council. Manager Milam then presented for second and final reading an "ORDINANCE APPROVING GUARANTY AGREEMENT PROVIDING FOR PAYMENTS TO THE HARRISONBURG-ROCKINGHAM REGIONAL SEWER AUTHORITY TO GUARANTEE NOT EXCEEDING \$ 4,000,000. HARRISONBURG-ROCKINGHAM REGIONAL SEWER AUTHORITY SEWER REVENUE BONDS, SERIES A (HARRISONBURG, BRIDGEWATER AND DAYTON GUARANTEED) AND AUTHORIZING THE EXECUTION OF SUCH GUARANTY AGREEMENT ON BEHALF OF THE CITY OF HARRISONBURG." Following discussion, Councilman Dingledine moved that the ordinance be approved for second and final reading, a first reading having been approved on April 5th, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council. Following this final action on the two ordinances which had been received, studied and acted upon at the special meeting on April 5th, the City Manager presented still another ordinance titled: "ORDINANCE PROVIDING FOR TERMINATION OF ORDINANCE PASSED ON JANUARY 28, 1975 GUARANTEEING CERTAIN OUTSTANDING BOND ANTICIPATION OBLIGATIONS OF THE HARRISONBURG-ROCKINGHAM REGIONAL SEWER AUTHORITY UPON PAYMENT OF SUCH OBLIGATIONS," and explained that only one copy of the ordinance had been submitted prior to this meeting. In lieu of the contract amending contract, the bond resolution and the guaranty agreement which had been acted upon by Council on April 5th and at this meeting, the ordinance would terminate the ordinances and guaranty agreement which had been approved in 1975 as to their effectiveness. In as much as this ordinance also requires two readings, Manager Milam said he would study the fine print in same prior to a final reading. Following a brief discussion, Vice-Mayor Denton moved that the ordinance be approved for a first reading, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council.

✓ On request of the City Manager, Council agreed to postpone action with regard to a proposed lease agreement between the City and WVPT for location of a Telecommunications Earth Station at the City's Landfill site, pending further information.

✓ Council was informed of a communication dated 3/4/77 from the Virginia Department of Highways asking recommendations from the City of Harrisonburg with regard to issuance of permits by the Department for movement of 14-foot wide manufactured housing upon city streets. The communication advised that the Highway Department had reviewed requests by the manufactured housing industry to transport the large vehicles upon the highways of Virginia and the Commission had granted approval for limited movement, which are presently being transported upon designated roadways. City Manager Milam advised Council that he would reply tomorrow, advising that permits could be issued for transporting of the vehicles, provided the recently approved truck route was followed, and further provided that the Police Department and Street Department be contacted prior to movement of same on any other streets in the City. The report was for information.

✓ City Manager Milam reminded Council that he had been directed to seek proposals from Wingate Appraisal Service, and others, for the City's 1978 Property Reassessment, and reported that he had mailed to three firms, requirements and other data pertaining to same, on March 9th. A proposal dated March 11 was received from the Firm of Wingate Appraisal Service quoting a cost of \$ 54,680. based on an estimated total of 5,468 parcels at \$10.00 per parcel, with work to begin by August 1, 1977 and completed by November 1, 1978. Information from the Commissioner of Revenue's Office has revealed a total of 5,318 parcels at the present time. As of noon today, a telegram was received from Automated Valuation Services, Inc., quoting a basic fee of \$ 59,460.; a charge of \$ 51,630.00 if the city provides all clerical assistance; \$ 44,460. if the city provides field assistance; and \$ 36,630. of city provides all clerical and a field assistant. Manager Milam said that following these two proposals, he had received a telephone call late this evening from Harold Wingate advising of an alternate proposal from Wingate Appraisal Service reducing their basic figure to \$ 49,500. provided the City would furnish clerical assistance as to a sketch of all properties, which would be verified by the firm. Mr. Victor Smith, Commissioner of Revenue, said providing the service requested would present no major problem. The City Manager recommended that the alternate proposal of Wingate Appraisal Service be accepted with the understanding that the Commissioner of Revenue would furnish the clerical assistance requested through property sketch. Following discussion, Councilman Rhodes moved that the recommendation of the City Manager be approved, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ A communication dated 4/8/77 from the Commissioner of Revenue was presented in which he stated that in accepting current applications for tax relief for the elderly, he had observed that several recipients of relief last year could not qualify this year in that Social Security payments were slightly increased last July, and noting that he was receiving applications which exceed the maximum combined income of \$ 6,000. as set forth in the present ordinance. In order to remedy the situation, Mr. Smith requested that two sections of the ordinance be amended as follows: Section 9-22.3 be amended by increasing the gross combined income from \$ 6,000. to \$ 7,500.; Section 9-22-5 to amend the schedule as follows: Combined gross income \$--- - \$3,000. exemption 80%; \$3,001. - \$4,500., 60%; \$4,501.-\$6,000., 40%; and \$6,001. - \$7,500., 20%. Mr. Smith was present in the meeting to further elaborate on the request and to state a desire that the changes, if approved, be made effective for the 1977 tax year. Following discussion, Councilman Dingledine moved that an ordinance amending the requested two sections be approved for a first reading and referred to the City Attorney to be drawn in proper form, which motion upon being seconded by Councilman Green, was adopted by a unanimous recorded vote of Council.

✓ The City Manager suggested that Council recommend continuing work on feasibility of the Solid Waste

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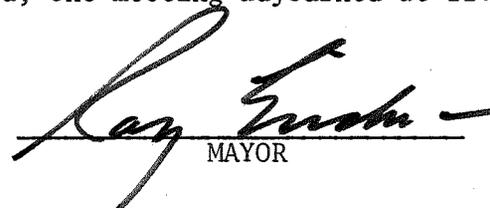
Energy Recovery System in conjunction with the County of Rockingham by appointing a committee of two persons, one representing the County and one representing the City. He suggested the possibility of Mr. Don Krueger, County Engineer, and Mr. John Driver, Assistant City Manager, to serve as the committee. Although interest has been expressed by some other firms with regard to the project, he offered an opinion that the firm of Deward M. Martin & Associates, Inc., should be contacted at this point of evaluation as to estimate of cost, etc., in that they had prepared a study in 1971 and a feasibility study in this current year. Following this step, the project could be advertised for bids, if so desired. The following suggested motion was stated by the City Manager: "to approve the Feasibility Study on Solid Waste made by Deward M. Martin & Associates, Inc. and name a committee of one from the City of Harrisonburg and one from Rockingham County to work out agreements to put a Solid Waste Plan into operation, with any expenses for professional help to be shared equally by the City and County." Following discussion, Councilman Rhodes moved that Council approve continuation of the Feasibility Study, with suggested names of Mr. Krueger and Mr. Driver to serve as the committee of two, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

✓ The City Manager reminded Council that he had been requested at a prior meeting to research the City's service charge, two pages of which are recorded in the office of Commissioner of Revenue. He advised that the total valuation placed on tax exempt properties was \$ 23,174,240.00, with a levy of \$ 92,696.00 for the current year. Mr. Smith reported that two separate funds finance the program: a state budgeted item, and from one other state agency. No new legislation was passed concerning the charge, this year. Further information is hoped to be in the Commissioner's hands by the next regular meeting of Council, for report.

✓ In view of Mr. O. M. Porterfield, Jr.,'s resignation from the Harrisonburg Electric Commission dated 3/29/77 due to his moving out of the City and into the County, Councilman Dingledine moved that the resignation be accepted with regrets, and that appreciation of Council be expressed for services rendered on that Commission, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

There being no further business and on motion duly adopted, the meeting adjourned at 12:10 A.M.


CLERK


MAYOR

At a combined public hearing and 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 Raymond C. Dingleline, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- none.

Minutes of the combined public hearing & regular meeting of April 12th were read, and approved as corrected.

✓ City Manager Milam presented a communication dated 4/7/77 from the Department of Housing & Urban Development acknowledging receipt of an application from the Harrisonburg Redevelopment & Housing Authority for housing assistance under the Section 8 Housing Program for 50 units for the elderly and persons of low income. It was noted that the governing body has an opportunity to object to their approval of the application if inconsistent with the local housing plan as approved by HUD for this jurisdiction and a reply to this effect was required no later than 30 days from receipt of this communication. If no objection, an immediate reply was requested. Manager Milam informed Council that an appropriate answer had been outlined stating no objection to the application, and that he would submit all proper information concerning same. The report was for information.

✓ A communication was presented from Mr. John C. Horsley, of Horsley & Constable, Inc., on behalf of J.W. Houck, Katherine K. Houck and Norman T. Kreider, requesting rezoning of lots 21-26 of the J. T. Houck Addition, from R-3 to B-2, as an extension to business zoning. The lots were pointed out on a map as off E. Market St. on Hawkins St. near intersection of old 33 and Country Club Rd. The Planning Director noted the location as rear of Miles Music Company and informed Council that the street is open. Following a brief discussion, Vice-Mayor Denton moved that the request be referred to the Planning Commission for study and recommendation, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Mayor Erickson reminded Council of a public hearing held on April 12th in regard to two separate rezoning requests for the same group of lots on Ott St., namely: A request of Mrs. Charlotte Heslep & Conrad, Litten, Sipe & Miller, for rezoning from R-2 Residential to R-3 Multiple Dwelling District, for the purpose of converting the house at 120 Ott Street into law offices; and a request from W. Paul Liskey, Jr., Mrs. William H. Byrd and Bernard H. Arey for the lots to be rezoned from R-2 to R-1 Single Family residential, to preserve the lots for single family use. He asked members' wishes concerning the first request for R-3 zoning. Councilman Dingleline said he was sure that all members had been giving consideration to both requests, and pointed out the following which he had thought about: (1) based on very competent legal advice from the City Attorney, we cannot rezone the lots 1-3 from R-2 to R-3 in that more restrictive zoning cannot be placed on the lots without the owners consent; (2) we have had strong expressions from residents of the area in opposition to rezoning for R-3. It has been pretty much the policy to respect the validity of zoning where there is opposition to change and unless there is an overriding of public interest in making the change. He offered an opinion that the best thing to do would be to deny both requests and leave the zoning as R-2 in order to avoid splitting the block. Vice-Mayor Denton moved that the request for rezoning from R-2 to R-3 be denied and the motion was seconded by Councilman Dingleline. Vice-Mayor Denton reminded Council and those present that at

the public hearing on April 12th, it was said that two mistakes had been made: (1) changing the zoning from R-1 Single Family Residential to R-2 Residential. In his opinion this was not a mistake, but more of a judgement call. He noted that some people are glad the zoning is R-2; (2) the mistake of coloring the zoning map. Mr. Denton said this was a clerical error and a mistake, but could see no reason for still another mistake to be made. Having been a member of the Planning Commission when zoning R-3 was conceived, Mr. Denton pointed out that this was done in order to relieve situations where sub-standard housing existed on a city street, and called attention to only one house on Ott Street which is not in good repair, but is being fixed up. With regard to spot zoning which was mentioned many times during the public hearing, Mr. Denton quoted the following definition: "zoning of land for the convenience of property owner without reference to a general plan or pattern of development." He said he did not feel the pattern of development is such on Ott St. for R-3 zoning at this time. By a unanimous recorded vote, the motion denying R-3 zoning for lots 1-6 was adopted. Councilman Green then moved that Council deny the second request for rezoning of the lots from R-2 to R-1 as per request of residents, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous recorded vote of Council.

✓ Mayor Erickson closed the regular session temporarily and called the public hearing to order. City Manager Milam read the following notice of hearing as advertised in the Daily News Record newspaper:-

"The Harrisonburg City Council will hold a public hearing on Tuesday, April 26, 1977, at 7:30 P.M. in the City Council Chamber, Municipal Building, 345 S. Main St., to consider the following rezoning request.

To change from R-2 Residential to M-1 Industrial, approximately one acre involving the rear portions of Lots 28-31, Block R, Page 35 of City Block Map. These lots are located on the north side of W. Market St., between Academy St. and Brook Avenue. Purpose: to expand employee parking lot at IMCO Container Co. IMCO is owner of the lots and is applying for the rezoning.

The Harrisonburg Land Use Plan will be reviewed in consideration of this request. All persons interested will have an opportunity to express their views at this public hearing. Details concerning this rezoning request are available in the City Planning Office, Municipal Building."

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Planning Director Sullivan pointed out the area on a site plan showing 113 parking spaces at the present time. He explained that the request is to rezone the back portions of back yards of four properties facing W. Market St. and to relocate the fence line which is now approximately in the center of the yards. A 5' area for screen planting between the parking area and residences would be provided, with 32 new parking spaces to be made available now and another 28 spaces at a later date. He reminded Council that a recommendation from the Planning Commission presented at the March 22nd meeting was for approval of the rezoning request for lots 28-31 from R-2 to M-1, with all commission members voting in favor. The recommendation had been made for the city as well as for future growth of the plant. Mr. Sullivan noted that the present condition, revealed by investigation, indicated 25-30 automobiles parking on W. Wolfe St. & Brook Avenue in the middle of the afternoon. A further note by Mr. Sullivan was that the site plan shows no additional entrances or exits at the plant. Mr. Charles Howard, plant manager, introduced Mr. James Caldwell, chief engineer, and Mr. Bobby Rice of the maintenance department, also present in the meeting. He said there has been a parking problem since 1974, particularly at the 3:00 P.M. shift change. Mr. Tim Vicnair of 296 W. Market St. asked for certain guarantees from IMCO, in that the rezoning will certainly deteriorate residential properties. The guarantees cited were: (1) blacktopping of the parking area; (2) a 7 year stat from further rezoning for W. Market St.; and (3) fencing & shrubbery to protect privacy of residents. He requested that these be placed in writing by the City Council. Mayor Erickson said that Council could make a decision at this time on the rezoning request of IMCO but could not place a time period on further rezoning. He noted further that the requests for blacktopping and fencing would be up to IMCO, if rezoned. Mr. Howard said there were no plans to blacktop the area until usage is determined, but that the fence and shrubbery would be taken care of. Mr. Sullivan said that the City's Zoning Ordinance calls for a site plan, and that if the area is rezoned, it is hoped the Plan will be followed. There being no others desiring to be heard, the hearing was closed at 8:25 P.M.

✓ Mayor Erickson asked Council's wishes re the rezoning request of IMCO Container Company. Councilman Rhodes moved that lots 2-831 be rezoned from R-2 Residential to M-1 Industrial as recommended by the Planning Commission, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ The Mayor called the second public hearing scheduled for this evening, to order, and City Manager Milam read the following notice as advertised in the Daily News Record newspaper:

"The City of Harrisonburg is preparing to submit a final application for \$ 500,000.00 in Community Development Block Grant funds to supplement those received last year to rehabilitate the Kavanaugh Hotel for use as elderly housing. Notification of HUD approval of the pre-application for the grant was received on February 22, 1977. Community Development funds are available for projects which contribute to development of viable urban communities, through improvement of the housing stock or living environment, or expansion of economic opportunities, principally for persons of low and moderate income.

The hearing will be held in the City Council Chambers, 345 S. Main Street, Harrisonburg, and will include discussion of the City's Housing Assistance Plan to be submitted as part of the application, and labor, equal opportunity, and other requirements governing activities carried out with such funds. City residents are encouraged to attend and express their views on use of Community Development funds."

City Manager Milam explained that this is the fourth public hearing which has been held concerning funding for the Kavanaugh Hotel Rehabilitation Project. The first application was for \$ 525,000. with two hearings held a year ago and this year the City is applying for \$ 500,000. A hearing was held by Mr. Dick Kelly, Director of Downtown Development, prior to the application as required by HUD. Mr. Kelly presented various charts and figures taken from the 1970 census with regard to presently occupied and vacant housing in the city, which revealed a total of 5,617 living units. Statistics show the need for an additional 1,135 households, and points out a tremendous need for new living units. Goals cited by

the Director were for the current year, and over a three year period, as follows: Current year: a total of 130 units- (60 anticipated for Kavanaugh Hotel, with exact number to be determined pending filing for a public housing grant which is based on the number of units; present 50 units under the Section 8 Housing Assistance Program; and 20 newly constructed units financed by Farmers Home Administration). Over a three year period: (an additional 100 units of new construction under Section 8 and 20 more Farmers Home units), an overall total of 250. He pointed out the fact that the Goal is set in line with percentage of the City's need for housing units. Mr. Sullivan, Planning Director, elaborated on areas which are available for housing and which could meet the needs of Harrisonburg. City Manager Milam informed Council that he had completed the total application with a letter dated 3/31/77 submitted, along with the complete application for funds. Mayor Erickson suggested that copies of statistics presented by Mr. Kelly be made available for members of Council. Councilman Rhodes asked if approval of the application means that "we are locked in for rehabilitating the hotel, and funds could not be used for new construction." Manager Milam said this is the second application which has been filed for funding, specifying rehabilitation of the hotel and that funds were received on that theory, and for that purpose. Should the City decide not to carry through with the project, an amendment should be sought thru the Department of Housing & Urban Development for use of the funds for new construction. Following presentation of a report by the architect noting feasibility, it was more or less decided to proceed with rehabilitation by purchase of the property. Mayor Erickson said that his understanding of comments in a communication received from Mr. Allen Siff or his associates, was the fact that any deviation from the application would possibly require an entire change in the picture, and the possibility of getting funds for new construction vs rehabilitation of old property, did not sound very likely. He reminded members and those present in the hearing that applications through the R & H Authority for new construction had been turned down on several occasions.

The public hearing was declared closed at 8:52 P.M. and the regular session reconvened.

✓ In as much as a question had been raised in the public hearing concerning the Kavanaugh Project vs new construction, the City Manager requested some line of direction. Councilman Rhodes said he had no objection to the project "if this is the way we have to go", but would rather see the funds used for new construction." It was agreed, generally, that it is comes to the point that the project does not develop as foreseen when the property was purchased, and does not prove feasible from a financial standpoint, another look should be taken of the situation. It was understood that should the project not prove feasible, and a new direction be taken, the City could very well lose the grants. Following discussion, Councilman Rhodes moved to proceed with the final application, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ Council's attention was called to the fact that the present terms of all members serving on the Advisory Board of Valley Program for Aging Services will expire on May 1, 1977, having been appointed by Council for one year terms, and that Dr. Daniel Hall, a member of that Board has moved from the City. Councilman Dingleline moved that the remaining fourteen members of the Advisory Board be reappointed for a one year term to expire on May 1, 1978, namely:- Hazel MacNeil; Dr. Raymond C. Dingleline, Jr.; Lakey S. Logan; Samuel Shrum; Wilhelmina H. Johnson; Capt. Charles White; Henrietta Huffman; Robert J. Sullivan, Jr.; Pauline Riddle; Dr. Howard C. Cobbs; Dr. Dorothy Rowe; C. W. Kestner; Rhoda Liskey; Jay Dee Showalter. Vice-Mayor Denton seconded the motion which was then adopted by a unanimous vote of Council.

✓ Council was reminded that Mr. J. Nelson Liskey's term on the Industrial Development Authority had expired on April 24, 1977, and the Mayor asked members' wishes concerning an appointment. Councilman Dingleline moved that Mr. Liskey be reappointed to the Authority for a term of four (4) years, expiring on April 24, 1981, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

✓ Mayor Erickson informed members that Messrs. T. Harry Lowery, Richard L. Suter, and John H. Byrd, Sr., present members of the City's Reassessment Board, had been contacted concerning the City's 1978 Reassessment, and all consented to serve as the Board, if so desired. On motion of Councilman Green, seconded by Councilman Dingleline, and a unanimous vote of Council, the City Attorney was directed to recommend the three names to the Circuit Court Judge for reappointment as a Reassessment Board.

Various other appointments were deferred until a later date.

✓ As requested by Council, the City Manager presented a group of Certificates of Appreciation which had been prepared for persons who had served on various Boards & Commissions for the City of Harrisonburg, but no longer serve due to expiration of terms or resignations. The names were submitted by the City Clerk from records in City minutes from 1975 through present time. The certificates will be mailed from the office of City Manager.

✓ Vice-Mayor Denton moved that a supplemental appropriation in amount of \$ 1,506.60 requested by the Director of Social Services, representing reimbursement to foster care for expenditures for children in foster care received from Social Security and parents, be approved for second and final reading, a first reading having been approved on April 12th, and that:-

- \$ 1,506.60 chgd.to: VPA Fund (1005-2) Recoveries & Rebates- Unanticipated Rev.- F.Care.
- 1,506.60 approp.to: VPA Fund (05-8022-395.00) Bureau of Public Assistance- F.C.

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

✓ Councilman Dingleline moved that a supplemental appropriation in amount of \$ 10,176.00 requested by the Assistant City Manager in order to use funds received in November, 1976 from the Anti-Recession Fiscal Assistance Program for quarters beginning July & October, 1976, for purchase of snow removal equipment, be approved for second and final reading, a first reading having been approved on April 12th, and that:-

- \$ 10,176. chgd.to: General Fund (1005) Recoveries & Rebates.
- 10,176. approp.to: General Fund (10330-76.00) St.Cleaning- Capital Outlay- Mach. & Equip.

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

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A request was presented from the City School Board Office for approval of a transfer of funds in amount of \$ 28,800. from within school appropriations in order to transfer unneeded appropriations to other accounts to cover unanticipated expenditures. Following a brief discussion, Vice-Mayor Denton moved that the transfer be approved, and that:-

\$ 6,900. trans.from: School Fund (2-1201-134.11) Day Sch.Instr.-Comp.Elem.Teachers.
 6,000. trans.from: School Fund (2-1201-236.01) Other Inst.Costs- In Service Trngs.
 2,300. trans.from: School Fund (2-1201-299.00) Other Inst.Costs- Other Inst.Costs.
 7,600. trans.from: School Fund (2-1201-305.00) Other Inst.Costs- Inst.Supplies.
 300. trans.from: School Fund (2-1203-219.02) Pupil Trans.- Trans.by Public Carrier.
 1,600. trans.from: School Fund (2-1206-295.00) Employer Contr.to Fringe Benefits- Adult Educ.
 3,700. trans.from: School Fund (2-1208-134.01) Comp.- Instr.Personnel- Adult Education.
 150. trans.from: School Fund (2-1208-220.00) Travel Exp.- Adult Education.
 250. trans.from: School Fund (2-1208-299.00) Adult Educ- Other Exp.
 2,000. trans.to: School Fund (2-1200-218.00) Admin., Telephone, Telegraph, postage.
 1,700. trans.to: School Fund (2-1202-220.00) Admin- Travel- Adm. Personnel.
 846. trans.to: School Fund (2-1202-111.03) Atten. & Health Serv.- Comp.School Psychologists.
 154. trans.to: School Fund (2-1202-316.00) Attend. & Health Serv.- Medical & Dental Supp.
 16,500. trans.to: School Fund (2-1205-207.00) Oper. School Plant- Electricity.
 1,900. trans.to: School Fund (2-1205-311.00) Oper. School Plant - Fuel.
 5,700. trans.to: School Fund (2-1900-403.00) Capital Outlay- Equipment.

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

Council was informed by the City Manager that the 1977-78 budget is being printed and copies would be received by members by April 30th, or 60 days before the end of the current fiscal year, as required. He noted that the budget has been balanced in a total amount of \$ 13,935,000. representing a 9.8% increase over the current year. The budget message will be presented at Council's public hearing which will be held the second meeting in May. The report was for information.

Vice-Mayor Denton moved that an ordinance amending Chapter 9, Sections 9-22.3 and 9-22.5 increasing the gross combined income for the elderly not to exceed \$ 7,500. for tax exemption purposes, be approved for second and final reading, a first reading having been approved on April 12th, 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 Councilman Rhodes, was adopted by a unanimous recorded vote of Council. (Refer to Ord. Book K, page 109).

Vice-Mayor Denton moved that an ordinance amending Section 28-8 of the City Code titled: "Transportation of more than one passenger; non-paying passengers," providing for group transportation of school students by the recently adopted coupon system, be approved for second and final reading, a first reading having been approved for a first reading on April 12th, 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 Councilman Rhodes, was adopted by a unanimous recorded vote of Council. (Refer to Ord. Book K, page 110).

Councilman Rhodes moved that an ordinance amending Section 28-45 of the City Code titled "Taxi Rates Generally," to provide for use of coupons by students being transported to and from city schools, be approved for second and final reading, a first reading having been approved on April 12th, 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 Councilman Green, was adopted by a unanimous recorded vote of Council. (Refer to Ord. Book K, page 111).

City Manager Milam presented and read the following recommendation submitted by the City Planning Commission from a meeting held on April 20, 1977:-

"...The Final Plan for Preston Heights Subdivision, Section 6, was presented and related to the developed portions of Preston Heights. The staff's subdivision review sheet was referred to, noting specifically that Mountain View Drive will be extended southward to Cantrell Avenue; because of topographic conditions, the 14% grade from Andergren Drive to Cantrell has resulted in curving the street. Also, the proposed intersection of Mountain View Drive and Cantrell will provide better sight distance and avoid a high bank which was created when Cantrell Avenue was built. The proposed entrance to University Court Townhouses will be opposite the intersection. Water and Sewer lines will be located in Mountain View Drive and within a 10' easement along the Cantrell Avenue boundary of lots 5 & 11. Curb and gutter will be installed by the developer on Mountain View Drive and Cantrell Avenue.

Mr. Williams offered a motion recommending Planning Commission approval of the Final Plan for Section 6, Preston Heights Subdivision. Dr. Shank seconded the motion and all members present voted in favor..."

Mr. Sullivan, Planning Director, informed Council that a preliminary plan for Section 6 had been referred to the Planning Commission in July 1976 showing 10 lots, with design changed following that time, for a 9-lot subdivision. Since a recommendation was not submitted by the Commission to Council concerning the preliminary plan, it has been carried on Council's calendar since July of last year. Following a brief discussion, Councilman Dingleline moved that the recommendation of the Planning Commission be approved, which motion upon being seconded by Councilman Rhodes, was adopted by a majority vote of Council. Abstaining due to kinship: Councilman Green.

Council was reminded by the City Manager that one ordinance submitted by the bond attorneys remains to be approved for second and final reading, namely: "Ordinance Providing for Termination of Ordinance Passed on January 28, 1975 Guaranteeing Certain Outstanding Bond Anticipation Obligations of the Harrisonburg-Rockingham Regional Sewer Authority Upon Payment of Such Obligations." He explained that the 1975 ordinance guaranteed payment of \$ 3.3 million and made reference to a 1972 ordinance which guaranteed \$3 million. A new ordinance adopted at the last regular meeting of Council sets forth a guarantee authorizing borrowing up to \$4 million. Following discussion, Councilman Dingleline moved that the ordinance be approved for second and final reading, which motion upon being seconded by

Councilman Green, was adopted by a unanimous recorded vote of Council.

✓ For information, the City Manager told Council that the Authority is in the process of putting together a package of pertinent information concerning the Sewer Authority Revenue Bonds for potential purchasers as a tentative sale of bonds in approximate amount of \$ 4,650,000. He expressed appreciation to the City Auditor and Commissioner of Revenue for information supplied from those offices in corporation of the document. Last Wednesday, he, along with the Authority Chairman, Attorney and a representative of Craigie went to New York and appeared before Standard & Poor, Bond Attorneys, who questioned all information submitted, and also met with Moodys (Rating Company) for the purpose of having the bonds rated. Following these meetings, additional information was requested from the City, which was compiled and mailed last Thursday. Harrisonburg currently has a rating of A-1 with both the firms and it is hoped the bonds rating will be at least equivalent to the City's. A hearing will be held at 10:00 A.M. next Monday morning by the Circuit Court, at which time it is hoped the preliminary process will be approved.

✓ A memorandum dated April 20, 1977 from the City Attorney was presented in which he recommended that Council declare that street vendors, for a 3-day period of the poultry festival, May 16, 17, 18. (Monday thru Wednesday) shall obtain license from the festival officials, with funds obtained from the sale of such licenses to be retained by the festival. Vice-Mayor Denton moved that the recommendation of the City Attorney be approved, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

✓ The City Manager presented and read a communication from IMCO Container Company dated 4/18/77 requesting that a portion of a 12' dedicated public alley situated north of W. Market St. and east of Brook Avenue, be closed. A map was attached showing portions of the alley requested for closing. Council was reminded that the alley lies within the area which was approved for M-1 zoning earlier in this meeting, to permit additional parking area for IMCO. Following a brief discussion, Councilman Dingleline moved that the request be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ For information, the City Manager reminded Council that in the early 1960s under the Redevelopment Project (phase I and II) there were certain covenants between Council and the Redevelopment & Housing Authority, and that Messrs. Hinck, Halquist and Mrs. Lamb are owners of the H & H Partnership. He said that he had been contacted by Mr. Halquist concerning some of their property on Mason Street and that he had indicated to him that if a plat is submitted for resubdivision of a 200' x 200' lot adjacent to Hose Co. No. 4 building, Council would look favorably upon same. The lot was originally one large tract of ground on which the City needed a variance to pull out a cutoff and subdivide a piece of same for the fire company building. The owners now have a prospect who anticipates construction of a \$ 400,000. to \$ 500,000. food service establishment provided the resubdivision is approved. The plat, when submitted, will have to be run through proper channels, with regard to the covenants, etc.

✓ Councilman Dingleline told Council of a call which he had received, expressing concern about the double charge on consumers (sewer charge and charge for Sewer Authority), and offering an opinion that there is a need for further explanation to the general public concerning the situation. The City Manager noted that no sewage had been treated at the City's sewer plant since November of 1976, but that under state order, the City is required to maintain the plant until June 30th. At the present time the plant is being cleaned up, as a standby, if needed. He offered an opinion that it was better bookkeeping to handle the two separate charges at the present time, rather than eliminate one and increase that to the Authority, noting that it would be difficult to set a rate at this time in that the rate of 54¢ per thousand gallons may have to be adjusted when revenues and expenditures are determined. The matter will be reviewed more at length when all the facts are in.

For information, Assistant City Manager Driver reported that bids were in on the Cantrell Avenue Project (Mason to Paul Sts.), with the firm of A.N. Johnson being low in amount of \$ 329,000.00.

There being no further business and on motion duly adopted, the meeting adjourned at 10:17 P.M.

N. Andrew Lober
CLERK

Ray E. Fisher
MAYOR

Tuesday, May 10, 1977

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 Raymond C. Dingleline, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- none.

Minutes of the combined public hearing and regular meeting held on April 26th were read, and approved as corrected.

The following regular monthly reports were presented and ordered filed:

From the City Manager:-

A report of activities in the various departments and said office for the month of April, 1977.

From the City Treasurer:-

A Trial Balance report as of close of business on April 29, 1977.

From the Police Department:-

A report of total number of arrests, parking meter fines collected, cash collected from parking meters, total cash collected all sources, for month of April, 1977.

From the City Auditor:-

A financial report for the City of Harrisonburg, Va. for month of April, 1977.

A report of cash discounts saved in payment of vendors' invoices for month of April, 1977.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts, meters read, installations, cut delinquents, complaints, re-reads, etc. for month of April, 1977.

✓ A communication dated 5/3/77 from Mr. W. D. Grow, Manager of Leggett Department Store, was presented and read by the City Manager, in which request was made for permission from the City to sell merchandise at their warehouse, 126 Water Street on May 19, 20, 21 and 23, and to serve coffee and cake on sidewalk in front of their store from 8:30-10:00 A.M., on Thursday, May 19. Manager Milam reminded Council that it is customary to grant permission for use of sidewalks for sales and other purposed by business establishments. Councilman Green moved that the requests of Leggett Store be granted, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ City Manager Milam presented and read a communication received from Mr. George E. Rion, president of the Harrisonburg Rescue Squad, Inc., enclosing a form of resolution passed by the Virginia General Assembly under Section 65.1-4.1 of the Code of Virginia whereby rescue squad members are deemed employees of their local jurisdiction and eligible for Workmen's Compensation benefits, provided they are recognized as employees by the City for the purpose of the Workmen's Compensation Act. It was requested that members of the Squad be so recognized. Mayor Erickson noted that a lot of study is going on at the present time concerning this and that it does apply to volunteer personnel. Meetings are being held at which the impact of this action will be determined. Councilman Green raised a question as to how this could be done, in that Workmen's Compensation benefits are set up on a table, based on rate of pay. City Attorney Lapsley said this would have to be looked into. The City Manager related to Council that in 1967 the two fire companies had asked the City to pay its volunteer blanket accident policy with C. G. Price Insurance Agency, which has been done annually since that time out of the regular budget. Last year, the premiums for Fire Company #1 amounted to \$ 1,454.21 and #4, \$ 1,293.55. In addition to other coverage, this policy provides an additional \$ 10,000. for accidental death, with a disability clause, and allows a weekly benefit of \$ 100. as well as medical expenses up to \$ 5,000. Although the fire companies are the policy holders, premiums are paid by the City. Following discussion, Mayor Erickson suggested that the City Manager and City Attorney review both the proposed resolution and accident policy to avoid any duplication, and report back to Council with a recommendation in the very near future. The suggestion met with Council's approval.

✓ For Council's information, the City Manager presented and read a communication dated April 26, 1977 from Mr. Charles H. Tribble, Auditor of Public Accounts, Richmond, Va., to Governor Mills E. Godwin, Jr., concerning accounts and records which had been examined in the office of City Treasurer M.A. Firebaugh. Report was made that proper accounting had been made for all funds of record for fiscal year ending June 30, 1976 and all records were prepared in an excellent manner. Further reported that Treasurer Firebaugh was under bond at 6/30/76 in amount of \$ 70,000. with the Glen Falls Insurance Company as surety. A statement to the Commonwealth revealed collections during the fiscal year as \$ 426,209.20.

✓ A communication dated 4/29/77 from Mr. Robert Sterrett, Executive Vice-President of the Harrisonburg-Rockingham Chamber of Commerce, was read, expressing on behalf of the Board of Directors admiration and appreciation to the City of Harrisonburg for the 231 employees of the City who had completed the Virginia Division of Motor Vehicles' Driver Improvement Clinic, and commending Sgt. Leon Byrd of the Harrisonburg Police Department, for hours devoted to teaching the course. Appreciation was expressed for cooperation of the City's Safety Committee in processing necessary paper work.

✓ The City Manager presented a resubdivision request from Mr. Perry H. Baugher, owner and builder of lots 4, 5, 6 & 7 in Hillandale Subdivision, Section 1, Block A, for the purpose of constructing thirteen for sale townhouse units: 3 lots with 3 units and 1 lot with 4 units. The lots are located on the corner of Hillandale Ave. and S. High St. He reminded Council that several years ago Mr. Mathias had been denied rezoning for business. Following a brief discussion, Councilman Dingledine moved that the request be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ Dr. Barbara Kenney, Director of the Rockingham-Harrisonburg Health Department, appeared before Council with a report of services rendered in the City by the Sanatarian in 1976 as to inspections at food establishments, nursing homes, barber shops, etc., noting that correction of conditions found to be detrimental to health are usually made within 24 hours from detection of same. A lengthy written report titled "Know Your Health Department" was presented to each member, representing an overview of the large variety of services a Sanatarian is trained to provide. The Mayor expressed appreciation of Council for the report.

✓ A communication dated 5/6/77 from Mr. George E. Wylie, General Manager of Warner Cable of Harrisonburg, was presented and read by the City Manager. A request was made for approval of an ordinance amending paragraph f, Section 34 of the Community Antenna Television Franchise Ordinance, increasing the monthly rate of consumers to \$ 6.75 per month (25¢ increase); initial tap in & connection charge, to \$ 10.00; reconnection, moving or installation of second outlet to \$ 8.00; and FM outlet installation charge to \$ 15.00. Mr. Wylie, present in the meeting, said the company is happy to participate in the underground placement of all utilities and TV cable lines in the S. Main St. project, but that the estimated cost of \$ 59,000. is not budgeted, leaving them with no other means of recouping their cost. With the requested increase, it will take a period of 3 years to recover the unexpected cost. He explained that the greatest expense would be incurred in the section of the project from Grattan Street to Port Road where they would work with the Harrisonburg Electric Commission and place cables underground on both sides of the street in order to serve customers from this main line into the City. Cost of concrete @ \$ 6.28 per foot will be shared with HEC and Warner's share of the project will be based on the total cost and number of conduits. Following discussion, Vice-Mayor Denton moved that the ordinance be approved for first reading, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council.

✓ Correspondence dated 5/5/77 from Mr. David Rundgren, Executive Director, Central Shenandoah Planning District Commission was presented and read by the City Manager, advising that the present term of Mr. E. Warren Denton, Jr. would expire as of June 30th this year, with one additional year remaining for him to serve on the Executive Committee. A request was made that Mr. Denton be reappointed for a three (3) year term, or some other elected official. Councilman Green moved that Vice-Mayor Denton be reappointed to the Commission for a term of 3 years, expiring June 30, 1980, which motion upon being seconded by Councilman Dingledine, was adopted by a majority vote of Council. Vice-Mayor Denton abstaining.

Council agreed that appointments to various other Boards & Commissions be deferred.

✓ A request was presented from the School Board Office for approval of a supplemental appropriation in amount of \$ 21,856.49 to appropriate receipts from Comprehensive Employment & Training Act (CETA) for quarter ended March 31, 1977. Following a brief discussion, Councilman Green moved that the appropriation be approved for a first reading, and that:-

\$ 21,856.49 chgd.to: School Fund (R-28A) Realized Revenue - Other Fed. Programs, CETA.
 3,616.18 approp.to: School Fund (1201-109.50) Other Inst. Costs- Comp. Teacher Aides- CETA.
 1,755.78 approp.to: School Fund (1201-109.51) Other Inst. Costs- Comp. Clerical- CETA.
 16,484.53 approp.to: School Fund (1201-134.50) Day Sch. Inst.- Comp. Elem. Teachers- CETA.

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

✓ The City Manager presented a request from the School Board Office for approval of a supplemental appropriation in amount of \$ 3,000. in order to appropriate anticipated receipts from parents or insurance company due to vandalism loss at Thomas Harrison Jr. High School on April 16, 1977. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:-

\$ 3,000. chgd.to: School Fund (R-37) Receipts from Other Funds - Rebates (anticipated)
 3,000. approp.to: School Fund (1205-215.01) Maint. School Plant- Repairs & Replc. Equip.

which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

✓ Council received a request from the Director of Parks & Recreation for approval of a supplemental appropriation in amount of \$ 10,479.36 in order to transfer Title VI funds received from the Virginia Employment Commission for months of February and March, 1977, in to proper accounts. Following a brief discussion, Vice-Mayor Denton moved that the appropriation be approved for a first reading, and that:-

\$ 10,479.36 chgd.to: General Fund (1005) Recoveries & Rebates.
 1,214.10 approp.to: General Fund (11020-12.01) Recreation-Wages-Rec.Supvr.-Title VI
 982.58 approp.to: General Fund (11020-12.02) Recreation-Wages-Athl.Instr.-Title VI
 964.00 approp.to: General Fund (11020-12.03) Recreation-Wages-Sec.Officer- Title VI
 417.50 approp.to: General Fund (11020-12.04) Recreation-Wages- Maint.Man- Title VI
 1,230.00 approp.to: General Fund (11020-12.05) Recreation-Wages-Rec/Athl.Super.-Title VI
 1,030.50 approp.to: General Fund (11020-12.50) Recreation-Wages-Rec. Instr.-Title VI
 1,230.00 approp.to: General Fund (11020-12.51) Recreation-Wages-Park Maint.Supt.- VI
 894.98 approp.to: General Fund (11020-12.52) Recreation-Wages- Janitor- Title VI
 755.63 approp.to: General Fund (11020-12.53) Recreation-Wages- Clerk Typist- Title VI
 586.53 approp.to: General Fund (11020-12.55) Recreation-Wages- Grnds.Maint.Man- Title VI
 1,173.54 approp.to: General Fund (11020-12.57) Recreation-Wages-Concessioners-Title VI

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

✓ A request was presented from Mr. William Shifflet, City Auditor, for approval of a supplemental appropriation in amount of \$ 613.07 in order to reimburse F.I.C.A. for wages paid CETA (Recreation) employees for the months of February and March, 1977. Vice-Mayor Denton moved that the appropriation be approved, and that:-

\$ 613.07 chgd.to: General Fund (1005) Recoveries & Rebates.
 613.07 approp.to: General Fund (4110-250.00) Social Security.

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

✓ A request was presented from the Director of Social Services for approval of a transfer of funds within the department's appropriations in amount of \$ 3,100.00 from account of Personal Services, to cover various expenditures and for painting of offices. Following a brief discussion, Councilman Dingledine moved that the transfer be approved, and that:-

\$ 3,100. trans.from: VPA Fund (05-8021-11.02) Personal Services- Social Services.
 100. trans. to: VPA Fund (05-8021-212) Other Operating- Other Mat. & Supplies.
 760. trans. to: VPA Fund (05-8021-240) Communications.
 300. trans. to: VPA Fund (05-8021-250) FICA, Retirement, Group Ins. Pay.
 975. trans. to: VPA Fund (05-8021-271) Office Space Charge.
 965. trans. to: VPA Fund (05-8021-290) Other Oper. Expenses.

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

✓ For Council information, City Manager Milam reported that he had been advised by a communication dated 4/20/77 from the U.S. Environmental Protection Agency that the City of Harrisonburg would be awarded an additional \$ 800. (representing a grant increase) on sewer lines constructed in the northern section of the City following the 1962 annexation, as a result of third & fourth round reimbursements under 1972 amendments to the Federal Water Pollution Control Act. He noted that the \$800. had been received and deposited in the Sewer Account. Total amount received to date on the project, \$ 8,200.

✓ Members of Council were presented with copies of two summaries proposed for advertisement in the Daily News Record newspaper with regard to the City's proposed 1977-78 budget: Comparison of Estimated Receipts By Funds & Sources, and Comparative Statement of Appropriations. City Manager Milam said the Appropriation Ordinance for the total budget should be considered at this time for a first reading, and

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authorization should be given for advertisement of the summaries and publicizing a public hearing on the Budget for Tuesday, May 24, 7:30 P.M. He pointed out the fact that the budget is in balance in total amount of \$ 13,935,054.00, an increase of 9.8% over the current year, with no tax increase required. A thorough review of the entire budget was made by Council, with the City Manager noting increases or decreases in each department of the City, and a 7% salary increase reflected in each. In highlights of the categories it was noted that: the budget shows no new programs and only two new positions to be filled, namely, police patrolmen; an increase of \$ 424,000. for service charges representing the Regional Sewer Authority's charge of 54¢ per 1,000 gallons; a total of \$ 178,000. for taxi service recently implemented by the City and shown for the first time as a budgeted item; an increase of 11% for Schools over the current year due to more local share required and less state funding; a 35% increase in insurance premiums and an 18% increase in support of community & civic organizations. Attention was called to substantial increases for the Chapter 10 Board; Halfway House; Valley Program for Aging Services, and the Massanutten Mental Health Clinic. Councilman Dingledine moved that the City Manager be authorized to publicize the budget summaries along with the public hearing notice for Tuesday, May 24, 7:30 P.M., which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council. Mayor Erickson offered an opinion that due to the extensive study of the budget at this meeting, there should be no necessity for a special budget study night to be scheduled. Councilman Dingledine moved that the Appropriation Ordinance for the 1977-78 City of Harrisonburg Budget be approved for a first reading, which motion upon being seconded by Councilman Green, was adopted by a unanimous recorded vote of Council.

During the budget review, Councilman Rhodes asked the possibility of extending the coupon system for taxi service which is earmarked for students, to include the City's elderly and disabled citizens. Following a brief discussion in which the suggestion was looked upon favorably by members, Councilman Rhodes moved that the City Attorney be instructed to draw up a form of ordinance to include the extension, and to present same to Council for consideration, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

Correspondence dated 4/25/77 from Mr. W. J. Osborne, Resident Engineer, Department of Highways & Transportation, was presented and read. Feasibility of posting a reduced speed limit on S.Main Street (Rt. 11) Projects numbered 0011-115-101, C501 and 0011,115-101,C502, was expressed in an attached memorandum to the City, as well as a reminder that reduced speed could only be made by the governing body with jurisdiction and control over this highway. In order to facilitate the safety of the traveling public, the persons working upon the highway, and to stay within the legal context of the Code of Va., a request was made for Council to set reduced speed zones as needed in the area during construction. All necessary signs will be erected by the Department of Highways, and removed at completion of construction. Assistant City Manager Driver recommended that speed be reduced to 25 MPH on the above mentioned projects during construction period. Following a brief discussion, Councilman Dingledine moved that the recommendation of the Assistant City Manager be approved, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

City Manager Milam informed Council that by communication dated 5/2/77 from the Virginia Employment Commission, he had been advised that again this year the Area III Manpower Planning Council has allocated \$ 5,000. of Title I monies to each political jurisdiction in Area III for summer recreation purposes and that the funds can be used only for wages. An application for the funds was included with the correspondence and request that it be received in the CETA Regional Operations Center, properly signed, on or before May 15, 1977. He noted that a total amount of \$ 4,982.90 was requested by the Recreation Department for wages of three playground supervisors; a park security officer and a caretaker. Councilman Dingledine moved that the City Manager be authorized to sign the application for funding under the CETA Program and return same to the Operations Center prior to the May 15th deadline, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

Council was informed by Councilman Dingledine that he was in receipt of a letter from Mr. Charles Wampler, Jr., submitting his resignation from the Harrisonburg-Rockingham Independence Bicentennial Commission on which he has been serving as Co-chairman, due to other obligations. He moved that Council accept Mr. Wampler's resignation, with regrets, and that appreciation be expressed for services rendered, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

Council was advised by the City Manager that the City has received from the Virginia Department of Highways & Transportation, three copies of the City-State agreement covering the Cantrell Avenue Project (Mason to Paul Sts.) in estimated amount of \$ 684,938.00 of which the City's share is \$ 129,036.57. He noted that the Department will award the contract to the firm of A. N. Johnson Construction Company of Fredericksburg, Va., the low bidder, as soon as concurrence from the City is received by return of the agreement signed in triplicate by the proper city officials: the City Manager, City Clerk and City Attorney. Funds are available for, and built into the project, with a possibility of some reimbursement to the City upon completion of work. Following discussion, Vice-Mayor Denton moved that the proper officials be authorized to sign the City-State agreement, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

The City Manager called Council's attention to their copies of his Monthly Progress Report for the month of April, 1977.

There being no further business, Councilman Dingledine moved that the regular session adjourn at 11:20 P.M. and that Council enter a brief executive session to discuss a legal matter, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

N. Arlene Lopez
CLERK

Lay Erickson
MAYOR

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

For the Fiscal Year Ending June 30, 1978

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES OF THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 1978. TO PRESCRIBE THE TERMS, CONDITIONS, AND PROVISIONS WITH RESPECT TO THE ITEMS OF APPROPRIATION AND THEIR PAYMENT; AND TO REPEAL ALL ORDINANCES WHOLLY IN CONFLICT WITH THIS ORDINANCE, AND ALL PARTS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE TO THE EXTEND OF SUCH INCONSISTENCY.

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

SECTION 1 - GENERAL FUND

That the following sums of money be and the same hereby are appropriated for the general government purposes herein specified for the fiscal year ending June 30, 1978.

Paragraph One - Mayor and Municipal Council (1010)

For the current expenses and capital outlay of the MAYOR AND MUNICIPAL COUNCIL, a division of the Legislative Department, the sum of thirty-five thousand, six hundred fifty-two dollars and no cents (\$35,652.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$17,052.00
(2) Other Operating Expenses	12,600.00
(3) Capital Outlay	6,000.00

Paragraph Two - City Manager (2010)

For the current expenses of the CITY MANAGER, a division of the Executive Department, the sum of thirty-nine thousand, one hundred thirteen dollars and no cents (\$39,113.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$34,508.00
(2) Other Operating Expenses	4,605.00

Paragraph Three - City Attorney (3010)

For the current expenses of the OFFICE OF THE CITY ATTORNEY, a division of the Department of Law, the sum of seven thousand, one hundred forty-one dollars and no cents (\$7,141.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 6,741.00
(2) Other Operating Expenses	400.00

Paragraph Four - Commissioner of The Revenue (4010)

For the current expenses and capital outlay of the COMMISSIONER OF THE REVENUE, a division of the Department of Finance, the sum of sixty-nine thousand, eight hundred ninety dollars and no cents (\$69,890.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$59,840.00
(2) Other Operating Expenses	8,700.00
(3) Capital Outlay	1,350.00

Paragraph Five - Board of Real Estate Assessors (4011)

For the current expenses of the BOARD OF REAL ESTATE ASSESSORS, a division of the Department of Finance, the sum of fifty-three thousand, seven hundred dollars and no cents (\$53,700.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$51,500.00
(2) Other Operating Expenses	2,200.00

Paragraph Six - Board of Equalization (4012)

For the current expenses of the BOARD OF EQUALIZATION, a division of the Department of Finance, the sum of seven thousand dollars and no cents (\$7,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 5,000.00
(2) Other Operating Expenses	2,000.00

Paragraph Seven - City Treasurer (4020)

For the current expenses and capital outlay of the CITY TREASURER, a division of the Department of Finance, the sum of sixty-six thousand, one hundred eight dollars and no cents (\$66,108.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$53,933.00
(2) Other Operating Expenses	11,375.00
(3) Capital Outlay	800.00

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Paragraph Eight - Collector of Delinquent Taxes (4022)

For the current expenses of the COLLECTOR OF DELINQUENT TAXES, a division of the Department of Finance, the sum of two thousand, three hundred dollars and no cents (\$2,300.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,700.00
(2) Other Operating Expenses	600.00

Paragraph None - Auditor (4030)

For the current expenses and capital outlay of the AUDITOR, a division of the Department of Finance, the sum of sixty-nine thousand, seven hundred fourteen dollars and no cents (\$69,714.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$55,389.00
(2) Other Operating Expenses	12,325.00
(3) Capital Outlay	2,000.00

Paragraph Ten - Data Processing (Utility Billing) (4035)

For the current expenses and capital outlay of the DATA PROCESSING (UTILITY BILLING), a division of the Department of Finance, the sum of eighty-eight thousand, sixteen dollars and no cents (\$88,016.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$56,516.00
(2) Other Operating Expenses	29,500.00
(3) Capital Outlay	2,000.00

Paragraph Eleven - Purchasing Agent (4040)

For the current expenses and capital outlay of the PURCHASING AGENT, a division of the Department of Finance, the sum of fifty-one thousand, six hundred fifty dollars and no cents (\$51,650.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$31,290.00
(2) Other Operating Expenses	3,960.00
(3) Capital Outlay	16,400.00

Paragraph Twelve - Independent Auditor (4051)

For the current expenses of the INDEPENDENT AUDITOR, a division of the Department of Finance, the sum of seven thousand dollars and no cents (\$7,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 7,000.00
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Paragraph Thirteen - Employee's Retirement (4110)

For the current expenses and contributions of the EMPLOYEE'S RETIREMENT, a division of the Department of Finance, the sum of one hundred ninety-six thousand, one hundred twenty-four dollars and no cents (\$196,124.00) is appropriated from the General Fund to be apportioned as follows:

(1) Contribution to Retirement for City Employees	\$196,124.00
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Paragraph Fourteen - Circuit Court (6011)

For the current expenses of the CIRCUIT COURT, a division of the Judicial Department, the sum of seven thousand, one hundred dollars and no cents (\$7,100.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 7,100.00
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Paragraph Fifteen - Police Court (6015)

For the current expenses of the POLICE COURT, a division of the Judicial Department, the sum of six thousand and ten dollars and no cents (\$6,010.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 6,000.00
(2) Other Operating Expenses	10.00

Paragraph Sixteen - Legal Aid Society (6016)

For the current expenses of the LEGAL AID SOCIETY, a division of the Judicial Department, the sum of three thousand, four hundred dollars and no cents (\$3,400.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 3,400.00
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Paragraph Seventeen - Juvenile & Domestic Relations Court (6017)

For the current expenses and capital outlay of the JUVENILE & DOMESTIC RELATIONS COURT, a division

of the Judicial Department, the sum of ten thousand, three hundred fifty dollars and no cents \$10,350.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,100.00
(2) Other Operating Expenses	7,500.00
(3) Capital Outlay	1,750.00

Paragraph Eighteen - County Court (6018)

For the current expenses of the COUNTY COURT, a division of the Judicial Department, the sum of seven hundred dollars and no cents (\$700.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 700.00
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Paragraph Nineteen - Lunacy Commission (6019)

For the current expenses of the LUNACY COMMISSION, a division of the Judicial Department, the sum of one thousand, two hundred twenty-five dollars and no cents (\$1,225.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,200.00
(2) Other Operating Expenses	25.00

Paragraph Twenty - City and County Jail (6110)

For the current expenses of the CITY AND COUNTY JAIL, a division of the Judicial Department, the sum of eighteen thousand, eight hundred forty-seven dollars and no cents (\$18,847.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 8,852.00
(2) Other Operating Expenses	9,995.00

Paragraph Twenty-One - Bureau of Preventive Medicine (7010)

For the current expenses of the BUREAU OF PREVENTIVE MEDICINE, a division of the Department of Health, the sum of thirty-five thousand, five hundred eighty-four dollars and no cents (\$35,584.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$35,584.00
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Paragraph Twenty-Two - Police (9010)

For the current expenses and capital outlay of the BUREAU OF POLICE, a division of the Department of Public Safety, the sum of four hundred, ninety-three thousand, nine hundred fifty-five dollars and no cents (\$493,955.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$398,320.00
(2) Other Operating Expenses	71,635.00
(3) Capital Outlay	24,000.00

Paragraph Twenty-Three - Traffic Engineering (9011)

For the current expenses and capital outlay of the BUREAU OF TRAFFIC ENGINEERING, a division of the Department of Public Safety, the sum of thirty-six thousand, three hundred eighty-two dollars and no cents (\$36,382.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$16,007.00
(2) Other Operating Expenses	13,375.00
(3) Capital Outlay	7,000.00

Paragraph Twenty-Four - Coroner's Office (9012)

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

(1) Personal Services	\$ 800.00
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Paragraph Twenty-Five - Fire (9020)

For the current expenses and capital outlay of the BUREAU OF FIRE, a division of the Department of Public Safety, the sum of two hundred, twenty-four thousand, nine hundred dollars and no cents (\$224,900.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$133,825.00
(2) Other Operating Expenses	62,325.00
(3) Capital Outlay	28,750.00

Paragraph Twenty-Six - Game Warden (9040)

For the current expenses of the GAME WARDEM, a division of the Department of Public Safety, the

sum of ten thousand, two hundred dollars and no cents (\$10,200.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,200.00
(2) Other Operating Expenses	9,000.00

Paragraph Twenty-Seven - Civil Defense Unit (9041)

For the current expenses of the CIVIL DEFENSE UNIT, a division of the Department of Public Safety, the sum of four thousand, two hundred dollars and no cents (\$4,200.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 4,200.00
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Paragraph Twenty-Eight - Engineering (10010)

For the current expenses and capital outlay of the BUREAU OF ENGINEERING, a division of the Department of Public Works, the sum of forth-eight thousand, six hundred thirty-eight dollars and no cents (\$48,638.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$45,953.00
(2) Other Operating Expenses	2,235.00
(3) Capital Outlay	450.00

Paragraph Twenty-Nine - Building Inspection (10050)

For the current expenses and capital outlay of the BUILDING INSPECTION, a division of the Department of Public Works, the sum of sixty thousand, three hundred forty-nine dollars and no cents (\$60,349.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$52,349.00
(2) Other Operating Expenses	3,700.00
(3) Capital Outlay	4,300.00

Paragraph Thirty - Street Inspection, Repairs and Maintenance (10110)

For the current expenses and capital outlay of the BUREAU OF STREET INSPECTION, REPAIRS AND MAINTENANCE, a division of the Department of Public Works, the sum of five hundred fifty-one thousand, four hundred thirty-one dollars and no cents (\$551,431.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$206,538.00
(2) Other Operating Expenses	160,393.00
(3) Capital Outlay:	
76 Machinery & Equipment	9,500.00
77 Work in Progress	20,000.00
77G Blacks Run-Cleaning and Relocation	5,000.00
77H South Main Street	100,000.00
77N Sidewalks	50,000.00

Paragraph Thirty-One - Street Lighting (10111)

For the current expenses of the BUREAU OF STREET LIGHTING, a division of the Department of Public Works, the sum of one hundred twenty-six thousand, four hundred thirty-one dollars and no cents (\$126,431.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$126,431.00
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Paragraph Thirty-Two - Highway and Street Beautification (10112)

For the current expenses and capital outlay of the BUREAU OF HIGHWAY AND STREET BEAUTIFICATION, a division of the Department of Public Works, the sum of eighteen thousand, eight hundred twenty-eight dollars and no cents (\$18,828.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$11,128.00
(2) Other Operating Expenses	4,500.00
(3) Capital Outlay	3,200.00

Paragraph Thirty-Three - Maintenance of City Buildings (10210)

For the current expenses and capital outlay of the MAINTENANCE OF CITY BUILDINGS, a division of the Department of Public Works, the sum of sixty-eight thousand, three hundred ten dollars and no cents (\$68,310.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$14,500.00
(2) Other Operating Expenses	23,810.00
(3) Capital Outlay	30,000.00

Paragraph Thirty-Four - Kavanaugh Hotel Rehabilitation Project (10220)

For the capital outlay of the KAVANAUGH HOTEL REHABILITATION PROJECT, a division of the Department

of Public Works, the sum of one hundred thousand dollars and no cents (\$100,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Capital Outlay	\$100,000.00
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Paragraph Thirty-Five - Street Cleaning (10330)

For the current expenses of the BUREAU OF STREET CLEANING, a division of the Department of Public Works, the sum of forty-nine thousand, five hundred sixty-one dollars and no cents (\$49,561.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 26,536.00
(2) Other Operating Expenses	23,025.00

Paragraph Thirty-Six - Refuse and Garbage Disposal (10340)

For the current expenses and capital outlay of the BUREAU OF REFUSE AND GARBAGE DISPOSAL, a division of the Department of Public Works, the sum of one hundred ninety-five thousand, three hundred seventy-six dollars and no cents (\$195,376.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$143,386.00
(2) Other Operating Expenses	31,990.00
(3) Capital Outlay	20,000.00

Paragraph Thirty-Seven - Insect and Rodent Control (10341)

For the current expenses of the BUREAU OF INSECT AND RODENT CONTROL, a division of the Department of Public Works, the sum of two thousand, fifteen dollars and no cents (\$2,015.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,350.00
(2) Other Operating Expenses	665.00

Paragraph Thirty-Eight - Parks and Playgrounds (11020)

For the current expenses and capital outlay of PARKS AND PLAYGROUNDS, a division of the Department of Recreation, the sum of two hundred forty-five thousand, eight hundred ninety-three dollars and no cents (\$245,893.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$161,743.00
(2) Other Operating Expenses	49,150.00
(3) Capital Outlay	35,000.00

Paragraph Thirty-Nine - Hillendale Park (11025)

For the current expenses of HILLDALE PARK, a division of the Department of Recreation, the sum of fourteen thousand, five hundred sixty-seven dollars and no cents (\$14,567.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 8,355.00
(2) Other Operating Expenses	6,212.00

Paragraph Forty - Community Activities Center (11027)

For the current expenses of COMMUNITY ACTIVITIES CENTER, a division of the Department of Recreation, the sum of sixty-one thousand, two hundred forty-seven dollars and no cents (\$61,247.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$22,547.00
(2) Other Operating Expenses	38,700.00

Paragraph Forty-One - Westover Swimming Pool (11030)

For the current expenses and capital outlay of the WESTOVER SWIMMING POOL, a division of the Department of Recreation, the sum of twenty-five thousand, eight hundred eighty-five dollars and no cents (\$25,885.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$19,960.00
(2) Other Operating Expenses	5,225.00
(3) Capital Outlay	700.00

Paragraph Forty-Two - Harris Swimming Pool (11031)

For the current expenses and capital outlay of the HARRIS SWIMMING POOL, a division of the Department of Recreation, the sum of five thousand, one hundred dollars and no cents (\$5,100.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 2,675.00
(2) Other Operating Expenses	1,925.00
(3) Capital Outlay	500.00

Paragraph Forty-Three - National Guard Armory (11040)

For the current expenses and capital outlay of the NATIONAL GUARD ARMORY, a division of the Department of Recreation, the sum of nineteen thousand, four hundred thirteen dollars and no cents (\$19,413.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 8,513.00
(2) Other Operating Expenses	7,800.00
(3) Capital Outlay	3,100.00

Paragraph Forty-Four - Planning Commission (13010)

For the current expenses of the PLANNING BOARD OR COMMISSION, a division of the Department of Boards and Commissions, the sum of thirty-one thousand, one hundred twenty-eight dollars and no cents (\$31,128.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$28,328.00
(2) Other Operating Expenses	2,800.00

Paragraph Forty-Five - Board of Zoning Appeals (13020)

For the current expenses of the BOARD OF ZONING APPEALS, a division of the Department of Boards and Commissions, the sum of one thousand, one hundred dollars and no cents (\$1,100.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 600.00
(2) Other Operating Expenses	500.00

Paragraph Forty-Six - Elections (13110)

For the current expenses and capital outlay of the BOARD OF ELECTIONS, a division of the Department of Boards and Commissions, the sum of twenty-three thousand, three hundred ninety-eight dollars and no cents (\$23,398.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$13,173.00
(2) Other Operating Expenses	3,625.00
(3) Capital Outlay	6,600.00

Paragraph Forty-Seven - Harrisonburg Parking Authority (13220)

For the current expenses of the HARRISONBURG PARKING AUTHORITY, a division of the Department of Boards and Commissions, the sum of one hundred eight thousand dollars and no cents (\$108,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$24,898.00
(2) Other Operating Expenses	83,102.00

Paragraph Forty-Eight - Non-Departmental (15)

For subsidizing the City's Public Utilities, and for aiding the activities of independent, civic, charitable, and other organizations, the sum of three hundred seventy-nine thousand, four hundred fifty-six dollars and no cents (\$379,456.00) is appropriated from the General Fund to be apportioned as follows:

15030 Support of Community and Civic Organizations:	
371 State Chamber of Commerce	\$ 120.00
372 Chamber of Commerce (AMA Parade \$250)	2,250.00
373 County Rest Room	1,750.00
374 Rockingham Library Association	48,000.00
375 Salvation Army	1,000.00
376 Rescue Squad (Gas & Oil)	750.00
377 Shenandoah Valley, Inc.	120.00
378 Mental Health Clinic	10,274.00
379 Veterans Band	600.00
380 Upper Valley Regional Park Authority	9,040.00
381 Commission- Regional Juvenile Detention Home	3,650.00
382 Shenandoah Valley Soil & Water Conservation Dist.	500.00
383 Halfway House - Matching Funds	7,500.00
390-1 Rockingham County Historical Society	500.00
390-2 Harrisonburg-Rockingham Bicentennial Commission	500.00
392 Central Shenandoah Planning District	3,660.00
393 Chapter 10 Board - Mental Health	4,671.00
395 Valley Program for Aging Services, Inc.	5,720.00
396 WVPT - Public Television	1,800.00
397 Downtown Development	22,261.00
399 Other Departmental	1,200.00
15040 Insurance and Bond Premiums	151,200.00
15050 Joint Expenses - Rockingham County:	
390 Other Expenses	72,000.00
15060 Airport:	
280 Subscription and Contributions	25,000.00
15070 Dues to Municipal Organizations:	
280 Dues to Virginia Municipal League	2,100.00
280-1 Dues to National League of Cities	500.00

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Paragraph Forty-Eight - Non-Departmental (15) (cont.)

15090 Annexation:
 899 Annual Share Rockingham County Bonds
 and Interest \$ 2,790.00

Paragraph Forty-Nine - Indebtedness Requirement General Fund (16)

For the payment of the interest on and the retirement of bonds of the City of Harrisonburg, Virginia, the sum of one hundred forty-nine thousand, three hundred twenty-five dollars and no cents (\$149,325.00) is appropriated from the General Fund to be apportioned as follows:

(1) Serial Bonds and Interest \$149,325.00

Paragraph Fifty - Transfers to Other Funds (17)

For supplementing the revenue of other funds the sum of three million, forty-eight thousand, nine hundred thirty-five dollars and no cents (\$3,048,935.00) is appropriated from the General Fund to be transferred as follows:

(1) Central Stores Fund \$ 7,595.00
 (2) Central Garage Fund 25,793.00
 (3) Virginia Public Assistance 69,082.00
 (4) Schools 2,921,465.00
 (5) Public Taxi-Transportation 25,000.00

Paragraph Fifty-One - Reserve for Contingencies (18)

For Reserve for Contingencies of the General Fund the sum of twenty-five thousand dollars and no cents (\$25,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Reserve for Contingencies \$25,000.00

S U M M A R Y

Expenditures and Revenue

Total General Fund Appropriations for the
 Fiscal Year Ending June 30, 1978 \$6,906,447.00

To Be Provided for from the following anticipated
 and estimated revenue which is as follows:

Anticipated cash balance July 1, 1977 \$ 252,543.00
 General Property Taxes (estimated) 2,129,444.00
 Other Local Taxes (estimated) 1,621,000.00
 Licenses, Permits & Privilege Fees (estimated) 856,300.00
 Fines & Forfeitures (estimated) 79,000.00
 Revenue From Use of Money & Property (estimated) 76,000.00
 Revenue From Other Agencies (estimated) 712,750.00
 Service Charges for Current Services (estimated) 296,110.00
 Sales of Services, Commodities & Properties (estimated) 350.00
 Miscellaneous Revenue (estimated) 600,000.00
 Non-Revenue Receipts (estimated) 216,350.00
 Transfers from Other Funds (estimated) 66,600.00

Total General Fund Revenue (estimated) for
 the Fiscal Year Ending June 30, 1978 \$6,906,447.00

SECTION II - SCHOOL BOARD

That the following sums of money be and the same hereby are appropriated for the school purposes herein specified for the fiscal year ending June 30, 1978:

Paragraph One - 17A - Administration

For the current expenses of the ADMINISTRATION OF THE DEPARTMENT OF EDUCATION, the sum of one hundred seven thousand, four hundred fifty-eight dollars and no cents (\$107,458.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Administration \$107,458.00

Paragraph Two - 17B-1 - Regular Day School

For the current expenses of REGULAR DAY SCHOOL, the sum of two million, three hundred thirty-five thousand, three hundred dollars and no cents (\$2,335,300.00) is appropriated from the City School Board to be apportioned as follows:

(1) Regular Day School \$2,335,300.00

Paragraph Three - 17B-2 - Other Instructional Costs

For the current expenses of OTHER INSTRUCTIONAL COSTS, the sum of three hundred seven thousand,

seven hundred sixty-one dollars and no cents (\$307,761.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Other Instructional Costs \$307,761.00

Paragraph Four - 17C - Attendance and Health Services

For the current expenses of ATTENDANCE AND HEALTH SERVICES, the sum of twenty thousand, six hundred eight dollars and no cents (\$20,608.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Attendance & Health Services \$ 20,608.00

Paragraph Five - 17D1 - Pupil Transportation Services

For the current expenses of PUPIL TRANSPORTATION SERVICES, the sum of two thousand, six hundred fifty-seven dollars and no cents (\$2,657.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Pupil Transportation Services \$ 2,657.00

Paragraph Six - 17E - School Food Services

For the current expenses of SCHOOL FOOD SERVICES, the sum of three hundred twenty-two thousand, one hundred eighty dollars and no cents (\$322,180.00) is appropriated from the City School Fund to be apportioned as follows:

(1) School Food Services \$322,180.00

Paragraph Seven - 17F1 - Operation of School Plant

For the current expenses of OPERATION OF SCHOOL PLANT, the sum of two hundred eighty-eight thousand, four hundred fifteen dollars and no cents (\$288,415.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Operation of School Plant \$288,415.00

Paragraph Eight - 17F2 - Maintenance of School Plant

For the current expenses of MAINTENANCE OF SCHOOL PLANT, the sum of one hundred nineteen thousand, six hundred six dollars and no cents (\$119,606.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Maintenance of School Plant \$119,606.00

Paragraph Nine - 17G - Fixed Charges

For the current expenses of FIXED CHARGES, the sum of one hundred ninety-five thousand, forty-six dollars and no cents (\$195,046.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Fixed Charges \$195,046.00

Paragraph Ten - 17H - Summer Schools

For the current expenses of SUMMER SCHOOLS, the sum of twenty-one thousand, two hundred eighty-seven dollars and no cents (\$21,287.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Summer Schools \$ 21,287.00

Paragraph Eleven - 17I - Adult Education

For the current expenses of ADULT EDUCATION, the sum of seventeen thousand, four hundred twenty-six dollars and no cents (\$17,426.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Adult Education \$ 17,426.00

Paragraph Twelve - 17J - Federal Programs

For the current expenses of FEDERAL PROGRAMS, the sum of eighty-six thousand, one hundred ninety-three dollars and no cents (\$86,193.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Federal Programs \$ 86,193.00

Paragraph Thirteen - 19 - Capital Outlay

For the capital outlay of the DEPARTMENT OF EDUCATION, the sum of seven thousand, five hundred eighteen dollars and no cents (\$7,518.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Capital Outlay \$ 7,518.00

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Paragraph Fourteen - 20 - Indebtedness Requirements School Board

For the payment of interest on and the retirement of loans of the School System of the City of Harrisonburg, Virginia, the sum of two hundred forty-three thousand, eight hundred forty-eight dollars and no cents (\$243,848.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Serial Bonds & Interest, etc.	\$243,848.00
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S U M M A R Y:

Expenditures and Revenue

Total School Fund Appropriations for Fiscal Year Ending June 30, 1978	\$4,075,303.00
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To Be provided for from the following Anticipated Revenue, which is as follows:

Receipts from State School Funds	\$ 715,780.00
Revenue from Federal Funds	183,373.00
Receipts from Other Funds	254,685.00
Receipts from City Funds	2,921,465.00

Total School Fund Revenue (estimated) for Fiscal Year Ending June 30, 1978	\$4,075,303.00
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SECTION III - WATER FUND

That the following sums of money be and the same hereby are appropriated for the water purposes herein specified for the fiscal year ending June 30, 1978:

Paragraph One - Administration (1)

For the current expenses of ADMINISTRATION OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of twenty thousand, three hundred thirty-one dollars and no cents (\$20,331.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$18,721.00
(2) Other Operating Expenses	1,610.00

Paragraph Two - Source of Supply (2)

For the current expenses of SOURCE OF SUPPLY OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of fifty-eight thousand, six hundred eighty-five dollars and no cents (\$58,685.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 6,500.00
(2) Other Operating Expenses	52,285.00

Paragraph Three - Transmission and Distribution (3)

For the current expenses and equipment of TRANSMISSION AND DISTRIBUTION OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one hundred twenty-one thousand, six hundred seventy-three dollars and no cents (\$121,673.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$60,583.00
(2) Other Operating Expenses	61,090.00

Paragraph Four - Customer Accounting and Collecting (4)

For the current expenses of CUSTOMER ACCOUNTING AND COLLECTING OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of sixteen thousand two hundred four dollars and no cents (\$16,204.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$15,729.00
(2) Other Operating Expenses	475.00

Paragraph Five - Miscellaneous (5)

For setting aside reserves for depreciation and payment of taxes, the sum of two hundred sixty thousand, eight hundred seventy-one dollars and no cents (\$260,871.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Depreciation	\$202,479.00
(2) Taxes	58,392.00

Paragraph Six - Water Purification (6)

For the current expenses of WATER PURIFICATION OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one hundred thirty-one thousand, eight hundred fifty dollars and no cents (\$131,850.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$85,000.00
(2) Other Operating Expenses	46,850.00

Paragraph Seven - Capital Outlay (7)

For capital improvements in the WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one hundred four thousand, two hundred dollars and no cents (\$104,200.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Capital Outlay:		
71	Engineering	\$10,000.00
74	Auto Equipment (1/2)	7,300.00
76-1	Mach. & Equip. - Hydrants	1,000.00
76-2	Mach. & Equip. (1/2)	14,000.00
77	Work in Progress	40,000.00
79C	Installation City Services	25,000.00
79R	Installation Rural Services	6,900.00

Paragraph Eight - Indebtedness Requirements Water Fund (8)

For the payment of interest, retirement and handling charges of bonds of the PUBLIC SERVICE ENTERPRISES - WATER ACTIVITIES, the sum of two hundred thirty-seven thousand, four hundred eighty-six dollars and no cents (\$237,486.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc.	\$237,486.00
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Paragraph Nine - Non-Departmental (9)

For sharing the cost of operation in other funds for the benefit of the Water Fund, the sum of one hundred thirteen thousand, six hundred forty-four dollars and no cents (\$113,644.00) is appropriated from the Water Fund to be apportioned as follows:

(1) To General Fund, Sharing of Accounting, Collecting & Date Processing	\$65,000.00
(2) To Workmen's Compensation Ins.	18,700.00
(3) To Retirement & Social Security	13,500.00
(4) To Central Garage Fund	10,747.00
(5) To Central Stores Fund	5,697.00

Paragraph Ten - Transfers to Other Funds (10)

For sharing the cost of operating in other funds the sum of fifty-two thousand dollars and no cents (\$52,000.00) is appropriated from the Water Fund to be transferred as follows:

(1) To General Fund - Utility Tax	\$32,000.00
(2) To General Fund - Debt Service	20,000.00

S U M M A R Y

Expenditures and Revenue

Total Water Fund Appropriation for the Fiscal Year Ending June 30, 1978	\$1,116,944.00
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To Be Provided for From the Following Anticipated Revenue which is as follows:

Licenses, Permits & Privilege Fees (estimated)	\$52,000.00
Revenue From Use of Money & Property (estimated)	10,600.00
Service Charges For Current Services (estimated)	821,625.00
Sales of Services, Commodities & Properties (estimated)	100.00
Non-Revenue Receipts (estimated)	40,050.00
Transfers From Other Funds (estimated)	192,569.00

Total Water Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1978	\$1,116,944.00
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SECTION IV - SEWER FUND

That the following sums of money be and the same hereby are appropriated for sewerage purposes herein specified for the fiscal year ending June 30, 1978:

Paragraph One - Administration (1)

For the current expenses of ADMINISTRATION OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of nineteen thousand, five hundred sixteen dollars and no cents (\$19,516.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$18,721.00
(2) Other Operating Expenses	795.00

Paragraph Two - Treatment and Disposal (2)

For the current expenses of TREATMENT AND DISPOSAL OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of four hundred sixty-five thousand, four hundred dollars

and no cents (\$465,400.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$25,000.00
(2) Other Operating Expenses	440,400.00

Paragraph Three - Collection and Transmission (3)

For the current expenses of the COLLECTION AND TRANSMISSION OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one hundred thirty-eight thousand, eight hundred forty dollars and no cents (\$138,840.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$55,440.00
(2) Other Operating Expenses	83,400.00

Paragraph Four - Miscellaneous (4)

For setting aside reserve for depreciation and the payment of taxes, the sum of one hundred two thousand, two hundred six dollars and no cents (\$102,206.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Depreciation	\$80,374.00
(2) Taxes	21,832.00

Paragraph Five - Capital Outlay (7)

For the capital improvements in the SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of eighty-nine thousand, eight hundred dollars and no cents (\$89,800.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Capital Outlay:	
72 Engineering	\$12,000.00
74 Auto Equipment (1/2)	7,300.00
76 Machinery & Equip. (1/2)	14,000.00
77 Work in Progress	40,000.00
79 Installation Service Lines	16,500.00

Paragraph Six - Indebtedness Requirement - Sewer Fund (8)

For the payment of interest and retirement of bonds and temporary loans of the PUBLIC SERVICE ENTERPRISES - SEWER ACTIVITIES, the sum of three hundred seven thousand, five hundred seventeen dollars and no cents (\$307,517.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc.	\$307,517.00
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Paragraph Seven - Transfers to Other Funds (9)

For sharing the cost of operation in other funds for the benefit of the SEWER DEPARTMENT, the sum of one hundred fourteen thousand, four hundred ninety-five dollars and no cents (\$114,495.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) To General Fund - Share of Accounting, Collecting & Data Processing	\$65,000.00
(2) To Workmen's Comp. Insurance	9,350.00
(3) To Retirement & Social Security	13,500.00
(4) To Central Garage Fund	6,448.00
(5) To Central Stores Fund	5,697.00
(6) To General Fund- Debt Service	14,500.00

S U M M A R Y

Expenditures and Revenue

Total Sewer Fund Appropriations for the Fiscal Year Ending June 30, 1978	\$1,237,774.00
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To Be Provided for From the Following Anticipated Revenue, which is as follows:

Licenses, Permits and Privilege Fees (estimated)	\$ 6,000.00
Revenue From Use of Money and Property (estimated)	8,000.00
Service Charges For Current Services (estimated)	1,073,400.00
Non-Revenue Receipts (estimated)	21,050.00
Transfers From Other Funds (estimated)	129,324.00

Total Sewer Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1978	\$1,237,774.00
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SECTION V - VIRGINIA PUBLIC ASSISTANCE FUND

That the following sums of money be and the same hereby are appropriated for the social services

purposes herein specified for the fiscal year ending June 30, 1978:

Paragraph One - Bureau of Medical Services (8010)

For the current expenses of the BUREAU OF MEDICAL SERVICES, a division of the Department of Social Services, the sum of five hundred dollars and no cents (\$500.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Medical Services \$ 500.00

Paragraph Two - Board of Public Welfare (8020)

For the current expenses of the BOARD OF PUBLIC WELFARE, a division of the Department of Social Services, the sum of nine hundred dollars and no cents (\$900.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Personal Services \$ 900.00

Paragraph Three - Director of Social Services (8021)

For the current expenses of the DIRECTOR OF SOCIAL SERVICES, a division of the Department of Social Services, the sum of one hundred eighty-four thousand, eight hundred fifty-two dollars and no cents (\$184,852.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Personal Services \$137,109.00
(2) Other Operating Expenses 47,743.00

Paragraph Four - Public Assistance (8022)

For the current expenses of the BUREAU OF PUBLIC ASSISTANCE, a division of the Department of Social Services, the sum of eighty-nine thousand, two hundred eighty-nine thousand, two hundred eighty dollars and no cents (\$89,280.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses \$89,280.00

Paragraph Five - Social Services Bureau (8030)

For the current expenses of the SOCIAL SERVICES BUREAU, a division of the Department of Social Services, the sum of fifty-eight thousand, five hundred seventy dollars and no cents (\$58,570.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses \$58,570.00

Paragraph Six - Capital Outlay (17)

For the capital outlay of the DEPARTMENT OF SOCIAL SERVICES, the sum of five hundred dollars and no cents (\$500.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Capital Outlay \$ 500.00

S U M M A R Y

Expenditures and Revenue

Total Virginia Public Assistance Fund Appropriations for the Fiscal Year Ending June 30, 1978: \$334,602.00

To Be Provided for From the Following Anticipated Revenue which is as Follows:

Revenue From Other Agencies (estimated) \$265,520.00
Transfers From Other Funds (estimated) 69,082.00

Total Virginia Public Assistance Fund Revenue (estimated) For the Fiscal Year Ending June 30, 1978 \$334,602.00

SECTION VI - CENTRAL GARAGE FUND

That the following sums of money be and the same hereby are appropriated for Central Garage purposes herein specified for the fiscal year ending June 30, 1978:

Paragraph One - Central Garage

For the current expenses and capital outlay of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of sixty-six thousand, nine hundred eighty-eight dollars and no cents (\$66,988.00) is appropriated from the Central Garage Fund to be apportioned as follows:

(1) Personal Services \$56,218.00
(2) Other Operating Expenses 6,370.00
(3) Capital Outlay 4,400.00

S U M M A R Y

Expenditures and Revenue

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Total Central Garage Fund Appropriations
for the Fiscal Year Ending June 30, 1978 \$66,988.00

To Be Provided for from the Following Anticipated
Revenue, which is as follows:

Sales of Services, Commodities & Properties (estimated) \$24,000.00
Transfers from Other Funds (estimated) 42,988.00

Total Central Garage Fund Revenue (estimated)
for the Fiscal Year Ending June 30, 1978 \$66,988.00

SECTION VII - CENTRAL STORES OPERATING FUND

That the following sums of money be and the same hereby are appropriated for Central Stores
purposes herein specified for the fiscal year ending June 30, 1978:

Paragraph One - Central Stores

For the current expenses and capital outlay of the CENTRAL STORES, a division of the Central Stores
Revolving Fund, the sum of eighteen thousand, nine hundred eighty-nine dollars and no cents (\$18,989.00)
is appropriated from the Central Stores Fund to be apportioned as follows:

(1) Personal Services \$ 9,009.00
(2) Other Operating Expenses 6,380.00
(3) Capital Outlay 3,600.00

S U M M A R Y

Expenditures and Revenue

Total Central Stores Fund Appropriations
for the Fiscal Year Ending June 30, 1978 \$18,989.00

To Be Provided For From the Following
Anticipated Revenue, which is as follows:

Non-Departmental (estimated) \$18,989.00

Total Central Stores Fund Revenue for
the Fiscal Year Ending June 30, 1978 \$18,989.00

SECTION VIII - PUBLIC TAXI-TRANSPORTATION

That the following sums of money be and the same hereby are appropriated for Public Taxi-Transporta-
tion purposes herein specified for the fiscal year ending June 30, 1978:

Paragraph One - Public Taxi-Transportation

For the current expenses and capital outlay of the PUBLIC TAXI-TRANSPORTATION, a division of the
Public Taxi-Transportation Fund, the sum of one hundred seventy-eight thousand, seven dollars and no
cents (\$178,007.00) is appropriated from the Public Taxi-Transportation Fund to be apportioned as
follows:

(1) Personal Services \$131,307.00
(2) Other Operating Expenses 43,700.00
(3) Capital Outlay 3,000.00

S U M M A R Y

Expenditures and Revenue

Total Public Taxi-Transportation Fund
Appropriations for the Fiscal Year Ending
June 30, 1978 \$178,007.00

To Be Provided for From the Following
Anticipated Revenue, which is as follows:

Service Charges for Current Services (estimated) \$153,007.00
Transfers from Other Funds (estimated) 25,000.00

Total Public Taxi-Transportation Fund Revenue
(estimated) for the Fiscal Year Ending June 30, 1978 \$178,007.00

TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH VIII IN THIS ORDINANCE
FOR THE FISCAL YEAR ENDING JUNE 30, 1978

RECAPITULATION

Section I (General Fund) \$ 6,906,447.00
Section II (School Fund) \$ 4,075,303.00
Section III (Water Fund) \$ 1,116,944.00

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Section IV	(Sewer Fund)	\$ 1,237,774.00
Section V	(Virginia Public Assistance)	\$ 334,602.00
Section VI	(Central Garage Fund)	\$ 66,988.00
Section VII	(Central Stores Fund)	\$ 18,989.00
Section VIII	(Public Taxi-Transportation)	\$ 178,007.00

SECTION IX

All of the monies appropriated as shown by the contained items in Sections I through VIII are appropriated upon the terms, conditions and provisions hereinbefore set forth in connection with said items and those set forth in this section and in accordance with the provisions of the official code of the City of Harrisonburg, Virginia, Edition 1952, now in effect or hereafter adopted or amended, relating hereto.

That the rate of taxation of Real Estate be fixed at \$2.00 (Two Dollars and No Cents), and that the rate of taxation on Tangible Personal Property, Machinery and Tools and Merchants Capital, as defined by Chapter 16 of Title 58 of the Code of Virginia, 1950, as amended, and on all boats or watercraft under five (5) tons burthen used for business or pleasure, as defined by Section 58-829.2 of said Code, and on all vehicles without motive power used or designed to be used as mobile homes or offices or for other means of habitation, as defined by Section 58-829.3 of said Code, be fixed at \$ 2.65 (Two Dollars and Sixty-Five Cents) on the one hundred dollars assessed valuation for the year 1977; it being expressly provided, however, that the provisions of this Ordinance shall not apply to household goods and personal effects as enumerated under subsection (9) to (12), inclusive, of Section 58-829 of said Code, and as further defined by Section 58-829.1 of said Code, if such goods and effects be owned and used by an individual or by a family or household incident to maintaining an abode, which goods and effects are hereby declared wholly exempt from taxation.

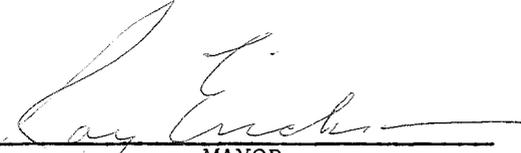
That the rate of fee or service charge imposed on Real Estate Property exempt from regular taxation shall be twenty percent (20%) of the real estate tax rate levied by the City Council in the above paragraph, which applied to the real estate for which the City furnishes police and fire protection, and where such real estate are exempt from taxation under Section 58-12 of the Code of Virginia. Rate of service charge shall be Forty Cents (\$.40) per annum per \$100.00 of assessed valuation, payable on or before December 5, 1977.

That the salaries, wages and allowances set out in detail in the budget statement, and adopted by the City Council for the fiscal year beginning July 1, 1977, and ending June 30, 1978, both dates inclusive, be, and they are hereby authorized and fixed as the maximum compensation to be allowed officers and employees for the services rendered, unless otherwise provided by ordinance; provided, however, that the City Manager is authorized to make such re-arrangements of salaries in the several departments herein names as may best meet the needs and interest of the City and to transfer parts of salaries from one department to another when extra work is transferred from one department to another.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

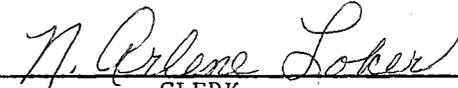
This ordinance shall become effective July 1, 1977.

Given under my hand this 24th day of May, 1977.



 MAYOR

Attest:



 CLERK

00550

00550

May 24, 1977

At a combined public hearing and regular meeting of Council held in the Council Chamber this evening at 7:30 P.M. there were present:- Mayor Roy H. Erickson, City Attorney Norvell A. Lapsley, Clerk N. Arlene Loker, Vice-Mayor E. Warren Denton, Jr., Councilmen Raymond C. Dingleline, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet. Absent:- City Manager Marvin B. Milam (sitting in, Assistant City Manager John E. Driver); and Chief of Police Richard W. Presgrave (sitting in, Captain Stroble).

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

Minutes of the regular meeting held on May 10th were read, and approved as corrected.

✓ Assistant City Manager Driver presented and read correspondence dated 5/10/77 from the Woman's Club of Harrisonburg, informing Mayor Erickson that a resolution was proposed and passed that the correspond- secretary write of the Club's concern about the condition of Blacks Run, and to express a desire that it be cleaned and made free of pollution. Mayor Erickson volunteered to follow through with the matter either by conversation with the Club's President, Mrs. Mervin Stickley, or by a 10-15 minute period before the Club in order to give insight of what has been done and what is involved. He noted that in order to keep the stream free of pollution, it almost has to be a voluntary effort of the community, especially by those whose properties border on, or include Black's Run, since it is owned by property owners and not the City of Harrisonburg. Members agreed with the mayor's statements and his suggestion to follow through.

✓ Correspondence dated 5/5/77 from The Reverend H. Hasbrouck Hughes, Jr., was read, in which he submitted his resignation as a member of the Board of Directors, Legal Aid Society of Harrisonburg-Rockingham County, due to being transferred from the City next month. He expressed appreciation for the honor of serving in this way. Mayor Erickson asked that the agenda for Council's next meeting include this vacancy along with other appointments to Boards & Commissions.

✓ The Assistant City Manager read correspondence dated 5/12/77 from Mr. Lloyd Schlicker, Temporary Chairman of the Rockingham Annexation Advisory Committee, requesting that two representatives from the City of Harrisonburg be appointed to their study committee, one being an elected official. It was pointed out that the purpose of the committee is to evaluate the governmental issues related to growth management and resource conservation with specific emphasis on annexation issues and to prepare recommendations on annexation policies or alternatives to annexation. The committee consists at the present time of one representative from each of the seven towns and seven representatives from Rockingham County. During a discussion, the question was raised concerning length of time the committee would be in effect, which was not specified by Mr. Schlicker. Mayor Erickson, to whom the correspondence was addressed, said he would contact the proper county official to determine precisely what is desired of the City, the terms, etc. and report back to Council. He asked that this matter be placed on the agenda for the next regular meeting, along with appointments to various Boards & Commissions.

✓ Correspondence was presented and read by Assistant City Manager Driver from the District Manager of Burton's Menswear, requesting permission of Council for a sidewalk sale to be held in front of the Harrisonburg store, 103 S. Main St., on Monday, May 30th, from 9:00 AM - 5:00 PM. Mayor Erickson noted that sidewalk sales have been held in front of business places for the past few years, under approval of Council, and reminded members that this is the second recent request. Councilman Green moved that the request be approved, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Assistant City Manager Driver read an ordinance amending paragraph (f), Section 34, of the Community Antenna Television Franchise Ordinance for Council's consideration of a second and final reading, a first reading having been approved on May 10th. The following increases are reflected in the ordinance: Initial tap-in and connection charge, \$5 to \$10; Reconnection, moving or installation of second outlet charge, \$4 to \$8; FM Outlet installation charge, \$7.50 to \$15.00; and monthly rate, \$6.50 to \$6.75. A petition dated May 23rd, signed by 28 residents in various areas of the city was presented, stating opposition to the proposed increase in cable rates due to cost of relocating the cable underground, and offering an opinion that the cost should be absorbed by the Stockholders or the City of Harrisonburg. Mayor Erickson pointed out that relocation of electric wiring underground and removal of poles will necessitate the t-v cable to be placed underground on this main line which supports the entire city. Mr. George Wylie of Warner Cable said that no revenue will be derived from this project and that three years will be required, under the rate increases, for the company to pay for cost of underground placement. Councilman Dingleline said he had been contacted by one of the petition signers, expressing concern about the requested increase in rate and that he had advised that individual to express by letter or petition to Council, their feelings. When asked if the rate increase would continue after the required 3 year period to pay the project cost, Mr. Wylie said "no", in that Warner's franchise with the City would terminate around that time. He requested that if approved by Council, the new rates be made effective as of July 10, 1977. Following discussion, Vice-Mayor Denton moved that the ordinance be approved for second and final reading, to include the effective date of July 10, 1977, 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 Councilman Green, was adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 112).

✓ The Mayor closed the regular session temporarily and asked the Assistant City Manager to read the following Notice of Public Hearing on the proposed 1977-78 City of Harrisonburg Budget which was publicized in the Daily News Record newspaper, along with summaries of: Comparison of Estimated Receipts by Funds and Sources; and Comparative Statement of Appropriations, for fiscal years 1976-77 and 1977-78:

"Notice is hereby given that a Public Hearing on said budget as submitted and amended will be held in the Council Chamber in the Municipal Building at 7:30 PM on the 24th day of May, 1977, at which meeting the said budget will be further acted upon by the Council. Detailed information concerning various functions as stated in the foregoing budget estimates is filed in the Office of the City Manager of the City of Harrisonburg, Va., as a public record subject to inspection."

Marvin B. Milam, City Manager

In as much as the City Manager was in New York for final settlement of Sewer Revenue Bonds, his 1977-78 Budget Message was read in its entirety. Some highlights are as follows: The City of Harrisonburg Budget is in balance at a total figure of \$ 13,935,054.00, accomplished with the existing \$ 2.00 real estate and \$ 2.65 personal property tax rate, and other existing tax revenues; in order to balance the budget, \$ 400,000. was eliminated from requests of the various City Departments; a comparison, by funds, shows an overall increase of \$ 1,251,663. or 9.8% over the present fiscal year; the Sewer revenue was increased last December at the rate of 54¢ per 1,000 gallons by the Regional Sewer Authority-- a \$ 100,000. reduction reflected for operating expenses at the City's old sewer plant--but an estimation of \$ 424,000. included for operation and maintenance payments to the Authority for sewage treatment, as mandated by the state due to regionalism; all employees will receive an approximate 7% salary or hourly pay increase; appropriations provided for 26 organizations and regional programs in which the City is involved, and committed for. The City Manager, in his message, asked Council's consideration with regard to acquiring Public Officials Liability Insurance for all public officials. This insurance has been in the development stage for the past three years because of a growing concern that the increased challenges of individual public officials, through the courts, will result in unwillingness of persons to serve in elected and appointed positions. The Virginia Municipal League has made arrangements with Haas & Dodd, Inc. of Atlanta, Ga., who can deliver, market and administer for localities in their need. In conclusion, Manager Milam pointed out that the latest studies by the Virginia Department of Taxation, completed March 1977 for 1975 sales tax, indicated that Harrisonburg still has one of the lowest average effective true tax rate of Virginia cities, equal to 71¢ per \$100. A personal observation by City Manager Milam, "it is felt that services provided are among the best and the financial status of the

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City is healthy and sound." Mayor Erickson said he was sure the City Manager would check further into the Liability Insurance to determine cost, etc. and report to Council in the near future. Mr. Driver reminded Council and those present that an extensive study of the Budget had been made at the last regular meeting at which time the City Manager explained each and every increase, decrease, etc. He called attention to six recommended changes, none of which affect total budget figures, and only three which affect the Appropriation Ordinance which is up for consideration of a second and final reading at this time, namely: (1) under Support of Community & Civic Organizations (page 8) enter Other Departmental in place of Archeological Society of Virginia with no change in amount of appropriation; (2) under Summary (Expenditure and Revenue) page 9, change amount of Anticipated Cash Balance July 1, 1977 from \$ 254,843.00 to \$ 252,543.00; (3) also under Summary, change amount of Licenses, Permits & Privilege Fees (estimated) from \$ 854,000.00 to \$ 856,300.00. Following reading of the Recapitulation of appropriations to the various funds and Section IX of the Appropriation Ordinance, the Mayor called on anyone present who may desire to be heard with regard to the proposed budget. There being no one, the public hearing was declared closed at 8:30 P.M. and the regular session reconvened.

✓ Mayor Erickson asked Council's wishes concerning the City Budget as proposed for fiscal year 1977-78. Councilman Dingleline moved that the Appropriation Ordinance be approved for a second and final reading with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Minute Book, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council. (Refer to Minute Bk N, pages 298-309).

✓ Council was reminded of a vacancy which had been created on the City Planning Commission due to the expiration of Mr. James Gilkeson's second term on December 31, 1976, and Mayor Erickson asked members' wishes concerning an appointment. Councilman Rhodes moved that Mr. W. Richard (Dick) Fleming of 474 Myers Avenue, electrical engineer for Shenandoah Valley Electric Coop., be appointed to the Commission for a four (4) year term expiring 12/31/80, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

✓ Mayor Erickson told Council members that consideration should be given at this time concerning the appointment of a representative for the City of Harrisonburg to serve on the Central Shenandoah Health Systems Agency Subarea Council, which matter has been carried on the agenda for a number of meetings. He reminded them of the fact that Mr. Robert Lisle, Chairman of the Council, had appeared before this Body on April 12th to better inform members re purpose of the Subarea Council, etc. Following a brief discussion, Councilman Green moved that Mrs. Edward F. (Janice) Abbott of 469 Myers Avenue, Harrisonburg, be appointed to represent the City, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council. It was noted that no specific term had been designated in any contact with officials of the organization.

✓ Mayor Erickson asked Council's wishes re an appointment to the Harrisonburg Electric Commission for the unexpired term of Mr. O. M. Porterfield, Jr., who has moved from the City and submitted his resignation. Vice-Mayor Denton moved that Mr. O. Walton Wine, Jr., 1110 Hillcrest Drive, President of Valley National Bank, be appointed to fill the unexpired term to December 31, 1978, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

✓ Council was reminded of two upcoming vacancies to be created on the City School Board as of June 30, 1977 when the second full term of Mrs. Dawn Smith will expire, and the first term of Mr. Ray Wine. The Mayor asked members if they desired to make appointments to either, at this time. In as much as Mr. Ray Wine is eligible to serve another term, Councilman Rhodes moved that he be reappointed for a full term of three (3) years, expiring on June 30, 1980, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

✓ Councilman Green, a representative of the City on the Upper Valley Regional Park Authority, questioned his serving in this capacity due to the recent resignation of some other members because of a question raised at the last Authority meeting as to whether or not members can also be members of a Governing Body in that they are elected to office. City Attorney Lapsley noted that the state law, on the books since 1950, does not apply to groups such as Planning Commissions, Sewer Authorities, or any other Body which allows elected officials to serve. Assurance was given by Mr. Lapsley that he would further investigate the law and review the Park Authority's Charter, prior to making a decision on the matter.

✓ The following recommendation submitted by the Planning Director from a meeting of the Commission held on May 18th was read by the Assistant City Manager:-

"...The Commissioners reviewed the map of proposed Country Club Court Subdivision, located in the northwest corner of the Rt. 33 Interstate 81 Intersection. Attorney Steve Blatt, representing Mr. Bernard Bolt, owner-developer, stated that the Final Plan of Section One will have 19 townhouse units plus related common areas for parking and green space. He also reported that a homeowner's association will be formed, based on current federal government regulations. The Association's life is 'for perpetuity.' Mr. Blatt stated that Mr. Bolt has made necessary agreements with the Chesapeake Western Railway concerning the entrance road crossing.

The Director reviewed the staff's comments as noted on Subdivision Review Sheet and added that Messrs. Devier & Loker were very pleased with the detailed drawings submitted by Mr. Bolt's engineers, Ross & France of Manassas.

Mr. Williams concluded the review with a motion that the Planning Commission recommend approval of the Final Plan for Section One, Country Club Court Subdivision. Dr. Shank seconded the motion and all members voted in favor..."

✓ Mr. Sullivan pointed out the area on a map, noting that the property was formerly the old Hirsch Farm. Mr. Bolt said that a tennis court would be provided which should meet the needs of both adults and children, and pointed out the fact that drainage problems have been solved. A recent problem with the railroad has been straightened out since the developer has agreed to install a flashing light crossing. Following discussion, Vice-Mayor Denton moved that the recommendation of the Planning Commission be

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

Assistant City Manager Driver read the following recommendation submitted by the Planning Commission from its meeting on May 18th:-

"...A preliminary plat drawn by City Engineer Devier, illustrating the re-subdivision of Lots 4, 5, 6, 7, Section 1, Block A of Hillandale Subdivision was presented by the Director. Mr. Perry Baugher, owner-developer, desires to establish 13 townhouse lots plus a common access area. The townhouses will face S. High Street and all parking spaces will be located behind the units. The Director explained that the Zoning Ordinance definition for 'Dwelling, Town House' will have to be amended or a variance will have to be granted re the number of attached units per cluster. Mr. Sullivan also questioned the status of responsibility for maintenance of the proposed 25' common access area located behind the proposed 'for sale' townhouse lots. Mr. Byrd stated that the City doesn't want to approve a private access road if provisions such as a homeowner's association are not clearly written regarding maintenance of the road, and he stated that the definition for Townhouses was 'in error.' Mr. Baugher told the Commissioners he will pave the common access road and his attorney, Holmes Harrison, is writing the covenants which will address the issue of future maintenance and upkeep of the common access area. Mr. Sullivan reported that City Staff has not had time to discuss this preliminary plan, however, the setbacks and lot density requirements are satisfactory. He noted that a 'possible new right-of-way line' along S. High Street is shown, indicating a 15' width for future widening of High Street.

Chairman Kuykendall stated that fronting of townhouses along S. High with parking to the rear is a desirable plan. Mr. Milam offered a motion for the Planning Commission to recommend approval of the Preliminary Plan to resubdivide Lots 4, 5, 6 & 7, Section 1, Block A of Hillandale Subdivision, including a variance concerning the number of townhouse units per cluster, and provided that Mr. Baugher's attorney write covenants regarding the common access area's future maintenance and upkeep which is satisfactory to the City. Dr. Shank seconded the motion and all members voted in favor..."

Mr. Sullivan reminded Council that this is Preliminary Plan only, and that sufficient time would be allowed for writing of covenants, etc. prior to the Final Plan being produced. Following discussion, Councilman Green moved that the recommendation of the Planning Commission be approved, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

The following recommendation submitted from a Planning Commission meeting held on May 18, 1977 was read:-

"...A letter dated April 18, 1977 from Mr. E. C. Caldwell of IMCO Container Co., requesting the closing of a portion of a 12' dedicated public alley was reviewed. The alley is situated north of West Market Street and approximately 173' east of Brook Avenue. The Director reported that IMCO owns the properties on both sides of the alley and no easements or utilities exist in the alley. City staff recommends closing the alley from West Market St. to the present chain-link fence, then westward 120' toward Brook Avenue. The purpose for closing the alley is to allow a better parking lot design by IMCO within the area recently rezoned M-1 Industrial.

Mr. Williams offered a motion for the Planning Commission to recommend closing of the 12' alley as illustrated on the attached map, subject to consideration and report by the Board of Viewers. Mrs. Bowman seconded the motion and all members voted in favor..."

Following discussion, Vice-Mayor Denton moved that the Planning Commission's recommendation be accepted and the following appointed to serve as a Board of Viewers to view the alley and report to Council, in writing, whether or not there would be any inconvenience in closing of same: Messrs. P.H. Hardy, T.H. Lowery and John H. Byrd, Sr., which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

Councilman Dingleline moved that a supplemental appropriation in amount of \$ 10,479.36 requested by the Recreation Director in order to transfer Title VI Funds received from the Virginia Employment Commission for months of February & March, 1977, into proper accounts, be approved for second and final reading, a first reading having been approved on May 10th, and that:-

\$ 10,479.36 chgd. to: General Fund (1005) Recoveries and Rebates:-
 1,214.10 approp. to: General Fund (11020-12.01) Rec.-Wages- Rec. Supvr.- Title VI
 982.58 approp. to: General Fund (11020-12.02) Rec.-Wages-Athl. Instr.-Title VI
 964.00 approp. to: General Fund (11020-12.03) Rec.-Wages-Sec. Officer- Title VI
 417.50 approp. to: General Fund (11020-12.04) Rec.-Wages-Maint. Man- Title VI
 1,230.00 approp. to: General Fund (11020-12.05) Rec.-Wages- Rec/Athl. Super.-Title VI
 1,030.50 approp. to: General Fund (11020-12.50) Rec.-Wages- Rec. Instr.- Title VI
 1,230.00 approp. to: General Fund (11020-12.51) Rec.-Wages- Park Maint. Supt.- Title VI
 894.98 approp. to: General Fund (11020-12.52) Rec.-Wages- Janitor- Title VI
 755.63 approp. to: General Fund (11020-12.53) Rec.-Wages- Clerk Typist- Title VI
 586.53 approp. to: General Fund (11020-12.55) Rec.-Wages- Grounds Maint. Man, Title VI
 1,173.54 approp. to: General Fund (11020-12.57) Rec.-Wages- Concessioners- Title VI

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

Councilman Green moved that a supplemental appropriation in amount of \$ 21,856.49 requested by the School Board Office in order to appropriate receipts from the Comprehensive Employment & Training Act (CETA) for quarter ended March 31, 1977, be approved for second and final reading, a first reading having been approved on May 10th, and that:-

\$ 21,856.49 chgd. to: School Fund (R-28A) Realized Revenue - Other Fed.
 Programs- CETA.
 3,616.18 approp. to: School Fund (1201-109.50) Other Inst. Costs- Comp. Tchr. Aides- CETA
 1,755.78 approp. to: School Fund (1201-109.51) Other Inst. Costs- Comp. Clerical- CETA

\$ 16,484.53 approp.to: School Fund (1201-134.50) Day Sch.Instr.- Comp.Elem.
Teachers- CETA

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

Assistant City Manager Driver presented for Council's consideration of a second and final reading, a request from the City School Board Office for approval of a supplemental appropriation in amount of \$ 3,000. for recovery of vandalism loss at Thomas Harrison Junior High School on April 16, 1977, noting that the funds are anticipated to be received from parents or an insurance company. Although the appropriation had been approved for a first reading at the May 10th meeting, Council agreed during a brief discussion that a final reading be deferred pending receipt of the funds. Mayor Erickson asked that the matter be placed on Council's agenda for the next regular meeting.

Assistant City Manager Driver presented a request from the City School Board Office for approval of a supplemental appropriation in amount of \$ 16,457.57 (anticipated receipts from the Comprehensive Employment & Training Act for quarter ended 6/30/77) in order that this amount may be appropriated in the proper accounts. Mr. Driver explained that the funds must be appropriated prior to July 1st, which explains this requested appropriation in advance. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:-

\$ 16,457.57 chgd.to: School Fund (R-28A) Receipts from Fed.Funds- Other Fed.Funds- CETA
11,949.51 approp.to: School Fund (1201-134.50) Day Sch.Instr.- Comp.Elem.Tchr.- CETA
2,985.15 approp.to: School Fund (1201-109.50) Other Inst.Costs-Comp.Sch.Aides- CETA
1,522.91 approp.to: School Fund (1201-109.51) Other Inst.Costs-Comp.Clerical- CETA

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

A request from the School Board Office was presented for approval of a supplemental appropriation in amount of \$ 17,600. from the General Fund Unappropriated Surplus Account, to be used for fuel. It was noted that additional costs due to the abnormally cold weather and increased fuel prices, have caused appropriations for fuel and electrical costs in the regular to be absorbed, with no additional funds in the School budget available for transfer. Council discussed the request and agreed upon the fact that it is difficult to anticipate certain costs in advance in order to appropriate sufficient funds into a budget for an entire fiscal year. Councilman Green moved that the appropriation be approved for a first reading, and that:-

\$ 17,600. chgd.to: General Fund - Unappropriated Surplus Account.
17,600. approp.to: School Fund (1205-311.00) Oper. School Plant- Fuel.

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

Assistant City Manager Driver requested approval of Council for a supplemental appropriation in amount of \$ 266,657.00 representing funds received from the Va. Department of Highways & Transportation for acquisition of rights-of-way, various fees and title search on the Cantrell Avenue Project. He explained that the funds will be used by the City for additional rights-of-way and total construction costs for the project. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:-

\$ 266,657.00 chgd.to: General Fund (1005) Recoveries & Rebates.
266,657.00 approp.to: General Fund (1-10110-77.06) St.Inspect.- Cap.Outlay-Cantrell Ave.

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

Assistant City Manager Driver presented and read a communication to the City Manager from Mr. Tom Buskirk, Criminal Justice Planner, requesting time at this meeting to request approval of Council of the Central Shenandoah Planning District Commission's Fiscal Year 1978 Criminal Justice System Plan. He noted that a Plan, Phase I & II had been received early this morning in two separate volumes. Mr. Buskirk informed Council that meetings have been held on the local level to develop input into the planning process, one of which was held in the Harrisonburg Council Chamber in January of this year, with 38 representatives of various areas present. He explained that Phase I of the Plan defines direction for the next four years with emphasis on upgrading criminal justice personnel through training, controlling juvenile delinquency, and implementing crime prevention programs. Phase II contains project input for future Division of Justice and Crime prevention funds. An expected expenditure of target allocation in amount of \$ 109,604. is outlined in Phase I, with an additional \$ 200,000. requested in Phase II for construction of a Regional Adult Detention Facility. The project directed to the City of Harrisonburg is funding of the Criminal Justice Training Center at Blue Ridge College, which is supported by \$ 3,553. in federal dollars for training of police officers. At present, funding of the facility is based on 90% federal, 5% state and 5% local. Within the next three and one-half years, the 22 jurisdictions will fund the operation at 100%. Mr. Buskirk expressed a hope that the Criminal Justice Advisory Committee will serve as a source and decision making group to the jurisdictions, and said that approval of the Plan by all jurisdictions must be in by June 15. Following a discussion, it was agreed that the matter be deferred until Council's next meeting on June 14th, to allow time for the Plan to be studied by members.

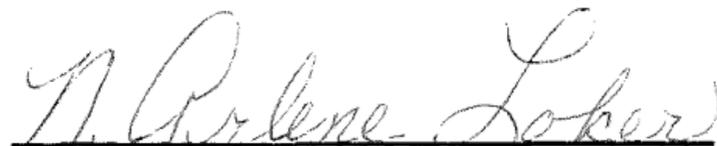
Mayor Erickson informed those present that City Manager Milam had anticipated being here this evening, but had been delayed extra days in New York in signing the Sewer Revenue Bonds as Secretary-Treasurer of the Harrisonburg-Rockingham Regional Sewer Authority. An error in printing of the bonds had to be corrected.

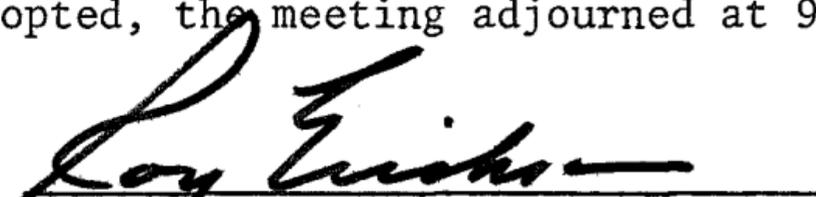
Councilman Rhodes told Council of a complaint he had received concerning a delapidated abandoned house located at 264 Kelly St. (old Myers Property), from which odors are emanating. He offered an opinion that missing heirs may be the problem and that something should be done about the property. City Attorney Lapsley said that under the code, a structure may be condemned by the City and removed, if it is found to be in a certain state of repairs. The matter will be followed through to determine status of the property.

Mayor Erickson said he had received a complaint concerning parking in the area of Purcell Park from

early daylight hours until midnight, and that he had told the complainant that he would look into the situation. Assistant City Manager Driver informed Council that tournaments had been held over the past weekend, with teams from the County and other areas participating. Two or three such tournaments are held each year.

There being no further business and on motion duly adopted, the meeting adjourned at 9:40 P.M.


CLERK


MAYOR

At a combined public hearing and 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 Raymond C. Dingle-dine, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave.

The evening's Invocation was led by The Rev. Thomas Welsch, pastor of Frieden's United Church of Christ.

Minutes of the combined public hearing and regular meeting of May 24th 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 May, 1977.

From the City Treasurer:-

A Trial Balance report as of close of business on May 31, 1977.

From the Police Department:-

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

From the City Auditor:-

A financial report for the City of Harrisonburg for month of May, 1977.

A report of cash discounts saved in payment of invoices during month of May, 1977, totaling \$ 492.81.

From the Department of Utility Billing:-

A report of water, sewer and refuse accounts, meters read, installations, cut delinquents, complaints, re-reads, etc. for month of May, 1977.

✓ A letter dated 5/31/77 from Mr. Bill Lanier, Jr. of the League of American Wheelmen was read by the City Manager, expressing appreciation on behalf of the North Carolina cyclists for hospitality shown them by the City of Harrisonburg over the Memorial Day Weekend when their GEAR '77 event was held here, and commending the Harrisonburg Police Department for an outstanding job. Mayor Erickson told Council of a copy of a letter which he had received that had been sent to the Highway Department and also the Governor, extolling the virtues of the Shenandoah Valley and the visit by the cyclists in this area, and complimenting the roads in Virginia, particularly the secondary roads used for the event.

For information of Council, City Manager Milam stated that Assistant City Manager Driver had attended a meeting held at Madison College on June 1st concerning the \$4 billion which was appropriated by the Congress for Public Works Employment Act of '77. He noted that Harrisonburg is not eligible to submit an application under this Act in that the unemployment rate here is not in excess of 5.9%. Mayor Erickson quoted the City's rate as 4.2% in April of this year.

✓ A communication dated 6/14/77 from the Department of Highways & Transportation to Mayor Erickson was read, concerning a meeting which will be held on June 28th in the Linville Edom School Cafeteria at 7:30 P.M. with regard to improvements of Rt. 42 between Harrisonburg and Broadway. It was noted that interest and concern have been expressed about this area of road and that preliminary plans are far enough along to warrant a town hall type meeting at which citizens are welcome and during which time views may be expressed. A formal public hearing will be scheduled at a later date. Notice of the meeting will be posted in the Municipal Building.

✓ The City Manager reminded Council that the matter of a request of Frank Cline & Son for the closing of an alley (10' in width), running south from W. Gay Street between N. Main St. and Noll Drive, had been tabled at Council's meeting on March 8, 1977 due to anticipated improvements by the City in that area. The closing had been recommended by the Planning Commission and a Board of Viewers, as well as the city staff, although the staff, according to the City Manager, did not have complete information concerning plans for the area at that time. A request had been made by Attorney Stephen Weaver that he be permitted to appear before Council on behalf of his client, Frank Cline & Son, to discuss the matter. It was agreed that the matter be placed on the agenda for June 28th, and Attorney Weaver invited to be present.

The mayor closed the regular session temporarily and called the public hearing to order.

✓ The City Manager read the following notice of hearing as advertised in the Daily News Record newspaper:-

"Pursuant to PL 92-512 as amended by PL 94-488, the City Council on Tuesday, June 14, 1977, at 7:30 P.M. in the first floor City Council Chambers, Municipal Building, will conduct a public hearing on the proposed use of Revenue Sharing Funds. Oral and written suggestions will be welcome at that time.

ANTICIPATED RECEIPTS FOR ENTITLEMENT PERIOD EIGHT - JANUARY 1, 1977 to SEPTEMBER 30, 1977

\$ 292,120.00

DD0550

PROPOSED EXPENDITURES:

Municipal Departments:

Fire Department - Equipment	\$ 16,000.
Street Department - Equipment	12,000.
Downtown Utility Relocation	36,365.
Parks & Recreation - Equipment	18,000.
Parking Authority - Lot Improvements	32,000.
Transportation Department - Equipment	43,000.-
Total Municipal Departments	\$ 157,365.

Department of Education:

Field House Roof Repairs	\$ 12,000.
Painting - Thomas Harrison Jr. High School	24,875.
Landscaping - Harrisonburg High School Grace Street	10,000.
Renovate Track	41,380.
Cross-Connections	7,500.
Auditorium Equipment	9,000.
Classroom Furniture and Equipment	30,000.
Total Department of Education	\$ 134,755.

TOTAL PROPOSED EXPENDITURES

\$ 292,120.

Marvin B. Milam, City Manager

The City Manager explained in detail the proposed expenditures as listed, with regard to repairs, improvements, equipment, etc. Mayor Erickson called on anyone desiring to be heard concerning the Revenue Sharing budget. Mrs. George Raymond Hicks read a note from senior citizens, and herself, requesting a portion of the funds to be used to lessen cost of taxi fare for senior citizens at all times during the day and night, noting that the coupon system would be much appreciated, and further stating that purchase of several more checker cabs would be a wise expenditure for the Transportation Department. The Mayor thanked Mrs. Hicks for her statements and said that the coupon system for senior citizens and the hand-capped is under study at this time. A few questions were raised around the Council table and a precaution cited that all equipment purchases be of a capital improvement type in accordance with City policy. The public hearing was declared closed at 8:25 P.M. and the regular session reconvened.

For consideration of a first reading, the City Manager presented an Appropriation Ordinance for Revenue Sharing Funds totaling \$ 292,120. He noted that should this be approved, all items recommended by the City Planning Commission on April 21st for Downtown Development; S. Main St. project; Public Transportation; Parks & Recreation; Fire and Schools, would be funded either through the Revenue Sharing or the City's regular budget. Vice-Mayor Denton moved that the Appropriation Ordinance be approved for a first reading, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council.

A letter dated 6/2/77 from Mr. Bill V. Neff was read, requesting that the City make a decision within the next 60 days concerning purchase by the City of a one acre tract of land on S. Main St. next to Purcell Park which has been pending for some time. He quoted \$ 25,000. as a fair market value, but agreed that if settled within 60 days, he would accept \$ 10,000. in cash and donate the remainder to the City Recreation Department, in order to build and utilize his property. The City Manager stated that in January of this year when a recommendation was made by the Planning Commission to negotiate with the owner for purchase of the tract for the City's appraisal figure of \$ 4,500., he had written a letter to Mr. Neff with a request that it be returned within 30 days if the price was acceptable, which to date, has not been received in his office. He pointed out that in all fairness to the owner, strong indications had been made by various departments and officials of the city that the tract would be included in the City's Plan, in that prior to a survey it was assumed that same was City owned. Because of these indications, the remainder of the land was developed, leaving the one acre "landlocked". The matter was discussed, with feelings expressed that the City does have a moral obligation for purchase of the land, while Councilman Dingleline offered an opinion that the amount offered should not be in excess of the appraisal figure. Following discussion, Councilman Green moved that the City Manager be authorized to confer with the owner and bring in an acceptable amount between the \$ 10,000. requested, and the \$ 4,500. appraisal figure, to the next regular meeting of Council, which motion upon being seconded by Vice-Mayor Denton, was adopted by a majority vote of Council. Voting "aye": Councilmen Denton, Green, Rhodes and Erickson. Voting "no": Councilman Dingleline.

Ms. Rosemary Travers, a Staunton member of the Central Shenandoah Planning District Commission, appeared before Council to request that the Fiscal Year 1978 Criminal Justice System Plan be approved, in order that it may be taken to Richmond tomorrow. Mr. Tom Buskirk, Criminal Justice Planner, had pointed out highlights of the Plan, in two volumes (Phase I & II) at Council's last regular meeting on May 24, and action was deferred until this time in order that the Plan could be reviewed by members. Councilman Dingleline moved that the Plan be approved, with authorization for the mayor to sign the approval on behalf of the City of Harrisonburg, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

Council was reminded by the City Manager that action was deferred at the last regular meeting on a second and final reading of a supplemental appropriation in amount of \$ 3,000. requested by the School Board for recovery of vandalism loss at Thomas Harrison Jr. High School on April 16th of this year, pending receipt of funds from an insurance company or parents. Mayor Erickson pointed out that the matter had been deferred primarily due to the fact that the bookkeeping operation would be simplified after the funds were actually in, from either or both sources, and asked Council's wishes. The matter was discussed, during which time City Auditor Shifflet explained that should the funds not be received during this fiscal year, the amount would be set up as reimbursable expenses and placed into this year's revenue, although funds will not be received until the 1977-78 fiscal year. Mr. Paul Quintrell, Director of Finance for the City School system, noted that one-half the amount has been paid out, with the remainder to be received from parents on September 1st of this year. Following discussion, Vice-Mayor Denton

moved that the appropriation be approved for second and final reading, and that:-

\$ 3,000. chgd.to: School Fund (R#37) Receipts from Other Funds- Rebates (antic.)
3,000. approp.to: School Fund (1205-215.01) Maint. School Plant- Repairs &
Replacement Equipment.

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

✓ Vice-Mayor Denton moved that a supplemental appropriation in amount of \$ 16,457.57 requested by the City School Board Office in order to appropriate the anticipated receipts from the CETA program for quarter ended 6/30/77 into proper accounts, be approved for second and final reading, a first reading having been approved on May 24, and that:-

\$ 16,457.57 chgd.to: School Fund (R-28A) Receipts from Federal Funds- Other
Fed. Funds - CETA.

11,949.51 approp. to: School Fund (1201-134.50) Day School Instruction- Comp.
Elem. Teacher- CETA.

2,985.15 approp.to: School Fund (1201-109.50) Other Inst. Costs- Comp.Sch.Aides- CETA

1,522.91 approp.to: School Fund (1201-109.51) Other Inst. Costs- Comp.Clerical- CETA

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

✓ City Manager Milam presented for Council's consideration of a second and final reading, a supplemental appropriation in the amount of \$ 17,600. from the General Fund Unappropriated Surplus Account requested by the City School Board for fuel expenses, due to the abnormally cold weather and increased fuel prices causing the appropriation in the School's regular budget to be absorbed. A first reading had been approved at the regular meeting of Council on May 24th. When asked if there was any source from which the needed funds could be derived, Mr. Paul Quintrell, Director of Finance, replied in the negative, stating that all possible transfers had been made. Following discussion, Councilman Rhodes moved that the appropriation be approved for second and final reading, and that:-

\$ 17,600. chgd.to: General Fund - Unappropriated Surplus Account.

17,600. approp.to: School Fund (1205-311.00) Operation School Plant- fuel.

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

✓ Vice-Mayor Denton moved that an appropriation in the amount of \$ 266,657. (received from the Virginia Department of Highways & Transportation for the Cantrell Ave. project) be approved for second and final reading to be used on additional rights-of-way and total construction costs of the project as requested by the Assistant City Manager, a first reading having been approved on May 24, and that:-

\$ 266,657. chgd.to: General Fund (1005) Recoveries & Rebates.

266,657. approp.to: General Fund (1-10110-77.06) St. Inspect.- Cap.Outlay- Cantrell Ave.

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

✓ A request was presented from the Director of Social Services for approval of a supplemental appropriation in amount of \$ 608.10 from account of Recoveries & Rebates, representing reimbursement for expenses paid on foster care from Social Security and parents. Councilman Green moved that the appropriation be approved, and that:-

\$ 608.10 chgd.to: VPA Fund (1005-2) Recoveries & Rebates.

608.10 approp.to: VPA Fund (05-8022.395.00) Bureau of Public Assistance- FC

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

✓ Prior to presenting an anticipated third public housing program for the City of Harrisonburg to be covered by a Cooperative Agreement between the City and the Redevelopment & Housing Authority, the City Manager reminded Council that the Agreement was approved by Council in September 1957 and remains in force until the mortgage is satisfied. The Agreement authorized 250 units of public housing which is sufficient to cover three proposed programs: (1) Kavanaugh Hotel Units (30-40); (2) an additional 100 units; (3) an estimated 100 units which can be applied for under correspondence received last month from the Department of Housing & Urban Development setting out a total amount of \$ 530,000. in currently available funds for new construction and/or substantial rehabilitation. An application must be in the office of HUD by June 24th and will be discussed tomorrow afternoon at a meeting of the R & H Authority. Manager Milam pointed out that the 50 units which have been approved under Section 8 Existing Housing Units (with rent subsidy) does not come under the Cooperative Agreement. No action by Council necessary at this time.

Appointments to various Boards & Commissions were deferred until a future date.

✓ City Manager Milam reminded Council that the City Charter provides that a C.P.A. firm be appointed by the governing body prior to the end of a fiscal year for an audit of records for that year. He said that he had contacted several of the firms during the past year, as requested by Council, concerning various aspects of the audit. An opinion was offered that if a change in firms is made by the City for this year's audit, it could create a problem with some other public agencies, in that work between the various firms appears to be pretty evenly divided. Mayor Erickson pointed out that the firm of Keeler, Phibbs & Company has audited City records for the past several years and have become familiar with the procedure, etc. Following a brief discussion, Councilman Dingleline moved that the firm of Keeler, Phibbs & Company be appointed for the City's 1976-77 annual audit, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ Council was informed by the City Manager that he had received an offer from the State Emergency Office to reprint the City's Emergency Operations Plan and provide 30 copies of same, if approved prior to the end of this month. He explained that a draft copy has been received, showing little change, and providing that in the case of an emergency the Mayor is authorized to serve as Director and the City Manager as Assistant Director, with all department heads to carry out their particular functions. He asked that Council approve the revised plan although time has not allowed a study of same, by approving the following resolution:

DD1550

WHEREAS, THERE EXIST MANY DANGERS OF MANY TYPES INCLUDING MAN-MADE DISASTERS, NATURAL DISASTERS, AND POSSIBLE HOSTILE ACTIONS OF AN UNKNOWN ENEMY; AND

WHEREAS, THE SAFETY AND PROTECTION OF THE CITIZENS AND PROPERTY IS OF FOREMOST CONCERN TO THE CITY COUNCIL OF THE CITY OF HARRISONBURG; AND

WHEREAS, THE CITY COUNCIL DESIRES AND COMMONWEALTH OF VIRGINIA STATUTES REQUIRE THE ADOPTION OF APPROPRIATE PLANNED PROTECTIVE MEASURES; THEREFORE BE IT

RESOLVED THAT THE CITY COUNCIL HEREBY ADOPTS THE CITY OF HARRISONBURG EMERGENCY OPERATIONS PLAN AS THE NECESSARY BASIC PLAN FOR CITY EMERGENCY SERVICES.

ADOPTED AND APPROVED THIS 14th DAY OF JUNE, 1977.

Mayor

Attest:

Clerk

The Mayor made an observation that the original plan was developed primarily for the purpose of fall-out shelters, etc. and that Civil Defense has now grown to cover various disasters which occur throughout the state of Virginia. Manager Milam pointed out that should there be any criticism or complaint concerning the Plan, changes could be made at any time. Following a brief discussion, Vice-Mayor Denton moved that the resolution be approved, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ Council was reminded by the City Manager that an ordinance titled: "Erosion & Sedimentation Control" had been approved on July 8, 1975 and that on March 9th of this year the General Assembly amended the state law with a copy received by the City Attorney on June 6th. The Attorney General has ruled to the Virginia Soil & Water Conservation Commission that the amendment must be approved and made effective as of July 1st this year. He said that an ordinance amending the 1975 ordinance will require two readings, which necessitates approval of a first reading at this time. The basic change in the law concerns utilities and exempts only telephone and electric wiring, whereas at the present time, all utilities are exempt. City Attorney Lapsley explained that No. 10 under Section 3 "Definitions" of the ordinance (Land Disturbing Activities) will be amended to include digging up for water, sewer, gas & oil lines, unless they are located under existing hard surfaced road, street or sidewalk. Councilman Green moved that an ordinance be approved for a first reading and referred to the City Attorney to be drawn in proper form, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

✓ The City Manager presented an ordinance amending Article I of Chapter 8 under Electricity, and repealing the present Article I of the Harrisonburg City Code, in order to create a Division of Electrical Inspection. He explained that electrical inspections have heretofore been made by the Harrisonburg Electric Commission, and said that for some time now it has been agreed that the authority be placed under the direction of the City's Building Office, and to create an office of Electrical Inspector. Manager Milam pointed out highlights of the ordinance, noting that if approved, same would be made effective as of July 1, 1977. Following a brief discussion, Councilman Rhodes moved that the ordinance be approved for a first reading, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

✓ Council was reminded by the City Manager that a request from Mr. Bill Neff had been presented on March 8th of this year for sewer connections for 112 trailer lots at the Spotswood Mobile Home Estates on Rt. 33 east, outside the City limits. At that time, the request was referred to the Sewer Superintendent for a recommendation. A copy of a letter from the Department of Health to Mr. Neff dated 5/23/77 was then presented by the City Manager, asking to be advised of any negotiations which may have been made with either Rockingham County or the Harrisonburg-Rockingham Regional Sewer Authority to connect to their system. Manager Milam explained that the reason for the delay in getting back to the governing body with the matter was complications involved for a number of years because of a contract between the Regional Sewer Authority, Rockingham County and the City of Harrisonburg. He noted that the contract was approved on April 12th of this year and is operable at this time. A recommendation from the Sewer Superintendent by letter dated 6/1/77 is for denial of the request primarily due to a city policy for no sewer connections outside the City in the absence of that development being served also with city water service. A sewer charge is based on total water consumption as registered through a water meter. Spotswood Mobile Home Estates is supplied water from a well. The Sewer Department is concerned about the plant's capacity and further, does not wish the daily 18,000 gallons of sewage credited against the City. Another observation made by the City Manager was that the present rural connection fee of \$ 500. per lot or unit could make the cost prohibitive for the 112 trailer lots, resulting in a total cost of \$ 56,000., although this aspect has not been discussed in any of the communications with the requestor. When questioned by Council concerning fees which may have been established under the Regional Sewer Authority, Mr. Milam explained that a committee comprised of Assistant City Manager Driver, Mr. Don Kruger and James Roadcap had worked out fees for Rt. 42 and Belle Meade connections, which has no bearing on this request for Rt. 33 east. He expressed a hope that some information concerning a uniform connection schedule for the entire district would be forthcoming in the near future, in that same has been referred back to the committee for further study and recommendation. Following discussion, Vice-Mayor Denton moved that the request for City sewer connections for the 112 trailer lots be denied, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council. Mayor Erickson pointed out that the denial does not mean that the City does not wish to supply sewer service to users outside the city, but rather, that further information, reports and possible policy changes are needed prior to making sound recommendations on requests of this nature. He offered an opinion that as time progresses, this request will come before Council again, and said he hoped that by that time, a firm recommendation may be made.

✓ Mr. Robert Hartt, Executive Secretary of the Harrisonburg Retail Merchants Association, was present in the meeting to present the following recommendations adopted at a meeting held on May 26, 1977: "The Harrisonburg Merchants Association, in order to give more specific guidelines to the City, recommends that a simple beautification plan unifying the total business area with planters, small shrubs and trees,

benches, fountains, etc. be planned. It is also recommended that traffic be kept open, but sidewalks be widened where possible and parking meters be eliminated as necessary." Mr. Hartt, on behalf of the Association, offered full support to the plans and efforts of Mr. Dick Kelly, Director of Downtown Development, and to Planning Director Robert Sullivan, and expressed appreciation for improvements made so far. He asked that the Association be consulted as plans progress. When a question was asked concerning possible tax elimination for private properties which may be updated, it was noted that such an immunity would be most difficult to apply to one area of the community, only. Mayor Erickson thanked Mr. Hartt for his remarks.

✓ Assistant City Manager Driver informed Council that he, along with Ralph Smith, Street Superintendent; Donn Devier, City Engineer; John Byrd, Jr., Building Official; R.J. Sullivan, Planning Director; Gene Wampler, Engineer for HEC; and Dick Kelly, Director of Downtown Development, had been working for some time on downtown improvements, resulting in recommendations and proposed plans, for consideration. A mall is not recommended, but rather to proceed with sidewalk widening, planting of trees & shrubbery, etc., with an intent to rework the entire block from Wolfe St. to Bruce St. and Mason St. to Liberty St. over the next several years. If desired, a mall could be worked into the operation at some later date. According to Mr. Driver, the first year's plan is for the sides of Court Square and Water Street, which can be completed during the City's 1977-78 fiscal year which begins on July 1st of this year. Although no recommendation was made by the committee for the Court Square, plans were shown with parking removed and plantings added, and also with parking on the inside of the square and plantings eliminated on the south, west and north sides. Pictures taken in Durham, N.C. of their downtown area were shown in order to give Council some idea of sidewalks, planters, street lights, colored paving for pedestrian crosswalks, etc. which could be used in the City's proposed improvement program. Mr. John Byrd discussed planning and engineering aspects of the project which included a replica of the original spring house on the southwest corner of the square, an information booth on the southeast corner, concrete planters, street lights, etc. He noted that the cost for placing electric wiring underground on Water Street (Main to Liberty) was estimated as \$ 33,000. and for telephone lines, \$ 36,000. It was suggested that Council meet with the H.E.C. and Telephone Company prior to making any decision. An estimated cost of work around Court Square and Water Street was estimated at \$ 90,000. Work will begin by city crews on July 11th on Water Street, and July 25th around Court Square, with work ceased the end of October and resumed next spring. Mr. Kelly presented a plan which he had drawn, proposing parking only on the north side of Court Square (18 spaces) and a large public area on the south side to provide space for art shows, concerts, etc. Mr. Driver said that he and the committee would present the plans to Rockingham County (owner of Court Square), the Harrisonburg Retail Merchants Association, and the Harrisonburg Parking Authority, prior to Council's next regular meeting, and report. City Manager Milam suggested that a list of items on which a decision should be reached (i.e. light poles, street signs, crosswalk materials, etc.) be turned in by the committee prior to the next meeting. Following discussion, Mayor Erickson expressed delight and appreciation for the presentation, praised the City's staff, and asked that the matter be placed on Council's agenda for further report on June 28th. Mr. Hartt was enthusiastic with the plans and time schedule.

✓ City Manager Milam quoted premiums on Public Liability Insurance as \$ 6,000. for a \$10 million budget and \$ 6,500. for a \$15 million budget, with blanket bond of \$ 10,000. to cover all elected and appointed officials involved in decision making. He asked permission of Council to submit information concerning the City for the purpose of receiving a quotation. Councilman Dingleline moved that the City Manager be so authorized, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

✓ For information, the City Manager reported that final settlement was made with the Klingstein Estate last Wednesday, with records, personnel, etc. to be transferred over to the City tomorrow. Additional insurance coverage has been taken out on the Kavanaugh Hotel and surrounding buildings.

There being no further business and on motion duly adopted, the meeting adjourned at 11:55 P.M.

N. Arlene Loker
CLERK

Ray Erickson
MAYOR

A P P R O P R I A T I O N O R D I N A N C E
OF THE CITY OF HARRISONBURG, VIRGINIA
For the Revenue Sharing Fund

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA, THAT THE FOLLOWING SUMS OF MONEY BE AND THE SAME HEREBY ARE APPROPRIATED FOR THE PURPOSES HEREIN SPECIFIED.

ANTICIPATED RECEIPTS FOR ENTITLEMENT PERIOD EIGHT -
JANUARY 1, 1977 TO SEPTEMBER 30, 1977

\$ 292,120.

PROPOSED EXPENDITURES:

Municipal Departments:

Fire Department - Equipment	1-9020-76.00	\$ 16,000.
Street Department - Equipment	1-10110-76.00	12,000.
Downtown Utility Relocation	1-10110-77.00	36,365.
Parks & Recreation- Equipment	1-11020-76.00	18,000.
Parking Authority-Lot Improvements	1-13220-390.01	32,000.
Transportation Department-Equip.	8-7-74.00	<u>43,000.</u>
Total Municipal Departments		\$157,365.

Department of Education:

Field House Roof Repairs	2-1205-290.01	\$ 12,000.
Painting-Thomas Harrison Jr.High School	2-1205-290.01	24,875.
Landscaping - HHS - Grace St.	2-19-600B	10,000.
Renovate Track	2-1205-290.01	41,380.
Cross-Connections	2-1205-290.01	7,500.
Auditorium Equipment	2-19-403	9,000.
Classroom Furniture and Equipment	2-19-403	30,000.
Total Department of Education		<u>\$134,755.</u>

TOTAL PROPOSED EXPENDITURES

\$ 292,120.

This ordinance shall become effective July 1, 1977.
Given under my hand this 28th day of June, 1977.

Attest:

M. Arlene Lopez
CLERK OF COUNCIL

Jay Fisher
MAYOR

At a regular meeting of Council held in the Council Chamber this evening at 7:30 P.M. 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 Raymond C. Dingleline, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- none.

The evening's Invocation was led by The Rev. Thomas Welsch, pastor of Frieden's United Church of Christ.

Minutes of the combined public hearing and regular meeting held on June 14th were read and approved as corrected.

Mr. Robert Sterrett, Executive Director of the Harrisonburg-Rockingham Chamber of Commerce, appeared before Council concerning the National Safety Council Course for Defensive Driving which has been given 1500 area residents, including 231 city employees. He presented Sgt. Leon Byrd of the Harrisonburg Police Department with an Instructor's Achievement Award for services rendered since 1970 in teaching the course to a total of 571, including city employees. Mayor Erickson praised Sgt. Byrd for his value to the community and his exemplary service on the police force.

In order to open for discussion the project of downtown improvements and beautification as listed on this evening's agenda, Assistant City Manager Driver reported that since Council's last meeting when proposed plans of the Court Square area were presented, he had met with several organizations concerning same. The Harrisonburg Retail Merchants Association asked him to bring back a verbal resolution for "some sort of beautification around Court Square but to keep as much parking around the Square as possible." The Rockingham County Board of Supervisors intimated that the program seems acceptable but said they would like more time to think about the matter in order to have some thoughts at a later date. They were impressed with the idea of reconstructing the original spring house on the southwest corner of the Square. Mr. Driver said he met with a small representation of the Downtown Development Committee this evening and that they would prefer to have another meeting with better representation in order to come up with some thoughts and ideas on the matter, prior to Council's next regular meeting. City Manager Milam called Council's attention to various items listed on the agenda which necessitate a decision by the governing body, showing multiple choice under categories of downtown development, with recommendations of the City Staff designated, as follows: PROPOSED PLAN: A modification plan of four proposed plans which have been presented, to include Historical features; LIGHTING: Overhead consolidated wiring plan and new fixtures; SIDEWALKS: Combination - concrete w/brick accents; ADVERTISING SIGNS: a review of present policy by a special committee of the Retail Merchants; STREET PLANTING: small trees & shrubs with limited locations; CONSTRUCTION: By City Departments and Others on combination cooperative scheduling; UTILITIES: renew water and sewer lines where needed; CONSTRUCTION TO START FIRST: W. Water St. Plan, both sides, E. Market St. Plan, south side. Mayor Erickson noted that final decision could not be made concerning the Court Square at this time, pending views of Rockingham County, in order that the City might cooperate with them. During a lengthy discussion period, members agreed generally with recommendations of the city staff and authorized the project to begin on the south side of E. Market St. and both sides of W. Water St. insofar as the 8' sidewalks and curbing. It was felt that parking should be removed from the south side of E. Market St. and the north side of Water St. when construction commences. Street Superintendent Ralph Smith said the sidewalks could be poured solid with no problem in drilling out parking meter spaces when decided upon at a later date. Although Assistant City Manager Driver informed Council that sodium lights will be used rather than the mercury vapor due to less cost for maintenance and the fact that they require less electricity, no decision was made re type of poles & fixtures, pending receipt of a lighting scheme from General Electric. A Plan has been received from Westinghouse. Vice-Mayor Denton offered an opinion that a committee of 3-5 persons should be appointed to coordinate colors, etc. with merchants who have places of business with brick insets and black railing. Councilman Rhodes said he feels that a person or persons should be made responsible for care of plantings along the streets. Mayor Erickson expressed a hope that more input would be in from Rockingham County, The Downtown Development Committee, and also the lighting scheme from General Electric, by the next regular meeting. In the meantime, city forces will begin on E. Market & W. Water Sts. with sidewalk construction.

Attorney Stephen Weaver appeared before Council on behalf of his clients, Frank Cline & Son, to urge that the 10' alley south of Gay Street be closed, as requested some time ago. He called attention

to the fact that both the Planning Commission and Board of Viewers had recommended the closing earlier, but that the matter had been tabled by Council in March of this year pending proposed plans by the City for that area. An agreement was made by his clients to grant the city an easement on a sewer line which runs through the alley, if closed, and also agreed that should an old building fronting on Gay Street be demolished, to grant the City a 10' strip to make Gay Street uniform width. Mr. Weaver said that the alley is of no value to anyone, and will be closed eventually. Closing of same now would allow the property owner on the west side to utilize this for its own purpose. City Manger Milam said that when the request was submitted in 1976 for closing the alley, and referred to the Planning Commission by Council, he does not believe the Commission had information for plans which have been pending since last summer. He expressed a hope that redevelopment plans for the area, which have not as yet been presented to Council, will be finalized in the near future. Should the alley be closed, Manager Milam pointed out that it may have to be bought back by the City for redevelopment purposes. Attorney Weaver said that if no decision is reached at this time, he would like all prior recommendations to remain valid, and asked to be notified when the matter is again brought up. Following discussion, it was agreed that no action be taken at this time, pending redevelopment plans.

Mr. David Penrod of 472 Cardinal Drive served as spokesman for other residents of that street concerning storm water problems. He noted that a drainage ditch on Cardinal Drive drains a large area at the present time, at at times fills up and overflows, causing water to stand in yards. He expressed concern of increased amount of water when the proposed shopping center is developed, with considerable blacktop, and also from Madison College. A suggestion was made that the channel be widened or deepened before the land is developed. He asked that a survey be conducted to determine capacity of the system and estimated increase of water to result from additional construction. City Engineer Devier said that work is presently being done along these lines in that area in conjunction with the Soil & Water Conservation Commission, including the theory of retention ponds, and that progress is being made. Council asked Mr. Devier to keep them informed on progress which may be made. Mr. Penrod was told to keep in touch with the City Engineer regarding the matter.

The following report submitted by a duly appointed Board of Viewers comprised of Messrs. P.H.Hardy, T.H.Lowery and John H. Byrd, Sr., was presented and read by the City Manager:-

"The undersigned members of the Board have viewed the 12' alley which has been requested to be closed by a letter dated April 18, 1977, signed by Mr. E. C. Caldwell for the IMCO CONTAINER COMPANY OF VIRGINIA. The alley is situated north of West Market Street and approximately 173' east of Brook Avenue. On May 24, 1977 the City Planning Commission recommended to the City Council that the said alley be closed from West Market St. to the present chain link fence, then westward 120' toward Brook Avenue, and that there are no existing utilities or easements in said Alley.

In compliance with the Code of Virginia, Vol. 3-A 1976 Cumulative Supplement, Section 10, Streets and Alleys, we the Viewers, after waiting the required ten days after the posting of notices of the request for the closing of said Alley, can foresee no inconvenience caused by the closing of the Alley and we unanimously recommend that the Alley be closed."

Following discussion, Councilman Dingleline moved that the Planning Commission's recommendation and Board of Viewers' report for closing of the alley be approved, and that same be referred to the City Attorney to be drawn in proper ordinance form, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

The following recommendation submitted by the City Planning Director from a meeting of the Commission held on June 15, 1977, was read:-

"...The proposed 21-lot preliminary plan for Unit 1, Willow Hills Subdivision was analyzed by the Commission. The Director reported that he and City Engineer Devier, Soil Conservationist Randy Maupin, Assistant City Manager Driver and Mr. Robert Funk's assistant reviewed the overall Willow Hills proposal on May 24, 1977 and concluded that two retention ponds may be essential to satisfactorily handle storm drainage from the steep terrain. However, storm run-off from the 21-lot Unit 1 will be handled by installation of a 48" pipe proposed through adjacent property owned by Charles E. Shank (Pleasant Hill Estates apartments). Mr. Kuykendall reported that the joint City-County Planning Commission met today on the subject, and that Committee agreed that the County portion of proposed Willow Hills Subdivision needs a great deal of study and design work regarding drainage facilities and road layout and design, but Unit 1 can be developed prior to retention pond construction. The Joint Committee agreed that since the County portion of Willow Hills will be dependent on City sewer and water connections, the City will exercise its subdivision controls over any development in the County portion.

The Director presented City Staff's June 15, 1977 Subdivision Review Sheet for the Preliminary Plan, Unit 1, plus a map showing 'Rex Road' relocated so that the south boundary of the street coincided with the City-County line. Mr. Milam offered a motion for the Planning Commission to recommend approval of the Preliminary Plan, Unit 1, Willow Hills Subdivision, subject to and providing that the Final Plan have a 20' drainage easement across lots 9, 10, 14 & 15, in order that a 48" storm drain pipe can be installed, and a 20' drainage easement is obtained by the developer in writing from Mr. Charles F. Shank so that a 48" storm drainage pipe can be installed to Pleasant Hill Road, and Retention Pond #1 be constructed as part of Unit 1. Mr. Williams seconded the motion.

Discussion regarding the retention pond followed. Review of Mr. Funk's engineering drawings showed that the proposed 48" storm drainage pipe will extend through lots 9 & 10 and under 'Rex Road' to lots 14 & 15. Mr. Byrd suggested that lots 9, 10, 14 & 15 be designated as 'problem lots' subject to the City Engineer's and Building Official's approval before permits are allowed. Mr. Denton felt that construction of a retention pond will prevent excess run-off from over-burdening the proposed 48" pipe. Based on the provisions for extending the 48" pipe from lots 14 & 15 to Pleasant Hill Road, Mr. Milam withdrew the retention pond condition from the original motion. The Commission unanimously

passed the revised motion. The Director was instructed to send copies to R.C.R. Associates and to request Mr. Jack Osborne, Virginia Highway Department, to have his Drainage Computation Section review proposed Willow Hills Subdivision and to submit their drainage calculations to the Planning Commission."

Mr. Sullivan pointed out the area on a map and stated that the Commission would prefer another access to the subdivision which includes approximately 25 acres in the City and 30 acres in Rockingham County. The only access road at present is the one which intersects with Pleasant Hill Road just east of the crest of the hill. Any other roads into the property would have to be purchased from private landowners. An observation of the Director was that although the intersection at Pleasant Hill Road has the required right-of-way to meet Highway Department standards, speeding on Pleasant Hill Road could be a hazard for those using Willow Hills Drive. During a lengthy discussion which primarily concerned the drainage problem, Mr. Sullivan explained that the developer plans to purchase a drainage easement to reroute surface water into the existing drainage system along Pleasant Hill Road. Councilman Dingleline said he felt uneasy because of the safety, drainage and congestion problems. Mr. Sullivan said that the drainage problem should be worked out prior to a final plan, noting that this is preliminary only, for Unit 1. Following discussion, Councilman Green moved that the recommendation of the Planning Commission be approved, which motion upon being seconded by Councilman Rhodes, was adopted by a majority vote of Council. Voting aye:- Councilmen Denton, Green, Rhodes & Erickson. Voting no:- Councilman Dingleline.

✓ The following recommendation submitted by the Planning Commission from a meeting held on June 15, 1977, was read:-

"...The Director reviewed the Plan of Development submitted by R.C.R. Associates, regarding their application to rezone 24.47 acres of undeveloped land from R-2 Residential to R-4 Planned Unit Development. The plan shows 34 single family lots, 21 townhouse lots and common green space, 64 apartment units and 12,050 square feet for neighborhood commercial development. He described the proposed street layout, noting that proposed Willow Hills Drive, adjacent to Eddie Edwards Sign Shop, is the only means of access. The apartments, townhouses and commercial areas are over 1,600 feet away from the Pleasant Hill Road access point. Mr. Steve Blatt, attorney for R.C.R. reminded the Commissioners that the developers will eliminate the commercial proposal if Central Avenue is not going to be extended to R.C.R.'s land. Mr. Sullivan reported that neither the City or the developers are negotiating with Mr. Cable to buy the necessary right-of-way for extending Central Ave. at this time. The Commissioners reviewed the 300 signature petition from Pleasant Hill Acres, opposing the R-4 request, and expressed concern over the one entrance-exit street serving the entire development.

Mr. Milam offered a motion that the Planning Commission recommend denial of the R.C.R. application to rezone 24.47 acres from R-2 to R-4 Planned Unit Development. Mr. Williams seconded the motion and all members present voted unanimously to deny the rezoning..."

Mr. Sullivan pointed out the area on a map and offered an opinion that this was not a good use of the land in that under R-4 Planned Development, the common green area and neighborhood commercial should be made available to the residents, whereas in this case, access is insufficient. City Manager Milam recommended not to schedule a public hearing unless it is specifically requested, should the Planning Commission's recommendation for denial of the request be approved. Following discussion, Councilman Green moved that the recommendation be approved, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

✓ Ms. Ruth Stoltzfus, director and staff attorney for the Harrisonburg-Rockingham Legal Aid Society, appeared before Council to present a report concerning types of cases handled and to inform the governing body that the caseload has outgrown the staff to the point that a committee has been appointed to raise funds to support a second staff attorney. Only civil cases are handled by the society, with no criminal work done. She pointed out that services are available to residents of both the City and the County, whose incomes meet established standards. Mayor Erickson expressed appreciation for the report and City Manager Milam reminded the Director that a financial statement of "income and outgo" must be turned in no later than January 15th of any year in order that it may be considered in the City's budget with regard to the organization's request for funds.

✓ Mrs. Mary Bradshaw, Coordinator of the Chapter 10 (Mental Health & Mental Retardations Services) Board, appeared before Council for the last time, prior to her upcoming resignation as Coordinator, for the purpose of reviewing history of the Board since its establishment in 1972. The organization has grown from \$ 9,480. in state grants for assistance to two local mental health agencies, to \$ 164,600. for the current year to assist five agencies: Community Counseling Center, Rivendale, Pear Street Center, Friendship Industries and Pleasant View Home - noting that the Massanutten Health Center has now come under local control. The new Executive Director of the Board (title recently changed by the state), Betsy Knighton of Bridgewater, was introduced to Council. She is a former director of Shen-Paco Industries at New Market who is studying for a doctorate degree in counseling and special education at the University of Virginia. Mayor Erickson thanked Mrs. Bradshaw for the report and expressed appreciation for the work she has done as Coordinator of the Chapter 10 Board.

✓ For Council's consideration of a second and final reading, the City Manager presented an ordinance appropriating \$ 292,120. in Revenue Sharing Funds anticipated for Entitlement Period Eight for period January 1, 1977 to September 30, 1977. He reminded members that the various expenditures had been explained in detail and discussed at the last regular meeting, at which time the ordinance was approved for a first reading. To simplify handling of the funds, the City Auditor requested that the ordinance be made effective as of July 1st, beginning of the City's new fiscal year. Following discussion, Councilman Dingleline moved that the ordinance be approved for second and final reading, effective as of July 1, 1977, with authorization for the mayor to sign the ordinance and the clerk to attest same and spread upon the pages of the City's Minute Book, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council. (Refer to Minute Bk. N pages 318 & 319).

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COUNCIL

✓ For consideration of a second and final reading, City Manager Milam presented a lengthy ordinance amending Section 4, Paragraph 2 of the Erosion & Soil Sedimentation Control Ordinance which was adopted July 8, 1975 by Council. Under Definitions, Land Disturbing Activities, only telephone and electric wiring would be exempt, and the ordinance amended to include digging up for water, sewer, gas & oil lines, unless they are located under existing hard surfaced road, street or sidewalk. Effective date of July 1st was suggested. Councilman Green moved that the ordinance be approved for second and final reading, effective July 1, 1977, with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous recorded vote of Council. (Refer to Ord. Book K, page 114).

✓ Council was reminded by the City Manager that a lengthy ordinance amending Article 1 of Chapter 8 under Electricity, and repealing the present Article 1 of the City Code had been approved for a first reading at the last regular meeting on June 14th, which ordinance will create a Division of Electrical Inspection and coordinate this along with various other types of inspection under the direction of the City's Building Office. Following a brief discussion, Councilman Rhodes moved that the ordinance be approved for second and final reading, effective July 1, 1977, with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, pages 115-122).

✓ In as much as Reverend H. Hasbrouck Hughes, Jr. had submitted his resignation last month from the Harrisonburg-Rockingham Legal Aid Society due to his being transferred from the City, Council's wishes were asked concerning a replacement to serve the unexpired portion of Mr. Hughes' one year term to December 14, 1977. Councilman Dingleline moved that The Reverend Sam P. Jones, Jr., pastor of the Harrisonburg Baptist Church, be appointed to serve as a representative of the City on the Legal Aid Society for the remainder of the unexpired term, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

✓ For Council's information and recordation in City minutes, the City Manager presented and read the following results of the City of Harrisonburg Democratic Party Primary Election held June 14, 1977, as submitted by Mr. Frank S. Warren, Secretary of the Harrisonburg Electoral Board: For Attorney General of Virginia: Edward E. Lane, 223; John L. Melnick, 155; John T. Schell, 103; Erwin S. "Shad" Solomon, 568; Governor of Virginia: Andres P. Miller, 747; Henry Howell, 393; For Lieut. Governor of Virginia: Ira M. Lechner, 309; Charles S. "Chack" Robb, 436; R. S. "Major" Reynolds, III, 359. The report was accepted by Council and the Clerk instructed to record the results in minutes of this meeting.

✓ Mr. Bill V. Neff was present in the meeting to explain the situation of a lot adjoining Purcell Park which was a part of land he developed and sold to Skatetown, but is now land-locked due to the fact that it had been intimated by various city officials and the Recreation Dept. that the land would be purchased and added to the Park. Since the matter has been pending since 1973, Mr. Neff asked that a decision be made at this time either to purchase the one acre tract of land, or to grant him an easement in order that he may utilize same. Council was informed that the most recent offer of \$ 10,000. cash still stands, with the difference between this amount and the \$ 25,000. requested, to be donated to the City's Parks & Recreation Department. Mr. Neff said he deems the offer "more than fair" in that five years ago he had purchased the land for \$ 18,000. per acre and sold two parts of it for \$ 20,000. an acre. Councilman Dingleline, who had opposed making an offer for purchase of the tract for amount exceeding the City's appraisal figure of \$ 4,500., referred back to minutes from meetings of the Parks & Recreation Commission in the years 1973 and 1974, which clearly stated intent for the one acre to be purchased. He said that his finding had convinced him that the City does have a commitment for the land. Vice-Mayor Denton moved that the City purchase the one acre tract of land from Mr. Bill Neff for the sum of \$ 10,000. cash, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council. City Manager Milam recommended that payment for the lot be made by using two City purchase orders, which amounts have been encumbered, namely: #1789 Council City Code in amount of \$ 7,899.73; and #1804 Reserve for Contingencies for remainder of \$ 2,100.27. Vice-Mayor Denton moved that the City Auditor be so authorized and directed, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

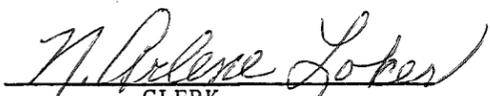
✓ Vice-Mayor Denton informed Council that he had been approached by Mr. Tom Hook with a request that a letter from Council be written, approving the project of Black's Run to be undertaken by the Harrisonburg Jaycees. Mayor Erickson volunteered to follow through on the request.

✓ City Attorney Lapsley informed Council that the Circuit Court Judge had appointed Messrs. T. Harry Lowery, Richard L. Suter, and John H. Byrd, Sr. to serve as a Board of Real Estate Assessors for Harrisonburg's 1979 assessment of all real estate in the City. The report was for information, in that the aforesaid names had been recommended by Council.

✓ Council was informed by the City Attorney that the Court, in session today from 9:30 A.M. to 4:00 PM had awarded landowners in the Skidmore Hollow area a total amount of \$ 39,200 (\$ 653. per acre) for land used by the City for construction of Switzer Dam. He said he was pleased with the outcome in that the City's highest appraisal had been \$ 551. per acre, while the landowners highest estimate was \$ 1,000. per acre.

✓ The City Manager informed Council that the Democratic organization had requested to rent the Sipe property (301 S.Main St.) from now until November of this year, No action was taken.

There being no further business, the meeting adjourned at 11:30 P.M.


CLERK


MAYOR

DUPLICATE

Tuesday, July 12, 1977

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, Clerk N. Arlene Loker, Vice-Mayor E. Warren Denton, Jr., Councilmen Raymond C. Dingleline, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet, and Chief of Police Richard W. Presgrave. Absent:- City Attorney Norvall A. Lapsley.

The evening's Invocation was led by Mr. Merv Webb of the Harrisonburg-Rockingham Association of Churches.

Minutes of the regular meeting held on June 26, 1977 were read, and approved as corrected.

Regular reports were received and ordered filed from:

From the City Manager:

A report of activities in the various departments and said office for the month of June, 1977.

From the City Treasurer:

A Trial Balance Report as of close of business on June 30, 1977.

From the Police Department:-

A report of total number of arrests; parking meter fines collected; cash collected from parking meters; total cash collected all sources, for month of June, 1977.

From the City Auditor:-

A report of cash discounts saved in payment of vendors' invoices for month of June, 1977 totaling \$ 330.26.

From the Department of Utility Billing:-

A report of water, sewer & refuse accounts, meters read, installations, cut delinquents, complaints, re-reads, etc. for month of June, 1977.

As required by the Tax Code of Virginia and under Section 2-124 of the Harrisonburg City Code, City Treasurer Firebaugh submitted listings of delinquent taxes as follows: Real Estate for year 1976, \$ 21,909.63; Tangible Personal Property for year 1976, \$ 5,090.13; and Tangible Property for year 1975, \$ 4,806.06. Under separate report the City Treasurer listed delinquent taxes remaining unpaid at the close of the fiscal year ended June 30, 1977, as follows: 1971 Personal Property, \$ 434.47; Personal Property for 1972, \$ 561.89; 1973 Personal Property, \$ 483.90; 1974 Personal Property, \$ 868.42; 1975 Personal Property, \$ 1,361.37; 1974 Real Estate, \$ 442.51; and 1975 Real Estate, \$ 1,508.71. Following a brief discussion of the lists, Vice-Mayor Denton moved that they be accepted as submitted, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

Correspondence dated 6/3/77 from Mr. Thomas Williamson, Executive-Director of the Harrisonburg Re-development & Housing Authority, was presented, enclosing a copy of the audit report by LaFrance, Walker, Jackley and Saville, Independent Public Accountants for the Low-Income Housing Program of the R. & H. Authority for the 24 month period ended December 31, 1976. It was noted that the report had been reviewed and accepted by the R & H Office. The City Manager quoted from the report assets totaling \$ 1,423,509.77 and liabilities of \$ 1,275,000.00. Following a brief discussion, Councilman Rhodes moved that the audit report for the R & H Authority be accepted, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

In correspondence dated 7/6/77 from Mr. C. Robert Hartt, Executive Secretary of the Harrisonburg Retail Merchants Association, permission of Council was requested to hold an "Old Fashioned Bargain Days" or similar event on July 28, 29 and 30th and to utilize approximately 3 parking spaces on the south side of Court Square on Friday the 29th for a "coke and hot dog stand." It was noted further that the Association would contact the Parking Authority for space where an Old Fashioned Farm Market might be held on Saturday, July 30th, with invitations to 25-30 farmers to bring in farm produce for sale to the public. City Manager Milam reminded Council that the policy has been for the governing body to grant permission for events of this type which require the use of City sidewalks. Councilman Green moved that permission be granted as requested, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

The City Manager informed Council that Hose Company No. 4's annual lawn party will be held this year July 19-23 and that an invitation had been extended for members to ride in the parade which will be on July 22nd. He called attention to a telephone number listed in the correspondence received to be used for registering participation by members of Council.

City Manager Milam presented and read an ordinance drawn by the City Attorney for closing of an alley located north of W. Market St., approximately 173' east of Brook Avenue and immediately south of IMCO Container Company property. He reminded members that the Planning Commission had recommended the closing and a duly appointed Board of Viewers had submitted a written report stating no inconvenience in vacating of the alley. Councilman Rhodes moved that the ordinance be approved for a first reading, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous recorded vote of Council.

The following recommendation submitted by the Planning Director from a meeting of the Commission held on July 6, 1977 was read by the City Manager:-

"...The Director reviewed maps of the proposed rezoning request of 6 acres from R-2 Residential to B-2 General Business. Five lots fronting on Hawkins Street and located behind the Rolling Hills Shopping Center had been requested by Mr. John Horsley, Realtor and agent for Dr. J. T. Houck, for a sporting goods store. The Planning Commission extended the request to include the entire six acres.

Chairman Kuykendall discussed the traffic concerns into and along E. Market Street as well as Franklin, Hawkins and Long Avenue.

A letter was read from Mr. Leighton S. Houck, son of Dr. J. T. Houck, in

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response to a proposal from the Planning Director. The letter stated agreement to the rezoning of all lots to B-2 General Business zoning with the exception of Lots 25-28, in Block 2, and Lots 17 & 18, in Block 3, which are presently zoned R-2 Residential and agrees for the City to put in a cul-de-sac on Franklin Street. The letter stated disagreement to closing the remaining portions of Franklin Street and Long Avenue.

Mr. Denton stated that he hopes Long Avenue can be closed all the way and if not, at least to the west end of the Rockingham Mutual Insurance Agency property line. He also questioned if the residents on Hawkins Street would want their street closed at some point to prevent through traffic from Market Street to Reservoir Street.

The Commissioners expressed concern about the 'legality' issue of closing streets. Concern was also expressed by residents from Franklin Street as to whether the restrictive covenants by Dr. Houck are strong enough to prevent traffic from crossing over the proposed cul-de-sac.

Commissioners Fleming and Williams don't feel that Hawkins Street should be closed as it serves businesses already established on East Market Street. Mr. Denton stated that the rezoning of the five lots on Hawkins Street won't affect the Long Avenue portion.

After further discussion, it was the consensus of the Commissioners that the issue of the street closings must be resolved before action could be taken on the remaining rezoning.

Mr. Denton offered a motion that the Planning Commission recommend rezoning of the five lots located on Hawkins Street from R=3 Residential to B-2 General Business. Mr. Williams seconded the motion. Voting in favor of the motion: Messrs. Kuykendall, Shank, Fleming, Williams and Denton. Abstaining: Mrs. Bowman.

A second motion was made by Dr. Shank to table the rezoning of the Franklin Street lots until the street closing matter is processed. Mr. Fleming seconded the motion with all members present voting unanimously in favor.

A third motion was made by Mr. Denton that the Planning Commission request City Council to appoint a Board of Viewers to consider closing Franklin Street with a cul-de-sac as shown on the attached map and Long Avenue at the west end of the Rockingham Mutual Insurance Agency property line. Mr. Williams seconded the motion and all members present voted unanimously in favor..."

Planning Director Sullivan pointed out the area on a map showing location of the five lots recommended for rezoning to General Business. City Manager Milam reminded Council that a 19 day period is required between advertising of a public hearing and the hearing, which would mean that this matter could be heard anytime during the month of August. Council discussed the Houck request at length, primarily from the standpoint of the street closings. Councilman Green moved that the Planning Commission's recommendation be accepted and that a public hearing be scheduled for one of Council's regular meeting dates in August, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council. Councilman Green then moved that Messrs. P. H. Hardy, T. H. Lowery and John H. Byrd, Sr. be appointed as a Board of Viewers to view the portions of streets and report, in writing, whether or not there would be any inconvenience in closing of same, and if so, what, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

✓ A request was presented from Assistant City Manager Driver for approval of a supplemental appropriation in amount of \$ 14,867.10 from account of Recoveries & Rebates, in order to reimburse the East Washington Street project for work done for a private developer. Following a brief discussion, Vice-Mayor Denton moved that the appropriation be approved for a first reading, and that:-

\$ 14,867.10 chgd.to: General Fund (1005) Recoveries & Rebates.

14,867.10 approp.to: General Fund (1-10110-77.00) Street Inspect.- Capital Outlay- Work in Progress- E. Washington St.

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

✓ In a discussion of appointments to Boards and Commissions, Mayor Erickson recommended that Mr. William D. (Bill) Grow, Manager of Leggett's Department Store, be appointed to the Blue Ridge Community College Board in a vacancy created by the expiration of Mr. Monger's term on June 30th of this year. Vice-Mayor moved that Mr. Grow be appointed for a term of four (4) years expiring on June 30, 1981, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ Correspondence dated 7/1/77 from Mr. Donald Haynes, State Librarian, was read by the City Manager, advising that the Rockingham Public Library officials were being informed that the following grants-in-aid had been approved by the State Library Board for fiscal year 1977-78:- State Aid to Public Libraries, \$ 29,510.; Federal Aid to Public Libraries, \$ 18,884. It was noted that the funds must be spent for the purchase of library books, materials and equipment, library staff salary supplements, and travel by library staff or library board members to professional meetings. A form was enclosed for the City Manager's signature, approving expenditure of the funds by the local library. Following a brief discussion, Vice-Mayor Denton moved that expenditure of the funds be approved and the City Manager authorized to sign the form on behalf of City Council, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Assistant City Manager Driver, serving with Mr. Don Krueger, Rockingham County Engineer, as a committee of two in re to the Solid Waste (Heat Recovery) Project, reported that following a long period of study, recommendations had been presented yesterday to the Rockingham County Board of Supervisors by Mr. Krueger. He noted that considerable time has been spent with consultants and both had talked with the college and hospital who will be users of the steam. Mr. Driver recommended to Council that a Solid Waste Authority be created to carry out the project, comprised of approximately six (6) persons

(3 from the county and 3 from the city). It was further recommended that the County Attorney and City Attorney draw up the necessary documents for creation of the Authority, after which time the representatives could be named. Mr. Driver said that a joint venture between the county and city had been discussed, but it was felt that financing could be a problem if the project were handled in this manner. According to Mr. Driver, the county took no action when the recommendations were presented, but had agreed to hold the matter for further study. A desire was pointed out by the committee that their reports, recommendations, etc. be used by the Authority as input for carrying out the project, and the possibility of later adding the Landfill project to the Authority, was mentioned. Mayor Erickson made an observation that the state appears to be getting involved, and referred to correspondence dated 7/5/77 informing that the Governor of Virginia has designated the State Health Department as the responsible state agency for carrying out the provisions of the "Resource Conservation and Recovery Act of 1976", and to develop the State Plan in accordance with the Act. Manager Milam informed Council that under the aforementioned Act, the state will assume control of the State Solid Waste Program. He called attention to several meetings which are scheduled in this area, one tomorrow at Blue Ridge Community College, which Messrs. Krueger and Driver will be attending. Following a lengthy discussion, Councilman Green moved that the Committee of two continue on with the project, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

Mr. Reggie Smith, Director of Transportation, presented a Transit Improvement Plan for a four-route city bus system, which follows a six month survey and study period. The routes will originate on Court Square and make stops at the Valley Plaza Shopping Center before proceeding on regular routes. Two routes will run on the hour, and two on the half hour, with no specific stops along the way, which will enable persons to board at any point. Fares are set at 40¢ for a regular rider and 25¢ for students and senior citizens. Coupons will also be available in books of 25 at a cost of \$5.00 for students & senior citizens, and \$ 8.00 for regular riders. For a 25¢ extra fee, front door drops will be made. When asked about the plan to provide transportation for the handicapped, Mr. Smith said there is very little demand for taxi service by the handicapped but cited the possibility of considering a van equipped for special needs as the transportation system develops. In the meantime, they will ride at the reduced rate. The Director asked Council's consideration for purchase of three (3) heavy duty transit buses, each with a seating capacity for 17 adults, and noted that the present taxicabs will be used to serve as a feeder system, particularly on busy days. Council was informed that the City would not be reimbursed for purchase of the buses, but that reimbursement could be received for their replacement. Councilman Rhodes asked if the reduced rates for taxi service would apply to senior citizens, to which Mr. Smith replied that they would not, when buses were running on regular schedule, but added that arrangements may be made to allow the reduced rate when buses were not in operation. Planning Director Sullivan traced and explained the four routes for Council. City Manager Milam asked that Council approve the concept of the public transportation plan and recommended that the low bid of Wayne Bus Sales & Service be approved for purchase of three (3) 1977 Wayne Transettes, including air conditioning, at a total cost of \$ 53,970.00 and seating capacity for 17 persons each. He advised that the amount of \$ 43,000. had been allocated for public transportation in next year's Revenue Sharing Funds and that a balance of \$ 8,218.60 remains in last year's budget for this purpose, leaving an amount due on the purchase of approximately \$ 2,200. He informed Council of a 60-90 day delivery on the vehicles, if purchased. The program was discussed at length with some concern expressed about the 20 minute time limit for each route, as well as reduced taxi fares for senior citizens. Following discussion, Councilman Rhodes moved that Council approve the concept of the program and authorize purchase of the three transit buses as recommended by the City Manager, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

Council was reminded by the City Manager that a request from Mr. Bill Neff to connect trailer lots at Spotswood Mobile Home Estates on Rt. 33 east had been denied on June 14 for various reasons and upon recommendation of the Water-Sewer Superintendent, one being that the City's policy is to make sewer connections outside the City only where the development is served also with city water. A communication dated 7/1/77 from Mr. Neff was read, requesting commercial sewage hook-up for 117 trailer lots, with no request for water service, in that the owner feels it would be wasteful and unfair to abandon a productive supply of water from the present well. Manager Milam explained that Mr. Neff has all water & sewer lines now in existence with all sewer lines feeding into a private street and the main sewer line going down to a lagoon which overflows into a drainage ditch that goes by Kawneer Manufacturing Company and James Madison University. The water system is a well, with all private lines connecting to each lot. The Water-Sewer Superintendent and City Engineer have been in contact with Mr. Neff and offered the following proposal for sewer connections: that the City allow one connection between the private manhole and the City's manhole for a charge of \$ 650. (connection charge for out-of-town service) in order to divert the sewage from the lagoon into the City's sewer system; and that Mr. Neff pay a minimum monthly charge of \$ 7.77 for each trailer space whether or not a trailer may occupy the space as follows: \$ 6.00 regular minimum out-of-town sewer rate + \$ 1.62 Sewer Authority Charge + 15¢ city tax. The City Manager pointed out that this is a minimum charge only and that the owner will be required to pay sewer based on amount of water registering through the meter, over and above the 3,000 gallons minimum. Following discussion, Councilman Green moved that the program be approved, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

The City Manager reminded Council that on April 12th of this year action had been deferred with regard to the drawing of a lease agreement between WVPT (Educational Television) and the City of Harrisonburg for construction of an Earth Telecommunications Station on City owned land just west of State Rt. 711 on the City's Landfill site, pending further information. He presented the final lease agreement for Council's consideration, leasing the land for a period of eleven (11) years beginning on the 1st day of June, 1977 and ending on the 31st day of May, 1988, with ground rental of \$ 1.00 annually to be paid on the 1st day of October of each and every year during the term of the lease. He explained that a survey description had been requested, received, approved, and turned over to the City Attorney to be drawn up in proper lease form. Following a brief discussion, Councilman Rhodes moved that the agreement be approved with authorization for the Mayor to sign the document on behalf of the City, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

Correspondence dated 6/22/77 from Mr. David Rundgren, Executive Director of the Central Shenandoah Planning District Commission was presented, enclosing various amendments to the Commission's Charter for

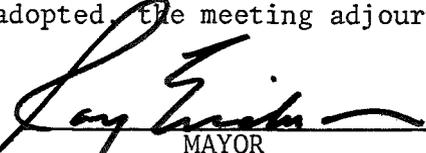
approval of each participating governmental body. City Manager Milam pointed out the changes in various sections of the Charter. Following discussion, Councilman Dingledine moved that the Amendments be approved and the Mayor authorized to sign same on behalf of the City of Harrisonburg, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

✓ The City Manager reported that following submission of information about the City of Harrisonburg for the purpose of securing proposals for public liability insurance for City employees in decision making positions, he had received a form from two firms (Atlanta, Ga. and Dallas, Texas) requesting the signatures of the Mayor, Vice-Mayor and Councilman Green who is Council's Senior member. The firm in Atlanta was recommended by the Virginia Municipal League and the one in Dallas, by the National League of Cities. Following a brief discussion, the forms were properly signed.

✓ Councilman Dingledine reported that he had been contacted by Dr. N. M. Canter, Jr., concerning Council's action with regard to an earlier communication from him with regard to heavy traffic in an alley running north and south behind residences in the 400 block of Ott Street. Council was reminded that the matter had been referred to the Harrisonburg Highway Safety Commission on November 23, 1976 and a report from the Commission presented on March 8th of this year recommending that no action be taken until reconstruction of an alley running from Ott Street to Monticello Avenue is completed, which may relieve the situation in question. The Clerk was asked to send Dr. Canter excerpts from the two aforementioned meetings.

There being no further business and on motion duly adopted, the meeting adjourned at 10:12 P.M.


CLERK


MAYOR

Tuesday, July 26, 1977

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 Raymond C. Dingleline, Jr., Walter F. Green, III, Elon Q. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent: none.

The evening's Invocation was led by Mr. Merv Webb of the Harrisonburg-Rockingham Association of Churches.

Minutes of the regular meeting held on July 12, 1977 were read and approved.

Special reports were received from the City Auditor as follows: Revenue from Parking Meters for Year Ended 6/30/77; Revenue Sharing as of 6/30/77. Also received, regular financial monthly report for month of June, 1977.

✓ City Manager Milam explained contents of a hard-back book, three official copies of which have been received, authorizing the \$4 million sewer revenue bonds; court certification; official statement concerning the bond issue; bond resolution; contract between the Sewer Authority, City and towns; guaranty agreement between Harrisonburg, Bridgewater & Dayton; Letal opinions, etc. An unsigned copy of the book with selective papers was turned over to the Clerk to be filed in the office of City Auditor. Council was informed that the City is paying approximately \$ 46,000. per month toward the bond issue, which also includes operation and maintenance of the Regional Sewer Plant.

✓ The City Manager presented the final plat for resubdivision of Lots, 4, 5, 6 & 7, Section I of Hillendale Subdivision for the purpose of constructing 13 townhouse units plus common access area by Mr. Perry Baugher, owner-developer. He reminded Council that the preliminary plat was approved on May 24 of this year, and that several covenants are involved in the request. Vice-Mayor Denton moved that the plat be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

A communication was presented from Mr. O. Walton Wine, Jr., president of the Valley National Bank, commending the City on the proposed transit program.

✓ As a follow-up re several proposed plans for improvements in the Court Square area, Assistant City Manager Driver presented a revised plan drawn by Mr. John Byrd, Building Official, based on views expressed by various organizations and the city staff. He noted several minor changes which are felt to be necessary, including: 18 parking spaces on the north side of the square with one space labeled for the handicapped and 2 spaces for the court; four parking spaces on the west side and bicycle racks; thirteen parking spaces on the south side with bus stop, shelters and telephone booth directly north of the Virginia National Bank Building; a replica of the original well on the southwest corner of the square; a merchants pavillion on the southeast corner; all parking spaces located around the Court House with no spaces on the outer edge; trees and other greenery (i.e. planter boxes) at various spots, and wide pedestrian crosswalks. A total of 35 parking spaces would be provided in the revised plan, as compared to 67 at the present time. Mr. Driver asked a decision of Council within the next month or so, in that a lot of engineering work is involved, and further that the city staff would like the work begun by the first of September. The Plan was discussed, with members expressing some concern about the proposed location of the bus stop on the busy corner, which Mr. Driver said could be relocated, if desired. No reaction has been forthcoming from the Rockingham County Bd. of Supervisors as yet concerning the Plan presented them earlier, but their approval is necessary for improvements within the Court Square area. This revised plan will be presented to them, but was completed by Mr. Byrd only yesterday. With regard to lighting, Mr. Driver proposed sodium lights on 35' poles around the outer edge of Court Square and the remainder of the downtown area, and colonial style lamps on 18' poles, spaced 50' apart, for the inner area of the square. He noted that work is presently being held up on Sidewalk Construc-

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ruction on Water Street pending a decision concerning the type of lighting desired. Harrisonburg Electric Commission has agreed to purchase poles & fixtures for the downtown area. During discussion, members agreed that it was difficult to decide on the overall lighting scheme without first seeing a section of street equipped with same. Mr. Sam Shrum, Acting Chairman of the Downtown Development Committee, called Council's attention to minutes from a meeting of the Committee held on July 12th endorsing the scope of the Harland, Bartholomew & Associates Plan, and emphasizing the desirability of maintaining the approximate number of parking spaces as indicated thereon. He said there were, in his opinion, definite advantages to the revised plan as presented. Following a lengthy discussion, Councilman Green moved that Council approve the preliminary lighting plan and authorize installation of the number of lights needed on W. Water Street between Main & Liberty Sts. in order to complete sidewalk walk, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

Mr. Garland Page of the firm of Wiley & Wilson, Consulting Engineers, Lynchburg, Va., was present in the meeting to elaborate on a report prepared by his firm with regard to proposed water improvements, Harrisonburg Route 33 east, necessary to relieve the situation of low water pressure in that area. The following three recommendations were made: (1) construct a 12" water line in the area to connect to the existing 12" waterline at the intersection of Country Club Road and Blue Ridge Drive; (2) construct a 1,000,000 gallon tank in the general area (site to be determined); (3) replace the pumps in the Tower Street pumping station with larger pumps when demand exceeds capacity of the existing pumps. Mr. Page noted that the 12" waterline would up water pressure from 30-35 lbs.; construction of the tank would maintain the pressure and serve as storage for excessive use, both of which, when completed, would extend the life of the present pumps which should be replaced around the year 1990. Cost estimates cited by Mr. Page for the recommended measures were: from \$ 146,000. to \$ 160,000. for a 12" waterline if installed next year; \$ 555,000. to \$ 974,000. for a one million gallon tank, depending on site location; and approximately \$ 31,250. for replacement of pumps if done today, with possibility of cost escalating as high as \$ 96,000. by the year 1990. In order to serve the area with fire protection, domestic and commercial water supply, a round figure of \$1 million was quoted. When asked how the City could recoup cost of the project, Mr. Page said this would not be instantaneous, but over a period of years would be possible by extending water service into the county area, and the need for sprinkler systems by business places. Mr. Ed Loker, Water-Sewer Superintendent, pointed out the fact that at the present time two pumps are running (with no standby) which makes it a closed system due to the fact that the only way water can get out of the system is through usage. Installation of a tank would allow storage of water for future use. Following a lengthy discussion, it was agreed that the report and presentation be reviewed between now and the next regular meeting on August 9th, and the City Manager was asked to include this matter on the agenda for that time.

The City Manager informed Council that although there is no emergency at this time with re to the City's water supply, both pumps are in operation and the Water Treatment Plant is being operated on increased manhours in order to maintain a certain level, since the drought has placed somewhat of a strain on the system. Five million gallons of water are being released from No. 2 porthole at Switzer Dam downstream where two million gallons are picked up at Rawley Springs, and an additional three million gallons are being pumped from North River. He called attention to a communication from the Virginia Municipal League to all Key Officials in Virginia localities; setting forth procedure to be followed for emergency measures in conservation of water by citizens. A recent opinion of the Attorney General to Fairfax County was enclosed, advising that a governing body is not authorized to impose mandatory water conservation measures, but rather that the Governor must be petitioned by resolution to declare a local emergency due to a water shortage, after which time he would delegate his authority for restrictions to be placed. Mayor Erickson offered an opinion that this community is rather fortunate as compared with other areas, but noted that supplying of water has become somewhat of a concern. He asked citizens of Harrisonburg to conserve water as much as possible, in view of the Governor's declaration across the state. He said he could see no need at this time for declaring a state of emergency and placing an ordinance on the books.

City Manager Milam presented and read an ordinance effecting the closing of an alley north of West Market Street adjacent to IMCO Container Company for consideration of a second and final reading, in that same was approved for a first reading on July 12th. He reminded members that the closing had been recommended by the City Planning Commission as well as a duly appointed Board of Viewers. Councilman Dingledine moved that the ordinance be approved for second reading with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book, which motion upon being seconded by Councilman Green, was adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 123).

Councilman Green moved that a supplemental appropriation in amount of \$ 14,867.10 from account of Recoveries & Rebates in order to reimburse the E. Washington St. project for work done for a private developer, be approved for second and final reading, a first reading having been approved on July 12th, and that:-

\$ 14,867.10 chgd. to: General Fund (1005) Recoveries & Rebates.
14,867.10 approp. to: General Fund (1-10110-77.00) St. Inspect.- Capital
Outlay- Work in Progress- E. Washington St.

which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

Correspondence dated 7/21/77 from Dr. Ronald Carrier, president of James Madison University, was read by the City Manager, advising that in the 1976-78 budget bill approved by the General Assembly, payment of the local service charge was authorized from the General Fund if the building(s) were not finances through fees or local funds. Prior to this, all buildings at the University were subject to a service charge on tax exempt properties by the City of Harrisonburg under provisions of the Virginia Code, with full reimbursement by the state. For this year and under the new policy, only \$ 41,005. is reimbursable by the state on a total assessment of \$ 86,377.28., with the University responsible for the remaining \$ 45,372.28 for 30 buildings. A request was made by the president that the City assess only those buildings for which reimbursement would be received from the state, and noted that should the charge be reduced, the local funds would be used to improve parking and recreational facilities. During a brief discussion it was agreed that the City Attorney be asked to further investigate the matter and

the City Manager volunteered to gather information concerning the service charge, etc. from the office of Commissioner of Revenue.

✓ With regard to parking problems in the area around Rockingham Memorial Hospital, James Madison University and the Medical Arts Building, it was agreed that a committee be formed to study the situation and report back to the Harrisonburg Parking Authority and City Council, comprised of the following persons: Dr. Ronald Carrier, president of James Madison University; Councilman Walter Green representing Council and the Medical Arts Building; Mr. Buddy Showalter, Chairman of the Harrisonburg Parking Authority, and a representative of Rockingham Memorial Hospital. Mayor Erickson volunteered to contact each to determine willingness to serve in this capacity, and report back.

✓ For information, the City Attorney reported that no reaction has been received from the County of Rockingham with regard to a joint venture in the Solid Waste (Heat Recovery) Project, but that he will proceed with the drawing of a rough draft of Articles of Incorporation for a Solid Waste Authority, as discussed at Council's last regular meeting.

✓ The City Manager reminded Council that each year it is customary to review fire insurance coverage on all buildings, and contents, owned and/or occupied by the City. He presented correspondence from Yancey-Weaver-Grattan Insurance Agency with listing of 86 buildings and total fire coverage of \$8,693,100. as compared with \$ 8,541,700. for last year. He noted various changes which included adding the Kavanaugh Hotel property, B.Ney Building and Shank Building. Premium rates were not quoted in the correspondence in that the company is waiting for the new average rates from the Bureau, after which time, renewal policies will be issued. Council discussed the matter and was advised by the City Manager that the total premium runs in the neighborhood of \$ 20,000. annually.

✓ Members of Council were presented with revised copies of the City's Emergency Operations Plan as prepared by the State Office of Emergency Services. Manager Milam reminded Council that 30 copies had been promised if a draft of the update was approved prior to July 1st, and that same was approved on June 14th.

The City Manager presented and read correspondence dated 7/21/77 which he had received from Mr. R.E. Huff, Augusta County Administrator, advising that the localities of Staunton-Augusta-Waynesboro are considering a Multi-Jurisdictional Adult Detention Facility (jail), and have been awarded a grant from L.E.A.A. Funds by the State Division of Justice & Crime Prevention. An architectural firm has been engaged to do Phase I of the proposed project with regard to site evaluation, data gathering, program development, designs, cost estimates, etc. In as much as Chief Presgrave has shown an interest in the project by attending meetings, the Ad Hoc Committee would welcome him and/or any other representative from the City of Harrisonburg who would like to sit in. It was pointed out that this does not in any way commit the City of Harrisonburg. Chief Presgrave said that data had been reviewed at the last meeting, with one more meeting to be held prior to formulating plans for the facility. The City Manager said he would like for someone to be designated to sit in on the meetings and take an active part, at least in preparation of preliminary plans for the facility, which would cost approximately \$ 360. He explained that the facility could be extended to serve areas other than the three mentioned, and that each participant would receive a Grant of \$ 100,000. Following discussion, Chief Presgrave was asked to continue his interest in the project by attending the meetings, and to report back to Council from time to time.

✓ The City Manager reported for information that a public hearing has been scheduled for Tuesday, August 9th, 7:30 P.M. on the J.T.Houck request for rezoning of 6 acres in the Rolling Hills area which has been recommended by the City Planning Commission. A definite public hearing date had not been determined at the last regular meeting of Council.

✓ Council's Calendar of unfinished matters through the special meeting of March 15, 1977 was purged with the following matters deleted, as satisfactorily settled, or closed:

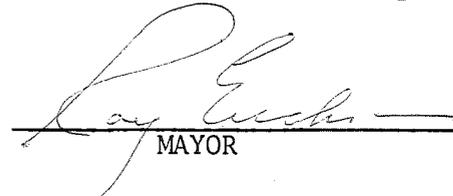
- 1) Establish appropriate job classification & salary scale for Real Estate Assessor.
- 2) Investigate property at 475 Kelly St. with re to complaints registered by Ronald Madden.
- 3) Negotiate for purchase of lot adjacent to Purcell Park within appraisal price.
- 4) Check with Commissioner of Revenue & City Treasurer re request of Poultry Federation (vender's license) during Turkey Festival.
- 5) Study proposal re Retail Rates for Electric Service to Municipal Corporations.
- 6) Revise paragraph 6 of agreement between City, Developers & C-W Railway.
- 7) Contact Messrs. Byrd, Lowery & Suter re their serving as Bd.of Assessors for City's 1978 Reassessment.
- 8) Recommendation concerning request of Spotswood Mobile Home Estates for City sewer service for trailer lots.
- 9) Consider ordinance for setting of traps in City (muskrats)
- 10) Request of David Shank Estate to purchase tract of city owned land, corner of S.Mason St. & Cantrell Ave.
- 11) Exchange of land between V.W.Nesselrodt & the City- n/side of South Ave.
- 12) Request to rezone east side Central Ave. from R-2 to R-1.
- 13) Request to rezone lots 3 & 4 Maplehurst Addition, by Gary Judd.
- 14) Request from Gary Judd for resubdivision of lots 1-4 at inter.of Fourth St.
- 15) Request from Gary Judd for resubdivision of lots 3, 4 & 5 n/w side Dogwood Drive.
- 16) Request from Gary Judd for proposed 10 lot subdivision (Sec. 6) Preston Hgts.
- 17) Rezoning request from IMCO to provide off-street parking.
- 18) Site for location of telecommunications earth station (WVPT)
- 19) Name change request by College Court Townhouses to University Court Townhouses.
- 20) Make careful study of truck route (east/west) based on citizens' comments re traffic light at Mason & Bruce Sts., etc.
- 21) Skidmore Dam (Switzer Dam) Project.
- 22) City recreational facilities for youth under 18 yrs.of age.
- 23) Consider public bus system in City.

- 24) Petition to re-route heavy truck traffic from W. Market St.
- 25) Curb & gutter on Starcrest Dr. and N. Blue Ridge Dr.
- 26) Regional Sewer Authority.
- 27) Alcoholic Clinic to be pursued by Health Dept.
- 28) Rental of former No. 4 Hose Co. building (W. Eliz. St.)
- 29) Grand Caverns.
- 30) Complaint re danger to children- dumping area (Eastover Dr. to Reservoir St.)
- 31) Request from Chamber of Commerce for Council to petition Governor's Office for federal funds for early completion Rty. 66.
- 32) Increase in Traveler's Insurance Premiums (share of cost)
- 33) Keep under consideration request concerning recycling operation on EMC Campus.
- 34) Further review concerning use of Title II funds under Anti-Recession Fiscal Assistance, as to whom should handle funds, etc.
- 35) Employ firm for 1978 reassessment.
- 36) Request by Harrisonburg Brethren Church for closing portion of old S. High St.
- 37) Request of Community Band for \$ 600. appropriation. (never reactivated).
- 38) Creation of emergency telephone number "911".
- 39) Request for dance permit for Elbow Room.
- 40) Resubdivision of two single lots in Holiday Hills.
- 41) Truck traffic on Hill St.
- 42) Complaint of G. Raymond Aldhizer re increase in property valuation.

There being no further business and on motion duly adopted, the meeting adjourned at 11:15 P.M. and Council entered an executive session to discuss a personnel matter.

The regular meeting was reconvened for legal purposes, and on motion duly adopted, adjourned at 11:55 P.M.


CLERK


MAYOR

Tuesday, August 9, 1977

At a combined public hearing and regular meeting of Council held in the Council Chamber this evening at 7:30 P.M. 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 Raymond C. Dingle-dine, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- none.

The evening's Invocation was led by Mrs. Mary Etter, Elder, First Presbyterian Church, Harrisonburg.

Minutes of the regular meeting held on July 26th were read, and approved.

The following regular monthly reports were presented and ordered filed:

From the City Manager:-

A report of activities in the various departments and said office for the month of July, 1977.

From the City Treasurer:

A Trial Balance report as of close of business on July 31, 1977.

From the Police Department:-

A report of total number of arrests; parking meter fines collected; cash collected from parking meters; total cash collected all sources, for month of July, 1977.

From the City Auditor:-

A financial report for the City of Harrisonburg, Va. for month of July, 1977.

A report of cash discounts saved in payment of vendors' invoices for month of July, 1977 totaling \$ 575.50.

From the Department of Utility Billing:-

A report of water, sewer & refuse accounts, meters read, installations, cut delinquents, complaints, re-reads, etc. for month of July, 1977.

✓ Mayor Erickson called the public hearing to order and the following Notice of same was read by the City Manager:-

"The Harrisonburg City Council will hold a Public Hearing on Tuesday, August 9, 1977, at 7:30 P.M. in the City Council Chamber, Municipal Building, 345 S. Main St., to consider the following rezoning request:

To change from R-3 Residential to B-2 General Business, 5 lots of the J.T.Houck Property, located on the north side of Hawkins St. This property includes Lots 22-26, Block K, Sheet 28 of the City Block Map.

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

Mr. Sullivan, Planning Director, pointed out the area of the five lots on a map and noted that the B-2 zoning request would be a slight extension of B-2 business already there. If rezoned, an A frame 35' x 50' building will be constructed on Lot 23 for a Sporting Goods Store, with ample parking area and room in the rear for expansion of the building. He added that the condition is good insofar as frontage is concerned. To date, a report from the Board of Viewers is not in readiness with regard to closing certain portions of streets, which matter is not related to this hearing, in that it concerns rezoning of the five lots, only. Councilman Rhodes said that although there seems to be no opposition to the rezoning, there is some concern about Hawkins St. as to its narrow width, heavy traffic and water problem. He offered an opinion that widening of the street should be considered if rezoned to B-2 General Business due to the increased traffic and for the safety of children. Mr. Sullivan said that the possibilities of a cul-de-sac and widening were both discussed by the Planning Commission, and although not in writing, it was determined that widening of Hawkins Street would require too much frontage from

residences. He mentioned the possibility of making it a one-way system of travel on both Norwood and Hawkins Streets. There being no one present desiring to be heard either for or against the rezoning request, the public Hearing was declared closed at 8:05 P.M. and the regular session reconvened.

✓ With regard to the rezoning request discussed in tonight's public hearing, City Manager Milam reminded Council that a recommendation from the Planning Commission presented on July 12th included the following motion: "that the Planning Commission recommend rezoning of the five lots on Hawkins St. from R-3 Residential to B-2 General Business." During discussion, opinions were expressed that: Hawkins Street should be considered and that the one-way system may be the proper solution; the possibility of a cul-de-sac may be more satisfactory to residents rather than it being a traveled street; that the entire area, including Franklin Street, should be studied. Following discussion, Councilman Green moved that the Planning Commission make a study of the whole area, from all standpoints, and report back to Council, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council. Councilman Dingledine then moved that the Planning Commission's recommendation for rezoning of the five lots be approved, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ A petition signed by members of the Harrisonburg Democratic Committee was presented by the City Manager requesting Council's endorsement of efforts to obtain drought relief for Rockingham County. Mayor Erickson pointed out that this is a matter of concern to all and noted that guidelines have been established under the E.D.A.'s Emergency Drought Program for areas to qualify for relief. Also, the Governor has appointed a Task Force to work on the matter of declaring certain areas as disaster areas. At this time it has not been determined whether the City of Harrisonburg may qualify in that an application must be filed and approved. He added that "if there's anything we can do for the County, we'd be happy to." Councilman Dingledine moved that Council go on record as endorsing drought relief for Rockingham County, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ A petition signed by six residents of S.Mason Street was presented by the City Manager requesting that permit parking be extended to include the block Paul to Campbell Sts., or that the Permit Parking Ordinance be abolished. Council discussed the matter briefly, after which time Councilman Dingledine moved that the petition be referred to the Planning Commission for review, while legality of permit parking is ruled on by the U.S. Supreme Court, possibly sometime this fall, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ For information, a report from the Commissioner of Revenue was presented by the City Manager concerning audit figures of the 1977 applications for Tax Relief for the Elderly as follows: 79 approved applicants out of a total of 87; total taxes assessed \$ 12,724.20; relief granted for 1977, \$ 7,106.32; balance of \$ 5,617.88 owed by the approved recipients. A 26% increase in the number of applicants over last year and an increase of 24.6% relief granted, was noted in the report. Mr. Victor Smith, Commissioner of Revenue, was present in the meeting and offered an opinion that the program will continue to increase as word of mouth gets around through applicants. He said that although Tax Relief for the Elderly has been publicized, there is a certain reluctance by the elderly to reveal their assets. Council was reminded of the amount of income limitation being increased from \$ 6,000. to \$ 7,500. in April of this year primarily because of a slight increase in social security in July 1976, and Mr. Smith was asked to assess the effects of this action.

✓ City Manager Milam presented correspondence from the Department of Highways & Transportation advising Mr. Driver that the low bidder for the section of S.Main Street (Monument Avenue to Grattan St.) was Moore Bros. Co., Inc. of Verona, Va., and that the department would like to award the contract. For concurrence of the city, three copies of a City-State Agreement covering the project were enclosed for Council's approval and signatures of the City Manager, City Clerk and City Attorney. He read the agreement in its entirety and noted that it is for construction and maintenance of the project labeled: Route 11; Project 0011-115-101, PE-101, RW-201, C-502, FS-702; from 0.037 miles S. Inter. Monument Ave. to Inter. of Grattan Street. Council was informed that the City's share of cost would be \$ 265,710.52 on the overall total project cost of \$ 2,256,320.00. Following a brief discussion, Vice-Mayor Denton moved that the Agreement be approved and the proper officials authorized to sign same in triplicate on behalf of the City of Harrisonburg, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ For information of Council, Assistant City Manager Driver reported that three contracts have now been signed on three major street projects (Main St., Monument to Grattan; Main St., Monument Ave. to city limits; Cantrell Ave., new section) for over \$5 million in street construction, besides work which is being done by city forces. The City's share of cost is \$ 762,227. of which \$ 705,118. has been appropriated with the remainder of \$ 57,109. to be appropriated in the next fiscal year. This completes financing of the work. The final bill for Cantrell Ave. project (High to Mason) was paid this week after which time it was learned that the right-of-way was not cleared, as yet. An attorney in Richmond is trying to close out a couple parcels of property. Mr. Driver said that HEC has lined up two contractors to do their work but do not wish to begin until the right-of-way is cleared by the Highway Department and until demolition work is completed. A meeting has been scheduled by the Dept. of Highways for August 17th, at which time this will be discussed. It was pointed out that the three projects are scheduled for completion by the fall of 1978.

✓ Council was reminded by City Manager Milam that Mr. Garland Page, Engineer with Wiley & Wilson, had outlined certain recommendations for Rt. 33 east from a comprehensive report, and that he had been asked to schedule the matter for discussion on tonight's agenda. He offered an opinion that it is important to work along the measures recommended, particularly with installation of the 12" waterline, which is critical, and said he would like to see the engineering work proceed. The other recommendations for a 1 million gallon tank and replacement of pumps in the Tower Street pumping station can be done at a later date. Mr. Loker, Water-Sewer Superintendent, concurred with necessity for the water line. Following a brief discussion, Councilman Green moved to proceed with plans for installation of the 12" water line from the existing 18" line at Tower Street and connect to the 12" line at Country Club Road and Blue Ridge Drive, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ For information, the City Manager called Council's attention to their copies of documents on the Economic

Development Administration's Emergency Drought Program which were received in his office on August 4, and asked that it be reviewed in the event an application would be submitted by the City. Both the City and County have been designated as drought areas. Should assistance be requested, a resolution must be forwarded to the Governor's Office, Department of Emergency Services and the E.D.A. Office. The application would either be approved or disapproved, based on information submitted on a prepared form. Manager Milam estimated a possible \$ 25,000. Grant to each area in an overall breakdown of the \$75 million authorized by Congress. In an update of the City's present water situation, he said that water used by consumers last month was 86 million gallons, an increase of 4 million over the month of June. Water is being released daily from Switzer Dam, with the water level approximately 16' above the 2nd porthole. When this position is reached, he explained that the city will pump from Silver Lake, and discontinue the source of supply from Switzer Dam, in order to hold a reserve. Although the water level in North River is dropping, it is still 8 or 9 million gallons away from the flow of 1931. Approximately 3 million gallons of water daily from this source is being used by the City of Harrisonburg. In correspondence from the Virginia Municipal League, to Key Officials, functions of the Governor's Task Force were set out with primary focus on problems in declaring certain areas of Virginia to be disaster areas for the purpose of obtaining relief for farmers, from the Federal Government. Mayor Erickson again re-iterated the fact that citizens should conserve water, by not wasting it unnecessarily. The City Manager noted that City Staff members have not found time to draw a plan for the city, but that any application for assistance would be geared toward conservation measures.

In view of Rockingham County's decision to delay indefinitely any action on the joint Solid Waste Project with the City, the City Manager said that the City Attorney had not prepared the proposed Articles of Incorporation for a Solid Waste Authority. He urged the City to move forward with the program on a reduced scale to serve the City and surrounding areas. Mayor Erickson, although somewhat disappointed in the County's decision, offered an opinion that the City should study the reduced scale system, in that Council has been interested in the Heat Recovery Project for some time. With regard to the County's feeling that they knew few details of the project, Assistant City Manager Driver pointed out that each County Supervisor had received a copy of the consultant's report which contained information on the plant site, the amount of steam which could be produced, estimated costs, revenue which could be derived in sorting metals from trash, etc., and that the County Board of Supervisors had met in City Council Chambers in March of this year, along with Council, when the project was explained by the consultants. He noted further that Mr. Don Krueger, County Engineer who had served with him as a committee of two, was very much interested in the Solid Waste Recovery System. City Manager Milam informed Council that the project could be financed by several different methods, or could be assigned to a private enterprise. Another firm has agreed to purchase any extra steam produced by the proposed plant. Following a discussion, Vice-Mayor Denton moved to proceed with a study of the project on a scaled-down system and that a recommendation be brought back to Council, with a hope that Rockingham County may still look favorably on the project, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

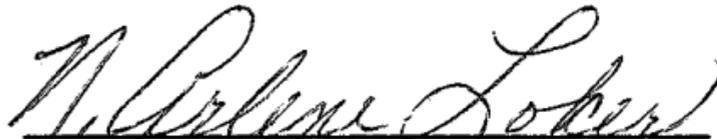
Assistant City Manager Driver displayed the revised Court Square Improvement Plan again for Council, as presented at the last regular meeting, noting that no changes had been made on same, but that a few minor changes are desired by the City Staff which would in no way alter the Plan. The Downtown Development Committee has recommended approval of the Plan; the Retail Merchants Association would like to see parking on the south side of the Square but will concur in Council's decision, and according to the Daily News Record newspaper, Rockingham County's primary criticism of the Plan is reduced parking around Court Square. Mr. Driver said that the City Staff Committee would like some action re the Plan, by Council, if it desires that construction begin this fall, in that some engineering work is needed on Court Square following final approval. Mr. Dick Kelly, Director of Downtown Development, gave an update on views of citizens and various organizations re the revised plan. Mr. Sullivan, Planning Director, pointed out that the original thinking of the Planning Commission was to get parking off city streets and into parking lots and structures, and noted that the Municipal Parking Deck was a step in that direction. Vice-Mayor Denton offered an opinion that a decision should be made tonight in order that the staff might do some planning, and the City Attorney can look into the situation of the legality of proceeding with improvements outside the inner area of Court Square (public right-of-way). With the exception of relocating the proposed Bus Stop from the busy Virginia National Bank corner and suggestions concerning parking on the south side of the square (i.e. a few fast-turnover parking spaces for use by county residents transacting business in the Court House and County Office Building; parallel parking spaces marked for county use only), members of Council viewed the revised plan favorably. According to the Building Official, the Bus Stop location was originally chosen as the most advantageous place around the Square, but Mr. Byrd said he could see Council's point in that there may be times when events may be held on the south side of the Square, necessitating closing off of traffic from Liberty to Main, which would prevent buses running on scheduled routes. Mayor Erickson pointed out that Council's intention is to beautify the Court Square and enhance the downtown area. Councilman Dingleline suggested a joint meeting with Rockingham County with the possibility of reaching a compromise. Following the lengthy discussion, Councilman Dingleline moved that the City Staff Committee proceed with drawing a final plan for Court Square improvements based on suggestions & comments from this meeting, with presentation of same at the next regular meeting for Council's approval, and further, that the Plan then be presented to the County Board of Supervisors with assurance given of Council's willingness to meet with them for clarification and discussion, if so desired, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

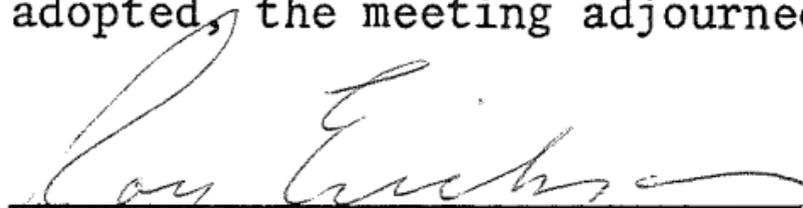
City Manager Milam reported for information that he had received from City Attorney Lapsley the Certificate of Title for the B. Ney Building Property and Kavanaugh Hotel Property, and that the deeds have been properly recorded in the Clerk's Office of Rockingham County.

Correspondence dated 7/26/77 from Mr. Roger Ritchie, Chairman of the Harrisonburg Democratic Party, was presented by the City Manager, requesting to rent space in the B. Ney Building located on the corner of N. Main & Elizabeth Sts., presently occupied by Electrolux Office, upon their vacation of same, until November 12, 1977. He noted that the heating system would have to be maintained should the office be rented into the fall months, and said there is a problem with the sprinkler system for the building. Although the City plans to raze the building when present businesses are relocated, no definite time has

been determined for vacation. Council agreed to take no action on the request at this time but asked the City Manager to have further information by the next regular meeting date.

There being no further business and on motion duly adopted, the meeting adjourned at 10:30 P.M.


CLERK


MAYOR

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 Raymond C. Dingledine, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- none.

The evening's Invocation was led by Mrs. Mary Etter, Elder, First Presbyterian Church, Harrisonburg.

Minutes of the combined public hearing and regular meeting held on August 9th were read, and approved as corrected.

The City Manager called members' attention to their copies of a report dated 8/19/77 from the Rockingham-Harrisonburg Health Department, submitted by Dr. Barbara Kenney, Director. Enclosed were semi-annual reports for the Public Health Nursing Program; Clinic Report and the Environmental Health Report. It was noted that a Mental Health Technician was added to the Program in December of 1976 under the CETA Program. Mayor Erickson asked that the reports be reviewed by members.

City Manager Milam presented and read a petition circulated by Mr. Glen Berkshire and signed by 18 residents and 1 business, requesting the closing of Seventh Street between Lee Avenue and Virginia Avenue, which section has not been constructed, noting that if constructed it would create a dangerous traffic situation for the neighborhood if used for travel and would result in a dangerous intersection at the point where it joins Route 42. Following a brief discussion, Councilman Green moved that the petition be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

Correspondence dated 8/15/77 from the Chapter 10 (Mental Health & Mental Retardations Services) Board was presented by the City Manager, submitting proposed provisions for leasing of the Sipe Property (301 S. Main St.) by the City, to the Board, for relocation of the Massanutten Mental Health Center. A year to year lease was proposed, with at least a six month notice by either party, prior to termination of same, with monthly rental of \$ 300. to be paid the City of Harrisonburg. Responsibilities of the Board and City were set out in the provisions; a stipulation that both parties agree to usage of the building by outside organizations; that the area behind the building continue to be used as play area by the Harrisonburg-Rockingham Child Care Center; and that maintenance of the building not be included in the lease agreement. Manager Milam reminded Council that the Chapter 10 Board had made request in the early part of 1976 to lease the building and was one of the first requestors. Requests to use the building have also been received from the Rockingham Historical Society and Virginia Cultural Arts Museum. Mrs. Betsy Knighton, new director of the Chapter 10 Board, present in the meeting, asked Council's support in relocation of the Mental Health Center from crowded quarters on E. Market St. in order to more effectively provide mental health services, which is restricted at the present location. Mr. Fred Stevens, Director of the Massanutten Mental Health Center, reported an average of 35 to 40 persons treated daily in the 1200-1300 square feet of space, with 19 - 20% of that number from the City of Harrisonburg. The Center also serves Rockingham & Page Counties, with Shenandoah County being phased out at the present time in that it will be served under a different jurisdiction. Mr. Stevens noted that further expansion is impossible at the E. Market St. location and said that the owner (Mrs. Edith Garber) finds it acceptable for the Center to make other arrangements. When questioned by Council, the Director pointed out that the entire Sipe building would be used, with the basement area to provide daytime activities (crafts, etc.). He pointed out the need of space for the After Care Program which involves approximately 200 persons, and is currently being carried out at the Health Department. The City Manager reported that maintenance of the Sipe Property has been carried on from his office since January of this year when the Recreation Department moved to its new location in the Community Activities Center Building, at an estimated cost of \$ 200. monthly. He said he could not recommend that the City sell the property at 301 S. Main St. in that it fits into the overall Municipal Complex. He expressed awareness of the request from the Historical Society to use the building, and noted the City's support to this organization which is presently located in the basement of the Municipal Building. Following a lengthy discussion, Councilman Rhodes moved that Council consider the request of the Chapter 10 Board until the next regular meeting, for a possible decision to be made at that time, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council. The City Manager was instructed to place this matter on Council's agenda for its September 13th meeting.

Council agreed that the few appointments to various Boards & Commissions be deferred until a future meeting.

Assistant City Manager Driver informed Council that the City Staff Committee had met with regard to the revised Court Square Plan, considered suggestions from the last meeting of Council, and had made the following changes as well as some street dimensions: (1) relocated the Bus Stop from the Virginia National Bank Corner to northwest side of the square in front of Woolworths; (2) removed three parking spaces on the south side of Court Square from the original thirteen spaces shown on the plan; (3) removed 4' of plantings from the east side of the Square to allow room for a taxi stop. Mr. Driver asked final approval of the Plan in order that the Engineering Department might proceed with construction plans for the area, with a hope of completing the project next year. Following discussion, Vice-Mayor Denton moved that the Plan as presented this evening be approved with authorization for the Engineering Depart-

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

Mr. Dick Kelly, Director of Downtown Development, pointed out highlights from the 1977 Plan Update for the Central Business District as prepared by the firm of Harland, Bartholomew & Associates. The preliminary plan was approved by the Downtown Development Committee in July of this year. He noted that the Plan includes Market Analysis of the downtown area and a recommendation for the city to expand northward with a store & office complex in the four-block area from W. Elizabeth St. to the intersection of Noll Drive and N. Main Street. Data supporting the project was submitted prior to plans for the Valley Mall east of the City. Mr. Kelly informed Council that the project is more of a reality, particularly from the financial standpoint, due to it being a 3-year program, and suggested having a representative of the Department of Housing & Urban Development (HUD) attend one of its meetings for the purpose of explaining the Grant Program. The Director said that if Council is interested, several aspects of the project could be looked into by the Committee. Vice-Mayor Denton suggested that the Acting Chairman of the Downtown Development Committee be contacted with regard to a report. Following discussion, the City Manager was asked to place this matter on the agenda for September 13th.

The City Manager presented a memo submitted by Mr. C. E. McClintock, architect responsible for rehabilitation of the Kavanaugh Hotel, setting forth a proposed financial arrangement for remodeling the building and a proposed mortgage finance method under a new amendment which was passed by Congress on August 3rd of this year referred to as Section 8 (Substantial Rehabilitation), not related to Section 8 Existing Housing recently approved by the Redevelopment & Housing Authority. Following a trip to Richmond today with Mr. Dick Kelly, Director of Downtown Development, Mr. McClintock drafted the memo setting forth the proposed method of financing the project after their meeting with a representative of the Washington D.C. firm of Walker & Dunlop. Manager Milam gave background information of the Kavanaugh Hotel project and the proposed method of financing as follows: The City has received two federal grants (\$525,000. last year and \$ 500,000. this year) and Council appropriated \$ 175,000. last year and \$100,000. this year, making a grand total of \$ 1,300,000. for the project, all of which could be used for rehabilitation. When complete, the City would turn the premises over to the R & H Authority for management and maintenance, and secure a small mortgage, with the Housing Authority then using the proposed method of financing: submit an application to the Dept. of Housing & Urban Development on printed forms indicating total cost of the project along with various fees and other data; Walker & Dunlop would then prepare a document similar to a bond issue with financing based on an interest rate estimated from 7 1/2% to 7 3/4% (tax exempt); R. & H. would receive construction money which could be converted to permanent financing; When project is completed, the borrowed money for construction would be paid through rent, and should the rent not offset construction costs, HUD would guarantee the difference which is referred to as rental assistance. The City Manager informed Council that the R & H Authority has called a special meeting for tomorrow to consider the application which must be in Richmond by this Friday, and also the desire of Council with regard to this method of financing. He pointed out that this would not be counted against the City's bonded debt; monies now in hand could be used for purchase of other buildings in the Kavanaugh Hotel block and other goals pursued as set out under the Bartholomew Plan; and further, that HUD would guarantee the difference between rentals and construction costs. Following a lengthy discussion, Vice-Mayor Denton moved that the Redevelopment & Housing Authority be asked to consider this method of financing, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

With regard to a prior request of the Harrisonburg Democratic Party to locate in the B. Ney Building on a temporary basis until November 12th of this year following vacation of space presently occupied by Electrolux, the City Manager reported that he did not know how to recommend, other than that the building be demolished and removed upon vacation by all present tenants, in that it would not look too well for a portion of the building to be rented after giving notice for others to move. He pointed out the fact that bidding the project will require approximately 30 days. Vice-Mayor Denton asked the possibility of offering the space to the Democratic Party on a day to day basis, which, following a brief discussion, met with Council's approval. The City Manager was asked to discuss this with Mr. Roger Ritchie, Chairman of the Democratic Party, and report back. Manager Milam also suggested the possibility of razing the former No. 4 Fire Company Building on W. Elizabeth St. at the same time as the B. Ney Building since this is temporarily housing the Salvation Army's second hand clothing store, noting that the two buildings could be incorporated into one contract. Mayor Erickson remarked that this was something to be considered.

The following recommendation submitted by the Planning Director from a meeting of the Commission on August 17, 1977 was read by the City Manager:-

"...The final plan drawn by City Engineer Devier, illustrating the re-subdivision of lots 4, 5, 6 and 7, Section 1, Block A of Hillendale Subdivision was presented by the Director. Mr. Sullivan explained the staff's subdivision review sheet, noting the following conditions recommended for approval:

- a) Mr. Baugher to dedicate a 20' strip of land along the front of the proposed 13 townhouse lots, for future widening of S. High St.*
- b) Mr. Baugher pave the private road to be located in the 25' common access area along the back side of the proposed 13 townhouse lots.*
- c) Mr. Baugher grant a 15' utility easement along the northeast boundary of Lot 3 from S. High St. to the rear lot line.*
- d) Since clusters of 2 and 3 townhouses are proposed, a variance be granted from the existing 'Town House' definition which limits townhouses to 4 per cluster.*
- e) Curb and gutter along S. High Street will not be installed until the Highway Department & City rebuild S. High Street.*

Dr. Shank offered a motion to recommend approval of the proposed resubdivision of Lots 4, 5, 6 & 7, Section 1, Block A, Hillendale Subdivision, including the above-noted conditions and acceptance of the Restrictions, Covenants and Conditions Document as drafter by Mr. Baugher's lawyer, plus the understanding that a new Final Plan and boundary description will be drawn by Mr. Devier. Mr. Fleming seconded the motion and all members present voted in favor."

Mr. Sullivan explained the conditions to Council as set out in the recommendation, noting that curb &

gutter will not be installed along High Street until the Highway Department & City rebuild the street. Council was also informed that the conditions had been explained to Mr. Baugher and were sent to his attorney, Holmes Harrison, with nothing heard to date as to contesting the conditions. He asked that Council consider the recommendation although a final plan has not been received. Following discussion, Councilman Dingleline moved that Council concur in the recommended conditions but to defer approval of the resubdivision until a final plan is submitted, which motion upon being seconded by Councilman Green. Assistant City Manager Driver said that a dedication of 22' will be necessary along the front of the townhouse lots which has been discussed with Mr. Baugher, prompting him to use 52' as the setback line. Should this arrangement not be satisfactory, Mr. Driver pointed out the fact that the City will have to purchase the additional 2'. Mr. Sullivan said 20' was set out in the Planning Commission's recommendation in that this footage had been discussed each time in his presence, most recently at the last meeting of staff. After further discussion, Councilman Green moved that the original motion include the additional 2' dedication by Mr. Perry Baugher. This was seconded by Councilman Dingleline, and the entire motion adopted by a unanimous vote of Council.

City Manager Milam presented and read the following report submitted by a duly appointed Board of Viewers comprised of Messrs. T. Harry Lowery, John H. Byrd, Sr., and Paul H. Hardy:-

"We, the undersigned Board of Viewers were instructed by the Council of the City of Harrisonburg on July 12, 1977 to view certain portions of Long Avenue and Franklin St., and to report to the Council whether or not there would be any inconvenience, in closing of same.

After viewing said portions, which are shown on the attached plat, and interviewing adjoining landowners, our findings are as follows:

- (1) We find that there would be no inconvenience to any of the adjoining landowners as a result of closing the 700 foot portion of Long Avenue, as shown on the attached plat, and we recommend that this be done.*
- (2) We find that if the 600 foot portion of Franklin Street, as shown on the attached plat, were to be closed there would be considerable inconvenience to J. T. Houck in that a portion of the real estate owned by him would be landlocked.*

We recommend that this portion of Franklin Street remain open.

Dated this 5th day of August, 1977."

Council discussed the matter during which the possibility of a one-way traffic pattern was mentioned, and Assistant City Manager Driver pointing out the fact that a storm water easement may be necessary on Long Avenue in the future. No action taken at this time.

The City Manager called Council's attention to their copies of the Preliminary Architectural Space Program for the Multi-Jurisdictional Detention Facility which will require 60,000 - 80,000 square feet, depending on the number of cells provided and the municipalities participating. The estimated cost will be in the \$5 million classification, with a possibility of 50% - 75% grants from federal and state sources. He reminded Council that approval had been given for the City to participate in the planning stages for the facility and that a check for this privilege had been forwarded. Chief Presgrave said that the Plans will be presented at a meeting scheduled for August 30th and added that the facility is being designed in keeping with anticipated requirements not yet adopted, and of the most modern construction. He offered an opinion that localities must provide this type of service. Harrisonburg and Highland County have been added to the original participating jurisdictions: Augusta County, Staunton, Waynesboro, Lexington and Buena Vista. The reports were for information.

A request was presented from Mr. Ralph Smith, Superintendent of Streets, for approval of a supplemental appropriation in amount of \$ 891.78 from account of Recoveries & Rebates, in order to appropriate reimbursement from an Insurance Company for repairs of damages by thief to a pick-up truck on July 30th of this year, into proper account. Councilman Dingleline moved that the appropriation be approved, and that:-

\$ 891.78 chgd.to: General Fund (1005) Recoveries & Rebates.

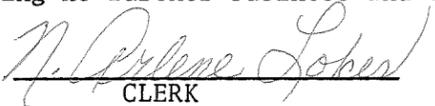
891.78 approp.to: General Fund (9011-274.00) Repairs & Replacement to Auto Equip.

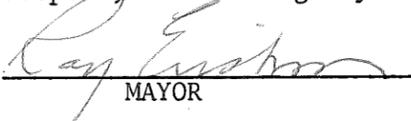
which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

For information, the City Manager reported that recent rainfalls since the last meeting of Council have increased the flow at North River, and the capacity has increased approximately 10 million gallons daily. Because of this, and in view of Switzer Dam continuing to decrease, it was felt that this reserve should be retained. The No. 2 pump at Bridgewater was turned on for the first time, with each of the two pumps now delivering approximately 2 1/2 million gallons of water daily for Harrisonburg. Although it is unlikely that another pump will be turned on at Silver Lake, Manager Milam noted that the Intake now has been cleaned out and both pumps are "ready to go" should the flow at Bridgewater decrease enough to necessitate use of same.

Council was reminded by the City Manager that a lease agreement had been approved on the regular meeting date of July 12th, leasing land to WVPT just west of State Rt. 711 on the City's Landfill Site, for construction of an Earth Telecommunications Station. This was then signed and delivered. Correspondence dated 8/10/77 was received from Mr. Richard Parker, Vice-President and General Manager of WVPT, advising that contractors had found the soil conditions to be unstable, and that this situation would not allow satisfactory foundation and footings for the satellite receiver or for the 60' microwave tower. A request was made for the City to consider leasing land across Central Avenue from Keister School. Following receipt of this correspondence, Manager Milam reported that he had met with personnel of WVPT, and with them, had looked at another site at the Landfill just south of the present one, which proved more satisfactory than the area requested. He recommended that Council approve relocation from the southwest corner of the Landfill, to the location in a southerly direction, which would be the only change in the lease. Following discussion, Councilman Green moved that the recommendation be approved and that the lease be referred to the City Attorney for the proper change, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

There being no further business and on motion duly adopted, the meeting adjourned at 10:05 P.M.


CLERK


MAYOR

Tuesday, September 13, 1977

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 Raymond C. Dingleline, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- none.

The evening's Invocation was led by The Reverend J. Mark Stauffer.

Minutes of the regular meeting held on August 23rd were read, and approved.

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, 1977.

From the City Treasurer:-

A Trial Balance report as of close of business on August 31, 1977.

From the Police Department:-

A report of total number of arrests; parking meter fines collected; cash collected from parking meters; total cash collected all sources, for month of August, 1977.

From the City Auditor:-

A financial report for the City of Harrisonburg, Va. for month of August, 1977.

A report of cash discounts saved in payment of vendors' invoices for month of August, 1977, totaling \$ 270.25.

From the Department of Utility Billing:-

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of August, 1977.

City Manager Milam presented correspondence dated 9/6/77 from James R. Sipe, attorney for the Medical Arts Building of Rockingham, Inc., requesting rezoning of Lots 5, 41, 42 and 43 (owned by Medical Arts) from R-2 Residential to B-2 General Business. The lots are located on the west side of S. Main St. and are bounded by the Medical Arts Bldg. on the north, James Madison University and James F. Logan on the east, Dr. F.L. Byers on the south, and Medical Arts Bldg. on the west. Following a brief discussion, Councilman Dingleline moved that the request be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

Correspondence dated 9/7/77 from M. R. Copper, Jr., Land Surveyor, was presented by the City Manager, submitting a preliminary layout of Forkovitch East Subdivision. It was noted that the proposed Gay Street will be built and dedicated for public use and the private street will be set up in a lot owners' association for the off-street parking, etc. Manager Milam explained that the land, better known as the Klingstein property, is at the extreme easterly end of Gay Street and presently unopened. Councilman Green moved that the subdivision plat be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

Council's attention was called to the annual audit of the Harrisonburg-Rockingham Regional Sewer Authority for fiscal year ended 6/30/77, as prepared by J. Robert Branner, CPA, in accordance with the contract between the Authority and participants. Manager Milam noted that the Income Section of the report reveals that the City of Harrisonburg is the largest participant with a total amount of \$ 359,618.30 paid in for operation and maintenance of the sewer plant and debt service during an eight month period ending 6/30/77. He informed Council that he has asked the C.P.A. Firm of Keeler & Phibbs to devote an entire page for a brief summary of monies paid in by Harrisonburg to the Regional Sewer Authority, outstanding indebtedness, etc. in the City's next annual audit. The report was for information.

The City Manager presented and read correspondence dated 9/2/77 from Mr. Gene S. Wagner of Penn Laird, Va. requesting approval for resubdividing a tract of land on the corner of Monument & Hillside Avenues. A preliminary survey was enclosed which revealed a proposal to establish two additional lots with a minimum of 10,000 sq. feet. It was noted that by so doing, the shape of the second lot facing on Hillside Avenue would be very irregular. A request was made to reduce this lot by re-aligning one side of same from approximately 10,000 sq. feet to 7,189 sq. feet. The owner desires to build a small bungalow on the reduced lot. Manager Milam explained that the request was to resubdivide the land into three lots comprised of 10,000, 10,352, and 7,189 sq. feet, and added the fact that the Planning Commission would have to waive the footage requirement in the Subdivision Control Ordinance to allow for the smaller lot size. Following a brief discussion, Councilman Rhodes moved that the request be referred to the Planning Commission for study and recommendation, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

For information of Council, City Manager Milam reported that the City of Harrisonburg had received a pedestrian safety award from the Virginia Highway Safety Division for no fatalities in 1976, at a luncheon held on September 6th, for the Governor, and that the award is in the hands of the Police Chief.

Correspondence dated 9/9/77 from Mr. James Roadcap, Executive Director of the Harrisonburg-Rockingham Regional Sewer Authority, was presented and read, requesting certain information concerning a description of new sewer systems constructed and/or extended since 8/1/76; description of any planned sewer systems and pumping stations (residential, commercial, and industrial); the number of sewer connections made since 8/1/76, etc. A report will be made by Mr. Roadcap at the next meeting of the Authority on October 3rd. City Manager Milam informed Council that he would compile the requested information, as requested.

Correspondence dated 9/7/77 from Attorney Steven Blatt was presented by the City Manager, which requested Council approval of an enclosed agreement between his client, Mr. Bernard L. Bolt, developer of

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Country Club Court Townhouses; the C-W Railway; and the City of Harrisonburg, concerning a railroad crossing for the development which is located on old U.S. Rt. 33 along Country Club Road and the C-W Railway. He reminded Council that the agreement was very similar to other recent ones, namely; University Court and Rocco, and called attention to paragraph 6 which provides that any future automatic crossing protection deemed necessary would be installed and maintained at the sole cost and expense of the City. He explained that provisions in the other agreements for the developer to assume this cost and expense had been waived, and recommended that the same apply in this case. Following a brief discussion, Vice-Mayor Denton moved that the Agreement be approved with authorization for the proper officials to sign same on behalf of the City of Harrisonburg, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

Mr. Kenneth Kyger of Kyger & Trobaugh Funeral Home, 903 S. Main St., appeared before Council to discuss a parking problem between property owners and college students. He said that the residential permit parking ordinance, presently in effect for an area surrounding James Madison University and Rockingham Memorial Hospital (between Interstate 81 and C-W Drive) has created problems on Patterson Street, and noted that prior to creation of this ordinance, when 2-hour limited parking was allowed, there was always space available for parking. In compliance with wording of the present ordinance, 18 special parking permits have been issued by the City Treasurer for the Shenandoah Apartments which are owned by J.M.U., since students residing there can qualify as renters. With only a total of 21 parking spaces on Patterson Street, Mr. Kyger noted that it is impossible for residents to park, or for deliveries to be made to his place of business from the side entrance. He asked for a re-evaluation of the permit parking ordinance. Mayor Erickson said that the ordinance has been in effect since September 1st of last year, with this being the first area involved to express a problem. He reminded that the Supreme Court will be ruling on a similar ordinance possibly this Fall, which will determine the validity of permit parking, at which time it will be known where the City stands, and suggested that JMU be contacted regarding students residing in the apartment building. Councilman Green noted chaos in the area at the present time due to reconstruction of S. Main Street, etc. and said he feels the situation will be resolved in the near future, which, in his opinion, really does not help the immediate problem. Manager Milam called attention to a petition signed by six residents of S. Mason Street (Paul to Campbell Sts.) presented at Council's August 9th meeting, requesting that the permit parking ordinance be abolished, or that they also be included in the designated area. This was referred to the City Planning Commission for study and recommendation, with no report submitted to date. He suggested that a study be made of borderline areas, leaving those now under the ordinance as is, since the system is working well. Mr. Jerry Coulter of 492 S. Mason Street, one of the petitioners, told Council that permit parking is creating the problem on his street from Paul to Campbell, in that students are parking here rather than on Campbell St., since no courtesy cards are required. Councilman Dingleline offered an opinion that it would be wise to await a decision of the Supreme Court, while Vice-Mayor Denton said he felt there should be some reaction to the problem in that the ordinance has been in effect for a year. Planning Director Sullivan named the following persons who comprised the original special parking study committee, and said it could be called back for further study:- John Sowers, Chmn.; R.J. Sullivan, Secretary; Nelson Liskey; Tim Murnane; Julius Ritchie; Dr. Richard Smith and Dr. Ray Sonner. He said that the Planning Commission had no formal recommendation at this time concerning the block on Mason Street which had been referred by Council, but that the members had talked seriously about the committee being re-activated. Vice-Mayor Denton moved that the Committee be re-activated for a further study of parking, with report back to Council at an early date, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote. Mayor Erickson asked Mr. Sullivan Secretary of the Special Committee, to contact all members and schedule a meeting.

With regard to earlier requests from various organizations to utilize space in the Sipe House (301 S. Main St.), City Manager Milam noted recent communications received from the Chapter 10 (Mental Health & Mental Retardation Services) Board and the Rockingham County Historical Society requesting to be placed on this evening's agenda. He reminded Council also that the Democratic Party had asked for temporary use of office space in the former B. Ney Building upon vacation by Electrolux, until November 13 of this year. Due to various problems at that building as well as its state of repairs, he had suggested to the Party Chairman that the Sipe Building be visited with Mr. John Byrd, to determine whether or not it would suit their needs. Rev. John Sayre, Chairman of the Chapter 10 Board, re-iterated the need for additional space for expansion of Mental Health Services by the Massanutten Mental Health Clinic from present quarters on E. Market St., which lease will expire the end of this year, and reminded Council of the proposal to pay rental of \$300. per month at the Sipe House, plus utilities. He noted that the entire house would be required to meet the needs of the Clinic, with a portion of the space to be used for offices of the Chapter 10 Board and the Harrisonburg-Rockingham Mental Health Association. Dr. Robert Showalter, Psychiatrist and member of the Chapter 10 Board, discussed the crowded situation on E. Market St. for expansion of programs and services. He said that by the end of this year a decision will have to be made in order to notify the owner of the building which they now occupy. He requested a lease for no longer than 5 years, should permission be granted for renting the Sipe House, with a more permanent arrangement to then be worked out. Dr. Carl Swanson of the JMU faculty, informed Council that 6 to 8 persons could be added to the Clinic staff with no cost to the City, state of Chapter 10 Board, if ample space is made available. Rev. Sayre called attention to correspondence from the Harrisonburg-Rockingham Association of Retired Citizens, & the Junior Woman's Club in support of the Chapter 10 Board's request. When asked when the Board would anticipate moving, Rev. Sayre replied the first of next year when the present lease expires. Mr. Joseph Meyerhoeffer, President of the Rockingham Historical Society, said that the organization had submitted requested information with regard to space requirements, etc. following their original request, but had received no further word concerning the matter until it was noticed in the Daily News Record that the Chapter 10 Board was again requesting the house. He explained the situation at the present location in the basement of the Municipal Building, noting 4 to 4 1/2 usable rooms, and storage space in poor repair (which location may be asked for at any time by the City for its own needs), and stressed the fact that the electric map needs to be improved and placed out of the dampness of a basement area into a permanent location. He pointed out the fact that the Historical Society cannot compete as to the payment of rent in that it is a self-supporting organization and not funded by the state. It does, however, receive \$ 500. from each of the City of Harrisonburg and County of Rockingham, on an annual basis, which pays the Museum Director's salary during summer months and for restoration of court records. He noted that the historical aspect of the Sipe House would make the museum a drawing card for the community and said that attendance of visitors from other states and even

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foreign countries, is growing. Since the Society would be using most of the first floor and a portion of the second floor, the additional space could be used by the Local Chapter of the Virginia Museum and the UDC. Dr. James Sease, speaking for the Virginia Museum, said that a letter had been sent earlier, making request for needed space, and that they had complied with instructions to submit proposals for requirements. He noted that the organization is funded through membership dues, a portion of which goes to Richmond for that museum. The local organization, according to Dr. Sease, would be compatible with the Rockingham Historical Society, and said they are looking for a home rather than just space. Manager Milam referred to a letter in July of this year, addressed to the Mayor, requesting continued use of the lot in rear of the Sipe house as play area for children in the Rockingham-Harrisonburg Day Care Center which is located on the first floor of Asbury United Methodist Church. Mr. Roger Ritchie, Chairman of the Democratic Party, informed Council that due to problems, etc. at the former B. Ney Building, and the City Manager's suggestion of a visit to the Sipe House, he felt this location would be most suitable to their needs if no conflict with other organizations. No alterations or changes would be made to the building, and a monthly rental of \$ 100. was proposed. Judge John Paul offered an opinion that there was "room for compromise" and added that the historical value of the property should remain. He suggested that a committee be appointed to study priorities, single out what is really needed by the various organizations, and that the committee make recommendation to Council. Councilman Dingleline expressed concern with regard to the City's need for some revenue from the building, noting rent proposal of the Chapter 10 Board for \$ 300. monthly, adding the fact that the property should be kept by the City and not sold. He asked Mr. Ritchie if the Democratic Party would be responsible for payment of utilities during the temporary period and Mr. Ritchie replied that he felt sure they would be willing to do this. It was suggested that this be worked out with the City Manager, should the request to use the space be granted. Councilman Rhodes moved that Council approve the request of the Democratic Party, and that the amount of payment be worked out between the Party and City Manager, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council. Following the lengthy discussion, Mayor Erickson appointed the following six persons as a committee to study the situation and report back to Council within a 30-day period: Councilmen Raymond Dingleline and Elon Rhodes; Mr. Robert Sullivan, City Planning Director; Mr. John Byrd; Building Official; Rev. John Sayre, Chmn. of the Chapter 10 Board; and Mr. Joseph Meyerhoeffer, President of the Historical Society. Councilman Green suggested that Council have a work session following report from the special committee in that information is needed with regard to financing, space needs, etc. He mentioned also that the School Board should be contacted for its thoughts, in that its offices are located next to the Sipe House.

A request was presented from the Recreation Director for approval of a supplemental appropriation in amount of \$ 16,546.57 from the accounts of Recoveries & Rebates and Unappropriated Surplus, in order to transfer Title VI funds received from the Virginia Employment Commission for months of April, May and June, 1977, into proper accounts. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:-

\$ 11,415.60 chgd.to: General Fund (1005.00) Recoveries & Rebates.
 5,130.97 chgd.to: General Fund, Unappropriated Surplus Account.
 1,838.90 approp.to: General Fund (11020-12.01) Wages= Rec.Supv.- Title VI
 1,522.31 approp.to: General Fund (11020-12.02) Wages- Athl. Instr.-Title VI
 956.32 approp.to: General Fund (11020-12.03) Wages- Park Sec.Off.- Title VI
 722.50 approp.to: General Fund (11020-12.04) Wages- Maint.Man- Title VI
 1,845.00 approp.to: General Fund (11020-12.05) Wages- Rec/Athl.Supv.- Title VI
 1,560.00 approp.to: General Fund (11020-12.50) Wages- Rec. Instr.- Title VI
 1,845.00 approp.to: General Fund (11020-12.51) Wages- Park Maint.Supt.- Title VI
 1,456.35 approp.to: General Fund (11020-12.52) Wages- Janitor- Title VI
 1,178.13 approp.to: General Fund (11020-12.53) Wages- Clk Typst/Rec.- Title VI
 1,288.98 approp.to: General Fund (11020-12.55) Wages- Grounds Maint.- Title VI
 1,951.48 approp.to: General Fund (11020-12.57) Wages- Concessioner- Title VI
 381.60 approp.to: General Fund (11020-12.58) Wages- Laborer- Spec.Proj.- Title VI

which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

Under the matter of appointments to Boards & Commissions, Vice-Mayor Denton suggested that due to a question which had arisen concerning membership on the Upper Valley Regional Park Authority, a letter of resignation be sent in for Councilman Green. Members agreed, and Mayor Erickson said he would see that this was done, tomorrow. A replacement was deferred along with other appointments, until a future meeting.

The City Manager presented correspondence dated 9/7/77 from Mr. Paul Quintrell, Director of Finance for Harrisonburg City Schools, requesting Council approval for purchase of a house at 206 S. Willow St. situated on the east side adjacent to Little League ball park, with a lot 60' x 60', and also a portion of another lot. A copy of the contract properly signed by the sellers, Thomas M. and Luanae L. May, and the purchaser, Harrisonburg City School Board by Superintendent Wayne King, was enclosed with the correspondence, as well as a lease arrangement for period of time the seller remains in the house following purchase by the City School Board. Cost of property listed as \$ 29,000. plus other costs (realtor & legal) of \$ 1,000., and a total of \$ 30,000. It was further requested that the City appropriate this amount, either from regular funds or Revenue Sharing. City Attorney Lapsley pointed out the fact that the seller, not the purchaser, pays the realtor's commission. Vice-Mayor Denton questioned the amount of rent set out in the lease arrangement, when total cost of property is considered. The City Manager noted that the School Board has a 30-day option on the property. Following discussion, it was agreed that the City Manager and City Attorney review the transaction and report back at the next regular meeting of Council.

The City Manager informed Council that the final plan has been received for resubdivision of lots 4, 5, 6 & 7 in Hillandale Subdivision by Mr. Perry Baugher, which plan includes a 22' easement for widening of S.High St. He reminded members that they had concurred in the concept of the Planning Commission's recommendation for approval of the resubdivision at the last regular meeting, but had delayed action until the final plan for the 13-unit townhouse development, was received. He noted that in addition to the final plan, he had received a deed of easement for lot #3 north of the development to cover the existing water line. Mr. Sullivan said the easement would cover a total of 7,080 sq.feet along

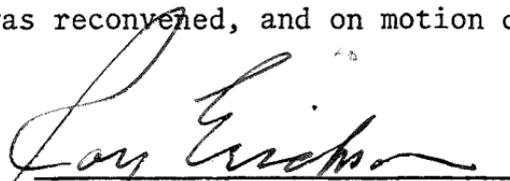
High Street and noted that all now seems to be in order. Following discussion, Councilman Green moved that the final plan be approved and that the City accept the deed of easement covering the utility, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Councilman Rhodes registered a complaint which he had received concerning traffic congestion at the intersection of Pear Street and S.High Street (Rt. 42). He then moved that this be referred to the Harrisonburg Highway Safety Commission for review, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

Vice-Mayor Denton moved that the regular meeting adjourned at this time (10:20 P.M.) and that Council enter an executive session for the purpose of discussing legal and personnel problems, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote.

Following the executive session, the regular meeting was reconvened, and on motion duly adopted, adjourned at 11:50 P.M.


CLERK


MAYOR

At a regular meeting of Council held in the Council Chamber this evening at 7:30 PM there were present:- City Manager Marvin B. Milam, City Attorney Norvell A. Lapsley, Clerk N. Arlene Loker, Vice-Mayor E. Warren Denton, Jr., Councilmen Raymond C. Dingledine, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- Mayor Roy H. Erickson.

Vice-Mayor Denton called the meeting to order and presided, in absence of the Mayor.

Minutes of the regular meeting held on September 13th were read, and approved as corrected.

Council received the final plat for Section 10 of Holiday Hills Subdivision as submitted by Mr. James C. Wilkins, partner, WKW Enterprises, with request for review and final approval of the City. On motion of Councilman Dingledine, seconded by Councilman Green, and a unanimous vote of Councilmen present, the plat was referred to the City Planning Commission for study and recommendation.

Council received the annual audit for the Shenandoah Valley Joint Airport Commission prepared by R. L. Persinger & Co., CPA for fiscal year 7/1/76 through 6/30/77, submitted by Mr. Russell Turner, Airport Manager. City Manager Milam noted that a copy would be on file in his office for review, if so desired.

For information, the City Manager presented three separate reports from the State Corporation Commission showing assessed value, etc. for all Electric & Power Companies; Telephone & Telegraph Companies; and Railroad Companies. He noted that the reports would be on file in his office for review.

The following recommendation submitted by the Planning Director from a meeting of the Commission held on September 21st was read by the City Manager:-

"...The Commissioners reviewed a preliminary plan for Mr. Gene Wagner's property located on the northwest corner of Monument and Hillside Avenues. If re-subdivided, three lots would be formed with areas of 10,352 sq. feet, 10,999 sq. feet and 7,189 sq. feet. The Director explained that the R-1 Single Family District requires a minimum of 10,000 sq. feet per lot, therefore a shortage of 2,811 sq. feet exists in the proposed lot on Hillside Avenue. The Commissioners who visited the site, observed that three existing homes on the west side of Hillside Avenue have setbacks of 50 feet or more, thus setback variances will be required through the Board of Zoning Appeals for lots 2 & 3. They also noted that most of the surrounding homes were on lots of more than 10,000 sq. feet. Mr. Wagner reported that he would like to build a small bungalow on the third lot which would be in keeping with the type and quality of homes now existing in the neighborhood.

Mr. Williams noted that the re-subdivision proposal seeks a sizeable lot area variance and creates a front setback issue as well. He offered a motion that the Planning Commission recommend denial of the proposed 3-lot re-subdivision. ~~Dr. Shank~~ Dr. Shank seconded the motion and all members present voted in favor of the motion..."

Mr. Sullivan, Planning Director, called Council's attention to their copies of the preliminary plat of the land and map showing location of same, attached to the recommendation, and reiterated the Commissioners' thoughts concerning the situation which resulted in agreement to deny the request. He noted opposition to the third (smaller) lot and pointed out that with setback variances by the Board of Zoning Appeals, two lots could be accepted, one longer in size. Following discussion, Councilman Rhodes moved that the Planning Commission's recommendation for denial of the re-subdivision be approved, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Councilmen present.

Planning Director Sullivan presented annual Planning Commission reports for the past two fiscal years which tell the story of what the city family is doing in the way of various projects, and the Commission's typical role in handling rezoning and subdivision matters. He noted that Harrisonburg is the fastest growing city in the valley with a recent population count of 19,300 as reported by the University of Virginia. The reports cover information concerning construction within the city of single family residences, apartment units and the more recent townhouse units. Copies of the reports have been placed in various places for public review. Vice-Mayor Denton expressed pleasure in the well prepared synopsis concerning progress of the City as compiled in the two reports: the 1975-76 front cover featur-

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ing Switzer Dam, and the 1976-77 front cover featuring the City Bus Service.

City Manager Milam presented the proposed annual agreement between Valley Program for Aging Services and the City of Harrisonburg, for operation of the Price-Rotary Senior Center for fiscal year 1978, submitted by Mrs. Ruth Perry, Executive Director of VPAS. He explained that the agreement is primarily the same as last year, with the following changes notes therein: (1) all reports requested by VPAS, including a monthly report of spending due by the 5th of each month; (2) a listing of units of service; (3) federal funding to be provided by VPAS not to exceed \$ 23,952. with the amount of \$ 5,720. to be appropriated by the City who shall request monthly a sum not to exceed \$ 3,992. from VPAS for operation and fiscal management. Manager Milam noted the fact that the fiscal year for the organization has been changed to October and that the agreement period is 10/1/77 - 9/30/78. The City's contribution of \$ 5,720. was approved in the 1977-78 budget. During discussion, Council members expressed concern over the fact that the budget for the Price-Rotary Center includes salary for the driver of a bus which was assigned for use by the Center, by the regional office, while the City of Harrisonburg has recently purchased buses for its transportation system. It was agreed that this be looked into, prior to the next fiscal year. Following discussion, Councilman Green moved that the agreement be approved, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Councilmen present.

The City Manager stated that following the last regular meeting of Council, some question had arisen concerning the six member Sipe House Study Committee appointed by the Mayor, and that Dr. James Sease, representing the Virginia Museum and under the assumption that he had been included on the committee, was invited to attend the first scheduled meeting, along with those appointed. He asked that the matter of membership be clarified at this time. Councilman Dingleline moved that Dr. Sease be officially appointed to serve on the Study Committee, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Councilmen present.

Although appointments to various Boards & Commissions had been deferred until a future, the City Manager explained that under recent charter amendments of the Central Shenandoah Planning District Commission a locality could appoint an alternate member, who must also be an elected official. At the present time, he and Vice-Mayor Denton are members representing Harrisonburg. It was noted that the appointee could be from the governing body and that he would attend meetings of the Commission in the absence of Mr. Denton. Members were asked to be giving some thought to appointment of an alternate member.

Councilman Rhodes moved that a supplemental appropriation in amount of \$ 16,546.57 requested by the Recreation Director in order to transfer Title VI funds received from the Virginia Employment Commission for months of April, May and June, 1977, into proper accounts, be approved for second and final reading, a first reading, having been approved on September 13th, and that:-

\$ 11,415.60 chgd.to: General Fund (1005.00) Recoveries & Rebates.
 5,130.97 chgd.to: General Fund, Unappropriated Surplus Account.
 1,838.90 approp.to: General Fund (11020-12.01) Wages- Rec.Supv.- Title VI
 1,522.31 approp.to: General Fund (11020-12.02) Wages- Athl.Instr.-Title VI
 956.32 approp.to: General Fund (11020-12.03) Wages- Park Sec.Off.-Title VI
 722.50 approp.to: General Fund (11020-12.04) Wages- Maint.Man- Title VI
 1,845.00 approp.to: General Fund (11020-12.05) Wages- Rec/Athl.Supv.-Title VI
 1,560.00 approp.to: General Fund (11020-12.50) Wages- Rec.Instr.-Title VI
 1,845.00 approp.to: General Fund (11020-12.51) Wages- Park Maint.Supt.-Title VI
 1,456.35 approp.to: General Fund (11020-12.52) Wages- Janitor- Title VI
 1,178.13 approp.to: General Fund (11020-12.53) Wages- Clk Typst/Rec- Title VI
 1,288.98 approp.to: General Fund (11020-12.55) Wages- Grounds Maint- Title VI
 1,951.48 approp.to: General Fund (11020-12.57) Wages- Concessioner- Title VI
 381.60 approp.to: General Fund (11020-12.58) Wages- Laborer- Spec.Proj.-Title VI

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

The City Manager presented a request from the Recreation Director for approval of a supplemental appropriation in amount of \$ 700.86 in order to transfer the salary of Westover Pool Concession employee from season profit (1977) of Concession Stand to Westover Swimming Pool Operating Budget. He noted that the funds have been received and are presently in account of Recoveries & Rebates. Following a brief discussion, Councilman Dingleline moved that the appropriation be approved, and that:-

\$ 700.86 chgd.to: General Fund (1005) Recoveries & Rebates.
 700.86 approp.to: General Fund (11030-12.00) Westover Swimming Pool- Wages.

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

The City Manager presented a request from the Recreation Director for approval of a supplemental appropriation in amount of \$ 687.28 in order to appropriate money received from Valley Program for Aging Services, Inc., for employer's share of FICA for two employees to proper accounts. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved, and that:-

\$ 687.28 chgd.to: General Fund (1005) Recoveries & Rebates.
 687.28 approp.to: General Fund (11020-390.00) Parks & Rec.- Other Oper.Expenses.

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

With regard to a request from the City School Board presented at the last regular meeting of Council to purchase a house at 206 S. Willow Street, plus another lot, owned by Thomas M. and Luanne L. May, adjacent to the Little League Ball Park, and at which time the matter had been referred to the City Manager and City Attorney for clarification of the contract, the City Manager reported as follows: Concerning an amount of \$ 1,000. to be paid by the purchaser for realtor & legal fees, and which the City Attorney had noted should be paid by the seller, he had learned that the School Board had employed a realtor to negotiate the purchase. Further, although the amount of monthly rental included in the lease arrangement appeared low to members of Council in comparison with total purchase price, he explained that the present owners desire to build a home and to live in the Willow Street residence until completion. Manager Milam

pointed out location of the property on a map and its relation to the armory site and homes along Bruce Street, in that the City and School Board have, for some years, felt the need to acquire properties in the area as they become available. City Attorney Lapsley said he was told that the School Board had made a commitment to pay the realtor, which arrangement is not usual. Since the option for purchase terminates this Friday, and information concerning an appraisal price has not been received, Councilman Green moved that the City Attorney be instructed to request an extension of time on the option, and that a representative of the School Board be asked to attend the next regular meeting to answer questions re- the contract, etc., which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

✓ In presenting the next matter of business, closely related to proposed purchase of property by the School Board, the City Manager informed Council that he had drafted a letter to the Commonwealth (Dept. of Military Affairs) requesting that 3.75 acres of open space on the north side of the National Guard Armory (Willow St.) be returned to the City for expansion of physical education facilities at Harrisonburg High School. He reminded members that in the early 1950s the City of Harrisonburg had transferred land to the state for construction of the Armory and only several years ago had contemplated relocating the military building, which idea was abandoned due to the prohibitive cost of \$ 700,000. at the time. Manager Milam pointed out the fact in the letter that the City has increased greatly in population, which necessitates more space to develop property for athletic facilities. Following discussion, Councilman Green moved that the City Manager be authorized to forward the letter to the Commonwealth, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

✓ Council received copies of the second draft of contract for the proposed Multi-Jurisdictional Adult Detention Facility (jail), a first draft having been in the hands of members at the last regular meeting. The City Manager reported that he and Chief Presgrave had attended a meeting on September 15th at which time a review of the proposed facility was presented with regard to size of the Z-shaped building, 100' in height, to be situated on a 78 acre tract of land, as well as detailed description of the building's interior. He noted only one other building of this design in the nation at the present time. Two representatives from each of the participating governing bodies, namely:- Staunton, Augusta County, Waynesboro, Lexington, Buena Vista, Harrisonburg and Highland County, will comprise a Jail Study Committee to make a preliminary study, prepare preliminary plans, finalize the agreement, etc. for the facility. Upon receipt by this committee of written approval of the preliminary plans and the architect's contract executed by all participants, the Jail Study Committee will be dissolved and a Jail Building Committee will coordinate all statistics and proceed with the project. Finally, two representatives from each of the participating governing bodies will make up a Jail Board. Manager Milam said that a minimum of \$ 100,000. will be allocated by the state to each participating locality for its contribution. The report was for information in that the contract is only in the preliminary stage, and not ready for approval at this time.

✓ The City Manager presented a resolution submitted by the Central Shenandoah Planning District Commission requesting that District 6 be designated as a solid waste and litter control planning region and that the Central Shenandoah Planning District Commission be designated as the agency representing the Planning District which will prepare solid waste and litter control plans and programs. Vice-Mayor Denton, voting member and representative of the City of Harrisonburg on the Commission, told Council that he had questioned, and was informed, that should the jurisdictions in the district not approve the resolution for implementation of the Act, the Health Department in either Richmond or Washington, would control the Plan. Although he does not feel this would be in conflict with the City's proposed Solid Waste Project, but be more for collection of garbage, the Vice-Mayor suggested that a letter be sent to the District Planning Commission for clarification. Assistant City Manager Driver informed Council that he and the Mayor had attended a recent meeting at which time very little information was available, but did note that funds available would be for plans and not for implementation. Thinking in terms of Solid Waste, Vice-Mayor Denton questioned whether or not the City's project would be slowed down, in that the City's proposed project would have to be reviewed by the District. Following discussion, Councilman Green moved that the City Manager be authorized and directed to write the Central Shenandoah Planning District Commission for further information and clarification with regard to the City's anticipated Solid Waste Project, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Councilmen present.

For information, the City Manager reported that while attending the Virginia Municipal League meeting in Williamsburg, he, along with Assistant City Manager Driver and Councilman Green, had gone to the Norfolk Navy Yard for a tour through the Solid Waste Plant which is producing steam to an area 90 miles from the furnace to all buildings, and an alternate system for ships. He described the plant which was constructed in 1966 and noted that although it is not too attractive, it is practical.

✓ An ordinance amending Sec. 29-56 of the City Code titled: "Specifications for Sewer Piping Under a Slab and From the Building to the Street Line" was presented for Council's consideration of a first reading. The City Manager explained that the amendment would require a service line to be of cast iron coated pipe (no less than service weight) with all joints to be either lead, sulphur compound, slipjoint, or No-Hub bands. A further provision would be that plastic pipe may be used underground and under slabs, provided it is encased in 4" of concrete. Assistant City Manager Driver said that plastic pipe has been opposed for some time and noted that it not only is susceptible to termite, but bends on rocky terrain as the earth around it settles. Cast iron has proven successful and given no problems. He pointed out the fact that the BOCA Code does not designate type of pipe to be used. Following discussion, Councilman Green moved that the ordinance be approved for a first reading, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Councilmen present. A suggestion was made that all contractors be supplied with a copy of the ordinance, upon final approval.

✓ The City Manager presented for consideration of a first reading, an ordinance amending Sec. 29-106 of the City Code, "Installation and Rental Charge for Fire Plugs", which amendment would increase cost of installation from \$ 400. to \$ 2,000. and eliminate the annual rental fee of \$ 50.00. Council was informed that most of the hydrant installations take place outside the City and there is a problem of collecting annual rental after the land has been subdivided into lots and the developer has left the

City. The present amount of \$ 400. is insufficient in that it does not cover cost of installation. By not collecting the rental, the city is at a loss, but at the same time, is providing fire protection for the area. Vice-Mayor Denton questioned the amount of \$ 2,000., noting that over a period of 20 years, the annual rental of \$ 50.00 per month would total only \$ 1,000. for the fire hydrant. He suggested that the City Code be amended to provide that the subdivider install his own hydrant(s) and that it then be turned over to the City, which is the same policy for installation of water & sewer lines outside the City. The City Manager pointed out the fact that if not installed by the City, the hydrant(s) may be placed in improper locations. Assistant City Manager Driver suggested that the amount of \$ 2,000. be eliminated, and that the subdivider be responsible for installation of a hydrant at actual cost. Following discussion, Councilman Rhodes moved that the ordinance be approved for a first reading, with possible changes prior to a second and final reading, which motion upon being seconded by Councilman Green, was adopted by a unanimous recorded vote of Councilmen present.

The City Manager presented a memorandum from the Commonwealth's Department of Emergency Services with regard to sections of the state code providing that counties and cities must authorize expenditure of funds, and by proposed resolution enclosed, requested approval for installation of an Insta-Phone Warning System in the police station. Under the proposed resolution, the City would accept the system and use it for emergency purposes, as well as pay an amount annually which would be negotiable from year to year due to possible fluctuation in telephone rates. The agreement would be on a year to year basis. Chief Presgrave said this would be a teletype system used in cases of emergency, similar to an open line. When asked if there would be a definite advantage to this type of emergency system, the Chief noted there would not, with the exception of it being used as a back-up system for equipment already in use. He said that he had been contacted with regard to this being placed in the police station at an annual amount not to exceed \$ 450. City Manager Milam informed Council that the emergency system has been used in Winchester and Frederick County for several years, and that contact people there are well pleased. Chief Presgrave was asked by Council if he would object to the Intra-Phone System being placed in the police station, to which he replied in the negative. Following discussion, no action was taken with regard to the proposed resolution.

Assistant City Manager Driver told Council that the subject of painted lines on Newman Avenue for residential parking, has again been questioned by residents on the street. He reminded Council that a petition had been presented at an October 1976 meeting with regard to a parking problem on the street and that the matter of painted lines had been discussed in November & December, with no plan worked out, at that time. If decided upon, Mr. Driver noted that the lines would have to be painted very soon, due to approaching bad weather conditions. He noted that the cost would be in the neighborhood of a couple hundred dollars, but should the marking of parking spaces with lines be proven wrong, it would be very difficult to remove the paint. City Attorney Lapsley suggested that it would be best to await a decision of the Supreme Court with regard to an ordinance similar to the City's Residential Permit Parking Ordinance, prior to taking any action on the Newman Avenue problem. Councilman Rhodes offered an opinion that by next spring, the City should be in a better position to decide whether or not the painting of lines is the right way to go. Following a brief discussion, Councilman Green moved that the Assistant City Manager advise the petitioners of Council's reasoning for the delay, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

On request of the City Manger, Councilman Rhodes moved that the regular session adjourned at 10:10 PM and that Council enter an executive session for the purpose of discussing a personnel matter.

Following the executive session, Vice-Mayor Denton reconvened the regular meeting at 11:00 P.M. There being no further business, a motion was duly adopted, to adjourn.

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CLERK

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MAYOR

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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 Raymond C. Dingledine, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent: none.

The evening's Invocation was led by The Reverend Carl Sherman, pastor of Church of the Nazarene.

Minutes of the regular meeting held on September 27, 1977 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 September, 1977.

From the City Treasurer:-

A Trial Balance report as of close of business on September 30, 1977.

From the Police Department:-

A report of total number of arrests; parking meter fines collected; cash collected from parking meters; total cash collected all sources in amount of \$ 10,392.68, for month of September, 1977.

From the City Auditor:-

A financial report for the City of Harrisonburg, Va. for month of September, 1977.

A report of cash discounts saved in payment of vendors' invoices for month of September, 1977, totaling \$ 203.41.

From the Department of Utility Billing:-

A report of water, sewer & refuse accounts; meters; read; installations; cut delinquents; complaints, re-reads, etc. for month of September, 1977.

Each member of Council and the City Auditor were presented copies of the annual audit of the Harrisonburg Electric Commission for fiscal year ended June 30, 1977, prepared by the C.P.A. firm of Alt, Stickle & Company, as required by the City Code. The City Manager said that a copy of the report would be on file in his office for public inspection.

Copies of the annual audit report for the City of Harrisonburg's fiscal year ended June 30, 1977, prepared by the C.P.A. Firm of Keeler, Phibbs & Company, were presented each member of Council, the City Auditor and Clerk, by the City Manager. He noted that copies had also been forwarded to the state auditor and Bureau of Census. Mr. William Shifflet, City Auditor, said he was well pleased with the audit throughout the entire city government. Mayor Erickson commended the City Auditor and all departments of the city for well kept records, and suggested that after the report has been reviewed by members, and if there are any questions, it may be well to have a representative of the firm attend a meeting for any clarification of the report. A copy will be on file in the City Manager's Office for public inspection.

Mr. Eddie Ney, Chairman of the Harrisonburg Parking Authority, appeared before Council along with Mr. Jerry McBride, Vice-President and Manager of Glassner's Jewelers, to present a plan for additional downtown Christmas lighting around the parking deck facility. Mr. Ney informed Council that a representative group from the Retail Merchants Association had requested permission of the Authority to install the lights, which request had been granted, with a requirement that there be no constructional damage. He noted that several bids were in, with the lesser cost of \$ 3,000. for purchase of the fixtures. Mr. John Byrd, Building Official, pointed out the fact that since there are no electrical outlets available for attachment of the lights, these would have to be provided. Mr. McBride presented a rough sketch of the proposed plan showing 8 lighting fixtures with 550 watts each, and 6 fixtures with 227 watts each, which would not be on later than 10:00 P.M. He said that Riddleberger Bros. had quoted a cost of \$1,021. for running of wires inside the parking deck, but added that at least one more estimate would have to be acquired, should the project be approved. Mr. Ney asked assistance of Council for this cost. City Manager Milam made reminder that the City's current budget carries an amount of \$ 1,150. for Christmas lighting, and suggested that should this project be approved, an amount of \$ 1,000. be charged to the Public Works Department under street lighting, thereby eliminating the need for an appropriation. Councilman Dingleline expressed concern about expansion of street lighting in view of the conservation of electricity. Vice-Mayor Denton said the wattage would not be out of reason, in that the six fixtures of 227 watts would require about four 60-watt bulbs. Following discussion, Councilman Green moved that the holiday street lighting expansion around the parking deck be approved, with amount of \$ 1,000. to be charged to source recommended by the City Manager, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

Councilman Dingleline, a member of the Harrisonburg-Rockingham Independence Bicentennial Commission, informed Council that resignations of Mr. Charles Wampler, Jr. and Mrs. Juanita Sanders, co-chairpersons of the Commission, had been received in May and August (respectively) of this year. He noted that a meeting had been held recently to determine whether or not it would be practical for the Commission to dissolve, with the general feeling expressed that due to a few projects not yet completed, and encouragement from the State Bicentennial Commission for localities to continue until the bicentennial of the end of the Revolutionary War, that the local Commission should remain in force. Councilman Dingleline pointed out the fact that Rockingham County is presently observing its bicentennial, with the City's only a few years in the future. He moved that The Reverend Lloyd T. Sprinkle (representing the City) and Mr. John L. Heatwole (representing the County) be appointed to serve as co-chairmen, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

Council was advised by the City Manager that following the last regular meeting and as instructed by the governing body, he had been in contact with the Shenandoah Valley Builders' Association regarding the proposed ordinance titled "Specifications for Sewer Piping Under a Slab and from the Building to the Street Line"; mailed letters to a number of building firms, and sent copies of the proposed ordinance to all plumbing firms that normally participate. He reported that the majority favor the ordinance, although the Builders' Ass'n. does not favor the enclosure of plastic pipe in concrete, which would increase the cost of a house, and further, the fact that the BOCA Code does not require cast iron pipe which is much higher in cost than plastic. Blauch Bros. & Riddleberger Bros. favor the proposal, while Pennington agrees with the pipe requirement, but not enclosure. Mr. David Lambert of Bridgewater and a member of the Builders' Ass'n., questioned whether the City of Harrisonburg has a serious rodent or termite problem, such as to require cast iron pipe, and noted that enclosure of same in 4" of concrete would be an additional expense. He strongly endorsed use of PVC pipe. Mayor Erickson suggested that a letter from the City's Engineering Dept. be sent to Mr. Lambert, setting forth reasons for the proposed ordinance. No action was taken at this time re a second reading of the proposed ordinance.

Due to the controversial figure of \$ 2,000. as set forth in a proposed ordinance amending Section 29-106 of the City Code titled: "Installation and Rental Charges for Fire Plugs", an alternate amendment was presented by the City Manager providing that "Fireplugs may be installed by the City for a flat fee of \$ 800. for hydrant, valve, tapping sleeve, & elbow; plus time and materials for all labor and materials used for road repairs if necessary, plus 10% overhead cost"; and further that fireplugs shall be installed in subdivisions or developments outside the City in accordance with city specifications and at no cost to the city. During discussion, it was unanimously agreed that the amount of \$ 800. be eliminated and replaced by "at cost", and suggested that a copy of the alternate ordinance, including the change in wording, be sent to the Builders' Association. Following discussion, the matter of a second reading of the ordinance was deferred until the next regular meeting of Council.

Council was advised by the City Manager that the Waynesboro Office of Emergency Services recommends that the City of Harrisonburg try for one year, the Insta-Phone Warning System which was discussed at the last regular meeting. Cost for the first year would be \$ 406.00, with a possibility of lesser rates thereafter, depending on the number of localities participating. He explained that this system would be separate and apart from the present teletype now used, and would serve as a backup, should this system fail. Manager Milam noted that the proposed agreement between the Office of Emergency Services and the City could be signed for a one-year period, and noted that space is available in the police department's console unit for installation of the system. Following a brief discussion, Councilman Dingleline moved that action with regard to the agreement be deferred until after a meeting of the O.E.S. which is scheduled for October 28th, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

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Councilman Dingleline called Council's attention to correspondence which had been received last month from the Executive Director of the Chapter 10 (Mental Health & Mental Retardations Services) Board, advising of the resignation of Mrs. Nancy Myers who was moving out of the City, and the Board's recommendation for a replacement. He moved that Mr. Douglas L. Flory of 38 Port Republic Road be appointed to the Board for unexpired term of Mrs. Myers, to January 1, 1980, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

The City Manager reminded Council of a recent amendment to the Charter of the Central Shenandoah Planning District Commission which provides that an alternate member may be appointed in addition to the two present members, which must be an elected official, with term to be specified by the governing body. He noted that at the present time, Harrisonburg's two members are: Vice-Mayor E. Warren Denton, Jr. (6/30/80) and City Manager Marvin B. Milam (6/30/78). The new appointee would attend meetings of the Commission in the absence of Mr. Denton. Following a brief discussion, Vice-Mayor Denton moved that Mayor Roy H. Erickson be appointed as an alternate member to the Central Shenandoah Planning District Commission to June 30, 1980, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

City Manager Milam presented the following proposed resolution for Council's consideration and approval:-

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

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA, at its regular meeting on this 11th day of October, 1977, that:

1. The Highway Department of the Commonwealth of Virginia be, and it is hereby requested to establish and set up a project within the City of Harrisonburg, Virginia, to reconstruct South High Street (Rt. 42) as shown in the Major Thoroughfare Plan from the South Corporate Limits to Grace Street.

2. That the City hereby agrees to pay its share of the cost for surveys and plans, right-of-way and construction under the cost formula of 90 percent by the Highway Department and 10 percent by the City.

3. The City further agrees that if the said project is established as herein requested and thereafter the said City decides not to proceed further with the said project, then the City, by this resolution, agrees to repay the Highway Department for 100 percent of the cost incurred for the said project to the time of abandonment.

ADOPTED THIS _____ DAY OF _____, 1977.

_____ Mayor

Attest:

_____ Clerk

Following a brief discussion, Vice-Mayor Denton moved that the resolution be approved, with authorization for the proper officials to sign the same, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

Correspondence dated 10/3/77 from City Treasurer M.A. Firebaugh was presented in which he requested authorization of Council to advertise as unpaid, delinquent real estate for the years 1974, 1975 and 1976, as required under Chapter 9, Section 16 of the City Code. Vice-Mayor Denton moved that the City Treasurer be so authorized and directed, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

City Manager Milam presented correspondence dated 10/5/77 from City Treasurer M.A. Firebaugh requesting authorization of Council for charging off of records certain outstanding checks covering period August, 1975 to June 30, 1976 as follows: Virginia National Bank: seventeen checks totaling \$ 324.55; Rockingham National Bank: eleven checks totaling \$ 168.50. Following a brief discussion, Vice-Mayor Denton 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 Council.

Vice-Mayor Denton reminded Council of a Master Plan prepared by the Firm of Harland, Bartholomew & Associates for improvements of the Central Business District, which had been received in August. He noted that the Plan had been finalized through time and efforts of the Harrisonburg Downtown Development Committee duly appointed by Council in 1974 and charged with the task of making general recommendations & proposals, and to correlate suggestions and recommendations from other organizations, clubs, etc. in order to come up with one Master Plan most suitable for downtown Harrisonburg. In as much as the committee has fulfilled its purpose, Mr. Denton suggested that a small advisory committee of 3 to 6 persons (property owners or business persons) be appointed and charged with studying various issues of the downtown area (i.e. signs, building facades, etc.) and to investigate rejuvenation of downtowns in other cities. The Vice-Mayor presented each member of Council with a lengthy Memo suggesting consideration of other facets, (i.e. encourage upgrading of properties; offer free design assistance to property owners for remodeling building fronts; encourage use of more attractive business signs and promote removal of undesirable ones for one or two days at no cost to the owner; provide additional parking convenient to the central business district; publicize location of municipal parking areas and expand use of directional signs to these facilities; suspend charges for parking on an occasional basis in connection with special downtown sales or promotions; creation of an architectural review board; provide or promote use of store directories to publicize events and location of businesses and services; through consultants, or otherwise, obtain updated information on needs for new growth in the central business district and seek developers or businesses which could fulfill the needs; seek to achieve maximum benefit from operation of the transportation system and offer reduced rates on certain days in connection with downtown sales or promotion. Following presentation of highlights from the Memo, Vice-Mayor Denton moved that Council accept the Master Plan with letters to be sent each member of the Downtown Development Committee expressing appreciation for services rendered, and that services of the Committee be terminated as of this date, its charge by Council having been completed, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

DD550

Councilman Dingleline registered a complaint he had received concerning lack of visibility of the stop sign at intersection of Waterman Drive and West Market Street. The matter was discussed briefly.

On motion of Vice-Mayor Denton, seconded by Councilman Dingleline, and a unanimous vote, the regular session adjourned at 9:20 P.M. with Council entering an executive session for the purpose of discussing personnel and legal matters.

Mayor Erickson reconvened the regular session at 10:55 P.M. with the following actions taken:

Councilman Rhodes moved that Council authorize purchase of the house located at 206 S. Willow St. and adjoining lot adjacent to the Little League Ball Park as requested by the City School Board. The motion was seconded by Councilman Green and defeated by a three to two vote of Council. Voting "aye" Councilmen Rhodes and Green. Voting "no" Councilmen Denton, Dingleline and Erickson.

Councilman Green moved that "we, having been advised by the City Manager that suit has been filed against him in the Rockingham County Circuit Court for money damages, do hereby authorize the City Manager to employ legal counsel for his benefit, such expense to be paid by the City, in as much as the suit has arisen as a result of the Manager's discharge of his authorized duties." The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Council.

On motion duly adopted, the meeting adjourned at 11:00 P.M.


CLERK


MAYOR

Tuesday, October 25, 1977

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 Raymond C. Dingleline, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet. Absent:- Chief of Police Richard W. Presgrave (sitting in, Capt. Stroble).

The evening's Invocation was led by The Reverend Carl Sherman, pastor of Church of the Nazarene.

Minutes of the regular meeting held on October 11th were read, and approved as corrected.

For Council information, the City Manager presented highlights from the annual financial statement for the Central Shenandoah Planning District Commission as of end of fiscal year, June 30, 1977, prepared by the firm of R. L. Persinger & Co. of Staunton, Va. The report showed General Fund Assets and Liabilities of \$ 54,153.; Fixed Asset Fund, \$ 30,388.; Planning Grant, \$ 1,997.; Appalachian Regional Commission Fund, \$ 9,159; and Drug Abuse Fund, \$ 1,247. He noted that a copy of the report would be on file in his office for review, if desired.

City Manager Milam pointed out highlights from the annual report on examinations & accounts and financial statement (fiscal year ended 6/30/77) for the Upper Valley Regional Park Authority as prepared by the C.P.A. Firm of S.B. Hoover & Co., Harrisonburg, Va. The report reveals total Fixed Assets of \$ 1,100,096.52 and Disbursements totaling \$ 62,505.25. A lengthy statement concerning Grand Caverns, included. A portion of the surplus was used to purchase capital equipment. He noted that the city receives monthly reports from the Authority concerning visits to, and use of, the various parks. A copy of the report will be in the City Manager's Office for review.

Council's attention was called to their copies of correspondence dated 10/21/77 from James H. Roadcap, Jr., Executive Director of the Harrisonburg-Rockingham Regional Sewer Authority, requesting to either purchase or lease the city owned line (approx. 4,000') which connects the Authority's line to another section of the system near the intersection of Interstate 81 and Port Republic Road, or be permitted to use same until the matter is resolved. Manager Milam noted that a reply was desired prior to the next Authority meeting scheduled for November 7th, adding the fact that there are a lot of complications at the location in question, and other problems as well, making it difficult to meet the time limit with a decision. He pointed out the fact that there is an outstanding indebtedness on that particular line, and the City Auditor noted bonds which will not be paid off until the year 1983 which could prohibit the sale. Mayor Erickson questioned whether or not the City was free to even lease the line, and suggested that the matter be further researched prior to making a decision. Members questioned wording in the correspondence to the effect that the Authority had connected the Ashby Heights Interceptor to the city owned line (although no sewage is going through same), when Section 29 of the City Code provides that requests for sewer connections must be approved by the Sewer Superintendent, and proper fees paid. Councilman Dingleline expressed concern about the lateness of the Authority's request, but hesitated delaying sewer service to Massanetta Springs which would be pumped through a pumping station and tie in with the Authority lines. Following discussion and on suggestion of the Mayor, Councilman Dingleline moved that in order to avoid any unnecessary delay, Harrisonburg' representatives on the Regional Sewer Authority meet with the City Attorney to view the situation from a legal standpoint, and compile other information for a possible reply to the request prior to November 7th, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

The following resolution which is approved annually, was presented by the City Manager for consideration:

BE IT RESOLVED that curfew is hereby declared to be effective and enforced at and after the hour of 11:00 P.M. on the night of Monday, October 31, 1977 (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.

DDP550

The provisions of this resolution are designed to curb and limit the celebration of Halloween to appropriate hours, and shall not extend or apply to the use of the city streets or other public places for any other proper purpose.

Mayor

Attest:

Clerk

On motion of Councilman Rhodes, seconded by Vice-Mayor Denton, and a unanimous vote of Council, the resolution was duly adopted and the proper officials authorized to sign the same.

✓ Dr. Clifford Caplen, Assistant Director of the Rockingham-Harrisonburg Health Department, appeared before Council to present a summary of the Public Health Nurses' activities for the 1976-77 school year. Out of a total of 666 defects found in Harrisonburg students, of various nature, 41 corrections were made. He noted that indigent children will be seen by the City's full-time dentist for the first time, this year. Mayor Erickson thanked Dr. Caplen for the presentation.

✓ A request was presented by the City Manager from the Water-Sewer Superintendent for approval of a supplemental appropriation in amount of \$ 18,369. from the Water Unappropriated Surplus Account, into the Water Fund- Capital Outlay- Switzer Dam Project. He pointed out that this project was closed out some time ago, with no balance left, and explained the transaction as follows: \$ 39,200. (representing the total amount award by the court;) plus \$ 2,669. (interest from date of taking to time of award) less \$ 23,500. (amount deposited by city with Clerk of Court); leaving a balance due of \$ 18,369. in the condemnation suit for purchase of needed property at the dam site. Following a brief discussion, Councilman Green moved that the appropriation be approved for a first reading, and that:-

\$ 18,369. chgd.to: Water Fund- Unappropriated Surplus.

18,369. approp.to: Water Fund (7-77.00) Water- Capital Outlay- Work in Progress- Switzer Dam Project.

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

✓ A request was presented from Mr. Paul Quintrell, Director of Finance, Harrisonburg City Schools, for approval of a supplemental appropriation in amount of \$ 16,200. in order to appropriate unanticipated receipts from the Commonwealth and Rockingham County for operation of a profoundly handicapped class and to establish child fund program for handicapped children, mandated by federal legislation. Two letters were attached to the request assuring the School Superintendent receipt of the funds as follows: From Ryland Dishner, Superintendent of Rockingham County Schools, formalizing a commitment to contribute an amount of \$ 5,000. of their P.L. 94-142 "flow through" funds; from James Micklem, Director, Division of Special Education, advising of application approval for 94-142 funds in amount of \$ 11,200. Following discussion, Councilman Dingleline moved that the appropriation be approved for a first reading, and that:-

\$ 11,200. chgd.to: School Fund (R-28B) Antic.Rev.-Receipts from Fed.Funds- Other Fed.Funds 94-142.

5,000. chgd.to: School Fund (R-47) Antic.Rev.- Receipts from Other Funds- Tuition from another County or City.

13,761 approp.to: School Fund (1209-134.03) Fed.Programs- Comp.-Elem.Tchrs. 94-142

2,439. approp.to: School Fund (1209-109.03) Fed.Programs- Comp.-Tchr.Aides 94-142.

which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

✓ City Manager Milam presented a request from the Recreation Director for approval of a supplemental appropriation in amount of \$ 3,980.06 in order to transfer Title I funds received from the Virginia Employment Commission for months of June, July, August & September, 1977, to proper accounts. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:-

\$ 760.71 chgd.to: General Fund (1005) Recoveries & Rebates.

1,661.31 chgd.to: General Fund (1005) " "

1,459.86 chgd.to: General Fund (1005) " "

98.18 chgd.to: General Fund (1005) " "

2,873.46 approp.to: General Fund (11020-19.02) Recreation-Wages-Plygrnd.Supvrs.-Title I

1,106.60 approp.to: General Fund (11020-19.03) " " Park Sec.- Title I

which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

✓ A request was presented from City Auditor Shifflet for approval of a transfer of funds from the General Fund Unappropriated Surplus, to Westover Park Project #51-00091, due to insufficient funds for closing out of same. By letter dated 10/11/77 from Mr. Gilkerson, City Recreation Director, to the City Auditor, it was explained that reimbursements were disallowed for Tri-City Paving Co. for roads and parking lots in the Park, in that the Bureau of Outdoor Recreation seems to think the road and parking lots were under one contract, when, actually, over a year separated construction of the two. Following a brief discussion concerning the struggle of over a year in attempting to close out the project, Councilman Dingleline moved that the transfer be approved, and that:-

\$ 8,677.40 trans.from: General Fund - Unappropriated Surplus

8,677.40 trans. to: Westover Park Project #51-00091

which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

✓ A request was presented from Mr. John Byrd, Jr., City Building Official, for approval of a supplemental appropriation in amount of \$ 200. in order to appropriate money received from the Rockingham-H'burg Democratic Party for rent of the Sipe property. Council was reminded that permission had been granted for the Party to rent the property at 301 S.Main St. at the regular meeting held on September 13 of this year, until November 13th, for an amount to be determined by the City Manager. Councilman Rhodes moved that the appropriation be approved, and that:-

\$ 200. chgd.to: General Fund (505.00) Rental of General Properties.

200. approp.to: General Fund (1-10210-212.00) Maint. City Bldgs- Other Mat. & Supplies

DD1550

DD1550

which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

✓ The following recommendation from a meeting of the Planning Commission held on October 19, 1977, was presented and read by the City Manager:-

"...Following review of the City Zoning Map, Attorney James Sipe presented a site plan illustrating a new medical arts building of approximately 2500 sq. feet fronting S. Main St. A buffer strip of plantings will border Dr. F. L. Byers' residential property along the south side. Future medical arts structures on the middle and back portions of the former Percy Warren property are indicated. If these future structures are constructed, additional parking will be added on nearby property. No opposition was expressed concerning this rezoning application.

Mr. Fleming moved that the Planning Commission recommend to City Council the rezoning of Lots 5, 41, 42 & 43, Block H, Page 18, City Block Map, from R-2 Residential to B-2 General Business for Medical Arts Building of Rockingha, Inc. Mr. Williams seconded the motion. Members voting in favor: Mr. Fleming, Mr. Williams, Mrs. Bowman, Mr. Denton and Mr. Kuykendall. Voting against: none. Abstaining: Dr. Shank and Mr. Driver..."

Mr. Sullivan, Planning Director, pointed out the area on a map and noted that the request would extend the business zone to the south. Following discussion, Vice-Mayor Denton moved that Council accept the recommendation from the Planning Commission and schedule a public hearing on the matter of rezoning the lots for Tuesday, November 22, 7:30 P.M., which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

✓ City Manager Milam presented and read the following recommendation submitted by the Planning Director from a meeting of the Commission held on October 19, 1977:

"...The Commissioners reviewed a proposed Final Plan for seven single family lots bordering the west side of Virginia Avenue near the city limits. Mr. James Wilkins explained that the lots are a continuation of Holiday Hills Subdivision, and because of the steep bank along Virginia Avenue, the proposed front setbacks will be 100' for lots 30, 31, 32, 33 and 50 feet for lots 34 & 35. Lot 36 will have a 135' setback. Private driveways and easements to lots 30 thru 33 will probably be arranged so that access will be from the intersection of Rockingham Drive and Taliaferro Drive. Lots 34, 35 and 36 will have access from Virginia Avenue. Mr. Sullivan discussed the Subdivision Review Sheet, explaining that no drawings have been made for future rebuilding of Virginia Avenue (Rt. 42), and the Highway Department has not determined where the improvements will be made, therefore dedication of frontage along these proposed lots is not advisable. Mr. Driver stated that he agrees with the extra-long front setbacks and wants them shown on the Final Plan. He also recommended that driveway grading be from the existing property line to the paved road along Route 42.

Mr. Denton offered a motion that the Planning Commission recommend approval of Holiday Hills Subdivision, Section 10, Final Plan, provided front setback lines be shown on the plan, and any or all driveway entrances on Virginia Ave. (Rt. 42) be graded from the existing property line to the paved road. Mr. Fleming seconded the motion and all members present voted in favor with Mr. Driver abstaining..."

Mr. Sullivan showed location of the lots on a large scale map and noted that an easement may be created along the back in order that all properties could have driveways off Rockingham Drive. The smallest lot in question has an area of 10,899 sq. feet. He said that the Commission was not recommending installation of curb & gutter by the developer, or any dedication of land, due to the uncertainty as to the future of Virginia Ave. (Rt. 42) with regard to widening, etc. When questioned, Mr. Sullivan said that should the street not be rebuilt, installation of curb & gutter would be the responsibility of the City, as an old street. Vice-Mayor Denton, a member of the City Planning Commission, pointed out the fact that the matter of curb & gutter had not been discussed in the Commission meeting, and suggested that a stipulation might be added that should the street not be reconstructed, the responsibility would be on the developer. Mr. Sullivan explained that this could be a difficult situation in that the lots could very well be sold since the present owner is a private corporation. City Manager Milam pointed out that a curb & gutter requirement is in the City's Subdivision Control Ordinance, and mentioned that the developer could make a deposit to held in escrow until an appropriate time for the curb & gutter to be installed by the City. Assistant City Manager Driver said he felt it should be developed now, or within a year's time, in that a bonding company will probably not carry it for a 5-year period. Following a lengthy discussion, Councilman Dingleline moved that the Planning Commission's recommendation be approved with the stipulation that the developer pay the City's required rate for curb & gutter, with the idea that at the appropriate time the City will install same, which motion upon being seconded by Vice-Mayor Denton, was adopted by a majority vote of Council. Voting "aye"- Councilmen Dingleline, Denton, Green & Erickson. Voting "no"- Councilman Rhodes.

✓ The following recommendation submitted by the Planning Director from a Commission meeting held on October 19, 1977, was read by the City Manager:-

"...The Commissioners were shown a preliminary layout of Forkovitch-East Subdivision, located on a 3-acre parcel between Hill and Summit Streets. East Gay Street will extend through the property and a cul-de-sac would be constructed off the south side of E. Gay Street. Thirty-three 'for sale' townhouse lots are proposed. Mr. J. R. Copper, surveyor, reported on storm drainage plans he has discussed with the City Engineer. The Commissioners emphasized that the developer is responsible for installing a storm drainage pipe from 156' west of Summit Street to Hill Street, and the City will make necessary storm system improvements in the Summit Street section which has been a recorded subdivision for many years. Mr. Byrd asked Mr. Copper to show off-street parking areas, staggered setbacks of townhouse units, and the storm drainage lines on his final development plans.

Mr. Fleming offered a motion for the Planning Commission to recommend approval of the Preliminary Plan, Forkovitch-East Subdivision. Mr. Williams seconded the motion and all members present voted in favor with Mr. Driver abstaining..."

Mr. Sullivan reminded Council that this is a Preliminary Plan, only, and said that the street and cul-de-sac had been decided upon in order that city service (garbage & trash collection, fire vehicles, etc.) could occur with no problems. He noted further that under the Plan, occupants of all the thirty-

three apartments would face public roads, otherwise, some would face on a street not public. The developer, according to Mr. Sullivan, has agreed to go along with the street idea. Councilman Rhodes expressed concern regarding the possibility of increased traffic on Summit Street. Mr. Sullivan said that Summit Street is being extended to the lots, with houses built on existing lots, and noted that in order to extend the street to Kelly Street, the City would have to purchase a private lot. Following a lengthy discussion, Councilman Rhodes moved that the recommendation of the Planning Commission for approval of the Preliminary Plan be approved, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

The following recommendation submitted by the Planning Director from a meeting of the Commission held on October 19, 1977, was read by the City Manager:-

"...The Director oriented the Commissioners to the City map, explaining that a petition signed by nineteen residents has been presented, requesting that Seventh Street be closed between Virginia Avenue and Lee Avenue. The 50' right-of-way is not open. Mr. Sullivan reported that due to water pressure problems in Holiday Hills, the City will need an easement in this location, and if Seventh Street is opened for traffic between Virginia and Lee Avenue, it will be a steep hillside street intersecting Virginia Avenue opposite Edom Road. Mr. Glen Berkshire, owner of the lots on the south side of Seventh Street, told the Commissioners he wants the street closed in order to prevent having through traffic. Assistant City Manager Driver confirmed that the City needs Seventh Street for utility line purposes, and if it is closed, a 50' easement would be a condition due to the rocky condition of the land.

Mr. Williams offered a motion that the Planning Commission recommend denial of the request to close Seventh Street between Virginia Avenue and Lee Avenue, because of the City's water pressure problem. Dr. Shank seconded the motion.

Voting for the motion: Mr. Williams, Dr. Shank, Mrs. Bowman, Mr. Fleming and Mr. Denton. Voting against the motion: none. Abstaining: Mr. Driver..."

Mr. Sullivan informed Council that when questioned as to reason for the petitioners' request for closing the section of Seventh Street, Mr. Berkshire replied that opening of same would invite increased traffic. Should the street be closed, Mr. Berkshire would receive one-half of the paper street to be added to his present lots. Following discussion, Councilman Dingleline moved that the Planning Commission's recommendation for denial of the closing be approved, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

Council was informed by City Manager Milam that a registered letter dated 8/17/77 had been sent to Mrs. Reba Smith Adkins, by the Plumbing Inspector, concerning sub-standard property located at 283 (287) E. Johnson Street and made to attention of Mrs. Sophia Mason. The correspondence reported that the property stands in violation of the minimum property standards of the City of Harrisonburg, as well as the fact that complaints were being received from the neighborhood regarding the unsafe, unsanitary conditions of the premises. The addressee was notified that should it be the intention to abate the violations by improvements rather than by demolition, the Building Inspection Department should be notified in order that the property might be inspected and violations recorded. Mr. Baldwin stated in the correspondence that should no response be received by September 19, 1977, City Council would be notified, and further actions considered as prescribed in the City Code. The City Manager told Council that the form, receiving the registered letter, was signed by Al Mason, with no further response concerning the property in question. He suggested that Council proceed with notification of a hearing by the Building Code Board of Appeals (Art. III, Sec. 14-11), after which time the City would proceed under Sections 15-37 and 15-38 of the Code. He noted that the present code sections would have to be amended in order to replace words "Housing Board of Adjustments & Appeals" (which Board has been abolished), to "Building Code Board of Appeals." Councilman Rhodes informed Council that Mrs. Sophia Mason is deceased, but there are several surviving heirs which should be investigated. The City Manager noted that following approval of the necessary ordinance changing name of Board to Building Code Board of Appeals, action could be implemented with regard to the substandard property. After discussing the matter, Councilman Green moved that an ordinance amending Sections 15-37 and 15-38 be approved for a first reading and referred to the City Attorney to be drawn in proper form, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

City Manager Milam called attention to a Memo dated 10/19/77 from the Central Shenandoah Planning District Commission enclosing for review the proposed legislation to establish a statewide emergency medical system, which is believed by the Human Resources Committee of the Planning District to be of vital interest to every county, city and town. The Memo noted that even if the locality has a local Rescue Squad, this ACT would establish standards for state, regional and local emergency medical services. The City Manager noted that a copy of the Memo had been mailed to Mr. George Rion, President of the Harrisonburg Rescue Squad, with a request that he read it over the weekend and report his findings by this evening, in that one provision of the ACT requires permits from counties, towns and cities, which is a complicated problem. He pointed out the fact that the Rescue Squads would be very restrictive in many areas, such as ours. Legal advisors are in the process of reviewing the matter and should be reporting within the next week. He said this could be either approved or disapproved by Council at the November 8th meeting, when further information is in. It was agreed that the matter be deferred and placed on the next agenda.

Assistant City Manager Driver, reporting on the City's CETA (Comprehensive Employment & Training Act), informed Council that a new contract was signed for the first time recently for a one year period, previous contracts having been for periods of three months. He noted that in spite of some problems with requirements, red tape, etc. over the 3 years in which the City has participated, some relief should come with the new contract. Mr. Driver reported that the City has filled 42 of its 44 positions and offered an opinion that Harrisonburg has benefited from the program, in that the CETA employees are doing a lot of work that could not have been done, otherwise. Fifteen of the positions are under the Recreation Department, fourteen under the School System, and the rest are scattered throughout the other city departments. The report was for information.

The City Manager presented for Council's consideration a form received from the Virginia Municipal

League with regard to Unemployment Compensation to be returned by November 1st stating the City's desire for either reimburseable on contributing status, as a means of surveying the situation through all localities. He recommended that the City of Harrisonburg participate in the reimburseable method (100% for 52 weeks) rather than the Contribution method, as this could prove quite expensive. He explained that under the reimburseable method, the City would reimburse the Virginia Employment Commission for an amount equal to regular benefits and one-half the extended benefits paid that is attributable to service for the City of Harrisonburg. Following a brief discussion, Vice-Mayor Denton moved that the City follow the reimburseable method as recommended by the City Manager, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ A letter dated 10/14/77 from Mr. Stanley N. Turner was read by the City Manager submitting his resignation from the Board of Zoning Appeals in that he now resides in the county. He expressed a privilege in serving on the Board, as well as a hope that the present progressive government will continue. Councilman Dingleline moved that Council accept Mr. Turner's resignation with regrets, and that a letter be forwarded to him, with appreciation for services rendered, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ Mr. Victor Smith, Commissioner of Revenue, was present in the meeting concerning legislation passed by the General Assembly in 1976 and 1977 which affects localities and requires amending of existing ordinances or enactment of new ordinances, as set forth in a letter submitted by him on October 19th. The proposed amendments would increase the amount of bank stock tax returned from the state to the city (from a 40% ratio on each \$100. value, to 80% ratio - Sec. 58-476, 476.1); and extend tax relief to the permanently disabled (Sec. 58-760.1). A new ordinance would have to be established which would allow the city to issue licenses to vending machine operators, in that the city can now levy this charge although the state has dropped this on vending machine operators. Mr. Smith pointed out that under the bank stock increase, total revenue could double over the amount of \$ 47,000. received in 1976. He noted further that tax relief for the permanently disabled would be extended under the same income guidelines now used to determine relief for the elderly. Any changes approved by Council must be done by Jan. 1, 1978 in order to go into effect next year. Following discussion, Vice-Mayor Denton moved that the City Attorney be instructed to draw up the two amended ordinances for bank stock tax and tax relief for the permanently disabled, and a new ordinance for licensing vending machine operators, with the matter to be placed on Council's agenda for the next regular meeting for consideration of first readings of same, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

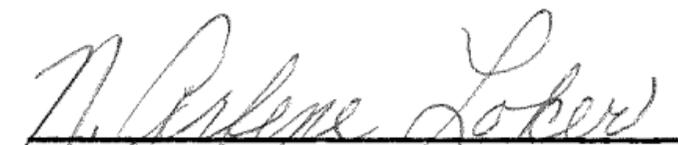
✓ City Manager Milam reminded Council that the drawing of engineering plans for the 12" water line for the east side high level system had been approved in August of this year, and recommended advertising of plans for construction purposes on a 1 million gallon tank and enlargement of present pumps in the Tower Street Pumping Station (phase II of recommendations from the firm of Wiley & Wilson, Consulting Engineers), in order to accommodate the system. Vice-Mayor Denton moved that the recommendation be approved, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

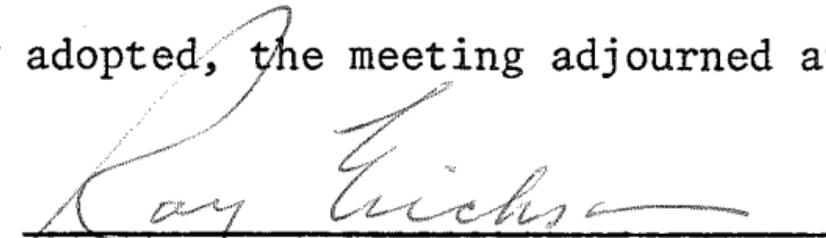
✓ City Manager Milam presented a scale model and slides of the proposed Multi-Jurisdictional Adult Detention Facility, and pointed out proposed location of the 78 acres (owned by the Commonwealth) between intersections of Interstates 81 and 64, east of Staunton. The Z shaped building will be constructed at the low point, making it not too visible from the highways. A new roadway will be built under the existing bridge on Interstate 81, leading into the facility, which will be 20 minutes from the city limits of Harrisonburg. He described in detail all floors of the building, seven of which will be above ground, and three under ground, and heated by solar energy. Harrisonburg' total estimated cost of the \$ 6,556,500.00 project is \$ 787,780.00 less \$ 100,000. allowed each participating locality by the state. Manager Milam noted that the project has endorsement of the state in that the building is unique, and the first regional jail facility to be proposed. The report was for Council's information.

✓ Councilman Dingleline informed Council that he had received a call from Dr. Ronald Carrier, president of James Madison University, stating that nothing had been heard, to date, concerning their request for a reduction in the service charge on buildings. He expressed a feeling that the matter should be considered in that a final determination was never made on it. City Manager Milam presented each member with a report of general information which had been developed this summer, with no conclusion drawn out in same. He reminded members that over the past years, the service charge was paid on all buildings at the university, until this past year when the state offered reimbursement of only \$ 41,005. on those buildings not financed through fees or local funds, on the total assessment of \$ 86,377.28., leaving a balance of \$ 45,372.28 as the university's responsibility. Referring to the report, the City Manager pointed out the fact that the 1974-76 budget for the state set forth under local service charges the words "sum sufficient" estimated at \$ 1,000,000., whereas the 1976-78 budget reduced the amount of local service charges to \$ 900,000. and omitted the words "sum sufficient". Mayor Erickson remarked that he was not in favor of reducing the charge this year in that the \$ 86,000. is a part of the city's current budget, and also due to the fact that the problem originated in Richmond by the appropriations committee. He offered an opinion that should the charge be reduced, the same should apply to other buildings on which the charge is levied. Councilman Dingleline offered an opinion that Council should, out of courtesy, make a response to the request. Mr. Victor Smith, Commissioner of Revenue, informed Council that the state requires assessments to be made on any and all structures on a piece of land, making it impossible to assess only a portion of those buildings on the university campus. Councilman Dingleline said he did not question the legality of the procedure, but did question the value of JMU to the city and the community, and whether or not the city might have an obligation. He suggested an evaluation as to revenue produced by the university, and said that rather than a profit-making organization, it is more of a service-type institution. According to Councilman Dingleline, JMU officials feel the service charge is excessive in that the school has expanded its police force, with fire and police protection being the major services rendered by the City of Harrisonburg and covered in the service charge. He asked the possibility of using the General Fund Unappropriated Surplus Account to take care of the difference between the state's reimbursement and balance due. Mayor Erickson pointed out the fact that the surplus is needed for emergency purposes. Following a lengthy discussion, Mayor Erickson asked members to study their copies of the report as well as the state law governing the service charge, and said he would meet with Dr. Carrier. The City Manager was asked to contact the city's representatives for further information on the state level, and to place the matter on the November 8th agenda.

Vice-Mayor Denton moved approval of formation of a Downtown Advisory Committee comprised of 5 to 6 people, with appointments of members to be placed on the agenda under Appointments to Boards and Commissions, and that in the meantime, some goals and charges be established for the proposed committee, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

There being no further business and on motion duly adopted, the meeting adjourned at 11:30 P.M.


CLERK


MAYOR

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 Novell A. Lapsley, Clerk N. Arlene Loker, Vice-Mayor E. Warren Denton, Jr., Councilmen Raymond C. Dingleline, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- none.

The evening's Invocation was led by The Reverend Samuel J. Janzen, pastor of Harrisonburg Mennonite Church.

Minutes of the regular meeting held on October 25th 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 October, 1977.

From the City Treasurer:

A Trial Balance report as of close of business on October 31, 1977.

From the Police Department:

A report of total number of arrests; parking meter fines collected, cash collected from parking meters; total cash collected all sources in amount of \$ 7,455.95 for month of October, 1977.

From the City Auditor:

A financial report for the City of Harrisonburg, Va. for month of October, 1977.

A report of cash discounts saved in payment of vendors' invoices for month of October, 1977 totaling \$ 253.86.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts, meters read, installations, cut delinquents, complaints, re-reads, etc. for month of October, 1977.

With regard to a prior request of James Madison University President, R. H. Carrier, for a reduction in the service charge levied by the city on buildings in that the state had reimbursed an amount only for those buildings not financed with fees or local funds, leaving a balance of approximately \$ 45,000. due the city, City Manager Milam informed Council that he had mailed all pertinent information concerning same to Delegates Bonnie Paul & Clinton Miller, and Senator Nathan Miller. Mrs. Paul has responded to the information by stating that she would look into the matter for any changes at the state level. Mgr. Milam noted that from a research of other communities levying a service charge, no complaints had been registered, and said that assessing of some tax exempt property and not others, would be illegal. Mayor Erickson offered an opinion that the state should be brought into the picture since the change in amount of reimbursement came from that source, with no forewarning. Councilman Green said he desired further information from the state legislators as well as information from other Virginia cities levying the service charge. Councilman Dingleline requested that information be obtained from some cities who have chosen not to levy a service charge, although they have tax exempt properties. Following discussion, Councilman Green moved that a letter be sent to Dr. Carrier stating that Council is in sympathy with the request for a reduction in the service charge and is actively seeking further information through our state legislators on state changes; in the meantime, Council will be giving thought to the charge prior to the City's 1978-79 budget, with the matter to be carried on the calendar of unfinished matters, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

An ordinance was presented for consideration of a second and final reading amending Sections 15-37 and 15-38 of the city code changing the words "Housing Board of Adjustments & Appeals", to "Building Code Board of Appeals", which had been approved for a first reading on October 25. Vice-Mayor Denton moved that the ordinance be approved for second and final reading with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council. (Refer to Ord. bk. K page 124). The Building Official was instructed to call a meeting of the Building Code Board of Appeals, and to notify all owners of the substandard property on E. Johnson Street of the meeting, within the next 30 days.

Council's attention was called to copies of a Memo dated 10/26/77 from Mr. David W. Rundgren, Executive Director of the Central Shenandoah Planning District Commission, with regard to three future revenue proposals which may be reviewed by the Governor's Advisory Committee as follows: (1) additional 1% sales tax; (2) an income surcharge; (3) revision in the income tax rate. In as much as the Commission felt this was of interest, it was suggested that all jurisdictions in Planning District 6 be given the opportunity to provide comments by November 21st, prior to a recommendation being forwarded by the Commission to the Local Government Advisory Council for study of these proposals. As an alternative to the committee's proposals, the Shenandoah Planning District Commission discussed replacement or reduction of the personal property and real estate taxes by substituting authority for the localities to collect a local income tax. Council discussed the matter with a general feeling expressed that any action taken along the line of local taxation should be channeled through proper avenues (i.e. the Va. Municipal

League and local representatives). Following discussion, Vice-Mayor Denton moved that a letter be sent to Mr. Rundgren, advising him of Council's feelings that the matter should be pursued through different avenues, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ Council was reminded by the City Manager that a supplemental appropriation in amount of \$ 18,369. had been approved at the last regular meeting from the Water Fund Surplus for the purpose of closing out the Switzer Dam Project by paying the balance due on condemnation proceedings on various properties. The total amount awarded by the court was in amount of \$ 39,200. plus interest of \$ 2,669. The City had deposited \$ 23,500. with the Clerk of Court, which, when deducted from the court award, results in the \$ 18,369. balance due by the City of Harrisonburg. He reported that the deeds and certificates of clear titles to the property, are in order. Councilman Dingleline moved that the appropriation be approved for second and final reading, a first reading having been approved on October 25th, and that:-

\$ 18,369. chgd.to: Water Fund - Unappropriated Surplus Account.

18,369. approp.to: Water Fund (7-77.00) Water- Capital Outlay- Work in Progress- Switzer Dam Project.

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

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 16,200. requested by the City School Board in order to appropriate unanticipated receipts from the Commonwealth and Rockingham County for operation of a profoundly handicapped class and to establish child fund program for handicapped children which is mandated by Federal legislation, be approved for second and final reading, a first reading having been approved on October 25th, and that:-

\$ 11,200. chgd.to: School Fund (R-28B) Antic. Rev.- Receipts from Fed.Funds- Other Fed.Funds 94-142

5,000. chgd.to: School Fund (R-47) Antic. Rev.- Receipts from Other Funds- Tuition from another county or city.

13,761. approp.to: School Fund (1209-134.03) Fed.Programs- Comp.- Elem Tchrs. 94-142

2,439. approp.to: School Fund (1209-109.03) Fed.Programs- Comp.Tchr.Aides 94-142.

which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

✓ Councilman Green moved that a supplemental appropriation in amount of \$ 3,980.06 requested by the Recreation Director in order to transfer Title I funds received from the Virginia Employment Commission for months of June, July, August & September, 1977, to proper accounts, be approved for second and final reading, a first reading having been approved on October 25th, and that:-

\$ 760.71 chgd.to: General Fund (1005) Recoveries & Rebates.

1,661.31 chgd.to: General Fund (1005) " "

1,459.86 chgd.to: General Fund (1005) " "

98.18 chgd.to: General Fund (1005) " "

2,873.46 approp.to: General Fund (11020-19.02) Rec.-Wages- Playground Supvr.-Title I

1,106.60 approp.to: General Fund (11020-19.03) Rec.-Wages- Park Sec. - Title I

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

✓ A request was presented from the Recreation Director for approval of a supplemental appropriation in amount of \$ 855.80 in order to transfer monies received for operation of contract between V.E.C./B.O.S. (CETA Prime Sponsor) and the Recreation Department under the Community Service Administration, for summer Youth Program. Vice-Mayor Denton moved that the appropriation be approved, and that:-

\$ 855.80 chgd.to: General Fund (1005) Recoveries & Rebates.

855.80 approp.to: General Fund (11020-212.00) Parks & Recreation- Other Mat.& Supp.

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

✓ The City Manager presented a request from the Police Chief for approval of a supplemental appropriation in amount of \$ 666.25 from account of Recoveries & Rebates, in order to replace funds used from account of Travel-Police Schools. Vice-Mayor Denton moved that the appropriation be approved, and that:-

\$ 713.25 chgd.to: General Fund (1005) Recoveries & Rebates.

53.00 chgd.to: General Fund (1005) Recoveries & Rebates.

666.25 approp.to: General Fund (9010-330.01) Travel- Police Schools.

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

✓ A request was presented from Mr. Reggie Smith, Director of Transportation, for approval of a supplemental appropriation in amount of \$ 2,941. from the Revenue Sharing Fund in that the amount received for Entitlement Period 8 was in amount of \$ 295,061.00 while the estimated amount to be used for transportation and other purposes had been \$ 292,120.00. City Manager Milam called attention to two pieces of correspondence dated 10/7/77 from the Office of Revenue Sharing, one advising of the mailing of the last of three general payments for Entitlement Period 8 representing 3 quarters only, due to change in the federal fiscal year, and the other advising that the City of Harrisonburg does not qualify for payments under the Anti-Recession Fiscal Assistance Program because of its low rate of unemployment. The City Manager said that the Transportation Department could use the requested amount, and noted that the funds would build a reserve for future purposes. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for first reading, and that:-

\$ 2,941. chgd.to: Revenue Sharing Capital Fund.

2,941. approp.to: Rev.Sharing (8-7-74.00) Transportation Dept.- Equip.

which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

✓ The City Manager reported that under an agreement between the city, county and sewer authority that local sewer will be paid on a 50-50 basis by the city and county plus 20% of the total project, a total amount of \$ 75,500. has been paid by the city on Sewer Interceptor Lines F, G & H, from regular budget appropriations. He pointed out that Belmont Estates has its own sewer system and noted the fact that the county feels it can be pumped into the Hillandale Line since the development is in the county, while

he personally thinks of it as going through the city. Following discussion, it was unanimously agreed that an interpretation be obtained from the Sewer Authority with regard to the agreement on lines F, G & H.

✓ For Council information, the City Manager reported that in 1972 the City borrowed an amount of \$ 137,675. from the state for the Switzer Dam Project under an agreement that 1% interest would be paid for the first ten (10) years of the 20-year loan, or until such time as water was being used from the dam. In December of each year an amount of \$ 6,884.75 has been paid, plus interest, with an unpaid balance of \$ 103,356. to remain following this year's payment which is due by December 1st. He noted that the matter of the 20-year loan may be brought up in the January session of the General Assembly. Harrisonburg is the first community to receive this type of loan for the beginning of a project.

✓ For consideration of a first reading, an ordinance amending Sec. 16-33 of the City Code providing for the levying by the City of up to and not exceeding 80% of the state rate of taxation on each one hundred dollars of the taxable value of the shares of stock of banks located in the city, including any and all branch banks, was presented and read by the City Manager. He noted that the General Assembly had authorized up to 80%, while the city code presently provides for only 40%. The Commissioner of Revenue said that the increase would double the city's revenue, which varies from year to year. Following a brief discussion, Vice-Mayor Denton moved that the ordinance be approved for a first reading, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council.

✓ An ordinance amending Sections 9-22.1 and 9-22.3 of the City Code, and adding a new section 9-22.9 in order to provide that the permanently and totally disabled may qualify for real estate tax exemption, was presented and read by the City Manager. He reminded members that this proposed ordinance, along with others which fell under legislation passed by the General Assembly in 1976 and 1977, had been discussed by the Commissioner of Revenue at the last regular meeting. The two amended sections simply add the phrase "permanently & totally disabled", while the new section incorporates provisions of Section 58-760-1, paragraphs (2) and (3) a,b,c,d and e, by reference, rather than by cluttering up the ordinance with details of defining totally disabled. Following a brief discussion, Councilman Green moved that the ordinance be approved for a first reading, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous recorded vote of Council.

✓ Another proposed ordinance discussed at the last regular meeting and allowable under legislation passed by the 1976-1977 General Assembly concerning the licensing of coin machine operators was read by the City Manager in which a new section 16-78-1 would be added to the City Code. An operator of three or more coin machines on property not owned or leased by him would be required to purchase a license for an annual fee of \$ 200. which is not pro-ratable, with said license to be purchased within 30 days after April 1, 1978, and thereafter in accordance with provisions of the City Code. City Attorney Lapsley noted that the ordinance would ~~being~~ be in line with the state law, and pointed out that at the present time only the machine, and not the operator, is being licensed. As to the date of April 1, 1978, Attorney Lapsley explained that present licenses will not expire until that date. Vice-Mayor Denton moved that the ordinance be approved for a first reading, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council.

✓ Mayor Erickson reported that he had attended a meeting last Friday, which was sponsored by the Office of Emergency Services, at which time various matters were discussed, including the Insta-Phone Warning System proposed for the state of Virginia. He offered an opinion that it would be worthwhile to try the system for one year and noted that the equipment would be installed in the police station with instant communication to every police department, City of Richmond, and the O.E.S. The cost will be \$ 400. or less for the first year, with rates to be amended thereafter, depending on the number of localities participating. Should the City decide against the system during the year, it could withdraw after the contract period expires. He recommended that the Insta-Phone Warning System be given a trial period of one year, which recommendation was concurred in by Police Chief Presgrave. Following discussion, Councilman Dingleline moved that the City Manager be authorized to sign the one-year contract on behalf of the City of Harrisonburg, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ The City Manager presented and read a proposed ordinance amending Sec. 29-106 of the City Code with regard to installation of fire plugs by providing that same may be installed by the City for the cost of the hydrant, valve, tapping sleeve and elbow, plus time, material and all labor for installation and any road repairs which may be necessitated, plus 25% overhead cost; further that plugs shall be installed in subdivisions or developments outside the city by the developer, in accordance with city specifications and at no cost to the city. He explained that the present code section provides for a charge of \$ 400. for each fire plug and a yearly rental of \$ 50. each. The ordinance, if approved, will make installation mandatory outside the city, but provides that the city may install same. Councilman Dingleline moved that the ordinance be approved for a first reading, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council.

✓ The City Manager informed Council that although the lease agreement is not in final form at this time pertaining to the 78 acres of Commonwealth owned land east of Staunton, proposed site of the Multi-Jurisdictional Adult Detention Facility, it is desired that the four larger participants, namely:- County of Augusta and Cities of Staunton, Waynesboro and Harrisonburg, enter into same. The agreement provides that the Commonwealth will lease the land (in two parcels) for a term of fifty years (Oct. 1, 1977 through Sept. 30, 2,027) for rental of an annual sum of \$ 100. payable on October 1st of each year, with an option at any time during that period for the participants to purchase the premises. Following discussion, Vice-Mayor Denton moved that the Mayor and Clerk be authorized to sign the agreement, upon receipt of same, on behalf of the City, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

✓ A communication dated 11/1/77 to the Water-Sewer Superintendent from Belmont Builders, Inc. (Mr. Bernard R. Martin, President) was presented and read by the City Manager, requesting permission to construct a 6" water main to serve a proposed subdivision comprised of approximately 30 acres of the Sharpes

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Estate located south of U.S. Route 33 and west of Route 726, which land is surrounded by Belmont Estates on the west and south. It was noted that rezoning of the land from A-1 to R-2 has been requested of Rockingham County, and the fact mentioned that the county must also approve extension of city lines outside the city, a letter for which will be forwarded to Mr. Don Krueger, County Engineer. The extension would, according to Mr. Martin, make it possible to tie in the line that deadends on Flint Avenue, making it a circulating line. A plan of development was enclosed with the communication. Manager Milam pointed out the area on a map and informed Council that under a revised state law, all water and sewer mains outside the city must also be approved by the county, which matter will have to be taken before the Board of Supervisors by the developer. He recommended approval of the request to extend the water line and reminded Council that the proposed subdivision will come under the new ordinance relating to installation of fire hydrants which is in the process of being approved. Following discussion, the request of Belmont Builders, Inc. for extension of the city water line was granted on motion of Councilman Rhodes, seconded by Vice-Mayor Denton, and a unanimous vote of Council.

✓ The City Manager reported for information that he had attended a meeting of the Regional Sewer Authority yesterday with regard to the request for purchase, lease or use of the city owned Interceptor Line serving Ashby Heights, and offered an opinion that Council should make no decision until a more formal request, in writing, is received from the Authority with some outline, terms and conditions as to use of the line, overflows, pumping stations in that they will be built and will pump sewage through the Authority and City line to serve Massanetta Springs and Sunnyside Village, etc. At yesterday's meeting, the matter was referred to Attorney Litten, Engineer R.S. Royer and Executive Director Roadcap to develop a recommendation on or before November 21st and the City Manager noted that if developed, the Authority will meet on the 21st in order that same may be brought to City Council on November 22nd. Mayor Erickson pointed out that the City desires to work with the Authority, but offered an opinion that it should be a business arrangement. Manager Milam informed Council that in various sewer contracts it has been found that there can be no temporary connection in that once a connection is made, the flow cannot be stopped due to sanitary conditions. A hope was expressed that there will be some assurance regarding pumping facilities from the County to the Authority and from the Authority to the City.

✓ For review and consideration, the City Manager presented copies of various sections of the City Code concerning installation of water and sewer mains inside and outside the city, with anticipated changes therein which would possibly equalize connection fees, make sewer charges in line with those which may be required by the Sewer Authority, etc. Members were asked to give the matter some thought with regard to changes in the present code.

✓ Council was reminded that in August of this year a motion was adopted that the City study a scaled-down project of heat recovery to serve the city and surrounding area, with a hope expressed that the county would look favorably on the project at some time. Manager Milam expressed a desire for the development of some preliminary plans and authorization to enter into a contract with William F. Cosulich Associates. The proposed site would be the old city steam plant area where the steam generating plant still stands complete with smoke stacks, water, sewer, telephone, roadway, etc. Another proposed location which would be closer in, but not desirable in many ways, was the former location of the Daly Bros. Shoe Factory in the southern part of the City. Assistant City Manager Driver informed Council that Wm. F. Cosulich Associates have designed other heat recovery plants and are qualified to take over the entire operation for the city, working with the local architect. The City Manager said that a manufacturing plant which is located near the proposed site has requested to purchase steam as soon as it is available and because of this, the college and hospital would not be supplied until a later date. Following a lengthy discussion, it was agreed that the matter be deferred pending receipt of a contract from the consulting firm, and further that the project would be left open for the county to participate at a future date, if so desired.

✓ City Manager Milam presented the bid form submitted by the low bidder, Moss Associates, Inc., for demolition of the B. Ney Building at a price of \$ 42,095., plus an alternate amount of \$ 13,518. for grading of the lot to street grade should the bid be accepted, with a maximum of 75 days for completion of the project. He recommended that the bid for demolition be accepted but could make no recommendation with regard to the alternate bid for grading in that use of the lot is undetermined at this time. Assistant City Manager Driver said that the inside work would be done before Christmas, with the outside demolition to be done after that time in order to not block holiday traffic. Following discussion, Councilman Green moved that the contract for demolition of the B. Ney Building be awarded to Moss Assoc. Ind. (the lower of two bids received) in amount of \$ 42,095., which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council. It was agreed that the alternate bid for grading be presented at a later date, should no decision be made to use the lot.

✓ City Manager Milam offered an opinion that the best method of disposing of items in the Kavanaugh Hotel building that are not involved with improvement (i.e. furniture, air conditioners, etc.) would be a public auction, at the earliest possible date. He presented a proposed agreement submitted by the Triple "H" Auction, Harry L. Heatwole, President, which included the following provisions: (1) auctioneer's fee, 10% of gross proceeds; (2) clerk & cashier to be furnished at expense of the auctioneers; (3) all labor used in preparation for the auction at expense of the seller under the auctioneer's supervision; (4) advertising cost at expense of seller, billed to auctioneers; (5) other costs arranged for by the auctioneers at seller's expense. Manager Milam recommended November 26th as the sale date, adding that there is one more tenant to move from the building, after which time it will be secured with police patrol. Mr. John Byrd, City Building Official, informed Council that the plan is to show furniture from one suite, with the hope of selling the 40 units as a lot. Attorney Lapsley said he would work with Attorney Aldhizer to be sure that all items not belonging to the City are moved out, prior to the sale date. Following discussion, Councilman Dingleline moved that the City enter into the agreement with Triple "G" Auction to auction all property in the Kavanaugh Hotel building not involved in improvements on November 26, 1977, and that Mr. John Byrd be authorized to sign said agreement on behalf of the City, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

There being no further business, Vice-Mayor Denton moved that the regular session adjourn at 10:30 PM and that Council enter an executive session to discuss personnel matters, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

Mayor Erickson reconvened the regular session at 12:05 A.M. There being no further business and on motion duly adopted, the meeting was adjourned.

N. Arlene Lopez
CLERK

Ray Erickson
MAYOR

At a combined public hearing and regular meeting 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 Raymond C. Dingleline, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- none.

The evening's Invocation was led by The Reverend Lloyd Swartzendruber, Chaplain, Virginia Mennonite Home.

Minutes of the regular meeting held on November 8th were read, and approved as corrected.

The following results from the November 8th General Election for the City of Harrisonburg were reported on correspondence dated 11/10/77 from Mr. Frank Warren, Secretary of the Harrisonburg Electoral Board: For Governor of Virginia: Alan R. Ogden (21) Henry Howell (1,311) John N. Dalton (2,949); Lieut. Governor of Virginia: Charles S. "Chuck" Robb (1,827) A. J. "Joe" Canada, Jr. (2,362) Attorney General of Virginia: Edward E. Lane (1,293) Marshall Coleman (2,751); Members, House of Delegates: Rita F. Lancaster (1,382) I. Clinton Miller (2,763) Bonnie L. Paul (2,861); Commissioner of Revenue: Victor J. Smith (2,709); Treasurer: Marshall A. Firebaugh (2,680).

Correspondence was presented from Mr. R.J. Sullivan, Jr., Planning Director, enclosing the original map for the proposed 6 lot "Gunsmoke Subdivision, Unit I" (Vine St.), for proper procedure by Council in referring same to the Planning Commission for study and recommendation. He noted that the subdivision proposal, if referred, would be reviewed and recommendation made at the meeting scheduled for December 21st. On motion of Councilman Green, seconded by Councilman Dingleline, and a unanimous vote of Council, the matter was so referred.

A petition bearing thirty-one signatures was presented by the City Manager with the following request: "We, the undersigned business owners, property owners and store managers, with this petition do hereby request the City Council to return eight metered parking spots on the south side of E. Market St., from the corner of Main St. to Federal St., in the interest of better business." Mr. Jeffrey Nemoytin, owner of the Body Shop, serving as spokesman for the petitioners, questioned why the metered spaces were removed for the sidewalk reconstruction, with no mention of whether or not they would be replaced. He noted the effects on business since removal of meters by stating that people are parking along the street, with parking tickets being issued, even on Saturday nights and Sundays, thereby leaving no room for early eaters, store customers, loading & unloading, etc. at the E. Market business places. He requested that metered parking be restored, at least during the holiday season, adding an opinion that the meters would make no difference in so far as the flow of traffic is concerned. He reported ample room for two lanes of traffic and parking on the south side. Another mention by Mr. Nemoytin was the fact that street lighting on the street has not been improved. Assistant City Manager Driver pointed out that the area of E. Market St. under discussion at this time, was one which had been recommended some time ago by the Planning Commission for "no parking." Mr. Sullivan informed Council and those present, that six years ago the Commission and Parking Authority had discussed the area and allowed the meters to remain due to problems in loading, unloading, parking, etc. He said that although the matter of street parking had not been discussed for a number of years, it is the general consensus that in order to improve the downtown area, parking must be off-street. Mr. Driver said that the lights are now in and will be installed. He said that suppliers had difficulty in finding places to park for loading & unloading, even with the parking meters, and recommended that the meters not be replaced. Mayor Erickson offered an opinion that parking on a street is secondary to the flow of traffic. Mr. Nemoytin stated that he would prefer tax monies going for parking, rather than for planters along the street as proposed in the downtown improvement project, adding that the sun rarely shines on the north side of E. Market St. which would hinder thriving of live plants. Following discussion, Council agreed unanimously that the petition for restoration of metered parking spaces be referred to the Harrisonburg Highway Safety Commission for study and recommendation.

Mayor Erickson closed the regular session temporarily and called the Public Hearing to order. The City Manager read the following notice of Hearing as advertised in the Daily News Record Newspaper:-

"The Harrisonburg City Council will hold a Public Hearing on Tuesday, Nov. 22, 1977 at 7:30 PM in the City Council Chamber, Municipal Building, 345 S. Main St., to consider the following rezoning request.

To change from R-2 Residential to B-2 General Business, Lots, 5, 41, 42 and 43, Block H, Page 18, City Block Map, located at 1041 S. Main Street. Property is owned by Medical Arts Building of Rockingham, Inc. and was previously owned by Dr. and Mrs. Percy Warren. If rezoned, the property will be used for expansion of the Medical Arts Center.

The Harrisonburg Land Use Plan will be reviewed in consideration of this request. All persons interested will have an opportunity to express their views at this Public Hearing. Details concerning this rezoning request are available in the City Planning Office, Municipal Building."

City of Harrisonburg
Marvin B. Milam, City Manager

Mr. R.J. Sullivan, Jr., City Planning Director, pointed out the location of the lots requested for rezoning as immediately south of the present Medical Arts Center. He informed Council that the City Zoning Map and also a site plan of the proposed new building had been reviewed at the Commission Hearing on

October 19th, with no opposition to the rezoning expressed at that time. A motion was duly adopted at that meeting for recommendation to Council that the lots be rezoned to General Business. Mayor Erickson called on anyone desiring to be heard in opposition to the request. There being no one, he asked Attorney James Sipe, representing Medical Arts Building of Rockingham, Inc. to present any statements he may so desire, for rezoning of the lots. Mr. Sipe said that the one lot (former Percy Warren Property) fronts on S. Main Street while the others are to the rear. There is B-2 zoning to the north and east of the lots, while M-1 Industrial is to the west and R-2 Residential to the south. He offered an opinion that the proposed new building would not be detrimental to the neighborhood and at the same time would provide additional medical facilities which are much needed. A buffer strip of plantings will border Dr. F.L. Byer's residential property along the south side, and a new medical arts building will be constructed on the adjoining lot (no. 5) comprised of 2500 square feet, fronting on S. Main Street, which lot was purchased by Medical Arts Building of Rockingham, Inc. early this year. There being no others to be heard, the public hearing was declared closed at 8:25 P.M. and the regular session reconvened.

✓ Councilman Rhodes moved that rezoning of lots 5, 41, 42 & 43 from R-2 Residential to B-2 General Business requested by Medical Arts Building of Rockingham, Inc., be granted, which motion upon being seconded by Councilman Dingledine, was adopted by a majority recorded vote of Council. Voting "aye": Councilmen Denton, Dingledine, Rhodes and Erickson. Voting "no": none; abstaining: Councilman Green.

✓ The following Planning Commission recommendation from a meeting held on November 16, 1977 was read by the City Manager:-

"...The Commissioners reviewed the proposed Final Plan for Liberty Square Subdivision, Section One. The 1.67 acre tract of R-3 zoned land will be developed as a 21-unit rental housing project. Mr. Sullivan discussed the Subdivision Review Sheet and the development plan indicating 21 apartments in four buildings, 48 parking spaces, private driveways and easements for sewer and water lines. The site is being filled in so that all units will be at least 8' above Blacks Run and level with South Avenue. The Director reported that R-3 regulations allow 21 units on 1.67 acres and the Zoning Ordinance rules concerning a group housing project have been met. South Avenue has been widened and curbing exists along the front of this proposal.

Mr. Williams offered a motion that the Planning Commission recommend approval of the Final Plan for Liberty Square Subdivision, Section One. Mr. Fleming seconded the motion and all members voted unanimously in favor..."

Mr. Sullivan pointed out location of the land as beside Blacks Run on the south side of South Avenue. He explained that three of the units will face South Avenue and the remainder on a private road system. Council was informed that the Soil Conservation Commission does not permit basements in any area which is located near a stream, thus no basements are proposed for the housing project in Liberty Square Subdivision. Mr. Sullivan noted the fact that the soil in this particular area is such as to support buildings and said that although a portion of the area is presently a flood plain area, there could possibly be some hillside basements. Mayor Erickson pointed out that when Council is cognizant of questionable areas, it strives to protect the property owners from flooded basements, etc. Councilman Dingledine said he questioned the area with regard to a high water mark in that this was not mentioned in the city staff review sheet, only mention being that the proposed site was flat, adjacent to Blacks Run and within the flood plain, with high point 1,278' and low point (Blacks Run) 1,272' above sea level. Mr. Driver said this had been somewhat of a problem area in that the railroad bridge backs water up on the land. Following a lengthy discussion, Vice-Mayor Denton moved that the Final Plan for Liberty Square Subdivision, Sec. 1, be referred back to the City Planning Commission for more city staff input with regard to floor heights, high water mark, etc., which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ The following recommendation submitted by the Planning Director from a meeting of the Commission held on November 16, 1977, was read by the City Manager:-

"...The Commissioners reviewed a map showing a 55 lot addition to Belmont Estates in Rockingham County. Belmont Builders, Inc. received approval for City water connections by City Council on November 8, 1977. The Commissioners were oriented to the proposed 30 acre addition just south of U.S. Route 33 and bordering the west side of Route 726. The Director reported that City Water & Sewer Superintendent Loker was satisfied with the developer's water line proposals and according to Mr. Bernard Martin's letter of November 1, 1977 this proposed section 7 will be developed "to the same standards as exist in the present Belmont Estates." Mr. Sullivan reported that all of Belmont's streets are at least 50' wide, curbed and guttered, and all utilities including wiring are underground. In the proposed addition, City Staff assumes curb & gutter will be installed along Route 726 as well as all interior streets shown on the Section 7 plan.

Mr. Fleming offered a motion for the Planning Commission to recommend to City Council that Belmont Estates Subdivision, Section 7, be approved, with the stipulation that the same standards as exist in the present Belmont Estates be continued and curb & gutter be constructed along the west side of Route 726 by the developer.

Dr. Shank seconded the motion and all members present voted in favor..."

Mr. Sullivan pointed out location of the proposed development on a large scale map. Mr. Bernard Martin, representing Belmont Builders, Inc., reminded Council that the former section has been served with city water and that in as much as this section is a part of the same area, it seems reasonable for it to also be served by the city. He noted that they had "run into some static" from the County Board of Supervisors when request was made to extend the water system for Belmont, which if done, will result in a complete loop around Belmont Estates. Application has been made with the Health Department to put the water line on the west side of Route 726 to Flint Avenue at a proportion of cost for rebuilding the road. This will be put out to bid in April of next year. Mr. Martin said that all utilities will be placed underground, as exist in the present Belmont Estates Subdivision. The City Manager said that pumping of sewage through the Hillandale line was negotiated through the County, Health Dept. and State Water Control Board, and not through either the City or Regional Sewer Authority, adding the fact that under the contract, the lines were to be administered by the Authority. Mr. Martin said he was not aware of this fact when negotiations were made, and pointed out that the distance would be only 1/2 as

far if pumped through the Hillandale line, as it would be, to Dayton. Following discussion, Councilman Green moved that the recommendation of the Planning Commission be approved, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ City Manager Milam read the following recommendation submitted from a meeting of the City Planning Commission held on November 16, 1977:-

"...The Commissioners heard Water & Sewer Superintendent Loker and Parks & Recreation Director Gilkerson describe the need for certain improvements and preparations at Switzer Dam-Skidmore Lake prior to the 1978 trout season. Mr. Loker and Mr. Gilkerson reported that the forest service road leading off the mountain-side to the lake should be improved and a fee should be collected from anyone entering the lake area. The fees should offset costs expended for road and other improvements. Mr. Gilkerson said City employees could begin work on the road this winter.

The Commissioners agreed with the concept, and suggested future development be staggered over several years. Mr. Williams offered a motion for the Planning Commission to recommend to City Council that steps be taken during the next few months to prepare Skidmore Lake's entrance road, establish a users fee for fishing season, and provide proper supervision and security measures for the 1978 season. Dr. Shank seconded the motion and all members present voted in favor..."

Mr. Sullivan said it was the opinion of Mr. Gilkerson and Mr. Loker that some plans should be made toward providing access to the lake by next spring for trout season in that a commitment had been made with the Inland Game & Fisheries Commission to that effect at the time the Commission had requested, and been allowed to stock the lake with fish for the 1978 trout fishing season. The City Manager informed Council of an agreement between the City of Harrisonburg and the U.S. Forestry Service which provided that the city cut through and rough grade the present road, with the Forestry Service to take over at that point. In as much as the road is not suitable for travel in its present state, some grading will be necessary. He explained that when the present roadway location was chosen, the city also paid the Forestry Service for some trees, which amount, according to his understanding, was to be used to stone the roadway. This, to date, has not been done. He said that the site distance from Route 33 is bad, and some assistance will be requested of the Highway Department for grading of same. Manager Milam said that up until last year the city had charged \$ 1.00 for each permit issued to fish at Silver Lake, which policy was discontinued when it became quite a burden in his office. Mr. Gilkerson offered an opinion that at least \$2.00 per head should be charged to fish at Skidmore Lake and \$1.00 to \$1.50 to man a boat on the lake, in that he felt that as many as 10,000 would be fishing there yearly. If no charge is placed, he said there would still be problems at the lake. He suggested that the City may as well charge from the first day of trout season, and determine revenue to be derived from fees collected. Councilman Green observed that a "walk-in" deal may be accepted by those desiring to use the lake. He questioned size of the fish, in that a wait of two years was anticipated in order for them to grow to proper size, and said this should be investigated. Manager Milam reported no funds available in the present Water Department Budget Appropriations for maintenance of the lake area. Mr. Gilkerson said he was interested right now in control of the area and suggested an opportunity under the CETA Program personnel which could be utilized. Although the overall plan has been proposed for trails, overlooks, picnic areas, etc., Mr. Gilkerson said he now desired to do some work on the roadway, put up gates, etc. this winter, to make the lake area accessible by next spring. Following a lengthy discussion, Councilman Green moved that the Recreation Director be authorized to move along with minimal road improvements, and to investigate the size of fish, etc., which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ With regard to a prior request from the Harrisonburg-Rockingham Regional Sewer Authority to purchase, lease, or use the city owned line which serves the Ashby Heights area, Mr. James H. Roadcap, Jr., Executive Director of the Authority, presented the following resolutions adopted by the Board of Directors at a special meeting held on November 21, 1977:-

1. RESOLVED, that the Authority requests the Council of the City of Harrisonburg, Virginia that it acquire ownership or control over the 4,000+ feet of interceptor sewer in question by any of the following methods:

- (1) Purchase for the sum of \$ 102,700. representing 1/2 of the estimated cost of construction at today's prices of a parallel line.
- (2) Perpetual lease for a consideration of \$ 8,590. per year for 20 years, and \$1.00 per year thereafter, such rental being the amount necessary to amortize the line at a cost of \$ 102,700. with interest at 5 1/2%.
- (3) License for a total consideration of \$ 102,700. amortized at 5 1/2% payable over such term of years as remain on the bonded indebtedness against such line with deed of conveyance to be executed upon final payment by the City of such bonds.

The Authority will secure from the County an agreement in writing that (a) no connections will be made to the Massanetta Springs line outside the certified boundaries of the Authority and (b) the County will be responsible for taking any and all steps necessary to correct any odor problems arising from such Massanetta Springs line, the determination of the consulting engineer of the Authority to be the sole criteria as to whether any such problems exist.

2. RESOLVED, That if the Council of the City of Harrisonburg cannot reach a decision on the offer by the Sewer Authority regarding the City-owned sewer line, the Council is requested to permit Massanetta Springs and Sunnyside Homes, Inc., and the present Ashby Heights Subdivision to connect to the sewer until such time as a decision can be reached.

Mr. Roadcap requested (should Council be hesitant to act on the proposal this evening) that favorable consideration be given for use of the city trunk line to receive flows through the Ashby Heights Intceptor until the matter is resolved, especially due to the fact that it was his understanding that Massanetta Springs and Sunnyside Homes, Inc. are under a Virginia State Water Control dictum to discontinue use of its sewage treatment facilities and connect to a public sewer. Mayor Erickson pointed out the fact that Council is very conscious of the needs of Massanetta Springs and Sunnyside Homes, and added that a lot of study has been given the matter. City Manager Milam informed Mr. Roadcap, and others present, that Council is concerned about arriving at a satisfactory solution as soon as possible, and

that all legal aspects had been investigated. He gave background information on the City's sewer service from 1962 when by referendum, various trunk lines were constructed with \$1 million of borrowed funds which will not be paid off until the year 1982. Because of this, no one can sell or lease the lines until the bonds are satisfied. He referred to various sections of the city code governing sewer service inside and outside the city, noting that the Park View Sanitary District has a different rate and is under a separate contract with the City of Harrisonburg. According to the City Manager, the city desires to treat all developments around the city equal, and therefore he prefers to deal directly with the Regional Sewer Authority for use of the city owned line in request. He pointed out that suspension of tapping fees and connection charges would be necessary through ordinances amending Sections 29-51 and 29-114, in order to grant permission for use of the line. Based on various sections of the city code, and following much study and investigation, Manager Milam presented the following recommendations for use of the sewer line by the Authority, under the same rules and regulations which govern other customers of the City of Harrisonburg:

1. James Roadcap, for the Sewer Authority, should fill out regular application in the Billing Department and pay to the City Treasurer the required deposit of \$ 100.
2. The Sewer Authority would continue to bill the City at the Blacks Run Master Meter similar to present charges: which is \$.54 per 1,000 gallons x 82,557,000 = \$ 44,580.00 per month.
3. The Sewer Authority agrees to comply like all other city customers to the present rules and regulations that govern connections to a city sewer line and the use thereof. (This means that the City will treat the Sewer Authority no different than any other City customer, as it relates to storm water infiltration, BOD charges, or other prohibited waste.)
4. It will also be necessary for the City Council to suspend certain laws in the City Code that relate to individual lot tapping fees of \$100. per lot, Ref. Sec. 29-51.
5. It will also be necessary for the City Council to suspend the connection fees of \$ 500. for each single family house, Ref. Sec. 29-114.
6. Monthly sewer service charge to be the same as the Park View Sanitary District which is \$ 1.38 per thousand gallons, to be paid by the Sewer Authority to the City Treasurer.

Manager Milam pointed out locations of the various drainage basins on a map with regard to the eastern part of the city, namely: the K-Mart and Kroger area, and discussed a possible route for sewage flow which could serve the new shopping center, adding that he felt it was the responsibility of the City to see that the sewer flows naturally in the right direction. Vice-Mayor Denton quoted an approximate cost of \$ 600,000. to run sewer from the shopping center to Ashby Heights, and suggested consideration of the possibility of offering the county a master meter. He questioned one section of the Authority's resolution which stated, "no connections will be made to the Massanetta Springs line outside the certified boundaries of the Authority", which made no reference to lines inside the boundaries. Following a lengthy discussion, Councilman Dingleline moved that Council approve Sections 1, 2, 3 & 6 of the City Manager's recommendations which apply to: signing of an application by the Sewer Authority with proper deposit paid; billing by the Authority to the City at the Blacks Run Master Meter; the Authority's compliance with city regulations the same as other city customers; and for the monthly sewer service charge to be the same as Park View Sanitary District, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council. Mr. Roadcap was asked to contact the Authority's Board of Directors (by special meeting or otherwise) for endorsement of the recommendations and authorization to sign the sewer application. When question was raised by Mr. Samuel Shrum concerning the anticipated sewer rate for Sunnyside Home, Inc., Manager Milam pointed out that this would be a matter to be resolved by the county, in that the intent of the recommendations was to deal directly with the Sewer Authority for use of the city owned line. Vice-Mayor Denton offered an opinion that tapping fees and connection charges should be suspended for all areas, rather than a selected one, after which he moved that an ordinance amending Sections 29-51 and 29-114 of the City Code 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 Rhodes, was adopted by a unanimous recorded vote of Council.

City Manager Milam reminded Council that the City of Harrisonburg has been without a Civil Defense Coordinator since 1976 when Mr. Tom Albrite resigned from the position, and noted that under the law, the Mayor is designated to serve as Director, while the City Manager, or Administrator, serves as Assistant Director. He said that some of the City's past Coordinators have been citizens outside city government, but offered an opinion that the job could be handled in a much more efficient manner under the direction of a city official. He suggested that Assistant City Manager Driver John E. Driver be appointed to fill the position, in that services of all department heads are easily accessible to him in the case of an emergency. In talking with Mr. Whitehead of the regional office, Manager Milam said he felt the appointment would make the program more effective. Following a brief discussion, Mayor Erickson recommended that Mr. Driver be appointed to serve as Civil Defense Coordinator, which recommendation upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

In as much as Mr. Dwight Miller's term on the Building Code Board of Appeals is due to expire on the 30th of this month, Mayor Erickson asked Council's wishes. Councilman Green moved that Mr. Miller be reappointed to the Board for a term of four (4) years, expiring on November 30, 1981, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

Mayor Erickson reminded members that W. R. (Buddy) Showalter's term on the Harrisonburg Parking Authority would expire on the 28th of this month, and asked if they desired to act with regard to an appointment at this time. Councilman Green moved that Mr. Showalter be reappointed to the Authority for a term of five (5) years expiring on November 28, 1982, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

Councilman Green moved that: "in order to avoid continued duplication of services, Council meet with the Rockingham County Board of Supervisors concerning an offer for the county to participate in a Master Water and Sewer Meter, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

Councilman Rhodes moved that an ordinance amending Section 29-106 of the City Code titled "Installation and rental charges for fire plugs" be approved for second and final reading with authorization for

the Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's ordinance book, a first reading of the ordinance having been approved on September 27, 1977. Members were reminded by the City Manager that an alternate ordinance had been presented to Council on October 11th following a first reading of the original, with various changes governing installation of fire hydrants as suggested by Council. This was reviewed at that time and members were in general agreement that the words "at cost" should replace an amount of \$ 800. as set forth for the hydrant, valve, tapping sleeve, and elbow, and that the ordinance, including this change, should be forwarded to the Builders' Association prior to further action with regard to a final reading. Vice-Mayor Denton seconded the motion for a final reading, which was adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 125).

✓ Councilman Dingleline moved that an ordinance amending Section 16-33 of the City Code providing for the levying by the City of up to and not exceeding 80% of the state rate of taxation on each one hundred dollars of the taxable value of the shares of stock of banks located in the city, including any and all branch banks, be approved for second and final reading with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K page 126).

✓ Vice-Mayor Denton moved that an ordinance amending Sections 9-22.1 and 9-22.3 of the City Code and adding a new section numbered 9-22.9, providing that the permanently & totally disabled may qualify for real estate tax exemption, be approved for second and final reading (a first reading having been approved on November 8th) 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 Councilman Rhodes, was adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 127).

✓ Councilman Dingleline moved that an ordinance amending Sec. 16-78-1 of the City Code providing for the licensing of coin machine operators be approved for second and final reading (a first reading having been approved on Nov. 8) 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 Councilman Green, was adopted by a unanimous recorded vote of Council. (Ord. Bk K, page 128).

✓ Councilman Green moved that a supplemental appropriation in amount of \$ 2,941. (representing the difference between amount anticipated from Revenue Sharing and amount actually received for 3 quarters of Entitlement Period 8) be approved for second and final reading, a first reading having been approved on November 8th as requested by the Transportation Director in order that same might be used for transportation purposes, and that:-

- \$ 2,941. chgd.to: Revenue Sharing Capital Fund.
- 2,941. approp.to: Revenue Sharing (8-7-74.00) Transportation Dept. Equipment.

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

✓ A request was presented from the City School Board Office for approval of a supplemental appropriation in amount of \$ 2,715. representing anticipated funds from the State Dept. of Education under Title II of the Indo-Chinese Refugee Children Assistance Act of 1976. A communication from the Department of Education dated 10/13/77 and attached to the request, advised the School Superintendent that the requested amount had been authorized for issue to the Harrisonburg School Division to provide supplies, materials and tutoring for nine Vietnamese students in the various city schools. Following a brief discussion, Vice-Mayor Denton moved that the appropriation be approved for a first reading, and that:-

- \$ 2,715. chgd.to: School Fund (R-28C) Antic. Receipts- Other Fed.Funds- PL 94-405 Viet Nam Refugees.
- 1,358. approp.to: School Fund (1209-299.00) Fed.Programs- Other Inst. Costs- Tutoring Viet Nam Refugees.
- 1,357. approp.to: School Fund (1209-305.01) Fed.Programs- Inst.Supplies- Viet Nam Refugees.

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

✓ A request was presented from Mr. Paul Quintrell, Director of Finance, City School System, for approval of a supplemental appropriation in amount of \$ 15,256. in order to appropriate funds paid to CETA employees and reimbursed by the Federal Government. Following a brief discussion, Councilman Green moved that the appropriation be approved for a first reading, and that:-

- \$ 15,256.00 chgd.to: School Fund (R-28A) Realized Rev.Receipts from Fed.Funds- Other Fed.Funds.
- 1,623.35 approp.to: School Fund (1201-105.51) Other Inst.Costs- Comp. Teacher Aides-CETA Title VI
- 2,735.66 approp.to: School Fund (1201-134.50) Day Sch.Inst.-Comp.Clerical- CETA Title VI
- 10,053.84 approp.to: School Fund (1201-134.50) Day Sch.Inst.-Comp.Elem.Tchr-CETA Title VI
- 843.15 approp.to: School Fund (1206-290.50) Fixed Charges- Employer Cont.- Frng.Bnfts-CETA

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

✓ City Manager Milam presented and read correspondence dated 11/9/77 which he had received from the Virginia State Library advising that officials of the Rockingham Public Library were being notified that their application for \$ 9,000. in federal funds (Library Services and Construction Act, Title I) had been approved. In as much as approval of the governing body is necessary for expending of grants-in-aid by local libraries, a form was enclosed for signing by a city official. Following a brief discussion, Councilman Rhodes moved that the City Manager be authorized to sign the approval form, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ Council was informed by Assistant City Manager Driver that he had received, and looked over the contract submitted by the firm of William F. Cosulich Associates for preparation of plans for the proposed Solid Waste (Heat Recovery) plant at the former city steam plant site. He offered an opinion that a few of the items appear to be on the high side and noted further that the contract does not include everything. There would be an additional expense to submit application for federal funding, as well as for services of surveyors. In showing the contract figures to a consultant who works for the City of Harrisonburg, Mr. Driver said he was told that prices would be higher by an out-of-state firm. Before

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Council takes any action, Mr. Driver said he would like to contact the firm concerning prices quoted. He informed members that a 50% financing of the project could be made available to the city if the sludge is disposed of, and noted that the Sewer Authority had agreed to pay the city to do this. A preliminary plan would be obtained for 15¢ payment by the city, followed by a final plan for 70%. He said that the building would be designed for expansion, beginning with only one unit. Following discussion, Vice-Mayor Denton moved that the Assistant City Manager be authorized to negotiate further with the firm of Wm. F. Cosulich Associates re prices quoted in the contract, and report back at the next regular meeting of Council, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

For information, the City Manager advised members of a Regional Legislative Meeting scheduled for November 29th, 6:00 PM at the Sheraton Inn, and said that all names had been mailed in. Mayor Erickson urged attendance, if at all possible.

✓ Manager Milam informed Council that he had received one copy of House Document No.17 last April which concerns cities and various amendments in the state code relating to cities. A communication dated 11/15/77 from the Virginia Municipal League advised that copies of the final report of the Committee Studying Forms of Local Government would be offered on a purchase basis at \$5.00 per copy, in that the report or document contains over 300 pages as well as recommendations which have a tremendous potential impact on each locality. Because of the importance of the document, Council was told that nine copies had been ordered for distribution to members and a few other city officials, in order that it may be reviewed prior to the upcoming sessions of the General Assembly. The report was for information.

✓ Council was informed by the City Manager that a communication from the Virginia Municipal League had been received this month stressing the value of localities using a Xerox Telecopier during the General Assembly session, and advising that a telecopier would be available for 90 days from the second week in January until the second week of April for localities desiring to use same with cost based on number of localities participating. The lower cost of \$30.00 per month was quoted, should five localities use the telecopier. He noted that telegrams could be sent during sessions in which various matters are voted on. Following a brief discussion, the matter was left to the City's Manager's discretion.

There being no further business and on motion duly adopted, the meeting adjourned at 11:45 P.M.

N. Arlene Loker
CLERK

Ray Erickson
MAYOR

Tuesday, December 13, 1977

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 Raymond C. Dingleline, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- none.

The evening's Invocation was led by The Rev. Fred B. Wyand, Jr., pastor, Otterbein United Methodist Church.

Minutes of the combined public hearing and regular meeting held on November 22nd 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 November, 1977.

From the City Treasurer:-

A Trial Balance report as of close of business on November 30, 1977.

From the Police Department:-

A report of total number of arrests; parking meter fines collected; cash collected from parking meters; total cash collected all sources in amount of \$ 7,699.50 for month of November, 1977.

From the City Auditor:-

A financial report for the City of Harrisonburg for month of November, 1977.

A report of cash discounts saved in payment of vendors' invoices for month of November, 1977, totaling \$ 640.53.

From the Department of Utility Billing:-

A report of water, sewer & refuse accounts, meters read, installations, cut delinquents, complaints, re-reads, etc. for month of November, 1977.

City Manager Milam presented correspondence dated 12/1/77 from Mr. Robert E. Funk, Land Surveyor & Planner, requesting consideration of Willow Hills Subdivision, Unit I, as submitted to the City's Engineering Department. He explained that the proposed subdivision is located southwest of Pleasant Hill on land now vacant, and that the preliminary plan for Unit I had been approved by a majority vote of Council in July of this year as recommended by the City Planning Commission providing that the Final Plan include a 20' easement across lots 9, 10, 14 & 15 for installation of a 48" storm drain pipe. Councilman Green moved that the final plan be referred to the Planning Commission for study and recommendation, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

City Manager Milam explained that although a communication dated December 1, 1977 had been received in his office from Mr. Robert Funk, Land Surveyor-Planner, requesting Council's consideration of Harrington Heights Subdivision, Unit I, located in Rockingham County on the former R. T. Bruce land near

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Forest Hills, and the matter was placed on tonight's agenda, he had received a call today from Attorney Tom Wilson, to withdraw the request. It was explained that some minor changes on the engineering plan for the subdivision, which plan has been approved and placed on record in the City Planning Director's Office, are not such as to require action of Council. The report was received for information with regard to the withdrawal.

For information of Council, the City Manager presented correspondence dated 11/23/77 from Warner Cable advising that by the end of this calendar year, Warner-TVC Corp. (franchisee of the local company), will merge its wholly owned cable systems into one corporation to derive administrative benefits, with no change in management, control or final ownership as a result of the transaction. After 1/1/78 the City's franchise fees will be paid by Warner Cable Corporation, who will accept and honor all obligations of the Warner-TVC Corporation.

Correspondence dated 12/12/77 from City Treasurer M.A. Firebaugh was presented in which he advised that he had filed a list of lands delinquent for three years and subject to sale for the year 1974, in the Clerk's Office on December 12th. Noted further was that the law prohibits any further action in this matter. Manager Milam pointed out that the correspondence was for information, and that a recommendation concerning the sale will be received in the near future.

For information of Council the City Manager reported that Mr. John Driver, Assistant City Manager, had received a copy of a letter dated 11/30/77 from the Virginia Department of Highways & Transportation Planning Engineer to the Vice-President of James Madison University, advising that plans had been prepared for an entrance from Cantrell Avenue into the JMU parking lot near the intersection of Cantrell Avenue and Paul Street, in accordance with a prior discussion and review of the preliminary plans. Estimated construction cost of approximately \$ 70,000. was quoted, which includes box culvert and relocation of the sanitary sewer line. Following a brief discussion, Council received the report for information.

The City Manager reported that through correspondence received today, the Harrisonburg City Council has been invited by the Rockingham County Board of Supervisors to meet with them in an executive session either Wednesday (Dec. 14), Thursday (Dec. 15) or Monday (Dec. 19) at 8:00 P.M. in their meeting room to discuss sewer systems. Mayor Erickson questioned the legality of such a meeting between the two governing bodies in executive session. He stated that he did not want Council to be placed in a position for criticism by the press, but offered an opinion that Council should meet with the Board in a proper manner. Manager Milam informed members that a letter had been mailed to the Board Chairman yesterday, extending an invitation for the Supervisors to meet with Council in an informal setting to discuss their participation in a master water & sewer meter for the Rt. 33 east area, as provided through a motion adopted at the November 22nd meeting. Following a brief discussion it was agreed that Monday night be selected and the Mayor said he would contact the Board of Supervisors following an investigation of the meeting by the City Attorney, from a legal standpoint.

Vice-Mayor Denton moved that a supplemental appropriation in amount of \$ 2,715. requested by the City School Board in order to appropriate anticipated funds from the State Department of Education under Title II of the Indo-Chinese Refugee Children Assistance Act of 1976, for purchasing materials & supplies for nine Vietnamese children attending city schools, be approved for second and final reading, a first reading having been approved on November 22nd, and that:-

- \$ 2,715. chgd.to: School Fund (R-28C) Antic. Receipts- Other Fed.Funds- PL 94-405 Viet Nam Refugees.
- 1,358. approp.to: School Fund (1209-299.00) Fed.Programs- Other Inst.Costs- Tutoring Viet Nam Refugees.
- 1,357. approp.to: School Fund (1209-305.01) Fed.Programs- Inst.Supplies- Viet Nam Refugees.

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

Councilman Dingleline moved that a supplemental appropriation in amount of \$ 15,256. requested by the City School Board in order to appropriate funds which were paid to CETA employees and reimbursed by the Federal Government, be approved for second and final reading, a first reading having been approved on November 22nd, and that:-

- \$ 15,256.00 chgd.to: School Fund (R-28A) Realized Rev.Receipts from Fed.Funds- Other Fed.Funds.
- 1,623.35 approp.to: School Fund (1201-105.51) Other Inst.Costs- Comp. Teacher Aides- CETA Title VI
- 2,735.66 approp.to: School Fund (1201-134.50) Day Sch. Inst.- Comp. Clerical- CETA-Title VI
- 10,053.84 approp.to: School Fund (1201-134.50) Day Sch. Inst.- Comp. Elem.Teacher-CETA-Title VI
- 843.15 approp.to: School Fund (1206-290.50) Fixed Charges- Employer Cont.- Fringe Benefits- CETA

which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

City Manager Milam presented a request from the Director of Social Services to transfer funds totaling \$ 2,500. from with the department's budget appropriations in order to cover part of a Supervisor's position which is vacant, and filled at the present time by a paid volunteer, as well as for other volunteers being used to supplement other programs until such time as positions are filled. It was noted that the transaction was approved by the Local Welfare Board on November 21st. Following a brief discussion, Vice-Mayor Denton moved that the transfer be approved, and that:-

- \$ 300.00 trans.from: VPA Fund (8021-11.02) Soc.Services.
- 1,400.00 trans.from: VPA Fund (8021-11.03) Food Stamps.
- 800.00 trans.from: VPA Fund (8021-11.04) Eligibility PA
- 2,500.00 trans.to: VPA Fund (8021-390.02) Volunteers expenses.

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

Members of Council were presented with up-dated rosters of Board & Commission members as of Dec. 1, 1977, prepared in the City Manager's Office.

00500

Correspondence dated 11/17/77 from Ms. Betsy Knighton, Executive Director of the Harrisonburg-Rockingham Community Mental Health & Mental Retardations Services Board (Chapter 10) was presented and read by the City Manager, which included the following motion: "that we (Board) make a recommendation to the Harrisonburg City Council and the Rockingham County Board of Supervisors to change Board members' beginning term of office from January 1 to July 1." Reason stated was in order that new members who have been appointed on January 1st may not join the Board at a decision making time of submitting program budgets which is from December to May, each year, but rather, to gather knowledge of the procedure from July to January. Following a brief discussion, Councilman Dingleline moved that the change be approved, with present members' terms to expire on July 1st in the respective years of termination, rather than January 1st., which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

Council was reminded that the one-year term of Rev. Sam P. Jones, Jr. on the Harrisonburg-Rockingham Legal Aid Society would expire as of December 14, 1977. Councilman Dingleline moved that Rev. Jones be reappointed to the Society for a term of one year to expire on December 14, 1978, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

Councilman Dingleline, a representative of Council on the Valley Program for Aging Services, told Council that he had received notice that an updated list of members would be prepared for 1978 to 1980, and asked if it was desired that he continue serving, in order that he might submit his name for the listing. It was unanimously agreed that Councilman Dingleline continue to serve in that capacity.

City Manager Milam presented correspondence dated 12/2/77 from Mr. James Sipe, Attorney for the Harrisonburg Redevelopment & Housing Authority, advising him that Mr. Conard Washington's resignation had been accepted, and requesting consideration of Council for an appointment to fill the vacancy. Councilman Rhodes moved that Mr. Percy M. Johnson of 444 Kelly Street be appointed to the Authority for the unexpired term of Mr. Washington, to November 29, 1980, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

At this point in the meeting, Vice-Mayor Denton moved that Council go into an executive session for the purpose of discussing a contractual agreement re the Solid Waste Program; proposed amendments to the City's pay and classification plan for employees; and legal matters concerning sewer lines and contractual obligations. He noted that the hour may be late when the session ends, and suggested postponement of agenda items 8 - 16 until the next regular meeting. The motion was seconded by Councilman Rhodes. City Manager Milam said that the matters to be discussed were of an emergency nature, and concurred in the motion for an executive session. In as much as Mr. Nemoytin desired to be heard concerning East Market Street metered parking spaces, and Councilman Dingleline felt the urgency of presenting a report from the Sipe House Committee, the motion for an executive session was withdrawn.

With regard to a petition to restore eight metered parking spaces on the south side of E. Market St. which was presented to Council at the regular meeting on November 22nd and referred at that time to the Harrisonburg Highway Safety Commission for study and report, minutes of a December 6th meeting were presented by the City Manager. The minutes included a motion duly adopted for the parking meter problem to be referred to the Parking Authority for consideration to the following: (1) Visual aspects of parking at the intersection of Federal Street; (2) Driver of parked vehicle getting out of vehicle into traffic lane; (3) No stalls for loading and unloading, creates hazard by double parking. Mr. Jeffrey Nemoytin, owner of the Body Shop, was present in the meeting to raise an objection to minutes submitted by the Highway Safety Commission with regard to section (3) which he said should not have been included. Mayor Erickson informed Mr. Nemoytin that he would have to register his complaint to the proper body, namely the Parking Authority, in that Council had discussed and referred the matter for further review, last month. Councilman Green moved that the report of the Harrisonburg Highway Safety Commission be accepted, and referred to the Harrisonburg Parking Authority, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

Councilman Dingleline, a representative of Council on the Sipe House Study Committee, reported that three meetings had been held re use of the property, with good information received as to: concerns of the Rockingham Historical Society; needs of the Virginia Museum of Cultural Arts; and interest of the Harrisonburg-Rockingham Mental Health Center. He noted that a report had been withheld until now, pending investigation by the Chapter 10 Board of its making use of the Masters Property to house the Center, which has been learned, would not be satisfactory spacewise as well as extensive work which would be necessitated in order to make it usable. Another factor would be getting a long term lease. After receiving the aforesaid information, Councilman Dingleline said that five options for use of the property had been considered, with two of same voted for exclusion, namely: Mental Health Center and the Rockingham Historical Society to share the premises; and property to be considered for sale. The remaining three options were: (1) Keep the Sipe House as a public building and allow the Historical Society and Museum Chapter to occupy it under the guidance of the Parks & Recreation Department and ask Rockingham County to help support the two organizations since county residents are members; (2) Rent the Sipe House to the Mental Health Association on an annual basis, subject to renewal on a 6-month notice basis. Meanwhile, the Historical Society's museum would be allowed to remain in the Municipal Building basement; (3) Move the Historical Society and Museum into the main floor of the Sipe House, and allow other city offices to use the second floor and ground floor of the Sipe House. Councilman Dingleline said the Committee feels that Council should make a basic decision as to whether it wants to provide a public museum, which would involve maintaining the building with no significant amount of funds, or to rent the property to the Chapter 10 Board and Massanutten Mental Health Clinic for monthly rental of \$ 300. which would provide upkeep of the property. He noted that the lease for the Health Clinic at its present location on E. Market St. will expire on January 15, 1978, and expressed a hope that some action will be taken prior to that time. Following presentation of the report, Councilman Rhodes moved that the matter be deferred until the next regular meeting of Council to afford an opportunity for members to review the written report as submitted, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

Vice-Mayor Denton moved that Council enter an executive session at this time (8:49 P.M.) to discuss the various matters mentioned earlier in this meeting, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

The executive session was declared closed and the regular session reconvened at 1:00 AM.

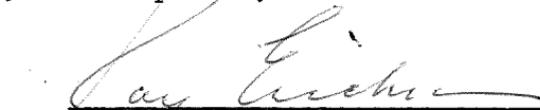
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Councilman Dingledine moved that of the three proposals suggested by the City Manager and discussed in the executive session for bringing city employees presently below the minimum wage, up to minimum wage, No. 2, which would provide for an approximate \$5. per week increase in salary for all employees receiving 100% compensation from the City, be approved. The motion was seconded by Vice-Mayor Denton and approved by a unanimous vote of Council.

Following a lengthy discussion in the executive session concerning proposed amendments to Section III of the City's Pay and Classification Plan submitted by Municipal Advisors, Inc. of Virginia Beach, Virginia, Councilman Dingledine moved that the Plan be amended in the various sections pertaining to benefits; grievance privileges; vacation time; sick leave; special leave, etc. for employees of the city classified as: permanent full-time; permanent part-time; temporary full-time; and temporary part-time; that the new section 8.21 be added with regard to lay-offs; the addition of word definitions used in the Grievance Procedure; and new classification specifications and salary scale for personnel in the Transportation Department, as recommended by the firm, be approved, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

Councilman Dingledine moved that items listed on tonight's agenda as number 8 and 11 through 16 be postponed until the next regular meeting of Council on December 27th, and that this meeting be adjourned, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.


 CLERK


 MAYOR

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 Raymond C. Dingleline, Jr., Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- none.

The evening's Invocation was led by The Reverend Fred B. Wyand, Jr., pastor, Otterbein United Methodist Church, Harrisonburg.

Minutes of the regular meeting held on December 13th were read and approved as corrected. Minutes of a special meeting held on December 19th were approved as read.

Mr. Robert Sterrett, Executive Vice-President of the Harrisonburg-Rockingham Chamber of Commerce, was present in the meeting to express to Council his personal appreciation, and on behalf of the Chamber, for the excellent cooperation by the City's department heads and staff during the current year 1977, as well as for the many programs supported by the governing body. He said he looks forward to working with them during the coming year. His remarks were well received by Council.

City Attorney Lapsley presented a proposed ordinance amending Section 16-89 of the City Code titled: "Professional Occupations", in order to include real estate salesman under this category, and further to require all real estate brokers to report to the Commissioner of Revenue the total gross receipts by their firm during the previous year and a complete list of all other brokers and salesmen in their firm. He reminded Council that a request was made by the Board of Realtors in October 1975 for real estate salesmen to be included under professional occupations, and an opinion stated that they were paying double taxation. At that time, the Commissioner of Revenue had recommended that they not be included under that category, but rather that Section 16-72 of the City Code be repealed which imposed a \$ 25.00 license fee on real estate salesmen. In November 1975 an ordinance was adopted, repealing said section. According to the City Attorney, a court decision has ruled a real estate salesman is a professional within lines as set forth. Following a brief discussion, Vice-Mayor Denton moved that the ordinance be approved for a first reading, which motion upon being seconded by Councilman Rhodes, was adopted by a majority vote of Council, Councilman Green having left the meeting for a brief period prior to this matter being presented.

Councilman Green re-entered the meeting.

Mayor Erickson reminded members that at the last regular meeting it was decided to defer action on the Sipe House until this time for a decision, and asked for any comments they may have. He noted that should the property be rented to the Mental Health Association, the time would not exceed a five-year period. Rev. John Sayre pointed out that it had been agreed at one of the meetings for the city to begin an effort, along with the county, in finding and providing a Mental Health Center, and said they are continually looking toward a permanent home. Vice-Mayor Denton offered an opinion that since the Mental Health Clinic and offices for the Chapter 10 Board are to be housed in the same building, the arrangement may prove too extensive for the Sipe House and that the need may be for a different type of facility, possibly a new one. Ms. Betsy Knighton, Executive Director of the Chapter 10 Board, said they had been looking for an 18 month period to find an older home in the city for the clinic in order that a warm and homelike atmosphere might be created, rather than a business type building. She said that a temporary situation at the Sipe House would afford time for a permanent arrangement to be made in some location. Councilman Dingleline said he feels they do have a need for more room and offered an opinion that they should be assisted in some manner. Councilman Green asked if they had some type of state architectural plan with a basic concept, in order that the other political subdivisions could work together in providing a facility, possibly with the use of Revenue Sharing Funds, which he felt sure the city would go along with. Dr. Frederick Stevens, Director of the Massanutten Mental Health Clinic, said they had been seeking a building which may be available, with no exploration of a new one. He said new construction funds are available, but there are no blue prints or cost estimates worked out at this time. Councilman Rhodes said it was his understanding that there would be very little change made in the house if used by the Chapter 10 Board and Mental Health Clinic on a temporary basis, which was concurred in by the Executive Director. Councilman Dingleline again reported on the Study Committee's recommendations and pointed out the fact that \$ 300. per month. plus utilities, would be paid by the health group, whereas the Historical Society and Virginia Museum have no funds available to offset upkeep of the Sipe House, etc. When questioned concerning present usage of the Mental Health Clinic, Dr. Stevens noted that the

county's use almost doubles that of the city, and that funding by the localities will be based on percentage of use. A representative of the Historical Society said it was felt that usage of the entire Sipe House by the Society and Museum would be asking too much, whereas sharing it with the city would be beneficial in that the city could keep the basement area and possibly several offices on the second floor, while the two organizations would use the main floor and one large room for exhibits. City Manager Milam said that while there was no immediate need for the basement area of the Municipal Building by the City, it has been looked at for future expansion of office area. Following a lengthy discussion, Councilman Rhodes moved that the Sipe House be rented to the Mental Health Association for housing of the Massanutten Mental Health Clinic and Chapter 10 Board offices on an annual basis with a 6-month renewal notice, and that the Historical Society's museum be allowed to remain in the basement area of the Municipal Building; further that the City begin efforts in conjunction with Rockingham County to find suitable quarters for the Mental Health Clinic. Councilman Dingleline added a stipulation to the motion that the City work with the County in trying to plan and gain support for the Historical Society, and seconded the motion in that manner. Councilmen Green and Denton expressed concern that the other political subdivisions were not included in making provisions for the Mental Health Clinic and questioned whether the City should purchase a building and rent it to them, allowing them to worry about the money. Further questioned was the amount of state funds which may be available for new construction. After further discussion, Councilman Dingleline made an amended motion that any renovations to the Sipe House be approved by the City Manager, which was seconded by Councilman Rhodes. The Mayor called for a recorded vote on the original motion, including stipulation and amendment, which was approved by a majority vote of Council as follows: Voting "aye" Councilmen Dingleline, Rhodes and Erickson. Voting "no"- Councilmen Green and Denton. Councilman Green then moved that a committee be appointed to work with representatives from Rockingham County, Page County, and the Chapter 10 Board, "to try to rapidly come to an agreement on planning and financing for a suitable and permanent place to house the Mental Health Clinic and Chapter 10 offices, which motion was seconded by Councilman Rhodes. The Clinic Director noted the possibility of Page County being phased out of this jurisdiction in the future, to enter another, and offered an opinion that their inclusion in the committee may be inappropriate. Mayor Erickson said he felt they would have an interest in being represented on such a committee, and asked Councilman Dingleline if he would check into possible membership of same and report back to Council. The motion for formation of the committee was approved by a unanimous vote.

Council agreed to defer appointments to various Boards & Commissions until a future meeting.

Clerk Loker reported that in as much as Mrs. Katherine Depoy had replaced Mr. Ray Wine on the Parks & Recreation Commission as a representative of the School Board with no notification received in the City Manager's Office; and further, that Council had appointed Mr. Percy Johnson to fill the unexpired term of Mr. Conard Washington on the Redevelopment & Housing Authority, when a letter of resignation had not been presented to Council for acceptance, she had written concerning both matters in order to clarify the situations in Council minutes as well as on a membership roster of Boards and Commissions prepared in the City Manager's Office. Two letters were presented, as follows: (1) from Attorney James Sipe dated 12/16/77 enclosing a letter of resignation from Mr. Washington on September 26, 1977 in that he had moved from the city: (2) from Robert Furr, Chairman of the Harrisonburg School Board, dated 12/20/77, noting that Mrs. Depoy was appointed to replace Mr. Wine at a meeting held on July 5, 1977. The letters were accepted by Council for clarification and Councilman Dingleline moved that Mr. Washington be written a letter expressing appreciation for services rendered by him while serving on the R & H Authority, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

Councilman Green moved that Council enter an executive session at this time (9:12 P.M.) to discuss with Mr. Garland Page, Engineer, Wiley & Wilson, Lynchburg, a legal matter re profession agreement between the City and Energy Recovery Solid Waste Plant Engineering Firm; and legal matters concerning water and sewer contractual obligations, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

On motion duly adopted, the regular session reconvened at 12:20 A.M.

In view of discussion during the executive session regarding the water and sewer situation, Councilman Dingleline moved that Council invite the Rockingham County Board of Supervisors to meet in an executive session to be held in the City Council Chamber on Tuesday, January 3rd at 8:00 P.M., to discuss further possibilities of a joint city-county effort, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote.

With regard to the proposed Solid Waste Project, the City Manager recommended that: the City Attorney and Assistant City Manager, along with the County Attorney and County Engineer, be requested to explore the possibility of an appropriate contractual arrangement, including initial capital financing, suitable to the two governing bodies (the Harrisonburg City Council and Rockingham Board of Supervisors) of a joint project for an energy recovery solid waste system." Councilman Green moved that the recommendation be approved, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

The City Attorney presented a Deed between the City of Harrisonburg and Edward J. and Dessie S. Kite, for conveyance of a certain lot situated on the north side of E. Washington Street by the City, in the Washington Street widening project. Following a brief discussion, Vice-Mayor Denton moved that the Mayor be authorized to sign the Deed on behalf of the City of Harrisonburg and the Clerk to attest same, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

A Deed between the City of Harrisonburg and Louise S. & Everett C. Perrin was presented by the City Attorney for exchanging of land between the City and the Sullivan Estate for improvements on E. Washington Street. Assistant City Manager Driver advised that all work had been done, all surveys made, etc. on the project. Councilman Rhodes moved that the Mayor be authorized to sign the Deed on behalf of the City of Harrisonburg and the Clerk to attest same, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

✓ The following recommendation submitted by the Planning Director from a meeting of the Commission held on December 14, 1977, was read by the City Manager:-

"...The Commissioners reviewed a proposed Final Plan for Gunsmoke Subdivision, Unit I. The Director described the six-lot single family proposal, located on the south side of Old Furnace Road. Mr. Sullivan reported that a special staff meeting with Mr. Jack DePoy on December 7th resulted in agreements concerning extension of Meadowlark Drive in Reherd Acres to the proposed Vine Street in Gunsmoke Subdivision.

The engineering for storm water was also clarified since handling of storm water necessitates use of a previously dedicated 20' easement in Reherd Acres Section 5. The Commissioners discussed the Subdivision Review Sheet and emphasized the City's desire to have Reherd Acres and Gunsmoke Subdivision connected as soon as weather will permit construction of Meadowlark Drive and Vine Street. Based on the understanding that all necessary engineering data has been submitted and accepted by the City Engineer concerning the street and utility work between Gunsmoke and Reherd Acres, Mr. Williams offered a motion that the Planning Commission recommend to City Council the approval of Gunsmoke Subdivision, Unit 1, Final Plan. Mr. Fleming seconded the motion and all members present voted in favor..."

Manager Milam pointed out the area on a map and noted that all seemed to be in order. Councilman Dingleline moved that the Final Plan for Unit 1, Gunsmoke Subdivision be approved as recommended by the Planning Commission, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

Due to the lateness of the hour, Vice-Mayor Denton moved that items 10, 11, 14 and 15 on tonight's agenda, not being of an emergency nature, be postponed until the next regular meeting of Council, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Correspondence dated 12/8/77 was presented from Mr. Earl Greaser, Director of Development for Virginia Mennonite Home, Inc., to the City Manager, requesting City Council's support of a proposed 150 unit apartment complex in the summer of 1978 which will provide housing for the elderly regardless of their financial status as well as job opportunities for this area. A request was made for a letter expressing Council's opinions and/or support in order that same may accompany various documents which must be submitted in planning the project. In as much as members felt that further information concerning the project was desired prior to a reply, the matter was deferred.

✓ Correspondence dated 12/15/77 from Mr. William G. O'Brien, County Administrator, to the City Managers of Harrisonburg and Staunton was presented by Manager Milam, which requested that the cities concur in the county's position that the method of accounting for the Upper Valley Regional Park Authority be changed from the cash basis to the accrual basis, through support by their representatives on the Authority. Councilman Green said this had been the desire of the county representatives for some time, with no action taken concerning the change. Following a brief discussion, Councilman Green moved that the City of Harrisonburg support the change, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

✓ City Attorney Lapsley informed Council that suit had been filed against the City of Staunton for the building of a street in an area which had been annexed long ago, and the street was not completed at that time and that it was upheld by the court. Vice-Mayor Denton offered an opinion that this could have a far reaching effect on towns that have annexed land, or may do so in the future. Council was advised that the Virginia Municipal League is requesting every city in the State of Virginia to join in the suit at a total cost of approximately \$ 5,000. in which the City of Harrisonburg would share. Following a brief discussion, Vice-Mayor Denton suggested that the League be notified that Harrisonburg is in favor of joining, but that the matter will be handled through the City Manager, upon receipt of a bill. This met with Council's approval.

There being no other matters other than those postponed until the next regular meeting, a motion was duly adopted at 12:45 A.M. for the meeting to adjourn.

N. Arlene Lopez
CLERK

Ray E. Eicher
MAYOR

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