

Tuesday, January 3, 1978

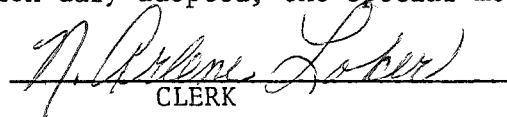
At a special meeting of Council held in the Council Chamber this evening at 7:30 P.M., called by the mayor for the purpose of discussing with the Rockingham County Board of Supervisors legal matters regarding water and sewer contract between the two political subdivisions, the following members of City Council were present:- Mayor Roy H. Erickson; Vice-Mayor E. Warren Denton, Jr.; Councilmen Raymond C. Dingledine, Jr., Walter F. Green, III and Elon W. Rhodes. (Refer to notice of meeting attached).

A motion was duly adopted to immediately enter the executive session.

At 9:45 P.M. the special session reconvened at which time it was announced that the meeting was held for the purpose of discussing proposed contractual arrangement for supplying water and sewer service to Rockingham County at master meters for the area of Rt. 33 east at a point approximately located at the projected shopping mall.

The only action taken was that the County and City Attorneys, along with the City and County Water Engineers be requested to draw up a rough draft of a contract to be reviewed by each governing body.

On motion duly adopted, the special meeting adjourned.

  
CLERK

  
MAYOR

Tuesday, January 10, 1978

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 regular meeting of December 27th were read and approved as corrected; minutes of a special meeting held on January 3rd were approved as read.

The following regular monthly reports were presented and ordered filed:

From the City Manager:

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

From the City Treasurer:-

A trial balance report as of close of business on December 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 \$ 9,820.28 for month of December, 1977.

From the City Auditor:-

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

A report of cash discounts saved in payment of vendors' invoices for month of December, 1977, totaling \$ 82.98.

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 December, 1977.

✓ Attorney George H. Roberts, Jr., resident of 411 Monticello Avenue, was present in the meeting to present a letter and petition signed by residents of Ott St. and Monticello Ave., requesting that Council reconsider the project, already in progress, of widening an alley which connects the two streets and will serve as an initial step for extension of this road through to Myers Avenue. He pointed out that although past complaints had been registered with regard to the narrow width of the alley, the residents had determined that benefits derived from the widening are outweighed by other considerations, and urged that the project be cancelled. Assistant City Manager Driver noted that funds for the project are in the current budget appropriations, and that this is a part of a long-range plan for the area. Mr. Roberts cited the following problems in the widening: poor visibility when a vehicle enters this alley from the alley running parallel to Ott St.; due to the slope of the present street and the short distance, the widening of the alley would not provide an appreciable increase in safety during bad weather conditions; no benefit can be derived by having a street deadend on to Ott St., in view of the convenience of travelling to Myers Ave. via Franklin St. or Paul St. Another observation made was the fact that it is not known what impact extension of Cantrell Ave. will have on the need for widening or extending Mt. View Drive, and that the residents would rather contend with the present narrow alley than with heavier traffic from an improved street. Councilman Green called attention to three factors not mentioned:- future construction of sidewalk from Monticello Ave. to Myers Ave. for children going to and from Spotswood School; access to the area by fire and other emergency vehicles; a fire hydrant which is located in the cul-de-sac at Monticello Ave. Attorney Roberts replied that there was no objection to a sidewalk for the safety of school children; due to the street grade on Ott St. it is questionable whether a long ladder truck or other large equipment would be able to go up or down; there is some question concerning use of the hydrant in the cul-de-sac. He requested that the matter be referred to the City Planning Commission for review and scheduling of a hearing, at which time residents could express their views. Mayor Erickson noted that the matter refers more to safety factors and should be referred to the Harrisonburg Highway Safety Commission, adding that public hearings are held primarily on zoning issues. Mr. Roberts said it was the desire of residents to be notified of any meetings at which this matter would be discussed in order that they may be present. Following a lengthy discussion, Vice-Mayor Denton moved that the letter and petition (signed by 56 residents) be referred to the Harrisonburg Highway Safety Commission for study and recommendation to the City Planning Commission, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council. Attorney Roberts asked that work on the widening be delayed, pending a decision.

✓ For information and recordation in council minutes, a letter dated 12/22/77 from Frank Cline & Son, Inc. was presented by the City Manager, requesting the right to deny usage by the public of a private driveway situated on the north side of their property at 1890-1920 S. Main St., in that same is used at times as passage between Huffman & S. Main Streets. Under section 26-4 of the City Code, an owner is required to state intent with regard to privately owned alleys and other passageways, every five years, as a matter of record.

✓ Councilman Dingleline moved that an ordinance amending Sec. 16-89 of the City Code by including a real estate salesman under the category of Professional Occupations, required by court order, be approved for second and final reading, a first reading having been approved on December 27th, 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 129).

Council agreed that appointments to various Boards & Commissions be deferred until the next regular meeting. It was suggested by Mayor Erickson that consideration be given to appointing Mr. Claude Garber, Jr. to the Upper Valley Regional Park Authority to replace Councilman Green, noting that he has expressed willingness to serve in this capacity, if so desired.

✓ City Manager Milam called members' attention to their copies of the final Central Shenandoah Regional Jail Contract and letter from Mr. Louis Hausrath, Chairman of the Jail Study Committee (on which both he and Chief Presgrave served), requesting review and favorable consideration for approval, prior to the committee's next meeting on January 25th. Manager Milam pointed out highlights from the entire document,

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noting that: each of the participating eight political subdivisions will bear a minimum \$ 100,000. (which will be received through a state grant), toward the capital costs and cost for design and construction of all auxiliary improvements; X number of cells will be apportioned to each party (20 projected for Harrisonburg); following receipt of bids, proposed construction will not begin until the construction contract has been approved by all participants; withdrawal from the agreement by any participant must be done by written notice at least one year prior to intended date, with cost of the jail project shared up to that time; a budget shall be prepared no later than December 1st of each year based on cost levels for that year, and the fiscal year is set up as July 1 through June 30th; the contract provides for the addition of new parties; arbitration procedure in the event of a disagreement, etc. After a five year period a re-allocation will be made, with no party's allocation reduced below \$ 100,000. Based on the number of cells apportioned for Harrisonburg's use, the estimated annual cost would be in the neighborhood of \$ 40,000. Following review of the contract, Vice-Mayor Denton suggested that inasmuch as the deadline for a decision is after Council's next regularly scheduled meeting on January 24th, that the matter be deferred until that time for further study of the proposed contract, in which all members concurred.

✓ The City Manager stated that bid tabulations for reconstruction of the Kavanaugh Hotel had been included along with his monthly report, and asked that any action with regard to same be postponed for at least a 10 day period to allow time for meetings to be held with the R & H Authority; Nielsen Construction Co. (low bidder); representatives of HUD, etc. On motion of Vice-Mayor Denton, seconded by Councilman Green and a unanimous vote of Council, the matter was delayed.

Vice-Mayor Denton moved that items 9, 10 & 11 on tonight's agenda be deferred in that they relate to a contractual arrangement presently under discussion with the Rockingham County Board of Supervisors, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

The City Manager suggested that Council adjourn from this point in the meeting until tomorrow night at 7:30 P.M. during which time Council will meet in executive session with the Board of Supervisors; further that legal matters be discussed at the conclusion of this session.

On motion of Vice-Mayor Denton, seconded by Councilman Rhodes, and a unanimous vote, Council entered an executive session at 9:40 P.M.

At 11:55 P.M. and by motion duly adopted, the regular session reconvened.

✓ Mayor Erickson informed members that he had been requested to present and read a resolution from City Council at a dinner honoring Mr. Nelson Liskey on his retirement, recognizing him for services rendered as Administrator to Rockingham Memorial Hospital and the entire area, which resolution was as follows:-

WHEREAS, J. Nelson Liskey, the Administrator of Rockingham Memorial Hospital for the past 25 years, and

WHEREAS, under his leadership the medical services available to the citizens of Harrisonburg and surrounding area have grown to the capability of serving in excess of 11,000 people annually, and

WHEREAS, his deep concern for the well-being of each patient during their stay is reflected in the faith and confidence expressed by those who needed concentrated medical care,

THEREFORE BE IT RESOLVED, that the City Council of Harrisonburg does hereby express its deep appreciation for his loyalty to his position as Administrator and sincerely hope his days of retirement will be most happy and fulfilling.

Roy Erickson, Mayor

The resolution was accepted and approved on motion of Vice-Mayor Denton, seconded by Councilman Rhodes, and a unanimous vote of Council.

Mayor Erickson adjourned this meeting at 12:00 midnight until tomorrow evening at which time it will reconvene at 7:30 P.M.

*N. Polene Lohr*  
CLERK

*Roy Erickson*  
MAYOR

Wednesday, January 11, 1978


At an adjourned meeting of Council held this evening at 7:30 P.M. the following were present:- Mayor Roy H. Erickson; City Manager Marvin B. Milam; Vice-Mayor E. Warren Denton, Jr.; Councilmen Raymond C. Dingledine, Jr., Walter F. Green, III, Elon W. Rhodes; City Attorney Norvall A. Lapsley; City Engineer Donn L. Devier and Assistant City Manager John E. Driver.

On motion of Councilman Dingledine, seconded by Vice-Mayor Denton, and a unanimous vote, Council entered an executive session with the Rockingham County Board of Supervisors, along with their engineer and attorney, to discuss water and sewer.

The executive session ended at 11:25 P.M. and the regular session reconvened, after which time Councilman Dingledine announced to the news media the progress, to this date, of negotiations for water and sewer.

On motion duly adopted, the meeting adjourned at 11:30 P.M.

  
CLERK

  
MAYOR



Monday, January 23, 1978


At a special meeting of Council held in the Council Chamber this evening at 8:00 P.M., called by

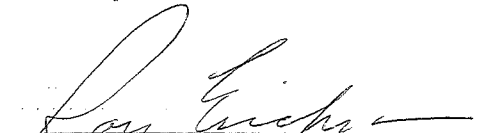
the Mayor due to an existing emergency, there were present:- Mayor Roy H. Erickson; Vice-Mayor E. Warren Denton, Jr.; Councilman Raymond C. Dingledine, Jr., Walter F. Green, III, Elon W. Rhodes; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Assistant City Manager John E. Driver; City Engineer Donn L. Devier; and Water-Sewer Superintendent Edgar D. Loker.

Vice-Mayor Denton moved that Council enter an executive session along with the city officials who were present, for the purpose of discussing water and sewer contracts for east of Interstate 81, with the executive session to continue at 9:00 P.M. in offices of the Rockingham County Board of Supervisors, Rockingham County Court House, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

At 11:00 P.M., on motion by Councilman Dingledine, seconded by Vice-Mayor Denton, and adopted by a unanimous vote of Council, the executive session was declared closed.

On motion by Councilman Rhodes, seconded by Councilman Green, and a unanimous vote of Council, the special meeting adjourned.

  
CLERK

  
MAYOR

Tuesday, January 24, 1978

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 regular meeting held on January 10th; adjourned meeting of January 11th, and special meeting of January 23rd, were approved as read.

✓ Present in the meeting to discuss the Multi-Jurisdictional Jail Facility final draft of agreement to be approved and signed by the four larger participants were: Waynesboro's Mayor Hausrath; Councilman George Baker and Criminal Justice Planner Tom Buskirk. Mayor Hausrath reported that statistics had been obtained through Planning District 6 in order to do additional work necessitated for finalizing the agreement for a facility which would change the present fashion of detention. He explained that in 1977, the state came out with basic standards for construction and operation of jail facilities, which will be the standards for Virginia, noting that inasmuch as these were not available during most of the planning, it was done in general fashion. Mayor Hausrath offered an opinion that "we should move in this direction before we may be forced to." A six-month period was spent on the contract (with a number of rough drafts preceding the final copy), with approval of same by the cities of Waynesboro and Staunton, whereas Augusta County chose to hold two public hearings, with no decision in, to date. An observation was made by Mr. Hausrath that "no one likes to build a jail" and that participation in the regional facility would cost a much lesser amount and would be the logical way to handle the situation. He informed Council that a \$ 200,000. federal grant, plus \$ 100,000. for each of the four participants entering the contract, would be made at conclusion of the project, but offered an opinion that the funds might be received at the front end of the project, instead. He expressed a hope for additional funding, pending outcome of an issue before the General Assembly. Six areas were named as presently intending to use the facility: Staunton, Waynesboro, Augusta County, Harrisonburg, Highland County and Monterey. Manager Milam pointed out that the City of Harrisonburg shares cost of the local jail, courts, O & M for the Court House, etc. with Rockingham County, on a share basis of 25% City and 75% County, which would result in the City paying two outlays of operation and maintenance at the same time, with participation in the regional facility, in that operating costs will be paid at the end of the first year, and construction costs for the facility at the end of five years. Mayor Erickson said that some questions had been raised with regard to distance of the facility from the City of Harrisonburg, and why the City won't build on its own land. Vice-Mayor Denton suggested that action with regard to a decision on the contract be postponed for the time being, due to a scheduled executive session at 8:30 this evening for discussion of another important issue. Judge John Paul, at this point in the meeting, requested to ask some questions of the representatives present, in that he said he was unaware of the planning, noting that the courts have an interest in how the jail population would be served. After the inquiries, Judge Paul offered an opinion that the facility is the state's responsibility. Mayor Erickson suggested that Mr. Paul avail himself of all information concerning the program, and assured the representatives that more concentration could be placed on the matter within the next few weeks. Vice-Mayor Denton suggested that a special time be scheduled for further discussion prior to a decision on the contract, and asked that Council be notified of upcoming meetings concerning the project.

At 8:35 P.M., Vice-Mayor Denton moved that Council enter a brief executive session, along with the City Manager, City Attorney, City Engineer and Water-Sewer Superintendent, prior to discussing water and sewer service with members of the Rockingham County Board of Supervisors present in the meeting.

✓ At 9:25 P.M., members of the Rockingham County Board of Supervisors (Messrs. Harry R. Byrd, Jennings Morris, William Sipe, Cecil Armentrout and Elwood Hoover) re-entered the meeting with County Administrator William O'Brien and Attorney George Aldhizer, Jr. On motion of Councilman Dingleline, seconded by Councilman Green and a unanimous vote of Council, the executive session was declared closed and the regular session reconvened. Paragraph seven in each of the two proposed contracts, which particular section of same read as follows, had been discussed in the executive session by members of Council:

WATER (Paragraph 7 - Title to Facilities). "...The title to City water facilities constructed by the City and already in place are vested in the City in fee simple; except for the easements, lines and facilities serving the businesses known as Kroger's, K-Mart, United Virginia Bank/Spotswood Branch and Massanutten Bank and Trust, as shown upon the attached map, which shall be the property of the County and transferred by the City without cost."

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SEWER (Paragraph 7 - Title to Facilities) "...The title to City sewerage facilities constructed by the City and already in place are vested in the City in fee simple; except for the easements, lines and facilities serving the businesses known as Kroger's, K-Mart, United Virginia Bank/Spotswood Branch, and Massanutten Bank and Trust, shown upon the attached map as Exhibit B, which shall be the property of the County, and transferred by the City without cost."

During the executive session, the City Attorney had been instructed by Council to go outside the Chambers and express their concern about language set forth in paragraph 7, particularly in view of Section 2-8 of the City Code which reads as follows: "The water, sewer and electric systems of the city, now owned or hereafter acquired, shall not be sold, until and except such sale shall have been approved by a majority of the qualified voters of the city, voting on the question at a special election ordered by the Council, and held pursuant to the method provided by law..." When questioned by Vice-Mayor Denton as to inclusion of paragraph 7 in the contracts when the law provided that what belongs to the County, is the County's, and what belongs to the City, is the City's, Attorney Aldhizer replied that it was included in order to clarify ownership of lines. With regard to a question concerning the meaning of fee simple, Mr. Aldhizer replied, "to convey whole title." He assured Council that should any problem arise in the future with regard to ownership or title to a facility, or for any other reason, it could be worked out with a solution suitable to both governing bodies. During the discussion, clarification of Sec. 2-8 of the City Code was not determined as to whether the word system refers to the whole system, or any part thereof. Councilman Green moved that the Mayor and Clerk be authorized to execute the following water contract on behalf of the City of Harrisonburg, subject to final determination of the legality of paragraph 7, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous recorded vote of Council:-

A G R E E M E N T

THIS AGREEMENT made and entered into this 24th day of January, 1978, by and between the CITY OF HARRISONBURG, a municipal corporation of the Commonwealth of Virginia, party of the first part, hereinafter referred to as "City", and the COUNTY OF ROCKINGHAM, a county of the Commonwealth of Virginia, party of the second part, hereinafter referred to as "County."

W I T N E S S E T H :

WHEREAS, the parties contracting hereto recognize that they are both fully capable of providing their independent water supply and distribution systems to serve adequately their respective political subdivisions; however it is deemed to be mutually beneficial by the parties hereto for the County to purchase water from the City for resale to County customers; and

WHEREAS, the City has a good quality water supply ample to meet the estimated normal requirements of both the City and the County during the term of this Agreement within the area hereinafter defined.

NOW, THEREFORE, for and in consideration of the premises and the covenants and agreements hereinafter contained, the parties hereto do hereby agree as follows:

1. Water To Be Supplied. The City shall provide water from the City's water distribution system to the County for resale by the County to water customers located within the County. The initial City line to be used in furnishing such water is located on the northern side of U.S. 33, east of the City of Harrisonburg, in Rockingham County, Virginia, at an unnamed street between Schewels Furniture Store and the Agri-Industries Building; and the area within which the City shall supply water to the County shall be the area located east of Interstate Route 81 in Rockingham County, Virginia. Should the County at any time during the term of this Agreement desire to connect with any other water lines of the City east of said Interstate Route 81 the County may do so, with the consent of the City, upon the same terms and conditions described in this Agreement. Said consent shall not be unreasonable withheld.

2. Purchase Price.

2.1 For the water and other services furnished and rendered by the City set forth in this Agreement, the County shall pay to the City for all water delivered to the County an amount calculated at the rate of forty-five cents (45¢) per one thousand (1,000) gallons; but in no event shall said total monthly billing for all meter readings be less than Four Hundred Dollars (\$00.00) per month (no charge shall be imposed under this minimum rate until after the first full month of water purchase by the County from the City).

2.2 If during the term of this Agreement the City shall increase the general rate, other than the minimum charge, payable by City customers, the City may increase the rate payable by the County under this Agreement upon the average percentage basis of such increase of the aforesaid general rate for City customers. As an example, should the City (exclusive of any increase in minimum charge) increase its water rate charge for its highest volume usage by 30%, increase its middle volume usage by 15% and not increase its lowest volume usage, then the City would be entitled to increase the County's rate hereunder by the average thereof, namely, 15¢, which is determined by adding each of the three percentages together and dividing the sum by three.  $[30\% + 15\% = 45\% \div 3 = 15\%]$ . As another example, should the City (exclusive of any increase in minimum charge) increase its water rate charge for its highest volume usage by 20%, increase its middle volume usage by 15% and decrease its lowest volume usage by 5%, then the City would be entitled to increase the County's rate hereunder by the average thereof, namely, 10%, which is determined by adding each of the three percentages together and dividing the sum by three.  $[20\% + (15\%) = 35\% \div 3 = 11\frac{2}{3}\%]$ . A denominator (divisor) of 3 used as the City currently has three categories of usage. If in the future the City increases or decreases its categories of usage, then the above denominator (divisor) will be increased or decreased accordingly.

2.3 If during the term of this Agreement the City shall decrease the general rate, other than the minimum charge, payable by City customers, the City must decrease the rate payable by the County under this agreement upon the average percentage basis of such decrease of the aforesaid general rate for City customers. As an example, should the City (exclusive of any decrease in minimum charge) decrease its water rate charge for its highest volume usage by 25%, decrease

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its middle volume usage by 18% and decrease its lowest volume usage by 34%, then the City must decrease the County's rate hereunder by the average thereof, namely, -25.67%, which is determined by adding each of the three percentages together and dividing the sum by three.  $[(-25\%) + (-18\%) + (-34\%) = -77\% \div 3 = -25.67\%]$ . As another example, should the City (exclusive of any decrease in minimum charge) decrease its water rate charge for its highest volume usage by 26%, increase its middle volume usage by 18% and decrease its lowest volume usage by 10%, then the City must decrease the County's rate hereunder by the average thereof, namely, -6%, which is determined by adding each of the three percentages together and dividing the sum by three.  $[(-26\%) + 18\% + (-10\%) = -18\% \div 3 = -6\%]$ . A denominator (divisor) of 3 is used in the examples as the City currently has three categories of usage. If in the future the City increases or decreases its categories of usage, then the above denominator (divisor) will be increased or decreased accordingly.

### 3. Pressure and Flow Requirements.

3.1 The City agrees to supply to the County water at a flow not to exceed six hundred forty-eight thousand (648,000) gallons per day and at a pressure of thirty (30) pounds per square inch. The County presently estimates that its requirements within the near future shall be one hundred thousand (100,000) gallons per day in the area to be served under this Agreement. The County agrees to inform the City at any time it has knowledge of projected increased or decreased requirements for water flow, and also agrees that on or before December 31 of each year a projection of its water needs for the coming year will be given to the City.

3.2 If the projected requirements at any metering point exceed the above described 648,000 gallon per day commitment of the City made under paragraph 3.1 hereof, the City shall have a reasonable time (not to extend beyond the period of two (2) years) in which to enlarge or modify its distribution facilities so that it may supply the additional water required at any such metering point. Provided, that if it is necessary for the City to enlarge or modify its water treatment facilities to meet the County's requirements, then the City shall have three (3) years from the date of such notice to complete such improvements. If the City believes it will be necessary to modify or enlarge its distribution or treatment facilities in order to provide a requested increase in the supply of water, it will notify the County of this necessity not later than sixty (60) days after receipt of the projected water requirements; and if the County and the City are able to agree upon a contract assuring the use of the additional water supply required by the County and the charge therefor by the City, then the City shall proceed with the modifications or enlargements of its distribution and treatment facilities to meet the County's requirements.

3.3 Notwithstanding anything to the contrary contained in this Agreement, if because of drought or other emergency, or if the City is not able to meet the increased needs of the County or is unwilling to do so under the preceding provisions of the above paragraph 3.2, or if the County in its sole discretion deems it more economically feasible due to distance, flow, pressure or other factors, then in any of such events, the County may develop its own independent water production and distribution system in addition to and separate from the County system contemplated by this Agreement, and if it does not violate public health regulations to do so such independent system may be connected to the system contemplated by this Agreement, with no charge being payable by the County to the City.

4. Water Quality. The quality of the water delivered to the County under this Agreement shall be the same as that furnished City customers in the area from the main or mains from which the water is taken by the County at the metering point or points, and at the time of delivery shall meet the minimum requirements of the United States Public Health Service for public water supplies.

5. Water Mains. The County, beyond the City's system, will cause to be constructed, maintained, repaired and operated in the County such water main or mains and connections thereto as are necessary to provide water service in the County under this Agreement. The plans and specifications therefor and materials used in the construction, maintenance, repair and operation thereof shall meet the minimum requirements of the American Water Works Association and as designed by competent professional engineers. The County shall use meters (4 inch and larger), water lines, fire hydrants and valves of similar design and quality to those used by the City, unless such quality is not approved by the agency furnishing grant or loan funds to the County.

6. Storage Facilities. Beyond the metering points, the County shall be responsible for providing at its cost such water storage and pumping facilities as it shall determine reasonably necessary to meet the County's customer demands. The location, type and size of construction of such facilities shall be determined by competent professional engineers. Notwithstanding anything to the contrary contained in this Agreement, the City will make every effort to furnish all necessary water to the County facilities, even beyond the amounts agreed to be furnished under paragraph 3.1 hereof, in the event of any fire or other emergency or accident which would deplete the water stored in the County's facilities.

7. Title to Facilities. Title to water facilities in the County constructed or provided by the County or caused to be constructed or provided by the County under the provisions of this Agreement are vested in the County in fee simple. The title to City water facilities constructed by the City and already in place are vested in the City in fee simple; except for the easements, lines and facilities serving the businesses known as Kroger's, K-Mart, United Virginia Bank/Spotswood Branch and Massanutten Bank and Trust, as shown upon the attached map, which shall be the property of the County and transferred by the City without cost.

8. City Customers. The City will be permitted to continue service to existing customers in the County where such service has heretofore been approved by the County or where County approval has not been required, except that the businesses known as Kroger's, K-Mart, United Virginia Bank/Spotswood Branch, and Massanutten Bank and Trust, all located on the southern side of U.S. 33, east of Interstate Route 81, shall be the customers of the County. However, the City shall not extend its services in the County except in accordance with the provisions of Sections 15.1-341 to 15.1-348, both inclusive, of the Code of Virginia, 1950, as amended, and any successor provisions.

9. Meter Installation and Reading. The County will install at its cost and the City will own and maintain at its cost a meter (approved by the City) and vault at each point of delivery of water to the County under this Agreement and the quantity of all water delivered to the

County at that point shall be measured through such meter. The City shall read all meters monthly. The County shall have the right to read such meters simultaneously with the City for the purpose of verifying the accuracy of the readings made by the City. The County at its cost shall have the right to test and verify the accuracy of such meters. In addition to the aforesaid meters, the City with the consent of the County (which consent shall not be unreasonably withheld) may provide suitable meters, piping and appurtenances at its cost through which it may benefit City water customers from the increased water pressure created by any facilities constructed by the County. In the event the City utilizes any such facilities constructed by the County, there shall be deducted, from the reading of the water meter affected by such City usage, the amount of water flowing back to the City.

10. Billing. The City shall render to the County each month as soon as practicable a bill for water delivered to the County through any County meter after each monthly reading thereof. The County will pay the amount of the bill to the City within thirty (30) days after its receipt. Such bill shall itemize the readings for each County meter.

11. Limitations on Liability. Neither the City nor the County shall be liable in damages to the other for any act, omission, or circumstances occasioned by or in consequence of any acts of God, strikes, lockouts, acts of the public enemy, wars, blockades, insurrections, riots, epidemics, landslides, lighting, earthquakes, fires, storms, floods, washouts, arrests, civil disturbances, explosions, breakage or accident to machinery or lines of pipe, the binding order of any court or governmental authority which has been resisted in good faith by all reasonable legal means, and any other cause, whether of the kind herein enumerated or otherwise, not reasonably within the control of the party claiming suspension and which by the exercise of due diligence such party is unable to prevent or overcome. Failure to prevent or settle any strike or strikes shall not be considered to be a matter within the control of the party claiming suspension.

Such causes or contingencies affecting the performance hereunder by either the City or the County, however, shall not relieve it of liability in the event of its concurring negligence or in the event of its failure to use due diligence to remedy the situation and to remove the cause in an adequate manner and with all reasonable dispatch, nor shall such causes or contingencies affecting such performance relieve either party from its obligations to make payment of amounts then due hereunder for water theretofore delivered.

12. City Indemnification of the County. The City will indemnify and hold the County harmless from liability on account of injury or damages to any person or any property resulting, directly or indirectly, from the negligence of the City in the distribution of water supplied to the County; and in the event that suit shall be brought against the County, either independently or jointly with the City on account thereof, the City will defend the County in any such suit at the cost of the City; and in the event of a final judgment being obtained against the County, either independently or jointly with the City, then the City will pay such judgment with all costs, including reasonable attorneys fees, and hold the County harmless therefrom.

13. County Indemnification of the City. The County will indemnify and hold the City harmless from liability on account of injury or damages to any person or any property resulting, directly or indirectly, from the negligence of the County in the distribution of water supplied by the City; and in the event that suit shall be brought against the City, either independently or jointly with the County on account thereof, the County will defend the City in any such suit at the cost of the County; and in the event of a final judgment being obtained against the City, either independently or jointly with the County, then the County will pay such judgment with all costs, including reasonable attorneys fees, and hold the City harmless therefrom.

14. Taxes. The County shall not during the term of this Agreement impose, levy or collect any additional tax upon the business, property and facilities of the City located within the County which must be constructed in order to carry out the City's obligations and privileges under this Agreement, provided that this provision shall not apply to service charges levied or to be levied by the County.

15. Anti-backflow Device. The County agrees to install at its cost a backflow prevention device at each point where the City water system connects with the County system if the City has made a determination there is a reasonable belief that conditions exist which could cause possible contamination.

16. Water Shortage. In the event an occasion should arise where there is a shortage of water in the City due to drought or other emergency, the City shall reserve the right to ration water to the County under this Agreement in the same manner it rations water to its customers. When this condition occurs, the County agrees to accept such reduction in water supply equal to the reduction imposed on other City users.

17. Service Date and Term. The City shall make available all of its services and facilities required under this Agreement on or before June 15, 1978. Further, this Agreement shall be in full force and effect for the period of twenty (20) years from the date hereof, namely, from January 24, 1978, through and including January 23, 1998. Further, this Agreement shall continue in full force and effect thereafter until terminated by either the City or the County giving written notice to the other of such termination at least ten (10) years prior to the effective date of such notice. Therefore, the minimum term of this Agreement shall be thirty (30) years from the date hereof.

18. Headnotes. The headnotes set forth in this Agreement shall have no substantive effect, but are inserted for convenience only.

19. Waivers and Binding Effect. No waiver by any of the parties hereto of any breach of this Agreement shall be considered to be a waiver or any other or subsequent breach. All of the covenants, agreements, provisions and conditions of this Agreement shall inure to the benefit of and be binding upon the parties hereto, and their successors and permitted assigns. This Agreement shall not be assignable by either of the parties hereto without the prior written consent of the other party.

20. Entire Agreement. This Agreement constitutes the entire understanding between the parties hereto, and no prior written or oral understandings in connection with this subject matter shall be binding upon the parties, and this Agreement may be amended only by a written agreement signed by both of the parties hereto.

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IN WITNESS WHEREOF, the City has caused this Agreement to be signed in its name and on its behalf by its Mayor, attested by its Clerk, as thereunto duly authorized by the City Council; and the County has caused this Agreement to be signed in its name and on its behalf by its Chairman, attested by its County Administrator, as thereunto duly authorized by the Board of Supervisors.

(Seal)

CITY OF HARRISONBURG  
By Roy Erickson (signed)  
Mayor

ATTEST:

N. Arlene Loker (signed)  
Clerk

(Seal)

COUNTY OF ROCKINGHAM  
By Harry R. Byrd (signed)  
Chairman

ATTEST:

William G. O'Brien (signed)  
County Administrator

The matter was then turned over to the Board Chairman who called for a motion. Supervisor William Sipe moved that proper officials be authorized to execute the water and sewer contracts on behalf of Rockingham County, which motion upon being seconded by Supervisor Jennings Morris, was adopted by a unanimous vote of the five (5) member Board. Councilman Dingledine then moved that the following sewer contract be signed by the proper officials on behalf of the City, subject to final determination of the legality of paragraph 7, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council:-

#### A G R E E M E N T

THIS AGREEMENT made and entered into this 24th day of January, 1978, by and among the CITY OF HARRISONBURG, a municipal corporation of the Commonwealth of Virginia, party of the first part, hereinafter referred to as "City;" the COUNTY OF ROCKINGHAM, a county of the Commonwealth of Virginia, party of the second part, hereinafter referred to as "County"; and the HARRISONBURG-ROCKINGHAM REGIONAL SEWER AUTHORITY, party of the third part, hereinafter referred to as "Authority."

#### W I T N E S S E T H :

WHEREAS, the parties contracting hereto recognize that the City and County are both fully capable of providing their independent sewage facility to serve adequately their respective political subdivisions; however it is deemed to be mutually beneficial by the parties hereto for the County to purchase the right to use a portion of the City's sewage transportation facilities; and

WHEREAS, the City has agreed to accept the effluent of the County and its customers subject to the standards and the service area hereinafter defined.

NOW, THEREFORE, for and in consideration of the premises and the covenants and agreements hereinafter contained, the parties hereto do hereby agree as follows:

1. Sewage Disposal Facilities. The City will accept the sewage delivered by the County and the customers of the County, for transportation to the Authority, in the area located east of Interstate Route 81, in Rockingham County, Virginia, which lies within the service area or boundary of the Authority, the present, northeastern portion thereof being shown upon the map attached hereto as Exhibit A. The County is hereby granted the right to connect to the City's sewer line located on the northern side of U.S. 33 in said County, at the unnamed street between Schewels Furniture Store and the Agri-Industries Building, and at such other locations hereinafter described under paragraph 3. The City shall be required to accept sewage from the County and its customers only from the aforesaid area located east of said Interstate Route 81, and within the aforesaid service area or boundary of the Authority, and any expansion of such service area or boundary may be made only with the prior approval of the City, which approval shall not be unreasonably withheld.

2. Cost of Transportation.

2.1 The charge for receiving and transporting the aforesaid sewage of the County and the County's customers from the areas described above to said Authority plant will be an amount calculated at the rate of forty-five cents (45¢) per one thousand (1,000) gallons of sewage received at the City's connecting line. Additionally, the County will pay directly to the Authority the charge for operation and maintenance agreed to between the County and said Authority (the current rate being thirty-two cents (32¢) per one thousand (1,000) gallons).

2.2 If during the term of this Agreement the City shall increase the general rate, other than the minimum charge, payable by City customers, the City may increase the rate payable by the County under this Agreement upon the average percentage basis of such increase of the aforesaid general rate for City customers. And the County will pay the Authority directly for its sewage transportation and treatment, any increase in rates charged to the County by the City shall exclude any increase in rates at any time charged the City by the Authority (the current rate being paid by the City to the Authority is fifty-four cents (54¢) per one thousand (1,000) gallons). As an example, should the City (exclusive of any increase in its minimum charge) increase its sewage rate charge for the highest volume usage by 30%, increase its middle volume usage by 15% and not increase its lowest volume usage, then the City would be entitled to increase the County's rate hereunder by the average thereof, namely, 15%, which is determined by adding each of the three percentages together and dividing the sum by 3.  $[30\% + 15\% + 0\% = 45\% \div 3 = 15\%]$ . As another example, should the City (exclusive of any increase in minimum charge) increase its sewage rate charge for its highest volume usage by 20%, increase its middle volume usage by 15% and decrease its lowest volume usage by 5%, then the City would be entitled to increase the County's rate hereunder by the average of thereof, namely, 10%, which is determined by adding each of the three percentages together and dividing the sum by 3.  $[20\% + 15\% + (-5\%) = 30\% \div 3 = 10\%]$ . A denominator (divisor) of 3 is used as the City currently has three categories of usage. If in the future the City increases

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or decreases its categories of usage, then the above denominator (divisor) will be increased or decreased accordingly. In addition, the above stated percentage charge shall be reduced by any increase in rates at any time charged the City by the Authority. As an example, if the current rate of fifty-four cents (54¢) payable by the City to the Authority is increased to sixty cents (60¢) and the rate charged by the City to its customers is increased at any time by ten cents (10¢), then such net increase shall be four cents (4¢) for the purpose of calculating the percentage of increase permitted to be charged the County by the City.

2.3 If during the term of this agreement the City shall decrease the general rate, other than the minimum charge, payable by City customers, the City must decrease the rate payable by the County under this agreement upon the average percentage basis of such decrease of the aforesaid general rate for City customers. As the County will pay the Authority directly for its sewage transportation and treatment, any decrease in rates charged to the County by the City shall exclude any decrease in rates at any time charged the City by the Authority (the current rate being paid by the City to the Authority is fifty-four cents (54¢) per one thousand (1,000) gallons). As an example, should the City (exclusive of any decrease in its minimum charge) decrease its sewage rate charge for its highest volume usage by 25%, decrease its middle volume usage by 18%, and decrease its lowest volume usage by 34%, then the City must decrease the County's rate hereunder by the average thereof, namely,  $-25.67\%$ , which is determined by adding each of the three percentages together and dividing the sum by 3.  $[(-25\%) + (-18\%) + (-34\%) = -77\% \div 3 = -25.67\%]$ . As another example, should the City (exclusive of any decrease in minimum charge) decrease its sewage rate charge for its highest volume usage by 26%, increase its middle volume usage by 18% and decrease its lowest volume usage by 10%, then the City must decrease the County's rate hereunder by the average thereof, namely,  $-6\%$ , which is determined by adding each of the three percentages together and dividing the sum by 3.  $[(-26\%) + 18\% + (-10\%) = -18\% \div 3 = -6\%]$ . A denominator (divisor) of 3 is used in the examples as the City currently has three categories of usage. If in the future the City increases or decreases its categories of usage, then the above denominator (divisor) will be increased or decreased accordingly. In addition, the above stated percentage charge shall be reduced by any decrease in rates at any time charged the City by the Authority. As an example, if the current rate of fifty-four cents (54¢) payable by the City to the Authority is decreased to fifty cents (50¢) and the rate charged by the City to its customers is decreased at any time by ten cents (10¢), then such net decrease shall be six cents (6¢) for the purpose of calculating the percentage of decrease permitted to be charged the County by the City.

3. Meter Installation and Reading. The flow of sewage for the purpose of determining the charge to be made to the County by the City for its services rendered under this Agreement shall be established by a meter installed at the County connection line at said Route 33 by the County at its cost and designed by competent professional engineers. In addition, the County may in its sole discretion connect and install meters at its cost at the following additional locations, namely: at Ridge Road (Route 710) at Route 81, near Stone Spring Road (Route 726) at Route 81; and Country Club Road (Route 974). After any or all of such installations, the Authority will own and maintain at its cost such meter or meters. The City and Authority shall read each meter monthly. The County shall have the right to read each such meter simultaneously with the City for the purpose of verifying the accuracy of the readings made by the City. The County at its cost shall have the right to test and verify the accuracy of any such meter. Further, the Authority agrees that each meter reading will be subtracted from the meter reading at the point where the City's line connects with the Black's Run Interceptor of the Authority.

4. Construction. The plans and specifications for all sanitary sewers in the above described service area will comply with accepted engineering practices and be prepared by competent professional engineers.

5. Sewage Quality. The quality of the sewage shall comply with the provisions of Sections 29-89 thru 29-98, both inclusive, of the Code of the City of Harrisonburg, Va., as amended, and any successor provisions.

6. Billing. The City shall render to the County each month as soon as practicable a bill for sewage transported by the County through County meters after each monthly reading thereof. The County will pay the City the amount of the bill within thirty (30) days after its receipt. Such bill shall itemize the readings from each County meter.

7. Title to Facilities. Title to all sewerage facilities in the County constructed or provided by the County or caused to be constructed or provided by the County under the provisions of this Agreement are vested in the County in fee simple. The title to City sewerage facilities constructed by the City and already in place are vested in the City in fee simple, except for the easements, lines and facilities serving the businesses known as Kroger's, K-Mart, United Virginia Bank/Spotswood Branch, and Massanutten Bank and Trust, shown upon the attached map as Exhibit B, which shall be the property of the County, and transferred by the City without cost. The County may transport its sewage and the sewage of any of its customers located within the above described area under this Agreement either through other facilities of the Authority or otherwise as the County in its sole discretion deems advisable and most economically feasible, with no charge being payable by the County to the City. It is the intent of the parties hereto that the pumping of sewage is to be discouraged and avoided by the County unless it is determined by the County that pumping is more economically feasible than building gravity lines.

8. City Customers. The City will be permitted to continue service to existing customers in the County where such service has heretofore been approved by the County or where County approval has not been required; except that the businesses known as Kroger's,

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K-Mart, United Virginia Bank/Spotswood Branch, and Massanutten Bank and Trust, all located on the southern side of U.S.33, east of Interstate Route 81, shall be customers of the County. However, the City shall not extend its services in the County except in accordance with provisions of Sections 15.1-326 through 15.1-332, both inclusive, of the Code of Virginia, 1950, as amended, and any successor provisions.

9. City Indemnification of the County. The City will indemnify and hold the County harmless from liability on account of injury or damages to any person or any property resulting, directly or indirectly, from the negligence of the City in the transportation of sewage for the County; and in the event that suit shall be brought against the County, either independently or jointly with the City on account thereof, the City will defend the County in any such suit at the cost of the City; and in the event of a final judgment being obtained against the County, either independently or jointly with the City, then the City will pay such judgment with all costs, including reasonable attorneys fees, and hold the County harmless therefrom.

10. County Indemnification of the City. The County will indemnify and hold the City harmless from liability on account of injury or damages to any person or any property resulting, directly or indirectly, from the negligence of the County in the transportation of sewage through the City's line; and in the event that suit shall be brought against the City, either independently or jointly with the County on account thereof, the County will defend the City in any such suit at the cost of the County; and in the event of a final judgment being obtained against the City, either independently or jointly with the County, then the County will pay such judgment with all costs, including reasonable attorneys fees, and hold the City harmless therefrom.

11. Service Date and Term. The City shall make available all of its services and facilities required under this Agreement on or before June 15, 1978. Further, this Agreement shall be in full force and effect for the period of twenty (20) years from the date hereof, namely, from January 24, 1978, through and including January 23, 1998. Further, this Agreement shall continue in full force and effect thereafter until terminated by either the City or the County giving written notice to the other of such termination at least ten (10) years prior to the effective date of such notice. Therefore, the minimum term of this Agreement shall be thirty (30) years from the date hereof.

12. Headnotes. The headnotes set forth in this Agreement shall have no substantive effect, but are inserted for convenience only.

13. Waivers and Binding Effect. No waiver by any of the parties hereto of any breach of this Agreement shall be considered to be a waiver of any other or subsequent breach. All of the covenants, agreements, provisions and conditions of this Agreement shall inure to the benefit of and be binding upon the parties hereto, and their successors and permitted assigns. This Agreement shall not be assignable by either of the parties hereto without the prior written consent of the other party.

14. Entire Agreement. This Agreement constitutes the entire understanding between the parties hereto, and no prior written or oral understandings in connection with this subject matter shall be binding upon the parties, and this Agreement may be amended only by a written agreement signed by both of the parties hereto.

15. Authority Approval. The Authority has become a party to and executes this Agreement for the purpose of indicating its approval hereof and consenting to the connection by the County to the City lines as herein described and agrees to continue to bill directly the County for sewage transported and treated by the Authority.

IN WITNESS WHEREOF, the City has <sup>caused</sup> this Agreement to be signed in its name and on its behalf by its Mayor, attested by its Clerk, as thereunto duly authorized by the City Council; the County has caused this Agreement to be signed in its name and on its behalf by its Chairman, attested by its County Administrator, as thereunto duly authorized by the Board of Supervisors, and the Authority has caused this Agreement to be signed in its name and on its behalf by its Chairman, attested by its Secretary, as thereunto duly authorized by its Board of Directors.

CITY OF HARRISONBURG

By: Roy Erickson (signed)  
Mayor

(seal)  
N. Arlene Loker (signed)  
Clerk

COUNTY OF ROCKINGHAM

By: Harry R. Byrd (Signed)

(seal)  
William G. O'Brien (Signed)  
County Administrator

HARRISONBURG-ROCKINGHAM REGIONAL SEWER AUTHORITY

By: \_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Secretary

Mayor Erickson praised Council and members of the Board of Supervisors, as well as other City & County officials involved, for hours of hard work spent in reaching an agreement for sale and purchase of water and sewer, adding a personal observation that the contracts will have a long-lasting effect on both the city and county, and will stimulate economic growth in both areas.

✓ Mayor Erickson reminded members of a vacancy on the Parks & Recreation Commission, and asked their wishes concerning an appointment. Councilman Dingledine moved that Mr. Michael L. Layman of 467 Andergren Drive, be appointed to the Commission for a term of four (4) years, expiring on December 31, 1981, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

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Inasmuch as a controversy which had arisen concerning eligibility of a council member to serve on the Upper Valley Regional Park Authority, and Councilman Green's resignation had been submitted in September, 1977, Mayor Erickson asked members if consideration had been given an appointment to the vacancy created. Councilman Dingledine moved that Mr. Claude E. Garber, Jr., 39 Maplehurst Avenue, be appointed to serve on the Authority in that vacancy until the expiration of the present term on January 24, 1980, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

The following recommendation submitted by the Planning Director from a meeting of the Planning Commission held on January 18, 1978, was presented and read by the City Manager:-

"...The Commissioners reviewed a revised Site 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 on the south side of South Avenue. The Director discussed the January 11, 1978 Subdivision Review Sheet, adding that he, Mr. Driver and Mr. Ralph Smith met on the site with Mr. V. W. Nesselrodt and Mr. S. L. Rexrode, the owner and builder. Mr. Nesselrodt agreed to have two feet of additional fill added where the apartment structures are to be located, and their site plan has been changed to say 'Finish Floor of all units to be 1280.00 or above, parking area elevation 1278.00 (above sea level).' Soil Conservationist Mr. Maupin had recommended the 1280.00 level in order to raise the structures above the 100-year Blacks Run Flood plain. The developers will also grade the banks along Blacks Run and the parking areas will drain toward the stream. A water back-up problem on Eby's land immediately east of this proposal will be eliminated by installation of a storm drainage pit to be done by the developers.

Mr. Milam offered a motion for the Planning Commission to recommend approval of the Final Plan for Liberty Square Subdivision, Section One. Mr. Fleming seconded the motion and all members voted unanimously in favor..."

Members were reminded by the Mayor that this particular proposed development had been discussed at the regular meeting on November 22, 1977 and referred back to the City Planning Commission for further review in lieu of questions which had arisen due to the development's location in a flood plain area. Following discussion, Councilman Rhodes moved that the recommendation of the Planning Commission be approved, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

The City Manager reported that he had received correspondence last month from the Virginia Mennonite Homes, Inc. regarding a proposed 150-unit apartment complex in the Park View area to house the elderly, which matter had been presented at the December 27th meeting with comments deferred, pending further information. He noted that Planning District 6 is now requesting that comments of the City be submitted, and suggested that inasmuch as the project will be located in the Park View Sanitary District and will be handled by a public agency, that no comments be made. Following a brief discussion, it was unanimously agreed to wait and see how the matter is handled by the Planning District, with Council to give further consideration at a future date, if necessary.

The City Manager presented correspondence from Planning District 6 dated 12/29/77 requesting information from the City of Harrisonburg as to what impact a proposed 60-unit Town House Type Apartment Complex (for low & moderate income families) may have on the City due to its location approximately 1/2 mile from Harrisonburg on the Country Club Road. He noted that this appears to be a federally subsidized type of project with total cost of \$ 1,300,000., and offered the following observations: exact distance from the city not specified; no request submitted to date for city water and sewer; not site development plan received to date; not clear as to whether the housing data used includes or excludes housing information of the City of Harrisonburg. Manager Milam requested authority to write Planning District 6 for clarification. Following a brief discussion and on motion of Councilman Green, seconded by Councilman Rhodes and a unanimous vote of Council, the City Manager was so authorized and directed.

City Manager Milam informed Council that bids had been received and tabulated for renovation of the Kavanaugh Hotel building to provide housing for the elderly, and called on Mr. John Byrd, Building Official, for a report. Mr. Byrd referred to a Memo he had directed to the City Manager advising that inasmuch as the bids were considerably higher than hoped for, but not entirely unexpected since it was made known during the bidding process that the project was complex and specifications were strict, a review of all major cost items had been made, and consultations held with those in Richmond who have been so directly involved with the project. From this thorough investigation, the following recommendations were set forth in the Memorandum for Council's consideration, as well as the Redevelopment and Housing Authority:-

- 1) Since the total cost override cannot be substantially reduced without affecting the desired quality of this work, and since the high initial investment cost does not create any viable mortgage scheme in the eyes of our consultants, I feel that the renovation of the Kavanaugh Hotel for the intended use is not feasible. I would suggest that all bids be rejected by the Housing Authority, with the approval of the City Council, and that this particular project not be further considered.
- 2) Inasmuch as the application for Section 8 grant money still reflects a need to be met by this City and an area of housing that remains most favorable to these same consultants, I would strongly recommend that the sixty one (61) units of subsidy housing the elderly be pursued in another manner. I feel if City officials, with the participation of the local Housing Authority, could immediately direct their efforts toward providing urban housing with new construction under the terms of our present application, then this continued project will still promote community development monies for downtown Harrisonburg.
- 3) I would like to investigate all possibilities for some future use of the Kavanaugh building in order to use the best of this structure as a design element within the total block development.

After presenting the recommendations, Mr. Byrd elaborated further on the project by noting that: the bids could not be justified, even by officials who are interested in renovating old buildings to provide housing; the city may explore the possibility of salvaging some parts of the building for business use;

information received in the bid figures may be used to interest someone in the property; the biggest expense involved in the renovation would be breaking through the old partitions in the building; the need for the proposed 61 units of housing in the Kavanaugh Hotel may possibly be met through new construction in some other area near downtown, etc. Manager Milam noted that the two bids received were considerably higher than \$ 1.4 million estimated by consultants, and presented each member with a statistical report concerning the Rehabilitation Project - Community Development Block Grant Program which revealed: total appropriations to date, \$ 700,000. (representing \$ 525,000. Community Block Funds and \$ 175,000. local funds); expenditures to December 31, 1977 (including purchase of the Kavanaugh Hotel & B.Ney Building), as well as relocation payments for residents of the hotel and businesses formerly located in the B.Ney building); resulting in a balance of \$ 230,542.85 as of 12/31/77. An additional grant from the Dept. of Housing & Urban Development in amount of \$ 500,000. (not appropriated as of year end) would bring the total available funds to \$ 730,542.85. Reimbursements from HUD in amount of \$ 381,509.98 results in expenditures of city funds in the Kavanaugh Hotel block of \$87,948.17. Councilman Green questioned whether Council had been "misled" with regard to the project in that consultants from Philadelphia, Richmond and Harrisonburg had advised that it could be accomplished for the cost of \$ 1.4 million, while bids received, exceed \$2 million. He also questioned whether architectural fees to be paid by the city would be based on the lower or higher figure. Mr. Byrd replied that he had no answer for the latter, but explained that the \$1.4 million estimate last year was a "working figure" only, with no cost ceiling reached in the HUD estimate. Manager Milam reported that \$ 1,025,000. had been received in two Community Block Grants for the renovation project, with an agreement to underwrite a \$1.4 million bond issue for further financing, and the City has allocated \$ 275,000. toward the project in budget appropriations for the 1976 and 1977 fiscal years. Mr. Byrd said that the City of Harrisonburg has a "good track record" in federal grant programs, adding that a lot of effort had been put forth in this housing program. Council discussed demolition of the Kavanaugh Hotel building as well as the possibility of some reconstruction which would make it more attractive. Following the lengthy discussion, Councilman Green moved that the recommendations submitted by the Building Official be approved, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council. Mr. Denton suggested that the City "move along" and work with the proper Authority to acquire another site for new construction to preserve federal funds already received for housing.

✓ A request was presented from the Street Superintendent for approval of a supplemental appropriation in total amount of \$ 9,561.84 due to insufficient funds for snow & ice removal, as well as to recover construction costs for work on Central Avenue for subdivider. For Council's information, City Manager Milam presented each member with copies of a program which had been set up for removal of snow by six trucks on the primary streets of the City, as well as various other routes to be covered by one or two extra snow plows, and remarked on the unbelievable number of phone calls received, during the crucial period. Following discussion, Vice-Mayor Denton moved that the appropriation be approved for a first reading, and that:-

\$ 7,826.62 chgd.to: General Fund (1005.01) Driveway entrances, sidewalks, etc.

1,735.22 chgd.to: General Fund (1005.00) Recoveries & Rebates.

2,561.84 approp.to: General Fund (1-10110-275.03) St. Inspection- Maint & Repairs-  
work in annexed area.

7,000.00 approp.to: General Fund (1-10330-350.00) St. Cleaning- Snow & Ice removal.

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

For information of Council, correspondence dated 1/16/78 from City Treasurer Firebaugh was presented, submitting copy of a letter to the Daily News Record requesting publication of a list of delinquent real estate for the years 1975 and 1976, as authorized by City Council on October 11, 1977.

There being no further business and on motion duly adopted, the meeting adjourned at 11:10 P.M.

*N. Arlene Lopez*  
CLERK

*Ray E. ...*  
MAYOR

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Tuesday, February 14, 1978

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 January 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 January, 1978.

From the City Treasurer:-

A Trial Balance report as of close of business on January 31, 1978.

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 \$ 5,824.16.

From the City Auditor:-

A financial report for the City of Harrisonburg, Va. for month of January, 1978.

A report of cash discounts saved in payment of vendors' invoices for month of January, 1978, totaling \$ 223.19.

From the Department of Utility Billing:-

A report of water, sewer & refuse accounts, meters read, installations, cut delinquents, complaints, re-reads, etc. for month of January, 1978.

✓ The City Manager presented a request and property plat as submitted by Mr. Richard L. Chew for re-subdivision of lots 23, 24, and 25 located on the northwest corner of Mason and Grattan Streets in order to move the property line. On motion of Councilman Dingledine, seconded by Councilman Green, and a unanimous vote of Council, the matter was referred to the City Planning Commission for study and recommendation.

✓ A request was presented from Mr. Richard L. Chew for rezoning of lots 1, 2 and 5 situated on the southeast corner of New York Ave. and Beech Street, from R-1 Residential to R-2 Residential, which, according to Mr. Chew, better reflects the present land usage. Following a brief discussion, Vice-Mayor Denton moved that the matter 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.

✓ City Manager Milam reported that applications for Bingo permits had been completed and submitted to the Office of the Commissioner of Revenue, along with financial statements from the following organizations:- Ladies Auxiliary, Fire Co. #1; Ladies Auxiliary, Hose Co. #4; Harrisonburg Lodge #1686 Loyal Order of the Moose; B.P.O.E. Lodge 450; and Rion-Bowman Post 632 V.F.W. He noted that under the law, only the governing body can issue the permits, and that according to the Commissioner of Revenue, the applications were in order for Council action. Vice-Mayor Denton moved that the applications be approved with authorization for Bingo permits to be issued the five organizations for calendar year 1978, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ City Manager Milam called members' attention to their copies of the annual audit report of Commonwealth Revenues for the office of City Treasurer, fiscal year ended June 30, 1977 as prepared by the state auditor. He noted total receipts in amount of \$ 531,756. The report was ordered filed for information.

✓ Dr. C.W. Caplen, Assistant Director of the Rockingham-Harrisonburg Health Department, was present in the meeting to present a written Clinic Report of City residents showing a total of 2,312 who had been seen as patients in the various clinics during the calendar year 1977. The report was for information, and ordered filed.

✓ Mr. Tom Moffett, 1st Lieut. of Fire Co. No. I, informed Council that the company was in the process of purchasing a new salvage truck at an estimated cost of \$ 25,000. and that they had been checking with several of the local banks regarding a loan. He said they had been advised by one of the banks that if the City of Harrisonburg would be "Maker of the Loan.", the interest rate would drop from 8% to 4 1/4% on a projected figure of \$ 20,000. based on a 3-year loan basis, with a down payment of \$ 5,000. Mr. Moffett informed Council that the company has financial backing for the payments, which would place the City at no risk. Mayor Erickson observed that this was an unusual situation and questioned the legality of the City taking such a stand. He also mentioned the fact that it could set a precedent for other similar requests and said that in most cases, the City would become the endorser. Following discussion, Councilman Green moved that the City Manager and City Attorney check into the situation from a legal standpoint, and assist the Fire Company in any way the City can, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ Mr. Reggie Smith, Transportation Director, presented his annual report for 1977 with regard to number of miles; number of passengers; revenue & expenses for taxi and bus transportation. He noted that the student coupon system had been introduced last year and that they are now also cooperating with the V.P.A.S. in transporting senior citizens. There has been no rate increase, which appears to be the cheapest service offered in the United States, according to information he had received while attending a national conference for transportation officials. Expenses for the year totaled \$ 125,553.71, with revenue of \$ 103,315.34. He informed Council of some vandalism and disciplinary problems on buses and said they will be needing, at some future date, a wheelchair equipped vehicle for Special Education and nursing home patients. At the present time, work is being done toward a grant through the Highway Dept. to assist with purchase of the equipment. Mr. Smith said that a rate system is necessary in order to encourage shared-rides. In answer to a question, the Director said that the routes for buses will be studied again in the spring, and that he had no recommendation at this time with regard to shared-rides. He expressed a desire to handle more agencies in the future, which would reduce the number of private vehicles going to and from meetings, etc. Councilman Dingledine called attention to a letter addressed to Council from the senior citizens, expressing concern about the safety at the corner of S. Dogwood Dr. and W. Market St., due to it being a difficult turn and quite dangerous, even with the blinking safety light. Mr. Smith said that all drivers had been cautioned about this particular area and that he had not been able to determine which, if any, use the turn. Mayor Erickson asked the Director to convey Council's appreciation for services rendered, right on down through the transportation employees, for a successful program.

✓ Rockingham County Supervisor Jennings Morris, Vice-Chairman of the Harrisonburg-Rockingham Regional Sewer Authority and Chairman of a special committee to work out solution to an existing sewer problem, appeared before Council to present for consideration, a lease agreement between the City of Harrisonburg and the Authority for a portion of City owned line on the City's sewage collection system located between the existing point of connection of City's line with Authority's Black's Run Interceptor. Under the agreement, the Authority would pay the City an annual payment of \$ 8,590. for a period of twenty (20) years, after which time the Authority would purchase that portion of line for the sum of One Dollar (\$1.00) with the City furnishing clear title to same. The City would reserve the right to make future sewer connections to that portion of line in accordance with Authority rules & regulations which may be in effect at the time any connection is made. The Authority would operate & maintain the portion of line in accordance with accepted practice and agree to take all necessary steps, should that portion of line become overloaded, whether in the form of installing a parallel line or an increased size line, or other means, as the situation may require. Further, that the City would transfer easements to the Authority to allow for access to and operation and maintenance of the portion of line within 30 days from the date of Agreement. Mayor Erickson noted that the provisions were similar to a prior recommendation, at same set amount, which Council had agreed to review. Vice-Mayor Denton moved that the proposal from the Sewer Authority be accepted. The Mayor reminded members of a question which had arisen concerning Section 1b,

or final sale of that portion of City owned line, after which Mr. Denton withdrew his motion and moved

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DD550



that Council enter an executive session at this time (8:30 P.M.) to discuss a legal matter. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

The executive session was declared closed at 9:05 P.M. and the regular session reconvened.

✓ Vice-Mayor Denton moved that Council accept the lease agreement in principle, between the City of Harrisonburg and Regional Sewer Authority, and refer same to the City Attorney to be drawn in proper contract form, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ City Manager Milam informed Council that according to a Memorandum from the Department of Conservation & Economic Development, the City of Harrisonburg is eligible for a Grant in the amount of \$ 2,444. to be used for a Litter Control Program. He read a proposed resolution and recommended that the Mayor be authorized to sign the same, which would enable him to submit an application for the Grant. Following a brief discussion, Councilman Green moved that the recommendation of the City Manager be approved, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

✓ Correspondence dated 2/1/78 from the Department of Utility Billing was read by the City Manager, requesting Council's authorization to charge off city records 52 delinquent water, sewer & refuse accounts for years 1975-76-77 in total amount of \$ 891.97. It was noted that none of the consumers listed as delinquent, have service with the City at the present time, and that every effort had been made to collect the accounts. Following a brief discussion, Councilman Rhodes moved that the Department of Utility Billing be authorized and directed to charge the listed accounts off city records, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ With regard to a contract to be approved by participants in the Multi-Jurisdictional Jail Facility which had been deferred at an earlier meeting of Council, the City Manager reported that Augusta County had withdrawn from the project due to excessive share of construction costs, after which time they had developed percentages and total costs based on prisoner days and submitted same to the cities of Waynesboro and Staunton. He noted that this method of cost sharing would greatly reduce Harrisonburg's cost from the projected amount of \$ 800,000., due to fewer cells which would be required for the City. Under the population basis, one cell was allocated for every 1,000 persons. Following discussion, it was agreed that the matter be placed on the agenda for the next regular meeting.

✓ Correspondence dated 1/12/78 was read from Mr. James Rhodes, Chairman, Harrisonburg Highway Safety Commission, recommending the name of Mrs. Michael D. (Darlene) Slaymaker, for appointment to the Commission, in that it was felt that one person, representing the Parent-Teacher Associations of city schools, should serve. It was noted that PTA members who had met with the commission on January 3rd had requested that she be appointed. Councilman Green moved that Mrs. Slaymaker of 1175 S. Dogwood Drive be appointed to the Harrisonburg Highway Safety Commission, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Vice-Mayor Denton moved that a supplemental appropriation in amount of \$ 9,561.84 requested by the Street Superintendent for snow & ice removal due to insufficient funds, as well as to recover construction costs for work done on Central Avenue for a subdivider, be approved for second and final reading, a first reading having been approved on January 10th, and that:-

\$ 7,826.62 chgd.to: General Fund (1005.01) Driveway entrances, sidewalks, etc.

1,735.22 chgd.to: General Fund (1005.00) Recoveries & Rebates.

2,561.84 approp.to: General Fund (1-10110-275.03) St.Inspect.-Maint.& Repairs-work in annexed area.

7,000.00 approp.to: General Fund (1-10330-350.00) St.Cleaning- Snow & Ice removal.

which motion upon being seconded by Councilman Rhodes, 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 total amount of \$ 106,865.04 in order to appropriate monies received from the Virginia Employment Commission for labor in various city departments under the CETA Program for Title 6 and Title 6 Special Project. Following a brief discussion, Councilman Dingledine moved that the appropriation be approved for a first reading, and that:-

\$ 81,296.10 chgd.to: General Fund (1005.00) Recoveries & Rebates.

25,568.94 chgd.to: General Fund- Unappropriated Surplus Account.

11,548.39 approp.to: General Fund (4040-12.50) Pur.Agent-Wages-Title 6.

4,647.96 approp.to: General Fund(6015-12.50) Police Ct.-Wages-Title 6

1,716.00 approp.to: General Fund (9010-12.01) Police Dept.-Wages-Trfc.Ctl.-Title 6

14,802.00 approp.to: General Fund (9020-12.50) Fire Dept.-Wages-Firemen-Title 6

11,022.93 approp.to: General Fund (10110-12.01) St.Dept.-Wages-Laborers-Title 6

5,162.00 approp.to: General Fund (10110-12.50) St.Dept.- Wages- Laborers- Title 6

1,125.04 approp.to: General Fund (10110-12.51) St.Dept-Wages-Inspctr.-Title 6

5,775.21 approp.to: General Fund (10340-12.50) Refuse Coll-Wages-Laborers-Title 6 (Spec.)

3,982.40 approp.to: General Fund (11020-12.01) Rec.Supvr-Wages-Title 6

3,249.48 approp.to: General Fund (11020-12.02) Athl.Supvr.-Wages-Title 6

2,811.12 approp.to: General Fund (11020-12.03) Park Sec.Off-Wages- Title 6

1,633.76 approp.to: General Fund (11020-12.04) Maint.Man- Wages-Title 6

3,948.48 approp.to: General Fund (11020-12.05) Rec.-Athl.Supvr.-Wages-Title 6

3,343.22 approp.to: General Fund (11020-12.50) Rec.Instr.-Wages-Title 6

3,948.48 approp.to: General Fund (11020-12.51) Park Maint.Supt.-Wages-Title 6

2,733.90 approp.to: General Fund (11020-12.52) Janitor-Wages-Title 6

2,592.23 approp.to: General Fund (11020-12.53) Clk-Typst/Rec.- Wages- Title 6

2,759.94 approp.to: General Fund (11020-12.55) Grds.Maint.Man/Housekpg-Wages- Title 6

5,011.70 approp.to: General Fund (11020-12.57) Concessioner-Wages-Title 6

9,506.90 approp.to: General Fund (11020-12.58) Laborers-Wages-Title 6 (Spec.)

1,625.40 approp.to: General Fund (11020-12.59) Acct.Clk I- Wages-Title 6

2,128.00 approp.to: General Fund (11020-12.60) Youth Programmer-Wages-Title 6

1,790.50 approp.to: General Fund (11020-12.61) Arts/Crft.Instr.-Wages-Title 6

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

A request was presented from the Street Superintendent for approval of a supplemental appropriation in amount of \$ 17,000. from General Fund, Unappropriated Surplus Account, due to insufficient funds for snow & ice removal. A report which accompanied the request revealed that as of February 8, 1978, an amount of \$ 27,618.26 had been expended with outstanding bills of approximately \$ 12,000. and deficit of \$ 3,618.26. Assistant City Manager Driver elaborated on the costly project and explained the method used in clearing primary and other streets in the city. A question was raised with regard to cleaning those streets served with curb mail delivery, and Mr. Driver replied that parking on streets made this a most difficult task. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:-

\$ 17,000. chgd.to: General Fund, Unappropriated Surplus Account.

17,000. approp.to: General Fund (10330-350.00) Snow & Ice Removal.

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

A request was presented from City Auditor Shifflet for approval of a supplemental appropriation in amount of \$ 6,251.60 in order to appropriate Social Security Tax received for employees under the CETA Program for a six month period, July through December, 1977. Councilman Green moved that the appropriation be approved for a first reading, and that:-

\$ 6,251.60 chgd.to: General Fund (1005.00) Recoveries & Rebates.

6,251.60 approp.to: General Fund (01-4110-250) F.I.C.A. (Soc.Security)

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 the Transportation Director for approval of a supplemental appropriation in amount of \$ 26,639.96 from the General Fund Unappropriated Surplus Account into the Public Taxi - Transportation Fund for depreciation on vehicles in the department, due to insufficient funds. Following a brief discussion and explanation by the City Auditor, Vice-Mayor Denton moved that the appropriation be approved for a first reading, and that:-

\$ 26,639.96 chgd.to: General Fund - Unappropriated Surplus Account.

26,639.96 approp.to: Public Taxi - Transportation Fund (1-610.00) Depreciation.

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

A request was presented from the Water-Sewer Superintendent for approval of a transfer in amount of \$ 750.00 from the Water Department appropriations to the Recreation Department due to an error in charging two deposits on chlorine cylinders. Vice-Mayor Denton moved that the transfer be approved, and that:-

\$ 750.00 trans.from: Water Fund (6-212.00) Other Materials & Supplies.

500.00 trans.to: General Fund (11030-212.00) Westover Swimming Pool- Other Mat. & Supplies.

250.00 trans.to: General Fund (11031-212.00) Harris Swimming Pool- Other Mat. & Supplies.

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

A request from Police Chief Presgrave was presented by the City Manager for approval of a supplemental appropriation in amount of \$ 256.90 in order to replace monies in accounts for Police Schools and Special Police, with funds received. Councilman Green moved that the appropriation be approved, and that:-

\$ 236.90 chgd.to: General Fund (1005) Recoveries & Rebates.

20.00 chgd.to: General Fund (1005) Recoveries & Rebates.

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

20.00 approp.to: General Fund (9010-11.08) Special Police.

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

Correspondence dated 1/31/78 from an Engineering Representative of Insurance Services Office, Richmond, Va., was presented and read by the City Manager, advising that the fire insurance classification of Harrisonburg had improved from Class 6 to Class 5, with effective date of February 1, 1978. Manager Milam pointed out that a survey had been made last fall which resulted in the very good rating, and noted that various factors were involved which prompted the improvement (i.e. number & location of fire hydrants; water supply; location of fire departments; communications system, etc.). He said that the classification could mean up to a 7% reduction on commercial, based on construction, but possibly 0% on residential. The report was for information.

The City Manager informed Council that the Redevelopment & Housing Board had made a request for Housing Authority members to be included under the City's Group Insurance through the Travelers Insurance Company, under the same policy as city employees. He read a letter dated 1/25/78 from Shomo & Lineweaver Insurance Agency, Inc. advising that the Manager of Travelers Group Department in Richmond had suggested the following: (1) The Travelers would be willing to set the R & H Authority up as a separate account under the City's Group, but only with a letter of approval from the City Manager requesting this; (2) suggested that the City Manager check with the City Attorney to be sure that the City can legally allow the R & H Authority to come under the City's Group coverage. City Attorney Lapsley said there was no legal problem in coverage, with the members paying their pro-rated share. Following a brief discussion, Vice-Mayor Denton moved that the request be granted and that the City Manager be authorized to reply to the Insurance Services Office correspondence, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

A matter which had been postponed at prior meetings of Council was presented by the City Manager with regard to a Deed of Easement between Weinstein Associates, Developers of Squire Hill Apartments, and the Regional Sewer Authority, City of Harrisonburg, and others. He advised Council that the City is requested to consent to the conveyance to the Regional Sewer Authority for the purpose of sharing at no cost, an easement acquired by the City, for the purpose of laying water and sewer lines by deed dated 7/1/64, and 20 foot easement acquired by deed dated December, 1969. He explained that Weinstein Associates desire to install a sewer line paralleling Port Road under Interstate 81 at Purcell Park, on which

project the Regional Sewer Authority will share expenses. According to Manager Milam, the Deed of Easement had been signed by all parties involved, with the exception of the City of Harrisonburg. Following discussion, Councilman Dingleline moved that the document be approved, with authorization for the Mayor to sign same on behalf of the City, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

Vice-Mayor Denton moved that item 16 (second reading of an ordinance amending Sec. 29-51 of the City Code to delete the \$100. per lot subdivision charge), and item 17 (second reading of an ordinance amending Sec. 29-114 of the City Code to delete connection fees outside the Corporate Limits that range from \$500. to \$1,000.) on tonight's agenda, be tabled and carried on Council's calendar of unfinished matters, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

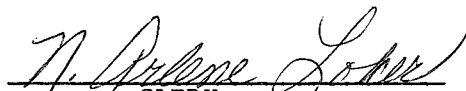
✓ City Manager Milam pointed out some highlights from his Progress Report for the month of January, 1978, and Council again discussed the matter of snow removal from city streets, particularly those with curb mailboxes. Councilman Dingleline asked the Assistant City Manager the possibility of publicizing snow removal, possibly through the news media, for removal of vehicles at a particular time, in order to clear the area where curb mail is delivered. Mr. Driver noted that it takes an 8-hour period to make just one pass with snowplow through city streets, and said he would make a survey to determine the number of streets involved with curb delivery, the number of miles, estimated cost, etc., and report back to Council.

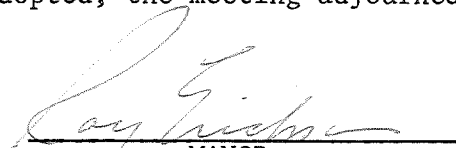
✓ Councilman Green, member of a special parking study committee, reported that they had met last night, with little accomplished. He reported that the hospital feels it does not have a parking problem which it cannot resolve, possibly by using bus pickup for employees on shift work, or in some other way. He said that the university does have a problem and that other meetings of the committee will have to be held, probably without participation of the hospital, and that Council would be notified prior to the next meeting for any input or comments. The report was for information.

✓ Inasmuch as Senate Bill 283 had been passed by the Senate, Vice-Mayor Denton moved that a letter expressing opposition to same be sent each member of the House of Delegates tomorrow, signed by each member of the governing body, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ Councilman Green opened a discussion concerning the Kavanaugh Hotel building and noted that inasmuch as the renovation project had not proven feasible, consideration should be given with regard to demolition. The City Manager reported that no interest had been expressed by anyone to rent the building, or any portion thereof, but that more emphasis had been placed on the now vacant lot (former B.Ney Building). He pointed out that despite newspaper publication that the lot would be reserved for parking, this was in error, in that Council had only mentioned the fact, during the holidays, that it may be used for parking on a temporary basis, with development on the lot anticipated. Following discussion, a motion was duly adopted to place the matter on Council's agenda for the next regular meeting date.

There being no further business and on motion duly adopted, the meeting adjourned at 10:50 P.M.

  
CLERK

  
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. 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 February 14th were read, and approved as corrected.

✓ City Manager Milam presented for information the annual audit report for the Juvenile & Domestic Relations District Court (fiscal year ended 6/30/77) as prepared by Mr. Charles Tribble, Auditor of Public Accounts, Richmond, Va. The examination disclosed that all records had been prepared in very good order and revealed receipts totaling \$ 121,498. and disbursements totaling \$ 122,022. Mr. Tribble reported to Governor John N. Dalton that all employees of the Court were covered under a Public Employees Faithful Performance Blanket Position Bond for \$ 100,000. with The American Insurance Company as surety. The report was ordered filed.

✓ City Manager Milam 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 the highway activities completed in 1977 and those projects scheduled, as well as for continued interest in our rapidly-developing area. The following five-point planning program, approved by the Chamber's Board of Directors, was then presented by Mr. Neff, for Council's consideration:-

Primary I. Dual lane approximately 1 mile US 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 St. to South City Limits, scheduled for completion in 1978. The plans are ready to hold the public hearing 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. 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 six year period, we strongly feel this project should take precedence over what we understand is the planned project for improvement of US Route 33 West from West City Limits of Harrisonburg to Route 613. A public meeting on the Route 42 project held in the summer of 1977 with some 200 people affected, indicates a definite need for this project.

- 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, bottlenecking 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 the area, but will facilitate flow of East-West traffic for Harrisonburg, complementing the improvements completed by the City of Harrisonburg on Bruce and Wolfe Streets and current construction on Cantrell Avenue to improve East-West movement of through traffic.
- PRIMARY V. Reconstruction of US 340 (Stuart Ave.) in the town of Elkton between Business 33 and Spotswood Trail, including the bridge over Elk Run. (Approximately 1/5 mile). The town of Elkton has reported 76 accidents in the last five years, with 16 injured and \$ 65,291. in property damage in this area.

Mr. Neff referred to a statistical report attached to the proposed program, showing comparison of Rt. 33 West and Rt. 42 North with regard to accidents (fatalities and injuries); property damages, etc. for a five-year period (1971-1976), noting a 12 to 1 death rate as a result of accidents. Following discussion, Councilman Rhodes moved that Council approve the 1978 Five-Point Highway Program as submitted by the Harrisonburg-Rockingham Chamber of Commerce, and urge consideration for placing priority on Route 42 North (Harrisonburg and Broadway-Timberville) over that for Route 33 West (City Limits to Route 613); based on statistics supplied by the Chamber, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

For information, Mayor Erickson reported that he had been advised by correspondence from the Department of Highways & Transportation that a series of public meetings were being scheduled throughout the state in order to give citizens and public officials additional opportunities to participate in the highway decision making process. The Staunton District meeting will be held at the Staunton District Office on Tuesday, March 28th at 10:00 A.M.

City Attorney Lapsley, on recommendation of the special Parking Study Committee from their meeting of October 13, 1977, presented an ordinance amending Section 17-42.4 of the City Code titled "Resident Defined", which amendment reads as follows: "for the purpose of this ordinance the word resident shall mean any person who owns and occupies any dwelling along with the members of his or her household, or any person who rents on a pre-determined basis any privately owned apartment or room within the areas outlined in Section 17-42," as well as a new paragraph serving as a preamble for the entire Chapter 17. Mr. Julius Ritchie, a member of the committee, reported that the area of S. Main & Patterson Streets had been quite a problem, which escalated during the recent snows, in that students residing in the Shenandoah Apartments (corner of Main & Patterson) had acquired 19 residential parking permits from the office of City Treasurer (in that they could, under the present ordinance, qualify as renters), when this number of permits exceeded parking spaces available on Patterson St. He reminded Council that the situation had been called to Council's attention in September of last year when Mr. Kenneth Kyger of Kyger-Trobaugh Funeral Home (903) S. Main St.) asked some relief in that it was impossible for delivery of supplies to be made from the side entrance. At that time, the special Parking Study Committee was recalled and the matter referred to it for study and recommendation. Following discussion, Councilman Dingledine 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 of a petition signed by six residents of S. Mason St. (between Paul & Campbell Sts.) and submitted to Council in September, 1977, requesting that the residential permit parking ordinance be abolished, or that they be included in the designated area. This matter was referred at that time to the special Parking Study Committee which had been recalled to review another area. A recommendation from a meeting of that committee on October 13, 1977, as submitted by Mr. Robert Sullivan, Sect'y, was for expansion of the designated area as follows: north to Franklin St.; west to Federal St.; and south to a point opposite Paul & Federal Sts. A second recommendation was for an April 1978 effective date. Mayor Erickson asked if it was the desire of Council to take action at this time with regard to a first reading of an ordinance, or if more time was needed for study. Vice-Mayor Denton questioned whether or not any investigation had been made to determine how the residential permit parking relates to restricted parking on Newman Ave., to which Mr. Ritchie replied in the negative. Mr. Denton suggested that the Study Committee look into the entire situation, and then moved that an ordinance amending Sec. 17-42 "Residential Permit Parking" to include the expanded area 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.

Mayor Erickson informed Council that Mr. Jerry Gass, Executive Director of the Virginia Poultry Federation had made request again this year to be granted the right to receive Vender's licenses during days of the festival. He reminded members that last spring, when the request was presented, the City Attorney had submitted a memorandum recommending that Council declare that street vendors, for days of the poultry festival, shall obtain licenses from the festival officials, with funds obtained from sale of such licenses to be retained by the festival. Following a brief discussion, and based on the fact that the policy had worked well last year, Vice-Mayor Denton moved that the request be granted again this year under the previous recommendation of the City Attorney, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

City Manager Milam reported that the Kavanaugh Rehabilitation Project had been listed on tonight's

agenda with the thought that more information would be in, concerning same. He noted that Mr. John Byrd, Building Official, was in Richmond at the present time with the hope of solidifying various alternatives of the project and had left a memorandum suggesting that the matter be deferred until the next regular meeting, with the expectation of more information at that time. This was agreed by Council and the City Manager instructed to place the matter on the next agenda.

City Manager Milam said he had no concrete information re the regional jail facility at this time except to report that a different arrangement is being looked into for basis of construction costs to be paid by the various participating political subdivisions, in lieu of the proposed guideline which delegates one (1) cell per each 1,000 population and provides for a review of cell use after a five year period, with proper adjustments to be made on amount paid by each locality. He reported that House Bill 588 relating to reimbursement for jail construction or renovation is before the General Assembly, and if passed, would provide for up to \$ 150,000. reimbursement by the state to each locality participating in a regional facility. The matter was deferred pending conclusion of financial arrangements and the Mayor asked for the item to be carried on each agenda to receive progress reports.

Mayor Erickson reminded members that Mr. Warren L. Braun's term on the Upper Valley Regional Park Authority had expired as of January 24, and asked their wishes concerning an appointment. Vice-Mayor Denton moved that Mr. Braun be reappointed to the Authority for a term of four (4) years, expiring on January 24, 1982, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

During a discussion of appointments to various Boards & Commissions, Councilman Dingledine moved that Mr. Emmet C. Stroop of 430 Ohio Avenue, President of Stroop Oil Co., be appointed to the Harrisonburg Electric Commission for a term of three (3) years, expiring on December 31, 1980. The vacancy was created by expiration of Mr. Lyle Sweet's second successive term on December 31, 1977. The motion was seconded by Vice-Mayor Denton and adopted by a unanimous vote of Council.

Vice-Mayor Denton moved that a supplemental appropriation in amount of \$ 106,865.04 requested by the Assistant City Manager in order to appropriate monies received from the Virginia Employment Commission for labor in various city departments under the CETA Program for Title 6 and Title 6 Special Project, be approved for second and final reading, a first reading having been approved on February 14th, and that:-

\$ 81,296.10 chgd.to: General Fund (1005.00) Recoveries & Rebates.  
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 1,716.00 approp.to: General Fund (9010-12.01) Police Dept.-Wages-Trf.Ctl.-Title 6  
 14,802.00 approp.to: General Fund (9020-12.50) Fire Dept.-Wages-Firemen-Title 6.  
 11,022.93 approp.to: General Fund (10110-12.01) St.Dept.-Wages-Laborers-Title 6.  
 5,162.00 approp.to: General Fund (10110-12.50) St.Dept.-Wages-Laborers-Title 6  
 1,125.04 approp.to: General Fund (10110-12.51) St.Dept.-Wages-Inspctr.-Title 6  
 5,775.21 approp.to: General Fund (10340-12.50) Refuse Coll-Wages-Laborers-Title 6 (Spec.)  
 3,982.40 approp.to: General Fund (11020-12.01) Rec.Supvr.-Wages-Title 6  
 3,249.48 approp.to: General Fund (11020-12.02) Athl.Supvr.-Wages-Title 6  
 2,811.12 approp.to: General Fund (11020-12.03) Park Sec.Officer-Wages-Title 6  
 1,633.76 approp.to: General Fund (11020-12.04) Maint.Man- Wages- Title 6  
 3,948.48 approp.to: General Fund (11020-12.05) Rec.-Athl.Supvr.-Wages-Title 6  
 3,343.22 approp.to: General Fund (12.50) Rec. Instr.- Wages- Title 6  
 3,948.48 approp.to: General Fund (11020-12.51) Park Maint. Supt.- Wages- Title 6  
 2,733.90 approp.to: General Fund (11020-12.52) Janitor- Wages- Title 6  
 2,592.23 approp.to: General Fund (11020-12.53) Clk/Typst/Rec-Wages- Title 6  
 2,759.94 approp.to: General Fund (11020-12.55) Grounds Maint.Man/Housekeeping-Wages-Title 6  
 5,011.70 approp.to: General Fund (11020-12.57) Concessioner-Wages-Title 6.  
 9,506.90 approp.to: General Fund (11020-12.58) Laborers-Wages-Title 6 (Spec.Proj.)  
 1,625.40 approp.to: General Fund (11020-12.59) Acct.Clk I- Wages- Title 6  
 2,128.00 approp.to: General Fund (11020-12.60) Youth Programmer-Wages-Title 6  
 1,790.50 approp.to: General Fund (11020-12.61) Arts/Crft Instr.-Wages-Title 6

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

Councilman Dingledine moved that a supplemental appropriation in amount of \$ 17,000. requested by the Street Superintendent due to insufficient funds for expenses incurred in removal of snow & ice, be approved for second and final reading, a first reading having been approved on February 14, and that:

\$ 17,000. chgd.to: General Fund - Unappropriated Surplus Account.  
 17,000. approp.to: General Fund (10330-350.00) Snow & Ice Removal.

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 \$ 6,251.60 requested by the City Auditor in order to appropriate Social Security Tax received for employees under the CETA Program for six month period (July - Dec. 1977) be approved for second and final reading, a first reading having been approved on February 14th, and that:-

\$ 6,251.60 chgd.to: General Fund (1005.00) Recoveries & Rebates.  
 6,251.60 approp.to: General Fund (01-4110-250) F.I.C.A. (Soc.Security).

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 amount of \$ 26,639.96 requested by the Transportation Director for depreciation on vehicles due to insufficient funds, be approved for second and final reading, a first reading having been approved on February 14th, and that:-

\$ 26,639.96 chgd.to: General Fund - Unappropriated Surplus Account.  
 26,639.96 approp.to: Public Taxi-Transportation Fund (1-610.00) Depreciation

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

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✓ The City Manager presented a request from the Director of Social Services for approval of a supplemental appropriation in amount of \$ 599.28 in order to cover salary and administrative costs of a VISTA Volunteer Worker in the department, with federal funds which have been received. Councilman Green moved that the appropriation be approved, and that:-

\$ 599.28 chgd.to: VPA Fund (1005-2) Recoveries & Rebates.

556.00 approp.to: VPA Fund (05-8021-1900) Personal Ser.-Vol.Worker VISTA (Thornton)

8.88 approp.to: VPA Fund (05-8021-250.00) Other Oper.- FICA, etc.

34.40 approp.to: VPA Fund (05-390.00) Other Oper. Other & Misc.

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

✓ A request was presented from the School Board Office for approval of a supplemental appropriation in amount of \$ 31,657.68 in order to appropriate receipts from the Comprehensive Employment & Training Act (CETA) for quarter ended 12/31/77, into proper accounts. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:-

\$ 31,657.68 chgd.to: School Fund (R-28A) Receipts from Fed.Funds- Other Fed.Funds- CETA

3,730.87 approp.to: School Fund (1201-109.50) Other Inst.Costs- Comp.Teacher Aides- CETA

4,988.86 approp.to: School Fund (1201-109.51) Other Inst.Costs- Comp.Clerical Asst.Inst.-CETA

21,188.32 approp.to: School Fund (1201-134.50) Day Sch.Inst.-Comp.Elem.Teacher.-CETA

1,749.63 approp.to: School Fund (1206-295.50) Fixed Charges- CETA

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

✓ A request was presented from the Water/Sewer Superintendent for approval of a supplemental appropriation in amount of \$ 25,000. from the Water Fund Unappropriated Surplus Account into account for payment of electric bills, due to insufficient funds for remainder of the current fiscal year. It was noted that charges for electricity as of January, 1978, exceeded the budget appropriation by an amount of \$ 677.63. Following a brief discussion, Councilman Green moved that the appropriation be approved for a first reading, and that:-

\$ 25,000. chgd.to: Water Fund - Unappropriated Surplus Account.

25,000. approp.to: Water Fund (2-361.00) Source of Supply- Electricity.

which motion upon being seconded by Councilman Rhodes, 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 February 15, 1978, was read by the City Manager:-

"...The Commissioners reviewed a map showing the area involved (12,000.3 sq.ft.) in the northwest corner of S.Mason & Grattan Sts. Mr. Richard Chew, owner, has an agreement to buy 11.3 sq.feet from Mr. James Tay, owner of Lot 23 north of Mr. Chew's vacant Lots 24 & 25. The required setbacks are shown on the map, and if the resubdivision is finalized, a 3-unit apartment structure facing Grattan St. will be feasible under the R-2 zoning regulations. Mr. Byrd reported that Mr. Chew and Mr. Tay have worked out this layout together.

Dr. Shank offered a motion for the Planning Commission to recommend approval of the resubdivision of Lots 23-25, Block M, Page 25, City Block Map. Mr. Fleming seconded the motion and all members present voted in favor..."

Council reviewed the plot plan submitted with the recommendation, and discussed the matter briefly. Councilman Rhodes moved that the recommendation of the Planning Commission be approved, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ Assistant City Manager Driver, in compliance with a request of Council, reported as following removal of snow from streets served with curb delivery service: no set cost can be placed on any snow in that it depends on the number of inches and type of snow (light or heavy). The plowing begins early and continues, with it being impossible to make a second pass on a 12" snow due to undersized equipment. There are 24 miles of street served with rural style mailboxes, and a total of 1,012 such boxes, or 1 box every 200'. It would require 168 hours, or seven full 24 hour days to move snow from these areas with the city's one loader, making it impossible to clear the downtown area and primary streets unless a second loader would be rented for this purpose. If snow were light enough (4" accumulation), it could have been plowed back of the boxes on a second pass at a 6-hour minimum at a cost of approximately \$ 200. per hour to operate the equipment, or a total of \$ 1,200. Mr. Driver noted a total of 65 miles of street plowed by the city, and informed Council that it costs in the neighborhood of \$ 2,000. for salt to clear a light snowfall. City Manager Milam pointed out the fact that all new personnel operated the snow removal equipment this year, in that none of those employed during the last heavy snow in 1962 are now employed by the City. He noted more than 2,000 phone calls received concerning the snow removal, and said that all municipal and utility personnel involved, had worked double time, with lodging made available for those living outside the city. The report was for information.

✓ Assistant City Manager Driver reported that the city presently owns a number of lots at various locations which are of no particular use, and suggested that several be advertised for sale. The first lot discussed is comprised of approximately 15,000 sq.feet and located on E. Washington St. in an industrial zone. It was purchased by the City from the Charlton and Beulah Marshall estates. He requested guidance of Council, in that one party has expressed an interest in purchasing same. Following a brief discussion, Council deferred making a decision at this time, pending further investigation and an opportunity for members to look at the site.

✓ Mr. Driver, Assistant City Manager, reported the following two alternatives with regard to residue of lot left from demolition of the College Esso Station across from the James Madison University which he has asked the Highway Department to convey to the city at a cost per square foot: (1) trade this portion of lot, along with a triangular shaped lot on Warsaw Street purchased earlier from C. W. Ewing, to Allen-Gale Enterprises, for lots along Warsaw Street which are needed by the City for extension and widening of that street; (2) the City to purchase those lots along Warsaw Street for necessary rights-of-way for the project. Until a decision is reached with regard to a trade of lots, Mr. Driver said no negotiations could be made for purchase of lots. Vice-Mayor Denton offered an opinion that a decision should not be made until a reply is received from the Highway Department re conveyance of residue to the City. Mr. Driver said they would wait, but asked an early decision since money is available in the

current budget to build this section of street prior to July 1st of this year. Council discussed the matter briefly and expressed some concern about the possibility of another fast food establishment along the busy Route 11. No action taken at this time.

✓ A third remaining portion of city-owned lot comprised of approximately 10,000 sq. feet and located at the corner of Ott St. and a 15' alley which runs from Ott St. to Monticello Ave., was brought to Council's attention by the Assistant City Manager. He suggested that 20' be retained by the City for the purpose of future widening of the alley to 35', and that the remainder be advertised for sale. Inasmuch as the lot would be odd shaped, Mr. Driver said that a zoning variance may have to be acquired in order for a dwelling to be built on same. Following discussion, Councilman Green moved that 20' of the lot be retained by the City and that the remainder of same be advertised for sale, at a minimum bid price, with bids to be received in the Assistant City Manager's Office, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ The City Manager presented a notice received from the State Corporation Commission, advising that Richards Bus Lines, Inc. had applied for a Certificate of Public Convenience & Necessity as a special or charter party carrier by motor vehicle from the origin points of the cities of Fredericksburg, Harrisonburg and Winchester and the counties of Page, Rappahannock, Rockingham, Shenandoah and Warren. A hearing is scheduled on the application for March 20, 1978, 10:00 A.M. in the Blanton Building, Richmond, Va. Any protest issued by those affected by the application must be filed 10 days prior to the hearing. Following a brief discussion, the City Manager was instructed to send a copy of the notice to Mr. Doug Harmon, operator of a courier service, and place the matter on Council's agenda for the next regular meeting for presentation of any comments, etc.

✓ City Manager Milam asked Council whether or not it desired to consider reopening a prior request by Frank Cline & Son for closing of an alley off Gay Street, which matter had been tabled in June of last year. It was unanimously agreed that the matter remain tabled.

✓ The City Manager presented correspondence dated 2/23/78 from Mr. Pat Churchman, President of Big Brothers/Big Sisters of Harrisonburg-Rockingham County, Inc., advising that the organization was in the process of applying to the Division of Justice & Crime Prevention for a grant to allow for expansion of the program to include an Outreach Counselor. Inasmuch as the Department requires any grant money to a non-profit organization to pass through a local governing body, a request was made for the City to serve as the funding source. Mr. Milam reminded Council that in 1972 the City had agreed to serve as fiscal agent for a small agency, which in 1973 involved the Community Counseling Center and Friendship Industries. Since that time, under the Mental Health & Mental Retardations Services (Chapter 10) Board, there have been added: Rivendale School; Pleasant View Home; Massanutten Mental Health Center and the Pear Street Halfway House. The accounts of these non-departmental regional agencies create problems and extra work in his office as well as those of the City Auditor and City Treasurer. He said that applications are often brought to his office in late evening, for signing, with no time allowed for review of same. He suggested that inasmuch as the original intent was for the service to be alternated between the city and county, that a committee from Council meet with the Board of Supervisors to request that they now assume the responsibility in that the City has served as fiscal agent for the past five years. He noted, however, that approval of the County Treasurer must be acquired, in that he would receive the monies. Following discussion, the Mayor volunteered to approach the County on the matter and report back to Council at its next regular meeting.

Vice-Mayor Denton moved that Council at this time (9:35 P.M.) enter an executive session for the purpose of discussing purchase of property, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

The regular session reconvened at 11:29 P.M.

✓ Councilman Dingledine moved that a contract be negotiated with Mr. Winston O. Weaver, Sr. for purchase of property on N. Main St. for possible use by the Massanutten Mental Health Association, with matter referred to the City Planning Commission for study and recommendation concerning lot subdivision and public use of the property, 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 11:35 P.M.

*N. Arlene Lober*  
CLERK

*Ray E. Rhodes*  
MAYOR

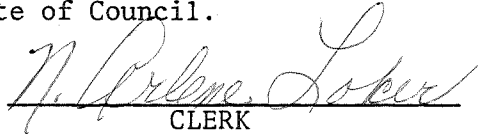
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Tuesday, March 7, 1978

✓ At a special 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, Vice-Mayor E. Warren Denton, Jr., Councilmen Raymond C. Dingledine, Jr., Walter F. Green, III and Elon W. Rhodes. Others present in the meeting: Assistant City Manager John E. Driver, Planning Director Robert Sullivan; Building Official John Byrd; Redevelopment & Housing Authority members Hollen G. Helbert, Earl Wetsel, Percy Johnson, and from the consulting firm of Harland Bartholomew & Associates, Mr. Alan Siff and Mr. John Hodges.

Vice-Mayor Denton moved that Council enter an executive session with those present for a discussion and consideration, acquisition or use of real property for public purpose, or of the disposition of publicly held property.

At 10:05 PM, Councilman Dingledine moved that the executive session be declared closed and the special meeting adjourned, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

  
CLERK

  
MAYOR



Tuesday, March 14, 1978

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.

Minutes of the regular meeting held on February 28th were read and approved as corrected. Minutes of a special meeting held on March 7th were approved as read.

The following regular monthly reports were presented and ordered filed:

From the City Manager:-

A report of activities in the various departments and said office for the month of February, 1978.

From the City Treasurer:-

A Trial Balance report as of close of business on February 28, 1978.

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 \$ 8,887.40, for month of February, 1978.

From the City Auditor:-

A financial report for the City of Harrisonburg, Va. for month of February, 1978.

A report of cash discounts saved in payment of vendors' invoices for month of February, 1978, totaling \$ 295.37.

From the Department of Utility Billing:-

A report of water, sewer & refuse accounts, meters read, installations, cut delinquents, complaints, re-reads, etc. for month of February, 1978.

The City Manager presented and read correspondence dated 3/6/78 from Mr. Jack DePoy, enclosing a plat for Unit VII of Reherd Acres, for Council's consideration and approval, as well as a plan setting forth a change on preliminary development plans for both Reherd Acres and Gunsmoke Developments. He pointed out the area on a map. On motion of Councilman Green, seconded by Councilman Rhodes, and a unanimous vote of Council, the matter was referred to the City Planning Commission for study and recommendation.

For information, Council was advised that notice had been received in the office of City Manager concerning a meeting scheduled by the State Compensation Board for April 6th in Richmond, Va., at which time information will be received from Constitutional Officers in support of salary and expense requests for fiscal year beginning July 1, 1978. Members were reminded that the Commissioner of Revenue and City Treasurer submit their proposed budgets to the Board each year, as well as to the City Council for review along with other departmental requests. Anyone desiring to attend the meeting and to be heard by the Board, should give notification of same prior to the meeting.

City Manager Milam presented correspondence dated 3/9/78 from the law firm of Wharton, Aldhizer & Weaver, representing Northfield Development Corporation, contract purchaser for approximately 30 acres of land situated in the Ira Moore Addition in the area of N. Main and Moore Streets. According to the correspondence, six lots numbered 49, 50, 51, 105, 106 & 107, abutting a 30' paper street, on which existing covenants restrict use of same for residential purposes, have prompted a request that this section of the plat be vacated in order to locate a new street through these lots. Ten additional lots in the northern part of the addition owned by Earl Wetsel and numbered 52-56 and 108-112, both inclusive, have also been requested for vacation, by Attorney Lawrence Hoover. Manager Milam pointed out the area on a map and noted that the lots would be dedicated for street purposes. Following a brief discussion, Vice-Mayor Denton moved that the matter be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

Mr. Cecil Gilkerson, Director of Parks & Recreation, was present in the meeting to report a delay of at least six months for fishing in Switzer Lake, in that personnel of George Washington National Park feel the entrance off Rt. 33 into the lake area is unsafe. He informed Council that road improvements could not be done due to bad weather conditions since December. A six month extension has been requested of the Commission on Inland Game & Fisheries who had stocked the lake with trout, in order to allow time for work to be done. Mr. George Blomstrom, District Manager of the Dry River District, offered an opinion that the safety factor should override objections which may be raised by fishermen. Mr. Gilkerson informed Council that a request has been made for a special use permit on approximately 60 acres of George Washington National Forest land, noting that their primary concern at this time is the entrance road. He recommended that the lake area remain posted until such time as a satisfactory solution can be worked out with the Park officials. The report was accepted by Council for information.

A Memo to Commissioners of the Central Shenandoah Planning District Commission from Mr. Jennings Morris, Commission Chairman, was brought to Council's attention by the City Manager. It advised of requirement for an increase of 5¢ per capita in local contribution rate from each locality in Planning District 6 due to inflation and inadequate funds. It was reported that no increase had been made since the 20¢ rate was established in 1969. Rosemary Travers, a representative of the Planning District, informed Council that yesterday, a rate of 21.5¢ per capita had been approved by the General Assembly. City Manager Milam said it was his understanding that the state did not approve the increase, which could create a problem if approved by the localities, in that they would be paying a higher rate than the state. Following a brief discussion, the matter was deferred until the next regular meeting, when more information may be available.

Council was informed by the City Manager that tentative approval had been received from officials of the Department of Housing & Urban Development to remove rear wings of the Kavanaugh Hotel building and certain other demolition items. He suggested the possibility of converting the front portion for commer-

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cial use, and said that other sites near the downtown area are being explored for the 61 living units originally authorized for the Kavanaugh building. Mayor Erickson said the matter is presently "in limbo", and asked the City Manager to carry it on Council's agendas for updated information.

✓ Council was informed by the City Manager that a meeting concerning the regional jail facility has been scheduled for Wednesday, March 22nd, at which time some contract bids will be reviewed. The matter will be placed on the next agenda, for information.

Council agreed to defer appointments to various Boards & Commissions at this time, and place the matter on the next agenda.

✓ City Attorney Lapsley presented a proposed contract between the City of Harrisonburg and Winston O. Weaver, Sr. for purchase of a house situated at 1241 N. Main Street and portion of lot 100' x 300' owned by Mr. Weaver, for the purpose of leasing same to the Mental Health Association to house the Massanutten Mental Health Clinic and Chapter 10 Board. Purchase price set at \$ 50,900. with a provision for \$ 1,000. to be paid as down payment and the balance in cash at closing, with down payment to be forfeited by purchaser in the event the contract is breached, or not consummated within the time limit, or 60 days from execution of the contract. Mr. Lapsley pointed out only one change in this contract from a former agreement, as the following addition: "This property is subject to the retention by Seller of a utility easement 10' in width along the northwest or southeast boundary of the lot above described, all utilities to be constructed underground therein." He offered an opinion that this would pose no problem in that the easement is within the setback line. Manager Milam said that officials of Chapter 10 are well pleased with the location and will proceed with plans and fees for an addition to the rear of the property needed for additional space, should purchase be made, in order that the project may be worked into a budget. Following discussion, Councilman Dingledine moved authorization for the \$ 1,000. down payment, and further that the Mayor and Clerk be authorized to sign the contract subject to approval of the Planning Commission for resubdivision of the lot, and public use of the property, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ The City Manager reported that he had forwarded a copy of the Notice from the State Corporation Commission concerning an application of Richards Bus Service to Mr. Doug Harmon, operator of a courier service, as instructed at the last regular meeting of Council, with no comments or objections received, to date. He reminded members that a hearing on the application is scheduled for March 20th in Richmond. The report was for information.

✓ The City Manager presented and read an ordinance amending Section 17-42 of the City Code by extending the area for residential permit parking, which ordinance was approved for a first reading on February 28 and referred to the City Attorney to be drawn in proper ordinance form. Councilman Dingledine noted one error, in that north to intersection of Campbell St. and Franklin St. was written into the ordinance and should have been Campbell to Federal St. Vice-Mayor Denton moved that the ordinance be approved for second and final reading, with authorization for the Mayor to sign and the Clerk to attest same and spread upon the pages of the City's Ordinance Book, upon receipt of a corrected copy from the City Atty, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K page 130).

✓ City Manager Milam presented and read an ordinance amending Sec. 17-42.4 of the City Code titled "Resident Defined" by adding words "privately owned" and addition of a preamble to the entire Chapter 17, which ordinance had been approved for a first reading on February 28th. 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 Green, was adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 131).

✓ Council was informed by the Assistant City Manager that a recent incident had brought to light the fact that when a speed study was made for Harrisonburg in the 1960s, no mention was made in the report of school zones within the City. He offered an opinion that names and locations of the various schools should be set into the record since the City has authority to raise or lower speed limits established by the state highway department, if deemed necessary for safety, etc. Following a brief discussion, Vice-Mayor Denton moved that the matter be referred to the Harrisonburg Highway Safety Commission for study and recommendation, prior to adoption of a resolution by Council, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ Councilman Green moved that a supplemental appropriation in amount of \$ 31,657.68 requested by the School Board Office in order to appropriate receipts from the CETA Program for quarter ended 12/31/77, into proper accounts, be approved for second and final reading, a first reading having been approved on February 28th, and that:-

\$ 31,657.68 chgd.to: School Fund (R-28A) Receipts from Fed.Funds- Other Fed.Funds- CETA  
3,730.87 approp.to: School Fund (1201-109.50) Other Inst. Costs- Comp. Teacher Aides- CETA  
4,988.86 approp.to: School Fund (1201-109.51) Other Inst.Costs- Comp. Clerical-  
Assistant Instr.- CETA  
21,188.32 approp.to: School Fund (1201-134.50) Day Sch.Instr.- Comp. Elem. Tchr.- CETA  
1,749.63 approp.to: School Fund (1206-295.50) Fixed Charges- CETA

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

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 25,000. from the Water Fund Unappropriated Surplus Account requested by the Water/Sewer Superintendent due to insufficient funds to pay electrical bills for remainder of the current fiscal year, be approved for second and final reading, a first reading having been approved on February 28th, and that:-

\$ 25,000. chgd.to: Water Fund - Unappropriated Surplus Account.  
25,000. approp.to: Water Fund (2-361.00) Source of Supply- Electricity.

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

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✓ Council was informed by City Attorney Lapsley that when a land exchange was made between the City of Harrisonburg and John P. Burke in the present Medical Arts area on June 25, 1936, the deed was recorded incorrectly. The City of Harrisonburg, identified as Party of the Second Part, incorrectly conveyed the triangular strip of land on the southeast side of Harrison Street to the Party of the Second Part, rather than the Party of the First Part, Mr. Burke. He presented a document which had been prepared in the office of Attorney Lawrence Hoover for the purpose of correcting the error, and asked that authority be granted for the proper officials to sign same. Following a brief discussion, Vice-Mayor Denton moved that the Mayor and Clerk be so authorized, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

✓ The Mayor reported progress in his contact with county officials re their serving as Fiscal Agent for various regional non-departmental agencies, which service has been rendered by the City of Harrisonburg for the past five years.

Councilman Rhodes reported that he had received complaints concerning poor TV cable service. Manager Milam explained that since January, the snow has blocked roadway to the top of the mountain, which has delayed investigation and any necessary corrections to be made.

Councilman Dingleline said he had received a call and question as to whether or not the city street lights are going on too early in the evening and staying on too late in the morning, as it relates to conservation of energy. Assistant City Manager Driver said that natural light regulates the timing, and that he knew of nothing which could be done.

✓ Councilman Green suggested that the Harrisonburg Blue Streaks be commended in some manner for their victory this year in becoming state champions, which met with Council's approval, and was referred to the City Manager for determination of proper method.

✓ The City Manager called members' attention to their copies of a proposed one year lease between the City of Harrisonburg and Town of Dayton for a tract of land in the area of Silver Lake, owned by the City, to allow picnic tables and other recreational facilities to be placed on the premises, and removed upon termination of the lease. Mayor Erickson suggested that the document be reviewed, and asked that the matter be placed on the next agenda.

✓ Assistant City Manager Driver asked Council whether or not any action could be taken re the East Washington St. lot, and offered to take those who may be interested, to the site, in order to expedite advertising of same for sale. Mayor Erickson suggested that Mr. Driver be contacted concerning a time to visit the area, and asked that the matter be placed on the agenda for a decision at Council's next meeting.

There being no further business and on motion duly adopted, the meeting adjourned at 9:05 P.M.

*H. Polene Loker*

*Ray Erickson*

Tuesday, March 28, 1978

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., Elon W. Rhodes; City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent: Councilman Walter F. Green, III.

Minutes of the regular meeting held on March 14th were read, and approved as corrected.

✓ Mr. William H. Ralston, Jr. of 32 Emery Street, appeared before Council to present a petition signed by 25 residents of the area, some of whom were present, requesting City Council to require the developers of Section V, Pleasant Hill Acres Subdivision, to complete the storm water pipe leading from Tamela Court to Pleasant Hill Road. He noted that where the pipe ends, water is dumped onto yards, posing a dangerous situation for children. Mayor Erickson gave assurance that the petition would be referred to the proper authority.

The Mayor extended a cordial welcome to members of Boy Scout Troop 48 who were present in the meeting.

✓ Correspondence dated 3/23/78 from Mr. Gary A. Judd, C.L.S., was read by the City Manager, requesting of Council and the Planning Commission, approval of Sections Two and Three of Liberty Square, located on the southwestern side of South Avenue, along the northwestern line of Black's Run, and between S. Main St. and Rockbridge Circle. A plat showing design of the two sections was attached to the correspondence. Councilman Dingleline moved that the matter 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 Councilmen present.

✓ Mr. William Austin, who assumed his duties as the City's new Fire Chief on March 17th, was introduced and welcomed to Harrisonburg. He expressed excitement in being here and noted a busy first week.

✓ School Board Chairman Robert A. Furr, Jr. presented to Council the 1978-79 proposed school budget in total amount of \$ 4,600,097., representing an increase in city funds of \$ 450,618. He noted that approximately \$ 6,000. more will be received this year in federal funds and approximately \$ 29,000. in other funds, with success of the school program depending largely on requested appropriation from the City. The budget reflects a 7% salary increase request, with largest amount requested under maintenance

for painting Harrisonburg High School and field house (inside and outside), and under Capital Outlay, new uniforms for the High School Band. Mr. Furr pointed out highlights from the proposed budget requests and expressed appreciation for being permitted to make the presentation. Mayor Erickson expressed pride in the City's School System and assured representatives who were present that the requests would be considered in a study of the overall City budget.

City Manager Milam presented a rough draft of final agreement between the City of Harrisonburg and Harrisonburg-Rockingham Regional Sewer Authority which had been drawn by the City Attorney as instructed by Council on February 14, 1978. A request was made by Mr. Jennings Morris, Vice-Chairman of the Sewer Authority, at that time, to lease a portion of City-owned line (approx. 4,500') for a 20-year period @ \$ 8,590. per year. He informed Council that a copy of the agreement had been sent to Mr. Don Litten, attorney for the Authority, advising him that if no reply or comments were received by last Friday, the agreement would be placed on tonight's agenda for consideration. Manager Milam noted that the first payment by the Authority would cover the period from December 1, 1977, with another payment due on December 1, 1978. Following a brief discussion, Vice-Mayor Denton moved that the Mayor and Clerk be authorized to sign the agreement on behalf of the City of Harrisonburg, following approval and signatures of Sewer Authority officials, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

The following recommendation submitted by the Planning Director from a meeting held on March 15, '78 was presented and read by the City Manager:-

"...Following the Planning Director's explanation of the Zoning Map and Land Use Plan, Attorney Don Earman presented Mr. Richard L. Chew's rezoning case, asking that property at 221 New York Avenue be rezoned from R-1 Single Family District to R-2 Residential District. Mr. Earman asked the Commission to drop from its consideration the rezoning of nearby property owned by Trinity Presbyterian Church and Carl W. Parks. Mr. Earman presented a sketch illustrating how Mr. Chew will expand the single family dwelling into a two-family house if his property at 221 New York Avenue is rezoned.

Attorney Henry Clark spoke for a delegation of neighboring residents who oppose the rezoning application. He submitted a petition with 89 signatures.

After hearing several other property owners also voice opposition, Mr. Fleming moved that the Planning Commission recommend to City Council that Mr. Chew's rezoning application be denied. Dr. Shank seconded the motion, and all members present in favor of the motion.."

City Manager Milam presented and read correspondence dated 3/19/78 from Mr. Chew, withdrawing his request for rezoning of the property. Vice-Mayor Denton moved that the recommendation of the Planning Commission for denial, be approved, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

City Manager Milam presented and read the following recommendation from a meeting of the Planning Commission on March 15, 1978:-

"...The Final Plan for Reherd Acres Subdivision, Section 7, was described and oriented to the overall Reherd Acres subdivision map. The Director explained that Section 7 will have 38 townhouse lots, to be arranged along both sides of Meadowlark Drive. Common Area property, to be used for parking vehicles behind the townhouses, will be established along with the townhouse lots. The staff's Subdivision Review Sheet was studied and all necessary drainage and utility easements shown on the plat appeared to be in proper order. Mr. Milam noted that Meadowlark Drive is 1350' long, from N. Blue Ridge Drive to Vine Street, but the overall street layout as indicated on the Reherd Acres Master Plan will serve the neighborhood well. Mr. Sullivan added that 15% of the land developed to date by Reherd Acres is in Common Area status, but all of this is being devoted to parking space and private roadway rather than green area.

Mr. Fleming offered a motion for the Planning Commission to recommend approval of the Final Plan for Reherd Acres Subdivision, Section 7. Mrs. Bowman seconded the motion and all members present voted in favor.

Dr. Shank offered a motion for the Planning Commission to recommend approval of shifting the lot line between Reherd Acres and Gunsmoke Developers, Inc. approximately 70' eastward from Vine St. Mr. Fleming seconded the motion and all members present voted in favor..."

Mr. Sullivan pointed out the area on a map, noting that in 1974 Blue Ridge Drive was a residential area comprised of single family homes, which area has grown since that time, with townhouses proposed for both sides of Meadowlark Drive under Section VII of Reherd Acres Subdivision requested for approval. He explained that the second request is for shift of the lot line approximately 70' eastward, between the two developments due to a piece of land in Reherd Acres being purchased by Gunsmoke. The Plan, if approved, will provide a reduction in the number of townhouses and apartments in Reherd Acres and create single family homes for the elderly, etc. on Vine Street which is now under construction. Following discussion, Councilman Rhodes moved that the recommendation of the Planning Commission with regard to the Final Plan for Section VII and shifting of the lot line, be approved, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Councilmen present.

The following recommendation from a meeting of the Planning Commission on March 15, 1978, was read by the City Manager:-

"...The Commissioners reviewed a map illustrating a 100' x 300' parcel located at 1241 N. Main Street. Mr. Milam reported that Chapter 10 (Harrisonburg-Rockingham Mental Health and Mental Retardation Services Board) and Massanutten Mental Health Clinic will lease the house at 1241 N. Main Street if the City purchases it. An earlier plan to lease the Sipe House at 301 S. Main St. to Chapter 10 has been abandoned. Mr. Milam reviewed a proposed contract to purchase the 100' x 300' lot and house at 1241 N. Main St. from Winston O. Weaver, Sr. for \$ 50,900. Chairman Kuykendall stated that he feels the North Main Street location is more desirable than the Sipe House. Dr. Michael Allain, research historian for the Rockingham County Historical Society, spoke on behalf of his organization and reminded the Commission that City Council said efforts would be made to find them better space.

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He asked about the Sipe House and Mr. Kuykendall explained that is up to City Council.

Dr. Shank asked Mr. Milam if City officials feel comfortable about the property at 1241 N. Main St. Mr. Milam reported that Councilmen Dingledine and Rhodes and Mr. John Byrd, Jr. had been working closely with Chapter 10 personnel and County officials. It was noted that an addition will have to be made to the house.

Mr. Fleming moved that the Planning Commission recommend that City Council purchase a 100' x 300' parcel from Winston O. Weaver, Sr., located at 1241 N. Main Street, for \$ 50,900. for the purpose of leasing to Chapter 10 and Massanutten Mental Health Clinic. Dr. Shank seconded the motion and all members present voted in favor..."

Dr. Shank offered a second motion, recommending approval of the resubdivision of Lot 3, Block B, Page 42 of the City Map, into two parcels; one facing N. Main St. and the other facing an unnamed paper street connected to Wilson Avenue. Mr. Fleming seconded the motion and all members present voted in favor..."

When a question was raised by the City Manager as to whether or not the other portion of Lot 3 should be given a number, Mr. Sullivan replied in the affirmative, noting that it could possibly be numbered as 3A on the Block Map. 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 Mayor and Clerk had been authorized to sign the contract at the March 14th regular meeting, subject to approval of the purchase and lot subdivision by the City Planning Commission.

Mr. John Byrd, City Building Official, in a status report on the Kavanaugh Hotel, said that the property had been purchased with the full intent of rehabilitation, if at all possible. When bids were received, greatly in excess of anticipated cost, they were rejected, and another approach taken with regard to the possibility of renovating the front portion of the building for light commercial on the ground floor and office space on the other floors. In as much as the open space in the unoccupied building, security, etc., poses a problem, and further that a representative of the State Fire Marshall's office has recommended that it be demolished due to unsafe conditions, Mr. Byrd suggested that bids be taken to demolish the building and then place the lot on the market for private enterprise. He noted that all alternatives for using the building have been exhausted. Following a lengthy discussion, Councilman Rhodes moved that Council authorize demolition of the Kavanaugh Hotel and receiving of bids, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Councilmen present.

Assistant City Manager Driver reminded Council that the S. Main St. (Rt. 11) widening project is under two separate contracts: Moore Bros. of Staunton, Va. (Grattan St. to Black's Run) have completed 20% of their work with plans for completion by November 1st of this year; A.N. Johnson of Fredericksburg, Va. (southern end of project) have completed 58%, with June 15th of this year set for completion. He noted that under present circumstances, there is no way this can be accomplished, in that Continental Telephone Company is on strike at the present time, with all efforts to contact them about the situation to no avail. Until all utilities are relocated, there is no way construction can be completed. Mr. Driver reported that approximately 90% of utility work has been completed insofar as electric, water & sewer lines are concerned, and expressed concern that the project may be unfinished through another winter. Following discussion, Councilman Dingledine moved that Continental Telephone officials be made aware of Council's deep concern re relocation of telephone lines on Rt. 11 and that they be urged to expedite the work as rapidly as possible to avoid a possibility of the project being delayed another winter, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Councilmen present.

Assistant City Manager Driver reported that 47% of construction work on the Cantrell Avenue project has been completed with anticipated completion date of July 1st. He informed Council that a temporary shut-down on blasting has been ordered by the State Highway Department, following an incident on March 6 when damage to property and automobiles resulted from blasting by the contractor for water and sewer lines. The report was for information.

Council was informed by Assistant City Manager Driver that he had received sealed bids in his office last Friday for sale of the remaining portion of lot on the corner of Ott Street and a 15' alley which runs from Ott St. to Monticello Avenue, following retention of a 20' easement by the city for future widening of the alley. Three bids were opened, with the highest bid of \$ 11,131. from Mr. Kevin Miller. Although there is no written agreement or bond posted, Mr. Driver said he was confident that the transaction would be consummated, and asked that Council authorize signing of the deed which is being drawn up. Following a brief discussion, Vice-Mayor Denton moved that the Mayor be authorized to sign the deed upon receipt of same, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

Assistant City Manager Driver asked the possibility of placing the East Washington Street lot comprised of 15,000 sq. feet and owned by the City, on the market. He noted that one party has expressed interest in purchasing same and has contacted his office each week to be informed of the status. He offered an opinion that a minimum price should be placed and sealed bids received, adding the fact that 75¢ per square foot would recover amount originally paid by the city, when purchased. Following a brief discussion, Vice-Mayor Denton moved that the Assistant City Manager be authorized to advertise the lot for sale with sealed bids to be received in his office, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

A request was presented from Mr. Paul Quintrell, Director of Finance, Harrisonburg City Schools, for approval of a transfer of funds within School appropriations in amount of \$ 4,425.00 in order to transfer unneeded funds to enable replacement of a 1975 Dodge Dart with a new vehicle and to cover underappropriation for piano at Thomas Harrison auditorium due to increase in cost between placing order and delivery. Following a brief discussion, Vice-Mayor Denton moved that the transfer be approved, and that:-

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- \$ 4,425. trans.from: School Fund (1206-295.00) Fixed Charges- Employer's Contribution for Fringe Benefits.
- 1,575. trans.to: School Fund (1205-215.01) Maint. School Plant- Repair & Replacement of furniture & fixtures.
- 2,850. trans.to: School Fund (1205-215.02) Maint. School Plant- Repair & Replacement motor vehicles.

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

✓ The City Manager presented a request from the City School Board Office for approval of a transfer of funds within School appropriations, in amount of \$ 1,995. in order to transfer unneeded funds from track renovation to be used for painting of the school board offices inside and outside. Following a brief discussion, Councilman Dingleline moved that the transfer be approved, and that:-

- \$ 1,995. trans.from: School Fund (1205-290.01) Revenue Sharing 1977-78- Track Renovation.
- 1,995. trans. to: School Fund (1205-290.01) Revenue Sharing 1977-78- Administrative Office Painting.

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 Director of Social Services for approval of a supplemental appropriation in amount of \$ 288.39 in order to cover salary and administrative costs of a VISTA Volunteer Worker, with federal funds. Vice-Mayor Denton moved that the appropriation be approved, and that:-

- \$ 288.39 chgd.to: VPA Fund (1005-2) Recoveries & Rebates.
- 284.00 approp.to: VPA Fund (05-8021-19.00) Personal Services--VISTA Volunteer Worker (Thornton)
- 4.39 approp.to: VPA Fund (05-8021-250.00) Other Oper.- FICA, etc.

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

✓ City Manager Milam requested that Council approve a supplemental appropriation from Reserve Account in amount of \$ 55,000. to cover cost for purchase of property at 1241 N. Main St. and various incidentals relating to the premises, with cost to be recovered by long term rental to the Mental Health & Mental Retardations Services (Chapter 10) Board. Following discussion, Councilman Dingleline moved that the appropriation be approved for a first reading, and that:-

- \$ 55,000. chgd.to: General Fund - Reserve Account Municipal Bldg. & Land.
- 50,900. approp.to: General Fund (15030-393.00) Non-Departmental- Support of Community & Civic Organizations- Chap. 10 Board- Mental Health- Purchase of House at 1241 N. Main St.
- 4,100. approp.to: General Fund (15030-393.00) For various incidentals relating to the premises including, but not limited to, title search, utilities, plans, additions, etc.

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

✓ City Manager Milam referred to Section 44-146-19 of the State Code which provides that each political subdivision within the state, although within the jurisdiction of, and served by the state office of emergency services, shall be responsible for local disasters through preparation and coordination of response. Harrisonburg's present arrangement is the Mayor serving as Director and the City Manager serving as Assistant Director. He noted that another provision under the Code, Sec. 44-146.19 (1) grants authority for the Mayor or City Manager to appoint a Coordinator of Emergency Services with consent of the governing body, and reminded members that Assistant City Manager Driver had been so appointed on November 22, 1977. In order to provide for additional state grants to the City for Civil Defense activities and eligibility for state reimbursement for seminars and workshops sponsored by the state, Manager Milam recommended that Fire Chief William H. Austin be appointed to serve as Assistant Coordinator of Emergency Services. Following discussion, Councilman Dingleline moved that the recommendation be approved for Chief Austin's appointment, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Councilmen present.

✓ Correspondence dated 3/16/78 was presented and read from Mrs. Susan Tysinger, in which she submitted her resignation as a member of the Harrisonburg Parks & Recreation Commission in that she would be moving to the county around April 1st. Councilman Dingleline moved that the resignation be accepted, with regrets, and that a letter be written Mrs. Tysinger to this effect, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

✓ Councilman Rhodes reminded members that some time ago, Vice-Mayor Denton had submitted a list of names for consideration to comprise a Downtown Advisory Committee, and moved that Mr. Denton's name be added to that list. The motion was seconded by Councilman Dingleline and adopted by a unanimous vote of Councilmen present. Mr. Denton, abstaining.

✓ Mr. Carroll Ray, Dayton Town Councilman, was present in the meeting to ask favorable consideration concerning a proposed lease agreement between Dayton and Harrisonburg which had been presented to City Council on March 14th. He said that the tract of city owned land situated near Silver Lake would be used as a small park area for townspeople. elderly, handicapped and young people. The property was cleared off last summer to determine how well it would lend itself to their purpose. City Manager Milam pointed out that the tract lies at the junction of two state routes and is comprised of slightly over 1/2 acre. He recommended approval of the agreement, and noted that the Town of Dayton will assume all liability on the property. Following a brief discussion, Vice-Mayor Denton moved that the agreement be approved and the Mayor authorized to sign same on behalf of the City of Harrisonburg, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

✓ Assistant City Manager Driver reported that he had contacted the Civil Defense Coordinator to learn whether or not Harrisonburg would be eligible for state financing to assist in damages from the recent ice storm. Mr. Whitehead is of the opinion that the City will not be eligible to be declared a disaster

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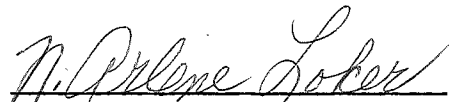
area in that the county and other surrounding cities are not included. He suggested, however, that a form be filled out at this time, in that this would aid in assistance in the event of another disaster in a year or so. Aid was requested to cover only City of Harrisonburg loss--not personal loss. According to Mr. Driver, the street department estimates that removal of tree limbs and other debris, as well as trimming of trees on public property, will require the entire department working in full force, using city equipment, a minimum of three weeks, at a cost in the neighborhood of \$ 40,000. In order to do the necessary work, it is planned for funds to be derived from the street department budget, with elimination of some proposed street projects. The downtown project will be delayed beyond the anticipated date of April 1st. Street Department personnel will do some patch work on various streets. The report was for information.

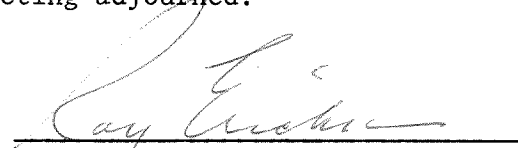
City Manager Milam commended personnel of the Fire Department and approximately 60 volunteers, as well as employees of the Street Department, Police Department and Harrisonburg Electric Commission, for many long hours of work spent on the past weekend ice storm. He noted that the City's Water Plant pump was off due to loss of electricity, and that Fairway Hills and Holiday Hills had been without water since Sunday due to the Tower Street pumps being off, with service restored in Forest Hills only this evening. The report was for information.

Vice-Mayor Denton moved that Council enter an executive session at this time (9:27 P.M.) to discuss a legal matter, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Councilmen present.

The executive session was declared closed at 11:15 P.M. and the regular session reconvened.

There being no further business and on motion by Vice-Mayor Denton, seconded by Councilman Dingledine, and a unanimous vote of Councilmen present, the meeting adjourned.

  
CLERK

  
MAYOR

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; Councilmen Raymond C. Dingleline, Jr., Walter F. Green, III and 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 of March 28, 1978 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 March, 1978.

From the City Treasurer:-

A Trial Balance report as of close of business on March 31, 1978.

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 \$ 11,249.13.

From the City Auditor:-

A financial report for the City of Harrisonburg, Va. for month of March, 1978. A report of cash discounts saved in payment of vendors' invoices for month of March, 1978, totaling \$ 151.49.

(Special report: Municipal Debt Test as of December 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, 1978.

City Manager Milam reported that the 1978-79 budget had been received from the Harrisonburg Electric Commission, and called members' attention to their copies of same.

✓ Mr. Robert Bell, Director of the Harrisonburg Jaycees, was present in the meeting along with a group of Harrisonburg High School Seniors, for the purpose of observing. He explained that a project of the Club is Youth and Government, in which it is hoped that young people may get involved and know what they have to face in the future. Mayor Erickson welcomed the group and invited them to any of Council's meetings to take part and to listen.

✓ Mr. Paul Liskey presented a petition signed by eight residents, requesting that the 100 block of Ott Street be rezoned from R-2 to R-1 Single Family Residence in order to preserve the prime residential character of the area to conform with the Ott Street & Preston Heights area zoning. On motion of Councilman Green, seconded by Councilman Dingleline, and a unanimous vote of Councilmen present, the request was referred to the City Planning Commission for study and recommendation.

✓ Mayor Erickson called the public hearing to order and City Manager Milam read the following Notice of same which appeared in the Daily News Record newspaper:

NOTICE IS HEREBY GIVEN that pursuant to Sec. 570.402 (f) (1), (iii), page 45973, Rules and Regulations of the Federal Register, Vol. 41, No. 202, Monday, October 18, 1976, the Harrisonburg City Council will hold a public hearing at 7:30 P.M. on the 11th day of April, 1978 in the City Council



Chambers of the Municipal Building in the City of Harrisonburg, Va.

The purpose of this hearing is to provide Harrisonburg citizens an opportunity to articulate needs, express preferences about proposed activities, assist in the selection of priorities, and otherwise participate in the development of an amendment to the Community Development Block Grant Program. Information will be made available concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken and other important requirements.

This hearing is the second of two hearings held to offer an opportunity for the citizens of Harrisonburg to participate in the preparation of an amendment to the current Community Development Program.

All interested persons or organizations will be offered an opportunity to be heard, either in person or by counsel and written statements may be filed at or prior to this hearing.

Marvin Milam, City Manager

Manager Milam referred to a newspaper article published on March 1st which lends itself to the Community Block Project, as well as notice of another hearing held for citizens' participation. Mr. Robert Sullivan, Planning Director, displayed a Housing Conditions Map and noted 5,700 housing units in Harrisonburg at the present time, with 670 (12%) of same being in some category of a blight or substandard condition. He said the figure has been decreasing since January, 1970, due to demolition of various properties either by private or governmental action. Areas with greatest blight are: (1) center of city; (2) East Washington St. area; (3) Norwood Street area. 1,509 new dwelling units have been gained during this period of time. Mr. Alan Siff, Consultant for Harland, Bartholomew & Associates, was present in the meeting to explain necessary action in order to relocate the 61 living units from the originally planned location at the Kavanaugh Hotel. He noted that a revised application must be forwarded to Richmond in order that the situation may be investigated from all standpoints, to include the rating, to determine whether or not funds already received may be retained by the City. He explained the rating system, and noted that a program design will be written within the next three weeks. The City Manager informed Council and others present that he would like to transfer a portion of the \$ 500,000. Grant, or \$137,000. of same, for purchase of three pieces of property directly north of the Kavanaugh Hotel, demolition of two deteriorating buildings, and preparation of the site for construction. The balance of the Grant would remain in the Kavanaugh Block. The following resolution APPROVING A REVISED THIRD YEAR COMMUNITY DEVELOPMENT APPLICATION AND AUTHORIZING FILING OF SUCH APPLICATION was read, for Council's consideration:

WHEREAS, the Housing and Community Development Act of 1974 provided the City of Harrisonburg, Va., with Federal assistance in the form of Community Development Block Grant funds to carry out eligible community development activities under said Act; and

WHEREAS, the City Council of the City of Harrisonburg, Va., has caused to be prepared a revised third year Community Development Application for the full amount of Federal funds to which the City is entitled; and

WHEREAS, the City Council has reviewed said revised application and has held two public hearings on the community development program to assure citizens participation and comment with regard to the development of program activities and has further provided for an encouraged citizens' participation at the neighborhood level through meetings and technical assistance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia, that:-

1. The revised third year Community Development Application for the City of Harrisonburg, Va., as represented by the community development activities set forth in the revised application for Discretionary grant dated April, 1978, is hereby approved.
2. The City Manager is authorized to file said revised application, including all understandings and assurances contained therein, with the United States Department of Housing and Urban Development.
3. The City Manager is hereby designated as the authorized representative of the City of Harrisonburg, Va., and is directed to act as such representative in connection with the revised application and to provide such additional information as may be required.

Councilman Dingledine moved that the resolution be approved, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present. The City Manager noted a legal complication on one of the three properties proposed for purchase and asked that Council enter an executive session to determine method which should be approached re same, with Mr. Siff, city staff members and Mr. James Sipe, Attorney for the Redevelopment & Housing Authority, sitting in. He said that following the session, the properties would be reviewed. On motion of Councilman Rhodes, seconded by Councilman Green, and a unanimous vote of Councilmen present, an executive session was entered at 8:15 P.M.

At 8:50 P.M., on motion of Councilman Green, seconded by Councilman Rhodes, and a unanimous vote of members present, the executive session was declared closed and the public hearing reconvened.

✓ City Manager Milam recommended that he be authorized to acquire three properties in the 200 block of N. Main Street, either by negotiation or condemnation, for the purpose of constructing living units for the elderly and low & moderate income families. The recommendation was approved by a unanimous vote of Councilmen present, on motion of Councilman Dingledine, seconded by Councilman Rhodes. Manager Milam described the site and location as three lots that combine for frontage of 104' and depth from 247' to 257'; one vacant lot owned by Mr. Bill Neff; two long narrow lots owned by the Klingstein Estate and E.D.Ott Estate, each containing a sub-standard building. He asked that Council refer the three sites to the City Planning Commission for study and recommendation. On motion of Councilman Green, seconded by Councilman Rhodes, and a unanimous vote of Councilmen present, they were so referred. Manager Milam then asked that the three sites be referred to the Redevelopment & Housing Authority for their concurrence in the location. Councilman Green moved that the sites be referred to the R & H Authority,

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which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Councilmen present. Mr. John Byrd, City Building Official, explained what would be involved in demolition of buildings on two of the three lots bordered by Main, Rock & Wolfe Streets, and reviewed concept of a new building which is proposed for living units. He said that a modular type building is being considered, which would be constructed under all code requirements. The City Manager said that he would begin advertising for bids to construct the building this Friday and continue for a period of four weeks, with bid openings around May 31st, at which time approval of City Council, the R & H Authority and HUD will be obtained in order to qualify for construction. Contractors will submit plans and specifications for a building to house the 61 units and cost. The contractor will be responsible for meeting all requirements of the city and state codes. Mr. Dick Kelly questioned the time table for the Kavanaugh area and whether the proposed site for living units was preferable, due to deterioration of the area. Mrs. Juanita Sanders expressed concern about the deteriorating area being a proper neighborhood for the elderly citizens, and suggested that all properties needed for landscaping and green area be acquired prior to construction of the building. She asked that a low building be considered in lieu of high rise apartments. Mr. Siff pointed out that the construction will require approximately 12 months which will allow for purchase of property to the corner and preparation of landscaping and parking areas required under federal funding. He explained that the purpose of this hearing was to get views of citizens with regard to the location of the site, and that actual plans for improvements, open space, acquisition of other properties, etc. would be determined later. He noted that the resolution adopted earlier by Council was necessary in order to shift the location for 61 living units, and to apply for additional federal funding.

The public hearing was declared closed and the regular session reconvened.

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 55,000. from Reserve Account for Municipal Building & Land for purchase of the property situated at 1241 N. Main St. and various incidentals relating to same, be approved for second and final reading, a first reading having been approved on March 28th, and that:-

\$ 55,000. chgd.to: General Fund - Reserve Account for Mun.Bldg. & Land.

50,900. approp.to: General Fund (15030-393.00) Non-Departmental- Support of Community & Civic Organizations- Chapter 10 Bd.- Purchase of House at 1241 N. Main St.

4,100. approp.to: General Fund (15030-393.00) For various incidentals relating to the premises including, but not limited to, title search, utilities, plans, additions, etc.

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

✓ Council was reminded by the City Manager that on February 14th, a Memorandum had been presented from the Department of Conservation & Economic Development, advising that Harrisonburg was eligible for a Grant in amount of \$ 2,441.00 to be used for a Litter Control Program, with a resolution adopted at that time authorizing him to file application for same. In as much as the funds have been received and are currently in Account for Recoveries & Rebates, he presented a request from the Assistant City Manager for approval of a supplemental appropriation in that amount in order to place the funds in proper acct, and for a special fund to be established to handle the monies. Following a brief discussion during which time Mr. Driver explained that \$ 800. of the amount would be used for downtown trash receptacles and the remainder for full-time supervision in cleaning debris from Black's Run after the current school term, Councilman Dingledine moved that the appropriation be approved for a first reading, and that:-

\$ 2,441. chgd.to: General Fund (1005.00) Recoveries & Rebates.

2,441. approp.to: General Fund (10112-270.00) Highway & Street Beautification- Litter Control.

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

✓ A request was presented from the Superintendent of Streets for approval of a supplemental appropriation in amount of \$ 308.10 from Account of Recoveries & Rebates, in order to transfer monies received for repair costs to pick-up truck #204 damaged in accident. Councilman Green moved that the appropriation be approved, and that:-

\$ 308.10 chgd.to: General Fund (1005.00) Recoveries & Rebates.

308.10 approp. to: General Fund (10112-274.00) Street Beautification- Maint. & Repairs to auto equipment.

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

✓ The City Manager presented a request from Police Chief Presgrave for approval of a supplemental appropriation in amount of \$ 575.00 from account of Recoveries & Rebates, in order to reimburse payroll account with funds received from Workmen's Compensation, for payment of claim to J.E.Smith. Councilman Rhodes moved that the appropriation be approved, and that:-

\$ 575.00 chgd.to: General Fund (1005) Recoveries & Rebates.

575.00 approp.to: General Fund (9010-11.02) Salaries Employees- Lieutenants.

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

✓ City Manager Milam reminded Council that he is required to hold one meeting on requests for Revenue Sharing Monies, which is scheduled for the 21st of this month, and that he will submit his recommendation as a supplement to the city budget by April 30th. He reported that the City of Harrisonburg budget preparation was running about two weeks behind time, and is, at the present time, \$ 778,000. out of balance, which will necessitate reduction in various departmental requests.

✓ Correspondence dated 4/3/78 from Mr. David W. Rundgren, Executive Director of the Central Shenandoah Planning District Commission, was presented by the City Manager, requesting a reply to his letter of 2/28/78 in which he had asked that nominations to the Executive Committee be submitted for consideration in order that ballots for election may be prepared soon, with term of those elected to begin on July 1. In as much as Vice-Mayor Denton's term on the committee will expire on June 30th of this year, City Manager Milam suggested that he be nominated to serve on the Executive Committee until his term on City

Council expires August 31, 1978. Councilman Green moved that Mr. Denton's name be submitted to the Commission, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Councilmen present. Absent: Mr. Denton.

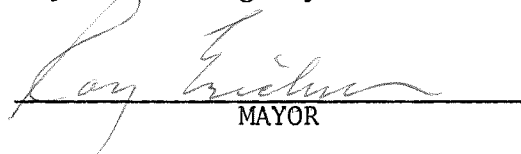
✓ Assistant City Manager Driver reported that he and the Mayor had met with representatives of Continental Telephone Co. on the day following settlement of the strike, and that workers had resumed re-location of utility lines on the S. Main Street Project on Monday. He said the company representatives feel that they will be able to keep on schedule with the other utility companies, and will give the City "top priority" on the project. The report was for information.

For information, Assistant City Manager Driver reported that cleanup from the Easter ice storm would require about one more week. Street crews have been working full-time picking up tree limbs, except for one small crew that has been patching potholes in city streets.

✓ City Manager Milam informed Council that he is working with the Retail Merchants with regard to three newspaper supplements for circulation not only in the Harrisonburg Daily News Record newspaper, but also in surrounding towns and counties. The first supplement will be published the end of this month, with another in August and the third in October. Items of interest will be covered, to include the school system, municipal departments, etc.

There being no further business and on motion duly adopted, the meeting adjourned at 9:57 P.M.

  
CLERK

  
MAYOR

Tuesday, April 25, 1978

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. 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 combined Public Hearing and Regular Meeting held on April 11th were read, and approved as corrected.

✓ The City Manager presented correspondence from Mr. James C. Wilkins with enclosure of the Final Plat of Northfield Estates, section 3, Block F, for consideration. Mr. Sullivan, Planning Director, pointed out the area on a map and explained that this section was a complete circle of the estates which runs in a northerly direction from Washington Street. Councilman Green 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.

✓ Mr. Ralph Smith, Superintendent of Streets, informed Council that in keeping with regulations concerning open burning, he had contacted Mr. Melburn S. Williams, Regional Director of Virginia Air Quality Control, with regard to burning of limbs and brush collected from the recent ice storm, in a controlled manner, at the City's Landfill. He noted that in addition to that picked up by the street department, several hundred loads had been taken to the Landfill by others. Mr. Smith pointed out the fact that permission must be granted by the State Air Pollution Control Board, prior to burning. City Attorney Lapsley presented and read the following resolution for Council's consideration:-

WHEREAS, on March 26, 1978, a disastrous ice storm caused extensive damage to trees and shrubbery in the City of Harrisonburg; and

WHEREAS, the City of Harrisonburg has hauled several hundred loads of brush to the City Landfill for disposal; and

WHEREAS, it is deemed necessary by the City to burn said brush for its proper disposal;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Harrisonburg, at its regular meeting held April 25, 1978, that a request is made to the State Air Pollution Control Board for permission to burn said brush in a controlled manner at the Harrisonburg City Landfill, said burning to be conducted and supervised by City personnel.

It is further requested that said burning be allowed to commence upon receipt of approval by the State Air Pollution Control Board and will continue until all brush collected as a result of said ice storm has been burned.

This request is made in compliance with § 4.11 (a) of the Regulations Concerning Open Burning issued by the State Air Pollution Control Board.

ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1978.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk

Following a brief discussion, Councilman Rhodes moved that the resolution be approved, and proper officials authorized to sign the same on behalf of the City of Harrisonburg, 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 April 19, 1978, was presented and read by the City Manager:-

"...The Commissioners reviewed the Final Plan for Liberty Square Subdivision, Sections 2 & 3. The 2.51 acre property is zoned R-3 Multiple Dwelling District and is located on the south side of South Avenue. Mr. Sullivan explained that a site plan indicating 26 apartment units has been reviewed by city staff but

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additional engineering details have been requested, including final topographic plans and a profile of Black's Run, which passes through the center of the development. He asked that no action be taken on the proposed site plan, but approval of subdividing the 2.51 acres into Section 2 (0.74 acres) and Section 3 (1/77 acres) was in order.

With the understanding that construction may not be undertaken until the site plan is approved, Mr. Williams moved that the Planning Commission recommend approval of the Subdivision Map for Sections 2 & 3, Liberty Square Subdivision. Mr. Milam seconded the motion and all members voted in favor..."

Planning Director Sullivan informed Council that the Commission would follow up next month with presentation of page 2 which shows the total Site Plan insofar as apartments on the west side of Black's Run. The recommendation submitted this evening is for subdivision only, for recording purposes. Following a brief discussion, Councilman Green moved that the recommendation be approved, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

The following recommendation from a meeting of the City Planning Commission held on April 19th, was presented and read:-

"...The next item was a review of the City's efforts to locate a suitable 'urban site' for construction of HUD-funded housing units for moderate and low-income elderly citizens. Messrs. Sullivan, Byrd and Milam reported on the history of Harrisonburg's Community Development Grants Program, and showed the Commissioners a potential site for a 61-unit 'High rise' apartment structure in the 200 block of N.Main Street. Mr. Byrd emphasized that HUD is willing to allow this project for Harrisonburg if it can be built within sight of the Kavanaugh, which had originally been selected for rehabilitation into housing for the elderly.

The Commissioners viewed photographs of the 200 block of N.Main Street and agreed that one of the Commission's priorities as expressed in its capital outlay review is to eliminate urban blight and to construct additional housing units for moderate and low income citizens.

After studying the individual lot sketches of the E.D.Ott, E.L.Klingstein and Bill V. Neff properties located at 267, 265 & 255-249 N.Main Street, Dr. Shank moved that the Planning Commission recommend to City Council that it exercise options to purchase these properties as the new site for an elderly housing project. Mr. Fleming seconded the motion and all members voted in favor..."

Council was reminded that the City Manager had been authorized to acquire the properties either by negotiation or condemnation at the April 11th meeting, with the three sites referred at that time to the Planning Commission and Redevelopment & Housing Authority for approval. Councilman Dingledine moved that the recommendation of the Planning Commission for exercising options for purchase of the properties, be approved, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

The City Manager advised Council that under the 1972 state & local Fiscal Assistance Act which was amended by Congress in 1976, the City Manager is required to hold one meeting, and that a public hearing be held by the Governing Body with regard to allocations of Revenue Sharing Funds anticipated to be received by the City. He noted that he had held a meeting last Friday, and recommended that a public hearing be scheduled for Tuesday, May 9th, 7:30 P.M. An ordinance making appropriations of funds anticipated for Entitlement Period 9 (10/1/77-9/30/78) in amount of \$ 523,114. was presented for consideration of a first reading, with \$ 325,400. of that amount set out for capital expenditures for various municipal departments and \$ 197,714. for the Dept. of Education. He noted that amendments in the proposed appropriations could be made following the public hearing and prior to a second & final reading of the ordinance. Following discussion, Vice-Mayor Denton moved that the ordinance be approved for a first reading, which motion upon being seconded by Councilman Green, was adopted by a unanimous recorded vote of Council. Councilman Green then moved that the City Manager be authorized to advertise a public hearing on Revenue Sharing Monies for Tuesday, May 9th, 7:30 P.M., which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

Vice-Mayor Denton moved that a supplemental appropriation in amount of \$ 2,441. be approved for second and final reading in order to place funds received through a federal grant into proper account to be used for a Litter Control Program, a first reading having been approved on April 11th, and that:-

\$ 2,441. chgd.to: General Fund (1005.00) Recoveries & Rebates.

2,441. approp.to: General Fund (10112-270.00) Highway & Street Beautification-Litter Control.

which motion upon being seconded by Councilman Rhodes, 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 \$ 358.69 in order to cover salary of a VISTA Volunteer Worker with federal funds. Councilman Rhodes moved that the appropriation be approved, and that:-

\$ 358.69 chgd.to: VPA Fund (1005-2) Recoveries & Rebates.

358.69 approp.to: VPA Fund (05-8021-19.00) Personal Services--VISTA Vol.Wkr.(Thornton)

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

Under the next agenda item "Appointments to Boards & Commissions", Councilman Dingledine suggested that Council enter an executive session for the purpose of discussing the matter. It was agreed that the remainder of the agenda be cleared, prior to an executive session.

Council was reminded by the City Manager that the Central Shenandoah Planning District Commission had requested a 5¢ per capita increase in local contribution from each of the five cities and five counties in Planning District 6, and that when the request was discussed on March 14th, it was agreed that a decision be deferred pending the state's decision concerning the increase. He noted that the General Assembly had approved an increase of 1 1/2¢ to the 20¢ per capita contribution which has been

in effect since formation of the Commission, and said that unless an increase is approved by all the localities, there will be none. The District Planning Commission will hold its budget until the third Monday in May for approval, but hopes to have reaction to the increase by May 15. He recommended that the 1 1/2¢ be approved, but said that Council could delay action until the next regular meeting on May 9, if so desired. The matter was discussed at length, with Councilman Green raising a question concerning the Commission's staff level, and Vice-Mayor Denton offering an opinion that the increase was justified to meet increased operational costs. Following discussion, Councilman Rhodes moved that the matter be deferred until the next regular meeting of Council at which time the Commission's budget may be available for review, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ Assistant City Manager Driver said he was pleased to read in the Daily News Record this morning that the Rockingham County Board of Supervisors had agreed to go along with downtown improvements by the City, which have been worked on for some time. He reported that he had met with County Administrator O'Brien and County Attorney Aldhizer last Friday, and that they both seemed to understand what the City's plans were. There had been some concern by the Board of Supervisors of removing some of the parking spaces around Court Square, until it was pointed out that within the past ten years, approximately 340 spaces have been provided within 200' of the Square, with lots at First Presbyterian Church and Joseph Ney's offering 80 of the spaces. Mr. Driver discussed the downtown lighting system which will cost in the neighborhood of \$ 15,000., noting that a foundry in Pennsylvania has completed work on poles for around Court Square. The Harrisonburg Electric Commission hopes to keep pace with city construction crews on the project, with lights to be installed on E. Market Street prior to the Court Square area. Council was informed that the court square improvement project is expected to begin next Monday or Tuesday, with November 1st "target date" for completion. Building Official John Byrd discussed elevated planters proposed in the project which will include the north side of E. Market St. The reports were for information.

✓ It was reported that through correspondence to Mayor Erickson dated 4/11/78, County Administrator William O'Brien advised that the Board of Supervisors had denied a request of the City to serve as Fiscal Agent for the Chapter 10 Board for the next five (5) years, at this time. Further explanation was that Rockingham County is presently in a transition period from manual accounting to that which is fully automated, and that assuming the added responsibility would make the task more difficult. The Mayor was advised that more favorable consideration may be given the request next year, when the accounting transition has been completed. The report was for information.

At 8:20 P.M., Councilman Dingledine moved that Council enter an executive session for the purpose of discussing appointments to Boards and Commissions, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

At 9:55 P.M., Councilman Dingledine moved that the executive session be closed and that the regular session reconvene. The motion was seconded by Councilman Green and adopted by a unanimous vote of Council.

✓ In as much as appointment of an Advisory Committee to the City Council for/Downtown Area had been contemplated since June, 1977, with suggested names presented earlier, Councilman Green moved that the following persons be appointed to comprise the committee: E. Warren Denton, Jr., Acting Chairperson; Gilbert F. (Dick) Moore, President Joseph Neys; Jerry McBride, Vice-President & Manager Glassner's Jewelers; Robert Hartt, Executive Director of the Harrisonburg Retail Merchants Association; William C. Harris, President United Va. Bank/Spotswood, as well as the Harrisonburg-Rockingham Chamber of Commerce; William L. Wilson, President Wilson's Jewelers; Thomas O. Brock, Jr., Plant Engineer of Continental Telephone Co.; Ex-Officio Member, John Byrd, City Building Official. The motion was seconded by Councilman Dingledine and adopted by a unanimous vote of Council.

✓ Assistant City Manager Driver reminded Council that he had been authorized at an earlier meeting to advertise for bids on the E. Washington Street lot comprised of 15,000 square feet. He explained that land had been purchased by the City for the purpose of street widening, from the Beulah Marshall & Charlton Estates, with this amount of said land no longer needed by the City. He reported that a bid of \$ 10,250. had been submitted by the Harrisonburg Coca Cola Bottling Works, and that they wish to revamp their building and fence in this area for storage of equipment. The only other bid received was a token bid of \$ 1,000. Based on the square footage advertised for sale, the City's original purchase price would have been \$ 10,053., or 68¢ per square foot. Mr. Driver asked direction of Council in accepting or rejecting the bid, and noted that if accepted, the land would have to be surveyed and taxes cleared up before a clear title could be given. When questioned as to whether or not an appraisal had been made on the land advertised, Mr. Driver replied in the negative. Following discussion, Vice-Mayor Denton moved that the Assistant City Manager be directed to get an appraisal on the 15,000 square feet and that Council's decision be deferred, pending report. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ For information, the Assistant City Manager reported that the Cantrell Avenue Project between High and Mason Streets was all settled, with all deeds properly signed.

✓ City Manager Milam informed Council that he would like to file an application on next year's Federal Pre-application under the small cities program, noting that the deadline for filing is May 15, 1978. He recommended that a public hearing be scheduled for May 9th, 7:30 P.M. Vice-Mayor Denton moved that the public hearing be so scheduled and that the City Manager be authorized to advertise same in the Daily News Record newspaper, 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 10:20 P.M.

  
CLERK

  
MAYOR

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Thursday, May 4, 1978

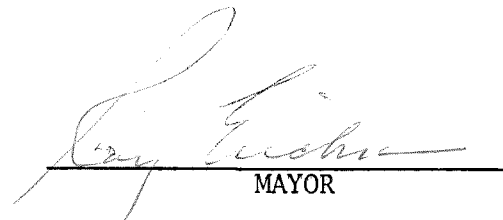
A special meeting was called by the Mayor to be held in his office this evening at 7:30 P.M. for Council members and City Manager, only, for the purpose of discussing personnel matters.

A motion was made by Mr. Denton and seconded by Mr. Rhodes to go into an executive session.

A motion was made by Mr. Rhodes and seconded by Mr. Denton, to go out of the executive session and into the special session.

A motion was duly adopted to adjourn at 1:35 A.M.

  
CLERK

  
MAYOR



Tuesday, May 9, 1978

At combined public hearings and 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; 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:- Vice-Mayor E. Warren Denton, Jr.

Minutes of the regular meeting held on April 25, 1978 and special meeting of May 4th were approved as read.

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

From the City Manager:-

A monthly progress report of activities in the various departments and said office for the month of April, 1978.

From the City Treasurer:-

A Trial Balance report as of close of business on April 28, 1978.

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 \$ 8,941.68 for month of April, 1978.

From the City Auditor:-

A financial report for the City of Harrisonburg, Va. for month of April, 1978.

A report of cash discounts saved in payment of vendors' invoices in amount of \$ 116.10.

From the Dept. of Utility Billing:-

A report of water, sewer & refuse accounts, meters read, installations, cut delinquents, complaints, re-reads, etc. for month of April, 1978.

✓ Mr. George Eklund, Account Executive of WHSV-TV 3 appeared before Council to request favorable consideration of the local station producing a bedding commercial on Main Street in Harrisonburg on May 18th, or delayed to May 22nd in the event of rain. He noted that it would require blocking off Main Street for four or five hours in the peak of the day, possibly 11:00 AM to 4:00 PM, and setting up a bed in the middle of the street. Chief Presgrave noted that it would also require extra police during those hours to work traffic and assure safety. He offered any assistance his department may provide. Councilmembers expressed concern that this would create a traffic problem on Main Street, as well as the fact that it would be done during days of the poultry festival. Mr. Eklund said an alternative would be Rt. 42, with which location they would be well pleased. In view of this commercial being entered in national competition, he offered an opinion that it would bring considerable recognition to Harrisonburg. Assistant City Manager Driver said he felt this could be handled on Rt. 42 with little difficulty, and that less traffic problem would be created at this location. Following discussion, Councilman Dingleline moved that City Manager Milam work the matter out for Rt. 42 with officials of WHSV-TV, Police Dept., etc., which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

✓ Correspondence dated 4/26/78 from Mr. Gary A. Judd was presented and read by the City Manager, requesting extension of the R-3 zone across Port Republic Road from United Virginia Bank/Spotswood, to include the remaining portion of the formerly owned W.P. Anthony lot located in the "Maple Hurst" Addition at the intersection of S. Main St. and Port Rd. It was noted that an earlier request for rezoning of this area in February 1976 by Mr. Judd, included Lot 13 which is under a restricted covenant, and pointed out that the present request excludes this lot and is for only the Anthony lot on which there is no restriction. 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 Councilmen present.

✓ City Manager Milam presented and read a letter dated 5/1/78 from City Treasurer Firebaugh, requesting approval, under Section 53 of the City Charter, for Miss Beverly A. Simmons, an employee in the Treasurer's Office for a period of sixteen years, to serve as a deputy in that office. He explained that under the aforesaid section, the City Treasurer is authorized to appoint one or more deputies, with approval of City Council. After a brief discussion, Councilman Dingleline moved that the request be approved, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Councilmen present.

✓ Council was informed by the City Manager that the plat for Section 2 of University Court Townhouse Subdivision had been delivered to Mr. Sullivan by Attorney William R. Smith. The subdivision is located off Cantrell Avenue between Paul & Reservoir Streets. On motion of Councilman Green, seconded by Councilman Rhodes, and a unanimous vote of Councilmen present, the plat was referred to the City Planning Commission for study and recommendation.

✓ City Manager Milam informed Council that a request was in from Mr. H. F. Bowman for subdividing 3 lots into 60 lots at the corner of Old Furnace Rd. and Vine St. Councilman Rhodes 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 Councilmen present.

✓ At 8:00 P.M., Mayor Erickson called the public hearing concerning the 1979 Community Development Block Grant Pre-application, to order, and the following Notice of same as advertised in the Daily News Record newspaper on Friday, April 28th, was read:-

NOTICE IS HEREBY GIVEN pursuant to Sec. 570.431(c) and (d)(1), page 8488, Rules and Regulations of the Federal Register, Vol. 43, No. 41, Wednesday, March 1, 1978.

The Harrisonburg City Council will hold a public hearing at 7:30 P.M. on the 9th day of May, 1978, in the Council Chamber, 345 S. Main St., Municipal Building, Harrisonburg, Virginia.

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The purpose of this hearing is to provide Harrisonburg citizens an opportunity to articulate needs, express preferences about proposed activities; assist in the selection of priorities, and otherwise participate in the development of a housing strategy and the Fiscal Year 1979 Community Development Block Grant Preapplication under the Small Cities Program. Information will be made available concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken and other important requirements.

All interested persons or organizations will be offered an opportunity to be heard, either in person or by counsel and written statements may be filed at or prior to this hearing. The submission of views and proposals regarding the Community Development Program, particularly by low and moderate income persons, residents of blighted areas of the community, and neighborhood organizations is encouraged. The preapplication deadline is May 15, 1978.

On April 21, 1978, the City of Harrisonburg submitted an amendment of its Community Development Block Grant Program for the fiscal year 1978-79 to the Richmond Area Office of the Department of Housing and Urban Development. On April 21, 1978, the Richmond Area Office of HUD accepted the application for review.

Persons wishing to object to approval of the amendment on the grounds that the City's description of needs and objectives is plainly inconsistent with significant, available facts and data, or that the activities to be undertaken are plainly inappropriate to meeting the needs or objectives identified by the City, or the City does not comply with the requirements of Part 570, Community Development Block Grant Regulations, as amended to date, or other applicable law or proposed activities which are ineligible may make such objection known to the Richmond Area Office, Department of Housing and Urban Development, Richmond, Va. 23219. Such an objection should include both an identification of the requirements not met, and, in the case of objections that the description of needs and objectives is plainly inconsistent with significant, generally available facts and data, the date upon which the persons rely. Such objections should generally be submitted within 30 days from the publication of this notice.

Persons interested in reviewing the amendment may do so at the following location: City Manager's Office, 345 S. Main St.

#### CITY OF HARRISONBURG

Marvin Milam, City Manager

Mr. Milam reminded those present that information was distributed at the last regular meeting of Council with regard to the application, and that the deadline for filing had been pointed out at that time. Mr. John Byrd, City Building Official, pointed out the area of the North Downtown Development Concept, and called on Mr. John Hodges of the firm of Harland, Bartholomew & Associates, who is working closely with the City in preparing the proposed Grant Application, for a report. Mr. Hodges explained that the proposed application is for \$1 million, broken down into the following activities: (1) \$ 444,900. for purchase of properties at the corner of N. Main & Rock Streets which includes the Armstrong Restaurant & Kline house on Main and several buildings on Rock. The buildings will be demolished in this area, which is adjacent to the proposed apartments for the elderly & low income families, and the area cleared for parking, walkways, etc.; (2) \$ 195,200. for rehabilitation activities through a program of low interest loans and grants, made available to private property owners in the 3 1/2 block area west of N. Liberty and Collicello Streets between Rock & Gay. Two vacant houses in this area would be purchased by the Redevelopment & Housing Authority and renovated for lease or resale; (3) \$ 177,600. for economic development activities which would include acquisition of land on the east side of N. Liberty St. to be used as a backup site for construction of Housing for the Elderly, to store equipment, etc. Following this usage, the area would be a development site; (4) \$ 107,300. for blight removal by demolition of buildings and relocation of businesses in the downtown "target" area. Mr. Hodges said that the grant also includes an amount of \$ 75,000. in planning and administration money. A period of 12 to 18 months is projected for completion of the entire \$1 million project. The total area involved was discussed at length. Mayor Erickson called on anyone desiring to be heard either for or against the Community Block Program. Councilman Rhodes said that some concern had been expressed about the City moving into the area west of Liberty Street. Mr. Hodges replied that no plans will be formulated until the pre-application has been filed and either approved or rejected by HUD. The public hearing was declared closed at 8:27 P.M. and the regular session reconvened.

City Manager Milam asked that he be authorized to file the pre-application A-95 Review Form for \$1 million in federal funds (no local participation), which will be reviewed by the Central Shenandoah Planning District Commission prior to meeting the deadline in Richmond by Monday, May 15th. On motion of Councilman Rhodes, seconded by Councilman Green, and a unanimous vote of Councilmen present, the City Manager was so authorized.

For Council information, City Manager Milam reported that deeds had been prepared on the three (3) properties (Neff, Klingstein, Ott) purchased by the City in the 200 block of N. Main St. for construction of living units for the elderly; correspondence dated 5/4/78 had been received from HUD advising that the City's Program Amendment to the 1977 Discretionary Community Development Block Grant Program had been approved for the following: demolition & site preparation at Kavanaugh Hotel---acquisition of site for elderly housing units and relocation. Necessary forms will be completed and submitted to HUD; Bids are presently being received for construction of the housing units at the new location. He noted further that water, sewer & underground electric cable will be installed at the Kavanaugh Hotel site, by the City, to serve the Nash Building (former Kavanaugh Annex) and the other building, with project being done on a 50-50 cost share basis.

At 8:35 P.M., the Mayor called the public hearing to order concerning anticipated Revenue Sharing Funds for Entitlement Period 9, (10/1/77-9/30/78). The City Manager said that following publication of the entire proposed Appropriation Ordinance for the Funds on Friday, April 28th, after a first reading of same on April 25th, comments were received. As a result of those comments, he then offered the

following amendments to the Ordinance for Council's consideration, with total of \$ 523,114. remaining the same: \$ 2,000. deducted from Police Department for 4 Cruisers (\$20,000. to \$18,000.); a \$ 10,000. appropriation for Parks & Recreation for Site Improvements to Keister Playground---rather than \$ 45,000. for Site Improvements at Switzer Dam Area and Purcell Park; \$ 10,000. deducted from Fire Department for Aerial Ladder Truck (\$115,000. to \$ 105,000.); added amount of \$ 70,392. for Downtown Development; an amount of \$ 23,392. deleted under Dept.of Education for Thomas Harrison Locker Repair; Instructional equipment at all schools and various classroom furniture. There being none present desiring to be heard, the public hearing was declared closed at 8:55 PM and the regular session reconvened.

✓ With regard to the proposed amendments to the Appropriation Ordinance for the Revenue Sharing Funds, Councilman Dingledine raised questions concerning the \$ 10,000. which was being deducted from the original amount of \$ 115,000. for a new ladder truck, and a budgeted item of \$ 130,000. for Stadium project (new football field). Fire Chief Austin explained that an amount of \$ 10,000. had been found in Fire Department appropriations which could be used toward payment of the ladder truck. School Superintendent Wayne King said that the present football field (also used for baseball) has never been satisfactory due to poor drainage and the heavy use during the summer when preparations should be made for the upcoming football season. Following discussion, Councilman Green moved that the Amended Appropriation Ordinance for Revenue Sharing Funds 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 Minute Book, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Councilmen present. (Refer to Minute Bk. N, page 395).

✓ For information, Assistant City Manager Driver reported that Rockingham County is now considering a joint Solid Waste (Heat Recovery) Project with the City, and that County Representatives are planning a trip to Norfolk, Va. on May 16th to see a plant which is presently in operation, with a decision to be reached possibly by June 1st. He reported on several sites he had visited where plants designed by Wm. F. Cosulich Associates are in operation, and noted that good reports were received concerning the firm. Representatives from that firm had explained and discussed the Solid Waste Program with City Council and the County Bd. of Supervisors some time ago. Mr. Driver said that word is being awaited as to the County's decision prior to a determination of the firm to be employed for the joint project.

✓ City Manager Milam reminded members that a letter had been received dated 2/27/78 from Mrs. Janice C. Abbott, advising that due to full time employment she would no longer be able to serve on the Shenandoah Health Advisory Council. In as much as the correspondence was not presented so as to be entered on Council's minutes, he suggested that the Clerk be directed to enter this information in recording this evening's meeting.

✓ With regard to a prior request from the Central Shenandoah Planning District Commission for an increase in local per capita contribution, originally in amount of 5¢, and later discussed from the standpoint of 1 1/2¢ as approved by the General Assembly, City Manager Milam presented additional information received from Mr. David Rundgren, Executive Director, setting out in detail various functions of the Commission. The correspondence noted that if approved, the 1 1/2¢ would increase Harrisonburg's contribution noted that if approved, the 1 1/2¢ would increase Harrisonburg's contribution from \$3,660. (based on the present 20¢ rate), to \$ 3,999. (based on the increase to 21 1/2¢), for fiscal year 1978-79. The Commission's budget, based mostly on local, federal and state grants, was attached to the correspondence, with anticipated revenue for 1978-79 in amount of \$ 233,651.05. Total contribution from the participating localities (5 cities & 5 counties) in amount of \$ 39,640. is necessary to support the anticipated budget. Following discussion, Councilman Green moved that Harrisonburg City Council approve a 1 1/2¢ increase in local contribution (20¢ to 21 1/2¢), which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

✓ A request was presented from Mr. Paul Quintrell, Director of Finance, Harrisonburg City Schools, for approval of a transfer of funds within school appropriations in amount of \$ 32,000. for the following reasons: (1) to provide for unanticipated expenses for postage & telephone; (2) to provide funds to cover unanticipated expenses for school board members to attend National School Board Association Meeting; (3) to provide funds to pay for doctoral supplement for school psychologist; (4) to provide funds to cover unanticipated increases in cost of electricity and fuel oil; (5) to provide funds for additional equipment needs which could not be fulfilled in 1977-78 budgets. Following a brief discussion, Councilman Rhodes moved that the transfer be approved, and that:-

\$ 3,200. trans. from: School Fund (02-1201-133.22) Day Sch. Inst.-Comp. Sec. Ass't Principal.  
12,000. trans. from: School Fund (02-1201-134.11) Day Sch. Inst.- Comp. Elem. Tchrs.  
14,800. trans. from: School Fund (02-1201-134.12) Day Sch. Inst.- Comp. Sec. Tchrs.  
2,000. trans. from School Fund (02-1206-295.00) Fixed Chgs.- Emp. Contr. Fringe Benefits  
750. trans. to: School Fund (02-1200-218.00) Adm. - Telephone, Postage.  
750. trans. to: School Fund (02-1200-220.00) Adm. Travel- Adm. Personnel.  
1,125. trans. to: School Fund (02-1202-111.03) Attend. & Health Serv.- Comp. Schl. Psychologist..  
14,925. trans. to: School Fund (02-1205-207.00) Oper. Sch. Plant, Electricity.  
10,050. trans. to: School Fund (02-1205-311.00) Oper. School Plant, Fuel.  
4,400. trans. to: School Fund (02-1900-403.00) Cap. Outlay- Furn. & Equip.

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

✓ Council was advised by the City Manager that through communication dated 4/20/78 from the Commission of Outdoor Recreation, Mr. Gilkerson was informed that YACC Funds totaling \$ 55,850. had been awarded the Harrisonburg Recreation Department for employment of young adults, ages 16-23, for period 4/1/78 - 3/31/79, to accomplish work on non-federal public lands and water. Enrollees will be recruited through the Virginia Employment Commission. He explained that it was necessary for the City Auditor to be authorized to establish a Revolving Fund to handle monies received for this project, and that according to City Auditor Shifflet, it would be titled YACC Revolving Fund, which means "Young Adult Conservation Corps." Following discussion, Councilman Green moved that the City Auditor be so authorized and directed, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Councilmen present.

DD0550

✓ A request was presented from the School Board Office for approval of a supplemental appropriation in amount of \$ 3,045. in order to appropriate funds received from the state on 4/3/78 for transportation of Special Education students, which funds will enable the school system to pay the City's Transportation Department, as per agreement. Councilman Green moved that the appropriation be approved for a first reading, and that:-

\$ 3,045. chgd.to: School Fund (R-12B) Realized Revenue- Spec.Education, Other.

3,045. approp.to: School Fund (1203-219.02) Pupil Trans.Services- Pupil Trans.

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

✓ City Manager Milam presented the proposed City of Harrisonburg budget for fiscal year 1978-79 for consideration of a first reading, and his budget message was read in its entirety, which included the following facts: The budget in balance at a total amount of \$ 15,549,951., an increase of \$ 1,614,897. over last year, with existing \$2.00 Real Estate and \$ 2.65 Personal Property tax rate; in order to balance the proposed budget, an amount of \$ 617,649. was eliminated from requests by various departments; all funds show an increase over last year's appropriations; 8% salary increase for city employees and 7% for school personnel; the City's support for the school system increases to 9.6% under the proposed budget and the fire department is up dramatically primarily due to reorganization of the department and added paid personnel, by the fulltime Chief; the budget provides for coverage of city officials, certain employees, mayor, council members under the Public Liability Insurance which has been in the development stage for the past four years (The police budget provides for false arrest and personal liability insurance coverage on all officers.) Manager Milam recommended that the budget be approved for a first reading at this time, with public hearing on same to be scheduled for Tuesday, May 23rd, 7:30 P.M. He noted that if scheduled, a Notice of the Hearing along with Budget Synopsis would be published in Friday's edition of the Daily News Record newspaper. Following discussion, Councilman Green moved that the proposed 1978-79 City of Harrisonburg Budget be approved for a first reading, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous recorded vote of Councilmen present. Councilman Dingleline moved that a public hearing on the proposed budget be scheduled for Tuesday, May 23, 7:30 P.M., with authorization for the City Manager to properly advertise the hearing and budget synopsis, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

✓ Assistant City Manager Driver, a representative of Harrisonburg on the Upper Valley Regional Park Authority, questioned Council as to "where the City stands" with regard to participation. He informed members that Rockingham County is withholding payment due to a controversy re the accounting system, while the City of Staunton had placed only a sum of \$ 1.00 in its budget for this purpose. Augusta County has also withheld payments due to the contention in method of bookkeeping. According to Mr. Driver, the Authority's Attorney will make a ruling on the By-Laws as to whether or not a locality is automatically dropped for non-payment of its share of support for the budget. Following a brief discussion, it was agreed that Harrisonburg continue making its payments on time. An amount of \$ 7,458. is included in the City's proposed 1978-79 budget.

✓ Councilman Green raised a question concerning placing of meters on the Cantrell Avenue Parking Lot. Assistant City Manager Driver said he would like for Rockingham Memorial Hospital to rework their parking lot prior to placing any meters, which could still be done by this fall. City Manager Milam reported that neither J.M.U., the state or Highway Department will pay for an access road to be built into James Madison parking lot, and offered an opinion that City money should not be used for J.M.U. property, noting that an approximate \$ 100,000. would be required of the street department appropriations. Mr. Driver said that although the City could not afford to finance the entire project, 15% has been committed from the Cantrell Avenue project, and that plans for the access road which will require 400-500' have been completed in order to make connection to the JMU parking lot.

✓ Councilman Green asked about inadequate parking on old S.High Street and suggested consideration of additional parking being made available at bottom of the hill.

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

*N. Arlene Lokes*  
CLERK

*Ray E. Eason*  
MAYOR

✓  
APPROPRIATION ORDINANCE  
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 NINE -  
OCTOBER 1, 1977 TO SEPTEMBER 30, 1978

\$ 523,114.

PROPOSED EXPENDITURES:

Municipal Departments:

Refuse Department - Garbage Packer	\$ 22,500.
Police Department - 4 Police Cruisers	18,000.
Game Warden - Truck and Equipment	8,000.
Parks and Recreation - Site Improvements:	
Keister School Playground	10,000.
Energy Recovery Project	50,000.
Transportation Department - 1 Wheelchair Lift Equipped Van,	
2 32-Passenger School Buses, 3 Taxi Cabs, Radio and	
Meters	64,900.
Fire Department - Aerial Ladder Truck	105,000.
Downtown Development	70,392.
Total Municipal Departments	<u>\$348,792.</u>

Department of Education:

Harrisonburg High School painting	\$ 20,500.
Band uniforms and instruments	14,222.
Field House roof - low section	6,100.
Stadium Project	130,000.
Side curtains-Thomas Harrison auditorium	3,500.
Total Department of Education	<u>\$174,322.</u>

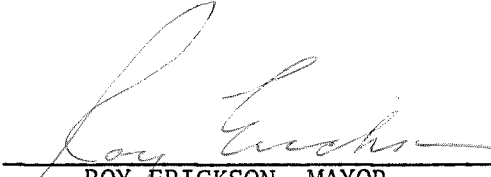
TOTAL PROPOSED EXPENDITURES

\$ 523,114.

This ordinance shall become effective May 9, 1978.

Given under my hand this 9th day of May, 1978.

  
N. ARLENE LOKER, CLERK

  
ROY 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, 1979

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES OF THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 1979. TO PRESCRIBE THE TERMS, CONDITIONS, AND PROVISIONS WITH RESPECT TO THE ITEMS OF APPROPRIATION AND THEIR PAYMENT; AND TO REPEAL ALL ORDINANCES WHOLLY IN CONFLICT WITH THIS ORDINANCE, AND ALL PARTS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE TO THE EXTENT OF SUCH INCONSISTENCY.

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

SECTION 1 - GENERAL FUND

That the following sums of money be and the same hereby are appropriated for the general government purposes herein specified for the fiscal year ending June 30, 1979.

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-seven thousand, eight hundred ninety-two dollars and no cents (\$37,892.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$17,612.00
(2) Other Operating Expenses	13,780.00
(3) Capital Outlay	6,500.00

Paragraph Two - City Manager (2010)

For the current expenses and capital outlay of the CITY MANAGER, a division of the Executive Department, the sum of forty-four thousand, two hundred forty-one dollars and no cents (\$44,241.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$38,266.00
(2) Other Operating Expenses	5,175.00
(3) Capital Outlay	800.00

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 ninety-one dollars and no cents (\$7,191.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 6,741.00
(2) Other Operating Expenses	450.00

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 seventy-five thousand, three hundred nineteen dollars and no cents (\$75,319.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$64,269.00
(2) Other Operating Expenses	9,600.00
(3) Capital Outlay	1,450.00

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 fifteen thousand, two hundred dollars and no cents (\$15,200.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$13,000.00
(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 seventy-two thousand, five hundred three dollars and no cents (\$72,503.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$60,500.00
(2) Other Operating Expenses	11,903.00
(3) Capital Outlay	100.00

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 Nine - Auditor (4030)

For the current expenses and capital outlay of the AUDITOR, a division of the Department of Finance, the sum of seventy-eight thousand, forty-four dollars and no cents (\$78,044.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$61,119.00
(2) Other Operating Expenses	14,425.00
(3) Capital Outlay	2,500.00

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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 one hundred eight thousand, one hundred eighty-two dollars and no cents (\$108,182.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$61,643.00
(2) Other Operating Expenses	30,539.00
(3) Capital Outlay	16,000.00

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 forty-three thousand, two hundred seventy-three dollars and no cents (\$43,273.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$33,488.00
(2) Other Operating Expenses	4,385.00
(3) Capital Outlay	5,400.00

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 two hundred sixteen thousand, one hundred twenty-four dollars and no cents (\$216,124.00) is appropriated from the General Fund to be apportioned as follows:

(1) Contribution to Retirement for City Employees	\$216,124.00
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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 of the JUVENILE & DOMESTIC RELATIONS COURT, a division of the Judicial Department, the sum of eleven thousand, nine hundred forty-eight dollars and no cents (\$11,948.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,188.00
(2) Other Operating Expenses	10,760.00

Paragraph Eighteen - County Court (6018)

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

(1) Other Operating Expenses	\$ 800.00
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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, four hundred twenty-five dollars and no cents (\$1,425.00) is appropriated as follows:

(1) Personal Services	\$ 1,400.00
(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 one hundred nineteen thousand, nine hundred fifty-two dollars and no cents (\$119,952.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 9,852.00
(2) Other Operating Expenses	110,100.00

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 fifty-one thousand, eight hundred eighty dollars and no cents (\$51,880.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$51,880.00
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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 five hundred, twenty-five thousand, nine hundred twenty-five dollars and no cents (\$525,925.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$434,745.00
(2) Other Operating Expenses	79,180.00
(3) Capital Outlay	12,000.00

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 forty thousand, six hundred sixty-three dollars and no cents (\$40,663.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$18,800.00
(2) Other Operating Expenses	15,863.00
(3) Capital Outlay	6,000.00

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, seventy-four thousand, three hundred ninety-one dollars and no cents (\$274,391.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$168,341.00
(2) Other Operating Expenses	71,750.00
(3) Capital Outlay	34,300.00

Paragraph Twenty-Six - Game Warden (9040)

For the current expenses of the GAME WARDEN, a division of the Department of Public Safety, the sum of eleven thousand, two hundred twenty-five dollars and no cents (\$11,225.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,200.00
(2) Other Operating Expenses	10,025.00

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 sixteen thousand, two hundred dollars and no cents (\$16,200.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 4,000.00
(2) Other Operating Expenses	12,200.00

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 fifty-eight thousand, seven hundred ninety-two dollars and no cents (\$58,792.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 50,497.00
(2) Other Operating Expenses	2,395.00
(3) Capital Outlay	5,900.00

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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-four thousand, one hundred seventy-four dollars and no cents (\$64,174.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 57,774.00
(2) Other Operating Expenses	4,600.00
(3) Capital Outlay	1,800.00

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 seventy-eight thousand, seven hundred ninety-one dollars and no cents (\$578,791.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$223,936.00
(2) Other Operating Expenses	165,805.00
(3) Capital Outlay:	
74 Auto Equipment	16,500.00
76 Machinery & Equipment	7,550.00
77G Blacks Run-Cleaning & Reloc.	5,000.00
77H South Main Street	30,000.00
77K South High Street	50,000.00
77N Sidewalks	80,000.00

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 forty-three thousand, two hundred thirty-eight dollars and no cents (\$143,238.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$143,238.00
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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 thirty-nine thousand, seven hundred fifty dollars and no cents (\$39,750.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 19,000.00
(2) Other Operating Expenses	5,850.00
(3) Capital Outlay	14,900.00

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-four thousand, nine hundred eighty-six dollars and no cents (\$64,986.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 15,636.00
(2) Other Operating Expenses	24,350.00
(3) Capital Outlay	25,000.00

Paragraph Thirty-Four - Downtown Rehabilitation Project (10220)

For the capital outlay of the DOWNTOWN 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 and capital outlay of the BUREAU OF STREET CLEANING, a division of the Department of Public Works, the sum of fifty-eight thousand, eight hundred thirty-five dollars and no cents (\$58,835.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 28,660.00
(2) Other Operating Expenses	25,425.00
(3) Capital Outlay	4,750.00

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-three thousand, six hundred ninety-six dollars and no cents (\$193,696.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$157,806.00
(2) Other Operating Expenses	34,090.00
(3) Capital Outlay	1,800.00

DD550

10050

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 thousand, nine hundred eighty-four dollars and no cents (\$240,984.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$157,134.00
(2) Other Operating Expenses	48,350.00
(3) Capital Outlay	35,500.00

Paragraph Thirty-Nine - Hillandale Park (11025)

For the current expenses of HILLANDALE PARK, a division of the Department of Recreation, the sum of fifteen thousand, five hundred seventeen dollars and no cents (\$15,517.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 9,705.00
(2) Other Operating Expenses	5,812.00

Paragraph Forty - Community Activities Center (11027)

For the current expenses and capital outlay of COMMUNITY ACTIVITIES CENTER, a division of the Department of Recreation, the sum of sixty-seven thousand, ninety-nine dollars and no cents (\$67,099.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 25,599.00
(2) Other Operating Expenses	36,500.00
(3) Capital Outlay	5,000.00

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-nine thousand, ninety-five dollars and no cents (\$29,095.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 21,020.00
(2) Other Operating Expenses	6,375.00
(3) Capital Outlay	1,700.00

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, five hundred sixty-five dollars and no cents (\$5,565.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 2,940.00
(2) Other Operating Expenses	1,925.00
(3) Capital Outlay	700.00

Paragraph Forty-Three - Simms Recreation Center (11032)

For the current expenses of the SIMMS RECREATION CENTER, a division of the Department of Recreation, the sum of one thousand, seven hundred ninety dollars and no cents (\$1,790.00) is appropriated from the General Fund to be apportioned as follows:

(Other Operating Expenses	\$ 1,790.00
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Paragraph Forty-Four - National Guard Armory (11040)

For the current expenses of the NATIONAL GUARD ARMORY, a division of the Department of Recreation, the sum of sixteen thousand, nine hundred ninety-four dollars and no cents (\$16,994.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 8,513.00
(2) Other Operating Expenses	8,481.00

Paragraph Forty-Five - Planning Commission (13010)

For the current expenses and capital outlay of the PLANNING BOARD OR COMMISSION, a division of the Department of Boards and Commissions, the sum of thirty-nine thousand, three hundred seventy dollars and no cents (\$39,370.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 30,970.00
(2) Other Operating Expenses	3,200.00
(3) Capital Outlay	5,200.00

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Paragraph Forty-Six - 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-Seven - Elections (13110)

For the current expenses of the BOARD OF ELECTIONS, a division of the Department of Boards and Commissions, the sum of seventeen thousand, one hundred twenty-five dollars and no cents (\$17,125.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 13,500.00
(2) Other Operating Expenses	3,625.00

Paragraph Forty-Eight - Harrisonburg Parking Authority (13220)

For the current expenses of the HARRISONBURG PARKING AUTHORITY, a division of the Department of the Department of Boards and Commissions, the sum of one hundred eight thousand, seven hundred dollars and no cents (\$108,700.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 37,228.00
(2) Other Operating Expenses	71,472.00

Paragraph Forty-Nine - 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 four hundred thirty-six thousand, one hundred seventy dollars and no cents (\$436,170.00) 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)	2,650.00
373	County Rest Room	1,750.00
374	Rockingham Library Association	50,000.00
375	Salvation Army	1,000.00
376	Rescue Squad (Gas & Oil)	750.00
377	Shenandoah Valley, Inc.	120.00
378	Mental Health Clinic	13,129.00
379	Veterans Band	600.00
380	Upper Valley Regional Park Authority	7,458.00
381	Commission - Regional Juvenile Detention Home	3,650.00
382	Shenandoah Valley Soil & Water Conservation District	600.00
383	Halfway House - Matching Funds	8,500.00
388	Blue Ridge Community College	600.00
390-1	Rockingham County Historical Society	500.00
390-2	Harrisonburg-Rockingham Bicentennial Commission	500.00
392	Central Shenandoah Planning District	3,720.00
393	Chapter 10 Board - Mental Health	5,802.00
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 Non-Departmental	1,200.00
15040	Insurance and Bond Premiums	\$193,300.00
15050	Joint Expenses - Rockingham County:	
390	Other Expenses	80,000.00
15060	Airport:	
280	Subscription and Contributions	25,000.00
15070	Dues to Municipal Organizations:	
280	Dues to Virginia Municipal League	2,300.00
280-1	Dues to National League of Cities	550.00
15090	Annexation:	
899	Annual Share Rockingham County Bonds and Interest	2,590.00

Paragraph Fifty - 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 ninety thousand, six hundred thirteen dollars and no cents (\$190,613.00) is appropriated from the General Fund to be apportioned as follows:

(1) Serial Bonds and Interest	\$190,613.00
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Paragraph Fifty-One - Transfers to Other Funds (17)

For supplementing the revenue of other funds the sum of three million, three hundred sixty-two thousand, three hundred twenty dollars and no cents (\$3,362,320.00) is appropriated from the General Fund to be transferred as follows:

(cont'd on back)



(1) Central Stores Fund	\$ 7,652.00
(2) Central Garage Fund	29,612.00
(3) Virginia Public Assistance	66,192.00
(4) Schools	3,200,766.00
(5) Public Taxi-Transportation	58,098.00

Paragraph Fifty-Two - Reserve for Contingencies (18)

For Reserve for Contingencies of the General Fund the sum of thirty thousand dollars and no cents (\$30,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Reserve for Contingencies	\$ 30,000.00
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S U M M A R Y

Expenditures and Revenue

Total General Fund Appropriations for the Fiscal Year Ending June 30, 1979	\$7,652,707.00
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To be provided for from the following anticipated and estimated revenue which is as follows:

Anticipated Cash Balance July 1, 1978	\$ 296,140.00
General Property Taxes (estimated)	2,230,003.00
Other Local Taxes (estimated)	1,798,300.00
Licenses, Permits & Privilege Fees (estimated)	943,100.00
Fines & Forfeitures (estimated)	81,000.00
Revenue from Use of Money & Property (estimated)	90,800.00
Revenue From Other Agencies (estimated)	774,000.00
Service Charges for Current Services (estimated)	316,434.00
Sales of Services, Commodities & Properties (estimated)	500.00
Miscellaneous Revenue (estimated)	700,000.00
Non-Revenue Receipts (estimated)	351,830.00
Transfers From Other Funds (estimated)	70,600.00

Total General Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1979	\$7,652,707.00
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SECTION II - SCHOOL BOARD

That the following sums of money be and the same hereby are appropriated for the school purposed herein specified for the fiscal year ending June 30, 1979:

Paragraph One - 17A - Administration

For the current expenses of the ADMINISTRATION OF THE DEPARTMENT OF EDUCATION, the sum of one hundred sixteen thousand, one hundred sixty-eight dollars and no cents (\$116,168.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Administration	\$ 116,168.00
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Paragraph Two - 17B-1 - Regular Day School

For the current expenses of REGULAR DAY SCHOOL, the sum of two million, four hundred eighty-seven thousand, two hundred seventy-six dollars and no cents (\$2,487,276.00) is appropriated from the City School Board to be apportioned as follows:

(1) Regular Day School	\$2,487,276.00
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Paragraph Three - 17B-2 - Other Instructional Costs

For the current expenses of OTHER INSTRUCTIONAL COSTS, the sum of three hundred twenty-nine thousand, seventy dollars and no cents (\$329,070.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Other Instructional Costs	\$ 329,070.00
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Paragraph Four - 17C - Attendance and Health Services

For the current expenses of ATTENDANCE AND HEALTH SERVICES, the sum of twenty-three thousand, fifty-six dollars and no cents (\$23,056.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Attendance and Health Services	\$ 23,056.00
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Paragraph Five - 17D1 - Pupil Transportation Services

For the current expenses of PUPIL TRANSPORTATION SERVICES, the sum of seven thousand, nine hundred fifty-eight dollars and no cents (\$7,958.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Pupil Transportation Services	\$ 7,958.00
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Paragraph Six - 17E - School Food Services

For the current expenses of SCHOOL FOOD SERVICES, the sum of three hundred sixty-eight thousand, one hundred sixty-eight dollars and no cents (\$368,168.00) is appropriated from the City School Fund to be apportioned as follows:

(1) School Food Services \$ 368,168.00

Paragraph Seven - 17F1 - Operation of School Plant

For the current expenses of OPERATION OF SCHOOL PLANT, the sum of three hundred twenty-three thousand, nine hundred eighty-nine dollars and no cents (\$323,989.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Operation of School Plant \$ 323,989.00

Paragraph Eight - 17F2 - Maintenance of School Plant

For the current expenses of MAINTENANCE OF SCHOOL PLANT, the sum of one hundred twenty-one thousand, seventy-eight dollars and no cents (\$121,078.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Maintenance of School Plant \$ 121,078.00

Paragraph Nine - 17G - Fixed Charges

For the current expenses of FIXED CHARGES, the sum of two hundred fifty-two thousand, four hundred forty dollars and no cents (\$252,440.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Fixed Charges \$ 252,440.00

Paragraph Ten - 17H - Summer Schools

For the current expenses of SUMMER SCHOOLS, the sum of twenty-two thousand, six hundred eleven dollars and no cents (\$22,611.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Summer Schools \$ 22,611.00

Paragraph Eleven - 17I - Adult Education

For the current expenses of ADULT EDUCATION, the sum of eighteen thousand, six hundred eighty-four dollars and no cents (\$18,684.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Adult Education \$ 18,684.00

Paragraph Twelve - 17J - Federal Programs

For the current expenses of FEDERAL PROGRAMS, the sum of one hundred thirty thousand, seven hundred thirty-one dollars and no cents (\$130,731.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Federal Programs \$ 130,731.00

Paragraph Thirteen - 19 - Capital Outlay

For the capital outlay of the DEPARTMENT OF EDUCATION, the sum of seven thousand, four hundred forty-five dollars and no cents (\$7,445.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Capital Outlay \$ 7,445.00

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 thirty-eight thousand, one hundred six dollars and no cents (\$238,106.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Serial Bonds & Interest, etc. \$ 238,106.00

S U M M A R Y

## Expenditures and Revenue

Total School Fund Appropriations for  
the Fiscal Year Ending June 30, 1979 \$4,446,780.00

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

Receipts from State School Funds	\$ 722,404.00
Revenue from Federal Funds	239,742.00
Receipts from Other Funds	283,868.00
Receipts from City Funds	3,200,766.00

Total School Fund Revenue (estimated) for  
the Fiscal Year Ending June 30, 1979

\$4,446,780.00

### SECTION III - WATER FUND

That the following sums of money be and the same hereby are appropriated for the water purposes herein specified for the fiscal year ending June 30, 1979:

#### 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-two thousand, one hundred ninety-two dollars and no cents (\$22,192.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 20,582.00
(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 eighty-four thousand, five hundred fifty-five dollars and no cents (\$84,555.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 6,400.00
(2) Other Operating Expenses	78,155.00

#### Paragraph Three - Transmission and Distribution (3)

For the current expenses and equipment of TRANSMISSION AND DISTRIBUTION OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of two hundred sixteen thousand, ninety dollars and no cents (\$216,090.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 72,000.00
(2) Other Operating Expenses	144,090.00

#### 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-five thousand, seven hundred forty-six dollars and no cents (\$265,746.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Depreciation	\$ 205,063.00
(2) Taxes	60,683.00

#### 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 forty-six thousand, six hundred dollars and no cents (\$146,600.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 97,000.00
(2) Other Operating Expenses	49,600.00

#### 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 sixty-eight thousand, three hundred sixty-nine dollars and no cents (\$168,369.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Capital Outlay:	
71 Engineering	\$ 10,000.00
76-1 Mach. & Equip.- Hydrants	1,000.00
77 Work in Progress	45,000.00
79C Installation City Services	25,000.00
79R Installation Rural Services	7,200.00
80 12" Water Main for County Contract	80,169.00

#### 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-one thousand, four hundred seventeen dollars and no cents (\$231,417.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc.	\$ 231,417.00
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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 twenty-six thousand, six hundred forty-three dollars and no cents (\$126,643.00) is appropriated from the Water Fund to be apportioned as follows:

(1) To General Fund, Share of Accounting, Collecting & Date Processing	\$ 70,865.00
(2) To General Fund - Insurances	21,200.00
(3) To General Fund - Retirement & Social Secutiry	16,500.00
(4) To Central Garage Fund	12,339.00
(5) To Central Stores Fund	5,739.00

Paragraph Ten - Transfers to Other Funds (10)

For sharing the cost of operation in other funds the sum of fifty-three thousand, two hundred fifty dollars and no cents (\$53,250.00) is appropriated from the Water Fund to be transferred as follows:

(1) To General Fund - Utility Tax	\$ 36,000.00
(2) To General Fund - Facility Charge	17,250.00

S U M M A R Y

## Expenditures and Revenue

Total Water Fund Appropriations for the  
Fiscal Year Ending June 30, 1979 \$1,331,066.00

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

Licenses, Permits & Privilege Fees (estimated)	\$ 63,000.00
Revenue From Use of Money & Property (estimated)	10,900.00
Service Charges For Current Services (estimated)	880,300.00
Sales of Services, Commodities & Properties (estimated)	100.00
Non-Revenue Receipts (estimated)	50,050.00
Transfers from Other Funds (estimated)	326,716.00

Total Water Fund Revenue (estimated) for  
the Fiscal Year Ending June 30, 1979 \$1,331,066.00

SECTION IV - SEWER FUND

That the following sums of money be and the same hereby are appropriated for sewerage purposes herein specified for the fiscal year ending June 30, 1979:

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 twenty-one thousand, three hundred seventy-seven dollars and no cents (\$21,377.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 20,582.00
(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 seventy-three thousand, four hundred dollars and no cents (\$173,400.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 70,000.00
(2) Other Operating Expenses	103,400.00

Paragraph Four - Miscellaneous (4)

For setting aside reserve for depreciation and the payment of taxes, the sum of one hundred nine thousand, seven hundred ninety-six dollars and no cents (\$109,796.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Depreciation	\$ 85,576.00
(2) Taxes	24,220.00

Paragraph Five - Capital Outlay (7)

For the capital improvements of the SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one hundred eighty-three thousand, nine hundred dollars and no cents (\$183,900.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Capital Outlay:		
72 Engineering	\$	12,000.00
74 Auto Equipment		8,000.00
76 Machinery & Equipment		32,400.00
77 Work in Progress		60,000.00
77A Infiltration-Corrective Action		55,000.00
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 two hundred ninety-one thousand, six hundred eighty-four dollars and no cents (\$291,684.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc.	\$	291,684.00
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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 twenty-eight thousand, three hundred fifty-seven dollars and no cents (\$128,357.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) To General Fund- Share of Accounting, Collecting & Data Processing	\$	70,865.00
(2) To General Fund - Insurances		10,600.00
(3) To General Fund - Retirement & Social Secutiry		16,500.00
(4) To Central Garage Fund		7,403.00
(5) To Central Stores Fund		5,739.00
(6) To General Fund - Facility Charge		17,250.00

S U M M A R Y

Expenditures and Revenue

Total Sewer Fund Appropriations for the Fiscal Year Ending June 30, 1979	\$1,373,914.00
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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 & Property (estimated)		8,000.00
Service Charges For Current Services (estimated)		1,113,700.00
Non-Revenue Receipts (estimated)		32,640.00
Transfers From Other Funds (estimated)		213,574.00

Total Sewer Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1979	\$1,373,914.00
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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, 1979:

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
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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
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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 ninety-seven thousand, three hundred two dollars and no cents (\$197,302.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Personal Services	\$	147,968.00
(2) Other Operating Expenses		49,334.00

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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-eight thousand, nine hundred fifty dollars and no cents (\$88,950.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 88,950.00
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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 sixty-nine thousand, four hundred dollars and no cents (\$69,400.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 69,400.00
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Paragraph Six - Capital Outlay (7)

For the capital outlay of the DEPARTMENT OF SOCIAL SERVICES, the sum of nine hundred fifty dollars and no cents (\$950.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Capital Outlay	\$ 950.00
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S U M M A R Y

## Expenditures and Revenue

Total Virginia Public Assistance Fund Appropriations for the Fiscal Year Ending June 30, 1979:	\$ 358,002.00
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To be provided for from the following Anticipated Revenue which is as follows:

Revenue From Other Agencies (estimated)	\$ 291,810.00
Transfers From Other Funds (estimated)	\$ 66,192.00

Total Virginia Public Assistance Fund Revenue (estimated) For the Fiscal Year Ending June 30, 1979	\$ 358,002.00
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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, 1979:

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 seventy-three thousand, three hundred fifty-four dollars and no cents (\$73,354.00) is appropriated from the Central Garage Fund to be apportioned as follows:

(1) Personal Services	\$ 61,884.00
(2) Other Operating Expenses	7,270.00
(3) Capital Outlay	4,200.00

S U M M A R Y

## Expenditures and Revenue

Total Central Garage Fund Appropriations for the Fiscal Year Ending June 30, 1979	\$ 73,354.00
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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, 1979:

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 nineteen thousand, one hundred thirty dollars and no cents (\$19,130.00) is appropriated from the Central Stores Fund to be apportioned as follows:

(1) Personal Services	\$ 9,750.00
(2) Other Operating Expenses	6,580.00
(3) Capital Outlay	2,800.00

S U M M A R Y

## Expenditures and Revenue

Total Central Stores Fund Appropriations for the Fiscal Year Ending June 30, 1979	\$ 19,130.00
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To be provided for from the following  
Anticipated Revenue, which is as follows:

Non-Departmental (estimated)	\$ 19,130.00
Total Central Stores Fund Revenue for the Fiscal Year Ending June 30, 1979	\$ 19,130.00

SECTION VIII - PUBLIC TAXI-TRANSPORTATION

That the following sums of money be and the same hereby are appropriated for Public Taxi-Transportation purposes herein specified for the fiscal year ending June 30, 1979:

Paragraph One - Public Taxi-Transportation

For the current expenses of the PUBLIC TAXI-TRANSPORTATION, a division of the Public Taxi-Transportation Fund, the sum of two hundred ninety-four thousand, nine hundred ninety-eight dollars and no cents (\$294,998.00) is appropriated from the Public Taxi-Transportation Fund to be apportioned as follows:

(1) Personal Services	\$ 185,798.00
(2) Other Operating Expenses	109,200.00

S U M M A R Y

Expenditures and Revenue

Total Public Taxi-Transportation Fund Appropriations for the Fiscal Year Ending June 30, 1979	\$ 294,998.00
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To be provided for from the following  
Anticipated Revenue, which is as follows:

Service Charges for Current Services (estimated)	\$ 196,900.00
Transfers From Other Funds (estimated)	98,098.00

Total Public Taxi-Transportation Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1979	\$ 294,998.00
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TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH VIII IN THIS  
ORDINANCE FOR THE FISCAL YEAR ENDING JUNE 30, 1979  
RECAPITULATION

Section I	(General Fund)	\$7,652,707.00
Section II	(School Fund)	\$4,446,780.00
Section III	(Water Fund)	\$1,331,066.00
Section IV	(Sewer Fund)	\$1,373,914.00
Section V	(Virginia Public Assistance)	\$ 358,002.00
Section VI	(Central Garage Fund)	\$ 73,354.00
Section VII	(Central Stores Fund)	\$ 19,130.00
Section VIII	(Public Taxi-Transportation)	\$ 294,998.00

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 1978; 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, 1978.

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, 1978, and ending June 30, 1979, both dates

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inclusive, be, and they are hereby authorized and fixed as the maximum compensation to be allowed officers and employees for the services rendered, unless otherwise provided by ordinance; provided, however, that the City Manager is authorized to make such re-arrangements of salaries in the several departments herein named as may best meet the needs and interest of the City and to transfer parts of salaries from one department to another when extra work is transferred from one department to another.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

This ordinance shall become effective July 1, 1978.

Given under my hand this 23rd day of May, 1978.

  
CLERK

  
MAYOR

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. 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 hearings and regular meeting held on May 9th were read and approved as corrected.

Council received a petition signed by 51 residents requesting grading and re-surfacing of an alley extending from W. Market to Water Streets between Academy St. and Brook Avenue. The petition noted that residents of property adjoining the alley had strived to maintain the alley at their own expense, but due to heavy traffic, ruts occur, and because the alley is on a slope, gravel and dirt are washed down to Water St. The City Manager pointed out that the present policy for maintenance of an alley is for property owners abutting same to pay 50% of the cost, with the city. Members of Council agreed that residents should be made aware of the City's rules and regulations. Assistant City Manager Driver said that residents had been so informed, which prompted the petition, and noted an estimated cost of \$2,720. for upgrading the alley. Following discussion, Mr. Driver was instructed to contact those whose properties abutt the alley in question, to determine whether or not 50% of the cost will be assumed by them, on motion by Councilman Dingleline, seconded by Councilman Rhodes, and a unanimous vote of Council.

Councilman Rhodes reported on conditions of an alley in the 200 block of Broad Street which runs from Wolfe to Rock Streets, insofar as ruts, gravel, dirt, etc., and requested that the matter be looked into. The Assistant City Manager was instructed to contact owners of properties abutting the alley and inform them of the City's policy for 50% of the cost to be paid by them, along with the City, for grading and resurfacing same, on motion duly adopted.

The following results of an election held in the City of Harrisonburg on May 2, 1978 for City Council were reported by the Harrisonburg Electoral Board, signed by Frances G. Ore, Chairman; Earl H. Wetsel, member, and Frank S. Warren, Secretary: Walter F. Green, III, 1,496 votes; Margaret A. Gordon, 844 votes; Juanita M. Sanders, 764 votes; James C. Cisney, 981 votes; Violet S. Cox, 602 votes. Walter Green and James Cisney received the highest number of votes for City Council. The Clerk was instructed to record the election results in minutes of this meeting.

A communication was presented and read from Mr. C. T. Yankey, Jr., Manager, Burton's, Inc., 103 S. Main St., requesting permission to hold a sidewalk sale on Monday, May 29, 1978 (Memorial Day), using approximately 50 feet. City Manager Milam reminded Council that only the governing body could grant permission for use of public sidewalks. Councilman Rhodes moved that the request of Burton's Mens' Store be approved, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

Correspondence dated 5/22/78 from Mr. Jeff Harold, Merchandise Manager, J.C. Penney Co., 51 S. Court Square, was presented by the City Manager. A request was made for permission to hold a small sidewalk sale Thursday thru Saturday, May 25 - 27th. It was noted that the sidewalk would be kept clear by placing tables next to the store windows under the awnings, with table width of 3 feet. Vice-Mayor Denton moved that the request of J.C. Penney Co. for sidewalk sale May 25 - 27 be approved, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

At 7:55 P.M. the Mayor closed the regular session temporarily and called the public hearing to order. The following Notice of same was read:-

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, 345 S. Main St., at 7:30 P.M. on the 23rd day of May, 1978, 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.

Given under my hand the 10th day of May, 1978  
Marvin B. Milam, City Manager

The foregoing Notice was published in the Daily News Record newspaper along with a synopsis of the proposed City of Harrisonburg budget for fiscal year 1978-79. Mayor Erickson said that members had been

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afforded an opportunity to review the budget since it was presented at the regular meeting on May 9th, at which time an Appropriation Ordinance for the budget in total amount of \$ 15,549,951.00 had been approved for a first reading. He called on anyone present desiring to be heard for or against the proposed City of Harrisonburg budget. There being no one, the Mayor praised the City's management and department heads for "a splendid job" on the proposed budget, with funds they have to work with. He declared the public hearing closed at 8:00 P.M. and the regular session reconvened.

✓ Councilman Dingleline questioned funding of positions in the City's Recreation Department, noting that he understood that was "some concern" about the department receiving the smallest increase in the proposed budget. City Manager Milam explained that one position deleted from the recreation budget had not been filled as of May 1st, and said that the proposed budget includes sufficient money for all positions which were filled when he completed the overall budget earlier this month. Following a brief discussion, Vice-Mayor Denton moved that the Appropriation 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 Minute Book, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous recorded vote of Council. (Refer to Minute Book N, pages 399-413).

✓ Council was informed by the Assistant City Manager that sometime ago a traffic ticket had been issued by the police department for speeding in a school zone on E. Market St., and that the case had been dismissed by the judge inasmuch as speed limits for school zones had not been properly acted upon and set into the records. The matter was referred to the Harrisonburg Highway Safety Commission by Council at the regular meeting on March 14th, for a speed study and recommendation. Mr. Driver, speaking as Secretary of the Safety Commission, presented the following three recommendations from a meeting held on April 25th, for Council's consideration: (1) to reduce the speed from 35 MPH to 25 MPH on S. High St. for a distance of 400' north and south of Maryland Avenue; (2) reduce speed from 35 MPH to 15 MPH on E. Market Street for a distance of 400' east and west of the intersection of Reservoir with E. Market; (3) reduce speed from 45 MPH to 25 MPH on E. Market St. for a distance of 400' east and west from the intersection of Carlton St. with E. Market St. Mr. Driver noted that the foregoing speed limit proposals were being presented only for the three locations in that school zones in those areas are over 600' from the school properties. Councilman Dingleline questioned whether or not it was possible to enforce a reduction in speed from 35 MPH to 15 MPH as recommended for intersection of Reservoir & E. Market Sts. Mr. Driver replied in the affirmative, provided that same is approved by Council and the area provided with pre-signs and blinking light. Following discussion, Councilman Green moved that the recommendations of the Highway Safety Commission be approved, 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 public hearing of the Commission held on May 17th, 1978 was presented and read by the City Manager:-

"...After hearing a description of the Zoning Map and Land Use Plan by Mr. Sullivan, Chairman Kuykendall asked for comments by property owners from Ott Street's 100 block. Dr. Cullen Sherwood, 120 Ott St., stated that he recently purchased the house and two vacant lots which had been the subject of a zoning dispute a year ago. He told the Commissioners that he and his wife agree with all of the residents involved in this request that the six lots be rezoned to R-1 Single Family District. Mr. and Mrs. Paul Liskey, Jr. of 130 Ott St. spoke in favor and added they were speaking for Mrs. William Byrd and Mr. B.H. Arey. The Director read a letter from Woodbine Cemetery Co. dated May 12, 1978, which stated that the Trustees of the company voted unanimously in favor of changing the rezoning from R-2 to R-1 for the six lots.

No opposition was presented. Following the public hearing, Mr. Fleming moved that the Planning Commission recommend to City Council that Lots 1 through 6, Block G, Page 26 of City Block Map be rezoned from R-2 to R-1 Single Family District. Mr. Williams seconded the motion. Voting in favor of the motion: Messrs. Fleming, Williams, Shank, Milam, Kuykendall and Mrs. Bowman. Voting against: none.."

The City Manager pointed out the fact that four of the lots involved in the request contain homes, while two are vacant. Each of the lots is larger than 10,000 sq. feet. Following a brief discussion, Vice-Mayor Denton moved that the Planning Commission's recommendation be accepted and that Council schedule a public hearing on the request for Tuesday, June 13, 7:30 P.M., which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council. The City Manager was instructed to properly advertise the hearing.

✓ Council was reminded by The City Manager that the residue of property from widening of E. Washington St. comprised of approximately 15,300 square feet had been advertised for sale by the City, with a bid of \$ 10,250. submitted by Harrisonburg Coca Cola Bottling Works, Inc. This was presented at the meeting of May 9th at which time it was agreed that an appraisal be acquired on the land. In correspondence dated 5/10/78 from Mr. James G. Bowman, Realtor, a revised appraisal price of \$ 15,300. was quoted, based on \$ 1.00 per square foot, following re-examination of a previous quotation. Manager Milam recommended that since the Harrisonburg Coca Cola Company property borders N. Main & E. Washington Sts., and since the residue is L-shaped but would be of great value to the company, that it be sold to them for the bid price of \$ 10,250. He noted that the only other alternative would be to rebid the residue. Assistant City Manager Driver made an observation that an appraisal had been acquired following improvements made by the City, but again reminded Council that the original amount paid by the City for the advertised amount of land was approximately \$ 10,053. Councilman Rhodes expressed concern that only one bid had been received, when E. Washington St. had been vastly improved by the City. Mr. Driver said he had talked with the appraiser and was told that the more he thought about it, he felt the figure he had quoted was too high, but that it had been based on a previous appraisal for the Charlton lot. Vice-Mayor Denton offered an opinion that a higher price may be paid, should the lot be rebid. Following discussion it was agreed to defer the matter until Council's next meeting for a decision to sell or rebid the residue.

✓ The City Manager reminded Council that Section 45 of the City Code requires that prior to the end of each fiscal year, the Council shall designate a certified public accountant or other representative for the City's annual audit. The matter was discussed with members agreeing that the firm of Keeler Phibbs & Co. had prepared the report for the past several years and are familiar with the City's records.

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Following discussion, Vice-Mayor Denton moved that the CPA firm be appointed to prepare the 1977-78 audit, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

At 8:30 P.M., Councilman Dingleline moved that Council enter a brief executive session for the purpose of discussing appointments to various Boards & Commissions, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

At 9:00 P.M., Vice-Mayor Denton moved that the executive session be closed and the regular session reconvened, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Reminder was made that the one year term of all persons comprising the Advisory Board - Valley Program for Aging Services had expired on May 1, 1978 and that action should be taken re membership. In a review of current membership, it was noted that all are residents of the City of Harrisonburg with exception of Mr. Samuel Shrum, Dr. Howard Cobbs and Dr. Dorothy Rowe, who are residents of the county. Following a brief discussion, Vice-Mayor Denton moved that Council's appreciation be expressed to Mr. Shrum, Dr. Cobb and Dr. Rowe for valuable services rendered to the Advisory Board, and that the following persons be appointed to serve for a one year term expiring on May 1, 1979: Dr. Raymond C. Dingleline, Jr., Hazel MacNeil, Lakey S. Logan, Wilhelmina H. Johnson, Henrietta Huffman, Robert J. Sullivan, Jr., Pauline Riddle, C.W. Kestner, Rhoda Liskey and Jay Dee Showalter. The motion was seconded by Councilman Rhodes and adopted by a unanimous vote of Council. Mayor Erickson noted that additional members may be appointed at a later date, if so desired.

✓ During a discussion of appointments to Boards & Commissions it was noted that Mr. O. Walton Wine's term on the Industrial Development Authority had expired as of April 24, 1978. City Manager Milam referred to Chapter 33 of the State Code titled "Industrial Development and Revenue Bond Act", Section 15.1-1377 (Directors; qualifications; terms; vacancies; expenses; quorum; records) which states, "No director shall be an officer or employee of the municipality." Under this section, Council was advised that Mr. Wine's membership on the Harrisonburg Electric Commission would not meet qualifications for reappointment to the Authority. Following a brief discussion, Councilman Rhodes moved that Mr. William C. Harris, President, United Va. Bank/Spotswood, be appointed to serve on the Industrial Development Authority for a term of four (4) years, expiring April 24, 1982, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council. Appreciation will be expressed to Mr. Wine, via letter, for services rendered to the Authority.

✓ Council was reminded of a vacancy on the City School Board since expiration of Mrs. Dawn Smith's term June 30, 1977, as well as the fact that present terms of Messrs. William A. Julias and Jack Neff will expire as of June 30, 1978, with Mr. Neff ineligible for reappointment in that he will have completed his second successive term as of that date. Mayor Erickson asked members if they desired to make any appointments at this time. Councilman Dingleline moved that Mr. Richard F. Workman of 1126 Waterman Drive be appointed to serve on the City School Board until June 30, 1980, which is a 3 year term from expiration of the present vacancy, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council. Vice-Mayor Denton then moved that Mr. William A. Julias be reappointed to the City School Board for a term of three years, expiring June 30, 1981, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Inasmuch as Dr. Robert Showalter's first full term on the Mental Health & Mental Retardations Services (Chapter 10) Board will expire on July 1, 1978, the Mayor asked members if they desired to make an appointment at this time. Councilman Dingleline moved that Dr. C. Robert Showalter be reappointed to the Chapter 10 Board for a term of three (3) years expiring as of July 1, 1981, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ For information, City Attorney Lapsley presented a Court Order advising of the following appointments to the Board of Zoning Appeals, with terms to begin as of ~~May 9~~<sup>March 26</sup>, 1978: Robert C. Williams (5 yrs.); P. H. Hardy (4 yrs.); and Alexander W. MacKenzie (2 yrs.).

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 3,045. requested by the City School Board in order to appropriate funds received from the state on 4/3/78 for transportation of Special Education students through the City's Transportation Department, be approved for second and final reading, a first reading having been approved on May 9, 1978, and that:-

\$ 3,045. chgd.to: School Fund (R-12B) Realized Revenue- Spec. Education, Other.

3,045. approp.to: School Fund (1203-219.02) Pupil Trans. Ser.- Pupil Transportation.  
which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous recorded vote of Council.

✓ City Manager Milam requested approval of a supplemental appropriation in amount of \$ 500,000. in order to place funds from Community Development Block Grant into proper account to be used for demolition and site preparation; acquisition of Site for Elderly Housing; and Relocation. He called attention to a Letter of Credit issued by the Department of Housing & Urban Development to the City of Harrisonburg for the \$ 500,000, increase, effective as of 7/20/77. He noted that until recent purchase of three properties in the 200 block of N. Main St., totaling approximately \$ 81,000., none of the funds had been used by the City. Following a brief discussion, Vice-Mayor Denton moved that the appropriation be approved for a first reading, and that:-

\$ 500,000. chgd.to: General Fund - Community Development Block Grant from the  
Dept. of Housing & Urban Development.

500,000. approp.to: General Fund (10220-72.00) Downtown Rehabilitation Proj.- Bldgs.  
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 \$ 55,898.41 in order to appropriate monies received for labor from the Va. Employment Commission - Title 6 & Title 6 Special Project, for months of January, February & March, 1978. The City Manager noted that the money had been received and pointed out the various accounts to which appropriations would be made, for proper usage. Vice-Mayor Denton moved that the appropriation be approved for a first reading, and that:-

\$ 55,898.41 chgd.to: General Fund (1005.00) Recoveries & Rebates.  
 4,562.93 approp.to: General Fund (4040-12.50) Pur.Agent-Wages-Title 6  
 3,188.92 approp.to: General Fund (4110-250.00) Soc.Security (FICA) on wages under  
     Title 6 & Title 6 Spec.Proj.  
 1,839.48 approp.to: General Fund (6015-12.50) Police Court-Wages-Title 6  
     858.90 approp.to: General Fund (9010-12.01) Police Dept.-Wages-Title 6- Trf.Control  
 6,056.03 approp.to: General Fund (9020-12.50) Fire Dept.-Wages-Title 6 - Firemen  
 4,664.57 approp.to: General Fund (10110-12.01) St.Dept.-Wages-Laborers-Title 6  
 2,293.18 approp.to: General Fund (10110-12.50) St.Dept.-Wages-Laborers- Title 6  
 2,802.42 approp.to: General Fund (10340-12.50) Refuse Coll.-Wages-Laborers-Title 6 SP  
 2,043.60 approp.to: General Fund (11020-12.01) Rec.Supvr.-Wages-Title 6  
 1,682.08 approp.to: General Fund (11020-12.02) Ath.Supvr.-Wages-Title 6  
 1,582.55 approp.to: General Fund (11020-12.03) Park Sec.Officer-Wages-Title 6  
     629.38 approp.to: General Fund (11020-12.04) Maint.Man (PT) Wages-Title 6  
 2,032.50 approp.to: General Fund (11020-12.05) Rec.- Ath.Supvr.-Wages-Title 6  
 1,736.80 approp.to: General Fund (11020-12.50) Rec.Instr.-Wages-Title 6  
 2,032.50 approp.to: General Fund (11020-12.51) Park Maint. Supt.-Wages-Title 6  
 1,527.50 approp.to: General Fund (11020-12.52) Janitor- Wages- Title 6  
 1,362.15 approp.to: General Fund (11020-12.53) Clk Tpst.Recpt.-Wages-Title 6  
 1,465.94 approp.to: General Fund (11020-12.55) Grds.Maint.Man/HsKpg-Wages-Title 6  
 2,974.60 approp.to: General Fund (11020-12.57) Concessioner Wages-Title 6  
 6,417.42 approp.to: General Fund (11020-12.58) Laborers-Wages-Title 6 SP  
 1,245.51 approp.to: General Fund (11020-12.59) Acct.Clrk I- Wages- Title 6  
 1,370.53 approp.to: General Fund (11020-12.60) Youth Programmer- Wages- Title 6  
 1,528.92 approp.to: General Fund (11020-12.61) Arts/Crfts.Instr.-Wages- Title 6  
 which motion upon being seconded by Councilman Green, was adopted by a unanimous recorded vote of Council.

✓ A request was presented from Mr. Ralph Smith, Superintendent of Streets, for approval of a supplemental appropriation in amount of \$ 7,200. for purchase of a small sweeper for the downtown area. In his request, Mr. Smith noted that this amount had been recovered for construction costs from a subdivider on Central Avenue. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:-

\$ 7,200. chgd.to: General Fund (1005.01) Driveway entrances- sidewalks, etc.

7,200. approp.to: General Fund (10110-76.00) St.Inspect.- Mach. & Equip.

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 the Director of Social Services for approval of a transfer of funds within departmental appropriations in amount of \$ 2,300. for replacement of photocopy machine, typewriter, desk and chair. Councilman Dingledine moved that the transfer be approved, and that:-

\$ 2,300. trans.from: VPA Fund (05-8021-390.03) Other Operating- Food Stamp Adm.

2,300. trans.to: VPA Fund (05-17-76.00) Cap.Outlay- Office Equipment.

which motion upon being seconded by Councilman Rhodes, 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 \$ 32,074.27 in order to appropriate anticipated receipts from CETA based on estimated salaries & fixed charges for CETA employees for quarter ended 6/30/78. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:-

\$ 32,074.27 chgd.to: School Fund (R-28A) Antic. Rev.-Receipts from Fed.Funds- Other Fed.Funds.

3,801.81 approp.to: School Fund (1201-109.50) Other Inst.Costs-Comp.Tchr.Aides- CETA

4,954.86 approp.to: School Fund (1201-109.51) Other Inst.Costs- Comp.Clerical-

Ass't Instr.-Title VI

21,487.81 approp.to: School Fund (1201-134.50) Day Sch.Instr.-Comp.Elem.Tchr.-CETA

1,829.79 approp.to: School Fund (1206-295.50) Fixed Chgs.- 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 City School Board Office for approval of a supplemental appropriation in amount of \$ 31,529.97 in order to appropriate funds received from Title VI of the Comprehensive Employment & Training Act for quarter ended 3/31/78. Councilman Dingledine moved that the appropriation be approved for a first reading, and that:-

\$ 31,529.97 chgd.to: School Fund (R-28A) Real.Rev.-Receipts from Fed.Funds.

3,770.04 approp.to: School Fund (1201-109.50) Other Inst.Costs-Comp.Tchr.Aides- CETA

4,844.34 approp.to: School Fund (1201-109.51) Other Inst.Costs-Comp.Clerical Ass't Instr.Tit.6

21,116.83 approp.to: School Fund (1201-134.50) Day Sch.Instr.-Comp.Elem.Tchr.-CETA

1,798.76 approp.to: School Fund (1206-295.50) Fixed Chgs.- CETA

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

✓ The City Manager reminded Council that in February he had mailed each member a set of regulations prepared by the Harrisonburg-Rockingham Regional Sewer Authority to be considered by each political subdivision and the Authority, prior to adoption. He then presented a final draft drawn in March of this year, and pointed out that the regulations are similar to those under Chapter 29 of the Harrisonburg City Code. The City's sewage will be checked at the master meter located at south corporate limits. Manager Milam recommended that the March Draft of Final Regulations be approved, in order that same may be acted upon at the Authority's June meeting. Following discussion and on motion of Vice-Mayor Denton, seconded by Councilman Green, and a unanimous vote of Council, the City Manager's recommendation was approved.

✓ The City Manager informed Council that all vehicle purchases are arranged through the various department heads with quotations received through either his office or the Assistant City Manager. He said there were some reservations with regard to the proposed purchase of a ladder truck by the Fire Dept.,

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and asked Assistant City Manager Driver to bring the matter up to this point. Mr. Driver noted that he had worked on the proposed purchase of a new ladder truck and had seen trucks on which three bids were received as follows: (1) Seagrave, \$ 116,767.00; Mack, \$ 117,000.00; Haun, \$ 120,000.00. He expressed concern in that the Haun quotation was for a 106' ladder, as opposed to a 100' ladder by the other two bidders, originally requested by the department. After reviewing the bids with Fire Chief Austin, it is his (Mr. Austin's) recommendation that the Haun truck be purchased at the cost of \$ 120,000. When placing orders on construction equipment, Mr. Driver informed Council that the low bid is accepted, unless there is something on the equipment not usable, at which time the bid is disregarded. In this particular instance, Mr. Driver said he felt he could not approve purchase of the truck from the highest bidder, but if Council is willing to pay the additional amount for the longer ladder, it would be satisfactory with him. His personal opinion was that the only way he could award purchase of the truck would be to the low bidder, (Seagrave), even though the Mack truck is handled by a local dealer. Chief Austin presented and explained eleven reasons for his recommendation to purchase the Haun truck, primarily because of the length and structural strength of the ladder; pointed out his second and third choices as the Seagrave and Mack, respectively; and offered an opinion that for a truck that will last 30 years, the Haun would offer the most for the money. Mr. Robert Plecker, dealer in Mack equipment, said his interest was in providing local services and their being local business people and taxpayers in the City of Harrisonburg. Following discussion, Vice-Mayor Denton said he was in agreement with Mr. Plecker's statements, but felt that Council should rely on recommendations submitted by competent department heads where equipment is concerned. He moved that the Haun truck be purchased for the sum of \$ 120,000. and the motion was seconded by Councilman Dingledine. The Mayor called for a vote on the motion, which was carried by a 4-0 vote.

✓ Council discussed briefly the restricted parking system on Newman Avenue which seems to be working out very well. Vice-Mayor Denton noted that it affords places for residents to park, unload groceries, etc., while the remainder of the street is open for other parking. Due to the fact that this system is not under city ordinance, tickets cannot be issued by the police department for overparking. On motion of Vice-Mayor Denton, seconded by Councilman Rhodes, and a unanimous vote, the City Attorney was instructed to draft an ordinance and present same for Council's review.

✓ Councilman Rhodes registered complaints he had received concerning appearance of property at 375 Broad St., as well as property at the corner of Myrtle and Kelly Streets. He reported that the latter is vacant and attracts people to the porch and yard, which creates disturbance for elderly neighbors. Mr. Rhodes said he felt that more patrolling of the area may reduce the noise. Chief Presgrave informed Council that his department is familiar with the area and have made some arrests. However, when police cars arrive, they usually find it relatively quiet. He offered to increase presence of officers.

✓ Councilman Green said he had received letters from young people requesting a skate board area for this type of recreation, and would like to approach the Recreation Department concerning closing in an area for this purpose. The matter was discussed briefly.

There being no further business and on motion duly adopted, the meeting adjourned at 10:20 P.M.

*M. Delene Loper*  
CLERK

*Ray Eichen*  
MAYOR

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Tuesday, June 13, 1978

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.

Combined public hearings and regular meeting held on May 23rd 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, 1978.

From the City Treasurer:-

A trial balance report as of close of business on May 31, 1978.

From the Police Department:-

A report of total number of arrests; parking meter fines collected; cash collected from all sources in amount of \$ 8,087.50 for month of May, 1978.

From the City Auditor:-

A financial report for City of Harrisonburg, Va. for month of May, 1978.  
A report of cash discounts saved in payment of vendors' invoices for month of May, 1978, totaling \$ 694.12.

From the Department of Utility Billing:-

A report of water, sewer & refuse accounts, meters read, installations, cut delinquents, complaints, re-reads, etc. for month of May, 1978.

✓ For information, a letter was read from Mr. John L. Heatwole, Co-chairman of the Harrisonburg-Rockingham County Independence Bicentennial Commission, noting that his resignation was submitted yesterday to the Board of Supervisors. Mr. Heatwole expressed fulfillment in serving 3 1/2 years on the Commission (co-chairman for the past seven months) as a representative of the County, and praised Harrisonburg's appointment of Dr. Raymond Dingle-dine as its representative. A personal tribute was added in the correspondence as follows: "Dr. Dingle-dine has always been a reassuring presence and his calm counsel has made difficult moments easier to bear. At Singers Glen his well conceived remarks concerning the ties between city and county and his personal graciousness toward me will always be warmly remembered

in the years to come." Best wishes were expressed for the success of Harrisonburg's Bicentennial in 1980 and a personal observation made that in The Reverend Lloyd Sprinkle, the city has a fine and capable chairman to orchestrate a memorable celebration. Councilman Dingledine moved that the Clerk be instructed to write Mr. Heatwole and express Council's appreciation for services rendered by him to the Commission and the entire community, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Correspondence was read from Mr. Jeff Harold, Merchandise Manager of J.C. Penney Co., Inc., requesting permission of Council to hold two sidewalk sales at the store on W. Court Square, Thursday, June 22nd thru Saturday, June 24th, and again on Monday and Tuesday, July 3rd and 4th. On motion of Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Council, the request was granted.

✓ The City Manager read correspondence from the State Compensation Board addressed to all Constitutional Officers advising that all payrolls and expense vouchers for the month of June must be filed with that office by June 30th in order to be paid out of budget allowances for fiscal year ending 6/30/78. Any received after that date would be charged to budget allowances for fiscal year beginning July 1, 1978. Manager Milam noted that this applies to the offices of City Treasurer and Commissioner of Revenue, and was presented for information only.

✓ Correspondence dated 6/6/78 from Mr. John R. Gordon (owner of lot 742 Ott St.) and Mrs. Patricia B. Hartman (owner of lot 748 Ott St.) was read by the City Manager, requesting rezoning of said lots from R-1 Single Family District to R-3 Multiple Dwelling, which would result in extension of the R-3 zone. Immediate property owners affected by this change are: Rockingham Memorial Hospital, Juliet Sibert Luce, Elizabeth S. Russell and Anne S. Rundquist. On motion by Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Council, the request was referred to the City Planning Commission for study and recommendation.

✓ Correspondence dated 5/23/78 received by certified mail was read by the City Manager for Council's information, referring to attached copy of the State Corporation Commission Order setting hearing date of July 10, 1978, 10:00 A.M. in the Blanton Bldg., Richmond, on Columbia of Virginia Gas Companies' application for a 2.27 million dollar annual rate increase. Manager Milam noted that this had been properly advertised.

City Manager Milam informed Council that he was in receipt from the State Corporation Commission, notice of application of Virginia Electric & Power Company to increase rates and charges. Hearings on the application scheduled for September 5th, 6th and 7th at Chesapeake, Virginia, Fairfax County, Va. and Richmond, Va., respectively, have been properly advertised and information pertinent to the request sent to the Harrisonburg Electric Commission. He noted that copies were available in his office for review.

✓ Mayor Erickson closed the regular session temporarily and called the public hearing to order. The following Notice of Hearing advertised on May 26th and June 9th in the Daily News Record newspaper, was read:-

"The Harrisonburg City Council will hold a Public Hearing on Tuesday, June 13, 1978 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 District 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's 100 block. Request is by Cullen & Phoebe Sherwood, Paul & Priscilla Liskey, Mrs. William Byrd and B. H. Arey. Purpose: to preserve the single family character of these properties.

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

City of Harrisonburg, Marvin B. Milam, City Manager  
Mr. Sullivan, Planning Director, pointed out location of the lots as next to Woodbine Cemetery, with zoning to the north of R-2. He explained that the first four lots are being used as single family residence, with the latter two lots, vacant. Council was reminded by Mr. Sullivan that the Planning Commission's recommendation to approve the rezoning had been accepted by the governing body on May 23rd, with public hearing scheduled for this time. Mayor Erickson called on anyone desiring to be heard either for or against the request. There being no one, the hearing was declared closed at 8:00 P.M. and the regular session reconvened.

✓ Mayor Erickson asked Council's wishes concerning the rezoning request discussed in tonight's public hearing. Councilman Dingledine moved that the Planning Commission's recommendation for rezoning of the six lots in the 100 block of Ott Street from R-2 to R-1 Single Family Residence, be approved, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ With regard to property located at 1241 N. Main St. recently purchased by the City of Harrisonburg for lease to the Chapter 10 Board, City Manager Milam reported that during the past several months, plans had been developed by the City for a 2-story 30' x 40' addition (2400 sq. feet), to meet needs of the health services. He asked Mr. John Byrd, Building Official, to bring the matter up to date, in that he had asked for quotations on same. Mr. Byrd said that Chapter 10 desires to double size of the property for their immediate use. He noted that two bids have been received for the frame structure, from Ellis & Co., Harrisonburg, and Moss Associates, Inc., Harrisonburg. In talking with the low bidder, Mr. Byrd anticipated construction to begin this month and require four months for completion. Councilman Dingledine said he had met with Ms. Betsy Knighton, executive director of the Chapter 10 Board, and Councilman Rhodes for the purpose of going over the plan, and noted that Mrs. Knighton is of the opinion that the addition will be adequate to meet their needs for sometime in the future. He suggested that the best procedure may be for Council to enter an executive session for a discussion of the legal aspects. This met with Council's approval, but all agreed that matters on tonight's agenda be cleared prior to the executive session. City Manager Milam said he would not reveal bid prices to the general public until legal aspects are resolved.

✓ City Manager Milam reported that following the last regular meeting of Council, on May 31st, bids

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were opened on construction of Housing for the Elderly at 265 N. Main St., on three properties recently purchased by the City for this purpose. The bid invitation had been advertised not only in the local Daily News Record newspaper but also in the Washington Star; Washington Post; Baltimore Sun and a Norfolk newspaper. Although interest was expressed by fourteen persons, only two bids were received as follows: N.C. Monroe Construction Co., Greensboro, N.C. (architectural firm: D.P. Davis & Associates of Harrisonburg), \$1,495,840. with a reduction of \$16,000., should the City accept a rock removal clause; APEX Building Contractors of Newport News, Va. (architectural firm of Washington Associates, Norfolk, Va.), \$1,888,000. The bid of N.C. Monroe was declared low and accepted, providing all requirements of City Code and Dept. of Housing & Urban Development are met, and approval is obtained from City Council, Planning Commission and the Redevelopment & Housing Authority. He noted that a third bid was received very late, and that although not beneath the low bid, it was within range of the proposal. In as much as time for construction was not included with the Monroe bid proposal, Manager Milam said he has since received a telegram and letter setting forth 450 calendar days for completion. Mr. John Byrd, City Building Official, displayed preliminary plans for both constructions as proposed by the two bidders, noting 62 living units, and each allowing for building expansion. Following the presentation, the City Manager reported that although HUD will be assisting in the project with annual payments, the funds will not be received at the beginning, which means that the City is responsible for the initial financing. He said that alternatives include tax free bonds or tax free mortgages which were being investigated and noted that several local banks have indicated interest in assisting the City. He will be meeting with those bankers next Monday to receive mortgage proposals from each. Manager Milam informed Council that he would negotiate further with N. C. Monroe Construction to determine whether or not cost of construction might be reduced in some manner. He recommended that plans by N.C. Monroe and APEX be referred to the City Planning Commission and to the R & H Authority for comments, study and approval. Councilman Rhodes moved that the plans 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. On motion by Councilman Dingleline, seconded by Councilman Rhodes and a unanimous vote of Council, the plans were referred to the R & H Authority for study and comments. Inasmuch as this is a joint venture between the City of Harrisonburg and Redevelopment & Housing Authority, it was agreed that the two bodies meet jointly at Council's next regular meeting date (June 27th) with the possibility of arranging method of financing for the project, and possible awarding of a contract. Manager Milam pointed out that should this not be accomplished, both bids will have to be rejected.

In discussing an agenda item concerning the Cantrell Avenue Parking Lot located between S. Main & S. Mason Streets, as to whether the City should rent, sell or transfer same to the Harrisonburg Parking Authority, City Manager Milam pointed out that the lot has been in question for some time due to condemnation by the Highway Department for the Cantrell Avenue project. It has taken a period of approximately 5 years to clear title to the property due to complications. Apartments which formerly were situated on this lot were destroyed by fire some years ago. Councilman Green reported that a special committee has met several times in order to try and relieve the parking situation prior to the end of August and beginning of the JMU school term. He noted that James Madison University has purchased the Wolfe property and that the new Educational Building will displace a number of parking spaces which are available at the present time. He informed Council that Dr. Carrier said he had proposed to officials of Rockingham Memorial Hospital that JMU be granted use of approximately 70 parking spaces behind the Masters House and that the hospital has agreed to this arrangement provided the City will guarantee use of the Cantrell Avenue lot with free parking for hospital employees and construction workers, for a period of two years, which will allow time for completion of the Educational Building by JMU, with more parking spaces provided on the west side of S. Main Street. If the Cantrell Avenue lot is turned over to the Parking Authority, title to same would remain with the city, and only a motion or letter for transfer would be required. Council was informed that cost of grading and surfacing the lot, marking parking spaces, etc. would cost in the neighborhood of \$7,000. - \$10,000., and that parking meters could be installed on same at a later date. Councilman Green said that the Parking Authority is willing to have the lot transferred to them, but with assurance that preparation costs will not be their responsibility. Vice-Mayor Denton said he could see no reason why the hospital should not be allowed to use the lot for a 2-year period, but whether free, or not, is another question. Councilman Green offered to present this aspect to RMH. City Manager Milam made an observation that cooperating in this manner should relieve various problems in the area, but added that the Parking Authority does not want the lot with all liabilities and no assets. Councilman Dingleline said he could see no reason why the Parking Authority needs to be brought into the situation at this time, but felt that the City should proceed with paving the lot, etc., with stone to be provided by the hospital. Councilman Green informed Council that the Parking Authority desires to have this lot under its supervision, and asked if he could give assurance to the hospital that they can use the lot for two years, and get back to the governing body to work out details. Following a lengthy discussion, Vice-Mayor Denton moved that Rockingham Memorial Hospital be advised that they may use the Cantrell Avenue parking lot for a 2-year period, with another meeting to be held for working out various arrangements, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

A question raised by the City Manager was whether or not the City should ask for sealed bids for sale or lease of the vacant lot, former location of the B. Ney property, 105 N. Main St., with a plan of development. Vice-Mayor Denton said that he was looking at this from the standpoint of holding a decision on this property until the Kavanaugh building has been demolished, and selling both lots as a package. However, on the other hand, if a prospect has inquired about the lot for retail shops, it may be better to sell, and take a chance on the Kavanaugh site. He noted further that he would hate to see a warehouse type structure, when the entire block is under a plan of development which should be followed. City Manager Milam said he does not feel the city should sell any property outright, but that it should be done on a bid basis with plan of development. In his opinion, going along with sale of the B. Ney lot may defeat proposals which have been received for two large buildings on this and the Kavanaugh lot. He informed Council that several requests have been made for purchase of the former Hose Co. #4 building on W. Elizabeth St., through realtors, with names of potential purchasers not revealed. Although this building is included in those proposed for demolition, he asked whether or not this building should be sold or leased, with potential purchaser required to submit a plan of development. Mayor Erickson said that the City Manager, in receiving inquiries concerning any of the properties, should explain that the City is not only interested in selling a building or lot, but to determine whether or not the proposal would complement the entire area and fit into the complex of a total plan of development. Building Official

Byrd pointed out that standards have been set forth, whether for new construction or renovation of present buildings. Following discussion, the Mayor suggested that the matter be deferred and more thought be given, prior to any decision concerning the No. 4 building or vacant Main Street lots.

✓ City Manager Milam gave background information concerning the city owned Sipe House located at 301 S. Main Street, since its vacancy in January 1977 when the Parks & Recreation Department moved to its new location at the Community Activities Center. He noted that the city budget has been paying utilities and heat since that time. In December, 1977, Council approved one of the recommendations submitted by the Sipe House Study Committee, to lease the house to the Chapter 10 Board for a period up to five years. However, in January 1978 the Board was looking toward permanent housing and expressed no interest in occupying the Sipe House. Property at 1241 N. Main St. was purchased recently by the City for lease to the Chapter 10 Board and Massanutten Mental Health Clinic, with renovations to be made, as well as an addition to the building for additional space. He pointed out that the Historical Society had been interested in occupying space in the Sipe House from the very beginning, and that when the recommendation was approved to lease same to the Chapter 10 Board, permission was granted for the Society to remain on the ground floor of the Municipal Building. The Local Chapter of the Virginia Museum of Cultural Arts had hoped to share space with the Historical Society. Manager Milam informed the governing body that he had promised to place this matter on the agenda for sometime in June, and presented to each member a report of activities of the Harrisonburg-Rockingham Historical Society. Vice-Mayor Denton said he felt the house should not be sold and added that it lends itself to the Historical Society and Virginia Museum, noting further that he believed they could take care of the house and financing. Manager Milam reported that the City contributes \$ 500. annually toward activities of the Historical Society, pays its utilities, and provides space in the Municipal Building for the organization. He pointed out the fact that the City has paid an amount of \$ 2,870. during the 17 month period the Sipe House has been vacant, for heating and utilities, which, if occupied, could very well double in cost. John A. Paul, spokesman for the Historical Society, said he was not sure the organization could afford to pay the approximate \$ 1,100. per year, but offered to pay the electric, water, telephone and janitorial service, if the City would subsidize for heating and major maintenance of the building. He offered an opinion that the organization could be more self-supporting after the City's Bicentennial Year. Mr. Michael Allain, Researcher I of the Harrisonburg-Rockingham Historical Society, introduced his staff who were present in the meeting: Mary Taliaferro Mullen, Wendy Roberts and James O'Barr. He noted total membership of 200 from the City and County, and said that support will be solicited from Rockingham County. Dr. Sease summarized activities of the Virginia Museum and urged space in the Sipe House along with the Historical Society for their displays, etc., which will be a drawing card to the City, particularly during the Bicentennial Year. Vice-Mayor Denton moved that the two organizations: Harrisonburg-Rockingham Historical Society and Virginia Museum of Cultural Arts, be permitted to use the first and second floors of the Sipe House (301 S. Main St.) for a period of two years, with the ground floor to be retained for City use, and further, that the City assume responsibility for heating and major maintenance during that time. The motion was seconded by Councilman Rhodes. Councilman Dingledine said he feels the move is well timed for the City's Bicentennial and offered an opinion that allowing the two organizations to occupy the building will give the city an opportunity to see how well the community will support a larger museum. Should the venture prove to become a financial burden on the City, Dr. Dingledine noted that other arrangements may have to be made. Following discussion, the motion was adopted by a unanimous vote of Council.

✓ Council was reminded by the City Manager that a second appraisal had been asked on residue of a lot owned by the City, from widening of E. Washington Street. He presented a quotation of \$ 22,500. submitted by Franklin A. Zirkle, Society of Real Estate, as market value of the lot as of May 27, 1978. He noted that although both he and the Assistant City Manager had earlier recommended sale of the lot to Harrisonburg Coca Cola Bottling Works for their bid price of \$ 10,500. in that this lot surrounds two sides of their lot, it is now felt that in view of the higher appraisal quotation, it may be better to hold the land for possible relocation of present businesses, etc. in that the City has applied for \$1 million in development funds. On motion of Vice-Mayor Denton, seconded by Councilman Rhodes, and a unanimous vote of Council, action concerning sale of the E. Washington St. lot was deferred.

✓ The following recommendation submitted from a meeting of the City Planning Commission held on May 17, was read:-

"...The Final Plan for University Court Townhouses, Section 2 was described by the Director and oriented to the Master Plan of University Court. Mr. Sullivan explained that Mountain View Drive will be extended 450' and terminated by a permanent cul-de-sac. Section 2 has 32 townhouse lots plus 29,123 sq. feet in common open space. Also, 100' of 'Camelot Lane' is shown as part of Section 2 and City Staff recommends construction of this street up to but not including a culvert for a wet weather stream. Another feature in Section 2 shows a 'service street' extending from the Mountain View cul-de-sac approximately 100' to an existing 60' right-of-way owned by the developers which leads to Eastover Drive. This right-of-way is being used for access during the construction phase. Mr. Robert Duke, representing the developers, stated that the first group of ten townhouses to be built in Section 2 will be on the west side of Mountain View Drive and the culvert under Camelot Lane plus regrading of the wet weather stream area will be done as part of Section 3. Mr. Duke reported that some of the units will have basements. Mr. Sullivan explained that a thorough review by the City Engineering Department concerning street grades, site preparation and utilities has not been completed. Mr. Byrd informed the Commissioners that the construction drawings and related engineering data by Higgs and Shumate of Waynesboro have not been reviewed concerning Section 2, but their work for the first section was excellent.

Mr. Williams then offered a motion for the Planning Commission to recommend approval of the Final Plan for Section 2, University Court Townhouses, provided the developer agrees to dedicate and construct Camelot Lane 100' eastward from Mountain View Drive but not including a culvert for the wet weather stream in this section, and provided the developer extend the water lines to the western edge of the cul-de-sac, and provided the City Engineering Department complete its review of the site plans and related engineering data. Mr. Fleming seconded the motion and all members present voted in favor..."

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Following discussion, Councilman Green moved that the recommendation of the Planning Commission be approved, which motion upon being seconded by Councilman Dingledine, was adopted by four affirmative votes of Council. Abstaining: Vice-Mayor Denton.

✓ The following recommendation submitted by the Planning Director from a meeting of the City Planning Commission held on May 17th was presented and read:-

"...The Final Plan for Northfield Estates Subdivision, Section 3, was described by the Director and oriented to the revised Master Plan of Northfield Estates. Mr. Sullivan explained that 56 'Town Home' residential lots are proposed in Section 3, plus 1.2 acres of common green area and extension of Northfield Court as a complete circle drive. He added that the City Engineering Department has reviewed the engineering data, water and sewer plans; meanwhile, H.E.C. is reviewing the engineering data, due to the fact that all electric lines will be underground. Mr. Sullivan also explained that a turn-around easement is needed at the end of 'Northglen Lane'. If and when this street is extended into the next property, the turn-around easement will be abandoned. Mr. Michael Patrick was present and stated that this arrangement will be satisfactory with Northfield Land Corporation. Mr. Milam noted that 21 of the 56 proposed lots have less than 30' frontage. The Director stated that the lot frontage requirement is measured at the building line and due to the angles of side lot lines, the 30' requirement is likely met, but this will have to be checked into and verified.

Chairman Kuykendall suggested that Mr. Wilkins, surveyor for this proposed subdivision, adjust the Final Plan document and the Commission recommend approval on the condition that Messrs. Sullivan and Byrd then approve the revised Final Plan. Mr. Patrick indicated this would be satisfactory with the developers.

Mr. Fleming then moved that the Planning Commission recommend approval of the 56-lot Final Plan for Northfield Estates Subdivision, Section 3, pending HEC's review of the engineering plans and Messrs. Sullivan's and Byrd's review of the lot width adjustments on 21 of the 56 lots. Mrs. Bowman seconded the motion and all members present voted in favor of the motion..."

Following presentation of the recommendation, Mr. Sullivan reported that he and Mr. Byrd had met with representatives of Northfield Corporation to discuss adjustments on 21 of the 56 lots which have less than 30' frontage. At this meeting on May 30th, it was determined that the lots do have at least 30' frontage at the building line where the proposed duplex homes are to be constructed. He said that since the Zoning Ordinance defines "Lot Width" as "the distance between side lot lines measured at the building line," all representatives agreed that the proposed plats drawn by Mr. Wilkins for proposed Section 3 do meet the City's specifications. Mr. Sullivan said that both he and Mr. Byrd had assured the representatives that the intent of the City's R-4 Planned Unit Development regulations is to allow innovative housing layouts as long as the density of not more than 10 units per acre are met and the 15% common open areas are developed and meaningful parts of the overall neighborhood plan. Council was informed by Mr. Sullivan that lot width begins at the property line, and not at the street, which fact is often misinterpreted. Following discussion, Councilman Rhodes moved that the recommendation of the Planning Commission be approved, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

✓ The following recommendation from a June 7th meeting of the Planning Commission was read:-

"...The Director presented a map showing the resubdivision of Lots 1, 2 & 3 in Hill Top Farm Subdivision into five proposed lots. Mr. Sullivan explained that Mr. Harry F. Bowman desires to sell the lots to Harry Bowers and Ken Downey, who plan to build duplex apartments on Vine Street and duplexes or single family homes on Old Furnace Road. Noting that the square footage requirements under R-2 Residential will allow these options, and a new lot frontage line is shown on the map, based on measuring 30' from the center lines of both Vine St. and Old Furnace Rd. Mr. Sullivan stated that the proposed 5-lot resubdivision is satisfactory, providing curb and gutter will be installed by the developer and the setback line along Old Furnace Rd. is in line with the existing house located on proposed lot #3. Mrs. Bowman moved that the Planning Commission recommend approval of the resubdivision of Lots, 1, 2 & 3 in Hill Top Farm Subdivision into five lots as shown on the map by J.R. Copper, dated 5/10/78, and provided the developer construct the curb and gutter in front of all 5 lots along a line 30' from the center lines of existing Vine St. and Old Furnace Rd., and provided the setback for structures facing Old Furnace Rd. are in line with the existing dwelling on proposed lot #3. Mr. Denton seconded the motion. Voting in favor: Mrs. Bowman, Mr. Denton, Mr. Milam and Mr. Kuykendall. Voting against: none."

Following discussion and on motion of Councilman Green, seconded by Councilman Dingledine, and a unanimous vote of Council, the recommendation of the Planning Commission was approved.

✓ Assistant City Manager Driver reported that he had, upon request of Council, contacted property owners whose properties abutt an alley extending from W. Market to Water Streets, between Academy Street and Brook Avenue, to determine whether or not they would be willing to pay 50% of the cost of upgrading the alley. A petition had been presented at Council's meeting on May 23rd for the City to resurface the alley, in that gravel and dirt are washed down onto Water Street, and heavy traffic has caused ruts. According to Mr. Driver, the owners have agreed to participate in 1/2 the cost for putting stone on the alley. Vice-Mayor Denton moved that the city proceed with the work, with 50% reimbursement from the owners, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Mr. Driver reported that the city is presently cleaning up debris, etc. from an alley located in the 200 block of Broad Street running from Wolfe to Rock Streets, and that after this has been completed, he will contact owners whose properties abutt the alley to determine whether or not they will pay 50% for cost of putting stone on same. Further information should be available at Council's next meeting on June 27th. Approximately 12 property owners will have to be contacted. He suggested a possibility for in the future, when a petition is presented for maintenance of an alley, that a commitment for 50% payment by property owners accompany same, in order to relieve the situation of property owners having to be contacted concerning the City's policy.



City Manager Milam gave background information concerning a request in March 1977 from Frank Cline & Son to close a 10' alley running south from W. Gay St., between N. Main Street and Noll Drive, which request was discussed on several occasions and tabled, pending proposed development in that general area by the City. He informed Council that the matter had been placed on this evening's agenda, for further consideration, in that the City's design of concept will not be near enough to affect the closing. Mr. Steven Weaver, attorney for Frank Cline & Son, pointed out that this is a dead end alley between the Citco station and Bag company, and worth nothing to anyone. He reminded Council that an agreement had been reached concerning an easement for water & sewer lines and urged the closing in that Clines would like to have some option to use the property should the situation arise. The alley is situated between property owned by his client. City Manager Milam presented an ordinance which had been drawn some time ago by the City Attorney and reminded Council that both the Planning Commission and Board of Viewers had reported earlier their approval for the closing. 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.

✓ Councilman Green moved that a supplemental appropriation in amount of \$ 500,000. requested by the City Manager at the last meeting in order to place funds received from the Community Development Block Grant into proper accounts, be approved for second and final reading, a first reading having been approved on May 23, and that:-

\$ 500,000. chgd.to: General Fund- Comm. Development Block Grant from the Dept.  
of Housing & Urban Development.

500,000. approp.to: General Fund (10220-72.00) Downtown Rehab.Proj., Bldgs.

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 \$ 55,898.41 to appropriate monies received for labor from the Virginia Employment Commission - Title 6 and Title 6 Spec. Project for months of January, February & March, 1978, into proper accounts, be approved for second and final reading, a first reading having been approved on May 23rd, and that:-

\$ 55,898.41 chgd.to: General Fund (1005.00) Recoveries & Rebates.

4,562.93 approp.to: Gen.Fund (4040-12.50) Pur.Agent- Wages- Title 6

3,188.92 approp.to: Gen.Fund (4110-250.00) Soc.Security (FICA) on wages under  
Title 6 and Title 6 Spec. Project.

1,839.48 approp.to: Gen.Fund (6015-12.50) Police Court-Wages-Title 6

858.90 approp.to: Gen.Fund (9010-12.01) Police Dept.-Wages-Title 6- Trf. Cntl.

6,056.03 approp.to: Gen.Fund (9020-12.50) Fire Dept.- Wages- Title 6 - Firemen

4,664.57 approp.to: Gen.Fund (10110-12.01) St.Dept.-Wages-Laborers- Title 6

2,293.18 approp.to: Gen.Fund (10110-12.50) St. Dept.- Wages- Laborers- Title 6

2,802.42 approp.to: Gen.Fund (10340-12.50) Refuse Coll.-Wages-Laborers- Title 6 Spec.Proj.

2,043.60 approp.to: Gen.Fund (11020-12.01) Rec.Supvr.-Wages-Title 6

1,682.08 approp.to: Gen.Fund (11020-12.02) Ath.Supvr.-Wages-Title 6

1,582.55 approp.to: Gen.Fund (11020-12.03) Park Sec.Off.-Wages-Title 6

629.38 approp.to: Gen.Fund (11020-12.04) Maint.Man (PT) Wages- Title 6

2,032.50 approp.to: Gen.Fund (11020-12.05) Rec.-Athl.Supvr.-Wages-Title 6

1,736.80 approp.to: Gen.Fund (11020-12.50) Rec. Instr.-Wages-Title 6

2,032.50 approp.to: Gen.Fund (11020-12.51) Park Maint.Supt.- Wages- Title 6

1,527.50 approp.to: Gen.Fund (11020-12.52) Janitor- Wages- Title 6

1,362.15 approp.to: Gen.Fund (11020-12.53) Clk Tpst/Recpt.-Wages- Title 6

1,465.94 approp.to: Gen.Fund (11020-12.55) Grds.Maint.Man/HsKpg.-Wages- Title 6

2,974.60 approp.to: Gen.Fund (11020-12.57) Concessioner Wages- Title 6

6,417.42 approp.to: Gen.Fund (11020-12.58) Laborers- Wages- Title 6 Spec.Proj.

1,245.51 approp.to: Gen.Fund (11020-12.59) Acct.Clk I- Wages- Title 6

1,370.53 approp.to: Gen.Fund (11020-12.60) Youth Programmer-Wages- Title 6

1,528.92 approp.to: Gen.Fund (11020-12.61) Arts/Crfts.Instr.-Wages- Title 6

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

✓ Councilman Green moved that a supplemental appropriation in amount of \$ 7,200. requested by the Superintendent of Streets for purchase of a small sweeper for the downtown area be approved for second & final reading, a first reading having been approved on May 23rd, and that:-

\$ 7,200. chgd.to: General Fund (1005.01) Driveway entrances- sidewalks, etc.

7,200. approp.to: General Fund (10110-76.00) St.Inspect.- Mach. & Equip.

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 \$ 32,074.27 requested by the School Board Office in order to appropriate anticipated receipts from CETA based on estimated salaries & fixed charges for CETA employees for quarter ended 6/30/78, be approved for second and final reading, a first reading having been approved on May 23rd, and that:-

\$ 32,074.27 chgd.to: School Fund (R-28A) Antic. Rev.- Receipts from Fed.Funds- Other  
Fed.Funds.

3,801.81 approp.to: School Fund (1201-109.50) Other Inst.Costs- Comp.Tchr.Aides- CETA

4,954.86 approp.to: School Fund (1201-109.51) Other Inst.Costs- Comp. Clerical Ass't  
Instructor- Title VI

21,487.81 approp.to: School Fund (1201-134.50) Day Sch. Instr.- Comp. Elem.Tchr.- CETA

1,829.79 approp.to: School Fund (1206-295.50) Fixed Chgs.- CETA

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

✓ Councilman Green moved that a supplemental appropriation in amount of \$ 31,529.97 requested by the City School Board in order to appropriate funds received from Title VI of the Comprehensive Employment & Training Act for quarter ended 3/31/78, be approved for second & final reading, a first reading having been approved on May 23rd, and that:-

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\$ 31,529.97 chgd.to: School Fund (R-28A) Real.Rev.-Receipts from Fed.Funds.  
 3,770.04 approp.to: School Fund (1201-109.50) Other Inst.Costs- Comp. Tchr.Aides- CETA  
 4,844.34 approp.to: School Fund (1201-109.51) Other Inst.Costs- Comp. Clerical Ass't  
 Instr.- Title VI  
 21,116.83 approp.to: School Fund (1201-134.50) Day Sch.Instr.-Comp.Elem.Tchr.- CETA  
 1,798.76 approp.to: School Fund (1206-295.50) Fixed Chgs.- CETA

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

✓ A request was presented from the City School Board Office for approval of a transfer of funds within school appropriations in amount of \$ 4,000. in order to transfer unneeded funds to cover unanticipated expenses for instructional supplies, increased rates for insurance and increase in debt service handling charges. Councilman Dingleline moved that the transfer be approved, and that:-

\$ 1,500. trans.from: School Fund (1208-134.01) Adult Educ.-Comp.Inst.Personnel.  
 2,500. trans.from: School Fund (1205-290.01) Maint.Sch.Plant-Cont.Srv.-Bldgs & Grounds  
 1,977. trans.to: School Fund (1201-305.00) Other Inst.Costs- Instr. Supplies.  
 2,000. trans.to: School Fund (1206-210.00) Fixed Charges- Insurance.  
 3. trans.to: School Fund (2000-806.00) Debt Ser.- Other Debt Srv.- Handling Charges.

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

✓ City Manager Milam requested approval of a supplemental appropriation in amount of \$ 20,288.69 (representing receipts from Kavanaugh Hotel and B.Ney Property through rents, leases & other income), in order to return this amount to proper accounts for use in downtown rehabilitation, rather than closing same into surplus at the end of the current fiscal year. Following a brief discussion, Councilman Green moved that the appropriation be approved for a first reading, and that:-

\$ 1,350.78 chgd.to: General Fund - Unapprop.Surplus (rec'd in June,1977 and placed in Surplus)  
 18,937.91 chgd.to: General Fund (1005.00) Recoveries & Rebates- rec'd during current fiscal year).

20,288.69 approp.to: General Fund (10220-72.00) Downtown Rehab.Proj.- Bldgs. & Other.  
 which motion upon being seconded by Vice-Mayor Denton, 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 \$ 17,357.36 in order to appropriate monies received for labor from the Virginia Employment Commission- Title 6 & Title 6 Spec. Project, for month of April, 1978. Councilman Dingleline moved that the appropriation be approved for a first reading, and that:-

\$ 17,356.36 chgd.to: General Fund (1005.00) Recoveries & Rebates.  
 1,535.80 approp.to: Gen.Fund (4040-12.50) Pur.Agent-Wages- Title 6  
 973.07 approp.to: Gen.Fund (4110-250.00) Soc.Security (FICA) on Wages under Title 6 & Title 6 S.P.  
 613.16 approp.to: General Fund (6015-12.50) Police Court- Wages- Title 6  
 301.28 approp.to: General Fund (9010-12.01) Police Dept.-Trfc.Cntl.-Wages-Title 6  
 2,320.38 approp.to: General Fund (9020-12.50) Fire Dept.-Firemen-Wages-Title 6  
 910.57 approp.to: General Fund (10110-12.01) St.Dept.-Laborers-Wages-Title 6  
 620.80 approp.to: General Fund (10110-12.50) St.Dept.- Laborers-Wages-Title 6  
 1,018.28 approp.to: Gen.Fund (10340-12.50) Refuse Coll.-Laborers-Wages-Title 6 S.P.  
 628.80 approp.to: Gen.Fund (11020-12.01) Rec.Supvr.-Wages-Title 6  
 520.00 approp.to: Gen.Fund (11020-12.02) Ath.Supvr.-Wages-Title 6  
 496.00 approp.to: Gen.Fund (11020-12.03) Park Sec.Officer-Wages-Title 6  
 291.51 approp.to: Gen.Fund (11020-12.04) Maint.Man (PT)-Wages-Title 6  
 628.80 approp.to: Gen.Fund (11020-12.05) Rec.Athl.Supvr.-Wages-Title 6  
 534.40 approp.to: Gen.Fund (11020-12.50) Rec.Instr.-Wages-Title 6  
 628.80 approp.to: Gen.Fund (11020-12.51) Park Maint.Supt.-Wages-Title 6  
 40.63 approp.to: Gen.Fund (11020-12.52) Janitor- Wages- Title 6  
 418.69 approp.to: Gen.Fund (11020-12.53) Clk Tpst/Recpt.-Wages-Title 6  
 452.80 approp.to: Gen.Fund (11020-12.55) Grds.Maint/Hskp-Wages-Title 6  
 928.00 approp.to: Gen.Fund (11020-12.57) Concessioner-Wages-Title 6  
 2,191.49 approp.to: Gen.Fund (11020-12.58) Laborers-Wages-Title 6 S.P.  
 408.10 approp.to: Gen.Fund (11020-12.59) Acct.Clk I- Wages- Title 6  
 408.00 approp.to: Gen.Fund (11020-12.60) Youth Programmer-Wages-Title 6  
 488.00 approp.to: Gen.Fund (11020-12.61) Arts/Crfts.Instr.- Wages- Title 6

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

✓ A request was presented from the Water/Sewer Superintendent for approval of a supplemental appropriation in amount of \$ 7,693.70 in order to appropriate monies received for labor from the Virginia Employment Commission, Title 6, for months of July, August, September, October, November and December, 1977; also January, 1978. Vice-Mayor Denton moved that the appropriation be approved for a first reading, and that:-

\$ 7,693.70 chgd.to: Sewer Fund (1005.02) Recoveries & Rebates.  
 7,693.70 approp.to: Sewer Fund (3-12.50) Sewer Dept.- Wages- Title 6

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

✓ A request was presented from the Director of Transportation for approval of a supplemental appropriation in amount of \$ 1,542.62 in order to place money received from an insurance company to cover repairs to Taxi, into proper account. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:-

\$ 1,542.62 chgd.to: Taxi-Trans.Fund (719-11) Other Revenue.  
 1,542.62 approp.to: Taxi-Trans.Fund (08-1-274.00) Maint.Repairs Auto Equip.

which motion upon being seconded by Councilman Green, 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 \$ 20,000. from Anticipated Receipts into School Food Service to cover unanticipated expenses due to increased food and equipment repair costs. It was noted on the request that this is an "In and Out" category and that the funds would not be spent unless receipts are available to reimburse the City. City Manager Milam pointed out that financial records show the Cafeteria Fund as approximately \$ 60,000. short of being Realized over Estimated Receipts as of June 7th, but said he had been informed by the School Superintendent that they have the money but cannot receive it until the bills are paid. Council discussed the request which will require two readings prior to final approval. Councilman Green moved that the appropriation be approved for a first reading at this time, with more information made available prior to Council's next regular meeting, and that:-

\$ 20,000. chgd.to: School Fund (R-35) Antic.Receipts- Recpts.from Other Funds- Cafeteria.

15,000. approp.to: School Fund (1204-399.01) School Food Service- Food

5,000. approp.to: School Fund (1204-399.04) School Food Service- Repairs

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 the Director of Social Services for approval of a supplemental appropriation in amount of \$ 140.00 from the Department's Revenue Account into Capital Outlay for Office Equipment. It was noted that this amount represents trade-in-value and purchase of present typewriter, with approval given by Local Welfare Board on May 17th. Councilman Dingleline moved that the appropriation be approved, and that:-

\$ 140.00 chgd.to: VPA Fund (1005.02) Revenue from Other Agencies--Grants-in-Aid from Commonwealth- Adm. & Food Stamps.

140.00 approp.to: VPA Fund (05-17.76.00) Cap.Outlay- Office Equip.

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

✓ For information of Council, City Attorney Lapsley presented a court order for reappointment of Mr. Earl H. Wetsel to the Harrisonburg Electoral Board for a three year term expiring on February 28, 1981, in that his term had expired on February 28th of this year. The Clerk was instructed to record this information in Council minutes.

✓ City Manager Milam reminded Council that authorization had been given the City Auditor at the meeting on May 9th to establish a Revolving Fund to handle funds received from the Virginia Commission of Outdoor Recreation for employment of young adults to work on public lands and waterways. He presented the following resolution submitted by the Recreation Director for Council's consideration of approval:-

"WHEREAS, the Virginia Commission of Outdoor Recreation provides funds to assist political subdivisions of the State of Virginia in improving and developing open space, park land, and recreation facilities;

WHEREAS, there are urgent needs within the City of Harrisonburg to provide employment for Young Adults;

WHEREAS, Skidmore Lake and Harrisonburg Watershed Area is deemed of high improvement and/or development priority by said City and shall be referred to as Skidmore Lake and Harrisonburg Watershed Area and the current unemployment rate is 5.6.;

WHEREAS, the proportionate project share is funded up to 100 percent (100%) by the Virginia Commission of Outdoor Recreation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG.

That the City Manager is hereby authorized to cause such information or materials as may be necessary to be provided to the appropriate State agency to permit the formulation, approval and funding of the Skidmore Lake and Harrisonburg Watershed Area project.

AND BE IT FURTHER RESOLVED, The Governing Body of the City of Harrisonburg gives its assurance that its unemployment rate is currently 5.6.

FURTHER, BE IT RESOLVED, that the City of Harrisonburg will abide by all applicable State and Federal regulations governing such expenditure of funds provided by the Virginia Commission of Outdoor Recreation.

AND, ALSO, BE IT FURTHER RESOLVED, that the Departments of Agriculture and Interior, and the Virginia Commission of Outdoor Recreation are respectfully requested to assist in the prompt approval and funding of the Harrisonburg City Conservation and/or Recreation Park Project in order to enhance the standard of enjoyment for all our citizenry."

Following discussion during which time Councilman Rhodes questioned the necessity of a resolution after a Revolving Fund had already been established to receive the funds, and what involvement the City may have in the Skidmore Lake, Watershed Area long range plan, Councilman Green moved that the resolution be approved in that the project is funded 100% by the agency, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council.

✓ For information, Assistant City Manager Driver reported that an amount of \$ 42,642. had been expended by the City for snow removal during the winter months, and \$ 27,280. for the Easter ice storm which does not include amount spent in Hillendale Park by the Recreation Department, or replacing of any shrubbery.

✓ For further information, Mr. Driver reported that Cantrell Avenue would be opened to traffic on Monday morning, June 19th, although the project is not yet completed.

At 11:15 P.M. Councilman Dingleline moved that Council enter an executive session for the purpose of discussing legal aspects re addition to 1241 N.Main Street, as well as appointments to Boards and Commissions. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

At 12:30 A.M., the executive session was declared closed and the regular session reconvened.


✓ Mayor Erickson asked members if they desired to make an appointment at this time to the Parks & Recreation Commission to fill a vacancy which was created by the resignation of Mrs. Susan Tysinger. Councilman Dingleline moved that Mr. James E. Hughes of 1107 Woodleigh Court be appointed to the Commission for the remainder of Mrs. Tysinger's term which expires on December 31, 1979, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ Council was reminded by the City Manager that Mr. Jack Neff's term on the Harrisonburg City School Board will expire as of June 30th, and that Mr. Neff is not eligible for reappointment in that this is his second successive term. Councilman Rhodes moved that Mr. Francis E. Turner of 815 Elmwood Drive be appointed to the Board for a term of three years, expiring June 30, 1981, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ City Manager Milam reminded Council that his present term on the Central Shenandoah Planning District Commission will expire as of June 30th this year, and expressed a hope that someone would be selected to serve in his place. He recommended that Mr. Robert J. Sullivan, City Planning Director, be appointed to the Commission, in that he felt Mr. Sullivan was in a better position to offer staff input in matters of planning, than anyone else in the Municipal Building. Following a brief discussion, Councilman Dingledine moved that Mr. Sullivan be appointed to serve a three year term on the Central Shenandoah Planning District Commission, expiring June 30, 1981, 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 12:40 A.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.

Minutes of the combined public hearing and regular meeting held on June 13th were read, and approved as corrected.

✓ For information of Council, a letter addressed to the Mayor from Mr. Nelson Alexander, President, Harrisonburg-Rockingham Historical Society, was read by the City Manager. Mr. Nelson expressed appreciation for Council's action on June 13th of providing use of the Sipe House for the Historical Society, and noting further that the action was accepted, not as a gift, but as a challenge that the Society may become an asset worthy of the trust placed in it.

✓ Correspondence dated 6/13/78 from City Treasurer Firebaugh was presented and read by the City Manager requesting authorization to charge off city records the following uncollected personal property balances including penalties: Year 1971, \$ 434.47; 1972, \$ 541.30; and 1973, \$ 481.81. The correspondence noted that the aforesaid delinquent taxes are more than three years old and in the Treasurer's opinion, uncollectible. Following a brief discussion, Councilman Green moved that the request of the City Treasurer be approved, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Mayor Erickson welcomed members of the Harrisonburg Redevelopment & Housing Authority who were meeting jointly with Council (in their own adjourned meeting), and expressed appreciation for their interest in the future of the community. City Manager Milam reminded Council that the joint meeting had been agreed upon at the last regular meeting of Council in order to arrive at a method of financing the proposed Elderly Housing Project located at 265 N. Main Street, and possible awarding of a contract for the "turn-key" construction project. He noted that pertinent information had been previously submitted to the City Planning Commission and R & H Authority with regard to the two construction bids received, for study and approval. Manager Milam said that after discussing financial arrangements with local bankers, and exploring other avenues of financing, three possibilities for Tax Exempt Bonds were explained, but not recommended for various reasons. He pointed out that financing through a Housing Authority bond issue had been ruled out, in that it would place too great a burden on the Authority. The fourth method explained and recommended by Manager Milam was for General Obligation Bonds of \$ 1,570,000. with interest rate of 5.75% over a 40-year period, and cash contribution of \$ 107,850. by the City, which, according to Mr. Milam, had been appropriated several years in anticipation of using same for this purpose. The recommendation included further that Craigie, Inc., Investment Bankers, Richmond, Va., be employed for preparation of the bond issue, and for Mr. Harry Frazier, III, of the firm of Hunton & Williams, Richmond, Va. (who has served Harrisonburg in several past bond issues), be employed as Bond Counsel. The City Manager pointed out that the City will donate the site for the project to the Housing Authority, and subtract out of the bond proceeds the one year debt service which will be deposited in the bank. The City's decision on the recommended financial arrangement would depend on how much the City wishes to contribute, along with donation of the land. A letter from the Department of Housing & Urban Development dated 6/21/78 referred to several requirements which must be met prior to approval of the final proposal, based on documents received. Manager Milam said that inclusion of one-bedroom units for the handicapped on proposed plans should pose no problem and that financing could not be submitted pending a joint decision by Council and the R & H Authority, of method desired. Following completion of the construction, the housing units would be turned over to the Housing Authority, with HUD subsidies paid to the Authority annually, with indication of up to \$ 174,000. per year for 40 years. During construction, monthly payments would be made by the City to the contractor with funds on hand, and short term notes, if necessary. The bond funds would be held in escrow until the project is completed, which, according to the City Manager, could earn interest in the neighborhood of \$ 94,000. during the construction period. In several letters from HUD addressed to Dr. Hollen Helbert, Chairman of the R & H Authority, amount reserved to subsidize the housing units was increased from \$ 170,472. to \$ 174,360., primarily due to 31 units of housing which were given up by the City of Lynchburg. Correspondence dated 6/23/78 from Mr. George B. Pugh, Jr., Vice-President of Craigie, Inc. was read, in which the firm's proposal to serve as the City's Investment Banker for the General Obligation Bonds, if approved by City Council, was submitted. Further information was provided concerning: general information about the firm; resumes of personnel available for financial consulting and investment banking services; financial advisory and investment banking experience (counties & cities served); as well as other investment banking clients which included the Harrisonburg-Rockingham Regional Sewer Authority. A second correspondence dated 6/23/78 from Mr. Harry Frazier, III, of the firm

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of Hunton & Williams, Richmond, Va., was read, concerning a desire to serve as Bond Counsel in the General Obligation Bond Issue. Inasmuch as a disclosure of personnel (officers & employees) is requested under the Virginia Conflict of Interest Act, full information on their personnel regarding the agency & relationship, was submitted. The following resolution was included with the correspondence for Council approval in the event the firm was employed as Bond Counsel:-

"WHEREAS, the City of Harrisonburg, Virginia, desires to retain the firm of Hunton & Williams, Richmond, Va., as its bond counsel in connection with the issuance and sale of approximately \$ 1,500,000. General Obligation Bonds to finance residential facilities for the elderly; and

WHEREAS, the City has received a disclosure by Hunton & Williams, pursuant to Virginia Code Sections 2.1-349(a)(2) and (b)(5), being part of the Virginia Conflict of Interest Act, of certain members and associates of such firm, and spouses of members or associates, who serve governmental agencies other than the City:

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

1. Hunton & Williams, Richmond, Va., shall be retained as bond counsel in connection with the issuance and sale of approximately \$ 1,500,000. General Obligation Bonds,
2. The agreement to retain Hunton & Williams as bond counsel is a contract for legal services which, in the judgment of the City, in the public interest should not be acquired through competitive bidding.
3. This resolution shall be filed as a matter of public record with the minutes of this meeting."

Following a lengthy discussion, Vice-Mayor Denton moved that Council approve the City Manager's recommendation for General Obligation Bonds in amount of \$ 1,570,000., 5.75%, 40-year period, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council. The matter was further discussed with several questions raised by the Housing Authority and members of Council. One such clarification was the fact that HUD will assume responsibility for the difference between the amount received through rents from occupied living units and total amount authorized by HUD which is \$ 230. per month for each efficiency and \$250. per month for each 1-bedroom unit. Example: if an efficiency for the handicapped is rented due to his income at \$200. per month - HUD would pay the authorized difference which is presently set at \$230. - minus \$200. rent - equals \$30. subsidy, sufficient toward amortization of the bonds for the City and Housing Authority. Following discussion, Vice-Mayor Denton moved that the resolution for the City to retain the firm of Hunton & Williams as bond counsel be approved and recorded in minutes of this meeting, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council. Vice-Mayor Denton then moved that based on correspondence and information submitted by the firm of Craigie, Inc., they be employed to serve as Investment Bankers for the General Obligation Bond Issue, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council. City Manager Milam requested that the Redevelopment & Housing Authority Chairman be authorized to sign the revised application on a HUD form titled, "project mortgage insurance" through the Dept. of Housing & Urban Development, which is necessary prior to receipts of funds reserved for the Elderly Housing Project. A prior application which had been signed was for the original plan of units in the Kavanaugh Hotel Building at that location. Mr. James Sipe, attorney for the R & H Authority, explained necessary steps to be taken by the Authority with regard to standard certification, documents, etc., after which time he entertained a motion for the Chairman to be granted authority to sign the revised application. The motion was made, seconded and duly adopted. Mr. Robert Sullivan, City Planning Director, read the following recommendation submitted from a meeting of the Planning Commission held on June 26, 1978:-

"...The Commissioners reviewed site plans and related construction drawings of the proposed Housing for the Elderly Project, a 62-unit federally subsidized apartment complex the City hopes to build at 265 N. Main St. Mr. Byrd summarized the bid information. N.C. Monroe Construction Co. was the low bidder (\$1,495,840.) and construction time will be 15 months. APEX Building Contractors submitted the second bid (\$1,888,000.) and they specified 21 months for construction time. Mr. Milam reported that the City will likely convey title of the site to the Harrisonburg Redevelopment & Housing Authority, and the City Council will set up the most suitable financial package which will involve the City, the Housing Authority and HUD. The Commissioners expressed satisfaction over the flexibility of final site design with the knowledge that other blighted buildings will be eliminated north of the project under next year's Community Development application.

Dr. Shank concluded the discussion with a motion that the Planning Commission recommend to City Council that the low bid by N.C. Monroe Construction Co. be accepted, and the 62-unit Housing for the Elderly Project be constructed at 265 N. Main St. as a vital part of the City's Downtown North Development Area Plan.

Mr. Denton seconded the motion and all members present voted in favor..."

Council was reminded that the N.C. Monroe Construction Company's low bid had also been approved by the Housing Authority at their June meeting. It was further noted that Messrs. Milam, Byrd and Driver had discussed the total bid of Monroe Construction for \$ 1,495,840. as well as their proposal for a reduction to \$ 1,479,840. should the City accept a rock removal clause. It was felt that by taking advantage of the \$ 16,000. reduction, it would necessitate additional site work to be hired out to a second contractor, when the proper site preparation could be accomplished through working with one construction firm. Following discussion, Councilman Green moved that the City award the contract to N.C. Monroe Construction Co. for the total bid price of \$ 1,495,840., which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council. It was agreed that the local architectural firm of D.P. Davis & Associates (architects for N.C. Monroe) meet with members of the city staff in the office of City Manager tomorrow at 10:00 A.M. to sign the necessary forms and discuss aspects, and possible adjustments in the construction project. Mayor Erickson expressed appreciation to members of the R & H Authority for their presence this evening, and their cooperation in the joint venture to provide much needed housing for elderly citizens of this community.

With regard to closing of a 10' alley requested by Frank Cline & Son, Inc., on which an ordinance effecting said closing had been approved for a first reading at the last regular meeting of Council, the following agreement was presented for Council's approval:-

AGREEMENT, this \_\_\_\_\_ day of \_\_\_\_\_, 1978, by and between RALPH W. CLINE AND ANNIE J. CLINE, parties of the first part, and THE CITY OF HARRISONBURG, party of

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the second part.

W I T N E S S E T H :

In consideration of the mutual benefits and obligations contained herein, it is agreed as follows:

(1) That the City agrees to close the 10' alley located just east of Noll Drive and running in a southern direction off Gay for a distance of approximately 175 feet in exchange for an easement across the property of the parties of the first part at the location of the sewer line as it now lies.

(2) That in the event Mr. Cline decided to develop the property and as a result of the development any building would be planned over the existing sewer line, then Mr. Cline would have the option to either relocate the sewer line in a place agreeable to the City or to replace the sewer line under the building with cast iron. In either event, Mr. Cline would assume the financial burden as to its relocation and reconstruction and would meet all city specifications for the new sewer line. After any such replacement or relocation, all responsibility for maintenance, repair, etc. would be the City's and if the sewer line is relocated, an easement 10' in width will be granted over its new location and the easement in paragraph one (1) above will be released by the City.

(3) That in the event the building presently located along Gay Street on a lot shown on Lot 10, Block H of Sheet 34 of the City Land Map is ever destroyed or removed by the parties of the first part, then the parties of the first part, or their assigns, will grant and convey a 10-foot wide strip of land lying on the northern side of said lot to the City.

Any improvements or construction on the 10-foot strip, after being conveyed to the City, including but not limited to curbs, sidewalks, and gutters will be at the sole expense of the City.

A map of the described real estate is attached hereto for further clarification to show the approximate present sewer location and to show the 10-foot strip of land that may be conveyed to the City as above described.

It is understood and agreed by the parties herein that should the City desire to acquire any of the property described in Paragraph 3 prior to the destruction or removal of the building, they will use the normal procedures available, and that Paragraph 3 will be void and of no effect.

IN WITNESS WHEREOF, the parties have set their seals this \_\_\_\_ day of \_\_\_\_\_, 197\_\_.

\_\_\_\_\_(Seal)  
Ralph W. Cline

\_\_\_\_\_(Seal)  
Annie J. Cline  
FRANK CLINE & SON, INC.

CITY OF HARRISONBURG by \_\_\_\_\_

Councilman Dingledine moved that the agreement be approved with authorization for Mayor Erickson to sign same on behalf of the City of Harrisonburg, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council. Councilman Rhodes then moved that the ordinance for closing of the 10' alley 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 132).

City Manager Milam said he would like authority of Council to commence taking necessary steps to acquire all properties along the south side of Rock Street between Main & Liberty, in the event that the Department of Housing & Urban Development does have an impact study. On motion of Councilman Green, seconded by Councilman Dingledine and a unanimous vote of Council, the City Manager was so authorized.

Assistant City Manager Driver reported that in contacting owners of property abutting an alley in the 200 block of Broad Street, one person had agreed to pay the entire 1/2 cost for stoning, and that work will proceed.

Councilman Dingledine reported that he and Councilman Rhodes had met with County representatives O'Brien and Byrd last week with the City's plan for an addition to property at 1241 N. Main St., and to explain to them Council's thinking with regard to financing, in that the Harrisonburg-Rockingham Community Board of Mental Health and Mental Retardation Services (Chapter 10) Board will lease the property to house the Massanutten Mental Health Clinic and Board offices. Although interest in the plan was shown by the representatives, and the matter placed on the agenda for the Board of Supervisor's meeting, nothing had been heard from Mr. O'Brien concerning same. Councilman Dingledine noted that Ms. Betsy Knighton, Executive Director of the Chapter 10 Board, desires a joint meeting to review the entire situation and would like a commitment from the County to assist in a leasing arrangement. The matter was discussed, with Council agreeing that the low bidder (Ellis & Co.) be approached regarding an extension of time on the work, which, as pointed out by the Mayor, would have to be at least two weeks when Council again meets in regular session. The Mayor asked Councilman Dingledine to follow up on the matter and report information back to the governing body. The City Manager suggested that should a contract be awarded the low bidder, that financing be taken from the 10th Entitlement Period of Revenue Sharing Funds. Vice-Mayor Denton offered an opinion that the City should not "jump in and build something" without approval of the County, in that this is a joint venture. Following discussion, the matter was deferred pending further negotiations with Rockingham County.

City Attorney Norvell Lapsley informed Council that he had received a letter from Mr. William C. Harris, declining appointment to serve on the Industrial Development Authority which was made on May 23, in that he felt that as a banker, he would be placed in a conflict of interest situation by accepting same. He suggested that two appointments be considered by Council in order to fill the seven member Authority, as originally proposed.

Councilman Green moved that a supplemental appropriation in amount of \$ 20,288.69 in order to

place receipts from Kavanaugh Hotel & B.Ney Property through rents, leases & other income, into proper accounts for use in downtown rehabilitation, be approved for second & final reading, a first reading having been approved on June 13th, and that:-

\$ 1,350.78 chgd.to: General Fund - Unapprop.Surplus (rec'd in June & placed in Surplus)  
 18,937.91 chgd.to: Gen.Fund (1005.02) Recoveries & Rebates- (Rec;d during current fiscal year)  
 20,288.69 approp.to: Gen.Fund (10220-72.00) Downtown Rehab.Proj.- Bldgs. & Other

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

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 17,356.36 in order to appropriate monies received for labor from the Va.Employment Commission - Title 6 & Title 6 Spec. Proj. for month of April, 1978, be approved for second and final reading, a first reading having been approved on June 13th, and that:-

\$ 17,357.36 chgd.to: General Fund (1005.00) Recoveries & Rebates.  
 1,535.80 approp.to: Gen.Fund (4040-12.50) Pur.Agent- Wages- Title 6  
 973.07 approp.to: Gen.Fund (4110-250.00) Soc.Security (FICA) on Wages Under Title 6  
 & Title 6 Spec.Proj.  
 613.16 approp.to: Gen.Fund (6015-12.50) Police Court-Wages-Title 6  
 301.28 approp.to: Gen.Fund (9010-12.01) Police Dept.-Trfc.Cntl.-Wages-Title 6  
 2,320.38 approp.to: Gen.Fund (9020-12.50) Fire Dept.-Firemen-Wages-Title 6  
 910.57 approp.to: Gen.Fund (10110-12.01) St.Dept.-Laborers-Wages-Title 6  
 620.80 approp.to: Gen.Fund (10110-12.50) St.Dept.-Laborers-Wages-Title 6  
 1,018.28 approp.to: Gen.Fund (10340-12.50) Refuse Coll.-Laborers-Wages-Title 6 S.P.  
 628.80 approp.to: Gen.Fund (11020-12.01) Rec.Supvr.-Wages-Title 6  
 520.00 approp.to: Gen.Fund (11020-12.02) Ath.Supvr.-Wages-Title 6  
 496.00 approp.to: Gen.Fund (11020-12.03) Park Sec.Officer-Wages-Title 6  
 291.51 approp.to: Gen.Fund (11020-12.04) Maint.Man (PT) Wages-Title 6  
 628.80 approp.to: Gen.Fund (11020-12.05) Rec.-Athl.Supvr.-Wages-Title 6  
 534.40 approp.to: Gen.Fund (11020-12.50) Rec.Instr.-Wages-Title 6  
 628.80 approp.to: Gen.Fund (11020-12.51) Park Maint.Supt.-Wages-Title 6  
 40.63 approp.to: Gen.Fund (11020-12.52) Janitor-Wages-Title 6  
 418.69 approp.to: Gen.Fund (11020-12.53) Clk Tpst/Recpt.-Wages-Title 6  
 452.80 approp.to: Gen.Fund (11020-12.55) Grds.Maint/Hskp.-Wages-Title 6  
 928.00 approp.to: Gen.Fund (11020-12.57) Concessioner-Wages-Title 6  
 2,191.49 approp.to: Gen.Fund (11020-12.58) Laborers-Wages-Title 6 S.P.  
 408.10 approp.to: Gen.Fund (11020-12.59) Acct.Clk I - Wages- Title 6  
 408.00 approp.to: Gen.Fund (11020-12.60) Youth Programmer-Wages-Title 6  
 488.00 approp.to: Gen.Fund (11020-12.61) Arts/Cfts.Instr.-Wages-Title 6

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

✓ Councilman Dingledine moved that a supplemental appropriation in amount of \$ 7,693.70 requested by the Water/Sewer Superintendent in order to appropriate monies received for labor from the Virginia Employment Commission-Title 6 for months of July, August, Sept., Oct., Nov. & Dec., 1977 and Jan., 1978 into account for wages, be approved for second and final reading, a first reading having been approved on June 13th, and that:-

\$ 7,693.70 chgd.to: Sewer Fund (1005.02) Recoveries & Rebates.  
 7,693.70 approp.to: Sewer Fund (3-12.50) Sewer Dept.-Wages-Title 6

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

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 1,542.62 requested by the Transportation Director in order to place money received from an insurance company to cover repairs to Taxi, into proper account, be approved for second & final reading, a first reading having been approved on June 13th, and that:-

\$ 1,542.62 chgd.to: Taxi-Trans.Fund (719.11) Other Revenue.  
 1,542.62 approp.to: Taxi-Trans.Fund (08-1-274.00) Maint.Repairs-Auto Equip.

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

✓ With regard to a request from the City School Board for approval of a supplemental appropriation in amount of \$20,000. from Anticipated Receipts into School Food Service to cover unanticipated expenses due to increased food and equipment repair costs, and which had been approved at the last regular meeting for a first reading, following concerns expressed by members in that there was a present shortage in the Cafeteria Fund of approximately \$ 60,000., City Manager Milam noted that Superintendent King had informed him that the funds are anticipated, and the appropriation needed at this time. Councilman Rhodes assured Council that the appropriation must be approved, in order for the Schools to receive the federal funding. Following discussion, Councilman Green moved that the appropriation be approved for second & final reading, and that:-

\$ 20,000. chgd.to: School Fund (R-35) Antic.Receipts- Rcpts.from Other Funds- Cafeteria.  
 15,000. approp.to: School Fund (1204-399.01) Sch.Food Service- Food  
 5,000. approp.to: School Fund (1204-399.04) Sch.Food Service- Repairs.

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

✓ City Manager Milam informed Council that he had placed on tonight's agenda a request for approval of a supplemental appropriation in amount of \$ 900. representing monthly rental of \$100. paid by Valley Program for Aging Services for Price Rotary Center, period Oct, 1977 - June, 1978, in order to transfer same from account of Recoveries & Rebates into the Recreation Dept., request having been submitted by the Recreation Director. He referred to correspondence dated 5/5/78 from Mrs. Ruth Perry, Executive Director of the organization, advising that costs of heating during the past winter had been extremely high, making their expenses for the Center extremely difficult in that VPAS has a large budget deficit for the federal fiscal year 1978-79 (October to October), necessitating a number of changes in the program. In the correspondence, the possibility of the City eliminating the rent charge of \$100. per

month was asked, as well as well as the City aiding in the cost of heating the building. In another letter dated 6/9/78 to the City Manager, Mrs. Perry advised that Mr. Gilkerson, City Recreation Director, was agreeable to their not paying rent for the Center. Manager Milam said he had written Mrs. Perry on 6/14/78 advising that the item of her request would be placed on Council's agenda for consideration at the June 27th regular meeting. He gave background information concerning building of present quarters for VPAS by the City and noted that the City's annual support has increased from \$ 4,000. to \$ 5,200. and under a September 1977 agreement, to \$ 5,720., which amount is included in the City's budget for fiscal year 1978-79, and includes rent for the Center. Following discussion, Councilman Dingledine moved that the supplemental appropriation of \$ 900. be approved, and that:-

\$ 900. chgd.to: General Fund (1005) Recoveries & Rebates, rec'd from daily receipts  
11/9/77; 12/6/77; 12/6/77; 1/17/78; 2/7/78; 3/6/78; 4/13/78; 5/4/78 and 6/7/78.

900. approp.to: General Fund (11020-212.00) Parks & Recreation- Other Mat. & Supplies.  
which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council. After further discussion, Councilman Rhodes moved that the City waive the monthly rental of \$ 100. as requested by Valley Program for Aging Services, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council. It was unanimously agreed that Mrs. Perry be invited to a future meeting of Council (possibly in the fall) for the purpose of explaining the VPAS program and discussing the various activities.

City Manager Milam called members' attention to their copies of correspondence from the State Compensation Board dated 6/9/78, tentatively setting forth salaries and office expenses for the City Treasurer and Commissioner of Revenue. He noted that there were some differences in amounts set forth by the Board and those provided in the City of Harrisonburg budget for fiscal year ending 6/30/79, due to the fact that the budget is always balanced and approved prior to receipt of this information. He suggested that a resolution be adopted by Council to the effect that the next City Treasurer and Commissioner of Revenue start with salary at the state level. He pointed out the fact that money is available within the two budgets to pay the difference. Following a brief discussion, the City Manager was asked to negotiate with the two Constitutional Officers re the differences, and report back.

The City Manager presented a public notice which he had prepared for the purpose of inviting proposals to develop valuable downtown lot (former site of B.Ney Bldg.), and informed Council that he could easily incorporate the Kavanaugh Hotel lot into two proposals, if so desired. He reported that due to complications which had arisen in separating utility services (water, sewer, sprinkler system, etc.) to serve the Nash building, demolition of the Kavanaugh Hotel could not begin until the 26th of this month. Councilman Green offered an opinion that the Kavanaugh should have been demolished a month ago, and suggested the possibility of advertising all city owned property in that area in that he feels "the quicker we move, the sooner we will reach a reasonable solution." Vice-Mayor Denton concurred in expediting the matter of advertising the lots. Council discussed at length the entire block bounded by Main, Liberty, Elizabeth and Rock Streets, emphasizing the fact that newly constructed buildings must blend in with the overall plan of development, and agreed that the public notice should be redrawn to include invitation for proposals to develop any or all of the city owned lots in that area. On motion of Vice-Mayor Denton, seconded by Councilman Rhodes, and a unanimous vote of Council, the City Manager was instructed to proceed along these lines.

As instructed by Council at an earlier meeting, City Attorney Lapsley presented a proposed ordinance amending Sec. 17-43.2 of the City Code titled "Restricted Parking on Certain Streets." The ordinance provided primarily for painting of stalls for restricted parking for property owners, renters, etc. Assistant City Manager Driver offered an opinion that such an ordinance would set a precedent for requests from other streets in the City (other than Newman Ave.), and that painting stalls could prove a large expense. Following discussion, it was agreed that the matter be held for further study and evaluation of other requests. Vice-Mayor Denton offered an opinion that this method would allow more parking for more people.

City Attorney Lapsley presented for Council's consideration an ordinance amending Section 10 of the City Code which had been drafted from information supplied by Fire Chief Austin. Following a brief discussion, it was agreed that the ordinance be held for further study and an explanation by the Fire Chief for his reasons.

For information, the City Manager informed Council that the Chapter 10 Board did not receive all money applied for from the state in that "Listening Ear" had been omitted from the budget. He noted that last Thursday evening at 4:00 P.M. he had signed a letter which was sent via teletype in order to reach Richmond by 5:00 P.M. deadline, to apply for an appeal sometime in July for the program "Listening Ear" which is a unit or division of mental health under the Chapter 10 Board.

City Manager Milam received approval of Council to be absent from his duties July 10 - 14. Assistant City Manager Driver will be sitting in for him at the July 11th regular meeting.

Councilman Green registered a complaint he had received concerning broken sidewalk on N.Main Street from Washington St. to the Little Grill, as well as the fact that cars park on the sidewalk which prohibits pedestrian traffic.

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

*N. Arlene Lober*  
CLERK

*Ray E. Elish*  
MAYOR

Tuesday, July 11, 1978

At a regular meeting of Council held in the Council Chamber this evening at 7:30 PM there were present:- Mayor Roy H. Erickson, 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: City Manager Marvin B. Milam and City Attorney Norvelle A. Lapsley. Sitting in for the City Manager, Assistant City Manager John E. Driver.

Minutes of the regular meeting held on June 27th 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 June, 1978.

From the City Treasurer:-

A trial balance report as of close of business on June 30, 1978.

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 \$ 9,907.13 for month of June, 1978.

From the City Auditor:-

A report of cash discounts saved in payment of vendors' invoices for month of June, 1978 totaling \$ 360.58. and noting an amt. of \$ 28.87 lost due to vouchers not being submitted in time to take advantage of discounts.

From the Dept. of Utility Billing:-

A report of water, sewer & refuse accounts, meters read, installations, cut delinquents, complaints, re-reads, etc. for month of June, 1978.

Assistant City Manager Driver presented a letter dated 6/26/78 from Mr. C.W. Ewing, Manager of Valley Hardware Company, Inc., enclosing a petition containing 170 signatures urging continuation of all parking spaces around Court Square. Mr. Ewing noted that the petition which was circulated last fall, had gotten side-tracked and was never presented to City Council. He requested, if at all possible at this time, that a few more parking spaces be provided around the Square, with wider roadways, which would be greatly appreciated by property owners and merchants around Court Square. Mayor Erickson noted that the project had been sufficiently advertised in advance, with work underway at the present time, which will make the area more attractive, and said he knew of no way the project could be stopped or altered, this far along the way. Following a brief discussion and on motion of Councilman Dingleline, seconded by Councilman Rhodes, and a unanimous vote, the Mayor was asked to contact Mr. Ewing and explain the program to him, along with Council's thinking with regard to limited parking spaces.

A petition signed by approximately 45 residents of W. Gay St. and N. Dogwood Drive was presented by the Assistant City Manager, requesting that "no through truck" signs be established in that area. Mr. Driver informed Council that the situation has existed for some time and that about a year ago, names of trucking companies using this route were turned in, and each one contacted by the Superintendent of Streets requesting that they not travel this route. Should the governing body desire that signs be placed in the area, Mr. Driver recommended that he and the Chief of Police be authorized to make a study of the whole area in that signs would be required on other streets as well, when trucks are re-routed from W. Gay and N. Dogwood Drive, and further, that placing of signs be left to their discretion. Following a brief discussion, Vice-Mayor Denton moved that the Assistant City Manager and Police Chief be so authorized, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

Council was informed by the Assistant City Manager that a request had been made by the Chapter 10 Board for the organization "Big Brothers and Big Sisters" to be allowed use of city sidewalks inside Court Square on August 5th, on which day homemade ice cream would be sold. The Rockingham County Board of Supervisors had been contacted regarding use of the inside lawn on that day, and a portion of sidewalk would also be required, but not to the extent of blocking pedestrian traffic. On motion of Councilman Rhodes, seconded by Vice-Mayor Denton, and a unanimous vote of Council, the request was granted.

A request was presented from merchants on E. Market Street to block off that street from Federal to Main on Saturday, August 12th, 12:00 noon - 4:00 p.m. in order to hold an E. Market Promotion Day. Festivities would include a band, bake sale, hot dog stand, etc. Assistant City Manager Driver said the Highway Dept. has no objection to blocking off the portion of street for a certain time if traffic is detoured and proper signs placed. He offered an opinion that more and more similar requests will be made by downtown merchants in the future, and suggested consideration of a fee being charged due to the fact that it will require two men and a truck, on a Saturday, to place the signs before noon and remove them after 4:00 p.m., an estimated cost of \$ 60. - \$75. to the City of Harrisonburg. Mr. Driver pointed out that blocking off certain streets would require more signs than others and that the signs must be properly placed, under supervision. Following discussion, Councilman Green moved that the request of E. Market Street merchants be granted, and that all merchants be contacted concerning future requests, and made aware of Council's thinking with regard to what is required of the City, and the possibility of charging a fee. The motion was seconded by Councilman Dingleline and adopted by a unanimous vote of Council. Mr. Driver volunteered to contact the merchants and report back at a future meeting.

Assistant City Manager Driver informed Council that correspondence dated 7/1/78 had been received from the Virginia State Library, Richmond, Va., advising the City Manager that Rockingham Public Library officials were being notified that grants-in-aid had been approved for fiscal year 1978-79 as follows: State Aid, \$ 41,462.00; Federal Aid, \$ 12,275.00. Two copies of an authorization form for expending funds by the Library for purchase of books, materials, equipment, library staff, salary supplements and travel to professional meetings, accompanied the correspondence, on which the City Manager's signature was required in order that the grants might be received. Mr. Driver noted that the City of Harrisonburg aid to the Library is \$ 50,000. Following a brief discussion, Councilman Dingleline moved that the City Manager be authorized to sign the required forms, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

Fire Chief Austin was present in the meeting for the purpose of explaining various amendments requested for Chapter 10 of the City Code and drafted into ordinance form by the City Attorney. He pointed out that in the changes, he was asking for a "management tool" to work with, in that the present ordinance is outdated, having been adopted in 1952, with few amendments since that time. He offered an opinion that with proper management, the City of Harrisonburg could become a Class 3 city, thus saving taxpayers' money. The amendments, if approved, would complement the BOCA Code now in use. During a review of all additions and deletions requested in the ordinance, a number of questions were raised by

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Council (i.e. that bills for pumping out cellars be sent by the City Auditor; designation by fire chief of members to comprise the Fire Chief's Advisory Committee, and members serving at the chief's pleasure). Some views were expressed concerning anticipated replacement of the present Fire Commission with the Fire Chief's Advisory Committee in that the two fire companies desire voice in matters concerning fire fighting and protection, which may be minimized under the new structure. Mr. Austin pointed out that the advisory committee would be comprised of the same persons who had worked with him on a fire study last spring, which included captains and presidents of the two companies and president of the rescue squad. The ordinance amendments as proposed, would abolish positions of the two assistant fire chiefs (agreed upon last April) and include a deputy fire chief, which position was approved earlier by Council and provided for in the City's current budget. Another amendment of the ordinance would require permits to be issued businesses (i.e. service stations & oil companies) on a one-time basis, for a fee of \$ 5.00 in order that the fire department may carry out necessary inspections of those business places to avoid hazardous situations. Mr. Austin noted that the policy is included in ordinances of most cities but that business operations can only be contacted and warned here in the city, since no fee is required. Following a lengthy discussion, Mayor Erickson pointed out the need for changes in the proposed ordinance and asked members' wishes. It was unanimously agreed that a first reading on the ordinance be deferred at this time and the matter placed on Council's agenda for the next regular meeting. Fire Chief Austin was instructed to work with City Manager Milam concerning changes in, or rewording of the proposed ordinance, based on thoughts of Council expressed during discussion.

Planning Director Sullivan presented and discussed the draft copy of the City's Zoning Ordinance which included revisions and amendments recommended by the City Planning Commission. He noted that a study of the ordinance, section by section, had begun in the spring of 1977, and contacts made with various community groups for suggestions. A public hearing was held in October 1977, after which time other additions and revisions were made. Mr. Sullivan pointed out the fact that the zoning ordinance has to be revised frequently due to community growth. Following the presentation which included comments and questions of Council, it was unanimously agreed that the draft copy be reviewed further by each member and a public hearing scheduled for Tuesday, August 8th, 7:30 p.m.

It was agreed that appointments to various Boards & Commissions be deferred until a future meeting.

In his absence at this evening's meeting, a Memo from the City Manager was presented, along with copy of a Donor Agreement between the City of Harrisonburg and the Harrisonburg-Rockingham Legal Aid Society. Council was advised that he (the City Manager) could not sign the agreement in that the City's allocation in the 1978-79 fiscal year budget is in amount of \$ 3,400., in lieu of the \$ 4,290. set forth in the agreement. Manager Milam stated further in his Memo that the agency had failed to comply with Section 9-9 of the City Code in submitting to his office a financial statement and budget request by 1/13/78. Assistant City Manager Driver read correspondence dated 6/29/78 from Attorney Ruth Stoltzfus, enclosing the following Donor Agreement, and advising the City Manager that the Board of the Legal Services Corporation of Virginia had approved the Society's total budget figure of \$ 39,000. for the 1978-79 fiscal year:-

THIS AGREEMENT is entered into by and between the CITY OF HARRISONBURG, hereinafter referred to as "Donor", and the HARRISONBURG-ROCKINGHAM LEGAL AID SOCIETY, INC., hereinafter referred to as "Donee."

WHEREAS, THIS AGREEMENT is entered into pursuant to all the provisions, terms and conditions, attachments, and authority contained herein,

1. The Donor shall make a contribution of \$ 4,290. to be paid in four quarterly installments, beginning July 1, 1978.
2. Donee agrees that this money shall be used as local match for expenditures to be reimbursed pursuant to Donee's contract with the Legal Services Corporation of Virginia for funds provided under Title XX of the Social Security Act.
3. In the event that all of the donation is not spent during the term of this Agreement, the Donee agrees to return any unspent funds to the Donor at the end of the term of this Agreement.

(Signed) Ruth C. Stoltzfus  
Authorized Representative of Donee  
Title

Mr. Driver informed Council that he had worked with Mrs. Stoltzfus in March of this year, and that she had advised him to use the \$ 3,400. figure in the City's proposed budget, which represented the same figure as that appropriated for fiscal year 1977-78, until their budget was approved in June. Inasmuch as the Society is funded through various means, the City has requested a breakdown of participation for next year's budget. According to Mr. Driver, Rockingham County had not agreed to the increase, to date, and the figure of \$ 3,400. was also included in their budget. During discussion, the possibility of basing proportionate shares according to usage of the legal facilities was mentioned. Should Council approve the increase of \$ 890., Mr. Driver noted that it could be charged to the General Fund Unappropriated Surplus Account. Following discussion, Councilman Dingledine moved that the increase and appropriation of \$ 890. be approved, and that:-

\$890.00 chgd.to: General Fund, Unappropriated Surplus Account.

\$890.00 approp.to: General Fund (6016-19.00) Legal Aid Society- Other Personal Services.

The motion was seconded by Vice-Mayor Denton and adopted by a unanimous roll call vote of Council requested by the Mayor, in that an appropriation form was not in readiness for presentation. Councilman Dingledine then moved that the agreement between the City and Legal Aid Society be approved with authorization for the City Manager 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.

Assistant City Manager Driver requested that Council approve a supplemental appropriation in amount of \$ 100,000. from the Cantrell Ave. Capital Outlay account into the S.Main Street Project Capital Outlay. He explained that additional funds had been appropriated to purchase ten houses on Cantrell Ave. and when the state reimbursed the city for 80%, this was also placed in the project account. Although there is slightly more than the amount requested which can be transferred from the Cantrell Avenue Project, Mr. Driver noted that this amount is needed at this time for payment of bills on the other project. Councilman Green moved that the appropriation be approved for first reading, and that:-

\$ 100,000. chgd.to: General Fund (1-10110-77.06) Cap.Outlay- Cantrell Avenue.

\$100,000. approp.to: General Fund (1-10110-77.08) Cap.Outlay- S.Main St.

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



Council.

✓ A request of the City Manager was presented for approval of a supplemental appropriation in amount of \$ 78,641. from Reserve Account for Future Projects (representing amount of low bid of Ellis & Co.) to be used for renovation and addition to property located at 1241 N.Main St. Councilman Dingleline reported that he, along with City Manager Milam, Councilman Green, Councilman Rhodes and Ms. Betsy Knighton, executive director of the Chapter 10 Board, had met with the County Board of Supervisors since Council's last regular meeting, to explain the City's proposed project, and that Ms. Knighton had reviewed the Board's needs insofar as space, etc. The proposed agreement between the City of Harrisonburg and the Mental Health & Mental Retardations Services (Chapter 10) Board was for a 5-year lease @ \$ 16,000. per year, which met with the Board of Supervisor's verbal approval. He reminded Council that Page County is being phased out as a participant, which will increase amount to be paid by the City and County of Rockingha. Assistant City Manager Driver reported that following the County's agreement to assist in the lease agreement, the City Manager had written to Ellis & Company, requesting that they proceed with the renovation and addition as per specifications and contract price dated 6/1/78, and to submit monthly invoices for labor and materials. Councilman Dingleline explained that the action had been taken in order to expedite the renovation and addition to the property for completion by the time the present lease of the Massanutten Mental Health Clinic expires at present quarters on E.Market St., January, 1979. Councilman Dingleline then moved that the supplemental appropriation in amount of \$ 78,641. be approved for a first reading, and that:-

\$ 78,641. chgd.to: General Fund- Reserve for Future Construction Projects.

78,641. approp.to: General Fund (15030-393.00) Non-Departmental- Chap.10 Bd.-Mental Health which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council. After further discussion, Councilman Dingleline moved that the City Manager be authorized to negotiate with the Chapter 10 Board concerning an interim lease on property at 1241 N.Main St. for the existing building and for a 5-year lease @ \$ 16,000. per year upon completion of the addition, and further, that City and County rent payments be based on proportionate share of usage, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Assistant City Manager Driver presented correspondence dated 6/23/78 from various county officials, requesting that parking spaces be reserved on the northside of Court Square for the following: County Administrator; Commonwealth Attorney; County Treasurer; Commissioner of Revenue and County Clerk. He recommended that the matter be tabled until the work on Court Square has been completed by the city, with a second look taken at that time to determine what might be done. Vice-Mayor Denton suggested input from the Harrisonburg Parking Authority, in that they are working on parking situations.

✓ The following proposed resolution was presented and read for Council's consideration, and in keeping with a request of the City School Board and its attorney, for the City of Harrisonburg to release a certain portion of land back to the school system which had been leased to the City by Indenture on October 26, 1945, for use as a community swimming pool:-

WHEREAS, by indenture dated October 26, 1945, recorded in the Clerk's Office of the Circuit Court of Rockingham County, Va., Deed Book 199, page 432, the School Board of the City of Harrisonburg, Va., demised and leased to the City of Harrisonburg, Va., a parcel of land therein more particularly described and being part of the property on which the Thomas Harrison Junior High School and the Harrisonburg High School are now located, which lease was to extend until September 30, 2044 and provided for the use of the property as a swimming pool, and;

WHEREAS, for many years the property has not been used by the City of Harrisonburg as a swimming pool and, in fact, the property has been paved over so that use as a swimming pool is no longer practicable, and;

WHEREAS, the City of Harrisonburg does not contemplate likely use of the property as a swimming pool prior to the expiration of the lease, and;

WHEREAS, the School Board of the City of Harrisonburg now seeks to assure clear title for purposes of financing improvements to the school properties, and;

WHEREAS, the City Council has concluded that a release of all its right, title and interest in and to the leased premises would be in the best interest of the citizens of the City of Harrisonburg,

NOW, THEREFORE, BE IT RESOLVED that the City of Harrisonburg hereby releases and quitclaims any and all interest it may have or has ever acquired in and to the property described in a deed dated October 26, 1945 by and between the School Board of the City of Harrisonburg, Va. and the City of Harrisonburg, Va., and recorded in the Clerk's Office of the Circuit Court of Rockingham County in Deed Book 199, page 432 and therein more particularly described as follows:

Beginning at a stake on the north line of the shop building produced east 15 feet, thence N. 33° 30' E. 215.7 feet to a stake in a wire fence, thence with fence N. 15° 30' W. 197 ft. to a stake in the north west property line and with said line S. 39° 30' W. 345.2 ft. to a stake in said line, thence, S. 56° 30' E. 182 ft. along the north side of the shop to the beginning.

and hereby authorizes the Mayor of the City to execute such documents of release and quitclaim as shall be requested, his signature to be attested by the City Clerk.

Superintendent Wayne King was present in the meeting to urge Council approval of the resolution. He discussed the present situation in the entire area, including the William G. Myers Armory building, and some future plans anticipated for school improvements. Mr. King noted that the approximate one acre of land requested for release by the City will possibly serve as parking area over the next several years, necessitated by increased enrollment at Harrisonburg High and Thomas Harrison Junior High. Mayor Erickson pointed out yet another reason for the School Board's request as its desire to fulfill acreage requirements. Council discussed coordination of activities in the area between the School and Recreation Departments, and Mr. King was asked to work with Mr. Gilkerson concerning future usage. Following discussion, Councilman Rhodes moved that the resolution be approved, with authorization for the Mayor to sign and the Clerk to attest same, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

✓ Assistant City Manager Driver reminded Council that each year it is customary for a review to be made of fire insurance coverage on all buildings, and contents, owned and/or occupied by the City. He

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presented a listing of 83 buildings in this year's review, and total coverage of \$ 9,105,600. as compared with \$ 8,693,100. for last year. Mr. Driver noted that since last year's review, one building had been added (1241 N.Main St.) and three small buildings deleted, with largest increase resulting from value of buildings. The report was for Council's information.

✓ For Council's information, Assistant City Manager Driver reported that he and the City Attorney had been working with County Administrator O'Brien and County Attorney Aldhizer with regard to a joint Solid Waste (heat recovery) project, and that the County representatives continue to request a delay in their commitment to participate. A trip to Norfolk, Va. had been made by county officials to visit a plant presently in operation, and they seemed to be impressed. Mr. Driver noted that he had called Mr. O'Brien and advised that he (the Assistant City Manager) would wait until September 1st for a reply, and if no response by that date, would bring the matter before Council for a decision to either work with the county in a joint venture, or initiate the project on its own.

✓ For information, Assistant City Manager Driver reported the following tentative allocations of urban construction for Harrisonburg by the Dept. of Highways for 1978-79: S.Main St. from Grattan Street to south corporate limits, \$ 850,000. supplemental allocation; S.High Street- Grace St. to south corporate limits, \$ 60,000. initial allocation; Cantrell Ave.- S.Mason St. to Paul St., \$ 40,000. supplemental allocation. He noted also provisions for Rt. 33 west and Rt. 42 north.

✓ Assistant City Manager Driver presented highlights from the revised Harrisonburg Major Thoroughfares Plan submitted by the Virginia Dept. of Highways in March of this year, which had been requested by Council in 1969, with anticipation of completion in an 18 month period. Traffic counts as set forth in the report were outdated due to the long period of time required in completing the report. Mr. Driver said that following receipt of the plan, he, along with Planning Director Sullivan, had spent much time in a review of same. An updated report of traffic counts (in chart form) was presented by Mr. Sullivan. Council's reaction to the report was requested as well as a decision whether or not to hold a joint public hearing with Rockingham County. Mr. Driver said he preferred that the city hold its own hearing. Some of the projects included in the revised plan have been completed, or are near completion, while others have been decided against. Mr. Driver explained that the Plan should be updated with regard to future projects anticipated, in that state and federal funding would not be allocated for those projects not listed. Mr. Sullivan pointed out differences in suggestions of the city on the Thoroughfares Plan adopted in 1975, and the recommendations received in this report. Mr. Driver then made several recommendations which Mayor Erickson asked that he place in writing in order that Council's recommendations may be submitted to the Highway Dept., prior to the holding of a public hearing.

✓ Mr. Reggie Smith, Transportation Director, presented highlights from a Harrisonburg Short-Range Transit Development Program compiled by the Virginia Department of Highways & Transportation, primarily from information which he had supplied. He discussed a need for construction of a building at the City Shop area for replacement of some equipment, etc. Inasmuch as state & federal funds are available, Mr. Smith suggested that the City employ a consulting firm to prepare a proper application for same. Mr. Driver noted that this study, along with a prior one made by Kimberly-Horn, could be used in applying for funds, and offered an opinion that a maintenance building is really needed, in that the transportation company will continue to grow. He suggested that Council accept the report presented this evening, and gain some additional information prior to employment of a consulting firm. Councilman Rhodes moved that the Plan be accepted, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council. Councilman Dingledine then moved that the Transportation Director and City Manager get estimated costs for a consulting firm to prepare an application, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ For Council information, Assistant City Manager Driver presented a report submitted by the City Treasurer of delinquent taxes remaining unpaid at the close of the 1977-78 fiscal year:- 1974 Personal Property, \$ 803.09; 1975 Personal Property, \$ 1,278.02; 1976 Personal Property, \$ 1,462.16; 1975 Real Estate, \$ 1,002.93; 1976 Real Estate, \$ 2,768.00 (revised lists of the foregoing as required under Chapter 20, Section 58-978 of the Tax Code of Virginia); 1977 delinquent taxes on real estate & tangible personal property, \$ 7,854.98.

Assistant City Manager Driver extended an invitation from Hose Co. No. 4 for members of the governing body to ride in their annual parade scheduled for July 21st, 7:00 p.m., and asked those members desiring to participate, to so notify.

There being no further business and on motion duly adopted, the meeting adjourned at 11:04 p.m.

*N. Robert Lopez*  
CLERK

*Loy Erickson*  
MAYOR

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100-9000

Tuesday, July 25, 1978

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 July 11th were read, and approved as corrected.

Council received a financial report for the City of Harrisonburg for month of June, 1978 from City Auditor Shifflet (end of fiscal year).

✓ Correspondence dated 7/9/78 from Board Members of The First Christian Church, 25 Maryland Avenue, was presented and read by the City Manager, in which a complaint was registered re two large drains and a large pipe which have been installed from S. Main St. to the C & W Railroad where it drains under the railroad, through a tressel and onto their property. Because of this being done by contractors working

on the South Main Street construction project, all trash and water which would naturally soak in, or stop on the property above theirs, will now run directly from the highway onto their property with much greater volume. The fact was mentioned that this water could be easily run off of the church property by extending the pipeline across their property into Black's Run. The correspondence advised Council that the City Engineer had indicated no plans for correcting the situation, and had offered an opinion that because the church land is a natural drain, the amount of water coming from the S. Main Street drain would be insignificant, which opinion had been disputed by the Church board members. Serious consideration of Council was requested. The City Manager reminded Council that the reconstruction project is based on 85% state and 15% city, with pipeline included in the contract. Further mentioned was the fact that several hundred feet of pipe would be necessary in order to extend the present line to Blacks Run. Manager Milam recommended that the letter be referred to the Highway Department with a request that they investigate the situation for a possible remedy. On motion of Councilman Dingledine, seconded by Councilman Green, and a unanimous vote of Council, the recommendation was approved.

✓ Council's attention was called to correspondence dated 7/18/78 from Robert Funk, Land Surveyor, advising that the developer of Willow Hills Subdivision (R.C.R. Associates) would accept responsibility for construction of a retention pond in the development which is located south of Pleasant Hill Road, to Department of Highway's specifications and maintenance of same until the development in this drainage basin is completed, with request for the City to then assume maintenance of same. A Memo dated 7/21/78 from R.J. Sullivan, City Planning Director, to the City Manager, was read, advising that city staff had decided that the city should not become responsible for maintenance of the retention pond until it is annexed into the city. He further urged that this condition be added to Council's consideration of Mr. Funk's request and that he and R.C.R. Associates be informed that an easement for storm drainage through Mr. Charles Shank's property must be submitted in writing along with any subdivision plats for the subdivision. With reference to the retention pond, an opinion of the Water/Sewer Superintendent was expressed through correspondence dated 7/24/78 that same should be maintained by the developer, or some type of Home Owners' Association, until annexed by the City. Manager Milam noted that the matter has been before the Planning Commission on several occasions and that Section 1 of the subdivision has been deferred, although located within the city, due to the Commission's concern about drainage in the other streets. Council was informed that although the city staff desires the developer to build the pond and turn it over to the county, High Dept., or other governmental agency, no one is willing to assume responsibility of maintaining same. Following discussion and on motion of Councilman Green, seconded by Councilman Rhodes, and a unanimous vote of Council, the matter was referred back to the Planning Commission for further review and recommendation.

✓ Council was informed by the City Manager that through correspondence dated 7/20/78 from the Dept. of Housing & Urban Development, he was advised that Harrisonburg's pre-application for a grant under the Small Cities Community Development Block Grant Program had been reviewed, and an amount of \$1 million reserved for Acquisition and Improvement for Housing; Rehabilitation; Commercial Revitalization. The Grant funds will be made available following submission and approval of the full application on forms which would follow this correspondence under separate cover. City Manager Milam pointed out the fact that \$1 million was the maximum amount allowed under the program, and that the funds will, if finally approved, enable the City to purchase properties on the south side of Rock Street to Collicello Street, and two properties on N. Main Street. Mayor Erickson expressed pleasure in the favorable report and noted that Harrisonburg is a member of the Virginia Municipal League and National League of Cities, with the latter leading in presentation to Congress the matter of problems encountered in small cities. He said that in the past, information has been primarily concerning major cities.

✓ A letter dated 7/7/78 from Howard & Evelyn Turner, 333 Old S. High St., was read by the City Manager, requesting closing of an alley located between 225 and 329 Old S. High, due to misuse of same by school students and other pedestrians which could be hazardous to health & safety of residents. Mr. Turner, who owns properties at 325 and 333 S. High St., noted that vehicular traffic through the said alley ranges from very minimal to none. 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 Rhodes, was adopted by a unanimous vote of Council.

✓ A request was presented from owners of Circle G Western & Uniform Boutique, 201 N. Main St., for permission to hold a sidewalk sale on Friday and Saturday, July 28 & 29. On motion of Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Council, the request was granted.

✓ City Manager Milam informed Council that inasmuch as he had found no time to review the proposed ordinance to amend Chapter 10 of the City Code with Fire Chief Austin, and since the City Attorney has been away, he would suggest that the matter be carried over until the next regular meeting of Council, and placed on that agenda. The suggestion met with Council approval.

✓ The following proposed agreement was presented and read by the City Manager with regard to a request of Rockingham County for joint use of existing easements:-

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 1978, by and between the CITY OF HARRISONBURG, VA. hereinafter called "Grantor", and ROCKINGHAM COUNTY, VA., a political subdivision of the Commonwealth of Virginia, hereinafter called "Grantee",

W I T N E S S E T H :

That for and in consideration of the sum of ONE DOLLAR (\$1.00), cash in hand paid by the Grantee to the Grantors, and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor does hereby grant unto ROCKINGHAM COUNTY, VIRGINIA, its successors and assigns, joint nonexclusive use of an existing utility easement for the purpose of constructing, installing, inspecting, repairing, and operating a water distribution system designated as Project W-1-77 Water Distribution System, over, across and under a portion of an existing utility easement previously obtained by the Grantor located in Central District, Rockingham County, Va., near the City of Harrisonburg, Va., and more particularly described upon a grant of such easements to the Grantor by agreement of John C. & Mary J. Horsley, dated Sept. 17, 1964, which is of record in the Clerk's Office of the Circuit Court of Rockingham County, Va. in Deed Book 323, page 171, reference to which deed is hereby made for a more particularly description of such easement.

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The Grantor further grants to the Grantee the following:

1. The right of access across the existing easement for purposes of construction, installation, maintenance, inspection, repair or operation of the water distribution system.
2. The right from time to time to cut down and clear away trees, undergrowth and other obstacles on or along the existing easement.
3. The right to mark the location on the joint use easement by suitable marker set in the ground, provided that the marker shall be placed at locations which will not interfere with any reasonable use of the easement by the Grantor.

The Grantee agrees, by acceptance of this instrument as follows:

1. It will repair any damage caused by any aspect of the water distribution system project to Grantor's existing easement and will otherwise replace the property on the existing easement used in connection with the water pipeline project to the same condition as it was prior to the installation of the water pipeline project, insofar as practicable.
2. It will install the water pipeline below cultivation level, except for appurtenances to said water system and utility lines, including, but now limited to, valves, hydrants and meter boxes.
3. It will indemnify the Grantor against any loss or damage, which shall be caused by any wrongful or negligent act or omission of Grantee, or of its agents or employees in the course of their employment.

The Grantor shall continue to use the strip over which the joint use easement is granted for the purpose for which the existing easement was granted; and both parties hereto agree that they will not construct thereon any building, structure, or obstruction, without prior approval of the other party.

WITNESS the following signature and seal.

CITY OF HARRISONBURG, VIRGINIA

By \_\_\_\_\_ (SEAL)  
Title \_\_\_\_\_

The City Manager pointed out the area and traced Westmoreland Drive where it comes off of Port Rd. and follows along the HEC easement via a short road called 1115. He informed Council that the Harrisonburg Electric Commission has no objection to sharing the easement with the county for their construction of water lines (plans have been prepared), and operating a water system, at no cost. He noted that HEC has been requested to furnish the city a map of the exact location. Following discussion, Vice-Mayor Denton moved that the agreement be approved, with authorization for the City Manager to sign same on behalf of the City, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

For consideration of a first reading, City Manager Milam presented and read a proposed ordinance authorizing the issuance of Elderly Housing Facility notes and bonds of the City of Harrisonburg, Va., in each case maximum amount of \$ 1,600,000., and authorizing conveyance of the site for such facility to the Harrisonburg Redevelopment & Housing Authority. He informed Council that four affirmative votes of Council, rather than three, would be required for approval. In order to validate the bonds and give the general public an opportunity to express views, the City Attorney said he would prefer that the Rockingham Circuit Court validate the proceedings with ownership of the site by the R & H Authority. Manager Milam reported that the bond attorneys are not certain the public facility comes under public improvements, on which the charter provides that the city can sell bonds. He said he would prefer that the site be turned over to the Housing Authority, with a loan made to them, by the City. A resolution from the Authority is necessary, according to Manager Milam, requesting that the City act on their behalf. Following discussion and on motion of Councilman Green, seconded by Councilman Rhodes, and a unanimous recorded vote of Council, the ordinance was approved for a first reading. City Manager Milam asked City Attorney Lapsley and Housing Authority Attorney Sipe to draw up some type of resolution for presentation to the Authority, requesting a loan from the City for the project and authorizing various city officials to act on behalf of the Housing Authority on construction of the project. He reported that buildings have been demolished and the site cleared, noting further that the contractor had been advised that the City will do no more work in preparation of the site, and that from here on out, he is responsible.

With regard to a rezoning request by Mr. Gary Judd for R-3 Multiple Dwelling District at 1240 S. Main Street, City Manager Milam explained that the Planning Commission had held a public hearing on June 21, 1978, at which time a quorum of Commissioners were not in attendance, but a lengthy discussion was entered into with Attorney Steve Weaver, speaking on behalf of Mr. Judd, and Attorney Steve Blatt, representing several residents of the area. Forty-five residents had presented and signed a statement in opposition to the rezoning. The following recommendation submitted by the Planning Director from a meeting held on July 19, 1978 (with discussion on June 21st attached), was presented and read:-

"...Mr. Gary Judd's attorney, Mr. Steve Weaver, emphasized that the dwelling at 1240 S. Main St., situated on the northeast corner of heavily traveled Main Street and Port Republic Road, is unsuitable for any kind of residential use (single family, a fraternity or sorority or anyone), therefore change to R-3 for a professional office is being requested. Mr. Weaver described the plan of development, showing off-street parking, fencing, landscaping, and access for vehicles over the vacant lot north of the house. He emphasized the 1330 square foot size of the house, to show it isn't large enough for a big group of persons but is ideal for Mr. Judd's surveying business.

Mr. Steve Blatt, attorney for several neighbors, requested the Commission to incorporate its June 21st minutes into this Hearing, plus the petition signed by 45 residents. He reiterated the points presented on June 21st, and added that unless the Commission gets 'binding assurances' from Mr. Judd that he will use his house for a surveyor's office, then the Commission is 'bringing permanent, irreparable injury to the residents.'

Mr. Weaver responded that he 'makes no binding assurances.'

Mr. Milam offered a motion for the Planning Commission to deny the rezoning application from Mr. Judd. Mr. Fleming seconded the motion and all members votes in favor of the motion..."

Following discussion during which time future thinking re incorporating Special Use Permits was mentioned,



Councilman Dingleline moved that the recommendation of the Planning Commission to deny the request, be approved, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 100,000. in order to transfer excess funds in Cantrell Avenue Project to the S.Main Street project be approved for second and final reading, a first reading having been approved on July 11th, and that:-

\$ 100,000. chgd.to: General Fund (1-1011-77.06) Capital Outlay- Cantrell Avenue.

100,000. approp.to: General Fund (1-10110-77-08) Capital Outlay- S.Main Street.

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

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 78,641. for renovation and addition to property at 1241 N. Main St. be approved for second and final reading, a first reading having been approved on July 11th, and that:-

\$ 78,641. chgd.to: General Fund- Reserve for Future Construction Projects.

78,641. approp.to: General Fund (15030-393.00) Non-Departmental- Chapter 10 Board-Mental Health.

which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Council. City Manager Milam reported that upon authorization of Council, he had proceeded with negotiations for an interim lease agreement between the City of Harrisonburg and Chapter 10 Board for the property at 1241 N.Main St. with existing building, and will follow up with a 5-year agreement at the proper time.

Council agreed that appointments to various Boards & Commissions be deferred at this time.

✓ Assistant City Manager Driver informed Council that there was no urgency in action with regard to recommendations submitted for the revised Major Thoroughfare Plan, but that he would like to have a decision as soon as possible in that the report has been in since March of this year, and that a public hearing must be held by the Highway Dept. after recommendations have been submitted to it. The City Manager was instructed to place the matter on Council's agenda for the next regular meeting.

✓ Council received a request from City Treasurer M.A.Firebaugh, through correspondence to the City Manager dated 12/22/77, for consideration of a review with regard to his bond which is in amount of \$ 50,000., as well as the premium of \$ 798.00, both of which have remained the same for a number of years. Mr.Firebaugh suggested an amount of \$ 100,000. for the bond and also that a committee composed of City Manager Milam, surety agent of record C.G.Price, and the current city auditing firm of Keeler & Phibbs, be named to review same. The City Manager noted that bonding of Constitutional Officers is required under Section 55 of the City Code, and noted that the question now is whether or not the present amount of bond is sufficient in that the City's budget has tripled in amount of money being handled in the Treasurer's Office. He questioned further whether or not the bond should be made out in names of all employees in that office. Mr. Milam suggested a minimum of \$ 100,000. for the bond, with all employees covered under same. Following a brief discussion, Vice-Mayor Denton moved that the committee suggested by the Treasurer, be approved, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ Council was informed that Mr. Roland Macher, owner of lot #10 located on the western side of South Mason Street and adjoining a city owned lot on the southwest corner of the intersection of Cantrell Avenue and S.Mason St., numbered lot 11, has requested permission and granting of an easement to run a new sewer line across the city lot. City Manager Milam offered an opinion that there would be no objection by anyone, in that it is a small lot, and explained that although Mr. Macher has sewer service from Mason Street for the property, he is in need of the service for washers located in the basement. According to Assistant City Manager Driver, granting an easement for the new sewer line would require installation of the line, by the city, from the manhole to Mr. Macher's lot, with the remainder of installation into the property, his responsibility. He suggested the possibility of a sump pump system for the washers, rather than a new sewer line, in that this would be less expensive for the city. Following discussion, Mayor Erickson volunteered to contact Mr. Macher with Council's thinking, and asked that the matter be placed on Council's next agenda.

✓ Correspondence dated 6/30/78 from H H & L Partnership, owners of the Valley Plaza Shopping Center in northeast Harrisonburg, was read, in which a complaint was registered with regard to vandalism and acts of violence by groups of young people who assemble on their parking lots. The situation, according to Mr. Roy Halquist, is effecting sales due to reluctance of shoppers to patronize the shopping center. Consideration of Council was requested in the adoption of an ordinance which would include severe penalties for unlawful assembly and acts of violence. The correspondence suggested that organizations working with young people, news-media and other sources be encouraged to enlist the help of parents in controlling activities of the youth. Chief Presgrave said the department was well aware of the situation which has existed for some time in that, and other areas of the city, which seem to be favorite gathering places. When approached by an officer, they simply move to another location before the curfew hour. Council discussed the matter from the standpoint that any ordinance which may be adopted, should apply to other areas in the city as well. City Attorney Lapsley noted that the situation would come under "unlawful assembly." Following discussion, it was agreed that a letter be written to Mr. Halquist of H H & L Partnership, advising him that the City Attorney and Police Chief would check on an ordinance to determine a solution to the problem.

City Auditor Shifflet pointed out highlights from his financial report for the month of June, 1978, with many questions of Council raised and answered during his presentation.

✓ Mayor Roy Erickson, a representative of the City of Harrisonburg on the Shenandoah Valley Airport Commission, discussed with Council improvements which have been made and completed for receiving 737 jet airliners and piedmont. This will begin sometime in the future. He noted that general aviation is growing tremendously at the airport and informed members that the Commission wishes to purchase and install a large hangar for the cost of \$ 250,000. One-half of the amount is available, and each of the five

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participating political subdivisions is being asked to support a note in the amount of \$ 25,000. Following the Mayor's report and discussion, Vice-Mayor Denton moved that the City of Harrisonburg agree to support its portion of a note in a sum not to exceed \$ 25,000., which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ Council's calendar of unfinished matters through regular meeting of July 11, 1978 was purged, with the following items deleted from same due to satisfactory completion, or otherwise:-

CITY MANAGER:

Check into matter of cost of hanging & removing banners, with HEC.  
Work with City Attorney into checking legality of City serving as "Maker of Note" for Fire Co. #1 to purchase salvage truck.

ASSISTANT CITY MANAGER:

Check into state regulation re color of paint, etc. for painting of lines on Newman Ave. designating residential parking.  
Advertise E. Washington St. lot (residue) for sale and recommend sealed bids.  
Place recommendations for Major Thoroughfare Plan, in writing.

CITY ATTORNEY:

Pending sewer bills for consumers on South Ave. (from 1962)  
W.T. Grant bankruptcy case.  
Keep in touch with status of one lot involved in Cantrell Ave. parking lot with regard to conveyance of residue back to City.  
Draw up form of ordinance extending taxi coupon system for use by the elderly and handicapped, for Council's consideration.  
Investigate request from JMU re city assessment (ser.charge) on buildings.  
Draw proper contract form for lease agreement with Regional Sewer Authority for city owned line.  
Draft ordinance re restricted parking (Newman Avenue)

MAYOR:

Follow through on communication from Harrisonburg Womans' Club re Black's Run project.  
Follow through on request of Harrisonburg Jaycees for letter from Council, requesting permission for the Club to take over Black's Run as a project.  
Contact Mr. C.W. Ewing and explain Court Square project with regard to removal of parking.

PLANNING DIRECTOR/COMMISSION:

Study and recommendation re request of Gary Judd for extension of R-3 zoning across from United Va. Bank/Spotswood.  
Request for approval Sections 2 & 3 Liberty Square Subdivision.  
Request to rezone 100 block of Ott St. from R-2 to R-1.  
Study & recommendation re purchase of 3 properties in 200 block N. Main St. for Elderly Housing Project.

SCHOOL SUPERINTENDENT:

Request of American Legion Post 27 for City to furnish lights & stadium expenses for past season and placing appropriation in future budgets.

HARRISONBURG HIGHWAY SAFETY COMMISSION:

~~xxx~~ Petition from residents & property owners, W. Wolfe St. (between Liberty & High) re truck route.

HARRISONBURG PARKING AUTHORITY:

Resolution of H'burg Highway Safety Commission re 8 metered parking spaces on E. Market St. referred to Authority.

GENERAL MATTERS:

Alternate recommendation by Consulting Engineer re connection fees.  
Parking problems on Walnut Lane.  
Request of local industries to eliminate surcharge.  
Recommendations by Wiley & Wilson for improvements Rt. 33-east--low water pressure.  
Obtain interpretation from Regional Sewer Authority re lines F, G & H.  
Renovations & addition to property at 1241 N. Main St. for Chapter 10 Board.  
Meeting with Rockingham Memorial Hospital to work out arrangement for their use of Cantrell Avenue parking lot.  
Request from Central Shenandoah District Planning Commission for increase in local contribution of 5¢ per capita.

MATTERS TABLED OR DEFERRED:

Status of E. Washington Street lot owned by city.  
Petition from merchants & property owners to leave parking on Court Square.  
Closing of Gay St. alley as per request Frank Cline & Son.

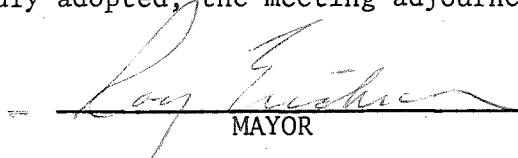
Councilman Green moved that Council enter an executive session at this time (10:40 p.m.) for the purpose of discussing acquisition of property and personnel matters, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council.

At 12:45 a.m., Vice-Mayor Denton moved that the executive session be declared closed and the regular session reconvene, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ Councilman Rhodes moved that the Assistant City Manager be authorized to contact the Norfolk & Western Railway Company with regard to a proposed crossing which would be located south of Paul St., as per State Highway plans, 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 12:50 p.m.

  
CLERK

  
MAYOR

Tuesday, August 8, 1978

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 Walter F. Green, III, Elon W. Rhodes, City Auditor R. William Shifflet. (Absent: Councilman Raymond C. Dingle, Jr. and Chief of Police Richard W. Presgrave---sitting in for the Chief, Captain Stroble).

Following roll call, Mayor Erickson welcomed the large number of citizens present in tonight's meeting.

Minutes of the regular meeting held on July 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 July, 1978.

From the City Treasurer:-

A trial balance report as of close of business on July 31, 1978.

From the Police Department:-

A report of total number of arrest; parking meter fines collected; cash collected from parking meters; total cash collected all sources in amount of \$ 8,045.18, for month of July, 1978.

From the City Auditor:-

A financial report for the City of Harrisonburg, Va. for month of July, 1978.

A report of cash discounts saved in payment of vendors' invoices for month of July, 1978, totaling \$ 521.34. Discount lost, \$ 5.41.

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 July, 1978.

✓ By letter dated 8/3/78, Council received a request from J.C. Penney Co., Inc. for permission to hold a sidewalk sale on Labor Day, September 4, 1978. On motion of Councilman Rhodes, seconded by Councilman Green, and a unanimous vote of Councilmen present, the request was granted.

✓ For information, Council was advised by the City Manager that one original and six copies of an application for funding under the Small Cities Program had been received from the Department of Housing & Urban Development, with deadline of September 15th for completion and submission to that office. He noted that the applications were signed by him and returned, along with a letter expressing appreciation for continuing support in our Community Development Program, and requesting a letter to proceed, authorizing the city to incur costs for the planning and preparation of the full application to include citizen participation and environmental studies.

Mayor Erickson called the public hearing to order and the following notice of same was read:

The Harrisonburg City Council will hold a public hearing on Tuesday, August 8, 1978, at 7:30 PM in the City Council Chamber, Municipal Building, 345 S. Main St., to consider proposed text amendments to the Harrisonburg Zoning Ordinance.

Sections of the Ordinance to be considered for amendments are:

Sec. 31.2, Definitions; Sec. 31.11, Off-Street Parking Requirements;

Sections 31.23 through 31.65 (text describing all Zoning Districts . .

R-1 Single Family Residential, R-2 Residential, R-3 Multiple Family Residential, R-4 Planned Unit Development, B-1 Central Business District, B-2 General Business, M-1 Industrial and M-2 Industrial.)

Copies of the proposed amendments are available for review and discussion in the City Planning Office, Municipal Building. All persons interested will have an opportunity to express their views at the Public Hearing.

CITY OF HARRISONBURG

Marvin B. Milam, City Manager

✓ Mr. Robert Sullivan, Planning Director, reported that the Planning Commission had been reviewing the Zoning Ordinance for over a year (since April, '77), with public hearing held last October, concerning updating of the present ordinance. Only a dozen residents were present in that hearing, as compared to the overflow crowd here this evening. He noted the following three items which were being proposed for change: (1) addition of several new definitions and/or re-wording of existing ones; (2) off-street parking regulations to include spaces that would be required with regard to commercial and industrial development, as well as regulations for landscaping; (3) change of wording in various districts. Those present were informed that the proposed ordinance changes had been reviewed thoroughly by Council at the regular meeting on July 11th. Mr. Sullivan pointed out that under the R-1 Single Family District, the number of unrelated persons occupying property was proposed as two, which is four under the present ordinance; no change proposed for R-2 Residential District; number of unrelated persons reduced from six to four in the R-3 Multiple Family District. Mayor Erickson suggested that the districts be discussed separately, and called on anyone desiring to be heard with regard to R-1 District. Jean Grimes, speaking for the Committee for Preservation of the Single Family District, read a letter from the committee listing various complaints and requests. She said that four unrelated persons allowed under the present ordinance is most undesirable, adding that the proposed two would be, if necessary, acceptable, but questioned why any number at all had to be set forth in the ordinance, and why it could not be simply "single family." She called attention to a petition containing 345 signatures of residents throughout the city residing in R-1 Districts and stated that although no one contacted seemed to be aware of the broadening of "single family" definition in 1976 to include four unrelated persons, most seemed to find two more acceptable. Absentee Landlords who have no control of their properties which are occupied by several persons, add greatly to the problem of parking on residential streets. The Mayor offered an opinion that setting a number of unrelated persons is beneficial to widows, etc. who have a need for boarders in their homes, and the City Attorney pointed out that the request of residents

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to eliminate the number would penalize those in need of renting rooms. A suggestion by Gregg Coffman, a resident of Pleasant Hill Acres Subdivision, was that those desiring to have boarders or roomers, go before the Board of Zoning Appeals for a variance. The primary complaint registered by a number of residents from R-1 areas seemed to be based on college students and/or working young people living in properties, with little or no respect for other residents in the neighborhood, or for upkeep of property in which they reside. The City Manager reviewed past zoning ordinances of the city (dating back to the 1940s) which allowed a larger number of boarders or roomers in a single family district, and noted that the Planning Commission had strived to amend the number in keeping with today. Mayor Erickson said it was his hope that decisions of Council are made for 100% of the community, rather than any particular section of the city, or any one group of residents. Following a suggestion by the Vice-Mayor that the R-1 section be referred back to the Planning Commission for further study to determine whether or not the proposal could be further amended, it was agreed that the remaining districts be discussed, prior to any decision. Jerry Coulter of 492 S. Mason Street (R-2 Residential District), presented a letter from the S. Mason Street Neighborhood Association which pointed out that issues which existed two years ago, had not been resolved. Absentee Landlords was the primary concern and suggestion made for the ordinance to be amended to state that a Landlord must reside in his boarding or rooming house property, which would protect those who rent rooms out in their own homes and supervise the property, while at the same time, eliminate the investment value for Absentee Landlords. Mr. Coulter offered an opinion that this was not a college problem, but one which must be solved by Council through zoning definitions and regulations. He suggested that when a lease expires under the present ordinance, that the new lease come under new zoning regulations; further suggested that the fine for violations be increased. The R-3 Multiple Family District under which four unrelated persons is proposed, brought concern of residents for need of stricter parking requirements for persons residing in houses with more than two apartments, in that space on narrow streets is limited (particularly W. Bruce, west of Academy St. where students residing at 277 W. Bruce are monopolizing the street). A request for off-street parking was suggested, and also for issuance of parking permits. Following many remarks and questions from residents in various areas of the city, Mr. Sullivan reviewed the remainder of the ordinance amendments with few interruptions. Mayor Erickson declared the public hearing closed at 9:40 P.M. and the regular session reconvened.

Vice-Mayor Denton moved that the following sections of the Zoning Ordinance be referred back to the City Planning Commission for further review and report, based on input from tonight's discussion: R-1 District, Sec. 31-25(b); R-2 District, Sec. 31-30(b)(d); R-3 District, Sec. 31-35(b) and 31-37. The motion was seconded by Councilman Rhodes and adopted by a unanimous vote of Councilmen present. Inasmuch as concern still ran high among those present in the meeting as to what the future may hold for the various areas of the city, Council agreed that the public hearing not be closed, but continued until such time as a report from the Planning Commission has been received. Vice-Mayor Denton moved that the public hearing be reopened in order to extend time on same, which motion was seconded by Councilman Green and adopted by a unanimous vote of Councilmen. On separate motion duly adopted, the public hearing was adjourned until such time as it is reconvened.

Concerning the matter of appointments to Boards & Commissions, City Manager Milam stated that the Central Shenandoah Manpower Planning Council, of which Assistant City Manager Driver is an elected delegate, required a good bit of time and considerable paper work. He suggested that serious consideration of an appointee be given, should Council desire to relieve Mr. Driver of this added responsibility, and noted that a few suggestions had been submitted. Manager Milam reported further that the Harrisonburg-Rockingham Regional Sewer Authority will hold its regular meeting on September 11th, at which time election of officers will be held. Harrisonburg's present members are: Roy Erickson, James Logan, Marvin Milam and John Driver, whose terms all expired July 14th of this year, but will continue to serve until appointments are made. It was agreed that appointments be deferred until a future meeting.

A request was presented from the Director of Social Services for approval of a supplemental appropriation in amount of \$ 54.40 in order to return same back to Special Welfare Fund account, representing amount due a child from Social Security. Councilman Green moved that the appropriation be approved, and that:-

\$ 54.40 chgd. to: VPA Fund (1005-2) Recoveries & Rebates.

54.40 approp. to: VPA Fund - Special Welfare Fund (Linda Orndorff)

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

City Manager Milam presented for Council's consideration of a second and final reading, an ordinance AUTHORIZING THE ISSUANCE OF ELDERLY HOUSING FACILITY NOTES AND BONDS OF THE CITY OF HARRISONBURG, VA., IN EACH CASE MAXIMUM AMOUNT OF \$ 1,600,000., AND AUTHORIZING CONVEYANCE OF THE SITE FOR SUCH FACILITY TO THE HARRISONBURG REDEVELOPMENT & HOUSING AUTHORITY, which ordinance had been presented, read, and approved for a first reading at the regular meeting held on July 25, 1978. He noted that following final approval of the ordinance, the City Attorney would advertise a hearing date, upon determination by the Circuit Court. Following discussion, Councilman Rhodes moved that the ordinance be approved for second & final reading with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous recorded vote of Councilmen present. Voting "aye": Erickson, Denton, Green and Rhodes. Absent: Councilman Dingledine. (Refer to Ord. Bk K, page 133).

Council was informed by the City Manager that following telephone contact with the attorney for Mr. Roland Macher concerning suggestions which had been made at the last regular meeting for a sump pump system and other alternatives to provide sewer service for washers installed in a dwelling, a second letter had been received from Attorney Porter R. Graves, Jr., advising that his client still desires to proceed with running the heavy duty pipe over the city lot at the southwest corner of Mason St. and Cantrell Ave., to his property. Water/Sewer Superintendent Loker said that the old sewer line is indeed in existence, but that it was badly crushed when Cantrell Avenue was under construction. The City Manager noted that there is an inheritant right to any existing utility lines on a lot, when purchased. Vice-Mayor Denton suggested replacing the line from the curb back to the requestor's building. Following discussion, Councilman Rhodes moved that the matter be postponed until a later date, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Councilmen present.

✓ For consideration of a first reading, the City Manager presented and read a proposed ordinance adding Section 28-44.1 and amending and re-enacting Section 28-45 of the City Code, which would increase taxi rate from 60¢ to 80¢ for the first 2/5 mile and eliminate the use of coupons for taxi service. Mr. Reggie Smith, Transportation Director, pointed out that the increase in rate is designed to allow the taxi portion of the City's transportation system to break even and subsidize bus transportation. He noted that some students have been abusing the coupon system by intentionally missing the bus and riding to school in a taxi, instead. Students, handicapped persons and senior citizens will continue to ride a city bus at the reduced rate of 25¢, with other rides costing 40¢. Following discussion, Councilman Green moved that the ordinance be approved for a first reading, and the motion was seconded by Vice-Mayor Denton. Councilman Rhodes expressed concern that senior citizens will no longer be privileged to travel under the reduced rate by taxi. Mr. Smith was asked to report further re use of taxicabs by senior citizens vs use of city buses, and the motion for a first reading of the proposed ordinance was adopted by a unanimous vote of Councilmen present.

✓ Mr. C. Robert Hartt, Chairman of the Downtown Advisory Committee to the City Council, reported that six meetings had been held since the committee was appointed by the governing body, and stated that although suggestions would be made to Council, it was felt that certain positive ones could be started and implemented by committee members. Eight suggestions were submitted which included: additional parking near core area of the city as soon as possible; cosmetic changes in the downtown area by the city, property owners and businesses; better and safer crosswalks for pedestrians; setting up some control for all buildings being constructed, remodeled, painted, etc., as well as business signs, in the core area; employment of a person, or persons, to assist in securing more businesses of the proper kind, which individual(s) would be knowledgeable of all information necessary as to locations, taxes, interest rates, etc. The possibility of some type of tax being imposed on persons engaged in downtown businesses was also mentioned, in that this would prevent any one business firm or establishment from taking advantage of downtown improvements, with no voluntary contribution toward the project. Vice-Mayor Denton said he felt a committee could be appointed (2 or 3 persons) to better coordinate downtown insofar as locations & types of signs, building facades, etc. Mayor Erickson expressed appreciation for the report and Mr. Hartt noted that the committee would be coming back to Council with further suggestions.

✓ A communication dated 7/25/78 from Rev. Joseph Sefcik of the First Presbyterian Church was presented by the City Manager, requesting Council's favorable consideration to permit parallel parking for the church on the north side of Court Square during Sunday worship services, funerals, weddings, etc. following completion of the court square improvement program by the city. Following a brief discussion, it was agreed that the matter be placed on Council's agenda for the next regular meeting.

✓ The City Manager presented and read correspondence dated 8/4/78 from Mr. Taft Wardy, Secretary, Board of Trustees, John Wesley United Methodist Church, requesting that the City of Harrisonburg share in the cost for constructing a sidewalk on Sterling Street, 4 1/2 feet wide. According to Mr. Wardy, Lantz Construction Company is willing to work with the City in construction of the sidewalk at an estimated cost of \$ 1,082. Council was reminded by Manager Milam that the City's policy with regard to sidewalk construction is for the City to assume 1/2 the cost, and the property owners, the remaining 1/2. Construction is left to the discretion of the City's Street Department. Following discussion, Vice-Mayor Denton moved that the 1/2 share of cost by the City be approved, with construction referred to the Superintendent of Streets, which motion upon being seconded by Councilman Green, was adopted by a majority vote of Council. Councilman Rhodes abstained from the vote.

✓ Mr. Cecil Gilkerson, City Recreation Director, and Mr. George Blomstrom, District Ranger of the U.S. Forest Service, were present in the meeting to present the following proposed resolution setting forth the City's and Forest Service' responsibilities with regard to improving the access road from Rt. 33 west to a point near Switzer Dam, by the City, and continuation of same by the Forest Service to the spillway and around shallow end of the lake. Mr. Gilkerson pointed out that the road is considered unsafe by highway officials in that it enters U.S. 33 on a sharp curve. Mr. Blomstrom noted that the agreement for construction is based on availability of funds, with no time limit set on the project.

COOPERATIVE CONSTRUCTION AND USE AGREEMENT  
TO SERVE CITY OF HARRISONBURG AND  
NATIONAL FOREST LANDS IN THE SKIDMORE  
FORK WATERSHED, ROCKINGHAM COUNTY, VA.

THIS MEMORANDUM OF UNDERSTANDING made and entered this \_\_\_\_ day of \_\_\_\_, 1978, by and between the City of Harrisonburg, Va., hereinafter referred to as the City of Harrisonburg and the George Washington National Forest, Forest Service, U.S. Dept. of Agriculture, hereinafter referred to as the Forest Service, under authority of 36 CFR 212.9(d). (See 23 USC 20 and 36 CFR 212.9 and FSM 7724.1)

WITNESSETH:

WHEREAS, Forest Development Road 227, Skidmore Fork, is not presently adequate to provide safe access from Federal Highway 33, because of the unsafe intersection, and;

WHEREAS, the existing Forest Development Road 227 is not presently adequate to handle the volume of future traffic which will use the road, and;

WHEREAS, the City of Harrisonburg plans to improve and/or relieve this situation by constructing a road suitable to handle future traffic up the bottom of Skidmore Fork to National Forest boundary in accordance with detailed drawings and specifications as prepared by the City of Harrisonburg, and;

WHEREAS, the Forest Service plans to improve and/or relieve this situation by constructing a road suitable to handle future traffic from the beginning of National Forest land to tie into the existing FDR 227 going over the emergency spillway in accordance with detailed plans and specifications as prepared by the Forest Service; and that the ultimate optimum road will probably be a double lane, paved road.

NOW, THEREFORE, in consideration of the above premises, the parties hereto agree as follows:

A. The City of Harrisonburg shall:

1. Construct a road from Federal Highway 33 to a point near the base of Switzer Dam in accordance with drawings and specifications as presented to and agreed to by the Forest Service.

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2. The City of Harrisonburg will initiate construction during Calendar Year 1978-79 and finish construction during Calendar Year 1981-82, contingent upon funds being available.
  3. Maintain the road from Federal Highway 33 to the west edge of City lands on Skidmore Fork, approximately 3 miles.
- B. The Forest Service shall:
1. Construct a road from that point near Switzer Dam to tie into the existing FDR 227 and continuing to point beyond the western boundary of City of Harrisonburg lands on Skidmore Fork in accordance with drawings and specifications as presented to and agreed to by the City of Harrisonburg.
  2. The Forest Service has budgeted funds to construct the road in Fiscal Year 1980-81. Actual construction will be contingent upon funds being appropriated.
  3. Share with the City of Harrisonburg maintenance cost on a pro-rated basis as determined by measured use.
- C. It is Mutually Agreed and Understood By and Between the Said Parties That:
1. No member of, or delegate to, the Congress or Resident Commission shall be admitted to any share or part of this agreement or to any benefits that may arise therefrom, unless it is made with a corporation for its general benefit.
  2. Both parties will jointly develop and agree to a Road Management Plan to administer all vehicular use of this road.
  3. That this agreement shall be in force indefinitely unless otherwise mutually changed or terminated in a manner agreed upon by both parties.
  4. Annually meet to review this document, and the Road Management Plan.
  5. Nothing herein contained shall be construed to obligate the Forest Service or the City of Harrisonburg beyond the extent of available funds allocated or programmed for this work or contrary to applicable laws, rules, and regulations.

IN WITNESS THEREOF, the parties have caused this instrument to be executed as of the first day written above.

Commonwealth of Virginia  
City of Harrisonburg

\_\_\_\_\_  
Date  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature and Title

\_\_\_\_\_  
Forest Supervisor

Following discussion, Vice-Mayor Denton moved that the resolution (agreement) be approved, with authorization for the City Manager to sign same on behalf of the City of Harrisonburg, effective date August 8, 1978, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

✓ For consideration of a first reading, City Manager Milam presented a proposed ordinance amending Section 29-99 of the City Code titled "Schedule of Rates and Charges Generally", and Section 29-100 titled: "Rates for Park View Sanitary District." The ordinance provides for an increase in city monthly minimum water charge from \$2.50 to \$3.00, with slight increases on gallonage schedule for city users; minimum for rural water consumers increased from \$5.00 to \$6.00 per month and increases on gallonage schedule. A new addition to the ordinance provides a 54¢ per 1,000 gallon charge to Rockingham County with regard to the East 33 agreement. The proposed ordinance provides for no change in either city or rural sewer rates. Under Section 29-100, the monthly rate for Park View Sanitary District would be increased from 70¢ to 84¢ per 1,000 gallons. Manager Milam explained that since the year 1971, water sales have been running less than expenses, with a recorded loss of \$ 72,000. last year. He noted that increase in cost of electricity for pumping water, as well as rise in cost of chemicals used in water treatment, have been largely responsible for the requested rate increase, the first since 1972. With the rate increase, he expressed a hope that the Water Department's income and expenses will offset each other. Following a lengthy 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 Councilmen present.

✓ Assistant City Manager Driver presented for Council's consideration, the following six recommendations for Harrisonburg's Major Thoroughfare Plan-

1. West Market Street from High Street to west corporate limits should be in new plan. It is in the present Thoroughfare Plan.
2. Pleasant Hill Road from S.Main St. (Rt. 11) to S.High St. (Rt. 42). This is an important connection between Main Street and High Street. It would help eliminate traffic closer downtown. This street was requested to be included in the report when the study was being made.
3. Maryland Avenue from Main Street to Rt. 33 West should be taken out of the plan. It will receive strong opposition from the citizens and I do not feel it is needed at the present time. I think as development takes place in that area, Maryland Avenue will be required to be built by the Planning Commission. Some day it will be built and the City will not have to fight all the opposition from the citizens.
4. The North loop around the City would be a much better street, alignment wise, if it were tied into Waterman Drive near Rt. 42, instead of tying into Park Ciew. This proposal would have a lot of opposition from the residents of Holiday Hills.
5. The Campbell Street connection between Main St. and Mason St. and Mason St. from Franklin St. to Wolfe St. should be in the new plan. It cannot be predicted at this time what the growth east of the City will do to the Mason St. E.Market St. intersection. It is now operating at near maximum capacity.
6. There should be some connection between Port Republic Road and Stone Spring Road Rt. 726 or Port Republic Rd. and Pleasant Hill Rd. I feel a road through this area which is part city and part county is very important to Harrisonburg's future traffic pattern.

Mr. Driver reminded members that highlights from the revised Major Thoroughfare Plan, submitted by the Dept. of Highways & Transportation, had been pointed out at Council's regular meeting held on July 11th, and that the recommendations were being made, following a great deal of time which had been spent reviewing the Plan, along with City Planning Director Sullivan. Following discussion, Councilman Rhodes moved that Council approve the Department of Highway & Transportation report, with inclusion of the six recommendations by city officials, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Councilmen present.

✓ Council was advised by City Manager Milam that he had met last week with Mr. Lyle Sweet of C.G. Price & Sons, Inc., Mr. Kenneth Huffman of Keeler & Phibbs, CPA, and Miss Beverly Simmons, Deputy City Treasurer, as instructed at the last regular meeting, for the purpose of reviewing and possibly updating the present bond of City Treasurer Firebaugh, which is, and has been \$50,000. for many, many years. Based on the City's \$15 million dollar budget, and other factors, he explained the formula used in arriving at a recommended amount of \$200,000. for the bond. He noted that the City's premium on this amount would be \$2,391. for a four year period, and pointed out that the bond would cover the City Treasurer, who in turn, is liable for employees in that office. Manager Milam suggested that at the end of the 4-year term, the City Manager, CPA representative, and others concerned, again review the amount of Bond and determine amount which would be no less than the present bond. Following discussion, Vice-Mayor Denton moved that the recommendation for a bond in amount of \$200,000. be approved and put into effect immediately, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Councilmen present.

✓ City Manager Milam presented for Council's consideration, a pre-application form for Federal-State Grant totaling \$523,500. which includes local matching funds of \$10,470. through Urban Mass Transportation Administration. He reminded members that the Transportation Director had requested that application be made due to the following Capital Equipment needs: (3) 17 passenger buses; (1) 8 passenger van; (4) radio equipment; (2) passenger shelters; (4) passenger benches and (6) bus route information signs. He stressed also the need for a Vehicle Maintenance Facility to be constructed, possibly in the City Shop area. Manager Milam offered an opinion that the application may have benefits for approximately 100,000 passengers per year, and recommended that the application be submitted. Following a brief discussion and on motion of Councilman Rhodes, seconded by Vice-Mayor Denton and a unanimous vote of Councilmen present, the City Manager was authorized to sign and submit the application form for Federal-State Grants.

✓ The City Manager pointed out highlights from his Monthly Progress Report and asked some direction of Council with regard to a location for construction of a Rescue Squad building. He suggested that a report containing various statistics (i.e. number of calls, area, destination, cost, etc.) be referred to the City Planning Commission for study and recommendation. On motion of Councilman Green, seconded by Vice-Mayor Denton, and a unanimous vote of Councilmen present, the report was so referred. Vice-Mayor Denton offered an opinion that city staff, council and planning commission should all coordinate their thoughts in that some alternatives may be known by some, and not by others. He suggested, also, input from the Rescue Squad.

✓ City Attorney Lapsley informed Council that a situation had been brought to his attention concerning a proposed alley closing on Franklin Street in the year 1907, which, according to Council minutes, got no further than referral to a street committee for study. Since that time, a house has been built over the alley by Miss Marie Kite, with the present question being what, if any, residual rights the City may have. Attorneys for Miss Kite have requested a release by the City for any such rights. Following a brief discussion, Vice-Mayor Denton moved that the City of Harrisonburg release any and all residual rights to an alley request for closing in 1907, with authorization for the Mayor to sign said release, 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 (12:10 a.m.) for the purpose of discussing personnel matters, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

At 12:45 a.m., Vice-Mayor Denton moved that the executive session be closed and that Council's regular session be reconvened. The motion was seconded by Councilman Rhodes and adopted by a unanimous vote of Councilmen present. There being no further business, the meeting was adjourned.

*N. Robene Loker*  
CLERK

*Ray L. Lapsley*  
MAYOR

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Tuesday, August 22, 1978

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 combined public hearing and regular meeting held on August 8, 1978 were read, and approved as corrected.

✓ City Manager Milam presented the annual Report on Examinations for the Harrisonburg-Rockingham Regional Sewer Authority, as of June 30, 1978, prepared by J. Robert Branner, CPA. He pointed out highlights of the report including the fact that the total project cost as of June 30th was in amount of \$ 18,795,844., and noted that a copy of this report would be sent to Standard & Poor, along with a copy of the City's audit report for last fiscal year.

✓ Mr. Sullivan, Planning Director, read the following recommendation submitted from a meeting of the Planning Commission held on August 16, 1978:

"...The Commissioners reviewed the City Council Minutes of August 8, 1978 concerning the Public Hearing on Zoning Ordinance text proposals. Council's motion

asked for Planning Commission review of sections dealing with how many unrelated persons should be permitted to occupy dwelling units. Mr. Williams stated that the petition signed by 345 citizens asks 'the City to limit the number of unrelated persons living in an R-1 zone to two.' He asked if this wasn't an endorsement of the Planning Commission's recommendation. Mr. Milam reported that several citizens who spoke to City Council urged that the definition of a rooming house be changed, saying that the owner must live in the rooming house; they want the 'or lessee' eliminated. Chairman Kuykendall said he felt the Commission has tightened up the Zoning Ordinance by recommending lowering the number of unrelated persons from four to two in R-1 and from six to four in R-3 Districts. Mr. Milam stated that controlling density by square footage in each dwelling or apartment would be a better way, but extremely complicated to implement. He added that the off-street parking requirements for rooming houses could be stronger, such as requiring an additional off-street space for each unrelated person or boarder. The Chairman questioned how the City can better enforce who and how many people live in dwellings and apartments without violating citizens' privacy? Mr. Williams said he feels the Commission's recommendation that the number of unrelated persons residing in dwellings in R-1 zones be changed from four to two is an improvement to the regulations. The Commissioners reviewed the definition of 'family' and felt it was fair and should be left as written.

Mr. Fleming concluded the discussion with a motion that the Planning Commission recommend to City Council that the proposed Zoning Ordinance text amendments concerning the definitions of 'family', 'boarding and rooming houses', and the number of unrelated persons permitted to reside in dwellings or apartments in R-1, R-2, and R-3 zones be adopted. Mr. Williams seconded the motion and all members present voted in favor..."

Manager Milam stated that inasmuch as Council's public hearing on this matter had been adjourned until further reconvened, on August 8th, Council should either accept or reject the recommendation of the Planning Commission and schedule the adjourned public hearing for Tuesday, September 12th, 7:30 P.M., which would allow ample time for advertising of same to the general public. Councilman Rhodes moved that the recommendation be accepted for information, and the public hearing scheduled for September 12th, with authorization for the City Manager to advertise same in the Daily News Record newspaper, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ The following recommendation submitted from a meeting of the City Planning Commission held on August 16, 1978, was read by the Planning Director:-

"...The Commissioners read a letter dated July 7, 1978 from Mr. Howard Turner of 333 S. High St., requesting that a 10' alley between 325 & 329 S. High Street be closed, due to misconduct of youngsters who walk through the alley from Rt- 42 (S. High) to 'Old' South High. Mr. Turner owns the property bordering the north side of the alley. Frank and Bessie O'Neal own the property bordering the south side of the alley. Mr. Milam reported that a 10' easement for utility purposes should be retained if the alley is closed. He noted that the adjoining property owners could use the 10' right-of-way for their own off-street parking if it is closed to the public.

Mr. Williams offered a motion recommending closing of the alley between 325 & 329 'Old' South High Street, with the condition that the City retain a 10' utility easement and depending on a Board of Viewers' affirmative report. Mr. Fleming seconded the motion and all members present voted in favor..."

Council was reminded by the City Manager that the request for closing had been presented at the regular meeting of July 25th, and referred to the City Planning Commission for study and recommendation. Following a brief discussion, Councilman Green moved that the Planning Commission recommendation be accepted for information at this time, which motion upon being seconded by Vice-Mayor Denton, was adopted by a unanimous vote of Council. Vice-Mayor Denton then moved that a Board of Viewers composed of P.H. Hardy, T.H. Lowery and John H. Byrd, Sr. be appointed to view the alley and report in writing whether or not there would be any inconvenience in the closing, and if so, what, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Planning Director Sullivan presented and read eleven proposed zoning map changes which were initiated by the Commission and considered at a public hearing held on July 19th. Following explanation of each change, it was called to Mr. Sullivan's attention that one of the listed property owners may have to be changed, in that it was understood the particular piece of property has now been sold to another party. During a brief discussion, it was felt that there may be other changes to be considered at Council's next regular meeting on September 12th. Vice-Mayor Denton moved that the recommendation from the Planning Commission be accepted for information and a public hearing scheduled for Tuesday, September 26th, 7:30 PM with authorization for the City Manager to properly advertise same in the Daily News Record newspaper, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Council was informed by the City Manager that following invitation for bids for development of a parcel of land situated at the corner of Elizabeth & Main Streets (former B. Ney property) which had been advertised not only in the local newspaper, but several out-of-town papers and five wall street journals, a bid opening had been held in his office on Thursday, August 17th, with only one bid submitted by Elizabeth Street Partners, signed by Lawrence H. Hoover, Jr., R.E. Lee, Jr., and Richard S. Shank. He pointed out the location on a map, as well as the entire block bounded by Elizabeth, Rock, Liberty and Main Streets (total plan of development by the city) which includes the former No. 4 Hose Company building on W. Elizabeth Street on which no bids have been received. Purchase price for the corner lot as set forth in the one bid submitted was in amount of \$ 55,000., with completion of a 5-story stucco & brick building in a 24 month period from beginning of construction. The plan, as presented by the City Manager, was for a plaza and patio area off Main St.; fifteen parking spaces for tenants beneath Main Street ground level and at least an additional 15 permanent parking spaces in rear of the building; first floor (three retail shops, lobby, elevator, etc.); second, third & fourth floors repetitive insofar as office space rental. Vice-Mayor Denton raised a number of questions concerning the project (i.e. whether or not there

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is a time limit for payments to begin; whether or not any equity capital is going into the project; whether or not plans would be brought back to Council at a later date following all necessary approvals, clarifications from those concerned and further information concerning financing, etc.) Mr. Penrod of the law firm of Hoover, Hoover & Penrod, pointed out that they desire to begin construction as soon as possible, but that it would take time to receive approval from the Industrial Development Authority, and to take other necessary steps prior to actual construction; whether or not there would be any equity capital has not been decided as yet; does not believe the matter would be brought back before City Council. He noted that approximately 25¢ commitment for rental of the building has been received, with other verbal interest expressed. He explained that the city would sell the site to the I.D.A., with individual partners responsible for payment of the bonds. When questioned by Mayor Erickson how the amount of \$ 55,000. had been arrived at for purchase price of the site, Mr. Penrod said it was based on support of the project with amount of rent tenants would be able to pay. City Manager Milam said that the legal ad required placing of a \$ 10,000. deposit, and offered an opinion that the one bid proposal is not a firm offer in that no such deposit was placed. Inasmuch as 60 days is desired for Council to either accept or reject the proposal, Manager Milam asked that Council consider the matter for several more weeks, in that other parties have expressed interest in the property. By accepting the one bid tonight, he said he felt it would preclude working with some other individuals within the 60 day period. Mr. Penrod assured Council that the proposed plan submitted by the Elizabeth Street Partners is flexible and that changes could be made. Mayor Erickson said he would like for the project in that particular location to be a successful one, and asked members to review the proposal, with action deferred until a future meeting.

✓ City Manager Milam called Council's attention to communication from Mr. R. L. DeCair, Executive Director of the Virginia Municipal League, requesting appointment of a voting delegate and alternate voting delegate for this year's V.M.L. Convention. He noted that a form was enclosed with the correspondence for submission of appointees. On motion duly adopted, Councilman Roy H. Erickson was appointed to serve as Voting Delegate and Councilman Raymond C. Dingledine, Jr. to serve as Alternate Voting Delegate.

✓ City Manager Milam reminded Council that he had, at the last regular meeting, suggested the possibility of replacing Assistant City Manager John Driver as a delegate to the Central Shenandoah Manpower Council due to amount of time and paperwork involved. He recommended, however, that Mr. Driver be reappointed to continue serving in this capacity, representing the City of Harrisonburg. On motion of Vice-Mayor Denton, seconded by Councilman Green, and a unanimous vote of Council, Mr. Driver was reappointed to continue serving on the Manpower Council.

✓ Council was reminded that the Harrisonburg-Rockingham Regional Sewer Authority will hold its regular meeting on September 11th, with election of officers at that time. Terms for Harrisonburg's four representatives on the Authority expired as of July 14th, this year. Mayor Erickson said that action should be taken at this time and suggested that the same representatives be reappointed, noting that the City has a right to make changes in membership within the year. Following a brief discussion, Vice-Mayor Denton moved that Roy H. Erickson, James F. Logan, Marvin B. Milam and John E. Driver be reappointed to the Harrisonburg-Rockingham Regional Sewer Authority for terms of four (4) years, expiring July 14, 1982, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ Council was reminded that the term of Mr. Elmer Kramer on the Board of Public Welfare had expired June 30th of this year, and that consideration should be given to an appointment for the vacancy. Councilman Rhodes moved that Mr. Wade Menefee, Jr. of 561 Maryland Avenue, be appointed to serve on the Board for a term of four (4) years, expiring June 30, 1982, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

✓ City Manager Milam reminded Council of one vacancy which was created on the Industrial Development Authority as of April 24, 1978, and the fact that a second member should be appointed in order to bring the Authority to required seven members. Following a brief discussion, Vice-Mayor Denton moved that Mr. Bill Walton, Assistant Vice-President of Virginia National Bank, be appointed to the Authority for a term of four (4) years, expiring April 24, 1982, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council. Appointment of the 7th member was deferred.

✓ This being Mr. Denton's last official meeting on City Council in that he did not seek re-election last May, Mayor Erickson expressed appreciation for his many hours spent with regard to city problems, numerous meetings attended, commissions & committees on which he had served, stating that he could go on and on. He noted that Mr. Denton would be greatly missed around the Council table and added that although he could no longer serve as a member of the governing body, it was hoped that he would be willing to give advice on various matters, when approached. A silver tray with inscription "E. Warren Denton, Jr., Vice-Mayor, 1970-78" and silver Jefferson Cups were presented as a farewell gift. Mr. Denton responded that he would miss serving on Council and that he had enjoyed working with city staff and citizens. He offered an opinion that input on city matters was needed from everyone, including citizens.

At 9:00 P.M., on motion of Vice-Mayor Denton, seconded by Councilman Rhodes, and a unanimous vote of Council, an executive session was called for the purpose of discussing a personnel matter. At 9:35 PM the executive session was declared closed and the regular session reconvened on motion of Vice-Mayor Denton, seconded by Councilman Rhodes, and a unanimous vote of Council.

✓ For consideration of a second & final reading, the City Manager presented an ordinance adding a new section 28-44.1 titled "City Transportation Driver; requirements", which section exempts city drivers from certain requirements under Sections 28-35 thru 28-44, but does require a chauffeur's license issued by the Commonwealth, and complete physical examination; also amending Sec. 28-45 titled: "Taxi & Bus Rates Generally", to increase from 60¢ to 80¢ the first 2/5 mile or fraction thereof. Councilman Rhodes moved that the ordinance be tabled until a future meeting to allow time for further study in that he was still apprehensive about the rate increase, when taxi service is used by senior citizens and persons on fixed incomes. The motion was seconded by Councilman Dingledine. After further discussion and on motion of Councilman Rhodes, seconded by Councilman Dingledine, the motion to table the ordinance was rescinded. Councilman Rhodes then moved that the ordinance be approved for second & final reading, with the exception that the present rate of 60¢ for the first 2/5 mile or fraction thereof, remain, and that the Mayor be authorized to sign the corrected ordinance and the Clerk to attest same and spread upon the pages of the

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City's Ordinance Book, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 135).

✓ The City Manager presented an ordinance amending Sec. 29-99 of the City Code titled "Schedule of Rates and Charges Generally" and Sec. 29-100 titled "Rates for Park View Sanitary District", which ordinance had been approved for a first reading at the last regular meeting. Following discussion, Vice-Mayor Denton moved that the ordinance be approved for second & final reading with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K page 136).

✓ Councilman Green reminded Council that Rockingham Memorial Hospital has been utilizing the parking lot on the south side of Cantrell Avenue for the past 5 or 6 years at no charge, and suggested that inasmuch as the lot has now been paved and marked off for 62 parking spaces by the city, with landscaping plans for this fall, a lease arrangement be worked out with the hospital for continued use of the lot by the hospital on a pay basis, for the next two years, while the JMU Educational Building is being completed, after which time there will be additional parking made available on the west side of S. Main Street. He noted that the hospital has agreed to pay the sum of \$ 6,000. for the 2 year period in order to offset the city's cost of lot improvements. Vice-Mayor Denton moved that a 2-year lease be approved for the period 9/1/78 - 9/1/80, for the sum of \$ 6,000., which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council. It was noted that Assistant City Manager Driver would send the hospital a statement, at the proper time.

✓ In discussing two requests which had been received for parking spaces being allowed on the north and south sides of Court Square, Councilman Green informed Council that he had talked with Rev. Joseph Sefcik of the First Presbyterian Church, N. Court Square, and been advised that the primary reason for their request was in order to assure a parking space at the church entrance on Court Square for the hearse, during funeral services. Assistant City Manager Driver said he had talked with Mrs. Harpine concerning her request for a loading zone to be provided in front of Valley Gift Shop, 75 S. Court Square, and that he had assured her that the situation could be handled in some fashion, in that no problems arise from permitting loading and unloading in front of business establishments. The reports were for information of Council.

✓ City Manager Milam informed Council that a draft of ordinance had been submitted by Holly Farms Poultry Industries, Inc. (purchaser of the former Shenandoah Valley Poultry Corp. plant on N. Liberty St.), whereby the city of Harrisonburg would agree to re-activate and operate the City's existing sewage treatment plant for the purpose of removing excessive industrial and municipal wastes, in that space at the recently purchased site is not sufficient for installation of its own pre-treatment plant. Vice-Mayor Denton offered an opinion that the City should strive to keep the sewer plant working in some manner, in order that it may kept in good shape. City Manager Milam said he would like to see the plant re-activated, provided the industry agrees to be responsible for maintenance costs. Mr. Denton suggested that thoughts be coordinated further, prior to any action being taken, with the matter to be brought up at a later meeting concerning possible changes in the ordinance draft. The City Manager was asked to review the draft, make any changes he felt necessary, etc. and bring same back to Council. Vice-Mayor Denton then moved that Council consider concept of the ordinance draft, with the matter to be further discussed, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ City Manager Milam said he would like for Council to consider authorization for the Kavanaugh site (when completely cleared) and also the former B. Ney site, to be used as a temporary parking lot as early as October of this year. He offered an opinion that the Kavanaugh site should be cleared with funds which are available and that a fence enclose the area which should provide parking for approximately 150 cars, with a possibility of two exits. An opinion was expressed by Manager Milam that such an arrangement should prove beneficial to downtown merchants, as well as shoppers during the holiday season. He estimated that the work would be completed in 60 days, and suggested that the matter may be referred either to the Harrisonburg Parking Authority, or a committee, with the City maintaining control of the area. Following discussion, Councilman Dingledine moved that the City Manager be authorized to proceed with the plans for temporary parking at the two sites located at Elizabeth & N. Main Streets, which motion upon being seconded by Councilman Green, was adopted by a unanimous vote of Council.

Members of Council were reminded of the Re-Organization Meeting which would be held on Friday, September 1st, at 10:00 A.M.

There being no further business and on motion duly adopted, the meeting adjourned at 10:30 P.M.

*N. Eugene Lobe*  
CLERK

*Ray E. Smith*  
MAYOR

Friday, September 1, 1978

At a Re-Organization meeting of Council held in the Council Chamber this morning at 10:00 A.M. there were present:- City Manager Marvin B. Milam, City Attorney Norvell A. Lapsley, Clerk N. Arlene Loker, Councilmen Roy H. Erickson, Raymond C. Dingledine, Jr., Walter F. Green, III, Elon W. Rhodes, James C. Cisney, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- none.

City Manager Milam referred to the special meeting call, pursuant to Section 42 of the City Charter, primarily for receiving Oaths of Office prescribed by law, election of Mayor and Vice-Mayor, appointment of various city officials, and designation of a deputy city auditor.

Manager Milam presented to the Clerk for recordation in minutes of this meeting, Oaths of Office, signed before Marlene Key, Deputy County Clerk, by Walter F. Green, III and James C. Cisney, for terms on City Council beginning 9/1/78 and terminating as of August 31, 1982.

The following actions were taken regarding Sections a, b, c, d, e and f under Re-Organization:

✓ For Mayor: On motion of Councilman Green, seconded by Councilman Dingledine, and a majority vote of Council, Mr. Roy H. Erickson was reappointed as Mayor for the City of Harrisonburg for a two (2) year term expiring on August 31, 1980 (Mr. Erickson, abstaining).

✓ For Vice-Mayor: On motion of Councilman Rhodes, seconded by Councilman Dingledine, and a majority vote of Council, Councilman Walter F. Green, III was elected to serve as Vice-Mayor of the City of Harrisonburg for a term of two (2) years expiring on August 31, 1980. (Councilman Green, abstaining).

✓ For City Clerk: On motion of Councilman Dingledine, seconded by Councilman Rhodes, and a unanimous vote of Council, Mrs. N. Arlene Loker was reappointed to serve as City Clerk for the City of Harrisonburg in accordance with Section 41 of the City Charter and 2-56 of the City Code.

✓ For City Manager: On motion of Vice-Mayor Green, seconded by Councilman Rhodes, and a unanimous vote of Council, Mr. Marvin B. Milam was reappointed to serve as City Manager for the City of Harrisonburg in accordance with Section 38 of the City Charter.

✓ For City Auditor: On motion of Councilman Cisney, seconded by Vice-Mayor Green, and a unanimous vote of Council, Mr. R. William Shifflet was reappointed to serve as City Auditor for the City of Harrisonburg in accordance with Section 51 of the City Charter and Section 2-66 of the City Code.

City Auditor Shifflet recommended Mr. Phil Peterman for reappointment as Deputy City Auditor. On motion of Councilman Dingledine, seconded by Councilman Rhodes, and a unanimous vote of Council, Mr. Peterman was reappointed in accordance with Section 2-67 of the City Code.

✓ City Manager Milam informed members that he had also placed on today's agenda, appointment of a Collector of Delinquent Taxes, in that this should have been done following the November election when Mr. Firebaugh was re-elected to office of City Treasurer, in that he has been serving also in the capacity of Tax Collector. Vice-Mayor Green moved that Mr. M.A. Firebaugh (City Treasurer) be reappointed to serve as Collector of Delinquent Taxes for a term to expire December 31, 1981, in accordance with Sec. 2-120 of the City Code. The motion was seconded by Councilman Rhodes and adopted by a unanimous vote of Council. *(Error in term of call. - Should be 2 yrs. (ref. to Re-Org. mtg. 9/2/80) (Dec 31, '80))*

✓ Mayor Erickson noted that appointment of a Finance Committee was in order at this time, noting that the present committee consists of the Mayor, Vice-Mayor and City Manager. Councilman Dingledine moved that the Mayor, Vice-Mayor (Green) and the City City Manager be appointed to comprise the Finance Committee, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Council was reminded by City Manager Milam that appointment of an elected city official should be considered at this time to the Central Shenandoah Planning District Commission, in that Mr. Denton, a member of the Commission, had not sought re-election to City Council last May. Vice-Mayor Green moved that Councilman Elon W. Rhodes be appointed to the Commission for the unexpired term of Mr. Denton, June 30, 1980, which motion upon being seconded by Councilman Dingledine, was adopted by a majority vote of Council. Abstaining: Councilman Rhodes.

✓ Due to the fact that Mr. Warren Denton had been serving as Council representative on the City Planning Commission, and had not sought re-election to City Council last May, members were asked to consider an appointment at this time. Vice-Mayor Green moved that Councilman Elon W. Rhodes be appointed to the City Planning Commission as a replacement for Mr. Denton, which motion upon being seconded by Councilman Dingledine, was adopted by a majority vote of Council. Abstaining: Councilman Rhodes.

✓ Manager Milam said it would be well to determine whether or not the current policy of holding regular meetings on the second & fourth Tuesdays of each month, 7:30 P.M. should be continued, or a change made. Following a brief discussion, Councilman Cisney moved that the present policy of meeting nights and time be continued, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

Council was reminded by the City Manager that public hearings were scheduled for the next regular meeting on September 12th, on Zoning Text Amendments and Community Development Small Cities Grant Application for \$1 million; a public hearing at the September 26th meeting concerning Zoning Map Changes; and that the Virginia Municipal League meeting would be held at Norfolk, Va., September 17, 18 & 19th.

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

*N. Arlene Loker*  
CLERK

*Roy Erickson*  
MAYOR

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Tuesday, September 12, 1978

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

Minutes of the regular meeting held on August 22nd and Re-Organization meeting held on September 1st 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 month of August, 1978.

From the City Treasurer:

A trial balance report as of close of business on August 31, 1978.

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 \$ 9,413.31 for month of August, 1978.

From the City Auditor:-

A financial report for the City of Harrisonburg for month of August, 1978.

A report of cash discounts saved in payment of vendors' invoices for month of August, 1978, totaling \$ 503.99. Amount of \$ 9.73 lost due to lateness in submitting various invoices.

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, 1978.

✓ The City Manager presented correspondence dated 8/24/78 from the District Engineer, Virginia Dept. of Highways & Transportation, advising that a Location and Design Public Hearing re construction project for Rt. 11 from 0.85 miles south of the south corporate limits of Harrisonburg to 0.02 mile south of the south corporation limits of Harrisonburg, had been scheduled for September 13th, 10:00 A.M. in the HEC meeting room. The report was for information.

✓ Plat of a proposed subdivision known as Easthampton, Section 1, located at the east end of Vale Circle and South of the Liberty Square Complex, submitted by J.R.Copper,Jr., Certified Land Surveyor, was presented for Council's consideration. On motion of Vice-Mayor Green, seconded by Councilman Cisney, and a unanimous vote of Council, the plat was referred to the City Planning Commission for study and recommendation.

✓ Plat of a proposed subdivision known as Westhampton, located west of Southampton and Pleasant Hill Acres and east of the C-W Railway at the west end of Laurel Street, submitted by J.R.Copper,Jr., Land Surveyor, was presented for consideration. On motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote of Council, the plat was referred to the City Planning Commission for study and recommendation.

✓ Council was advised by the City Manager that he was in receipt of the Annual Audit report for the Shenandoah Valley Juvenile Detention Home Commission, prepared by Yancey & Anderson (CPA) of Staunton, Va. He noted that the report would be on file for public inspection.

✓ Manager Milam presented and read correspondence dated 9/11/78 from V. Stephen Bradshaw, representing Lincoln Miller, Inc., requesting rezoning of Lot no. 44 on the north side of Ashby Avenue, adjoining Lot 42 presently owned by his client, from the present R-2 Residential to B-2. It was noted that the latter is presently zoned B-2, and rezoning of No. 44 would expand the area in size to enable development for business purposes. A check for filing fees was enclosed with the correspondence. Councilman Rhodes moved that the request, along with plat, be referred to the City Planning Commission for study and recommendation, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

✓ At 8:55 P.M., Mayor Erickson called the adjourned public hearing to order and the following Notice of same as advertised in the Daily News Record, was read:-

The Harrisonburg City Council will continue a Public Hearing on Tuesday, Sept. 12, 1978, at 7:30 P.M. in the City Council Chamber, Municipal Building, 345 S. Main St., to consider proposed text amendments to the Harrisonburg Zoning Ordinance.

Sections of the Ordinance to be considered for amendments are:

Sec. 31.2, Definitions; Section 31.11, Off-Street Parking Requirements; Sections 31.23 thru 31.65 (text describing all Zoning Districts...R-1 Single Family Residential, R-2 Residential, R-3 Multiple Family Residential, R-4 Planned Unit Development, B-1 Central Business District, B-2 General Business, M-1 Industrial and M-2 Industrial.

Copies of the proposed amendments are available for review and discussion in the City Planning Office, Municipal Building. All persons interested will have an opportunity to express their views at the Public Hearing.

CITY OF HARRISONBURG - Marvin B. Milam, City Manager

Planning Director Sullivan summarized the Planning Commission's process of reviewing the present City Zoning Ordinance which is required every 5 years, and point out (much the same as at the first portion of Council's public hearing on August 8th), recommendations for various amendments. One not mentioned previously, however, was an increase from \$ 50. to \$ 75. for zoning requests, due to cost of publishing Ads in the newspaper, etc. Mayor Erickson called on anyone present desiring to offer new information or ideas not presented last month. In the overflow crowd of citizens and JMU students, some repetitive remarks were again heard, particularly by those residents living in close proximity to houses occupied by students that, according to the residents, disturb the peace, litter lawns with beer cans, take no interest in upkeep of the property or lawns, etc. Mrs. Jean Grimes, speaking on behalf of residents in R-1 District, questioned from a legal standpoint, the definition of "Family" under the draft ordinance which reads "One or more persons occupying a dwelling and living as a single housekeeping unit, all of whom or all but two of whom are related to each other by birth, adoption or marriage as distinguished from a group occupying a boarding house, rooming house, or hotel as herein defined," as compared with Article II, Sec. 31-25(b) under R-1 Single Family Residential which states that "Dwelling units must be occupied by families and/or not more than two unrelated persons." She felt this would allow not more than a total of four unrelated persons, which is considered as most undesirable by residents. Attorney Lapsley agreed with the interpretation and noted that in order to avoid a conflict, the last words under Sec. 31-25(b) "and/or not more than two unrelated persons" should be deleted in the ordinance. Jerry Coulter, a resident of R-2 District, said residents were requesting that the definition of Rooming and Boarding House in an R-2 Zone be changed to provide that they cannot be operated on a lease arrangement,

but that R-2 be made consistent; further that present city ordinances be more strictly enforced with regard to inspections, parking regulations, etc. Another point presented by a resident was the fact that some property owners monopolize space in garages by storing materials, etc., which force on-street parking. A suggestion was made that the proposed ordinance include a provision for parking spaces to be left free, or made available for tenants. Gregg Coffman noted that JMU has land available for construction of additional dormitories, and suggested that this may be a problem between the City and University. Mrs. Mary Etter of 486 W. Market St., questioned whether or not any effort had been made to form a group of representatives from JMU faculty, JMU students and residents, for a discussion of the disturbances in residential areas, and to work out guidelines for those students living off campus. Mrs. Juanita Sanders noted that all have to live together in a community, and commended quick and efficient service by the police department on complaint calls. She suggested the possibility of placing double taxation on Absentee Landlords, which may ease the situation insofar as purchase of properties for monetary purposes only. Mr. Jacob Saylor, JMU student, expressed concern re any ordinance changes because of its effect, not only on students, but others as well (i.e. teachers, workers, etc. who share apartment). Limiting the number of unrelated persons would increase rent on the few allowed, as much as 100%. With no provision for students to reside within walking distance of the university, there could be as many as 1500 additional vehicles on the streets of the city, or over use of mass transportation. He offered an opinion that open communication could maintain a residential atmosphere, and said he felt that students should be allowed to move into an R-1 District, as well as other areas. Mr. Saylor called attention to a list of volunteer services rendered in the city by JMU students, and suggested that "people talk to people as neighbors, not as adversaries." A student residing on Mason Street suggested that the permit parking time be extended to 12 midnight, rather than pushing all students out. He suggested that the police department be called, and disturbances of loud music, etc., reported. Mr. Darrell Pile, Chairman of the JMU Student Body, noted that much work has been done with regard to promoting good relationship between students and the community, with no complaints received at the university concerning the present situation. He said it was felt that they should have been made aware of the problem. Mr. Pile offered to work in any way with the governing body to develop laws which will prosecute those students who may be breaking the law, and expressed a hope that Council would not make any decision that will involve all JMU students, when problems are caused by only a few of the total enrollment. Council was reminded that citizens can, and do in some cases, create the same problems and disturbances as those being aimed at JMU students. Mr. John Byrd, City Building Official, answered a few questions which arose during the discussion, noting that inspections by competent inspectors of properties, is at present, a main priority. With regard to parking problems, he pointed out that in some instances, parking spaces which are reported as available upon acquiring a license are not always utilized, in that on-street parking is preferred. Due to lateness of the hour, and little more new information being presented, Mayor Erickson declared the public hearing closed at 9:30 P.M. and the regular session reconvened.

✓ Mayor Erickson asked if Council desired to approve the ordinance draft for amendments to the City's Zoning Ordinance for a first reading at this time, or to be allowed more time for further review and consideration, based on tonight's input by residents and students. Councilman Rhodes offered an opinion that it may be wise for the City Attorney to change Sec. 31-25(b) which is in conflict with definition of "family", prior to any action being taken by Council. City Manager Milam recommended that the proposed ordinance be approved for a first reading in that the change mentioned by Mr. Rhodes seemed to be the only one in question. Councilman Rhodes moved that the ordinance be approved for a first reading and the motion was seconded by Vice-Mayor Green. Councilman Dingledine offered an amendment to the motion, that the ordinance be approved for first reading, with inclusion of the change under Sec. 31-25(b) by deleting the words "and/or not more than two unrelated persons." Councilman Rhodes seconded the amended motion and the ordinance was approved for first reading by a unanimous recorded vote of Council. Mayor Erickson offered an opinion that some type of committee should be created among elected officials, JMU faculty, JMU student body and residents, with the hope of opening a route of communication, with all those involved, sharing equally. He asked members to be thinking on this possibility until the next regular meeting, taking into consideration the vast input of Council's public hearing on August 8th as well as the continuation of that hearing, this evening. Councilman Dingledine concurred in the suggestion and Vice-Mayor Green said he does not believe in resorting to strong arm police enforcement, but does, at the same time, sympathize with residents who have lived in their properties for possibly as long as 50 years, being subjected to the various disturbances.

△ The following report submitted by the City Planning Director was read:-

"During our City Staff Meeting on August 30, 1978, the City Map was referred to in connection with a discussion of the area presently included in the Neighborhood Permit Parking Ordinance. It was the unanimous opinion of City Staff that the Neighborhood Permit Parking Area be expanded as shown on the attached map. (proposed permit parking areas shown in stripes).

The Proposed Permit Parking Areas include:

- a. Campbell, Franklin and Ott Streets.
- b. The Edgelawn section, bordered on the north by Port Republic Road, on the south by Purcell Park, on the east by Interstate 81 and on the west by the C-W Railroad.

It is our understanding that this subject will be presented to City Council in the near future. If the Council desires additional information, such as number of dwellings, on-street parking conditions, etc. we will be happy to supply it."

Mr. Sullivan noted a number of problems in these areas, on which a number of phone calls had been coming in. Several questions were raised among residents present concerning the time limit which is presently set for permit parking (8:00 A.M. - 6:00 P.M.), and requested that a 24 hour limit be set forth in the ordinance. Residents of the Edgelawn Area reported that students are parking their cars overnight along Crawford and Weaver Avenues, making it impossible for residents to find parking spaces after 6:00 P.M. They asked the possibility of changing hours to read 3 AM to 6 PM, which would discourage overnight parking. It was pointed out that the new highrise sorority & fraternity houses that rim Newman Lake on campus have no parking lots, with the only available parking restricted to the resident managers. Vice-Mayor Green suggested the possibility of eliminating the time limit in the ordinance and then moved that the proposed ordinance amending Section 17-42 "Residential Permit Parking" be approved for a first reading and referred to the Planning Commission for study and recommendation. The

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matter was further discussed from the standpoint of possible extension to Myers Avenue. Councilman Dingleline suggested that consideration be given for expanding the area to Myers Avenue which would include Monticello Avenue, and seconded the original motion in this manner. After further discussion, the motion, as amended, was adopted by a unanimous recorded vote of Council.

At 10:25 P.M., Mayor Erickson called the second public hearing to order and the following notice of same, was read:-

NOTICE IS HEREBY GIVEN, that pursuant to Sec. 570-426 of Rules & Regulations of the Federal Register, Volume 43, No. 41, dated March 1, 1978, the City of Harrisonburg will hold two public hearings; first by the City Manager at 2:00 PM on September 6, 1978, in the City Council Chambers, Municipal Building, and second by City Council at 7:30 P.M. on September 12, 1978, in the City Council Chambers, Municipal Building, Harrisonburg, Va.

The hearings shall consist of a report on the availability of grant funds under the Housing & Community Development Act of 1977 (Small Cities Program) which will include the following topics: The Community Development Program; The Community Development & Housing Strategy; The Housing Assistance Plan; The Annual Housing Program.

The purpose of these hearings is to provide City of Harrisonburg citizens, in accordance with the Citizen Participation Plan, an opportunity to submit views and proposals concerning: Proposed activities; The selection of community development priorities; Participate in the development of the Community Development Program application, and comment on the full application prior to submission of the application, and comment on the full application prior to submission of the application to the A-95 Clearinghouse.

Information will be made available concerning the amount of housing activities, the range of activities that may be undertaken and other important program requirements.

All interested persons or organizations will be offered an opportunity to be heard, either in person or by counsel and written statements may be filed at or prior to each hearing with the City Manager, 345 S.Main Street, Harrisonburg,Va. 22801. The submission of views and proposals regarding the Community Development Program, particularly by low and moderate income persons, members of minority groups and residents of blighted areas and neighborhoods where community development activities are proposed is encouraged.

Citizens are advised of their right of access to information and materials about the Community Development Program as it is developed and implemented, and their right to file written complaints in accordance with the Citizen Participation Plan anytime during the program year. The following documentation relevant to the development of the Community Development Program will be on display at the Offices of the City Manager: The Citizen Participation Plan; Public Notices; Records of Public Hearings; all key documents submitted to the Department of Housing & Urban Development; Copies of regulations covering the Community Development Program; Explanation of important program requirements.

Two public hearings are being held to offer an opportunity for citizens of Harrisonburg to participate in the preparation of the full application for community development funds. The deadline for submission of the application is Sept. 15, 1978.

CITY OF HARRISONBURG - Marvin B. Milam, City Manager

City Manager Milam explained that during the summer, the city's pre-application went through a number of channels, and tentative approval was given for a \$1 million grant through the Dept. of Housing & Urban Development, following approval of the new program by congress. This, the second of two public hearings is necessary, prior to filing a final application for the Small Cities Grant to aid in clearing the area around the Elderly Housing Project on N.Main Street. Mr. John Hodges, a representative of the City's Consulting Firm, Harland, Bartholmew & Associates, pointed out that \$ 100,000. in local contribution would be added to the \$1 million in federal funds (if approved) to give the program flexibility. He explained in detail the City's proposed overall program which includes: purchase of properties extending north from the Elderly Housing site to the corner of W.Rock St. and west along Rock to N. Liberty Streets (including Armstrong Restaurant and several houses in the Klingstein Estate); developing corner lot for parking and recreational areas to serve the Elderly Housing Apartment units; clearing of approximately 1.3 acres on Liberty Street for commercial development. He noted that the proposed plan suggests the possibility of as many as ten retail shops, providing approximately 168 new jobs, in the area. Mr.Hodges informed those present that in the future, the city anticipates a rehabilitation project which would entail acquisition of two vacant houses in the Collicello-Gay-Rock-Liberty Street area, and remodeling same, prior to their being offered for resale or lease. The program could provide loans to people of low & moderate income for purchase or upgrading of sub-standard properties in that general area. City Manager Milam pointed out that the Redevelopment & Housing Authority has received approval for 50 additional units of housing under subsidized rent for families of low and moderate income (area not determined), which will boost housing needs in the City, and noted that the city's contribution of \$ 100,000. for the project under discussion this evening is provided for in the current 1978-79 budget. The \$1 million in federal funds will be set aside, provided the City of Harrisonburg fulfills all requirements necessary for final approval. He read the following resolution for Council's consideration and approval:

RESOLUTION APPROVING COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING FILING OF AN APPLICATION FOR SMALL CITIES FUNDS.

WHEREAS, the Housing & Community Development Act of 1977 provides Federal Assistance to local units of government under the Community Development Block Grant Program to carry out eligible community development activities under said Act; and

WHEREAS, the City Council of the City of Harrisonburg, Va. has caused to be prepared an application for Small Cities Funds as provided for by such Program;and

WHEREAS, the City Council has reviewed said application and has knowledge that not less than two public meetings have been held on the community development program to assure citizen participation and comment with regard to the development of the program activity set forth in the Application.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisonburg,Va.

that:

1. The Community Development Program for the City of Harrisonburg, as represented by the community development activities set forth in the application for Small Cities Funds dated September, 1978 is hereby approved.
2. The City Manager is authorized to file said application, including all understandings and assurances contained therein, with the United States Department of Housing & Urban Development.
3. The City Manager is hereby designated as the authorized representative of the City of Harrisonburg, Va., and is directed to act as such representative in connection with the application and to provide such additional information as may be required.

ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1978.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk

There being no opposition presented with regard to the City's proposed community development program, and a few questions answered for interested citizens, Mayor Erickson declared the public hearing closed at 11:07 P.M. and the regular session reconvened.

The Mayor asked Council's wishes with regard to the resolution presented by the City Manager for filing of the final application for \$1 million federal funding. Councilman Rhodes moved that the resolution be approved, with authorization for the proper officials to sign same, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

Correspondence dated 9/6/78 was presented from Judge John A. Paul, enclosing a proposed form for Challenge Grant of \$ 5,000. through the Virginia Commission of the Arts & Humanities for property located at 301 S. Main St. (former Sipe House), recently made available by the City to the Massanutten Chapter of the Virginia Museum of Fine Arts for the purpose of establishing a public Fine Arts Museum. City Manager Milam explained that the City would agree to contribute a like amount, \$ 5,000. During discussion, it was suggested that the words "An Historic Landmark" be deleted from the application form. Following discussion, Councilman Cisney moved that the City Manager be authorized to submit the application form, with deletion of aforementioned words, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

City Manager Milam presented correspondence dated 8/17/78 from Mr. James K. Skeens, Assistant State Urban Engineer of the Department of Highways & Transportation, advising that the Commission had adopted a resolution directing certain funds to be allocated to the City of Harrisonburg (as well as other qualifying cities) for public bus transportation system. Amount set forth in the resolution for Harrisonburg is \$ 3,000. for each of years 1978-79 and 1979-80, on which the City must agree to provide from local sources \$1.00 for each state dollar out of the allocation, and to strict accounting of funds expended. The following proposed resolution enclosed for Council's guidance in submitting application to the Virginia Dept. of Highways & Transportation for the Grant, with authorization for the City Manager to submit to the department such documents and other information as may be required for processing of the application, was read:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HARRISONBURG that the City Manager of the City of Harrisonburg is authorized, for and on behalf of the City of Harrisonburg, to make application to the Virginia Dept. of Highways & Transportation, Commonwealth of Virginia, for a grant of regional transportation special revenues, budget item 621, paragraph 9, of the 1978 Acts of the General Assembly - Chapter 850, State aid for administration, in the amount of \$ 6,000 (\$3,000. for the first year, fiscal year commencing July 1, 1978 and \$ 3,000. for the second year, fiscal year commencing July 1, 1979), to defray the administrative expenses of the City of Harrisonburg, and to accept from the Virginia Dept. of Highways grants in such amount as may be awarded in accordance with the Virginia Dept. of Highways & Transportation Commission resolution dated August 17, 1978; and to authorize the City Manager to furnish to the Virginia Dept. of Highways & Transportation such documents and other information as may be required for processing the grant application.

The Council of the City of Harrisonburg certifies that the funds shall be used in accordance with the requirements of the Appropriation Act of 1978; that the City of Harrisonburg will provide matching funds on a one to one ratio as required in such Act; that the record of receipts and expenditures of funds granted the City of Harrisonburg as authorized in the 1978 Acts of the General Assembly (Chap. 850) may be subject to audit by the Department of Highways & Transportation and by the State Auditor of Public Accounts; and that funds granted to the City of Harrisonburg for defraying the expenses of administration of the City of Harrisonburg shall be used only for such purposes as authorized in the Acts of the General Assembly.

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 1978.

Following discussion, Vice-Mayor Green moved that the resolution be approved, with authorization for the Mayor to sign the resolution and the Clerk to attest same on behalf of the City of Harrisonburg, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

For information, City Attorney Lapsley reported that proceedings were in order with regard to the issuance of general obligation bonds of \$ 1,600,000. by the City of Harrisonburg for financing Residential Facilities for the Elderly. He presented a memorandum prepared by the firm of Hunton & Williams, Bond Counsel for the City of Harrisonburg, to be signed by him and filed with the Circuit Court in support of the Motion for Judgment, providing some background information and the applicable statutory law. The section titled "Conclusion" of the Memorandum reads as follows: "For the above reasons, the Court should enter a decree determining that (1) all proceedings heretofore taken in connection with the authorization of the bonds and any notes issued to provide interim construction financing prior to the issuance of the bonds are valid, (2) the bonds and notes may be issued to finance the Project, and (3) when issued pursuant to the Charter and the Public Finance Act, the bonds and notes will be valid and binding general obligations of the City."

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✓ A request was presented from Assistant City Manager Driver for approval of a supplemental appropriation in amount of \$ 20,000. to purchase pipe for an anticipated street connection between Cantrell Ave. and the JMU Parking Lot. Manger Milam pointed out that the City desired to be in readiness, pending approval of a crossing by Norfolk-Western Railway. Vice-Mayor Green offered an opinion that it would be well to have access to the JMU lot. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:-

\$ 20,000. chgd.to: General Fund- Unappropriated Surplus Account.

20,000. approp.to: General Fund (10110-77.15) St.Inspect.- Capital Outlay-

James Madison University Street Connection.

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

✓ The following resolution adopted by the Harrisonburg Parking Authority for Council's consideration and approval, was presented and read by the City Manager:-

"WHEREAS, the Harrisonburg Parking Authority anticipates developing a new parking facility bounded by Mason, Federal, Elizabeth, and Wolfe Streets, and  
WHEREAS, the Harrisonburg Parking Authority does not have sufficient personnel for appropriate assistance in the development of a new project, and  
WHEREAS, the Harrisonburg Parking Authority desires City Staff assistance,  
NOW, THEREFORE, BE IT RESOLVED, that the Harrisonburg Parking Authority hereby authorizes and requests the City Manager to obtain bids for a complete parking facility proposal, which shall include engineering, architectural, and total construction price. The Harrisonburg Parking Authority desires bid quotations and proposals within ninety (90) days."

The resolution was duly adopted by the Authority and signed by its Chairman, W. Raymond Showalter, Jr. Following discussion, Councilman Dingledine moved that context of the resolution be approved, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

✓ A fact sheet concerning the matter of pari-mutuel horse racing, submitted by Virginians for Horse Racing, was received for information only, with no action taken.

✓ Correspondence dated 8/21/78 from Donald Holsinger, Treasurer, Hose Company No. 4, was read, in which a request was made for a refund to the company in amount of \$ 600.75, representing license tax and fee assessed upon them for holding their annual lawn party on July 19th and 20th of this year. It was noted that proceeds from the lawn party are being used to pay off the balance on the most recently purchased pumper. Following a brief discussion, it was agreed that the matter be investigated through the Commissioner of Revenue.

✓ For Council's information, City Manager Milam reported that the demolition contractor for the Kavanaugh Hotel site, S.B.Cox, had completed work at 11:00 A.M. today, and that plans were progressing to convert the two sites (Kavanaugh & B.Ney) for temporary parking as instructed by Council at the last regular meeting. Approximately 100 spaces will be provided until Shank Beverage Company moves from their present location (139 N.Main St.), after which time the lot will provide approximately 174 spaces. The lot will be ready next month, and will possibly be handled on a rental basis, with attendant control. He noted that any new construction for the area which may be approved by Council, will not begin before next spring.

✓ As required every five years, under the City Code, Rockingham Mutual Insurance Company, located at 234 E.Market St., reported in writing that the entrance on the east side of their building (which passageway is frequently used by the general public) is privately owned, and that it is not their intention for same to become a public street. The Clerk was instructed to record this information in minutes of this meeting.

✓ Council was reminded by the City Manager that the Planning Commission had recommended closing of an alley situated between 325 and 329 Old S.High Street, provided an affirmative report was received from a duly appointed Board of Viewers. He then presented and read the following report submitted by T.Harry Lowery, John H.Byrd,Sr. and Paul H. Hardy, Viewers:

"We the undersigned Board of Viewers were instructed by the Council of the City of Harrisonburg on August 22, 1978 to view an alley located between 325-329 S.High St. and to report to the Council whether or not there would be any inconvenience in the closing.

After viewing said alley, also consulting some of the close neighbors, we find there would be no inconvenience to any of the adjoining land owners as a result of closing the alley in question.

We would also recommend that the City retain a 10 foot utility easement the entire length of the alley.

Our vote was unanimous.

Dated this the 6th day of September, 1978"

Manager Milam informed Council that following all the necessary procedure to initiate the closing, the property owners have decided to withdraw the request due to a fee which is imposed for payment to the Board of Viewers. He offered an opinion that this alley, as well as two others in the area, should be closed, in that they serve no purpose insofar as vehicular traffic, and could well be used as additional parking area on the overcrowded old section of street. Council was asked whether or not it desired to proceed with closing of the one alley, and pay the necessary fees, in that it has been determined there would be no inconvenience in same. Following discussion, Councilman Cisney moved that an ordinance effecting closing of the 10' alley between 325-329 Old S.High St., be approved for a first reading, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous recorded vote of Council. Councilman Dingledine then offered a motion that closing of two other alleys located between 309-312 and 337-343 old S.High St. 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.


✓ In order to add a seventh member to the Industrial Development Authority, Vice-Mayor Green moved that Dr. Henry P. Deyerle of 312 S.Main St. be appointed for a term of four (4) years, expiring April 24, 1982, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of



Council. It was agreed that the April 24th date be used for continuity of beginning and terminating date of all other members presently serving on the Authority.

There being no further business, and on motion duly adopted, the meeting adjourned at 12:15 A.M.

  
CLERK

  
MAYOR

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

Mayor Erickson called the meeting to order and following roll call, welcomed the large number of students and residents who were present in the meeting.

Minutes of the combined public hearing and regular meeting held on September 12th were read, and approved.

The Mayor reminded those present that this is a regular meeting of City Council which is held twice monthly, and not a public hearing on the Zoning Text Amendments. A public hearing was held on August 8th and continued until the meeting of September 12th and closed at that time. He noted, however, that since the matter of a final reading of the Zoning Ordinance amendments would be the first agenda item of this evening, he would recognize anyone desiring to present new information, and allow those persons to express their views. Inasmuch as a suggestion had been made at the public hearing for appointment of a committee to work toward improving community-JMU relations, Mayor Erickson offered the following to comprise a committee to be known as "The Madison-Community Relations Committee" for study and evaluation of housing and environmental impact in the City of Harrisonburg: Darrell Pile (Chmn of JMU Student Body); Jacob Saylor (JMU student); Dr. Ronald Carrier (President of JMU) or an alternate from the University Administration named by Dr. Carrier; Mrs. Jean Grimes (representing R-1 District); Mr. Jerry Coulter (representing R-2 District); Mr. Julius F. Ritchie (representing R-3 District); Mr. John Byrd (City Building Official); Chief of Police Presgrave (law enforcement); and a representative from JMU security group, selected by Dr. Carrier. The Mayor asked that the named committee, if approved by the governing body, meet with him on next Tuesday evening (7:30 PM) in the City Council Chamber, at which time he would be happy to assist in organization of the group, with the hope that a report from the committee would be forthcoming in 30 - 60 days. Councilman Cisney moved that the nine (9) member Madison-Community Relations Committee, named by the Mayor, be approved, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council. City Manager Milam noted that the proposed Zoning Text Amendments were presented by the Planning Director at Council's public hearing on August 8th, with the following sections of the ordinance referred back to the Planning Commission for further study and report, due to questions which arose at the hearing: R-1 District (Sec. 31-25(b)); R-2 District (Sec. 31-30(b)(d)); and R-3 District (Sec. 31-35(b) and 31-37). A report from the Commission was presented at the August 22nd meeting, recommending that the proposed amendments, as presented, be adopted. On September 12th when the public hearing of Council was continued from August 8th, the ordinance was approved for a first reading with inclusion of a change in the proposed amendments under Section 31-25(b), whereby, due to a conflict with definition of family which residents felt could be interpreted as four unrelated persons being allowed, the words "and/or not more than two unrelated persons" would be deleted. Manager Milam recommended that the Zoning Ordinance, as approved for first reading, be approved for second and final reading, with the following additional amendments. The first amendment pointed out by Manager Milam and not included in the written recommendations, was under the definition for BOARDING HOUSE OR ROOMING HOUSE IN R-2 ZONES, by deletion of the phrase "or the lessee of the entire premises who", which would require only that the property owner reside on the premises. He noted that this was stressed by residents of that particular zone during Council's hearing, and felt it necessary that it be included as a change. The three written recommendations for changes were: (1) on page 5 under definition of FAMILY-- delete the words "or all but two of whom"; (2) Sec. 31-25(b) to remain as originally recommended by the Planning Commission- "Dwelling Units must be occupied by families and/or not more than two unrelated persons." He explained that the first two amendments would clear up a conflict between the definition and section which residents of R-1 felt could be interpreted to mean that as many as four unrelated persons could reside in an R-1 dwelling; (3) Sec. 31-35(b) change number of unrelated persons in R-3 Multiple Dwelling Residential District to five, as a compromise between the six presently being allowed, and the four recommended by the City Planning Commission. No change was recommended for the R-2 Residential District which allows a family and not more than four unrelated persons in a single dwelling. Mr. Jacob Saylor, JMU student, presented a petition containing over 2,000 signatures which had been circulated during the past couple of days, opposing changes in the zoning to restrict the number of unrelated persons, in that this would place an extra financial burden on students residing in the community, and would serve as no solution to the present problem. Dr. William Hall, Vice-President of Student Affairs at James Madison University, read a lengthy statement in which forming of a commission was suggested in order to deal with the problems which the administration of the university feels are "isolated in nature and primarily affect a small portion of the city." A request was made for Council to table the portion of the zoning ordinance which would lower the number of roomers in R-3 district to four unrelated persons. Mayor Erickson said he felt that formation of the Madison-Community Relations Committee earlier in this meeting, and the proposed amendment to compromise on five unrelated persons in R-3 District, seem to be somewhat in keeping with the JMU statement. He asked that a motion be made to adopt the Zoning Ordinance as previously approved, for a second reading, with a final vote to be taken following separate motions re additional amendments recommended by the City Manager. Vice-Mayor Green moved that the ordinance be approved for second reading, with inclusion of the proposed amendment to delete wording under definition of Boarding & Rooming House in R-2 District. The motion was seconded by Councilman Cisney. On motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote, deletion of words under definition of FAMILY was approved; on motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous

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vote, the original wording of Section 31-25(b) for R-1 District would remain; on motion of Councilman Cisney, seconded by Vice-Mayor Green and a unanimous vote, Section 31-35(b) under R-3 to allow no more than five unrelated persons, was approved. Mayor Erickson called for any questions before taking action on the original motion. City Manager Milam suggested that the ordinance be made effective immediately, with a general understanding between Council and the committee, that present leases be allowed to terminate, which may possibly be through the summer of '79, and that the new regulations apply to students at beginning of the next school term. Vice-Mayor Green moved that his original motion be approved, with inclusion of the three additional amendments recommended by the City and approved on separate motions, with authorization for the proper officials to sign the Zoning Ordinance and record in the City's Ordinance Book. This was seconded by Councilman Cisney and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K page 139).

Following a brief intermission, at 8:35 PM, Mayor Erickson called the public hearing to order and the following notice of same was read:

"The Harrisonburg City Council will hold a Public Hearing on Tuesday, September 26, 1978, at 7:30 PM in the City Council Chamber, Municipal Building, 345 S. Main St., to consider the following proposed changes to the City Zoning Map.

- A. To change from R-2 Residential to M-1 Industrial, 27 acres of Martin Eby property, 1400 N. Liberty St.
- B. To change from R-2 Residential to M-1 Industrial, 8 acres of the W. O. Weaver and Annie Weaver property located on Wilson Avenue extended.
- C. To change from R-2 Planned Unit Development to M-1 Industrial, 4.5 acres of property owned by Carr's Poultry and Livestock Specialties, Inc., A.B. McHone, E.W. Gaines and Thomas Wilson, located at 1356-1360 N. Main St. and on Vine Street.
- D. To change from R-3 Residential to B-2 General Business one acre of property owned by O.W. Hess, located at 629 Norwood Street.
- E. To change from R-1 Single Family Residential to R-3 Residential, 28 acres of property owned by James Madison University, Juliet Sibert Luce, John and Margaret Gordon and Gary L. Beatty, located on the south side of Cantrell Avenue from Ott Street to Interstate 81.

All persons interested will have an opportunity to review the Zoning Map and express their views at this Public Hearing.

City of Harrisonburg, Marvin B. Milam, City Manager"

Planning Director Robert Sullivan pointed out all areas requested for zoning changes, noting that the Commission's recommendations for rezoning more land for industrial use had risen out of a five-year review of the zoning map, and added that the limited remaining undeveloped industrial lots within the city are small and odd shaped. He explained that the industrial zone permits general business activity, and that since no development plan is required when the commission initiates the rezoning, either business or industrial firms could develop in industrial areas. Following the Planning Director's presentation, Mayor Erickson called on anyone desiring to be heard either for or against the proposed zoning map changes. Mr. Bill Worth, speaking on behalf of Harris Gardens, expressed opposition to a 4.5 acre industrial zone along N. Main and Vine Streets, in that one of the lots adjoins their 200 apartment complex. He added that they were unaware of any proposed change until notice of Council's public hearing had appeared in the newspaper on the 21st of this month. Manager Milam stated that the advertisement of hearing had appeared in the Daily News record newspaper on September 7th, as well as the 21st, and Mr. Sullivan said that letters had been sent to adjoining property owners which included Harris Gardens, in July of this year, noting the latter address as Rockville, Md. Mr. Worth pointed out that this address is no longer accurate. There being no others to be heard, the public hearing was declared closed at 8:55 P.M. and the regular session reconvened.

The Mayor asked Council's wishes re the Zoning Map Changes recommended by the City Planning Commission. The City Manager reminded Council that the Planning Commission's public hearing on the Map Changes was held on July 19th, with their recommendation for approval presented to Council at the meeting of August 22nd. He stated further that official action requires only a motion and authorization for the proper city officials to sign the Zoning Map Changes. Councilman Cisney moved that the Planning Commission's recommendations for five (5) changes on the Zoning Map be approved, with the Mayor authorized to sign and the Clerk to attest said changes, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council.

City Manager Milam called members' attention to their copies of an Infiltration-Inflow Study, Phase I for the City of Harrisonburg, prepared and submitted by the engineering firm of Patton, Harris, Rust & Guy, Bridgewater, Va., low bidder among a number of proposals from various other firms. He explained that a number of years ago the city was awarded a grant from the State Water Control Board, along with a federal grant, and that recently, under a new priority listing, Harrisonburg ranked approximately 181. During the 1976-77 fiscal year, the city was allocated approximately \$ 55,000. toward a program estimated to cost \$ 73,500. Mr. Rod Smith, Manager of the Bridgewater Office for the engineering firm, pointed out highlights from the report, pointing out the fact that approximately 254 million gallons of infiltration is getting into the city's sewer lines annually, with 85% of that figure in the form of high ground water conditions. He noted that this study was only the first part of a three step rehabilitation process, which would be funded 75% by EPA and 25% on the local level. According to Mr. Smith, the State Water Control Board has designing scheduled for year 1983. City Manager Milam presented and read the following resolution for Council's consideration and approval:-

BE IT RESOLVED by the Council of the City of Harrisonburg, on September 26, 1978, at a regular meeting of Council, that the Mayor, Mr. Roy Erickson, is hereby authorized to execute and file an application on behalf of the City of Harrisonburg, with the Virginia State Water Control Board and U.S. Environmental Protection Agency for grants to aid in financing Waste-Water Treatment Works Construction under provisions of Public Law 95-217 and is authorized to execute any and all documents pertaining thereto.

Mayor

Attest:

Clerk

The matter was discussed further with explanation by the City Manager that when allocations were made

in the 1976-77 fiscal year by the Water Control Board, but unfunded, the town of Dayton was not included. The Engineering Firm's Regional Office in Bridgewater desired that the town also have a study made, and the City of Harrisonburg was asked to share its grant for the preliminary study. He offered an opinion that by so doing, the City's grant would not be reduced, but could be strengthened. Councilman Rhodes moved that the resolution be approved, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council. Manager Milam recommended that the City continue its cooperation with Dayton through sharing of the grant, unless there were some reservations. None were offered.

✓ The following recommendation submitted by the Planning Director from a meeting of the Commission held on September 20, 1978, was presented and read:-

"...The Commissioners reviewed a map of the City's Neighborhood Permit Parking Area and the suggested expansion of the area south to Purcell Park and north to Franklin Street. Mr. Fleming proposed that Mountain View Drive from Myers Avenue to Cantrell Avenue become the boundary in the north section. The Commissioners agreed that Purcell Park was a logical south boundary. Mr. Rhodes reported that several residents from Crawford and Weaver avenues attended City Council's last meeting to express support for the expansion of the Permit Parking Area. He also reported that the hours of enforcement are presently from 8:00 A.M. to 6:00 P.M., Monday through Friday and it was suggested that the enforcement period be changed to 4:00 A.M. - 6:00 P.M. or 5:00 A.M. - 7:00 P.M. Dr. Shank concluded discussion with a motion that the Planning Commission recommend to City Council that Harrisonburg's Neighborhood Permit Parking Area be expanded southward to Purcell Park and northward to Spotswood School and Franklin Street, and the hours of enforcement be from 4:00 A.M. to 6:00 P.M., Mondays through Fridays. Mrs. Bowman seconded the motion and all members voted in favor..."

Councilman Dingledine moved that the ordinance appvd for 1st rdg on 9/12/78 <sup>for 2nd & final reading</sup> be approved, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council. Several residents from the Edgelawn Area expressed concern that the permit parking would not be in effect seven days a week, rather than five, noting that they will be dealing with students living on campus rather than commuter students. The same congestion will exist, according to the residents, if not extended the entire seven days. Chief Presgrave reported that the majority of those on other streets (under permit parking) were on-campus students. Councilman Cisney suggested that another look be taken of the situation at a later date with regard to whether or not there was a need to extend the number of days. Councilman Dingledine suggested that residents inform of any parking problems, and that those matters be considered by the appointed committee for Madison-Community relations. (Ord Bk K, page 170).

✓ The City Manager read the following recommendation submitted from a meeting of the Planning Commission held on September 20, 1978:-

"...The Director reviewed the map illustrating a 24-unit apartment complex named Liberty Square, Section 3, located on the south side of South Avenue and on the west bank of Blacks Run. He noted that one structure with four apartments will face South Avenue; two structures with six apartments and one structure with eight units will have a private parking lot on the 1.77 acre site. City Engineer Donn Devier reviewed the engineering profile sheets and explained the site preparation which includes building up the site as well as widening the Blacks Run channel. He reported that the City Engineering Department has been on the site checking the on-site improvements and is satisfied that Blacks Run will carry a 100 year flood. Also, the finished floor of each apartment building will be at 1280 or more feet above sea level which is above the flood level, according to the Soil & Water Conservation Service. The Director then reviewed the City Staff's Subdivision Review Sheet of September 1, 1978, emphasizing the staff recommendation that Mr. S. L. Rexrode, owner-developer, pave the private drive and parking areas and plant a row of trees and/or shrubs along the south border of Section 3 so that vehicles at the apartment complex will not have access to nearby Vale Circle.

Mr. Henry Clark, recent owner of the 1.77 acre site, stated that he feels the engineering and site planning for this project exceeds all of the City's requirements. Mr. Robert Dinsmore, attorney for nearby residents, said they are very concerned about the vacant land immediately south of this project, and strongly endorse City's Staff's row of trees or shrubs recommendation so that vehicles will not be able to use Vale Circle for ingress or egress.

Based on the City Engineer's and City Planner's comments and suggestions for site improvements, Mr. Fleming moved that the Planning Commission recommend approval of Mr. Rexrode's Site Plan for Section 3 of Liberty Square Apartments.

Mr. Williams seconded the motion and all members present voted in favor..."

Mr. Sullivan pointed out the area on a map and stressed the part of the recommendation concerning the row of trees or shrubs to prevent vehicular access to Vale Circle. Mr. J.R. Copper, CLS, said there would not be a culvert due to expense, but that a more elaborate drainage structure would have to be installed for crossing of vehicles. Mr. Sullivan said the Commission's primary concern is how much flood water would be carried through the site in that it located in a flood plain, and noted that the level was designed with this in mind, for a 100 year category. Attorney Dinsmore urged consideration for the trees or shrubs, in lieu of some type of barrier, to discourage traffic. Mr. Copper said he felt the developer would want to cooperate in this manner. Following discussion, Vice-Mayor Green moved that the recommendation of the Planning Commission be approved, with inclusion of City Staff input on the subdivision sheet which reads, "Recommend approval with the provision that a row of trees and/or shrubs be planted across the south boundary, and City Engineer's Office checks out final clean-up work", which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

✓ The following Planning Commission recommendation from a meeting of September 20, 1978 was read by the City Manager:-

"...A proposed Preliminary Plan for Willow Hills Subdivision, Unit 1, was described by the Director. He presented City Staff's August 30, 1978 Subdivision Review Sheet and read Mr. Robert Funk's July 18, 1978 letter concerning the proposed retention pond to be constructed as part of the subdivision's drainage

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control system. Mr. Funk's letter requests an agreement between the City and the developer be reached for the 'responsibility of a retention pond located in Rockingham County.' The developer will construct the pond "to Va. Department of Highway's specifications and maintain same until the development of Willow Hills Subdivision in this drainage basin is completed. Mr. Sullivan reported that he and Mr. Ed Loker, City Water and Sewer Superintendent, recommended that City maintenance become effective 'when the pond is annexed' and an easement for storm drainage through Mr. Charles Shank's adjacent property must be submitted in writing along with any subdivision plats for Willow Hills Subdivision.

City Engineer Devier explained what is involved in maintenance of a retention pond. Mr. Sullivan added that the City's Subdivision Ordinance requirements must be met concerning water and sewer services, street engineering and grading standards, curb and gutter, storm water pipe sizes as determined by the City Engineer, site distances particularly at the proposed intersection of Pleasant Hill Road and Willow Hill Drive, and R-2 Residential lot requirements. All lots in the county must be served by City utilities, and details concerning the storm water issue must be clearly understood and settled before building permits will be issued.

Mr. Fleming offered a motion that the Planning Commission recommend approval of the Preliminary Plan for Unit 1 of Willow Hills Subdivision. Mrs. Bowman seconded the motion and all members present voted in favor. The Commission left the retention pond maintenance issue up to City Council."

Mr. Sullivan pointed out location on a map (20 lots in the first section) and reminded Council that following a previous preliminary plan, presented earlier, the developer had changed his mind on several issues, one of which was location of Willow Hill Drive. The revised location meets with Mr. Eddie Edward's approval. He noted that there will have to be a solid agreement as to amount of easement, additional piping, etc., calculated by the engineer, prior to a final plat. With regard to the retention pond, Mr. Funk pointed out that this would not only compensate for water from this development, but for others on the streets below, as well. The developer will be responsible for maintenance until the entire development is completed, which will be a number of years, after which time some agreement should be reached in order that the maintenance might be taken over by a responsible governing body at that time. Assistant City Manager Driver said he had talked with Mr. Funk after Rockingham County had refused to maintain the pond, and had asked him to write a letter requesting his client to agree to maintain the pond until such time as the area may be annexed by the City. He offered an opinion that the City should not maintain a pond, prior to that time, in that the area may not be included in the annexation. One problem cited by Mr. Driver was the fact that the banks are on a slope, and would have to be hand mowed. Mr. Funk said he felt the developer would take over maintenance of the pond, until that time, if so desired. Following discussion, Vice-Mayor Green moved that the recommendation of the Planning Commission be approved, with maintenance of the retention pond based on annexation of the area into the City, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

City Manager Milam read the following recommendation submitted from a Planning Commission meeting held on September 20, 1978:-

"...The Commissioners reviewed a plat showing the re-subdivision of Lots 33, 34 & 35 in Section 1 of Holiday Hills Subdivision. The Director explained that the two single-family houses are under construction, and if the proposed 2-lot layout is approved, each house will have more satisfactory lot size and shape. Mr. Sullivan reported that the City has built curb and gutter on Waterman Drive east of the lots being reviewed, as well as other streets in Holiday Hills since the 1962 annexation. He suggested the developer (Mr. Don Horne) not be required to build curb and gutter for these two lots since they are part of the original Holiday Hills Subdivision.

Dr. Shank observed that the proposed re-subdivision improves the lot arrangement; he moved that the Commission recommend approval of Mr. Horne's re-subdivision of Lots 33, 34 & 35 in Section 1, Holiday Hills into two lots, and that curb and gutter on Waterman Drive be installed by the City. Mr. Williams seconded the motion and all members present voted in favor..."

Mr. Sullivan noted that if approved, owner of Lot 33 would have his driveway on his own lot, but if not approved, would have to be granted permission by a neighbor to cross his lot for access to his driveway. 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 Council.

Council was reminded by the City Manager that an appropriation in amount of \$ 20,000. had been approved for a first reading at the last regular meeting for purchase of pipe for the James Madison University street connection, and that same should be considered for a second and final reading at this time. Assistant City Manager Driver reported that it was his understanding that Norfolk-Western Railway would give the City a temporary easement, but would delay any action in granting of a permanent permit for a crossing, until conclusion of the present railroad strike. Councilman Cisney moved that the appropriation be approved for second reading, and that:-

\$ 20,000. chgd.to: General Fund - Unappropriated Surplus Account.

20,000. approp.to: General Fund (11010-77.15) St.Inspect.- Capital Outlay-

James Madison University Street Connection.

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

A request from Mr. Cecil Gilkerson, City Recreation Director, was presented, for approval of a supplemental appropriation in amount of \$ 9,045.82 in order to transfer CETA, Title 1 funds received from the Virginia Employment Commission for contract period of June, July, August 1978 to proper accounts. Following a brief discussion, Councilman Dingledine moved that the appropriation be approved for a first reading, and that:-

\$ 2,620.86 chgd.to: General Fund - Unappropriated Surplus Account.

3,380.09 chgd.to: General Fund (1005) Recoveries & Rebates.

3,044.87 chgd.to: General Fund (1005) Recoveries & Rebates.

\$ 2,632.79 approp.to: General Fund (11020-19.00) Parks & Rec.- CETA, Title 1-Lifeguard  
 2,113.37 approp.to: General Fund (11020-19.01) CETA, Title L, Concessioner.  
 3,154.85 approp.to: General Fund (11020-19.02) CETA, Title 1- Playground Supvr.  
 1,144.81 approp.to: General Fund (11020-19.03) CETA, Title 1- Park Caretaker

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 Director of Finance for City Schools for approval of a supplemental appropriation in amount of \$ 1,197.45 in order to appropriate funds received from an insurance company for burglary loss at Spotswood School on 8/3/78, which appropriation would allow for replacement of stolen equipment. Following a brief discussion, Councilman Cisney moved that the appropriation be approved for first reading, and that:-

\$ 1,197.45 chgd.to: School Fund (R-51) Receipts from Other Funds- Ins.Adjustments.  
 1,197.45 approp.to: School Fund (1205-215.01) Maint.Sch.Plant-Repair & Repl.Equip.

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

Councilman Cisney moved that an ordinance effecting the closing of an alley situated between 325 and 329 old S.High Street, which had been approved for a first reading at the last regular meeting of Council, be approved for second and final reading, with the City paying the necessary fees for same, 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. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 138).


Assistant City Manager Driver reported that several years ago, when lots were surveyed in the Klingstein Addition on Summit Avenue, incorrect dimensions were recorded on the original plats. As a result, vacation of the original plats was necessary, along with a deed correction, in that a public dedicated street was being vacated and re-dedicated under the same lot layout, with corrected dimensions shown on the new deed. Following a brief discussion, Councilman Rhodes moved that the proper city officials be authorized to sign the new deed, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

The City Manager called members' attention to their copies of proposed amendments to the city code as recommended by City Auditor Shifflet and asked that they be considered and discussed at a later date.

At 10:45 P.M., Councilman Dingleline moved that Council enter an executive session for the purpose of discussing personnel matters, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

The regular session reconvened at 11:50 P.M. and there being no further business, was adjourned on motion of Councilman Dingleline, seconded by Vice-Mayor Green, and a unanimous vote of Council.

  
 CLERK

  
 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 Walter F. Green, III, Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney and Chief of Police Richard W. Presgrave. Absent:- City Auditor R. William Shifflet (sitting in: Deputy Auditor Peterman).

The evening's Invocation was led by The Reverend Lester LaPrade, Jr., Associate Pastor, First Presbyterian Church, Harrisonburg.

Minutes of the combined public hearing and regular meeting held on September 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 September, 1978.

From the City Treasurer:

A Trial Balance report as of close of business on September 30, 1978.

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 \$ 8,532.09, for month of September, 1978.

From the City Auditor:

A financial report for the City of Harrisonburg, Va. for month of September, 1978.

A report of cash discounts saved in payment of vendors' invoices totaling \$ 272.16 for month of September, 1978. Amount of \$ 9.95 lost due to late vouchers.

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, 1978.

✓ Planning Director Sullivan referred to correspondence he had mailed to members of Council concerning "Plot Plan" for Section 3 of Liberty Square Subdivision, which 24 unit plan was recommended by the Planning Commission and approved by Council on September 26th. He noted that on the day following Council's approval, Mr. Rexrode applied for a building permit with a Plan showing 28 units, or four additional ones than approved. He requested that the Plan be referred back to the Planning Commission

for proper public review during their October 18th meeting, or if preferred, that Mr. Rexrode or Mr. Copper be asked to present and explain the change. He said that referral back to the Commission would not delay the developer in that he has the "go ahead" with foundation work. Following a brief discussion, Vice-Mayor Green moved that the "Plot Plan" be referred back to the Planning Commission for study and report, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

City Manager Milam presented the annual audit report for the Harrisonburg Electric Commission prepared by the CPA firm of A. M. Pullen & Company.

Manager Milam presented copies of the City of Harrisonburg Annual Audit report for fiscal year ended June 30, 1978 as prepared by the CPA firm of Keeler & Phibbs. It was agreed that following review, should there be questions, a representative of the firm would be invited to a future meeting of Council to discuss the report.

City Manager Milam reminded Council that a Feasibility Report on Solid Waste was prepared by the engineering firm of William F. Cosulich in 1976 and presented to Council in 1977. The matter of constructing a plant for conversion of garbage & refuse into steam has been going back and forth since that time between the City and Rockingham County from the standpoint of a joint project. Inasmuch as the county has not looked favorably on such a project, it has been decided that the City pursue the project on its own. Assistant City Manager Driver gave background information concerning the matter for the benefit of Councilman Cisney, in that he was not serving on Council when the report was presented. He noted that Mr. Miro Dvirka of William F. Cosulich Company was present this evening to further discuss the project and answer any questions. Manager Milam said that on October 21st, members of Council will go to Salem, Va. for the purpose of seeing a pre-designed structure by Consumat, which is in operation at the present time. The president of Consumat will be there, as well as a representative from the engineering firm. Council's decision, if the project is approved, will be based on the most favorable operation. Mr. Dvirka told Council that he had been on major projects in New York and New Jersey since his presence here in Harrisonburg, and that he had worked on small plant operations, as well as large ones. He said that specifications could be written for a pre-fabricated model, if desired, or design drawn for a custom built plant for the City to burn its garbage and refuse for generation of steam heat. He estimated the cost of a 100 Ton per day plant at approximately \$2 million, and reminded Council that a low bid is not always the right bid. When questioned about the burning of tires and sludge, Mr. Dvirka replied that these could be mixed with other refuse and present no problem. The possibility of an EPA Grant for approximately 50% of construction cost was mentioned by Mr. Dvirka, should sludge be burned at the plant. Should his firm be employed, Mr. Dvirka said the plant would be constructed as effectively and inexpensively as possible, and pointed out the fact that efficiency is based on the amount of steam produced and amount of income derived from sale of same. He cautioned of a lesser cost which may mean less efficiency and income. According to the engineer, performance is the prime factor, and a guarantee accompanies their engineering system. He noted that all plants designed by the Wm. Cosulich firm are still in operation. Vice-Mayor Green questioned the unit cost on partial burning, if no salable source for steam, as compared with baling compaction at the City's Landfill. Mr. Dvirka pointed out that the compaction system would not quadruple life of the Landfill, which is limited at the present time. Councilman Cisney said he was aware of sources other than steam which could be produced, but did not know how economical those methods would be. Mr. Dvirka said that the City's operation was too small for a type of system to produce electricity, and that the cost would be excessive. He said that a modular unit is needed with components that will be substantial and a type of boiler with a life expectancy of at least 10 years. Council discussed the possibility of two 50 Ton units, rather than one 100 Ton unit, in the event one boiler may be out of order. It was noted that the second unit could be used to compensate for unusual demand, rather than operating totally on one unit. In reply to a question, Mr. Dvirka said that the plant could be completed in a 9 to 12 month period. Following the lengthy discussion, Mayor Erickson expressed appreciation to Mr. Dvirka for his presentation.

Councilman Dingledine moved that a supplemental appropriation in amount of \$ 9,045.82 requested by the Recreation Director in order to transfer CETA, Title 1 funds received from VEC for contract period of June, July, August 1978, to proper accounts, which was approved for a first reading on September 26, be approved for second and final reading, and that:-

- \$ 2,620.86 chgd.to: General Fund, Unappropriated Surplus Account
- 3,380.09 chgd.to: General Fund (1005) Recoveries & Rebates.
- 3,044.87 chgd.to: General Fund (1005) Recoveries & Rebates.
- 2,632.79 approp.to: General Fund (11020-19.00) Parks & Rec.- CETA, Title 1- Lifeguard.
- 2,113.37 approp.to: General Fund (11020-19.01) CETA, Title 1, Concessioner.
- 3,154.85 approp.to: General Fund (11020-19.02) CETA, Title 1, Playgrnd. Supvr.
- 1,144.81 approp.to: General Fund (11020-19.03) CETA, Title 1, Park Caretaker.

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

Councilman Cisney moved that a supplemental appropriation in amount of \$ 1,197.45 requested by the City School Board Office in order to appropriate funds received from an insurance company for burglary loss at Spotswood School, approved for a first reading on September 26th, be approved for second and final reading, and that:-

- \$ 1,197.45 chgd.to: School Fund (R-51) Receipts from Other Funds- Insurance Adjustments.

- 1,197.45 approp.to: School Fund (1205-215.01) Maint.School Plant- Repair & Repl.Equip.

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

City Manager Milam reviewed the matter of a legal Ad which had been published not only in the local newspaper, but in several other cities and Wall Street journals, for development of the parcel located at the corner of Elizabeth and Main Streets (former B. Ney property). Only one bid proposal was received at the bid opening on August 17th, from Elizabeth Street Partners: Lawrence Hoover, Jr., R. E. Lee, Jr. and Richard S. Shank. Proposed was a 5-story building consisting of: Ground Floor Parking; 1st floor- 3 commercial shops; 2nd and 3rd floors- office rental space; 4th floor to be occupied by the law firm of Hoover, Hoover & Penrod. Manager Milam informed Council that his first impression was that the \$55,000.

bid offer for the land was low, but after much time spent in looking over figures for costs of other property based on square footage, he now feels it acceptable. The following facts were pointed out: the lot is comprised of 15,252 square feet but would be lessened to 12,290 square feet due to retainment by the City of a strip of the land for street widening and an easement for walkway or driveway; based on the lessened square footage, the bid offer of \$ 55,000. would represent \$ 4.47 per square foot which is considered good when compared with recent sales of downtown land. The City Manager noted that a Market Analysis report points out the fact that office space has not kept up with development in the City of Harrisonburg, and offers an opinion that the proposed structure would lend itself to the overall Plan of Development for the entire block bounded by Elizabeth, Main, Rock and Liberty Streets, with height comparable to that of the Elderly Housing Units to be constructed north of this site. Mr. David Penrod, a partner in the law firm, in answer to a question raised by Council, said that preliminary paper work, etc. would require an approximate 6 month period, with construction of the building completed in 10 to 12 months, or a total of 18 months. Due to the fact that a resolution is necessary from the Harrisonburg Industrial Development Authority to the City, approving the project, since they will be selling bonds to finance the total project (purchase of land and construction of building), and an ordinance by Council is needed for deeding the parcel over to the IDA, Manager Milam suggested that tentative approval be given the project subject to: (1) approval by the Planning Commission for sale of the land by the City to the Harrisonburg IDA and site review of the proposed project; (2) approval of IDA to the Council offering \$ 55,000. for the land and a resolution to issue revenue bonds to build the office facility; (3) after approval of the Planning Commission and IDA, Council will consider for first reading an ordinance authorizing sale of the property to IDA. At 9:40 P.M. Councilman Dingledine moved that Council enter an executive session to further discuss the matter, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote.

On motion by Councilman Rhodes, seconded by Vice-Mayor Green, and a unanimous vote, the executive session ended at 10:30 P.M. and the regular session reconvened.

✓ Councilman Cisney said that in view of the fact that the property proposed for development at the corner of Elizabeth & Main Streets involves transfer of property and under the statute, must be reviewed by the Planning Commission, he would move that the bid proposal of Elizabeth Street Partners be referred to the Planning Commission for review and report. The motion was seconded by Councilman Rhodes and adopted by a unanimous vote of Council.

✓ Mayor Erickson reported that the Madison-Community Relations Committee had met last Tuesday, and it was felt that students representing Districts R-1, R-2 and R-3 in the City, should be added to the membership. As a result, the following were appointed by the Mayor: Charles Vaughan, Sarah Humphries and Jeffrey French. Further noted was that Dr. Carrier had named Dr. William Hall to represent JMU Administration, in his place, and had asked Mike Webb (JMU Housing) to serve on the committee, rather than someone from security. Leslee Ledden (JMU student) would replace Darrell Pile who was originally appointed, but refused to serve. Mr. John Byrd was named Chairperson and Leslee Ledden, a commuter student and secretary of the JMU student body, was elected to serve as secretary. The report was for information.

✓ City Attorney Lapsley informed Council that he had received a call from Attorney William Julias, advising him that a portion of a 12' alley which runs from Liberty to Collicello Streets has been asphalted over for a number of years and does not show on the present City Block Map, although it is recorded on an earlier dedicated plat. Inasmuch as this portion runs from Liberty St. to the corner lot where the Shenandoah Poultry maintenance building is located, and is on property presently under negotiation for purchase by Holly Farms for a poultry processing plant, a request was made that the portion of alley west of Liberty St. and shown in the color orange on a map prepared by the City Planning Director, be officially closed by the City. Attorney Julias, representing Shenandoah Poultry, said that Holly Farms is delaying finalizing the purchase, pending closing of that portion of alley. Following a brief discussion, Vice-Mayor Green moved that the matter be referred to the City Planning Commission for study and recommendation, and that a Board of Viewers comprised of Messrs. P.H. Hardy, T.H. Lowery and John H. Byrd, Sr. be appointed to view the said portion of alley and report in writing whether or not there would be any inconvenience in the closing, and if so, what. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council. (refer to minutes of Oct. 24th for a correction in this matter).

Assistant City Manager Driver reported for information that the final inspection was made last Thursday on the south end of S. Main Street (Rt. 11) and that the Highway Department is presently having some speed studies made, and placing signs along that portion. The railroad has yet to assume its responsibility for work on the crossing. Mr. Driver noted further that the final inspection had been made on the Cantrell Avenue project, last Friday.

With regard to the extended area for permit parking, Assistant City Manager Driver reported that placing of signs had been delayed in that special ones that glow in the dark are necessary due to the time change which is now 4:00 A.M. to 6:00 P.M. Under the recently adopted ordinance, permits will have to be shown between those hours in order to discourage overnight parking in residential areas, which are in permit-only zones.

City Manager Milam informed Council that the B. Neu and Kavanaugh lots will be roughed-in for free parking until around the first of next year, with plans to mark off spaces and employ a parking attendant delayed for the present time. The report was for information.

There being no further business and on motion duly adopted, the meeting adjourned at 10:50 P.M.

*N. Andrew Lohm*

*Ray Erickson*

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Tuesday, October 24, 1978

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

The evening's Invocation was led by The Rev. James Lincoln, Emmanuel Episcopal Church, Harrisonburg.

Minutes of the regular meeting of October 10th were read, and the following correction made, as explained and suggested by the City Attorney. At the last meeting, a verbal request was made by Attorney Lapsley, based on a telephone call from Attorney William Julias, representing Shenandoah Poultry, Inc., for closing of a portion of alley in the Liberty-Collicello Street area. The matter was referred back to the Planning Commission and to a Board of Viewers appointed. Description of the portion of alley requested for closing in the verbal request did not correspond with a map prepared (after the meeting) by the Planning Director, on which the portion of alley was colored in orange, and made available to the Viewers. Rather than stating in minutes of the October 10th meeting only that "the portion of alley runs from Liberty St. to the corner lot where the Shenandoah Poultry maintenance building is located", Mr. Lapsley suggested that it be noted that the portion lies west of Liberty Street and is shown in the color orange on a map prepared by the Planning Director. Inasmuch as Mrs. Odessa Harlow of 616 Collicello Street was present in the meeting with concern as to whether or not closing of the portion might affect her property, the Clerk was instructed to send her name and address, along with corrected excerpts, to each Viewer, in order that she may be contacted prior to submission of a written report by the Viewers stating whether or not there would be any inconvenience in the closing.

A number of residents from the Fairway Hills area were present in the meeting with regard to low water pressure, particularly between the hours of 6 and 9 A.M. Joseph Kosnick of 853 Sandtrap Lane expressed concern that they had been told by the City that new pipe and pumps would be installed, which has not materialized. He noted that further development, may add to the water pressure situation. Anna Robinson said she was paying double water & sewer rates in Fairway Hills, than she had previously paid in the City of Harrisonburg, but was receiving poorer service insofar as water pressure. She expressed a fear of lack of water in the event of a house fire. Jim Kelly of Sandtrap Lane said he was told a couple of years ago that additional pumps would be added, and a 12" water main installed to replace the present 6" line, neither of which has been carried out. People residing in second floor apartments have no water at times. A further concern of Mr. Kelly was problems with home appliances that use water. Richard Wampler, 330 Par Lane, informed Council that he lives on top of a hill and all his water drains back to neighbors below. Mayor Erickson, in answer to a statement concerning double rates, pointed out that all residents outside the corporate for water and sewer services, with rural rate on a higher scale than city rates. City Manager Milam traced the City's water lines on a map, noting that the pumping station at Fairway Hills lifts water to a higher elevation. Edgar Loker, Superintendent of the City Water/Sewer Departments, made an observation that pressure in the Fairway Hills area can be affected at any time there may be a power failure, or other problem, since the City's pumps are operated by electricity. He said that the contractor will begin work on two more sections of the 12" water line project either Thursday or Friday of this week and that two pumps are on order with delivery anticipated in 16 to 18 weeks. The line being installed will run from Old Furnace Rd. to Blue Ridge Drive and tie in with the existing 12" line. Due to the fact that Rockingham County is purchasing water from the City to fill their tank in the 33 east area, Mr. Loker said he would contact Mr. Don Kruger, County Engineer, with a suggestion that a time clock be installed on the tank whereby it would fill only at night, when residential demands drop off. Further mentioned by the Superintendent was increased demand for city water by JMU and Rockingham Memorial Hospital, which taxes the City's east side system. Manager Milam noted that inasmuch as the City does not obtain water from the County's tank, which is filled from the City's reservoir, this can in no way help the present situation. He pointed out that considerable time is required in obtaining necessary rights-of-way for installation of the 12" water line, as well as problems sometimes encountered in negotiating with private property owners, and reminded those present that a project such as this cannot be accomplished overnight. He reported for information that a three phase plan had been recommended for the 33 east area by the engineering firm of Wiley & Wilson as follows: (1) installation of a 12" water line; (2) construction of a 1 million gallon tank; (3) replacement of pumps in the Tower Street pumping station. The 12" line was given priority in the recommendation, with replacement of present pumps around year 1990, and construction of the tank sometime in the future following determination of site. Manager Milam pointed out the fact that the City has no control over the use of water, but has to meet the demand. In discussing the city's overall water system, he noted that most of the water supply is at W. Market St. and that the four large lines terminate at Willow Street. From that point, smaller mains (6" to 8") supply water to the southern part of the City. He mentioned two alternatives: dig up the old mains and replace them with larger ones, or by-pass those lines. Following a lengthy discussion, Councilman Dingledine moved that the City Staff review the matter and be prepared to report on the most expeditious way to solve the water pressure problem, by next month's meeting, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

A letter from Mr. Calvin Rhodes of Colonial Drive, and his neighbors, was read, registering a complaint of noise, illegal parking, drinking and late hours of partying by JMU students residing in apartments, which causes "civil disorder" on weekends. Council was advised by Mr. Rhodes that he had complained to the apartment owner, but to no avail. Following a brief discussion and on suggestion of Mayor Erickson, the matter was referred to the Madison-Community Relations Committee.

Council received a preliminary map of Wayland Woods from Mr. John Horsley, along with correspondence to the City Manager advising that streets would be state approved with curb and gutter. Further noted by Mr. Horsley was his understanding, according to the agreement with the Harrisonburg-Rockingham Regional Sewer Authority, that the City has the right to serve the area of Wayland Woods to the crest of the hill, with the County serving the area on the other side of the crest of the hill. Manager Milam noted that inasmuch as this was a complicated matter, he would prefer that Planning Director Sullivan look into the contractual arrangement between the County, City and Regional Sewer Authority for a report to the Planning Commission, prior to their review of the matter. Following a brief discussion, Councilman Rhodes moved that the Wayland Woods map be referred to the City Planning Commission for study and recommendation, which matter upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

City Manager Milam asked authority to install an 18" main across S. Main Street, prior to completion of the widening project, to provide more water for the southern section of the City, which would eliminate tearing up the street at a later date. On motion of Vice-Mayor Green, seconded by Councilman Cisney and a unanimous vote of Council, the City Manager was so authorized.

Correspondence dated 10/23/78 from City Treasurer M.A. Firebaugh was presented in which he asked the desire of Council with regard to advertising as unpaid the delinquent real estate for years 1975, 1976 and 1977. This action is required under Chapter 9, Section 16 of the City Code as amended December 11, 1973. Following a brief discussion, Councilman Dingledine 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.

The following recommendation submitted from a meeting of the Planning Commission held on October 18, 1978 was read by the City Manager:-

"...Mr. Richard Shank, architect and partner in the Elizabeth Street Partners organization, briefly outlined the background of how the proposed office-commercial building came about as part of the City's downtown redevelopment program. The Commissioners studied the "CBD Plan Update" map as revised in February 1978 by Harland Bartholomew and Associates. Mr. Sullivan noted that the map has been referred to as a 'Development Concept' or general guide, picturing suggested improvements that would enhance and revitalize the Downtown North Development Area. He added that the consultants verified in their study of Harrisonburg's CBD in 1977 that additional office and commercial space is a major need if the downtown area is to grow and prosper. Mr. Shank described the proposed building, to be constructed on the former B. Ney Lot on the northwest corner of N. Main and W. Elizabeth Streets if approved by the City.

Chairman Kuykendall asked when construction will begin if approval is granted. Mr. Shank indicated that spring 1979 would be target period. A letter from Edward Ney was read by the Director which expressed endorsement of the proposal.

Dr. Shank concluded the review with a motion that the Planning Commission recommend approval of the office-commercial building proposed by Elizabeth Street Partners. Mr. Williams seconded the motion after asking if this was the only proposal received by the City for development of the B. Ney-Kavanaugh Hotel area. The vote on the motion was unanimous..."

Vice-Mayor Green moved that the Planning Commission recommendation be accepted for information, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council. Representatives of Elizabeth Street Partners present in the meeting were informed that the Harrisonburg Industrial Development Authority would be approached with a request that they submit a resolution to Council. Mr. Penrod said he felt the first step in the process had been by-passed, that being Council's approval of the office-commercial building proposed for the corner of Elizabeth and Main Streets, in that IDA may want to know how the governing body feels, prior to their decision on approving or disapproving the project. It was agreed by Council that tentative approval was not necessary in the IDA would have access to the recommendation of the Planning Commission, which had been accepted and referred to them.

City Manager Milam called attention to a correction which had been made in minutes of the last regular meeting with regard to description of a portion of alley requested for closing in the Liberty-Collicello Street area, and then read the following recommendation submitted by the Planning Commission from a meeting held on October 18, 1978:-

"...The Commission reviewed a map illustrating the location of a 12' alley which appeared on a 1954 Plat of property between N. Liberty and Collicello Streets. The City Block Map does not indicate said alley on Lot 1A, Block U, Page 40, but Attorney William Julias has requested the alley be closed. Shenandoah Poultry, Inc. has built a maintenance building on Lot 1A and Holly Farms wants the alley closed before they purchase the property. Mr. Milam offered a motion that the Planning Commission recommend the closing; provided the City Attorney draws up the proper language to assure that any City utilities and easements for storm water and sanitary sewer systems are protected on the former Shenandoah Poultry, Inc. site. Mr. Rhodes seconded the motion and all members present voted in favor..."

The matter was discussed at length, with Mrs. Odessa Harlow of 616 Collicello St. raising many questions concerning the proposed closing. She informed Council that Shenandoah Poultry had purchased a portion of her garden area sometime ago and that they may want even more. Although there is a wall between her property and that of Shenandoah Poultry, Mrs. Harlow expressed concern about a drainage problem. Assistant City Manager Driver pointed out the fact that this is the main area for storm water drainage, and said he felt that a survey should be made, and the alley staked out. Following discussion, Vice-Mayor Green moved that the matter be referred back to the Planning Commission for further review, taking drainage, etc. into consideration, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

With regard to various code amendments submitted by the City Auditor in the event approval is granted for the City School Board to assume responsibility for writing of their payroll checks through Voch Tech, City Manager Milam suggested that before Council takes any action, the matter should be discussed with the School Board to determine cost, etc. He noted that although this arrangement would lessen work in the Auditor's Office, the School Board would possibly be asking for additional personnel. City Auditor Shifflet pointed out that transferring the check writing was proposed by the School Board, and not by his office. Councilman Rhodes moved that the matter be tabled and a meeting time set for Council and the School Board to meet and discuss the situation, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

Mr. H. V. Traywick, President of Air Pollution Control Products, Inc., expressed pleasure in Council's trip to Salem, Va. for the purpose of seeing the pre-designed Solid Waste plant, and called on Mr. Carroll Hughes, President of Consumat, to explain their system. Council was told that the modular units would provide good service and meet new air quality standards. The City would own the facility and sell steam to local industry. Mr. Hughes said he feels they know the needs of a smaller community, and that he would like to meet with the City Engineering Dept. to go over a proposal for their system. Salem had an engineering firm prepare specifications, with project on a turn-key basis. He cautioned the City of Harrisonburg on accepting a proposal from any firm that is not familiar with a heat recovery system, and suggested

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that rather than a 100 ton modular unit, four 25 ton units or two 50 ton units be installed in the event one unit should break down, at which time the load could be transferred to the other working units. Mr. Traywick noted that any existing studies which had been prepared for the City, could be used by any company which may be approved for the project. Appreciation was expressed for the presentation by the representatives of Consumat, and the City Manager was asked to bring in a recommendation concerning Council's next step toward engineering services for the Solid Waste Project.

City Manager Milam informed Council that federal funds were available for a Litter Control Program, and read the following resolution for consideration:-

WHEREAS the City Council recognized the existence of a litter problem within the boundaries of Harrisonburg and

WHEREAS the Virginia Litter Control Act of 1976 provided, through the Department of Conservation and Economic Development, Division of Litter Control, for the allocation of public funds in the form of Grants for the purpose of enhancing local litter control programs and

WHEREAS having reviewed and considered the Regulations and the Application covering administration and use of said funds,

BE IT RESOLVED that the City Council:

Hereby endorses and supports such a program for Harrisonburg as is indicated in the attached Application Form LC-G-1 and

Hereby authorizes the City Manager to plan, budget, and apply for a Grant, which if approved, will be used to fund said Program and

Hereby requests the Department of Conservation and Economic Development, Division of Litter Control, to consider and approve said Application and Program, said Program being in accord with the Regulations governing use and expenditure of said funds.

Adopted on: \_\_\_\_\_  
Mayor

Manager Milam said that in order to coincide with the national program, a clean-up project for the City would be scheduled for next May. Assistant City Manager Driver informed Council that this grant would be in the amount of \$ 2,444. He pointed out that last year's grant in amount of \$ 2,441. had been used, in part, for new trash containers for the downtown area, with remaining amount used for employing five persons through the Virginia Employment Commission to pick up debris along Black's Run and to work in the northern part of the City. Different plans would be formulated for this year's program. Following a brief discussion, Councilman Rhodes moved that the resolution be approved, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

Council discussed briefly correspondence from the National League of Cities advising that the Board of Directors had approved an assessment equal to 17% of the annual dues of each direct member city over the next 15 years for the purpose of purchasing a headquarters building for the organization. It was noted that the 17% building fund assessment will become effective as of January 1, 1979, and will be in effect for 15 years. Four methods were suggested for payment of the building fund obligation, in that some cities may wish to pay off their portions in less than the 15 year period. Manager Milam noted that the City's annual dues are in amount of \$ 400. and that the added 17% assessment would be \$ 68.00 per year. Mayor Erickson said he would like further information regarding the project, and Manager Milam pointed out that an appropriation could be provided for in the 1979-80 City of Harrisonburg budget.

City Manager Milam reminded Council that it has been the policy, for a number of years, to set a curfew for the celebration of Halloween, through approval of a resolution. The following was then read 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 Tuesday, October 31, 1978 (Halloween), after which curfew hour it shall be unlawful for any person to be on the streets or public places of the City of Harrisonburg for the purpose of celebrating Halloween.

The provisions of this resolution are designed to curb and limit the celebration of Halloween to appropriate hours, and shall not extend or apply to the use of the City streets or other public places for any other proper purpose.

Mayor

Attest:

Clerk

On motion of Vice-Mayor Green, seconded by Councilman Dingledine, and a unanimous vote of Council, the resolution was approved, with authorization for the proper city officials to sign the same.

Council was informed by the City Manager that Michie Publishing Company of Charlottesville will no longer be publishing supplements to city codes, which is very important in order to keep ordinances up-to-date. Inasmuch as Harrisonburg's code was recodified by Michie, it will be necessary to employ another firm for the end of 1978 supplement. He presented a proposal from PRM Law Publishers of Atlanta, Ga. to republish the City's code, in different form from that last prepared, at a cost of \$ 8,000. Manager Milam noted that a number of other firms desire to submit bids. An amount of \$ 6,000. is in the current budget for publications, which is usually used for this purpose. Following a brief discussion, Councilman Cisney moved that recodification of Harrisonburg's City Code be approved, with choice of publishing firm left to the discretion of the City Manager and City Attorney, at a cost not to exceed \$ 8,400. (including additional fees for travel, etc.). The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

With regard to a request from Hose Co. No. 4 through correspondence dated 8/21/78 for refund of license tax and fee in amount of \$ 600.75, assessed by the City for their 1978 lawn party, City Manager Milam recommended that the request for refund be denied. He pointed out that although the assessment was paid by the company, responsibility for same is usually assumed by concessionaires who set up rides and other equipment at such events. Following a brief discussion, Councilman Cisney moved that the recommendation of the City Manager be approved, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

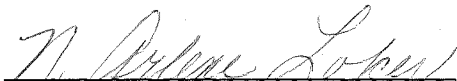



✓ With regard to correspondence of June 23, 1978 from county officials requesting that parking spaces be provided along N. Court Square for the County Administrator, Commonwealth Attorney, Treasurer, Commissioner of Revenue and County Clerk, City Manager Milam suggested that five spaces be reserved on the temporary parking lot at the former Kavanaugh Hotel site with signs "Reserved for County Officials." He noted that the area is located near the court house, and that the spaces would be reserved until such time as the site is used for another purpose. Councilman Rhodes moved that the City Manager be so authorized and directed, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

At 10:30 P.M., Councilman Rhodes moved that Council enter an executive session to discuss a legal matter, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

On motion of Councilman Dingledine, seconded by Councilman Rhodes, and a unanimous vote of Council, the executive session was declared closed at 11:35 P.M. and the regular session reconvened.

There being no further business, the meeting adjourned.

  
CLERK

  
MAYOR

Wednesday, November 8, 1978

At a special 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 Walter F. Green, III, Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent:- Clerk N.Arlene Loker (sitting in for the Clerk, City Auditor Shifflet).

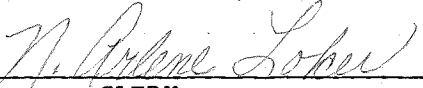
Others present in the meeting: From the Redevelopment & Housing Authority:- Messrs. Helbert, Green, Whetzel, Johnson and Sowers; Attorney for the R & H Authority, James Sipe; Office Manager of the R. & H. Authority, Mr. Thomas Williamson; Representing the Dept. of Housing & Urban Development, Ms. Linda Doane; Consultant for the firm of Harland Bartholomew & Associates, Mr. Alan Siff; from City Staff: Assistant City Manager John E. Driver, Building Official John Byrd, Jr., and Planning Director Robert Sullivan.

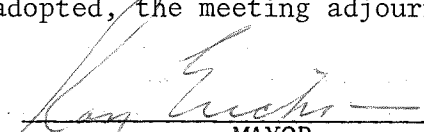
Councilman Rhodes moved that an executive session be entered for the purpose of discussing additional land acquisition, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

At 10:00 P.M., Councilman Dingledine moved that the executive session be closed and the special session reconvened, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

Councilman Rhodes moved to authorize inspection of properties within the boundary shown on the Building Survey Map (Elizabeth to Gay and Main to Collicello), to determine if that area will qualify as a redevelopment and conservation area under Title 36 of the Code of Virginia, which motion upon being seconded by Councilman Cisney, 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

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Tuesday, November 14, 1978

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

The evening's Invocation was led by The Reverend Louis Carson, Otterbein United Methodist Church, Harrisonburg.

Minutes of the regular meeting held on October 24th were read and approved as corrected. Minutes of the special meeting of November 8th were approved as read.

The following regular monthly reports were presented and ordered filed:

From the City Manager:-

A report of activities in the various departments and said office for the month of October, 1978.

From the City Treasurer:-

A trial balance report as of close of business on October 31, 1978.

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 amt. of \$ 8,831.59 for month of October, 1978.

From the City Auditor:-

A financial report for the City of Harrisonburg for month of October, 1978.

A report of cash discounts saved in payment of vendors' invoices totaling \$ 259.23 for month of October, 1978.

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, 1978.

City Manager Milam presented and read correspondence dated 11/6/78 from Attorney Steven Blatt, on behalf of his client, Mr. Ken Kline, owner of lots in a proposed subdivision bounded by Paul Street and Cantrell Avenue (between Eastover Subdivision and the C-W Railway) comprised of 4.6 acres. Due to topographical and other conditions peculiar to the site, a request was made for a variance re the access street to three lots, set forth on an enclosed plat as a 40' wide private drive to be built and maintained by the lot owners. It was noted that the variance would be necessitated by the location of applicable water and sewer utility easements, as opposed to the best means of access for the lots. Vice-Mayor Green moved that the request for variance 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 October 21, 1978 from Edith F. and Oliver J. Shifflett of 515 E. Rock Street, was read, in which a request was made for consideration of "no smoking" signs being placed in the city buses. It was noted that smoking on buses is not only a health hazard to those who suffer from allergy, heart and respiratory ailments, but also a safety hazard in that a spark could be dropped on a seat, causing a fire. It was suggested that the Virginia Law be investigated in that it prohibits smoking on public transportation, except in designated areas, which would not be practical on Harrisonburg's small buses. Councilman Rhodes moved that the matter be referred to the City Attorney and Director of Transportation for a review of the state law and recommendation to Council by the next regular meeting, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

City Manager Milam presented the report of financial statements for the Shenandoah Valley Joint Airport Commission for fiscal year ended June 30, 1978, prepared by R. L. Persinger & Co., CPA. A balance of \$ 5,206,992. was shown for 1978, as compared to \$ 3,606,065. for the prior year. Manager Milam noted that the report would be on file in his office for public review.

For information only, a report was presented and read from the Board of Assessors, signed by Messrs. Richard L. Suter, T. Harry Lowery and John H. Byrd, Sr., stating that the quadrennial reassessment of all real estate in the City of Harrisonburg, including all taxable property, as well as tax exempt property, had been completed. It was noted that the 1978 Reassessment of Real Estate reveals the following values based on 100% market value appraisals: 5,376 Taxable Parcels - Assessed Value, \$ 260,589,600. (69%); 181 Tax Exempt Parcels - Assessed Value, \$ 117,632,730. (31%), or a total of 5,557 properties with assessed value of \$ 378,222,330. (100%). Due to the fact that the Code of Virginia makes it mandatory for real estate values to be based on 100% of market value, the Board recommended that a reduced applicable rate be made by Council. Notices to all taxpayers are, according to the correspondence, being mailed, advising of the new 100% assessed values, and setting forth dates when they may appear before the Board, should they so desire.

Correspondence dated 11/9/78 from Mr. Bill V. Neff was presented and read by the City Manager, for rezoning of 35 plus or minus acres of land located in the city on the south side of West Mosby Road, to R-3, which land is presently zoned R-2. Mr. Neff advised that the tract of land is proposed to be in part, a family type apartment complex consisting of approximately 125 apartments which will use approximately 12 acres, with project to be developed by C.R.I., Inc. and himself. City Manager Milam reminded Council that a request such as this will require a public hearing and recommendation by the Planning Commission, as well as a public hearing by Council, prior to any action being taken. Councilman Cisney moved that the request be referred to the Planning Commission, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

Mr. Harry Flipppo (Flipppo Oil Co.) appeared before Council to request that he be served with water and sewer on Rt. 11 south. He noted that a city water line is across the street but that sewer was his primary concern. He said that the Board of Supervisors had endorsed the sewer line extension and advised him to come before the City Council with his request, which must also receive approval of the Harrisonburg-Rockingham Regional Sewer Authority. Mr. Ed Crist (owner of property south of the city); Ed Hudson (Hudson Garden Center); Elmer Kaylor (owner of land on the west side of rt. 11), and Keith Spitzer, (Manager of Valley Bowling Lanes), all present in the meeting, expressed a desire for extension of sewer, in that the Sewer Authority line stops less than a mile south of the city limits and the city's line goes just to the boundary. When questioned as to the reason for the Authority line stopping at that particular point, Mayor Erickson replied that it had been taken far enough to alleviate problems at Belle Meade and Holiday Inn Lagoons. Mr. Elmer Kaylor informed Council that after a survey of the area had been made by Rockingham County, he had talked with Mr. James Roadcap, Executive Director of the Harrisonburg-Rockingham Regional Sewer Authority and been told that was as far as the line would go, and that Rockingham County would have to bring it across the highway. He noted, however, that the county said it would have to be a joint venture between the city and county. Mr. Kaylor suggested that the line be put in, prior to highway improvements, and pointed out that at the present time, septic tanks are leaking into the fields, which could present a health problem in the future. Manager Milam stated that he had received a letter from Mr. William O'Brien, County Administrator, in September, advising him that a group of property owners from the areas near Rt. 11 south had requested that the county construct a sewer collector system to serve that area. The Board of Supervisors felt this could be advantageous to the citizens and agreed that the City be contacted for consideration of financially participating in such a project. In reply to the correspondence, Manager Milam reported that he had answered by stating that he thought the City, County and Authority could work something out if the main in question would be an extension of the Belle Meade interceptor. A need for development of plans by the county staff, or jointly with the city, as to cost estimates, etc. had been suggested. He informed those present in the meeting that should this not prove feasible, they, as landowners, may have to assume cost of extending the line. Following the lengthy discussion, it was agreed by Council that the County and City Engineers work together to determine whether or not a feasible solution may be reached.

Dr. Richard Smith was present in the meeting for the purpose of enlightening Council concerning Sec. 32-310 of the Virginia State Code, approved earlier this year, which deals with creation of a State

Emergency Medical Services Advisory Council. He pointed out that the Council would evaluate overall emergency medical services from the scene of accidents into the hospital emergency room. Dr. Smith offered an opinion that the geographic area (shown on a map) is so large, that the Council should be established on a Planning District level, with funding used totally in District 6, rather than being divided between two areas. Although the law is already approved and on the books, Dr. Smith said he wanted to let the governing bodies know first, and then work with the District Planning Office in Staunton insofar as setting up By-Laws for an Advisory Council, acquiring representation from various groups, etc. He said he felt the present system could be upgraded under this law and noted that at some future date, financial aid may be requested on the local level. When asked if enthusiasm of citizens to support the Rescue Squad may be suppressed due to federal funding, Dr. Smith replied that the situation couldn't get much worse in that funds are being solicited by Squad members on the streets. He pointed out that the funds would be used for major programs, rather than going to any one Squad Unit. Employment of a trained person to oversee and coordinate services would possibly be pursued. Following discussion, Mayor Erickson expressed appreciation for Dr. Smith's presentation, and Council agreed that the matter be held for further review following a report from Dr. Smith after he has contacted the District Planning Office.

✓ The following amendment to Section 4(b) of the charter for Central Shenandoah Criminal Justice Training Center, recommended by the executive committee, was presented and read:-

"Effective July 1, 1979 budget category 12c TRAVEL item 1.2 Training Subsistence will be apportioned according to the above formula among the participating governing bodies eligible for training subsistence (department located over 50 miles from the Training Center)."

It was noted in correspondence from the Training Center Director that the Charter presently provides that each member jurisdiction share a proportional part of all operating expenses of the Training Center, which results in some jurisdictions paying for training subsistence which, due to their proximity to the Training Center, is not available to their officers. An example given: Planning District 6 paid \$ 28,000. in Travel Subsistence money but only received \$ 8,000. during Fiscal Year 1976-77. Chief Presgrave pointed out that this definitely affects the Harrisonburg area, and urged approval of the Charter change. Following a brief discussion, Vice-Mayor Green moved that Council approve the Charter Change for Section 4(b) and that the Clerk be instructed to return the necessary form to the Training Center noting approval, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ City Manager Milam presented and read the following House Joint Resolution No. 82 offered Feb. 1, 1978 by Delegate A.L. Philpott, and referred to the Committee on Corporations, Insurance and Banking:-

WHEREAS, there has been a drastic increase in both the number of civil suits filed against law-enforcement officers in the Commonwealth and the amount of damages sought in such suits; and

WHEREAS, as a result, insurance coverage of such officers is increasingly difficult to obtain; and

WHEREAS, the tremendous increase in the cost of insurance coverage for law-enforcement officers has resulted in many jurisdictions' failure to insure their officers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Chairmen of the Corporations, Insurance and Banking Committee of the House of Delegates and the Commerce and Labor Committee of the Senate are requested to appoint a joint subcommittee from their respective memberships to study the advisability and feasibility of a State self-insurance plan for all law-enforcement officers of the Commonwealth. All agencies of the Commonwealth shall assist the joint subcommittee upon request.

The joint subcommittee shall make its report to the Governor and General Assembly not later than December one, nineteen hundred seventy-eight.

Chief Presgrave informed Council that most insurance companies will not provide liability insurance for those in law enforcement, and noted that those companies providing this type of service have such a high policy premium that it is becoming prohibitive. He urged that all join together for support of a State self-insurance plan. The City Manager offered an opinion that if approved, the resolution would be a direct help to the City of Harrisonburg, and said he would like all localities to support this particular resolution, and others related. Following a brief discussion, Councilman Cisney moved that the Harrisonburg City Council go on record as supporting House Joint Resolution No. 82, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Council was reminded by the City Manager that a Board of Viewers appointed on October 10th to view a portion of alley in the Liberty-Collicello Street area, for closing, had advised that due to description of location, they were unable to report. At the last regular meeting of Council, description was clarified, which action ensued in the following report from Messrs. P.H. Hardy, T.H. Lowery and John H. Byrd, Sr.:-

We, the Board of Viewers, have viewed a portion of a 12' Alley which runs from Liberty to Collicello Streets, and does not show on the present City Block Map. However, it is recorded (SEE PLAT IN DEED BOOK, PAGE 205 IN COUNTY OF ROCKINGHAM CLERK'S OFFICE) being a certified copy of a survey made by A.R. Myers SRC, on October 24, 1954.

A copy of the above plat is herein submitted as a part of this report and we recommend that the City Block Map be updated to conform to the recorded survey.

The portion requested to be closed by the Shenandoah Poultry, Inc., crosses their property and in no way affects adjacent property owners, and is shown on the copy of the Myers survey by diagonal marking. A more detailed description of the portion requested to be closed follows:

A portion of a 12" Alley measuring 219' in length and paralleling Lot No. 1-A now owned by Shenandoah Poultry maintenance building is now located and the portion requested to be closed is designated by diagonal lines as marked on the A.R. Myers survey herewith.

DPUS50

After considerable interviews and investigation, we the Viewers anticipate no inconvenience or disadvantage, and we hereby recommend that the above described portion of said Alley be closed. However in so doing, we also recommend that any existing easements or rights-of-way pertaining to utilities, etc., remain with the control and useage by the City of Harrisonburg, Virginia.

Following a brief discussion, Councilman Cisney moved that an ordinance effecting the closing 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 Rhodes, 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 \$ 588.30 in order to transfer monies received for operation of contract between VEC/BOS CETA, Prime Sponsor, and the City of Harrisonburg Department of Parks & Recreation, for the total Summer Youth Program. Following a brief discussion, Councilman Dingledine moved that the appropriation be approved, and that:-

\$ 588.30 chgd.to: General Fund (1005) Recoveries & Rebates- Non-Revenue Receipts.

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

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

✓ The City Manager presented a request from City Recreation Director Gilkerson for approval of a supplemental appropriation in amount of \$ 8,942.74 from the Community Activities Center Account into account for Materials & Supplies, in order to purchase needed supplies and equipment. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:-

\$ 8,942.74 chgd.to: General Fund (730-03) Community Activities Center.

8,942.74 approp.to: General Fund (11027-212.00) Community Activities Center, Other Materials & Supplies.

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

✓ City Manager Milam gave background information concerning the City's proposed Solid Waste (Heat Recovery) project which has been pending since April 1975 when the idea was brought to Council's attention by Assistant City Manager Driver as being a worthwhile endeavor, particularly if made a joint effort between the City and County. In March 1971, the firm of Deward Martin Associates, Civil Engineers, were asked to prepare some preliminary plans, cost figures, etc. and the latter part of the month, that firm was employed to make a Solid Waste Study. In February, 1977, copies of a Feasibility Study titled "Harrisonburg's Solid Waste Energy Recovery Systems" prepared by Wm. F. Cosulich Associates, New York. and Deward M. Martin Associates, Williamsburg, Va. (since dissolved as partnership), were made available to all members of Council. In March 1977, Council and the Rockingham County Board of Supervisors met jointly to hear the proposed project discussed by Messrs. Paul Small and Miro Dvirka, representatives of the firms that had prepared the Feasibility Study report. As of July 1977, all seemed to be going well in the direction of a joint project, with a recommendation made for the County and City attorneys to draw up necessary documents for creation of an Authority, although definite approval had not been forthcoming from the county. At the regular meeting of August 9, 1977, when the county had agreed to delay indefinitely any action on the joint Solid Waste project, Council decided to proceed with plans on a scaled-down system to serve the City of Harrisonburg. Manager Milam reminded Council that three firms had submitted statistics concerning preliminary plans for a trash burning plant which would generate steam for purchase by local institutions and/or industries. Of the three, namely: Hayes, Seay, Mattern & Mattern of Roanoke; Wiley & Wilson, Inc., Lynchburg; and Wm. F. Cosulich Associates of Woodbury, N.Y., Manager Milam noted that only the latter had submitted a complete contract setting forth an approximate \$2 million for plant construction and \$ 27,000. for preliminary plans, and recommended that Wm. Cosulich firm be employed to move into the preliminary phase of the project, working with the city staff to determine size of plant, most suitable location, etc. He noted that funds were available in the current City budget to cover cost of the preliminary plans. Assistant City Manager Driver said that the firm would contact various local industrial plants and institutions regarding purchase of steam and would discuss with them their demands, etc., after which time, negotiations would be between the city and customers. He offered an opinion that by the year 1983, the City would have to have some place for disposal of its garbage and said that the proposed project would require about 3 years to completion. Inasmuch as a landfill is necessary, along with a heat recovery plant, Mr. Driver pointed out that if the present landfill is allowed to go down to zero, another site would have to be found. Reaching a crisis situation could be avoided with the Solid Waste Plant. Although other priorities were a concern of some members of Council, both the City Manager and Assistant City Manager stressed urgency of pursuing the project. Following the lengthy discussion, Councilman Rhodes moved that Wm. F. Cosulich Associates proceed with the preliminary plans at a cost not to exceed \$ 27,000. with the right reserved for the city to stop at any point along the way, if desired, based on determination of the economic feasibility of such a project, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

✓ The City Manager reminded Council that a proposed ordinance, prepared by Holly Farms, Inc., had been presented at the regular meeting on August 22nd, for reactivation of the City's sewer plant for the purpose of disposal of excess waste by the poultry processing plant to be located in northwest Harrisonburg at the former Shenandoah Poultry site. At that meeting, Council had referred the ordinance to Manager Milam for review and changes. He noted that since then he had been in contact with a representative of Holly Farms, which resulted in re-writing the ordinance in resolution form. He offered an opinion that the resolution has some merit and would benefit the poultry plant. Although the Regional Sewer Authority has placed no regulations with regard to strength of waste it will receive, Manager Milam pointed out that the City does place restrictions on its customers. He said that should the Authority ever impose limitations, or assess a surcharge for hard-to-treat waste, the City's plant could be used to partially treat sewage discharged into the Authority lines. When Councilman Dingledine questioned operation of two sewer plants, Assistant City Manager Driver replied that the City is presently spending approximately \$ 20,000. annually to keep the old plant operable for some future use, or possibly sale to an industry. The City Manager noted that although Holly Farms may be a primary benefactor of



holding the plant in readiness, other industries may also need the pre-treatment capacity in future years. He then read the following proposed resolution:-

WHEREAS, Holly Farms Poultry Industries, Inc. will be a sewer customer of the City of Harrisonburg and therefore, will be disposing of poultry processing (industrial) wastes into the City's sewerage system;

WHEREAS, Holly Farms Poultry Industries, Inc. agrees to provide efficient screening of wastewater prior to discharge into the City's sewerage system and also agrees to maintain good housekeeping procedures to limit (so far as reasonably possible) the entrance of blood into the sewer system, it being recognized that certain quantities of blood will, however, enter such system;

WHEREAS, after screening, Holly's industrial waste discharge into the City's sewerage system normally contains a B.O.D. and total suspended solids concentration exceeding 300 mg/l and an oil and grease concentration exceeding 100 mg/l;

WHEREAS, due to the location of Holly's Poultry processing plant within downtown Harrisonburg and the unavailability of land area on the existing plant property, future installation of pretreatment facilities on the plant site property is not considered feasible by Holly;

WHEREAS, the wastewater to be discharged by Holly as a poultry processor is of the type that can, in the opinion of both the City and Holly, be effectively pre-treated by the existing wastewater treatment plant owned by the City of Harrisonburg but not presently in operation;

WHEREAS, the City of Harrisonburg according to a Sewer Use Agreement with the Harrisonburg-Rockingham Regional Sewer Authority is prohibited from discharging into the Sewer Authority's sewerage system a combined industrial-municipal sewerage with a B.O.D.5 and total suspended solids concentration exceeding 300 mg/l and an oil and grease concentration exceeding 100 mg/l;

WHEREAS, as a separate contract customer of the Harrisonburg-Rockingham Regional Sewer Authority, the City of Harrisonburg has legal authority to adopt and enforce their own sewerage use ordinances, policies, and agreements with sewer customers within the City of Harrisonburg without approval or interference by the Harrisonburg-Rockingham Regional Sewer Authority as long as the combined industrial-municipal wastewater mixture discharged by the City of Harrisonburg does not contain an average B.O.D.5 and total suspended solids concentration exceeding 300 mg/l and an oil and grease concentration exceeding 100 mg/l;

THEREFORE, and in consideration of the fact that future installation of pretreatment facilities on site is not feasible for Holly and to encourage the propagation and continuation of the poultry processing industry within the City, the City of Harrisonburg agrees:

- A. To allow Holly Farms Poultry Industries, Inc. to discharge screened wastewater into the City's sewerage system without further pretreatment and without surcharge, as long as the combined industrial-municipal wastewater mixture discharged to the Harrisonburg-Rockingham Regional Sewer Authority does not have an average B.O.D.5 and total suspended solids concentration exceeding 300 mg/l. This provision to accept Holly's wastewater without surcharge is conditioned upon no such charge being imposed by the Sewer Authority on the City and should such a charge be imposed on the City then it shall have the right to pass through to Holly its share (as properly ascertained) of the Sewer Authority's charge to the City.
- B. If B.O.D. and total suspended solids concentration exceeds 100 mg/l in the combined industrial-municipal wastewater discharged to the Sewer Authority by the City and if required by the Sewer Authority to pretreat to B.O.D.5 and total suspended solids 300 mg/l and oil and grease 100 mg/l, the City of Harrisonburg will reactivate and operate the existing City of Harrisonburg's wastewater treatment plant to remove B.O.D. and total suspended solids from a portion of the total industrial-municipal mixed flow from the City and to blend this pretreated wastewater portion with the untreated portion as required to provide a combined and blended wastewater discharge into the Harrisonburg-Rockingham Regional Sewer Authority in which the B.O.D.5 and total suspended solids concentration does not exceed 300 mg/l and the oil and grease concentration does not exceed 100 mg/l. Additionally, if a surcharge is imposed by the Authority on the City of Harrisonburg (but pretreatment is not mandated) and the amount of the pass-through surcharge by the City to Holly exceeds the estimated cost of reactivating and operating the City's existing wastewater treatment plant, then, in such event, upon the request of Holly, the City shall proceed to reactivate and operate such plant as aforesaid.
- C. The obligation on the part of the City to reactivate and operate its existing wastewater treatment plant shall be conditioned upon approvals (if required) from regulatory bodies having jurisdiction over such matter, the City agreeing to actively process and pursue applications for approval if required so to do.
- D. To negotiate a method by which the City of Harrisonburg would operate the existing wastewater treatment plant for pretreatment and Holly Farms Poultry Industries, Inc. would assume responsibility for reasonable costs incurred by the City to provide such pretreatment.
- E. The rights and benefits accruing to Holly under this resolution shall not be assignable by it to any successor or assign, and this resolution shall terminate ten (10) years after its date.

Requested and agreed to:  
 HOLLY FARMS POULTRY INDUSTRIES, INC.  
 SIGNED BY: Vice-President

\_\_\_\_\_  
 Mayor

Dated \_\_\_\_\_, 1978

After further discussion, Councilman Cisney moved that the resolution be approved and effective as of this date, with authorization for Mayor Erickson to sign same on behalf of the City of Harrisonburg, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

DDP550

✓ Council was informed by the City Manager that he was in receipt of correspondence dated 10/8/78 from the Department of Housing & Urban Development advising that the City's application for \$1 million in Community Development Block Grant Funding had been approved, with \$ 805,000. of same allotted to the City through a Letter of Credit to be used for Planning and Urban Environmental Design and General Administration, and the amount of \$ 195,000. to the Harrisonburg Redevelopment & Housing Authority for housing program. If no reservations concerning acceptance of the Grant, Manager Milam said he would take necessary steps in signing the enclosed form (4 copies) on behalf of the City, and having the R & H Authority Chairman sign acceptance for their portion of the Grant. Following a brief discussion, Councilman Dingledine moved that the City Manager be so authorized and directed, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

✓ The City Manager called Council's attention to their copies of a Memo which he had also mailed to Fairway Hills property owners containing general information with regard to inquiries concerning water pressure, water volume, fire protection and fire insurance. The information was based primarily on letters received from the City Engineer and Water/Sewer Superintendent, as well as the Fire Chief. He noted that steps presently being taken to alleviate the pressure problem are two new pumps presently on order for installation at the City's reservoir, and completion of a 12" water line from Old Furnace Rd. to the existing 12" main on Old Country Club Rd. when rights-of-way have been acquired by the City. Water/Sewer Superintendent Edgar Loker pointed out that installation of the line is progressing slowly due to rocky conditions. He informed Council that a time clock had been installed on the County's tank since the last regular meeting of Council, which will enable filling at night when residential demand is reduced. During discussion, the matter of building additional storage tanks to aid in variation of water pressure in the 33 east area was discussed. The City Manager displayed a map prepared by Wiley & Wilson, Consulting Engineers, in 1959, and noted how much the high level system has expanded since that time. Following discussion, the City Manager was asked to review the current situation with Wiley & Wilson representatives to determine which water projects should be given priority, and report back.

✓ Council was advised by the City Manager of a need to replace the existing computer equipment since the present has reached its capability. A price has been quoted by the company that makes the computer presently used, but Manager Milam said he was uncertain as to whether or not he must advertise for bids. Should this be necessary, the 186 sets of data held by the present computer, as well as other proposed new programs, would have to be noted, and further training of operators would be necessary, both of which would force up the cost. City Attorney Lapsley volunteered to get some information concerning competitive bidding, prior to Council taking action on the matter.

✓ Assistant City Manager Driver, in reporting on the court square improvements, commended Messrs. John Byrd, Jr., Ralph Smith and Gene Wampler, for their efforts in work which has been accomplished. He noted that the completion date has been pushed back due to late delivery of some items. The lights are an added attraction and the planter box on the south side of the square will eventually hold a community Christmas Tree. Mr. Driver said that reproduction of the old spring house may be started next spring, but must receive approval of the Rockingham County Board of Supervisors. The report was for information.

At 10:55 P.M., Vice-Mayor Green moved that Council enter an executive session to discuss personnel and legal matters, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

On motion duly adopted, the executive session was closed at 12:25 A.M. and the regular session reconvened. There being no further business, the meeting adjourned.

*N. Palmer Lober*  
CLERK

*Lay Erickson*  
MAYOR

Tuesday, November 28, 1978

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; Councilmen Raymond C. Dingleline, Jr., Elon W. Rhodes, and James C. Cisney; Chief of Police Richard W. Presgrave. Absent; Mayor Roy H. Erickson, Vice-Mayor Walter F. Green, III, and City Auditor R. William Shifflet. (Sitting in for the City Auditor, Deputy Auditor Peterman).

Due to the absence of both the Mayor and Vice-Mayor who were attending the National League of Cities meeting in St. Louis, Councilman Rhodes moved that Councilman Dingleline serve as Acting Mayor for this meeting, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Councilmen present.

The evening's Invocation was led by The Reverend Carl Sherman, pastor, Church of the Nazarent, Harrisonburg.

Minutes of the regular meeting held on November 14th were read, and approved as corrected.

✓ The City Attorney presented a petition for suit which had been filed in the Circuit Court by Virginia National Bankshares, Inc., re erroneous assessment of taxes and for correction of same. He explained that the bank questions validity of city ordinances which allow inclusion of Treasury Notes in total assets when assessing bank stock tax, and has sued for tax adjustment in each locality where there is a VNB office. Attorney Lapsley noted that he had filed an answer to the suit this afternoon, and feels the 1979 legislature will solve the problem, with no further action necessary by the City of Harrisonburg. The Attorney General's office will defend the cities on behalf of the state. Commissioner of Revenue Smith reported that 50 cities throughout the state of Virginia have been sued by Virginia National in order to protect their interest in the state. The matter was presented for information.

✓ Through correspondence from the Division of Legislative Services, Council was informed of a public hearing scheduled for December 8th, 1:00 P.M. in the Harrisonburg City Council Chamber re Senate Bill

No. 283 introduced in the 1978 legislature by Senator Nathan Miller, to establish a tiebreaker procedure for the Harrisonburg-Rockingham Regional Sewer Authority. Acting Mayor Dingledine urged members to make a special effort to attend the hearing, as well as the City's representatives on the Authority.

The City Manager reminded Council of correspondence presented at the last regular meeting from Edith and Oliver Shifflett requesting that consideration be given to placing "no smoking" signs on the small city buses for health and safety reasons. At that time, the matter was referred to the City Attorney and Director of Transportation for review of the state law, if any, and submit a recommendation by this meeting. In memo dated 11/28/78, the City Attorney reported no state statutes governing the posting of "no smoking" signs on buses owned by and operated by a municipal corporation. An opinion was offered that it is well within the police powers of the Council to prohibit smoking on city buses for obvious health and safety reasons, and that the Transportation Director could be authorized to post such signs if desired by Council. Manager Milam said that Reggie Smith, Transportation Director, had indicated he would go ahead and place the signs, but it was his personal opinion that the matter should come before the governing body. Following a brief discussion, Councilman Cisney moved that the Transportation Director be authorized and directed to place "no smoking" signs on the city buses during regular runs, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present. Action taken would relax the regulation when buses are chartered for private use.

For consideration of second and final reading, the City Attorney presented and read an ordinance effecting the closing of a portion of 12' alley situate immediately to the south of Lot 1A, as shown on Page 34, Section A of the City Block map, measuring 219' in length and bounded on both sides by property owned by Shenandoah Poultry Corporation. Acting Mayor Dingledine reminded members that the ordinance had been approved for a first reading at the last regular meeting, and that the ordinance provides for the City to retain an easement along the alley for utilities and surface water control, either above or below ground. Councilman Cisney 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 Councilmen present. (Refer to Ord.Bk K, page 168).

Councilman Rhodes moved that a supplemental appropriation in amount of \$ 8,942.74 requested by the Recreation Director to purchase needed supplies and equipment for the Community Activities Center be approved for second and final reading, a first reading having been approved on November 14th, and that:

\$ 8,942.74 chgd.to: General Fund (730-03) Community Activities Center.

8,942.74 approp.to: General Fund (11027-212.00) Community Activities Center- Other Materials & Supplies.

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

A request was presented from the City School Board Office for approval of a supplemental appropriation in amount of \$ 23,500. in order to appropriate Federal Funds for first quarter of Fiscal Year 1979 to establish Alternative Education Program. A letter was attached to the request from the Department of Education, Richmond, advising that authority was granted for costs to be incurred up to the amount of \$ 23,500. for the first quarter of fiscal year 1979 on Alternative Education. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:-

\$ 23,500. chgd.to: School Fund (R-28C) Antic. Receipts- Other Fed.Funds.

1,295. approp.to: School Fund (1200-135.02) Adm.- Comp. Adm. Secretaries.

150. approp.to: School Fund (1200-220.00) Adm.- Travel Ex. Adm. Personnel.

350. approp.to: School Fund (1200-319.00) Adm.- Adm. Office Supplies.

7,010. approp.to: School Fund (1201-134.12) Day Sch.Instr.- Comp. Sec.Tchrs.

250. approp.to: School Fund (1201-220.00) Other Inst.Costs- Travel, Inst.Personnel

2,450. approp.to: School Fund (1201-305.00) Other Inst.Costs- Inst. Supplies.

750. approp.to: School Fund (1203-219.02) Pupil Trans.Service- Trans.by Public Carrier.

275. approp.to: School Fund (1205-218.00) Oper.Sch. Plant- Telephone.

900. approp.to: School Fund (1206-210.00) Fixed Charges- Insurance.

1,320. approp.to: School Fund (1206-295.00) Fixed Charges- Employr Cont. Frng. Benefits

7,250. approp. to: School Fund (1900-304.00) Cap. Outlay- Furn. & Equip.

1,500. approp. to: School Fund (1900-601.02) Cap. Outlay- Alter. to Bldgs.

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

City Manager Milam informed Council that he had received information in his office to the effect that Mr. Warren L. Braun, a representative of Harrisonburg on the Upper Valley Regional Park Authority, had failed to attend three consecutive meetings. According to the Authority By-Laws, a Director who fails to attend three consecutive regular meetings will be dropped from the roll and the political subdivision required to appoint a replacement for the remainder of the term. Assistant City Manager Driver stated that Mr. Braun had attended the last regular Authority meeting and had expressed a desire to be reappointed, in that conflict in dates and the necessity to be out-of-town were his reasons for missing the three meetings. Councilman Rhodes moved that Mr. Warren L. Braun be reappointed to the Upper Valley Regional Park Authority for the remainder of his present term which expires on January 24, 1982, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Councilmen present.

An ordinance amending Chapter 16, Section 16-33 of the City Code was presented and read, establishing January 1, 1979 as effective date on the Bank Stock Tax ordinance, in that same was omitted on the original copy submitted by the City Attorney in December 1977 when the ordinance was finally adopted. However, the effective date was questioned by the Clerk prior to recordation of the ordinance in the City's Ordinance Book, and was included thereon. It was explained that the amended ordinance was necessary in order to clarify effective date on the original copy of ordinance signed by the Mayor and Clerk. Councilman Cisney moved that the ordinance be approved for a first reading with instructions for the Clerk to make proper notations in the ordinance book concerning purpose of this amendment, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Councilmen present.

D10550

The City Attorney presented an ordinance repealing Sections 16-61, 16-69 and 16-78 of the City Code and enacting a new ordinance numbered 16-78 titled "Coin Operated Machines: (a) Gross Receipts; (b) Coin Machine Operators; (c) Merchants Placing Vending Machines." Victor Smith, Commissioner of Revenue, told Council that the tax change on coin operated machines was dictated by the Virginia General Assembly, and that the purpose of this amendment was to bring the City's present ordinance up-to-date and to have same in effect on January 1, 1979 for proper assessment of license tax. Under the new ordinance, tax will be assessed on gross receipts taken in through the machines rather than on individual basis per machine. Merchants placing vending machines will be assessed on gross receipts only, while machine operators not dispensing products (i.e. juke boxes, pin ball machines, etc.) will be charged a fee of \$ 200. as well as a fee based on gross receipts. The City Attorney called attention to one change which is necessary in wording of the ordinance, namely: to insert "identification of owner" in the last paragraph, replacing "said license." Following discussion, Councilman Cisney moved that the ordinance be approved for a first reading, including the change in wording and that the ordinance be referred back to the City Attorney for correction, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Councilmen present.

The following recommendation submitted from a meeting of the Planning Commission held on November 15th was presented and read:-

"...Concerning a preliminary map of Wayland Woods Subdivision, a 131-lot layout in Rockingham County east of Forest Hills, Mr. Albert Constable reviewed the background of a 1971 request by Horsley & Constable Realtors, Inc. for Harrisonburg water and sewer service. At that time, the City Planning Commission recommended Wayland Woods Subdivision be served by the City Water & Sewer Dept., subject to approval by the State Water Control Board. Mr. Constable explained that the subdivision was never started, and since that time, a revised layout has been drawn by Mr. Robert Funk, Land Surveyor. Also, the Harrisonburg-Rockingham Sewer Authority has formed a contractual arrangement "that the City has the right to serve the area of Wayland Woods to the crest of the hill, with the County serving the area on the other side of the "crest of the hill." Mr. Funk pointed to his topographic map and indicated the "crest of the hill" line' 58 of the 131 lots are in the City's service area. He added that the streets will be curbed and guttered and built to State Highway specifications.

Mr. Driver pointed out that the City's water pressure is such that the developer will have to install a pumping station for the higher elevation areas; he asked if it wouldn't be easier to let the County serve the entire subdivision, but Mr. Constable explained that he has agreements with Mr. Harry Flippo to tie into the adjacent proposed Harrington Heights Subdivision on the west side which will have City utilities.

Mr. Sullivan suggested involving the City-County Joint Planning Committee and the staffs of both jurisdictions for review and comments.

Mr. Constable noted that the County officials have reviewed his request for dividing the services based on the Regional Sewer Authority's contractual arrangement along the "crest of the hill."

Mr. Fleming concluded the discussion with a motion that the Planning Commission recommend approval of Mr. Constable's request that City water and sewer extend to the "crest of the hill" in Wayland Woods Subdivision, providing the developer be responsible for necessary water pumping systems and all water and sewer lines installed will become property of the City after installation. Dr. Shank seconded the motion and all members present voted in favor with Mr. Driver abstaining..."

Mr. Constable reiterated statements made at the Planning Commission meeting for the benefit of Council and reminded members that approval was granted by the Planning Commission and the governing body in 1971 to serve the area with water and sewer services, reserving a section for use by the City, not shown on record at that time. He said that the agreement with Mr. Flippo to extend the utilities to their properties, on a 50-50 basis, will prove quite expensive, and noted the developers' understanding of their responsibility concerning provision of pumping system to aid in water pressure, etc. Planning Director Sullivan pointed out that the County Engineer had verbally stated that he was in agreement for the City to supply services to the "crest of the hill." Councilman Cisney questioned, and was assured that the preliminary plan meets all requirements of the City's Subdivision Control Ordinance, but that final plans, not yet submitted, will also be studied prior to approval. Assistant City Manager Driver said that approval of the preliminary plan was necessary prior to the developer getting into final planning, and reminded Council that the present plan is entirely different from that presented in 1971 with regard to increase in lot sizes, etc. Following discussion, Councilman Cisney moved that the recommendation of the Planning Commission be approved with emphasis placed on responsibility of the developer for installation of necessary water pumping systems, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

The following recommendation approved by the Planning Commission at a meeting held on November 15, was presented and read:-

"...The Commissioners discussed the rezoning application by Lincoln-Miller, Inc. to change Lot 44, Block C on Page 41 of the City Block Map from R-2 Residential to B-2 General Business. During the Public Hearing held on October 18, 1978, several property owners on Ashby Avenue and Madison Street opposed the rezoning. In reviewing the Zoning Map, the Commissioners noted that Lot 44 has 105' frontage on Ashby Avenue and since Lincoln-Miller also owns Lot 43, which is zoned B-2, both sides of the issue would benefit if the zoning line were moved 40' to the west. The result would be a 175' x 96' commercial lot on the northwest corner of N. Main St. and Ashby Avenue, and a 65' x 205' residential lot on the north side of Ashby Avenue.

Dr. Shank stated he believed this to be the best answer for both the neighbors and Mr. Joe Miller whose desire is to have enough corner lot space for a small business development, which has failed to materialize in the past due to the small size of Lot 43. He offered a motion that the Planning Commission recommend to City Council that a 40' wide strip on the east side of Lot 44 be rezoned from R-2 Residential to B-2 General Business. Mr. Williams seconded the motion and all



members voted in favor with Mr. Driver abstaining..."

City Manager Milam reminded Council that a public hearing must be scheduled on the matter and recommended the date of Tuesday, January 9th. Councilman Cisney moved that the recommendation of the Planning Commission be accepted and the recommendation of the City Manager be approved with instructions for him to properly advertise the hearing, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

The following recommendation approved by the Planning Commission at its meeting of November 15, 1978, was presented and read:-

"...The Commissioners were shown the latest revised site plan, dated November 14, 1978, of Liberty Square Apartments, Section 3. Mr. S. L. Rexrode, owner, explained that his 28 one-bedroom apartment unit project meets the density requirements of R-3 zoning and he felt that the City's main concern was engineering and flood plain data when the initial site plan for Section 3 was presented on September 20, 1978. Chairman Kuykendall stated that the engineering was a major concern, but a group housing site plan as defined in Sec. 31-73 of the Zoning Ordinance must include the specific number and location of buildings, number of units, off-street parking locations, easements and landscaping plans. Mr. Rexrode concurred that he changed the September 20th site plan from 24 units to 28 units on September 21st, and didn't inform City Council when Mr. Sullivan presented the 24-unit plan to them on September 26th. Chairman Kuykendall added that the revised plan is better in that it leaves more open space, but some type of evergreen buffer strip is needed along the south border, to prevent vehicles from driving to and from Vale Circle. Attorney Robert Dinsmore, representing neighbors from Southampton Subdivision, suggested a buffer strip along the west boundary of Section 3. Mr. J.R. Copper, Surveyor, told the Commission that a 25' utility easement runs along this boundary and planting trees or shrubs may interfere with the sewer line.

Mr. Fleming concluded the discussion with a motion for the Planning Commission to recommend approval of the November 14, 1978 Revised Site Plan of Liberty Square Apartments, including a suitable evergreen buffer along the south border. Dr. Shank seconded the motion and all members present voted in favor, with Mr. Driver abstaining..."

Mr. Sullivan pointed out the area on a map and informed Council that the developer had gone through the necessary process since change in number of units and that the 28 units do not go beyond the density requirements. Following a brief discussion, Councilman Rhodes moved that the recommendation of the Planning Commission be approved, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Councilmen present.

The City Manager called members' attention to their copies of reports submitted by Betsy Knighton, Executive Director of the Chapter 10 (Mental Health & Mental Retardations Services) Board, which included Fiscal Year 1978 End-of-Year financial report (income & expenses) of the Community Services Administration and Massanutten Mental Health Center, both directly operated by the Chapter 10 Board. He noted that various agencies supported by the City are required to submit financial statements.

Council was informed by City Manager Milam of a verbal request by a representative of Safeway Store (E. Gay between Mason & Main), about a year ago, and more recently, for a cut in the Mason Street median to allow for faster access to the Peoples-Safeway Parking Lot, with project to be absorbed 100% by the store. He noted that Safeway desires to either build a 10,000 square foot addition to the present store and increase size of their driveway, or look for a new location. A variance may have to be asked from the Board of Zoning Appeals for setback on the Main Street side. Manager Milam said he would look into the matter further should Council so desire, although he felt it does not appear to be the most feasible approach. Assistant City Manager Driver said it could be done, although the City's policy has not been to cut through median strips. He offered an opinion that should it be permitted in one instance, it could set a precedent for many other such requests, particularly on Rt. 42 south, and that these cuts could create terrific traffic hazards. Mr. Driver mentioned the fact that losing the store may be a factor in considering the request. Following discussion, Councilman Rhodes moved that the City Manager be directed to look further into the matter and advise Council, with the request also referred to the Harrisonburg Highway Safety Commission for study and recommendation, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

City Manager Milam gave background information concerning the Shenandoah Valley Juvenile Detention Home Commission from the time of its formation in the 1960s with the original four cities: Lexington, Staunton, Waynesboro and Harrisonburg, noting addition of Charlottesville and counties of Albemarle, Rockingham and Augusta in 1971. He noted that when letters were sent out to various cities and counties offering an opportunity to join, no response was received from either Rockbridge County or Buena Vista. Rockbridge County used the facility for a total of 539 detention days from 1973 through June 1978 and have recently requested to become a participant in the Commission. Manager Milam stated that although the matter will be further investigated and state approval obtained, he wanted to bring the matter to Council's attention and get its reaction to the request when it is brought up for a vote by representatives of the participating political subdivisions. Following discussion, Councilman Cisney moved that City Manager Milam be instructed to vote in favor of Rockbridge County's acceptance as a participant, following determination of financial arrangement and approval of the agreement by Rockbridge County, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

For information of Council and recordation in minutes of this meeting, City Manager Milam presented correspondence dated 11/17/78 from Mr. Donald L. Ward, Vice-President of Walker & Dunlop, Richmond, Va., advising that the Department of Housing & Urban Development had formally switched the Section 8 funds from the old Kavanaugh site to the new site in the 200 block of N. Main Street, as evidenced by letter. It was stated that "There are some mistakes in the HUD letter and I will take full responsibility to get them corrected. First, I will get HUD to acknowledge that our Final Proposal (not Preliminary) was submitted with revisions June 9, 1978. Also, I will seek the additional Section 8 Contract Authority of

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\$ 3,868.00 to take the rents back to the projections of \$ 230. per month for efficiencies and \$ 250. per month for one-bedroom units. HUD expects the new fiscal 1979 Section 8 allocation any day and that will enable them to grant our request of August 9, 1978. By regulations we are compelled to accept the 30 year Section 8 funds and, therefore, will not be able to procure 40 years." By copy of his letter, Mr. Ward noted that they were requesting bond underwriter, bond counsel, underwriters' counsel, etc., to begin to send additional documentation through him for submission to HUD for their approvals. A copy of the letter to Dr. Helbert, Chairman of the R & H Authority from HUD, containing errors pointed out by Mr. Ward, was enclosed. Manager Milam stated that he was asked in the correspondence from Mr. Ward to have Dr. Helbert accept HUD's letter and return the requested form, with the understanding that he (Don Ward) would correct the errors, and that in Mr. Ward's opinion there was no need to resubmit anything pertaining to a Final Proposal, as they had already done so.

For information, the City Manager presented a Memorandum from Governor Dalton to Chief Administrative Officers of cities, towns and counties, advising that from time to time he would be issuing Policy Memoranda concerning problems and/or situations which may arise, affecting the localities. A Policy Memorandum addressing state jurisdiction over federal property, was attached.

City Manager Milam reminded Council that on September 12, 1978, correspondence was presented from Judge John Paul, enclosing a form for Challenge Grant of \$ 5,000. through the Virginia Commission of the Arts & Humanities for property located at 301 S. Main St. (former Sipe House) for the purpose of establishing a Fine Arts Museum. At that meeting a motion was duly adopted authorizing the City Manager to submit application. Correspondence dated 11/20/78 to the City Manager, from Jerry Haynie, Executive Director of the Commission, was presented, advising that the grant of \$ 5,000. had been awarded subject to certain terms and conditions, with acceptance to be received on an enclosed payment request card. Following a brief discussion, Councilman Cisney moved that the grant be accepted with authority for the City Manager to return the payment request card, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

For information of Council, City Manager Milam reported from Summary of New CETA that various programs under the Comprehensive Employment & Training Act have been reauthorized for four years.

Attention was called to a letter addressed to City Manager Milam from Mr. James H. Roadcap, Jr., Executive Director of the Harrisonburg-Rockingham Regional Sewer Authority, expressing appreciation for his services as Secretary-Treasurer over the past eight years and noting that everyone was aware of his contributions of knowledge and judgement in the formation of the Authority, temporary and permanent financing arrangements, contractual arrangements, etc. Although Mr. Milam will continue representing the City of Harrisonburg on the Regional Sewer Authority, Councilman Cisney moved that appreciation of the governing body be expressed for the efficient manner in which he has performed as an officer, as well as representative, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

There being no further business and on motion duly adopted, the meeting was adjourned at 9:50 PM.

*N. Arlene Lobes*  
CLERK

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

The evening's Invocation was led by The Reverend James R. Williams, pastor of St. Stephens United Church of Christ, Harrisonburg.

Minutes of the regular meeting held on November 28th 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, 1978.

The City Treasurer:-

A trial balance report as of close of business on November 30, 1978.

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 \$ 10,300.72 for month of November, 1978.

City Auditor:-

A financial report for the City of Harrisonburg, Va. for month of November, 1978.

A report of cash discounts saved in payment of vendors' invoices for month of November, 1978 in amount of \$ 503.91. Amount of \$ 5.78 lost due to late vouchers.

Department of Utility Billing:-

A report of water, sewer & refuse accounts, meters read, installations, cut delinquents, complaints, re-reads, etc. for month of November, 1978.

✓ Council received preliminary plans for Holiday Hills, Section 11, from James C. Wilkins & Associates, Inc., for consideration and approval. City Manager Milam pointed out the area on a map and explained that it would be an extension of Waterman & Taliaferro Drives, with lots backing up to Rt. 42. On motion of Councilman Dingleline, seconded by Vice-Mayor Green, and a unanimous vote of Council, the plans were referred to the City Planning Commission for study and recommendation.

✓ Correspondence dated 11/24/78 addressed to City Manager Milam was read, advising that pursuant to Article V, Section 3 of the charter of the Central Shenandoah Criminal Justice Training Center, the town of Orange, Virginia, would be withdrawing from membership as of June 30, 1978. Council was advised by the City Manager that a formality required was for each of the 31 participants to be notified, six months prior to withdrawal. The letter was for information.

✓ A letter dated December 6, 1978 from James M. Sinichko, Chairman, Blue Ridge Community Chapter, Young Americans for Freedom, was read, requesting permission of Council to hold a hot dog sale beside Leggett Department Store on Saturday, December 16th, from 10:00 A.M. 'til 5:00 P.M. It was noted that the expressed permission of Mr. Grow, Manager of Leggett, and Commissioner of Revenue, Victor Smith, had been secured. Further stated was a willingness to comply with the requirement for a parking permit authorizing the use of one parking space near the corner of Newman Avenue and S. Main Street for placement of a Pepsi concession stand. City Manager Milam pointed out that a concession stand could not be placed in front of Leggett Store in that this is a moving traffic lane, but that the first parking space on Newman Avenue, off Main St. (former City Cab Stand) could be utilized by the organization, if so desired. Following a brief discussion, Vice-Mayor Green moved that the request be granted, in space suggested, for date and hours requested, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

✓ Dr. C.W. Caplen, Assistant Director of the Rockingham-Harrisonburg Health Department, appeared before Council for the purpose of presenting a report on the dental and sanitation activities of the health department. Copies of statistical reports were presented each member of Council. Mayor Erickson expressed appreciation, on behalf of the governing body, for the presentation.

✓ Speaking on behalf of the Madison-Community Relations Committee, Mr. John Byrd, Chairman, reported the following proposal for Council's consideration, following five meetings which had been held since its formation: (a) complaints should be handwritten, signed by complainant, and mailed to a post office box in Harrisonburg designated for this sole purpose -- if not possible, complainant to contact any member of the committee; (b) following receipt of a complaint, the JMU Vice-President of Student Affairs and City Manager will be responsible for collecting same, reading and referring the complaint to either the appropriate city department or appropriate university office, for immediate response; (c) should any complaint include a possible city ordinance violation, it will be referred to the office of City Manager for prompt notification to the person(s) involved that a complaint has been received, and nature of same. The matter may be discussed for clarification of the problem, and if deemed necessary, the City Manager, or an official from that office, will decide what action is warranted and communicate decision to all parties involved. Legal action remains an alternative, should the problem not be solved after a reasonable period of time. (d) complaints not including a city ordinance violation will be referred to the James Madison University, with person(s) involved to be so notified immediately, with peer pressure to be used in order to promote needed cooperation should this be felt necessary following discussions between and/or among individuals concerned. It was noted in the written report from the eleven member committee that in order to increase effectiveness of this proposal, the university will communicate the process to all students through orientation sessions and via the institution's media. Mr. Byrd pointed out that the proposal was in no way written to remove responsibility from himself or Chief Presgrave from answering complaints, but that the committee felt the university may be more responsive if the situation was handled in this manner. Mayor Erickson commended the committee on its proposal in that this was an unusual project, and offered an opinion that this proposal, if put into effect, may be the answer to the situation. He asked the committee to remain active and in operation, also at the beginning of the fall session at JMU. Mr. Byrd and City Manager Milam were instructed to establish a post office box for the sole purpose of receiving complaints, should the proposal prove acceptable with the governing body. Following discussion, and on motion of Councilman Dingledine, seconded by Councilman Cisney, and a unanimous vote of Council, the Committee's proposal was accepted. (P.O. Box 1013)

✓ For consideration of a second and final reading, an ordinance amending Chapter 16, Section 16-33 for inclusion of effective date as of January 1, 1979, was presented by the City Manager. Councilman Cisney 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. Book K, page 169).

✓ An ordinance which had been approved for first reading on November 28th repealing Sections 16-61, 16-69, 16-78 and 16-78.1 and re-enacting Section 16-78 with regard to coin operated machines, was presented by the City Manager for consideration of second and final reading. Commissioner of Revenue Smith reiterated statements which he had made at the last regular meeting concerning the ordinance which would bring the city ordinance up-to-date for proper licensing on January 1, 1979. Mr. Carlton Wampler of Wampler Music, and his son, Eddie, were present in the meeting to express opposition to the ordinance. Mr. Wampler stated that it was "all wrong" and that he had been advised by Senator Nathan Miller (a member of the committee making the change) that it would have to be done over, and that he would get back to him after he had looked into the matter further, in that some change may have been made in the state law since adoption of the city's tax ordinance. Mr. Wampler's primary complaint was the \$ 200. license fee imposed on machine operators not dispensing a product, which amount could apply to an operator placing 20 or more machines, as well as those placing only two, in the city. Council was reminded by Eddie Wampler that the law allows localities to charge annual fees not to exceed \$200., which could mean a fee of only \$ 1.00. Mr. Smith noted only two operators in the city subject to the \$ 200. fee, but said that an investigation would be made to determine if there may be absentee owners, and if so, they would be taxed accordingly. Councilman Cisney expressed concern that if all jurisdictions take this approach, it could force small operators in various localities to discontinue operation. Following discussion, Vice-Mayor Green moved that final reading of the ordinance be tabled and the City Attorney asked to contact Senator Miller to find out what he has learned regarding the law, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Councilman Cisney moved that a supplemental appropriation in amount of \$ 23,500. requested by the City School Board in order to appropriate Federal Funds for first quarter of Fiscal Year 1979 to establish Alternative Education Program, a Federal Grant having been approved by the Department of Education,

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be approved for second and final reading, a first reading having been approved no November 28th, and that:-

- \$ 23,500. chgd.to: School Fund (R-28C) Antic. Receipts- Other Fed.Funds.
- 1,295. approp.to: School Fund (1200-135.02) Adm. Comp., Adm. Secretaries.
- 150. approp.to: School Fund (1200-220.00) Adm.-Travel Exp.-Adm.Personnel.
- 350. approp.to: School Fund (1200-319.00) Adm.- Office Supplies.
- 7,010. approp.to: School Fund (1201-134.12) Day Sch.Instr.- Comp. Sec. Tchrs.
- 250. approp.to: School Fund (1201-220.00) Other Inst.Costs- Travel, Inst.Personnel
- 2,450. approp.to: School Fund (1201-305.00) Other Inst.Costs- Inst. Supplies
- 750. approp.to: School Fund (1203-219.02) Pupil Trans.Service- Trans.by Pub.Carrier
- 275. approp.to: School Fund (1205-218.00) Oper. Sch.Plant- Telephone.
- 900. approp.to: School Fund (1206-210.00) Fixed Charges- Insurance
- 1,320. approp.to: School Fund (1206-295.00) Fixed Chgs.- Employer Cont.Fringe Benefits.
- 7,250. approp.to: School Fund (1900-304.00) Cap.Outlay- Furn. & Equip.
- 1,500. approp.to: School Fund (1900-601.02) Cap.Outlay- Alter. to Bldgs.

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

✓ A request was presented from the Director of Social Services for transfer of funds within departmental appropriations in amount of \$ 240., representing trade-in-value and purchase price of present typewriter, which transaction was approved by the Local Welfare Board on May 17, 1978. Following a brief discussion, Councilman Dingledine moved that the transfer be approved, and that:-

- \$ 240. trans.from: VPA Fund (604.1) Rev.from Other Agencies--Grants-in-Aid from Commonwealth - Adm. & Food Stamps.

- 240. trans.to: VPA Fund (05-17,7600) Cap.Outlay- Office Equip.

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

✓ City Manager Milam requested that Council approve a supplemental appropriation in amount of \$ 7,686.00 to pay balance due on the 1978 General Reassessment for the City of Harrisonburg, in that the total contract price of \$ 49,500. exceeds amount provided for in the budget. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:-

- \$ 7,686.00 chgd.to: General Fund - Unappropriated Surplus Account.

- 7,686.00 approp.to: General Fund (4011-19.00) Bd.of Real Estate Assessors- Consultants.

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

✓ Council was informed by the City Manager that through correspondence dated 11/27/78 from Mr. Thomas Bernier, Executive Director of Northwestern Virginia Health Systems Agency, Inc., he was advised that the present term of Mrs. Joan Trobaugh would expire at the end of this year. Noted further was that the Central Shenandoah Health Advisory Council (subarea council for Planning District 6) had voted to re-nominate her for another term. Due to the fact that Mrs. Trobaugh's original appointment had not been made by the governing body, Manager Milam explained that for Council records this would be considered as an appointment rather than reappointment. Inasmuch as no information has been available with regard to the length and expiration date for members, the Clerk was instructed to write Mr. Bernier for clarification. Vice-Mayor Green moved that Mrs. Joan Trobaugh, 690 New York Avenue, Harrisonburg, be appointed to serve on the Northwestern Virginia Health Systems Agency Board of Directors, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ City Attorney Lapsley presented a rough draft of an ordinance re Driving Motor Vehicles, etc., While Intoxicated, and explained that the purpose was to bring the city code in compliance with the state code. The police department has been issuing warrants under the state code and because of this, he and Chief Presgrave had worked together in getting the draft to fit the City's situation. The ordinance will be a new section rather than amendment of a present one, and according to Attorney Lapsley, will be put in proper form prior to a second and final reading. Following discussion, Councilman Rhodes moved that the 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 Councilman Cisney, was adopted by a unanimous recorded vote of Council.

✓ Mr. Eddie Ney, speaking on behalf of various businesses and the Retail Merchants Association, was present in the meeting, along with several local store managers, and asked to be heard at this time regarding a proposal for decking the Wolfe Street parking lot, in that they would have to leave the meeting prior to store closing time. Mayor Erickson noted that the matter was an agenda item for later in this meeting, but asked those present for any statements they may wish to offer. Mr. Ney said that for future growth of downtown, decking of the lot was very vital in that spaces had been lost around court square due to improvements presently underway by the City. He asked that the project be undertaken as soon as possible in that it has been recommended by the Harrisonburg Parking Authority and would provide spaces above for parking by Metro and other business employees, and below for customers. Mr. Jeff Nemoytin, downtown merchant, offered an opinion that parking is the lifeline to the downtown, and noted extreme difficulty in finding parking spaces in that free lots are presently being used by employees, as well as the fact that customers have difficulty locating the Municipal Lot since Liberty Street is one-way, with entrance to the upper deck from that side. Mayor Erickson said he felt that merchants should familiarize their employees of the necessity for turn-over parking on meters, and expressed appreciation to Messrs. Ney and Nemoytin for their comments.

✓ City Manager Milam presented and read a Memo directed to members of the Joint Jail Study Committee from Kathryn Hodge, Chairman, regarding continuance of the committee. It was noted that the committee is presently at a crossroads to determine its future, and that each of the local governments had the need to consider alternative plans in order to provide adequate jail facilities which meet present state standards. A newspaper article was attached to the Memo, reporting that Augusta County is developing plans to build a jail and offer its use to other jurisdictions on a contractual basis, which indicates a strong possibility that Staunton and Waynesboro may accept such a proposal. Council discussed the matter which has been of long standing and on a number of Council's agendas for discussion and presentation of proposed plans. Chief Presgrave offered an opinion that there doesn't appear to be enough localities interested in the regional facility at the present time for continuance of plans. Manager Milam

pointed out that the regional facility was recommended as a "going thing" in the 60s and 70s, but that the Advisory Committee feels it would be difficult to proceed with insufficient localities supporting the project. Following discussion, Councilman Dingledine moved that the City of Harrisonburg withdraw its support for the Multi-Jurisdictional Jail Facility, which motion upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

Council was advised by City Manager Milam that through a recently approved program, the Environmental Protection Agency is funding cities that are planning energy recovery projects, which is right in line with Harrisonburg's proposed Solid Waste (Heat Recovery) project which has been a priority for a number of years. He noted that one requirement for receipt of funds is a Feasibility Study, which the City of Harrisonburg had prepared by an engineering firm in 1971, and that although the program is geared for cities with over 50,000 population, he felt the application of Harrisonburg would receive favorable consideration in that a Solid Waste project is presently underway. The funds, if approved, will cover only preliminary planning, which Council authorized at the regular meeting on November 14, 1978. Manager Milam said that documentation relating to past studies, etc., will accompany the application. The following proposed resolution was presented and read for Council's consideration in that the date for filing applications is Friday, December 15th:-

RESOLUTION AUTHORIZING FILING OF AN APPLICATION FOR FINANCIAL ASSISTANCE  
FOR RESOURCE RECOVERY PROJECT DEVELOPMENT UNDER THE PRESIDENT'S URBAN POLICY.

WHEREAS, financial and technical assistance program is authorized under Section 4008(a)(2) of the Resource Conservation and Recovery Act of 1976; and

WHEREAS, the program will be funded under Federal Catalog No. 66.451, Solid and Hazardous Waste Management Support Grants; and

WHEREAS, the City Council of the City of Harrisonburg, Virginia, has caused to be prepared an application for funds as provided by such program;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia, that:-

1. The preapplication for Federal Assistance for Resource Recovery Project Development dated December 12, 1978, is hereby approved.
2. The City Manager is authorized to file said application with the United States Environmental Protection Agency's Urban Resource Recovery Grants Program and Central Shenandoah Planning District Commission and Director of Solid Waste, Virginia Department of Health, and the Department of Intergovernmental Affairs.
3. The City Manager is hereby designated as the authorized representative of the City of Harrisonburg, Virginia, and is directed to act as such representative in connection with the application and to provide such additional information as may be required.

ADOPTED and APPROVED this 12th day of December, 1978.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk

Following a brief discussion, Councilman Rhodes moved that the resolution be approved, with authorization for the proper officials to sign the same, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

At 9:15 P.M. Vice-Mayor Green moved that Council enter an executive session to discuss acquisition and disposal of property, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

A motion by Vice-Mayor Green, seconded by Councilman Rhodes and adopted by a unanimous vote of Council at 10:10 P.M. concluded the executive session and the regular meeting reconvened.

Council was informed by the City Manager that bids had been received for decking the Wolfe Street parking lot from Lantz Construction Company and Nielsen Construction Company, on November 30th, and are good for a period of 30 days. The base bid of Lantz Construction, with design drawn by Dwight Miller, Architect, was in amount of \$ 706,352. and offered 162 parking spaces on the lower level and 151 on the top, for a total of 313 spaces, with deck and entrance-exit wall guarded by iron railings. The Nielsen design, drawn by C. E. McClintock, Architect, was lower than the 10' minimum clearance sought by the city, and was submitted at a base bid of \$ 679,980., providing for 148 spaces on the lower level and 176 above (324 spaces). For an additional amount of \$ 14,000., the 10' clearance would be provided by Nielsen. Although engineers working with Nielsen Construction felt the need for a strong buttress wall, iron railings were omitted from the proposal, at the risk of not being the low bidder. Mr. John Byrd, City Building Official, reported that the Planning Commission had received statistics with regard to use of the Wolfe Street lot, if decked, and had discussed the matter on occasion. The initial request for the decking was submitted by the Harrisonburg Parking Authority. Both construction plans were presented and explained, with dates of 3/1/78 and 8/15/78 set out as the beginning and end of construction. During discussion, some questions were raised concerning desire for the 10' clearance in that the lot slopes sharply toward the Wolfe-Federal Street corner, and with the rise, would make the height more than 16' above the ground in that corner. The low bid of Nielsen Construction was recommended by the Harrisonburg Parking Authority following their meeting last Tuesday and support of the Harrisonburg Retail Merchants Association was expressed earlier in this meeting by Mr. Eddie Ney and Mr. Jeff Nemoytin. Assistant City Manager Driver noted that arrangements would have to be made for snow removal on the deck since Metro and other employees would be using the upper portion on a daily basis, which would make closing off of same an impossibility. Further noted by Mr. Driver was the need for something to be done about the beams to discourage roosting by pigeons. Following discussion, Vice-Mayor Green moved that Council accept the recommendation of the Parking Authority and refer both proposals to the Planning Commission for comparison, study and recommendation, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council. Mayor Erickson suggested that the City Manager bring in a report and/or recommendation for financing the project.

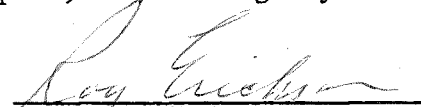
Council's attention was called to correspondence dated 12/6/78, addressed to the Mayor, from Mr. Kenneth J. Caswell, on behalf of the Harrisonburg Amateur Radio Emergency Service, an affiliate of the American Radio Relay League, the official Amateur National Organization. City Auditor Shifflet, Assistant Director of the Harrisonburg-Rockingham Area, explained the correspondence which addressed itself to a

DUPLICATE

new Federal Communications Commission proposal, resulting from a request of The National Radio Astronomy of Green Bank, West Virginia, and Observatory of the Naval Radio Research Laboratory of Sugar Grove, West Virginia, for dictatorial powers with regard to emergency communications system in that they both conduct radio astronomy operations in two locations in the eastern part of West Virginia. Petition before the FCC included the statement that "establishment of repeater or mobile relay and base stations in the "quiet zone" would create interference to their installations, making the need to apply the Commission's protection measures to the General Mobile and Amateur Radio Services acute." Mr. Caswell pointed out in the correspondence that the proposal, if approved, would require that any change in electronic equipment of the repeater, or any other change in the antenna system which is located on top of Massanutten Mountain, be subject to prior approval of the FCC and two aforementioned bodies, which could require weeks or even months. Mr. Shifflet explained that this area, for the past several years, has experienced no natural or man-made catastrophe, but that a demonstration through a January simulated emergency test had proven that the Amateur Radio Emergency Services could provide immediate emergency communication between Harrisonburg and anywhere in the state, should a need arise. A request was made for Council to adopt a resolution opposing FCC SS Docket No. 78-352, proposed rulemaking RM-2857, which resolution would be included in a portfolio of comments from other organizations and individuals, for submission to the Federal Communications Commission. Mayor Erickson offered an opinion, during discussion, that support of the Office of Emergency Services should also be expressed. Councilman Dingledine moved that the Mayor be directed to draft an appropriate resolution concerning Council's opposition to the proposal which could adversely affect local amateur radio operators emergency communication service in time of need, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

There being no further business and on motion duly adopted, the meeting adjourned at 11:15 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 Walter F. Green, III, Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney, City Auditor R. William Shifflet and Chief of Police Richard W. Presgrave. Absent: none.

The evening's Invocation was led by The Reverend Joseph Sefcik, pastor, First Presbyterian Church, Harrisonburg.

Minutes of the regular meeting held on December 12th were read, and approved as corrected.

✓ A petition submitted by Attorney Stephen Heitz, on behalf of Mr. Eugene Nemoytin, was presented and read, requesting that Dixie Avenue be closed from South Dogwood Drive on the east to Elmwood Drive on the north. Further noted was that the street had been dedicated but never developed, and is serving no useful purpose at the present time, with no apparant future use being planned. City Manager Milam pointed out the portion of street on a map, explained that Mr. Nemoytin was an adjacent landowner to the portion requested for closing, and reminded members that this matter had been brought before the governing body a couple of years ago with no referral to the Planning Commission at that time. Councilman Dingledine moved that the request be referred to the City Planning Commission for study and recommendation, and to the Recreation Director with a request that the Recreation Commission inform the Planning Commission of any concerns it may have with regard to the proposed closing, which motion upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Mr. Robert Sterrett, Executive Vice-President of the Rockingham-Chamber of Commerce, appeared before Council to express, on behalf of the Chamber, its appreciation for Council's services to citizens of Harrisonburg throughout the year. He expressed personal appreciation for courtesy and cooperation received throughout the year by Council and all City Department Heads, and a hope for continued support and association in the year to come.

✓ For information, City Manager Milam reported that he had received notice that Harrisonburg's application for a Litter Control Grant had been approved in amount of \$ 2,444. for period 1/1/79 - 12/31/79, and noted that a budget has been prepared for use of the funds.

✓ The City Manager informed Council that all information re the bond issue for the Elderly Housing Project is in readiness, with a possibility of including the Wolfe Street Parking Facility, if approved. The application form and all breakdown information for the Housing Project has been forwarded to the Bond Attorneys. He noted that the bond market has been rising since last April or May. The report was for information.

✓ During a discussion of appointments to various Boards and Commissions, the fact was noted that Mr. Elmer Kramer's term on the Harrisonburg Electric Commission would expire on December 31st and that he was ineligible for reappointment. Vice-Mayor Green moved that Mr. Jack Reich of 33 Laurel St. be appointed to serve on the Electric Commission for a term of three years to expire on December 31, 1981, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ Vice-Mayor Green moved that a supplemental appropriation in amount of \$ 7,686.00 to pay balance on the 1978 General Reassessment in that cost of same exceeded budget appropriation, be approved for second and final reading, a first reading having been approved on December 12th, and that:-

\$ 7,686.00 chgd.to: General Fund - Unappropriated Surplus Account.

7,686.00 approp.to: General Fund (4011-19.00) Bd.of Real Estate Assessors- Consultants.  
which motion upon being seconded by Councilman Dingledine, 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 \$ 14,071.99 in order to appropriate CETA funds which have been received, into proper accounts. Councilman Cisney moved that the appropriation be approved for a first reading, and that:-

\$ 14,071.99 chgd.to: School Fund (R-28A) Realized Rev.Receipts from Fed.Funds-  
Other Fed. Funds.

1,929.93 approp.to: School Fund (1201-109.50) Other Inst.Costs-Comp.Tchr.Aides- CETA

2,980.60 approp.to: School Fund (1201-109.51) Other Inst.Costs- Comp.Clerical- CETA

8,358.66 approp.to: School Fund (1201-134.50) Day Sch.Inst.- Comp. Elem.Tchr- CETA

802.80 approp.to: School Fund (1206-295.50) Fixed Chgs.- Employer Cont.Frng.Benefits.

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

✓ City Attorney Lapsley presented the final form of an ordinance titled "Driving Motor Vehicle, Etc., While Intoxicated", amending and repealing Sections 19-42 through 19-48 and re-enacting Sections 19-42 through 19-48, which had been approved for a first reading on December 12th. He noted that the ordinance would bring the city code, in compliance with the state code, and would enable city officers to issue warrants under the city ordinance. 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 City's Ordinance Book, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 171).

(NOTE FROM CLERK CONCERNING PRECEDING ORDINANCE)

At regular meeting of August 22, 1972, Council adopted an ordinance amending Chapter 16 of City Code to include a section numbered 16-39.2 and amending various other sections. Title of Sec. 16-39.2 "Analysis of Breath to Determine Alcoholic Content of Blood." At regular meeting on Dec. 26, 1978 (see above) was adopted repealing and re-enacting Chapter 19, Sections 19-42 thru 19-48 "Driving Motor Vehicle, Engine, Etc., While Intoxicated." It was discovered, when making cross reference in city ordinance book that the sections were numbered differently, and learned that the ordinance adopted in August, 1972, was not included in code book when recodified by Michie Company in 1973.

✓ City Manager Milam informed Council that a Memorandum dated 5/4/78 from the Highway Safety Division Director, to all Safety Commission Chairmen, had advised that Governor Dalton had, in April, signed Senate Bill 85 which established a Department of Transportation Safety, to become law on July 1, 1978. Cities, counties and towns having Highway Safety Commissions were urged to include a safety program for water, air, rail and mass transit. Although not mandatory, it was suggested that a name change of Highway Safety Commissions to Transportation Safety Commissions, be considered. Manager Milam questioned whether or not Council had a right to change the name and have representation in the other areas mentioned. Councilman Rhodes offered an opinion that if the Harrisonburg Highway Safety Commission were to continue, the name should be changed, and then moved that the present Harrisonburg Highway Safety Commission be changed to the Harrisonburg Transportation Safety Commission. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ Councilman Dingledine called Council's attention to the traffic hazard at the intersection of Hillcrest Drive and Port Republic Road, and suggested that the situation be looked into. During discussion, a number of other intersections were mentioned which could be investigated for the need of traffic lights. Councilman Dingledine moved that the following intersections be referred to the Harrisonburg Transportation Safety Commission for study and report: Hillcrest Drive & Port Rd.; South High St. and South Avenue; Cantrell Ave. and E. Market St.; Cantrell Ave. and Reservoir St.; E. Market St. and Country Club-Hawkins St.; Burgess Rd. and Rt. 33, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

✓ The following recommendation submitted by the Planning Director from a Commission meeting held on 12/20/78 was presented and read:-

"...The Director introduced the matter of constructing a parking deck on the City's Wolfe Street Parking Lot by referring to a downtown map, pointing out that the City currently provides 738 metered on-and-off street parking spaces south of East & West Market Streets, and 373 metered on-and-off street parking spaces north of East and West Market Streets. He noted that 164 additional spaces will be available in the north section if the proposed parking deck is constructed, thus increasing the north section figure to 537. Mr. Sullivan also distributed copies of previous Planning Commission discussions concerning the parking deck issue, including results of his survey of parking lot usage during the week of April 9-15, 1978. The average usage for all City-operated lots was 76.6% and the Wolfe St. Lot had the highest percentage---98.7%.

Building Official John Byrd then described the drawings of proposed parking decks as submitted by Nielsen Construction Co. and Lantz Construction Co. The Nielsen proposal shows 324 parking spaces with a low base bid of \$ 679,980. and the Lantz proposal shows 313 parking spaces with a low base bid of \$ 706,352. Mr. Byrd explained what the City specified regarding height, stairways, exterior design features, and entrance-exit ramps from Federal Street rather than N. Mason, Elizabeth or Wolfe Streets.

After several questions concerning design and layout were answered, Mr. Fleming offered a motion that the Planning Commission recommend to City Council that Nielsen Construction Company's apparent low base bid to construct a Parking Deck on the Wolfe Street Parking Lot be accepted. Dr. Shank seconded the motion and all members present voted in favor..."

City Manager Milam presented statistics re present usage of city owned, and city leased parking lots, noting that seven of the total ten lots are at 100% usage, which points out that the City is beyond capacity. He reminded Council that in the summer of 1979, activities at the Kavanaugh Hotel site, as well as the 200 block of N. Main Street would eliminate parking spaces, and pointed out the possibility of the Presbyterian lot lease not being renewed due to church plans for that area. Vice-Mayor Green moved that the recommendation of the City Planning Commission to award the contract to Nielsen Construction at the base bid be approved, with amount of \$ 679,980. being understood which was not clarified in the Commission's motion. The motion was seconded by Councilman Cisney after which time he raised a

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question concerning the 10' height included in the City's specifications and not included in the base bid of Nielsen Construction Company. City Manager Milam pointed out that the city staff design was based on 10' height, but that the slope proposed in the construction by Nielsen begins at a height of 7 ft. 10 inches on the first level, which is the state code minimum. Mr. Eddie Ney reminded members that the Harrisonburg Parking Authority, of which he is a member, had recommended the 10' height. The City Manager, in reporting on financing of the project, if approved, stated that a bond issue could be included with the General Obligation Bond Issue now in the making for the Elderly Housing Project on N. Main Street, with both issues sold at the same time. One issue would be with the Department of Housing & Urban Development and the other a General Obligation Issue. Council was informed that a portion of Revenue Sharing monies, already allocated for downtown development could be used, and suggested that 24% of the parking deck project (approx. \$160,000.) be used, in that 25% or more from Revenue Sharing would require the contractor to comply with the federal wage guidelines. Further noted by the City Manager was an amount in the current budget under account of Municipal Building & Land of \$248,240.22 which could be used, as well as a total of \$ 547,012.73 currently in the General Unappropriated Surplus Account which is available. Councilman Cisney offered an opinion that the bulk of the project should be financed through bonds due to their low interest rate, as compared to interest rate the city is accumulating on its cash reserves. During discussion, this seemed to be the general consensus of other members. Mayor Erickson called for a vote on the motion made and seconded earlier to approve the Planning Commission's recommendation for awarding of parking deck construction to Nielsen Construction Comp. with base bid of \$ 679,980. included therein. All members voted in favor. Financing the project will be given further consideration for action at a later date.

✓ For information, City Attorney Lapsley reported that he had contacted Senator Nathan Miller with regard to licensing of coin machine operators, as instructed at the last regular meeting, and was told by Mr. Miller that although he was in sympathy with the small operator, this was state law, and that he know of no change in the law which may be coming before this General Assembly. Mayor Erickson told members that Mr. Eddie Wampler, who had opposed the licensing at the last meeting, had been here earlier this evening and was told that no action by Council would be taken at this time.

✓ The City Attorney advised Council that Delegate Bonnie Paul had been contacted following a request made by Councilman Dingleline for a charter change decreasing the time between election of Harrisonburg Council members and the time a new member takes office. This would allow new members to take office on July 1st after an election on the first Tuesday of May, rather than September, which is presently stated in the charter. He explained that Section 4 of the Charter was set up in 1952 and had language for staggering of terms for members of the governing body, and that under the suggested charter change, staggered terms could be continued. Following a brief discussion, Mayor Erickson asked members to review information for proper resolution to be considered at the next regular meeting on January 9th, and the City Manager was instructed to place the matter on that agenda.

✓ City Auditor Shifflet expressed appreciation for the resolution prepared and signed by the Mayor, on behalf of the City Council, in support of the Amateur Radio Operators.

At 9:25 P.M., Councilman Rhodes moved that Council enter an executive session for the purpose of discussing personnel matters, which motion upon being seconded by Councilman Dingleline, was adopted by a unanimous vote of Council.

At 10:50 P.M. on motion duly adopted, the executive session was declared closed and the regular session reconvened. No further business, the meeting was adjourned.

*N. Gene Loker*  
CLERK

*Ray Erickson*  
MAYOR