

Tuesday, January 8, 1980

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; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney; Vice-Mayor Walter F. Green, III; Deputy City Auditor Philip Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on December 11, 1979; special meeting held on December 19, 1979 and special meeting held on December 20th 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 December, 1979.

From the City Treasurer:

A trial balance report as of close of business on December 31, 1979.

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 \$ 6,817.14 for month of December, 1979.

From the Deputy City Auditor:

A financial report for the City of Harrisonburg, Va. for month of December, 1979.

A report of cash discounts saved in payment of vendors' invoices for month of December, 1979, totaling \$ 264.52

From the Department of Utility Billing:

A report of water, sewer and refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of December, 1979.

✓ Mayor Erickson welcomed Tom & Carol Mayer and son, David, who were present in the meeting as representatives of Cub Scouting in that this is the year of its 50th anniversary. David, a member of Pack 61, Den 4 in Harrisonburg, presented Mayor Erickson with a Cub Scout scarf, and Mrs. Mayer presented him with a certificate of appreciation for past, present and future interest in scouting, along with a 50th anniversary patch. Mr. Erickson presented a brief history of Cub Scouting, noting that many youth from this area had benefited from the program over the years.

✓ For information, the City Manager presented correspondence to Mr. Greg Liskey, Data Processing Manager, from the Committee for Control of Massanutten Vocational Technical Center, in which appreciation was expressed for the part Mr. Liskey had played in getting the NCR Computer donated to the Voc-Tech Center. Manager Milam noted that the City had received a \$ 12,000. trade-in allowance from National Cash Register Company, and had been encouraged by Mr. Liskey that the equipment be donated.

✓ Correspondence dated 1/3/80 from City Treasurer Firebaugh was presented for information, advising that he had filed in the Clerk's Office a list of lands delinquent for three years and subject to sale for the year 1976. It was noted that the law prohibits the Treasurer from taking any further action in the matter.

✓ For information and consideration, the City Manager informed Council that application had been filed through the State Corporation Commission by Continental Telephone of Virginia, for revision of rates, designed to produce additional annual revenues of \$ 2,778,919. He presented an Order Requiring Public Hearing from the SCC, setting forth the date of January 29, 1980, Richmond, Va., 10:00 A.M.

✓ The City Manager presented correspondence and map from J.M.A. Partners (James Monger), 265 Chesapeake Drive, requesting the closing of 98.9' of a 15' wide alley on the west side of Liberty Street: Sheet 25, Block F. It was noted in the correspondence that J.M.A. Partners own lots numbered 12, 13 and 14, which lots border the alley. Following a brief discussion, Councilman Dingledine moved that the request be referred to the City Planning Commission for study and recommendation, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

✓ Correspondence dated 1/8/80 was presented from Ann Nowlin ^{Dechert} and Susan S. Nowlin, 291 E. Grattan St., requesting that their property be rezoned from R-1 (Single Family) to R-2 (Residential), in that theirs is the only residence zoned R-1 on E. Grattan Street. It was noted that one of the co-owners has been residing in the residence for several years, complied with the City's ordinance for yearly inspections, etc., and received annual license for the renting of rooms. A desire was expressed for continuation of room rental, through rezoning of the property. Following discussion, Vice-Mayor Green moved that the request be referred to the City Planning Commission for study and recommendation. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ For consideration of a first reading, an ordinance amending Chapter I, BINGO & RAFFLES, Art. A, Section 12-3-7 titled: Audit Required, was presented, which amendment would provide for an annual audit fee of \$ 25.00 by each organization applying for a license. Mr. Victor Smith, Commissioner of Revenue, informed Council that the General Assembly, in the last session, adopted a statute to establish a graduated scale to determine such fee. Under the new statute, a complete audit will be required of all organizational records (i.e. number of persons participating, total amount received, names of winners, etc.) prior to the issuance of a license for bingo & raffles. Mr. Smith offered an opinion that the amount of \$ 25.00 appears to be a nominal fee. During discussion, the fact was mentioned that the organizations in the City of Harrisonburg who apply yearly for bingo license, raise funds for charitable organizations, which should have some bearing on amount of the fee, in that an application fee of \$ 25.00 is required in addition to the audit fee. Following discussion, Vice-Mayor Green moved that the ordinance be approved for a first reading, with audit fee of \$5.00 rather than \$ 25.00, and that same be referred back to the City Attorney to be redrawn with the change, prior to a second & final reading. The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council.

✓ For consideration of a first reading, two ordinances were presented to amend Article B, TAX EXEMPTION: Section 4-2-23 titled "Requirements Enumerated" and Section 4-2-25 titled "Schedule of Amounts." Commissioner of Revenue Smith informed Council that the present combined income of owner(s) is \$ 7,500. and would be increased to \$ 8,500. under the amendment of Section 4-2-23, primarily due to the fact that increases in Social Security benefits have worked some recipients out of their limits. He noted that the increase to \$ 8,500. income limit and an increase from \$ 20,000. to \$ 30,000. (provided in the ordinance) would bring the City in line with Rockingham County. Further noted was that Section 4-2-25 would be amended to revise the payment schedule by increasing each category by \$ 1,000. on which percentage of relief is based, and also increase the maximum tax relief grant from \$ 200. to \$ 250. Following discussion, Councilman Cisney moved that the ordinances be approved for a first reading, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council.

✓ Commissioner of Revenue Smith informed Council that Business & Professional Licenses have been under study by the State Legislature Revenue Resources Economic Commission for several years, which has resulted in an amendment to the state statute which established four basic rates for those licenses. He noted that by the year 1983, every city and county must adhere to the criteria, and that if desired, the licenses for 1980-81-82 may be graduated. This would, in Mr. Smith's opinion, involve an enormous amount of work. Every city and county have their own ordinances, and under the new criteria, the city's licenses (presently based on both gross receipts & flat rate) must be based on gross receipts. He said that the new law will result in a loss of revenue for the city, in that three of the city's rates are higher than those allowed (retail, professional & contracting). Mr. Smith suggested that a committee be appointed to work out the details with the City Manager, City Attorney and himself, if the change is to be handled on a graduated scale, with ordinance in readiness by 1983. One course of action suggested by the Commissioner was adopted of a resolution by Council requesting that the statute be repealed. Following discussion, Mayor Erickson recommended the City's Finance Committee comprised of the Mayor, City Manager and Vice-Mayor, to work with the Commissioner of Revenue on the matter of Business & Professional Licenses. Councilman Dingledine moved that the Mayor's recommendation be approved, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ City Manager Milam noted that the Mosby Heights Apartment project will involve a new roadway, and called on Planning Director Sullivan to report on the matter. Mr. Sullivan presented the plan for the 112 unit apartment project off West Mosby Road west of Nichols Department Store (76 two bedroom units; 24 three bedroom units, 12 four bedroom units). Rent for the Virginia Housing Development Authority project will be subsidized by federal funds. Mr. Sullivan cited the project as a large one and said that if approved by the various governmental units, will have an impact on the City's housing supply. City Manager Milam informed Council that a section of street will have to be dedicated, and noted some concern re storm water, in that this could be a major issue. He reminded Council that request had been made sometime ago for rezoning of the area from R-2 Residential to R-3 Multiple Dwelling District, which never completed its process in that the Plan had been revised to fit the present R-2 zoning. Following discussion, Councilman Cisney moved that the Plan 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.

✓ As a followup of correspondence presented at the last meeting from the Rockingham-Harrisonburg Alcohol Safety Action Program suggesting that the By-Laws be amended, the following proposed resolution, submitted by the ASAP Coordinator, was read:

WHEREAS, it appears that amending the joint resolution of Rockingham County and the City of Harrisonburg, adopted July 12th and July 13, 1979, respectively, establishing the Rockingham-Harrisonburg Alcohol Safety Action Program Commission, for the purpose of redefining and enlarging the Commission, is in order:

NOW, THEREFORE, BE IT RESOLVED:
Paragraph #2 of said resolution shall be amended to read as follows:

#2. Membership - The Commission shall consist of the Chairman of the Rockingham Highway Safety Commission and the Harrisonburg Department of Transportation Safety Commission and three members designated by the Rockingham County Administrator and three members designated by the City Manager for the City of Harrisonburg. The Commission shall elect its officers and establish its own by-laws.

During discussion, a suggestion was offered by the Vice-Mayor that appointment of members be made by the Mayor and Board Chairman, rather than the City Manager and County Administrator. Following discussion, Councilman Cisney moved that the resolution, including the suggested change, be approved, with authorization for the Mayor and Clerk to sign same on behalf of the City of Harrisonburg. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ City Manager Milam informed Council that the Sanitation Department is currently operating at an approximate \$ 60,000. deficit, and recommended an increase in rates as follows: residential customers, \$ 3.00 per month (presently \$ 2.00); businesses, \$ 7.00 per month (presently \$ 5.00). He noted that the rates for refuse collection have not been increased since April 1971, with an increase necessitated at that time due to budget problems. If approved, Manager Milam estimated an increase in revenue of approximately \$ 34,000. for the six month period 1/1/80 to 6/30/80. Assistant City Manager Driver informed Council that the City's Sanitation Department has had no increase in either personnel or equipment since 1962 when it had to expand services to the annexed territory, by adding a fourth truck and increasing personnel to twelve men. He noted that the department's increase in costs has resulted from higher wages and prices for fuel, repairs to equipment, supplies, etc. During discussion, it was agreed that the increase would be consistent with the city's philosophy of levying fees for services, rather than relying too heavily on real estate taxes. Vice-Mayor Green moved that the city's refuse rates be increased as recommended by the City Manager, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council. Manager Milam said that the new rates would be reflected in the February billing, providing the necessary paperwork can be completed by that time.

✓ The City Manager presented for consideration of a second reading, an ordinance effecting the closing of a portion of Hillcrest Drive, and informed Council that the requestors (Mr. C.W. Ewing and Mrs. Beth Ney) had been contacted re provisions of the ordinance and advised that they would not be allowed to build over the closed portion. Both expressed desire to acquire the additional land. Councilman Dingledine 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 Green, was adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 197).

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 2,500. requested by the City School Board in order to appropriate anticipated receipts for a nutrition project, be approved for second & final reading, a first reading having been approved on December 11, 1979, and that:

\$ 2,500. chgd.to: School Fund (R-18) Antic. Rcpts. from State School Funds-
Other State Funds.

2,500. approp.to: School Fund (1201-299.00) Other Inst. Costs.

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

✓ Councilman Dingledine moved that a supplemental appropriation in amount of \$ 8,370. requested by the City School Board in order that the City Transportation Department might be reimbursed for special education transportation of three handicapped children to Staunton each day, be approved for second & final reading, a first reading having been approved on December 11, 1979, and that:

\$ 8,370. chgd.to: School Fund - Unappropriated Balances

8,370. approp.to: School Fund (1203-219.02) Pupil Trans.-Trans.by Pub.Carrier

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

✓ Vice-Mayor Green moved that a supplemental appropriation in amount of \$ 16,881. requested by the City School Board in order to appropriate anticipated receipts to be received in excess of original budget estimates, be approved for second & final reading, a first reading having been approved on December 11, 1979, and that:

\$ 1,604. chgd.to: School Fund (R-2) Antic. Receipts- Incentive Payment

300. chgd.to: " " (R-7) " " - Gifted and Talented

1,000. chgd.to: " " (R-17A1) " " - Voc. Ed. FTE

1,500. chgd.to: " " (R-21A) from Fed.Funds- Elem. & Sec. Educ.-Cap.Outlay

6,000. chgd.to: " " (R-26) Public Law 874 - from Fed.Funds

3,500. chgd.to: " " (R-37) from Local Funds- Rebates

2,977. chgd.to: " " (R-35) from Local Funds- Cafeterias

3,900. approp.to: " " (1201-299.00) Other Inst.Costs- Sch.Food Services

2,977. approp.to: " " (1204-399.02) Comp.Cafeteria Employees- Oper. Sch.Plant

3,750. approp.to: " " (1205-119.00) Comp. Maint. Custodian- Maint. Sch.Plant

2,500. approp.to: " " (1205-119.02) Comp. Maint.Employees- Maint. Sch.Plant

1,650. approp.to: " " (1205-215.01) Repair & Repl.Furn.- Fed.Programs

1,500. approp.to: " " (1209-1230.03) Title I Equip.- Instr.- Cap.Outlay

604. approp.to: " " (1900-403.00) Furn. & Equip.

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

✓ Councilman Dingledine moved that a supplemental appropriation in amount of \$ 1,200. requested by the City Parks & Recreation Director to be used for emergency repair to exterior walls, west side of the Community Activities Center, be approved for second & final reading, a first reading having been approved on December 11, 1979, and that:

\$ 1,200. chgd.to: General Fund - Unappropriated Fund Balance

1,200. approp.to: General Fund (11027-271.00) Community Activities Center-
Maint. & Repair - Bldgs. & Grounds

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

✓ Councilman Cisney moved that a supplemental appropriation in amount of \$ 9,621 requested by the Street Superintendent in order to replace funds expended for special tree limb and brush collection from October 16th through November 15, 1979, be approved for second & final reading, a first reading having been approved for first reading on December 11th, and that:

\$ 9,621. chgd.to: General Fund - Unappropriated Fund Balance

3,654. approp.to: General Fund (10110-292.00) St.Inspect.- Repair & Maint-Rental of Equip.

5,337. approp.to: General Fund (10330-12.00) St. Cleaning- Wages

630. approp.to: General Fund (10330-212.00) St.Cleaning- Other Materials & Supplies

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

✓ Vice-Mayor Green moved that a supplemental appropriation in amount of \$ 53,503.85 representing amount charged to the General Fund toward second payment to National Cash Register Company for computer equipment, be approved for second & final reading, a first reading having been approved on December 11, 1979, and that:-

\$ 53,503.85 chgd.to: General Fund - Unappropriated Fund Balance

53,503.85 approp.to: General Fund (4035-76.00) Data Processing- Office Equip. & Computer

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

✓ Vice-Mayor Green moved that a supplemental appropriation in amount of \$ 1,200. representing portion of second payment to NCR for computer equipment which was charged to the Water Fund, be approved for second & final reading, a first reading having been approved on December 11th, and that:

\$ 1,200. chgd.to: Water Fund - Unappropriated Fund Balance

1,200. approp.to: Water Fund (7-76.03) Cap.Outlay- Mach. & Equip.- Computer

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

✓ Vice-Mayor Green moved that a supplemental appropriation in amount of \$ 1,714. representing portion of second payment to NCR for computer equipment which was charged to the Sewer Fund, be approved for second & final reading, a first reading having been approved on December 11th, and that:-

\$ 1,714. chgd.to: Sewer Fund- Unappropriated Fund Balance

1,714. approp.to: Sewer Fund (7-76.03) Cap.Outlay- Mach. & Equip.- Computer

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 for approval of a supplemental appropriation in amount of \$ 405.00 in order to transfer funds from instructional supplies to transportation by public carrier to cover the cost of instructional field trips taken by HHS Math Dept. and Earth and Man Project. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved, and that:

\$ 405.00 chgd.to: School Fund (1201-305.00) Other Inst.Costs- Instr. Supplies

405.00 approp.to: School Fund (1203-219.02) Pupil Trans.- Trans. by Pub. Carrier

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

✓ A request was presented from Assistant City Manager Driver for approval of a supplemental appropriation in amount of \$ 33,253.10 in order to appropriate monies received for labor from VEC- Title 6, Title 6 Spec. Project & Title II D for months of July, August and September, 1979. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 33,253.10 chgd.to: General Fund (1005.00) Recoveries & Rebates

1,670.46 approp.to: General Fund (4040-12.50) Pur.Agent-Wages-Title II D

1,920.64 approp.to: " " (4/10-250.00) Soc.Security (FICA) on wages under Title 6, Title 6 S.P. & Title II D

1,720.14 approp.to: " " (6015-12.50) Gen.Dist.Court- Police Court Deputy Court Clerk-Wages-Title II D

2,446.60 approp.to: " " (9020-12.50) Fire Dept.- Title 6 & Title II D Wages- Firemen & Dispatchers

4,909.75 approp.to: " " (9020-12.51) Fire Dept.- Title 6 & Title II D- Wages- Firemen & Dispatchers

1,638.27 approp.to: " " (10110-12.01) St.Dept.- Wages- Title 6 - Laborer

1,982.11 approp.to: " " (11020-12.50) Recreation Spec.-Wages-Title II D

1,610.45 approp.to: " " (11020-12.52) Janitor- Wages- Title II D

1,720.40 approp.to: " " (11020-12.53) Clk/Typst/Recpt.-Wages-Title II D

1,473.20 approp.to: " " (11020-12.55) Janitor-Wages-Title II D

2,731.43 approp.to: " " (11020-12.57) Concess. Wages- Title 6

6,066.76 approp.to: " " (11020-12.58) Laborers Wages- Title 6 Spec.Proj.

1,195.05 approp.to: " " (11020-12.59) Acct.Clerk Wages- Title 6

348.00 approp.to: " " (11020-12.60) Youth Programmer- Rec.Spec.-Wages-Title 6

1,819.84 approp.to: " " (11020-12.61) Arts/Crfts.Instr.-Wages- Title 6

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

✓ The City Manager requested approval of a supplemental appropriation in amount of \$ 10,000. from the General Fund Unappropriated Fund Balance, into the recently established Community Development Revolving Fund, to be used as start-up funds for labor and various building equipment and cleaning supplies in order to proceed with project activities in a time and systematic manner. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:-

\$ 10,000. chgd.to: General Fund - Unappropriated Fund Balance

10,000. approp.to: CD Revolving Fund

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

✓ For information, the City Manager reported that of bids received for the City's 1980 Reassessment of Real Estate, that submitted by Blue Ridge Appraisal Company, Staunton, Va., appeared to be the best proposal and was several thousand dollars below proposals submitted in October of last year. He will meet with Chairman John H. Byrd, Sr. and members of the Harrisonburg Board of Assessors tomorrow morning concerning the project, with work to begin next week. Manager Milam said that the firm has three certified appraisers, and has been asked to furnish its own clerical workers. A request for appropriation will be brought before the governing body at some future meeting.

✓ For Council's information, City Manager Milam reported that financial statements have been received from Wilkins Construction Company, Amherst, Va. and PDH Hydrostorage, Franklin, Tenn., which statements determined their capability to carry out Divisions II and III of the City's Waterworks Improvement projects. He noted that contracts have been awarded to those two firms, and notification of bid rejection for Division I forwarded to Aaron J. Conner, Roanoke, Virginia.

✓ Vice-Mayor Green approached the subject of a proposal by the postal service to relocate the Harrisonburg Post Office, although no official word has been received. He offered an opinion that with today's construction costs, it would be impossible to replace the present building with its marble, columns, brick & support. During discussion, it was agreed generally that the move would be a "poor one" for a number of reasons (i.e. the recently completed parking deck, central location of the present building, cost of a new building, etc.) Following discussion, the Mayor was asked to write our congressional representatives, expressing concern about the proposed plans. A motion to this effect was offered by Vice-Mayor Green, seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

At 9:30 P.M. on motion of Vice-Mayor Green, seconded by Councilman Dingledine, and a unanimous vote of Council, an executive session was entered for the purpose of discussing personnel.

At 11:00 P.M., on motion duly adopted, the executive session was declared closed and the regular session reconvened.

✓ Mayor Erickson called members' attention to item 8 on the agenda "Report & Recommendation - City Auditor's Screening Committee" and asked if, based on the report which was presented in this evening's executive session, it was their desire to make an appointment at this time. Vice-Mayor Green moved that Mr. Philip Peterman, Deputy Auditor, who has been serving in the capacity of Auditor since the position became vacant by the resignation of Mr. William Shifflet, be appointed to serve as Auditor for the City of Harrisonburg. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.


✓ Council was reminded that Mr. John Sowers' second term on the Harrisonburg Redevelopment & Housing Authority had expired on 11/29/79 and the Mayor asked members if they desired to make an appointment at this time. Councilman Rhodes moved that Mr. Robert C. Knowles of 462 Myers Avenue, Harrisonburg (Executive Vice-President of Rockingham Savings & Loan Association) be appointed to the R & H Authority for a term of four (4) years, to expire on November 29, 1983. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ The Mayor asked Council's wishes concerning an appointment to the Harrisonburg Planning Commission inasmuch as Mr. Robert Williams' second term had expired on December 31, 1979. Councilman Dingledine moved that Mr. Joseph D. Eney of 420 Eastover Drive, Harrisonburg (Prof. JMU) be appointed to the Commission for a term of four (4) years, to expire on December 31, 1983. The motion was seconded by Vice-Mayor Green and adopted by a unanimous vote of Council.

✓ During discussion of appointments to various boards & commissions, Council was reminded that the terms of Messrs. W. Richard Fleming and E. L. Foerster on the Building Code Board of Appeals had expired on November 30, 1979, with both eligible for second terms. Councilman Cisney moved that they be reappointed to the Board for terms of four (4) years each, expiring on November 30, 1983, which motion, upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

There being no further business, and on motion duly adopted, the meeting adjourned at 11:15 PM.


CLERK


MAYOR

Tuesday, January 22, 1980

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 Walter F. Green, III; Councilmen Raymond C. Dingle, Jr., Elon W. Rhodes, James C. Cisney; and Chief of Police Richard W. Presgrave. Absent:- City Auditor Philip Peterman.

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

Mayor Erickson extended a cordial welcome to members of Cub Scout Den 7, Pack 40, Webelos, who were present in the meeting to learn more of city government.

Mr. Bill Pifer, assistant to J. Kenneth Robinson, was present in the meeting for an informal visit to introduce himself and present some statements, which included: his office will assist the city in any way possible (i.e. request clarification from the Postmaster General re a proposal to relocate the Harrisonburg post office building); it has been determined through meetings, that citizens and constituency do not fully appreciate what the office does: deals with matters concerning workmen's compensation; social security; veterans benefits; water & sewer grants; mental health; funding for the aging; small business funding, etc. Noted further was the fact that the office is bound by law to extend services on a non-partisan basis. Mr. Pifer extended his services in any appropriate way, and called attention to the fact that he is in the Municipal Building on the 3rd Wednesday of each month for the purpose of meeting citizens, answering questions, etc. Mayor Erickson thanked Mr. Pifer for his time and statements.

For information, correspondence was presented from City Treasurer Firebaugh with which he enclosed the list of real estate in the city, delinquent for the years 1977-78, as provided by City Council resolution dated 10/23/79. Dates for publication in the Daily News Record newspaper: January 19th, 23rd and 24th.

For information, the City Manager reported that calls were being received in his office requesting that the city lease land in the Rawley Springs area for gas and oil drilling (approximately 2,000 acres city owned). Although no written proposals have been submitted, Manager Milam said that any which may be submitted by a gas or oil company will be placed on Council's agenda for discussion. He could not, however, recommend leasing the land, in that the prime purpose of the watershed area is to furnish water to the citizens of Harrisonburg. A concern of possible pollution to the City's water supply, was expressed. Earlier leases for mineral rights in that area, have expired. No action of Council necessary at this time.

Mayor Erickson closed the regular session temporarily at 8:00 PM and called the evening's public hearing to order. City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper on January 3rd and January 17th:

"The Harrisonburg City Council will hold a Public Hearing at 7:30 PM on Tuesday, January 22, 1980 in the City Council Chamber, Municipal Building, 345 S. Main Street, to consider the following rezoning request:

To change from R-2 Residential to R-3 Multiple Dwelling District, Lots 102 and 103, Block I, Page 18 of City Block Map. These vacant lots are located on

the northwest corner of S. Main Street and Maryland Avenue. Litten Real Estate, Inc. is the applicant. Purpose: to construct a real estate office and five townhouse dwelling units.

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

CITY OF HARRISONBURG - Marvin B. Milam, City Manager"

Planning Director Sullivan pointed out the area on a map and called attention to the Planning Commission report which was presented to Council at the December 11th meeting, reading as follows:

"...Mr. John Litten, realtor, described the site plan which shows a small real estate office structure facing S. Main Street and a 5-unit townhouse project facing Maryland Avenue, with access to both buildings from Main Street and Maryland Avenue. He noted that development of the corner will improve the appearance of the intersection and the neighborhood. The following comments were received: Mr. David Updike, 75 W. Fairview Avenue, asked about storm water control. He noted that storm water has been a problem on West Fairview for years. He also asked if the townhouses will be 'for sale' or rental units. Mr. Litten said he plans to rent, not sell the units. Mrs. Jean Grimes of 40 Weaver Avenue asked if traffic on South Main and Maryland will cause ingress and egress problems. Mr. Norwood Beery of 1215 South Main Street, expressed concern that rezoning the corner to R-3 will open up the area, but he agreed the corner needs improvement. He added that having a professional office should be quieter than apartments.

The Director reported that City Staff reviewed the site plan and feels the traffic circulation will be satisfactory and the new storm drainage pipe recently installed from West Fairview under the C-W Railroad will handle extra storm water. He suggested to Mr. Litten that a buffer of landscaping and curbing be installed along the north side of both Lots 102 and 103 as a protection for the adjacent property owners.

There being no further comments, Chairman Kuykendall closed the hearing. Mr. Fleming then offered a motion that the Planning Commission recommend to City Council that Lots 102 and 103, Block I, Page 18 of the City Block Map be rezoned from R-2 Residential to R-3 Multiple Dwelling District. Mr. Williams seconded the motion and all members present voted aye..."

Mr. Sullivan pointed out that the apartment units will face Maryland Avenue, with a sidewalk cut leading into the area. Another exit-entrance would be located at the railroad track. Noted further was that the storm water drainage would be piped to the railroad system. If it were not for an additional road planned at the west end, Mr. Sullivan said that all traffic would have to be from Main Street. Mrs. Jean Grimes said that the cut is not that far back from the traffic light, which could result in difficulty getting out on a red light. Mr. Litten said that water would drain toward the railroad track and should pose no problem. Traffic should not be that much greater, with exception of some early morning and late evening hours. He offered to go along with the type of buffer decided upon by the City.

There being no others to be heard, the Public Hearing was declared closed at 8:11 PM and the regular session reconvened.

✓ Mayor Erickson asked members if they desired to take action at this time concerning the rezoning request of Litten Real Estate, Inc., which matter had been reviewed and discussed in this evening's public hearing. Councilman Rhodes moved that the Planning Commission's recommendation to rezone Lots 102 and 103, Block I, Page 18 of the City Block Map, from R-2 Res. to R-3 Mult. Dwelling District, be approved. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ An ordinance was presented for consideration of second & final reading, amending Sec. 12-3-7 of the City Code by establishing a \$5.00 audit fee for Bingo & Raffles. Council was reminded by the City Manager that a new state statute provides for collection of such fee by cities & counties, not to exceed 1% of an organization's gross receipts. A proposed ordinance was submitted by Commissioner of Revenue Smith at the January 8th meeting, setting forth an audit fee of \$ 25.00. During discussion, it was agreed that the fee be reduced to \$ 5.00 in that local organizations acquiring annual Bingo licenses, support charitable organizations, and the ordinance was approved for a first reading to include the change in amount. Councilman Cisney 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. The motion was seconded by Vice-Mayor Green and adopted by a unanimous recorded vote of Council. (Ord. Bk K, page 198)

✓ For consideration of second & final reading, an ordinance amending Article B - "Real Estate Tax Exemption", Sec. 4-2-23 titled "Requirements Enumerated", was presented. The ordinance, recommended by Commissioner of Revenue Victor Smith and approved for a first reading on January 8th, increases the gross combined income of the owner or owners from \$ 7,500. to \$ 8,500. and total combined financial worth of the owner and spouse of owner from \$ 20,000. to \$ 30,000. Commissioner Smith had pointed out the fact that Social Security increases could work some of the City's recipients out of the tax relief under the amounts of income limitation in the present code section. Councilman Dingledine moved that the ordinance be approved for a 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. The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council. (Ord. Bk K, page 199).

✓ The City Manager presented an ordinance which was adopted for a first reading on January 8th, amending Article B "Real Estate Tax Exemption", Sec. 4-2-25 titled "Schedule of Amounts". The ordinance provides an increase of \$ 1,000. on each category on which percentage of relief is based, and also an increase from \$ 200. to \$ 250. for maximum tax relief grant. On motion of Vice-Mayor Green, seconded by Councilman Cisney, and a unanimous recorded vote of Council, the ordinance was 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. (Ord. Bk K, page 200).

City Manager Milam informed Council that following the regular meeting on October 23, 1979, he had written Mayor Eberly of Dayton, Va., and enclosed a copy of the letter from the Commission of Game and Inland Fisheries which had been presented at that meeting of Council, requesting the City of Harrisonburg to make Silver Lake available for Sunday fishing. In the correspondence, he had requested that Mayor Eberly present the matter at a meeting of the Dayton Town Council in order to get the members' feelings concerning the issue. Manager Milam then presented and read a letter dated 1/16/80 from Mr. Edgar Bartley, Recorder for the Town of Dayton, stating that: "This is to inform you and the City Council that -- The Town of Dayton at its November '79 meeting moved and unanimously approved fishing on Sundays at Silver Lake in Dayton, Virginia." Council was informed that the Commission would like to stock the lake as soon as possible for fishing, and noted that although the City of Harrisonburg is owner of the lake, it is not being used by the City at the present time, but does supply the Town of Dayton, through pumping. Following a brief discussion, Vice-Mayor Green moved that Sunday fishing be permitted at Silver Lake. The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Council.

Mayor Erickson called attention to the fact that time had been allowed on tonight's agenda for Council to purge the most recent Calendar of Unfinished Matters (through regular meeting of Oct. 23, 1979). He asked that each line item be discussed, with motions for desired deletion of pending matters under each heading. Refer below for those matters deleted due to completion, withdrawal or deemed no longer necessary to be carried on future calendars:

CITY MANAGER: Motion by Councilman Dingleline, seconded by Vice-Mayor Green

Work out solution with City Attorney re residents in Spotswood Acres connecting to water & sewer systems (1/24/67) (reported two not connected)

Work with Harrisonburg Parking Authority in finding suitable location for Farmers' Market (7/8/75-12/9/75-1/13/76)

Report any further information re proposed legislation to establish a statewide Emergency Medical Services System (10/25/77) Report by Dr. Smith (11/14/78) Appointed Dr. Chappell (10/9/79)

Clarification from Planning District 6 re housing data, water & sewer application, for proposed townhouse type apartment complex on Country Club Road (1/24/78)

Authorized to commence taking necessary steps to acquire properties on Rock Street if HUD has impact study (6/27/78) Responsibility now assumed by R & H Authority thru Council's approval of Plan and resolution on 10/23/79.

Negotiate with City Treasurer & Commissioner of Revenue with regard to difference in amounts in state and city budgets (6/27/78)

Work with Chapter 10 Board to draw interim lease and then 5-year lease on property at 1241 N. Main St. at completion of addition (7/11/78)

Handle improvements to alley between 238 and 246 Campbell Street under present City policy--50/50 basis (1/9/79)

Negotiate with regard to price for two parcels of land (N. Liberty St.) to Rocco, Inc., owned by City (1/9/79-1/23/79)

Bring in suggested arrangement between City and John Horsley for utility services, Wayland Woods (2/27/79)

ASSISTANT CITY MANAGER: Motion by Councilman Cisney, seconded by Councilman Rhodes

Make progress reports to Council re proposed expansion of State Laboratory (7/13/76)

CITY ATTORNEY: Motion by Councilman Dingleline, seconded by Vice-Mayor Green

Place Lien of \$ 3,361. against estate for demolition Lee Avenue structures (10/23/79)

MAYOR: Motion by Councilman Cisney, seconded by Councilman Rhodes

Contact Mr. Sam Moore re property corner Ashby & Madison Streets (6/26/79-7/24/79-8/28/79-9/11/79-10/9/79-10/23/79-11/13/79)

PLANNING DIRECTOR/COMMISSION: Motion by Councilman Dingleline, seconded by Councilman Cisney

Study possibility of mall in downtown Harrisonburg (4/28/70)

Request from Bill Neff for water/sewer services for mobile home units on Country Club Road (8/24/74-5/8/79)

Proposed resolution concerning Metropolitan Regional Water Quality Plan (3/11/75)

Request to subdivide lots 30, 31 & 32, Sec. 1, Southampton S.D. (4/24/76)

Variance for pump islands (7/13/76)

Study and recommendation to rezone lots 742 and 748 Ott St. from R-1 to R-3 (6/13/78)

Request from Ken Kline for variance for street access to proposed subdivision bounded by Paul Street and Cantrell Avenue (11/14/78)

Request from Bill Neff for rezoning of land on south side Mosby Rd. from R-3 to R-3 (11/14/78)

Request to close portion Dixie Avenue (12/26/78)

Country Club Court Townhouse Development, Section 2 (1/9/79)

Request of Dr. Rorrer to rezone 2 lots on E. Market St. from R-3 Res. to B-3 Bus. (2/13/79)

Investigate J.T. Houck Addition with regard to sale which involves conveyance of property (non-conforming to existing dedicated lots in the SD). Request for vacation of affected portion (8/14/79. Request re-activated thru Planning Commission (10/9/79)

Plat of lots on east side of Vine St. off Furnace Rd. (Harry Bowman) (8/28/79)

Review plats for portion of Westhampton and lots 4 & 5 of Sec. 4, Southampton Subdivisions (9/11/79)

Request of Litten Real Estate to rezone property on corner S. Main St. & Maryland Avenue from R-2 Res. to R-3 Multiple Dwelling District (10/9/79)

Plat of Easthampton S.D., Sec. 1 (J.R. Copper, Jr.) (9/12/78-1/23/79)

Plat of Westhampton S.C., (J.R. Copper, Jr.) (9/12/78-3/27/79-4/24/79)

Holiday Hills Subdivision, Section II (12/12/78)

HARRISONBURG DEPARTMENT OF TRANSPORTATION SAFETY COMMISSION:

Motion by Councilman Cisney, seconded by Councilman Rhodes

Review traffic situation at Pear Street & Rt. 42 (9/13/77)

FIRE CHIEF: Motion by Councilman Cisney, seconded by Councilman Dingledine

Matter of amending City Code with regard to Fire Commission (3/9/76-3/23/76)
 Work with City Manager re changes in proposed ordinance to amend Chap. 10 (7/1/78-7/25/78)

COMMISSIONER OF REVENUE: Motion by Councilman Cisney, seconded by Councilman Rhodes

Assess effects of increase in amount of income limitation with regard to Tax
 Relief for Elderly, and report to Council (8/9/77)

STREET SUPERINTENDENT: Motion by Councilman Cisney, seconded by Councilman Dingledine

Petition from residents Holiday Hills Subdivision for curb & gutter on s/w side
 of 7th St. from inter. Lee Ave. to inter. Rockingham Dr., incl. Park Circle (4/12/77)
 Construction of sidewalk on Sterling St. (John Wesley Church) (8/8/78)

RECREATION DIRECTOR: Motion by Councilman Rhodes, seconded by Councilman Cisney

Authorized to proceed with minimal road improvements for access to Switzer Lake
 (11/22/77)

HARRISONBURG PARKING AUTHORITY: Motion by Vice-Mayor Green, seconded by Councilman Cisney

Input re matter of request for increased parking spaces around Court Square (7/11/78)

SPECIAL PARKING STUDY COMMITTEE: Motion by Vice-Mayor Green, seconded by C.Dingledine

Study entire area design for residential permit parking, incl. Newman Ave., to
 determine how this policy relates to restricted parking, presently on Newman (2/28/78)

GENERAL MATTERS: Motion by Councilman Dingledine, seconded by Vice-Mayor Green

Proposed Shade Tree ordinance (6/23/70)
 Parking problems on residential streets (Nov. '73 to present time)
 Study present tax structure (11/26/74-12/10/74-7/8/75-7/22/75)
 Petitions for traffic light at inter. South Ave. & S.High St. AND 4-way stop
 sign at inter. Chestnut Dr. & High St. (3/26/74-5/28/74-12/10/74-4/27.76)
 Consider Deferred Compensation Plan (8/13/74)
 Joint venture with Rockingham County for carriage of water from Rawley (12/14/76)
 Bridge over Black's Run and no sidewalks (N.Main & Johnson) (12/14/76)
 Downtown Improvements (Court Square) (6/14/77 - present time)
 Complaint re substandard property Kelly St. (5/24/77-10/25/77-11/8/77)
 Complaint re lack of visibility to see street sign at inter. Waterman Drive
 and W.Market St. (10/11/77)
 Bid proposal from Elizabeth Street Partners to purchase former B.Ney property for
 construction of 5-story building (office complex) (Aug. '78 - 10/24/78)
 Complaint re broken sidewalk and cars parking on sidewalk, N.Main St. between
 Washington St. and Little Grill (7/11/78)
 Low water pressure 33 east (Fairway Hills) (10/24/78-11/14/78)
 E.Wolfe Street Parking Deck (12/12/78-12/26/78-1/9/79)
 Tie-breaker solution- Regional Sewer Authority (1/9/79-1/23/79-2/13/79-3/31/79)
 Harrisonburg's Major Thoroughfare Plan (4/24/79-6/12/79-6/26/79-9/11/79)
 Civic Center proposal (7/24/79)
 Contact residents of Silver Lake area and Mayor of Dayton for comments with
 regard to Sunday fishing (10/23/79)

MATTERS FOR CONSIDERATION: Motion by Councilman Cisney, seconded by Councilman Rhodes

Closing portions of Long Ave. & Franklin St. (Bd.of Viewers report rec'd) (3/8/77-
 6/14/77-6/28/77)
 Inadequate parking on old South High Street (5/9/78)
 Provision of Skate Board area (5/23/78)
 Proposed amendments to City Code, submitted by former City Auditor Shifflet (9/26/78-
 10/24/78)

MATTERS DEFERRED/POSTPONED/TABLED: Motion by Councilman Cisney, seconded by C. Rhodes

Matter of traffic in alley behind residences 400 block Ott St. deferred until
 after reconstruction of alley, Ott to Monticello (3/8/77)
 Ordinance amending Sec. 17-43.2 "Restricted Parking on Certain Streets" (6/27/78)
 Request of Roland Macher to run sewer line to serve washers at property s/w corner
 of Cantrell Ave. & Mason St. (7/25/78-8/8/78)
 Request of Safeway Store for cut in median strip (2/27/79)
 Request for closing portion of Hillcrest Drive (northward to railroad) 7/10/79-
 7/24/79-8/14/79-9/11/79)
 Second reading of ordinance re state statute (Street & Alley Closings) (10/9/79-
 10/23/79)

✓ Councilman Dingledine moved that a supplemental appropriation in amount of \$ 10,000. requested
 by the City Manager to be used as start-up funds for the recently established Community Development
 Revolving Fund for paying labor, building equipment, cleaning supplies, etc., be approved for second
 & final reading, a first reading having been approved on January 8th, and that:

\$ 10,000. chgd.to: General Fund - Unappropriated Fund Balance

10,000. approp.to: CD Revolving Fund

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

✓ The City Manager presented a request from the City School Board for approval of a transfer of
 funds within school appropriations in amount of \$ 2,500. in order to provide funds from appropria-
 tion of additional equipment to allow downpayment on dishwasher at Thomas Harrison Jr.High School.
 The equipment is obsolete, costly to maintain and potentially hazardous. It was noted in the approp-
 riation request that the balance of \$ 3,675. will be budgeted in the 1980-81 School Budget. Follow-
 ing a brief discussion, Vice-Mayor Green moved that the transfer be approved, and that:

\$ 2,500. trans.from: School Fund (1900-403.00) Cap.Outlay-Furn. & Equip.
 2,500. trans.to: School Fund (1205-215.01) Maint.School Plant- Repair &
 Replacement Furn. & Fixtures.

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

✓ A request was presented from the City School Board for approval of a supplemental appropriation in amount of \$ 9,252.90 in order to re-allocate revenues received in excess of budget estimates from the Comprehensive Employment & Training Act (CETA), and from an insurance company to cover glass breakage at Waterman School. Following discussion, Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 8,004.72 chgd.to: School Fund (R-28A) Real.Rev.- Recpts from Fed.Funds- Other
 Fed. Funds CETA

1,248.18 chgd.to: School Fund (R-51) Insurance Adjustment

4,602.12 approp.to: School Fund (1201-109.50) Other Inst.Costs-Comp.Tchr Aides- CETA

400.70 approp.to: School Fund (1201-134.50) Day Sch.Instr.-Comp.Elem.Tchrs- CETA

1,248.18 approp.to: School Fund (1205-399.01) Maint. Sch.Plant- Bldgs.,materials, etc.

3,001.90 approp.to: School Fund (1206-295.50) Fixed Chgs.-Employer Contribution-frng.bene.

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

✓ City Manager Milam requested approval of a supplemental appropriation in amount of \$ 18,000. from the General Fund, Unappropriated Fund Balance, to be used for payment of Consultant Fees for the City's 1980 Real Estate Reassessment. Councilman Rhodes moved that the appropriation be appvd. for a first reading, and that:

\$ 18,000. chgd.to: General Fund- Unappropriated Fund Balance

18,000. approp.to: General Fund (4011-19.00) Bd.of Real Estate Assess.-Consultants

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

✓ City Manager Milam pointed out the fact that an appropriation in amount of \$ 33,253.10 representing monies received for labor under the CETA Program for August-September, 1979, approved for a first reading at the last regular meeting, was not listed on tonight's agenda for final reading. He explained that this would be the last appropriation request in that the Program had been taken over by Rockingham County, and the City wants to be assured that there will be no necessity for a refund, prior to its approval.

Council was informed by the City Manager that when the \$1. million Community Development Grant was approved for 1978-79 fiscal years, a Letter of Credit for \$ 805,000. was given the City of Harrisonburg and the remaining amount of \$ 195,000. given the Harrisonburg Redevelopment & Housing Authority, by Letter of Credit, for its Rehabilitation Program. A recommendation has been made by the Department of Housing & Urban Development for the two Letters of Credit to be merged to the City of Harrisonburg, with assurance from HUD representatives that upon receipt of a resolution or motion of the City Council, they would make every effort to work out a transfer of the R & H Letter of Credit to the City of Harrisonburg. Manager Milam noted further that during a recent monitoring visit by HUD, it was discovered that a premature drawdown in amount of \$ 26,500. had been made by the R & H Authority, which amount, plus interest, has been repaid to HUD. All funds for community development, including the additional \$ 195,000. transferred from the R & H Authority, will be handled through the recently established Community Development Revolving Fund, with invoices to be submitted by the Authority as funds are needed. Following discussion, Councilman Cisney moved that Council accept the additional Letter of Credit in amount of \$ 195,000., which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Council was reminded by the City Manager that Warner Amex Communications, Inc., by correspondence in September of last year, had, according to their interpretation of Sec. 31 (c) of the Franchise Ordinance, renewed the franchise for an 8-year period. Their interpretation, however, differs from that of the City. He asked for some discussion and determination as to whether or not the franchise would be renewed, possibly with a proviso that certain improvements would be made in the cable system. Following discussion, Vice-Mayor Green moved that the City Manager be instructed to write a letter to the company advising that despite the difference in interpretation of the ordinance section, Council is willing to consider renewal of the franchise, with the provision that certain improvements be made to better serve the community; and that a special meeting be scheduled for an alternate Tuesday evening from regularly scheduled meeting dates: (I.e. Jan. 29th, Feb. 5th, Feb. 19th). The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ The City Manager presented a proposed agreement between the City of Harrisonburg and Virginia Electric & Power Company, which provides for power to be furnished the City's filtration plant and other water facilities west of Harrisonburg, with rates to be retroactive from July 1979 (approx. 12% increase over current rates). The agreement covers period from 7/1/79 to June 30, 1982. Following a brief discussion, Councilman Cisney moved that the City Manager be authorized and directed to sign the agreement on behalf of the City of Harrisonburg, which motion, upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ Council discussed briefly, disposition of the free parking spaces which have been made available to the public at the former B.Ney & Kavanaugh Hotel site since prior to the Christmas holidays, particularly now that the new parking deck on W. Elizabeth Street has been completed and currently in use with parking meters. It was agreed that the free parking should be eliminated in order to encourage use of the new facility. Further agreed was that the temporary lot should be restructured, leaving the five spaces for county officials which have been designated since the lot was opened for parking. Following discussion, the City Manager was instructed to publish notice in the Daily News Record newspaper that the temporary lot will be closed as of February 1st.

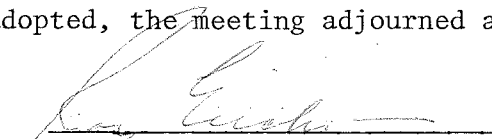
At 9:55 PM, Councilman Dingledine moved that Council enter an executive session to discuss personnel & a legal matter, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

At 11:30 PM, on motion duly adopted, the executive session was declared closed and the regular session reconvened.

✓ During a discussion of appointments and reappointments to various boards and commissions in the executive session, it had been noted that Mayor Roy Erickson's term on the Shenandoah Valley Airport Commission would expire on January 28, 1980. Councilman Dingledine moved that Mr. Erickson be reappointed to the Commission for a term of three (3) years, expiring on January 28, 1983, which motion, upon being seconded by Councilman Cisney, was adopted by a majority vote of Council. Mr. Erickson, abstaining.

There being no further business and on motion duly adopted, the meeting adjourned at 11:35 PM.


CLERK


MAYOR

Tuesday, January 29, 1980

At a special meeting of Council held this evening at 6:30 PM, the following members of Council and City Staff were present: Mayor Roy H. Erickson; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Assistant City Manager John E. Driver; Vice-Mayor Walter F. Green, III; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes and James C. Cisney.

Following a joint dinner with the Harrisonburg Redevelopment & Housing Authority, the Mayor called the special session to order at 7:30 PM

Vice-Mayor Green moved that Council enter an executive session with members of the Harrisonburg R & H Authority, Mr. Jim Deskins (Dir. of New Programs for the R & H Authority), and Housing Auth. Attorney James Sipe, for the purpose of discussing acquisition of real estate.

At 9:05 PM, on motion duly adopted, the executive session was declared closed and the special session reconvened.

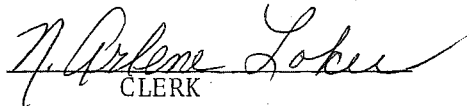
No action was taken by Council from the executive session with the R & H Authority. It was agreed that the matter be placed on Council's February 12th agenda.


At 9:10 PM, Councilman Rhodes moved that Council enter an executive session to discuss acquisition of real estate and legal matters with the following James Madison University Officials: President Ronald Carrier, William Harris, Zane Showker and Ray Sonner.

At 10:40 PM, on motion duly adopted, the executive session was declared closed and the special session reconvened.

No action taken concerning Council's discussion with JMU Officials.

There being no further business and on motion duly adopted, the special meeting adjourned at 10:43 PM.


CLERK


MAYOR

Tuesday, February 5, 1980

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 Novell 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 Philip Peterman and Chief of Police Richard W. Presgrave. Absent: none.

✓ Mayor Erickson welcomed officials of Warner Amex Communications, Inc. who were present in the meeting, and noted that possible renewal of the existing Franchise would be discussed, with provision that certain improvements in the TV cable system are assured to better serve the community. He expressed a hope that the discussion would determine what the future holds insofar as TV cable service, and what improvements can be expected.

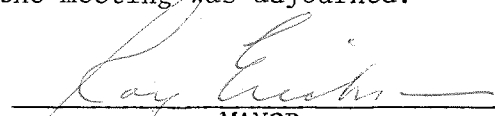
✓ Attorney William Wharton said that representatives of the company were present for the purpose of answering any questions which Council may have, or would invite any complaints re the service. He pointed out the fact that despite a difference in interpretation of the Franchise Ordinance Sec. 31 (c) concerning whether renewal of the present franchise which expires on April 1st of this year would be for a period of eight (8) years (as interpreted by the company), or one (1) year (interpreted by the governing body), it was hoped that it would be for eight years due to the large amount of money which would be invested into the system for long range plans. Notification of renewal was submitted by letter in December, 1979. Regional Vice-President Frank Nowaczek informed Council that the company has been searching for additional services, and added that there are limitations under FCC regulations. Last summer, one ton of dynamite was used to level the top of Massanutten Mountain for construction of a receiving dish which will enable the company to provide two new services via satellite, namely: the Christian Broadcasting Network (anticipated to be in operation within a week), and a movie channel (to provide approx. 20 new films per month by mid-August). The movie channel will be available for those customers desiring same for a monthly charge of \$ 9.95 over and above the standard cable fee. Mr. Nowaczek noted that at the present time, Warner is carrying all the stations permitted. Under FCC regulations, a small system such as Harrisonburg is allowed to offer no more than one independent station, which is presently WTTG out of Washington. This regulation prevents carrying any other independent station (i.e. WDCA from

Washington or Ted Turner's Atlanta Station). He pointed out the fact that smaller cable systems with under 1,000 customers are not subjected to FCC regulations, which eliminates Harrisonburg in that 5,900 customers are provided cable service in the City and the remaining 2,400 customers in outlying areas. When asked by Vice-Mayor Green about the possibility of adding the ESPN Sports Network to Warner's selection, Mr. Nowaczek replied that thought had been given that possibility, but stressed again channel limitation, with eleven available at the present time, most of which are, or will be taken up by other stations and services. More channels would be required in order to add luxury stations (i.e. ESPN or Home Box Office). Councilman Cisney raised a question concerning Harrisonburg's Channel 3 being carried on channel eleven, also. Mr. Nowaczek explained that the channel 3 signal is very strong and interferes with its own programs on the cable. If any other station would be placed on channel 3, interference of those programs from WHSV would be much worse. Vice-Mayor Green asked that the company investigate the possibility of carrying ESPN on channel 8 which presently carries the ABC affiliate from Petersburg (WXES), and is usually duplicated on WHSV. Mr. Harold Reinen, local Warner Manager, pointed out that customers would lose some programs if WXES is eliminated due to the fact that WHSV also carries NBC programming. Mr. Nowaczek suggested the possibility of showing news services on Channel 8 when WHSV and WXES are airing the same programs. Councilman Cisney said he would be interested in a list of programs which will be on channel 8 in that those programs will not be carried on channel 3, primarily to determine the importance of channel 8. Council was informed that stations WDVM (Washington), WVIR (Charlottesville) and WRV (Washington) are carried due to the fact that they were offered prior to the FCC regulations, and that if those "grandfathered" stations are dropped, they cannot be regained. Following the lengthy discussion concerning programming, City Manager Milam called attention to the fact that in 1971 when the franchise was renewed, certain improvements were to have been made by the summer of 1972 (i.e. provide 12 channels and build microwave). The company has changed hands at least six times since 1952, with the present franchise written by the City to include the requested improvements following an indepth study by a committee comprised of persons from diversified occupations and interests. He noted no appreciable improvements since the 1971 renewal. Mr. Nowaczek replied that Warner has spent some \$ 250,000. on Capital Outlay improvements within the past two years which include the satellite received on Massanutten Mountain. Councilman Rhodes questioned the quality of service and long delay in supplying service on request of a customer. He offered an opinion that the cable should be made available to anyone residing in the City, when requested, as soon as possible, regardless of location. Vice-Mayor Green said that the City would like some assurances for better and additional services in order to explain this to the general public. Attorney Wharton suggested that possibility of a committee being appointed to work with the cable company in order to establish some guidelines based on improvements desired by the governing body and general public. Following discussion, Mayor Erickson expressed appreciation to the Warner Officials for their time and participation in this evening's discussion, and gave assurance that consideration will be given concerning renewal of the present franchise.

At 9:20 PM, by request of the Mayor, Councilman Dingledine moved that Council enter an executive session to discuss a legal matter. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

At 11:00 PM, on motion duly adopted, the executive session was declared closed and the special meeting reconvened. There being no further business, the meeting was adjourned.


CLERK


MAYOR

Tuesday, February 12, 1980

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 Watler F. Green, III; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney; City Auditor Philip Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Mayor Erickson extended a cordial welcome to Scoutmaster Roller and members of Boy Scout Troop 43 who were present in the meeting to observe, as well as an invitation for their attendance in any meeting of Council.

The minutes of three meetings were read and approved: regular meeting of January 22nd; special meeting of January 29th and special meeting of February 5th.

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, 1980.

From the City Treasurer:

A trial balance report as of close of business on January 31, 1980.

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 \$ 5,846.80 for month of January, 1980.

From the City Auditor:

A financial report for month of January, 1980.

A report of cash discounts saved in payment of vendors' invoices for month of January, 1980, totaling \$ 321.88.

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, 1980.

Received from City Clerk: Updated Calendar of Unfinished Matters through special meeting of February 5, 1980.

Mr. Kenneth Frantz, General Manager of the Harrisonburg Electric Commission, was present in the meeting to discuss and answer any questions concerning a high voltage power line which is being built along Monument Avenue. Councilman Dingleline registered concerns he had received from residents in the Purcell Park area about a possible health hazard; pole blocking view of children crossing Monument Avenue; leakage which may be enough to light an electric bulb if held near the line, etc. Mr. Frantz noted that 69,000 volts is not considered high transmission voltage, and that residents would not be aware that residential voltage was being energized unless so notified; the steel pole has not been jacked up as yet to correct the height, which, when done, will improve both appearance and visibility; no leakage or interference will be experienced in the area. He stated further that property was deeded by Rocco, Inc., last December, with some changes made in the route of the line at that time. Inasmuch as Monument Avenue is the only street in the area that goes all the way through to Main Street and will tie in with the main line on Maryland Avenue after crossing the railroad track, it was felt that the location was the most practical approach in the only available area. The line, when completed, will be the second of two supplying the city's power (the other major line is along Ridge Road and ties into the Reservoir Street substation. When questioned as to whether or not neighborhoods have an opportunity to comment on high-voltage lines, Mr. Frantz replied that most lines are built on city rights-of-way or on easements secured by HEC, with no formal publicity concerning the projects. Following a lengthy discussion, Mayor Erickson expressed appreciation to Mr. Frantz for his time and information, which should clear up some concerns of residents in the area.

✓ For information of Council, the City Manager presented written notice that the State Compensation Board would meet on March 20, 1980 beginning at 8:30 A.M. in the new Courthouse Building, Warrenton, Va., to receive any information which the Attorney for the Commonwealth, Commissioner of the Revenue, Treasurer and Sheriff may wish to present in support of their salary and expense requests for the fiscal year beginning July 1, 1980. Officials from each locality will be heard as a group, should they so desire. He noted that cards were available in his office for those desiring to attend.

✓ A request was presented from Mr. Gary A. Judd through correspondence dated 1/31/80, to extend the R-3 zone across Port Road from United Virginia Bank to include the remaining portion of the formerly owned W.P. Anthony lot located at the intersection of S. Main Street and Port Republic Road. It was pointed out by Mr. Judd that the existing house is to be used exclusively as professional office space which would be zoned consistently with the three other corners of the intersection, if rezoned to R-3. City Manager Milam reminded Council that a request of Mr. Judd for rezoning was denied in 1978 due to strong opposition from neighboring homeowners, but that recently an application for rezoning a lot on the northwest corner of this same intersection had been approved for R-3. He recommended that the request be referred to the City Planning Commission for study and recommendation. Following a brief discussion, Councilman Dingleline moved that the recommendation be approved, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

✓ The City Manager presented a Plat of Section 9, Holiday Hills Subdivision (Sumpter Court) located in a northerly direction off Seventh Street. The Plat reflects a change in location of easements. On motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Council, the Plat was referred to the City Planning Commission for study and recommendation.

✓ Council was reminded that Mr. Pascal Cooper's second successive term on the Harrisonburg Parks & Recreation Commission had expired on December 31, 1979, and the Mayor asked members if they desired to fill the vacancy at this time. Councilman Dingleline moved that Mr. Robert M. Rosen, 90 Middlebrook Street, Harrisonburg, be appointed to serve on the Commission for a four (4) year term expiring on December 31, 1983. The motion was seconded by Councilman Rhodes and adopted by a unanimous vote of Council.

✓ Mayor Erickson noted that the second successive term of Mr. Westbrook Hawkins had expired on the Harrisonburg Parking Authority as of November 28, 1979, and asked Council's desire concerning an appointment. Councilman Cisney moved that Mr. Charles H. Scott, 1060 S. Dogwood Drive, Harrisonburg, be appointed to the Authority for a term of five (5) years, expiring on November 28, 1984. The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Council.

✓ During a discussion of vacancies on various boards & commissions, it was point out that Mr. Claude E. Garber, Jr.'s term on the Upper Valley Regional Park Authority had expired on January 24, 1980. Councilman Rhodes moved that Mr. Garber be reappointed to the Authority for a term of four (4) years, expiring on January 24, 1984, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

✓ Mayor Erickson asked members if they desired to fill a vacancy created on the Harrisonburg Electric Commission in that Mr. Nelson Hawkin's term had expired on December 31, 1979, and he was ineligible for reappointment. Following a brief discussion, Councilman Dingleline moved that Mr. L. Yancey Gillum, 645 Elmwood Drive, Harrisonburg, be appointed to the Commission for a term of three (3) years, expiring on December 31, 1982. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ Council was reminded by the City Manager of a provision in the City Charter for employment each year of an accounting firm to audit city records, with an added observation that a decision at this time would allow the firm selected to schedule the city's work in advance. During discussion, it was noted that the work load seems to be evenly distributed insofar as annual audits for public agencies, and that the Certified Public Accounting Firm of Keeler & Phibbs, Inc. had performed this service for the City of Harrisonburg for the past ten years. Councilman Dingleline moved that Keeler, Phibbs & Co., 306 E. Market Street, be employed to audit city records at the close of the current fiscal year on June 30, 1980. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ Council was reminded by the City Manager that a resolution had been adopted on February 13, 1979,

authorizing issuance and sale of \$1.6 million Elderly Housing Facility Bonds, providing that the proceeds be held by Valley National Bank in escrow to retire the \$1.6 million Construction Notes which were issued concurrently with the bonds to finance construction of the facility. The original resolution further provided that the bank not release any of the construction funds until a satisfactory contract had been executed between the Department of Housing & Urban Development and the Harrisonburg Redevelopment & Housing Authority. Manager Milam noted that due to a delay in completion of the project, the city has not received a contract, but added the fact that execution of a contract is anticipated within a reasonable period of time. In order that final payment of \$ 159,000. could be made the North Carolina Construction Firm, N.C.Monroe Construction Company, following clarification that all sub-contractors had been paid by that firm, Council was informed that an informal meeting was held in the City Manager's Office on February 1st with representatives of the construction company and attorneys, at which time the following resolution, drawn by the City Attorney and Mr. George Pugh, Jr. of Craigie Incorporated, Investment Bankers, was signed by the City Manager on behalf of the City, with final payment satisfied, following clarification that sub-contractors had been paid:

WHEREAS, on February 13, 1979, the Council of the City of Harrisonburg adopted a resolution authorizing the issuance and sale of \$1.6 million of Elderly Housing Facility Bonds, providing that the proceeds of such bonds would be held by Valley National Bank in escrow to retire \$1.6 million Construction Notes which were issued concurrently with the bonds to finance construction of the project, and

WHEREAS, one of the conditions of said resolution for the release of the escrow funds by Valley National Bank was that the City Manager would provide Valley National Bank with evidence satisfactory to it that a Housing Assistance Payments Contract (HAP) covering the project had been executed between the United States Department of Housing & Urban Development and the Harrisonburg Redevelopment & Housing Authority, and

WHEREAS, at the time the City undertook development of the project, an agreement to enter into the HAP Contract was executed between Harrisonburg R & H Authority and HUD, and all conditions of the agreement have been fulfilled by the City as of February 1, 1980, and that the City expects that the HAP Contract will be executed between HUD and the Harrisonburg R & H Authority within a reasonable period of time, and

WHEREAS, the City is now requesting the Escrow Agent to release the funds held by it to pay the Construction Notes,

NOW, THEREFORE, the City of Harrisonburg does, by this instrument, agree to indemnify and hold harmless the Valley National Bank, Escrow Agent, against any loss or damage which it might, or could suffer as a result of releasing the escrow funds on this date.

GIVEN UNDER MY HAND THIS 1st day of February, 1980.

City Manager

Attest:

Clerk

Following discussion, Councilman Rhodes moved that Council approve the course of action on Feb. 1st and confirmation of the resolution signed at that time. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

City Manager Milam requested approval of Council for appropriation of funds in amount of \$ 25,154.22 to the Community Development Revolving Fund in order to transfer interest earnings in excess of funds needed for the retirement of Housing for the Elderly Construction Notes & Interest Payable on the Notes. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:

\$ 25,154.22 chgd.to: General Fund- Res.for Housing Escrow Account
25,154.22 approp.to: CD Revolving Fund- Realized Revenue

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

Councilman Rhodes moved that a supplemental appropriation in amount of \$ 9,252.90 requested by the City School Board in order to re-allocate revenues received in excess of budget estimates from the CETA Program, and from an insurance company to cover glass breakage at Waterman School, be approved for second & final reading, a first reading having been approved on January 22nd, and that:-

\$ 8,004.72 chgd.to: School Fund (R-28A) Real.Rev.- Recpts. from Fed.Funds
Other Fed.Funds CETA
1,248.18 chgd.to: School Fund (R-51) Insurance Adjustment
4,602.12 approp.to: School Fund (1201-109.50) Other Inst.Costs- Comp.Tchr.Aides- CETA
400.70 approp.to: " " (1201-134.50) Day Sch.Instr.-Comp.Elem.Tchrs.-CETA
1,248.18 approp.to: " " (1205-399.01) Maint.Sch.Plant-Bldgs.,Materials,etc.
3,001.90 approp.to: " " (1206-295.50) Fixed Chgs.- Employer contrib. frng.benefits

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 \$ 18,000. for payment of Consultant for the City's 1980 Real Estate Reassessment, be approved for second and final reading, a first reading having been approved on January 22nd, and that:

\$ 18,000. chgd.to: General Fund- Unappropriated Fund Balance
18,000. approp.to: General Fund (4011-19.00) Bd.of Real Est.Assessors- Consult.

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

A request was presented from Mrs. Marie Arrington, Director of Social Services, requesting approval of a supplemental appropriation in amount of \$ 5,936., representing additional state appropriation to cover expenditures in the mandatory Auxiliary Grants Program. Councilman Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 5,935. chgd.to: VPA Fund (610.00) Rev.from Other Agencies--Grants-in-Aid from
Commonwealth--Aux. Grants--Mandatory

5,936. approp.to: VPA Fund (05-8022-391.03) Bur.of Pub.Assistance- Aux.
Grants (Mandatory)

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

✓ The City Manager presented correspondence dated 2/7/80 from Mr. Wayne King, Superintendent of City Schools, advising that the School Board had adopted a resolution requesting Council approval of a supplemental appropriation in amount of \$ 17,000. from the State Department of Education Literary Fund, in order to meet the override on the Massanutten Vocational Technical Center addition of print shop, body shop, and heavy equipment shop. It was noted that the amount represents the city's share of the \$100,000. override and will be added to the original \$ 127,500. which was approved by resolution of the City Council on April 10, 1979. Manager Milam reminded Council that this was a 3% interest loan. Following a brief discussion, Councilman Cisney moved that the School Board be authorized to borrow the additional funds from the state and that the City's share of the override be approved. The motion was seconded by Councilman Rhodes and adopted by a unanimous vote of Council.

✓ City Manager Milam informed Council that the City of Harrisonburg has an additional 1.059 miles of street eligible for maintenance payment on South Main Street (Black's Run to Grattan St.), and presented the following resolution for consideration of approval:

BE IT RESOLVED, that due to construction and reconstruction of certain streets within the city limits of Harrisonburg, there is additional street mileage which is eligible for maintenance payment as follows:

1. *Primary Extensions that have been rebuilt and have an increased number of lanes.*

*Said streets being listed on accompanying U-1 (7/1/79)
Virginia Dept.of Highways & Transportation Forms and
shown in red on City Map.*

THEREFORE, the City of Harrisonburg respectfully requests the Virginia Department of Highways & Transportation to make the maintenance payments effective January 1, 1980.

Mayor

Attest:

Clerk

Councilman Cisney moved that the resolution be approved, with authorization for the Mayor and Clerk 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.

✓ City Manager Milam read the following proposed resolution for consideration of approval:

WHEREAS, the City of Harrisonburg requested the Virginia Department of Highways to purchase right-of-way for the construction of South Main Street, Route 11, Project No. 0011-115-101, PE-101 RW 201, from the south corporate limits to Grattan Street, and

WHEREAS, said right-of-way was acquired and a street was built within this right-of-way,

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Harrisonburg requests the Virginia Department of Highways convey said right-of-way and residue parcels to the City of Harrisonburg in accordance with Sec. 33.1-89 of the State Code.

ADOPTED and APPROVED this 12th day of February, 1980.

Mayor

Attest:

Clerk

On motion of Councilman Dingledine, seconded by Vice-Mayor Green, and a unanimous vote of Council, the resolution was approved with authorization for the proper officials to sign same on behalf of the City of Harrisonburg.

✓ The following proposed resolution was presented and read by the City Manager for consideration of Council's approval:

WHEREAS, the City of Harrisonburg requested the Virginia Department of Highways to purchase right-of-way for the construction of Cantrell Avenue, Project U000-115-104, C-501, from Mason Street to Paul Street, and

WHEREAS, said right-of-way was acquired and a street was built within this right-of-way,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Harrisonburg requests the Virginia Department of Highways convey said right-of-way and residue parcels to the City of Harrisonburg in accordance with Sec. 33.1-89 of the State Code.

ADOPTED and APPROVED this 12th day of February, 1980.

Mayor

Attest:

Clerk

Councilman Cisney moved that the resolution be approved, with authorization for the proper officials to sign same on behalf of the City of Harrisonburg. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ Correspondence dated 1/4/80 from Dr. C.W.Caplen, District Health Director, was presented and read, informing that the Virginia General Assembly had repealed a section of the Virginia Code re inspections of sanitation in barber and beauty shops, thereby eliminating any statutory basis for such inspections by local health departments. Dr. Caplen noted that all such establishments in the City were being advised that the service is being discontinued, with no yearly permits issued by the Health Department. A request was made for the Harrisonburg City Code to be so amended, if such

action meets with approval. City Manager Milam noted that the City Code Section is 15-4-1, and asked Council's thoughts and guidance. During discussion, it was agreed that retaining the section in the City Code would enable a follow-up on any complaint which may be received concerning conditions in any local barber or beauty shop, with an inspection by the local health officer.

✓ Council was informed by the City Manager that correspondence from HUD to the Planning District Commission revealed that the Home and Resources Commission would be reviewing an application submitted by Camelot Nursing Home for mortgage insurance through FHA in amount of \$ 1,650,000. for addition to the Home. He noted that a set of plans had been received today, and asked Council for any comments concerning the matter. The matter was discussed briefly, with no comments offered.

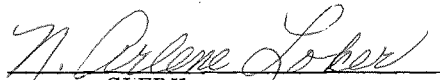
✓ The City Manager informed Council that a resolution had been approved by the City School Board and relayed to all state legislators endorsing the State Board of Education Budget, and urging its acceptance by the Governor and approval by the legislature. A difference of \$ 308,227,600. for the 1980-82 biennium would be realized in the overall total budget of the Board of Education, vs the Governor's Budget, with a difference of \$ 133,372. for the City School System (1980-81) resulting from an increase from the present \$ 960. per pupil to \$ 1,259. under the State Bd. of Education Budget and \$ 1,027. under the budget proposed by Governor Dalton. Although a suggestion was made by Superintendent King that Council may desire to approve a resolution similar to that passed by the City School Board. Manager Milam offered an opinion that the Governor's proposed budget would be more beneficial to the City in that a greater increase is provided for law enforcement (1980-81 fiscal year - 12% increase of \$ 223,782. for judges and police departments, and 1981-82, increase of \$ 256,685). The budget approved by the State Board of Education will leave no funds for other agencies. No action taken by Council at this time.

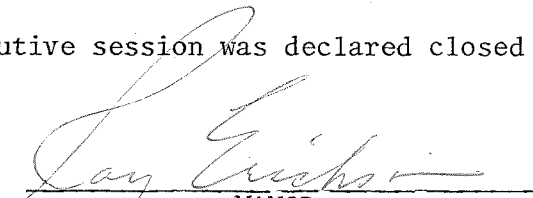
Council was informed by the City Manager that he had scheduled a special meeting for Tuesday, February 19th, 7:30 PM to discuss the City's Transportation System with the Director, Reggie Smith.

The matter of condensed Council meetings and possibility of using a consent agenda rather than that presently prepared, was discussed briefly, and the City Attorney instructed to check with other cities for information about that type of agenda, etc.

At 9:12 P.M., on motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote, Council entered an executive session to discuss personnel and a legal matter.

At 12:15 A.M., on motion duly adopted, the executive session was declared closed and the regular session reconvened, and adjourned.


CLERK


MAYOR

Tuesday, February 19, 1980

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; Clerk N. Arlene Loker; Vice-Mayor Walter F. Green, III; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney; City Auditor Philip Peterman and Chief of Police Richard W. Presgrave. Absent:-none.

City Manager Milam read the special meeting call, primarily being held to discuss the City's Public Transportation System, including school bus runs, routing, and the City Cab system.

Mr. Reggie Smith, Director of the Transportation Department, presented various written reports which had been compiled concerning the transportation system: For year 1979---City and County miles (268,276 and 95,869 respectively) and Passengers (City, 86,185 and County, 18,441 by taxicab)---by Bus, 79,495 miles--Passengers, 87,103); Daily Schedule for Taxicab Drivers; Daily Transit Schedule; Vehicle Update (19 incl. 2 wrecked); Income & Expense Statement for quarter ending 12/31/79, and other general information. He pointed out that all drivers turn in money daily to the dispatcher in charge, which is then counted and deposited with the City Treasurer. He said that more and more activities are sponsored by the schools, and that the Transportation Department does everything possible to transport those students. Guidance of Council was requested re purchase of new vehicles or replacement of transmissions and engines in those presently out of working order. Members of Council were in general agreement that the present vehicles should be kept on the road with necessary repairs & replacements. Councilman Dingledine called attention to a letter from the parent of a Special Education Student in which complaint was registered re poor timing, etc. in transporting her child to VSDB in Staunton, Va. Mr. Smith reported that three students are being transported daily to VSDB, Western State and DeJarnettes in Staunton, and noted that with the exception of two occasions (one an accident involving the vehicle), he could recall no other problems, and only one record of complaint. Councilman Rhodes registered complaints he had received (i.e. no pick up by bus at times; long wait for a taxicab, etc.) He said he felt the idea of public transportation was to serve people's needs and provide transportation for employees to and from work. Inasmuch as those people are paying regularly to and from a destination, there should be special attention allowed that particular category. Mr. Smith admitted the possibility that too much emphasis has been placed on transporting of students rather than employees. He said that the Planning Director is presently working on timing of bus routes, and that although problems do exist, residents do not fully realize that the bus system is a set route system, and many expect delivery to their door. When questioned by Councilman Cisney re bus stop signs, Mr. Smith noted that signs and shelters are presently in the making, which should improve the bus system in the City. City Manager Milam offered a suggestion that consideration may be given for transporting City customers only, in that considerable time is spent in transporting some from within the City to and from an out-of-town airport, etc., which is actually providing services to the county at the expense of citizens in Harrisonburg. Mr. Smith said he felt this could present a problem in that county residents depend on the transportation system. The matter of paying drivers strictly on a commission basis was discussed, with an observation by the Director that this would hamper employment of drivers on a regular basis, and that the present

method of straight salary allows drivers to be used at the shop for sweeping floors, etc., as well as checking out needs of vehicles, when they are not making a run. When asked by Vice-Mayor Green what is needed to improve and increase efficiency of the transportation system, Mr. Smith said an increase in taxi rates (requested sometime ago) which would encourage more use of buses; more supervisory assistance in order that he could allot more of his time to advertising, etc. He said that a definite direction of operation has not been established and that the department attempts to accommodate everyone, with little cooperation. Vice-Mayor Green offered an opinion that Council has not been exactly fair in establishing rates and asked "is the City willing to put up 1/4 of \$1 million dollars to serve Rockingham County, or not?" Councilman Cisney said he felt the general public had not been given a fair chance to use the transportation due to scheduling of vehicles for various other purposes. Following discussion of the Transportation System, and with regard to an application which had been submitted for funding to construct a maintenance building, Mr. Smith presented copies of a letter dated 11/19/79 from the Dept. of Highways & Transportation, Richmond, advising that representatives of the City should review UMTA requirements for construction contracts in order to be aware of what is involved when using Federal dollars. Further noted was the fact that due to those requirements and availability of state funds, the Department is willing to fund Harrisonburg's construction request in its Section 18 application, with state funds. Should only state funds be used, the City would be responsible for 10% of the costs (90-10 match) as compared to 2% of the cost if funded by both State and Federal Funds (80-18-2). Mr. Smith informed Council that under state funding alone, the extensive Federal requirements would be eliminated. He stated further that the building could be used for more than transportation vehicles under state funding, whereas a restriction would be placed under federal funding. On motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote, the Director was authorized to make application for State Funding for the maintenance building. Mr. William Julias, representing the City School Board, set forth three concerns of the School Board, most of which have been worked out: (1) regular bus schedule and occasional lateness of buses; (2) van program; (3) transporting to VSDB. During the lengthy discussion, it was agreed that more avenues concerning the transportation system must be pursued. Council asked the Transportation Director to set out some needs, and Councilman Rhodes to reactivate the former Transportation Study Committee to study those needs, review activities and establish goals.

At 9:30 PM, Councilman Dingledine moved that Council enter an executive session to discuss real estate and legal matters. The motion was seconded by Vice-Mayor Green and adopted by a unanimous vote.

At 11:05 PM, on motion of Councilman Cisney, seconded by Councilman Dingledine, and a unanimous vote, the executive session was declared closed and the special session reconvened and adjourned.

N. Palmer Lober
CLERK

Ray E. Smith
MAYOR

Tuesday, February 26, 1980

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 Philip Peterman and Chief of Police Richard W. Presgrave. Absent:- none.

Minutes of the regular meeting held on February 12th and special meeting of February 19th were read, and approved as corrected.

✓ Ms. Margaret Haynes, 1416 Valley Street, serving as spokeswoman for a group of residents from the Purcell Park area, presented and read a petition containing 53 signatures in opposition to construction of a high voltage power line by Harrisonburg Electric Commission on Monument Avenue. Objections included unsightly appearance of the metal pole and overhead cables, as well as potential health and traffic hazard. Council was requested to (1) intervene on behalf of the residents and ask HEC to suspend the project until further thought could be given the matter and other alternatives investigated: (2) to work with HEC by setting up a study group of impartial people to decide other options which may be available. Mayor Erickson pointed out the fact that the Harrisonburg Electric Commission is an independent body, chartered by the General Assembly, and has the right to install a power line at any location, as long as it is within an easement area. Ms. Haynes said that no notification was given beforehand with regard to the power line and that something should be in the HEC Charter to require a public hearing in order to protect residential neighborhoods. Mr. Kenneth Frantz, General Manager of HEC, explained that the metal pole had been selected, rather than wooden, in that it requires no guy wires, whereas an extra pole, plus guy wires would have been necessitated. Mayor Erickson suggested that representatives of the group meet with HEC in order to have the situation explained and questions answered re the project. He pointed out the City's tremendous need for a circumferential power line to serve the City. Mr. Frantz said that work could be suspended, but suggested that a meeting be arranged as soon as possible. Councilman Dingledine moved that Council confer with HEC with reference to the possibility of holding a public hearing prior to any project being undertaken in the City, aside from normal electrical work, in order to establish a basic policy to follow. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council. Councilman Dingledine, also a member of the Harrisonburg Parks & Recreation Commission, noted that complaints had been received concerning safety of the pole at the entrance of Purcell Park, and offered a motion that the situation be referred to the Harrisonburg Department of Transportation Safety Commission for investigation. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council. Ms. Haynes was asked to contact HEC tomorrow for the purpose of scheduling a time to discuss the project.

✓ For information, the City Manager presented correspondence dated 2/9/80 from the U.S. Environmental Protection Agency, Water Division, advising that the proposed contract between the City of Harrisonburg and Patton, Harris, Rust & Guy for Task Order No. 1 had been reviewed and approved by that office. Task Order No. 2 is presently under review. Council was reminded that a resolution

was approved on 9/26/78 authorizing the filing of an application with the Virginia State Water Control Board and EPA for Grants to aid in financing Waste-Water Treatment Works Construction under provisions of Public Law 95-217, with the Grant to be shared by the Town of Dayton. Manager Milam noted that \$ 10,000. of the total \$ 74,000. Grant had been expended.

City Manager Milam presented and read the following Guidelines for Farmer's Market, prepared following an indepth study by various city departments, Mrs. Nancy Salem, coordinator, and other representatives, for consideration of Council's approval. He reminded members that the matter of finding a permanent location has been a matter of long standing, with the original site on the old police station lot, prior to its reconstruction as the present Municipal Parking Deck:

1. The Farmer's Market area shall be located on the lower level of the downtown Parking Deck. Entrance on West Water Street. Parking spaces will begin one (1) parking space south of Steele's Barber Shop, to exit at Bruce Street. With permission from the Parking Authority and the City, each person may occupy one space for selling of produce, plants, baked goods and crafts. The spaces marked off will be set aside for farmers and craftsmen to sell their wares. All persons who participate as members of the Farmer's Market must comply with state and local ordinances and statutes concerning health regulations.
2. Market days shall be Wednesdays and Saturdays from 8:00 A.M. until closing times designated by producers. The Market shall run from May 1 until October 31.
3. All sellers shall display permit on vehicle showing that such person has a permit from the City to sell their produce and crafts. Permits may be obtained from the City of Harrisonburg.
4. All persons shall maintain these spaces and clean up after market closing.
5. No person, except the producer or licensed craftsmen, may display their produce or crafts, unless they are locally grown, or handmade by craftsmen. The following produce may not be sold: meats, fish, fowl, butter, or any products containing an egg base.
6. Persons engaged in handcrafted items may sell their handcrafts which have been fashioned by them. Each person selling handcrafted items at the Farmer's Market shall have a city permit displayed on their vehicle, and they shall certify that items were fashioned by such person. They must also have a retail license.
7. Rental space fees will be paid to the Downtown Harrisonburg Retail Merchants Association, who are the sponsors of the Farmer's Market, with authority given by the City and the Parking Authority for usages of the parking deck on Wednesdays and Saturdays during the months of May through October.

Approved by City Council this _____ day of _____, 1980.
 _____ Mayor

Attest: _____ Clerk

Nancy Salem expressed a hope that the Market would be used by churches and civic groups, as well as farmers, and noted that letters would be mailed out, with further information concerning rules and regulations. Following discussion, Councilman Cisney moved that the Guidelines for Farmer's Market be approved, with authorization for the proper city officials to sign same. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

The following Planning Commission report from a meeting held on February 20th, was presented and read:

"Mrs. Ann Nowlin Dechert, co-owner of the house and lot located at 291 E. Grattan Street, explained to the Commissioners that her sister, Miss Susan Nowlin has been renting two or three rooms to J.M.U. girls since 1971, and was not aware of the restrictions regarding rooming house qualifications until this year. She noted that their house is the only one facing East Grattan Street not zoned R-2. The Director reported that all adjoining property owners were notified of the rezoning application and only one called to object if the Nowlins were planning to convert the house into apartments. Mrs. Dechert stated they do not wish to change anything within the house.

Mr. Milam concluded the discussion with a motion that the Planning Commission recommend to City Council that Lot 17, Block D, Page 16 of the City Block Map, known as the Nowlin Property, 291 E. Grattan Street, be rezoned from R-1 Single Family District to R-2 Residential. Mr. Fleming seconded the motion and all members present voted in favor..."

Mr. Sullivan explained that this particular lot falls above the straight existing land use line, and that 291 E. Grattan was the only residence facing Grattan Street which was placed under R-1 zoning several years ago. Councilman Cisney moved that Council accept the Planning Commission report and schedule a public hearing on the matter for Tuesday, March 25th, 7:30 P.M., which motion, upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council. The City Manager was instructed to properly advertise the hearing date.

The City Manager presented and read the following Planning Commission report from a meeting held on February 20th:

"The Commissioners reviewed a copy of the final plat for Mosby Heights Subdivision, drawn by Robert E. Funk, Land Surveyor. The Director oriented the Commissioners to a neighborhood map, illustrating the proposed 13-acre

parcel which is located approximately 390' south of West Mosby Road and behind the Nichols Store and Dallas Hollar Ford. The Commissioners also reviewed the January 30, 1980 City Staff comments concerning the project. Mr. Fred Burchill of C.R.I., a Rockville, Maryland development company, reported that his lawyer, Steven Bradshaw, has drafted the agreement and purchase papers between C.R.I. and Fred O. Funkhouser. He stated that C.R.I. will construct and maintain the holding pond, although it will be on Funkhouser property. Commissioners Shank and Eneedy suggested safety precautions should be included, such as fencing and landscaping around the proposed 112 unit Mosby Heights Apartments.

Mr. Milam stated that the City Staff is satisfied with the design and location of the holding pond as well as the other features shown on the Site Plan. Mr. Fleming, satisfied that the engineering details have been thoroughly reviewed and are in order, made the motion for the Planning Commission to recommend approval of the Final Plat for Mosby Heights, a subdivision of one 13-acre parcel. Mrs. Bowman seconded the motion and all members present voted aye...

Mr. Sullivan presented a map and drawings showing the character and shape of the apartments. He noted that a public street will be built into the center of the project (properly dedicated, with curb and gutter) and that the apartments will be constructed on the rest of the site with addresses "Mosby Court." The project will be on hilltop property, is zoned R-2 (medium density) and according to the Director, should be an attractive project. The Plan for the 32 structures and a civic center has been studied and found to be very thorough. Mr. Sullivan said that the project will be reviewed about March 15th by VHDA and if cleared, construction should begin this spring or shortly thereafter, with completion possibly requiring a year. Mrs. Jean Grimes, President of the Keister School P.T.A., presented a letter from that organization setting forth three complaints to the project: (1) overcrowding of Keister School; (2) increased traffic on Central Avenue; (3) school bus service for the children. She cited the impact that such a project would have on the school and the children, and asked Council to study consequences of the complex. Mr. Michael Slaymaker, 1175 S. Dogwood Drive, expressed concern that the project may be a cost to the taxpayers, and could prove to be a liability to the City and County, rather than a benefit. He requested that the governing body search for answers to questions (i.e. is the additional moderate-income housing needed in Harrisonburg? How will the project fit into the City's Master Plan for future growth? What benefits will be for the taxpayers?) Another point mentioned by Mr. Slaymaker was the greater need for Special Education services which could result from the added apartments, as well as the influx of more children which could lessen quality education for all the children. Mayor Erickson said that the property has been zoned R-2 for several years and that an out-of-town firm desires to abide by all rules of the city for construction of the project which will be funded through bonds of the VHDA, replaced with rent subsidies from the Department of Housing & Urban Development. He added that it would be difficult for Council to say that they cannot do so. He noted that the developer was required to document the need for moderate-income housing in order to apply for state and federal assistance. Ms. Margaret Haynes, 1416 Valley Street, called attention to the additional fire & police protection which would be necessitated for the apartment units. Mr. Sullivan said that in February, 1979, there were no objections by a delegation of residents to the property in question having an R-2 zoning, which provides for medium density. There will be seventy-six 2-bedroom apartments; twenty-four 3-bedroom apartments and twelve apartments will be designed with 4-bedrooms to accommodate a large family. The Plan has been drawn according to city requirements, and the Planning Commission has asked C.R.I. to grant priority to Harrisonburg residents for rental. He stated that School Capital Outlay will provide additional classrooms at Keister School, if necessitated. Councilman Rhodes moved that Council action concerning the proposed project be deferred until the next regular meeting, which motion, upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

✓ The following report submitted by the Planning Director from a meeting of the Commission held on February 20th, was presented and read:

"The Commissioners reviewed a map of a 12' public alley, located off the north side of West Market Street and leading north approximately 270' then west 43' to Brook Avenue. IMCO Container Company filed the \$ 50.00 fee with letter requesting this closing, since they own all properties adjoining the alley with one exception. The Director reported that Mrs. Evelene Webster of 56 Brook Avenue may not oppose the closing, since the alley has never in fact been opened and her back yard actually utilizes at least part of the 12' alley. The Commissioners, noting that IMCO is proceeding with its expansion plans, and adding that Mrs. Webster doesn't use the alley for vehicular access, felt that the Board of Viewers should be appointed to review the case. Mr. Rhodes stated that IMCO should be brought up-to-date regarding the new alley-closing ordinance. Mr. Sullivan agreed to contact IMCO and Mrs. Webster before City Council's February 26th meeting. Mr. Fleming then offered a motion for the Planning Commission to recommend the closing of the 12' alley as shown on the attached map. Mr. Rhodes seconded the motion and all members present voted aye..."

Mr. Sullivan said that IMCO and Mrs. Webster had been contacted, and prefer to discuss the situation with a Board of Viewers. Following a brief discussion, Councilman Rhodes moved that the report of the Planning Commission be accepted, 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 alley in question and report, in writing, whether or not there would be any inconvenience, and if so, what, in the closing. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ City Manager Milam presented and read the following report submitted by the Planning Director from a Commission meeting held on February 20th:

"...The Commissioners reviewed maps showing the location of a 15' public alley, running west off S. Liberty Street toward the C-W Railroad tracks. J.M.A. Partners (James Monger and others) are requesting that the western-most 98 feet of this paper alley be closed, in order to consolidate all of their Lewis Street property into one site for a 20-unit apartment project. The Director reported

that Mr. Victor Smith, adjoining property owner, is not opposed to the alley closing request, but he has expressed his concern if traffic to and from the future apartments will have access to the remaining portion of said alley. The Director showed the site plan and building plans to the Commissioners, and Mr. James Monger was present to report that all automobile ingress and egress will be by way of Lewis Street only. By closing the 98 foot western-most section of the 15' alley, Mr. Monger will be able to place a 4-unit apartment north of the other units, but with direct access to Lewis Street.

Mr. Milam moved that the Commission recommend approval of the 98 foot alley closing request, provided J.M.A. Partners pay the \$ 50.00 filing fee.

Mr. Rhodes seconded the motion and all members present voted in favor..."

Mr. Sullivan pointed out the area and said that another request for closing would possibly be forthcoming next month, for the remaining portion of the alley. Manager Milam informed Council that the \$50.00 application filing fee has been paid by Mr. Monger, and noted further that he was in receipt of a request from Mr. Smith for closing remainder of the alley, with action to be taken regarding same in the near future. Mr. Monger, present in the meeting, was made aware of the new ordinance for alley & street closings which provides for the requestor to pay: \$50.00 filing fee; for services rendered by an appointed Board of Viewers; and if request is approved, assessed value of additional land derived. Following discussion, Councilman Cisney moved that the report of the Planning Commission be accepted, and a Board of Viewers comprised of Messrs. 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. The motion was seconded by Councilman Dingleline and adopted by a unanimous vote of Council.

✓ The following report from a meeting of the Planning Commission held on February 20th was presented and read:

"...The Commissioners studied a plat showing the division of two residential lots, located at 166 W. Wolfe Street and 218 N. High Street, as surveyed and drawn by J.R. Copper, Land Surveyor. The Director noted that Lot 15A will be doubled in size, from its present 1,748 sq. feet to 3,564 sq. feet, and Lot 14 will be reduced from 8,779 sq. feet to 6,964 sq. feet. The Commissioners observed that, based on their field trip to the area, Mr. Texiere is improving Lot 15A and not changing the physical conditions, in that back yard fencing has separated the two lots along the lines of Mr. Copper's survey. Owner Hobert Texiere will continue to rent the dwellings on these two lots as single family homes. Mr. Sullivan added that a variance is needed concerning Lot 15A due to it not being the minimum 6,000 sq. feet in an R-3 Zone. He also noted that off-street parking for both lots will not be affected and Lot 14, when reduced in size, will continue to meet lot size regulations.

Dr. Eneedy concluded the discussion with a motion recommending to City Council that Hobert Texiere's Lots 14 and 15A be re-subdivided as shown on J.R. Copper's Plat, based on the variance provision in the Subdivision Ordinance. Mr. Fleming seconded the motion and all members present voted in favor..."

Following review of the situation by the Planning Director, and discussion, Councilman Dingleline 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 Council.

✓ City Manager Milam presented and read the following report submitted by the Planning Director from a Commission meeting held on February 20th:

"...The Director reported that changes in the locations of two drainage easements and a sanitary sewer easement had been made to agree with construction plans as revised in April 1979, for Section 9, Holiday Hills Subdivision. At the request of Roger Ritchie, City Attorney Norvell Lapsley presented the matter of 'rededication and correction' of Section 9, Holiday Hills to the City Council. The Commissioners studied the revised map and the original 1976 map. Mr. Fleming concluded the review with a motion recommending that City Council approve the 'Rededication and Correction of Section 9, Holiday Hills Subdivision.' Mrs. Bowman seconded the motion and all members present voted in favor..."

Following a brief discussion, Councilman Rhodes moved that the recommendation of the City Planning Commission for approval of the Rededication and Correction of Section 9, Holiday Hills Subdivision, be approved, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

✓ In correspondence dated 2/13/80 from William B. Timberlake, Facility Management Officer for the Dept. of Military Affairs, the City Manager was advised that the Governor had approved the department's agreement to transfer 3.5 acres (±) of land adjacent to the William G. Myers Armory, to the City of Harrisonburg, in exchange for construction of two classrooms by the City. The City was requested to submit a detailed survey of the metes and bounds of the property, as well as a schematic drawing of the proposed classrooms. City Manager Milam reminded Council that an approximate 6.03 acre tract of land had been conveyed to the Department of Military Affairs in 1953 for construction of an armory, and that for the past several years, the School Board has expressed an interest in acquiring some of the property to expand High School and Jr. High School grounds. The following proposed agreement between the City and the Commonwealth, submitted along with the correspondence, was read in its entirety for Council's consideration of approval, which is self-explanatory of the total situation:

THIS AGREEMENT entered into this _____ day of _____, 1980, by and between the CITY OF HARRISONBURG, VIRGINIA (City), and THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF MILITARY AFFAIRS (Department) who do agree and acknowledge as follows:

(1) ACKNOWLEDGEMENTS. The parties acknowledge as follows:

(a) By deed dated May 13, 1953, the City conveyed to the Department a tract of land in the City of Harrisonburg, Virginia, containing 6.03 acres, more or less, fronting on the eastern side of South Willow Street and more particularly described on the attached copy of the plat of the property, designated as "Exhibit A."

(b) The Department has improved and developed a portion of the 6.03 acres.

(c) That with the approval of the Director, Division of Engineering and Buildings and the Governor of Virginia (or his designee) the Department has agreed to convey 3.5 acres of the land to the City in exchange for the construction by the City of two classrooms to be constructed for the benefit of the Department on land retained by the Department.

(d) The City has agreed to appropriate from its budget the cost of the two classrooms but not to exceed the amount of \$ 50,000.00.

(e) The Department has agreed to lease the 3.5 acres to the City until the closing of this agreement.

(2) The Department hereby agrees to sell and the City agrees to purchase all that tract of land containing approximately 3.5 acres being a portion of the 6.03 acre tract designated on Exhibit A hereto, the tract conveyed to be surveyed and whose perimeter is approximately described as follows: the northwestern corner of the 6.03 acre tract, the conveyed portion's southernmost boundary being formed by a line drawn perpendicular to Willow Street and running laterally with the north wall of the vehicle compound now used by the Department to a point east of said compound where a line is to be surveyed along the hill behind the Armory and parallel to Willow Street to other property owned by the City, thence with that property line to Willow Street and with Willow Street back to the beginning, containing approximately 3.5 acres.

(3) In consideration of the foregoing conveyance the City agrees to build for the Department two classrooms on land retained by the Department which shall be the sole property of the Department, each classroom to be approximately 20 feet by 50 feet and to meet the standards approved by the Department with the City being responsible for their design and construction supervision.

(4) The former maintenance agreement between the Department and the City will be modified to include the two new classrooms constructed under this agreement.

(5) Upon the completion of the classrooms, the Department will execute and tender to the City a deed with English Covenants of Title conveying the approximately 3.5 acres to the City.

(6) The City shall allocate sufficient money to pay for the construction of the classrooms but in no event shall it be required to pay more than \$ 50,000.00.

(7) From the date of this agreement until the closing, the Department hereby leases to the City and the City hereby takes from the Department the property to be conveyed under the terms of this agreement at a rental of \$ 1.00 per year, the City to be responsible for the maintenance, upkeep and use of the property. The City shall be entitled to make any improvements it desires to the property to be conveyed under the terms of this agreement.

(8) In the event that the cost of the two classrooms mentioned in paragraph (3) above exceeds the \$ 50,000.00 budgeted for by the City (paragraph (6) above; and/or the City decides not to proceed with their construction for this or any other reason then this Agreement shall at that time terminate and shall not be binding on the Department or the City. If the City has not awarded a contract for the construction of the classrooms as intended by this Agreement by January 1, 1982, then this Agreement shall be terminated. However upon termination of this Agreement as herein provided for in this paragraph (8) any improvements made upon the 3.5 acres to be conveyed to the City shall become the property of the Department.

(9) The closing of the transaction described in this agreement shall be within sixty days after the completion and acceptance by the Department of the construction of the classrooms provided for under this agreement.

WITNESS the following signatures and seals.

CITY OF HARRISONBURG

By

THE COMMONWEALTH OF VIRGINIA
DEPT. OF MILITARY AFFAIRS

By

William J. McCaddin, MG, VaARNG
The Adjutant General

During discussion, Councilman Cisney raised a question concerning the \$ 50,000. maximum amount placed on construction of the classrooms due to rising costs of materials, labor, etc. today. Manager Milam said that according to minutes of Council meetings in 1977 and 1979, the project has already been approved. Councilman Cisney then offered an opinion that the Agreement should be signed with determination made by the City about the amount, in that problems could arise toward end of classroom construction. Manager Milam pointed out that three departments would benefit by the Agreement: The Recreation Department would have use of the classrooms for additional activities; the School Board would have use of the green area; and the Dept. of Military Affairs for improvements made on the land by the City. Councilman Dingledine moved that the Agreement be approved with authorization for the Mayor to sign same on behalf of the City, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ For sometime, members of Council have been deliberating concerning appointment of an individual to coordinate and oversee activities for the City's bicentennial celebration this year, with the matter having been discussed informally on several occasions. Councilman Dingledine offered a motion that Mr. Robert J. Sullivan, Jr., City Planning Director, be appointed to serve as Executive Secretary of the Harrisonburg-Rockingham County Independence Bicentennial Commission, and undertake those duties. He offered an opinion that Mr. Sullivan would do a fine job and make a tremendous contribution to the City during this year (the City's 200th birthday). The motion was seconded by

Councilman Cisney, and adopted by a unanimous vote of Council.

✓ Councilman Rhodes reminded Council that he had been instructed, at a special meeting on February 19th to reactivate his original Transportation Study Committee to review activities and establish goals for the Transportation Department. He asked about the possibility of the study being made by the Harrisonburg Department of Transportation Safety Commission, which is well represented through its membership. Following a brief discussion, Mr. Rhodes was authorized to present the matter of transportation to that Commission.

✓ City Manager Milam called Council's attention to correspondence dated 2/14/80 from the Central Shenandoah Planning District Commission Secretary, advising that the terms of Mr. Elon W. Rhodes and Mr. Robert J. Sullivan, Jr., will expire on June 30, 1980, with both eligible for reappointment. Further noted was the fact that present terms of the Commission's Executive Committee members will also expire on that date, with newly appointed members to serve two year terms beginning July 1, 1980. Vice-Mayor Green moved that Messrs. Rhodes and Sullivan be reappointed to the Central Shenandoah Planning District Commission for terms of three (3) years, expiring on June 30, 1983. The motion was seconded by Councilman Cisney and adopted by a majority vote of Council. Councilman Rhodes, abstaining. Councilman Dingledine then moved that Council recommend Mr. Rhodes for consideration as a member of the Executive Committee. The motion was seconded by Councilman Cisney and adopted by a majority vote of Council. Councilman Rhodes, abstaining.

✓ During a discussion of appointments to various Boards & Commissions, it was noted that the unexpired term which Mr. Tom Hook had been filling on the City School Board would expire on June 30, 1980, and that he was eligible to be appointed for a first full term. Following a brief discussion, Councilman Dingledine moved that Mr. Hook be appointed to the School Board for a term of three (3) years, expiring on June 30, 1983. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ City Manager Milam reminded Council that an ordinance had been adopted on 1/23/79 which provided for sale of the former B.Ney property (corner Elizabeth & Main Streets) to the Harrisonburg Industrial Development Authority for \$ 55,000., following negotiations with Elizabeth Street Partners, a proposal having been submitted by them to purchase the property for construction of a 4-story office building on the site. He referred to Section 2 of the ordinance which states: "that such sale shall be conditioned upon the use of the land for the aforementioned purposes, and the deed conveying the land shall contain a covenant to reconvey the property to the City upon refunding of the purchase price in the event construction of such office building has not been commenced within twelve months of the conveyance of the land to the Authority." Based on the ordinance section and the fact that the purchase price for the property has not been conveyed to the Authority, or final plan submitted, to date, Manager Milam recommended that the ordinance be rescinded. Following a brief discussion, Councilman Dingledine moved that an ordinance rescinding the ordinance adopted on 1/23/79 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. Manager Milam then recommended authorization for the former B.Ney property, all land within the Kavanaugh Hotel property area and all properties which have been acquired by the City with use of Community Block Grant Funds to be conveyed to the Harrisonburg Redevelopment & Housing Authority by a transfer of deeds, with no responsibility on the Authority with regard to cost for the transfers. Vice-Mayor Green moved that authorization be granted for transfer of the deeds to the R & H Authority, subject to second & final reading of the ordinance to rescind ordinance of 1/23/79 for resale of the B.Ney property to Elizabeth Street Partners. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ Vice-Mayor Green moved that a supplemental appropriation in amount of \$ 25,154.22 to be used for transferring interest earnings in excess of funds needed for the retirement of Housing for the Elderly Construction Notes & Interest Payable on the Notes, be approved for second & final reading, a first reading having been approved on February 12th, and that:

\$ 25,154.22 chgd.to: General Fund- Res. for Housing Escrow Account

25,154.22 approp.to: CD Revolving Fund- Realized Revenue

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

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 5,936. requested by the Director of Social Services, representing additional state appropriation to cover expenditures in the mandatory Auxiliary Grants Program, be approved for second & final reading, a first reading having been approved on February 12th, and that:

\$ 5,936. chgd.to: VPA Fund (610.00) Rev.from Other Agencies--Grants-in-Aid
from Commonwealth--Aux. Grants--Mandatory

5,936. approp.to: VPA Fund (05-8022-391.03) Bureau of Public Assistance--
Aux. Grants (Mandatory)

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

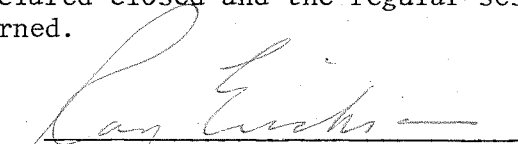
✓ For consideration of first readings, the City Attorney presented two ordinances: (1) amending Chapter 4 of the City Code, Section 4-2-10 titled "Investment of Excess Funds" and (2) new section 4-2-15 titled "Investment of Excess Funds by City Treasurer." He explained that the only changes in Section 4-2-10 were addition of words "Repurchase Agreements" which will authorize the City's Finance Committee to invest excess city funds in something other than certificates of deposit as set forth in the present ordinance. Further noted was that a new section 4-2-15 had been added in order to eliminate the re-writing of Chapter 4 wherein many changes would be required. This section authorized the City Treasurer to invest any funds remaining in his hands, following investments provided under Section 4-2-10 in Repurchase Agreements with the local commercial banks, upon approval and authorization of the City Auditor. When question was raised concerning a prior request of a local Savings & Loan Association to be allowed to bid for investment of the city's excess funds, City Attorney Lapsley noted that those associations do not have Escrow Securities, which is a requirement in order to comply with the state statute. If, and when they may comply, the city code can be

amended for their inclusion. Following discussion, Councilman Cisney moved that the ordinance amending Section 4-2-10 titled "Investment of Excess Funds" be approved for a first reading, which motion, upon being seconded by Councilman Dingledine, was adopted by a unanimous recorded vote of Council. Councilman Cisney then moved that the ordinance providing for addition of Sec. 4-2-15 titled "Investment of Excess Funds by City Treasurer" be approved for a first reading. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council.

At 10:05 P.M., Councilman Dingledine moved that Council enter an executive session to discuss a legal matter. The motion was seconded by Councilman Rhodes and adopted by a unanimous vote of Council.

At 11:15 P.M., on motion of Councilman Dingledine, seconded by Vice-Mayor Green, and a unanimous vote of Council, the executive session was declared closed and the regular session reconvened. There being no further business, the meeting adjourned.


CLERK


MAYOR

Friday, February 29, 1980

✓ At a special meeting of Council held in the Council Chamber this evening at 7:00 PM there were present: Mayor Roy H. Erickson; 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 Philip Peterman and Chief of Police Richard W. Presgrave. Absent:- City Manager Marvin B. Milam.

Mayor Erickson called the meeting to order and said that the purpose was to take action on a proposed addendum to a contract dated March 15, 1979 between the City and County for water and sewer services to serve the R.R.Donnelley Plant which is locating on Kratzer Road, amendments to paragraphs one and four. City Attorney Lapsley reported that he and Attorney William Julias had been meeting with attorneys for Rockingham County in an effort to resolve differences concerning the contract, and noted that those meetings resulted in preparation of the Addendum which is being acted upon this evening by both governing bodies. Attorney Julias explained that this late meeting was called due to inconvenient times of getting both Bodies together, and that the Board of Supervisors were meeting at this time also to take action on the Addendum, after which time the proper officials would meet here in the Council Chamber for joint execution of the document. Councilman Dingledine moved that the Addendum to the March 15, 1979 contract, which had been reviewed by Council during an executive session, be accepted, with authorization for the Mayor and Clerk to sign same on behalf of the City of Harrisonburg. The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council. City Attorney Lapsley presented the following Press Release for consideration of publication, subject to its approval by both the City and County:

"On February 29, 1980, the Rockingham County Board of Supervisors and the Harrisonburg City Council approved an addendum to a contract dated March 15, 1979, for water and sewer services for the R.R.Donnelley Company. Approval of this addendum removed the misunderstandings that have existed between the County and the City, and therefore the County has agreed to withdraw its suit against the City.

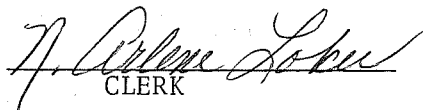
The Rockingham County Board of Supervisors and the Harrisonburg City Council firmly believe that it is in the best interests of the citizens of both jurisdictions that this matter be settled in an amicable fashion. Settlement of the matter as set forth in the addendum to the contract allows work to proceed in providing the needed services for the R.R.Donnelley Company, and very importantly, will avoid costly litigation for both localities."

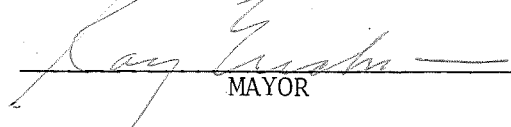
Chairman
Rockingham County Board of
Supervisors

Mayor
City of Harrisonburg, Virginia

Councilman Cisney moved that the Press Release be accepted, which motion upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

There being no further business and on motion of Councilman Cisney, seconded by Councilman Dingledine, and a unanimous vote of Council, the meeting adjourned at 7:10 P.M.


CLERK


MAYOR

Tuesday, March 11, 1980

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. Dingle, Jr., Elon W. Rhodes, James C. Cisney; City Auditor Philip Peterman and Chief of Police Richard W. Presgrave. Absent:- none.

Minutes of the regular meeting held on February 26th were read and approved as corrected; minutes of special meeting of February 29th read and approved.

The following regular monthly reports were presented and ordered filed:

From the City Manager:

A report of activities in the various departments and said office for

the month of February, 1980.

From the City Treasurer:

A trial balance report as of close of business on February 29, 1980.

From the Police Department:

A report of total number of arrests; parking meter fines collected; cash collected from parking meters; total cash collected all sources in amount of \$ 7,795.51 for month of February, 1980.

From the City Auditor:

A financial report for month of February, 1980.

A report of cash discounts saved in payment of vendors' invoices for month of February, 1980, totaling \$ 334.94.

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, 1980.

✓ Correspondence dated 2/26/80 from Mr. Victor J. Smith, 261 S. Liberty Street, was read, in which he requested the closing of a portion of the 15' alley on the south side of his property, a distance of approximately 115' starting at the western end of his lot and going in an easterly direction. It was noted that the westernmost portion of the alley has been petitioned for closing by J.M.A. Partners. City Manager Milam informed Council that the \$ 50.00 filing fee had been paid by Mr. Smith. On motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Council, the request was referred to the City Planning Commission for study and recommendation.

✓ The City Manager presented and read correspondence dated 3/7/80 from Hosie T. Fitzgerald in which request was made for closing of three 10' alleys located between Myrtle Street and Simms Ave., which action would join the requestor's property together in the center and on each end, as well as allow more space for building and afford more privacy. It was noted that the alleys show no signs of being used, and the surrounding land is zoned M-1, with plans for a warehouse type structure. A \$ 50.00 filing fee accompanied the correspondence. Following a brief discussion, Councilman Dingle-dine moved that the request 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.

✓ Communication dated 3/3/80 from James C. Wilkins & Associates, Inc., on behalf of Mr. Ken Kline, was presented, submitting a preliminary subdivision plat for Pleasant Hill Village. City Manager Milam pointed out location of the subdivision as south side of Pleasant Hill Road immediately west of Maplewood Court Apartments. Councilman Dingle-dine moved that the Plat be referred to the City Planning Commission for study and recommendation, which motion, upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

✓ City Manager Milam presented correspondence from the City Treasurer and Commissioner of Revenue, submitting salary & expense requests for fiscal year ending 6/30/81, which requests will be presented in person to the State Compensation Board on March 20th. City Treasurer Firebaugh said he felt that the salary requests were within range of the schedule established by the Division of Personnel for the State of Virginia, and would compensate his employees for increase in normal services rendered in his office. Commissioner of Revenue Smith asked that Council advise him, prior to March 20th, concerning his request for two new positions: Real Estate Appraiser, Deputy and Secretary & Mapping Clerk. Mayor Erickson called attention to a Bill before the General Assembly which would provide for reassessment of real estate every four years by cities of 30,000 or less population. When question was raised concerning whether or not the City would be required to appoint an Appraiser for each reassessment, in the event a deputy appraiser is employed, Mr. Smith replied in the negative. City Manager Milam asked the Constitutional Officers to inquire, upon presentation of their requests, if the Compensation Board would agree to reimburse the City of Harrisonburg 50% of workmen's compensation and hospitalization coverage for employees in the two offices. Councilman Cisney asked if City Council would be obligated for the amounts requested by the two offices at this time, and said he would prefer that the City not be obligated until the entire City budget is prepared. Manager Milam pointed out the fact that in past years, Council had approved a resolution for presentation to the Compensation Board, which action was eliminated several years ago in that it was felt the resolution could create an obligation on the City. Following discussion, Councilman Cisney moved that the Constitutional Officers be authorized to present their expense & salary requests to the Compensation Board on March 20th. The motion was seconded by Councilman Dingle-dine and adopted by a unanimous vote of Council. Mayor Erickson offered an opinion that it was too early to make a decision re employment of a Deputy Appraiser, in view of the Bill before the General Assembly, setting reassessments only every four years.

✓ Correspondence dated 3/10/80 from Mr. Jack F. DePoy was presented, with which he enclosed a Plat of Reherd Acres Subdivision, Unit 9. It was noted that a slight change would be reflected on the final plat which will effect Lot 55 by reducing its size, and also reserve to Reherd Acres a section of land that will be used for an entrance sign for the subdivision. Manager Milam pointed out the location as Vine Street where it connects with Old Furnace Rd. Councilman Cisney 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.

✓ Correspondence was presented and read from Ms. Carolyn Williams, Festival Coordinator, Virginia Poultry Federation, Inc., in which request was made for permission, again this year, to issue vendor's permits on the day of the Grand Parade, May 14th. During discussion, it was noted that over the past several years there have been no problems resulting from permits being handled in this manner. Councilman Dingle-dine moved that permission be granted, as requested, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

✓ Mayor Erickson called attention to item 5 on this evening's agenda re final plan for the 13-acre Mosby Heights Subdivision, and noted that a written request had been made by the President of Keister School P.T.A. for action to be delayed until the next regular meeting, in that a regular meeting of that organization this evening conflicts with attendance of residents at the Council meeting. He said he would leave the matter to Council's discretion. Mr. Fred Burchill of C.R.I., Inc., developers of

the subdivision, stated that a complete set of plans had been submitted and found to be in compliance with all city requirements, and that the development would be considered next Tuesday by the Board of Commissioners, with bonds approved for a loan on the project, which bonds will be repaid through federally subsidized rents. He asked that a decision of Council be expedited in order that the initial closing may be set and construction begun this spring. Mr. Burchill informed Council, and those present, that all is in conformity with the Cities Housing Assistance Plan and it has been determined that there is a definite need for moderate-income housing in this area. The City has requested that units in the development be set aside to assist in the relocation program. Councilman Cisney offered an opinion that action should be taken at this time, in that the matter had been postponed until this evening from the last regular meeting two weeks ago. Mayor Erickson said he felt the question of overcrowding at Keister School should be dealt with by the City School Board if, and when the need arises. Councilman Rhodes reported that, according to the School Superintendent, there are plans for 1983-84 to add eight classrooms in the elementary schools, with capital outlay provided for this. At the present time, only the fourth grade classes at Keister School exceed the number of students desired. City Manager Milam noted that the Harrisonburg Redevelopment & Housing Authority has been applying each year since 1969 for 100 new living units, with the 61 at Lineweaver Apartments representing the number provided to date. Noted further was the fact that all city agencies reviewing the Plans of C.R.I. have given assurance that they conform in all aspects and regulations of the City. Building permits are being held up at the present time until definite action is taken. Mrs. Darlene Slaymaker, present in the meeting on behalf of Keister P.T.A., reiterated concerns: overcrowding at Keister; bus service for the children; possibility of a water problem in the development area, etc. Vice-Mayor Green said he could appreciate concerns as stated, but added that the developers have submitted complete plans which meet all criteria for the subdivision, and the land is properly zoned R-2 for medium density residential. He offered a motion that the Plan for Mosby Heights Subdivision be approved, as recommended by the City Planning Commission. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

For consideration of second & final reading, an ordinance Rescinding the Ordinance of January 23, 1979 in Regard to Sale of Real Estate on Corner of West Elizabeth Street and North Main Street in the City of Harrisonburg, was presented. Council was reminded that the ordinance had been approved for a first reading at the last regular meeting, in that Elizabeth Street Partners had submitted no plan to the City within a one-year period as provided in the original ordinance. Vice-Mayor Green moved that the ordinance be approved for second reading with authorization for the Mayor to sign the document 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. (Ord. Bk K, page 201).

An ordinance amending Section 4-2-10 of the City Code titled "Investment of Excess Funds" was presented for consideration of a second & final reading, a first reading having been approved on February 26th. Council was reminded that the only change in the section was addition of the words Repurchase Agreements which will permit temporary excess funds to be invested in something other than certificates of deposit. Councilman Cisney 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. (Ord. Bk K, page 202).

For consideration of second & final reading, an ordinance amending Section 4-2-15 of the City Code titled "Investment of Excess Funds by City Treasurer" was presented. Under this new section, approved for a first reading on February 26th, the City Treasurer would be authorized, with approval and authorization of the City Auditor, to invest temporary excess funds remaining in his hands after investments authorized under Section 4-2-10, in Repurchase Agreements with commercial banks in the City for a period not to exceed seven days. Councilman Cisney 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. The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council. (Ord. Bk K, page 203).

A request was presented from the City's Recreation Director for approval of a supplemental appropriation in amount of \$ 354.35 in order to transfer that amount from account of Recoveries & Rebates to Wages, representing reimbursement to three employees for excess withholding taxes withheld on pay period May 16-31, 1979. Councilman Cisney moved that the appropriation be approved, and that:

\$ 83.50	chgd.to: General Fund (1005) Recoveries & Rebates	(D.Rcpts. 7/11/79)
154.20	chgd.to: General Fund (1005) " "	(D.Rcpts. 2/22/80)
116.65	chgd.to: General Fund (1005) " "	(D.Rcpts. 3/3/80)
354.35	approp.to: General Fund (11020-12) Parks & Rec. Dept.- Wages	

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

A request was presented from Mrs. Marie Arrington, Director of Social Services, for approval of a supplemental appropriation in amount of \$ 13,975.71 representing 100% reimbursement by the Federal Government for emergency fuel assistance program. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:-

\$ 13,975.71	chgd.to: VPA Fund (611.00) Rev.from Other Agencies--Grants-in-Aid from Commonwealth - Fuel Emergency Assistance Program
13,975.71	approp.to: VPA Fund (8022-394.05) Emerg. Fuel Assistance

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

The City Manager presented a request from Mr. Ralph Smith, Superintendent of Streets, for approval of a supplemental appropriation in amount of \$ 13,500. due to insufficient funds for snow & ice removal. A summary which accompanied the request revealed that a total amount of \$ 34,464. had been expended for the project, \$ 14,804. of which amount had been for purchase of 380 tons of salt, with a budgeted amount of only \$ 20,000. Mr. Smith added further that due to transfers from other accounts for the project, the Street Cleaning Department is in a deficit and no bills can be paid until funds are appropriated. Assistant City Manager Driver pointed out that the amount

budgeted will in no way cover cost for snow & ice removal, with cost of salt usurping the most part of that amount. Unless the amount appropriated is sufficient in the future, the only way to handle the situation will be through an additional appropriation of funds. Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 13,500. chgd.to: General Fund- Unappropriated Fund Balance

13,500. approp.to: General Fund (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.

A request was presented from Mr. Cecil Gilkerson, City Recreation Director, for approval of a supplemental appropriation in amount of \$ 14,000. due to insufficient funds for payment of electric bills due to funds in that category of the department's budget having already been expended. Following discussion, Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:

\$ 14,000. chgd.to: General Fund- Unappropriated Fund Balance

14,000. approp.to: General Fund (11027-361.00) Community Activities Center- Electricity

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

City Manager Milam presented a request from the City School Board for Council's consideration of approval, for re-allocation of funds within school appropriations in amount of \$ 20,000. in order to transfer unneeded funds to cover unanticipated expenses for pupil transportation, electricity, fuel and debt service handling charges. Following a brief discussion, Councilman Rhodes moved that the reallocation be approved, and that:

\$ 5,000. trans.from: School Fund (1201-134.12) Day Sch.Instr.-Comp.Secondary Teachers

5,000. trans.from: " " (1201-135.01) " " - Comp. Supvrs.

5,000. trans.from: " " (1201-299.00) Other Inst. Costs

5,000. trans.from: " " (1201-305.00) Other Inst.Costs- Inst. Supplies

1,500. trans.to: School Fund (1203-219.02) Pupil Trans.- Trans.by Pub.Carrier

8,475. trans.to: " " (1205-207.00) Oper. Sch.Plant- Electricity

10,000. trans.to: " " (1205-311.00) Oper.Sch.Plant- Fuel

25. trans.to: " " (2000-806.00) Debt Service- Other Dbt.Ser.-handling chgs.

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

A request was presented from the City School Board for approval of a supplemental appropriation in amount of \$ 6,456. in order to provide funds for excavation and architect fees for new construction at Massanutten Voc. Tech. Center. In correspondence attached to the request from the Clerk for Committee for Control, Voc. Tech. Center, to Mr. Wayne Kine, Harrisonburg's share of cost in the new construction project was quoted as \$ 6,455.53, representing 17% of the total, \$ 37,973.72. Following a brief discussion, Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 6,456. chgd.to: School Fund (R-55) Antic. Rcpts.- Rcpts.from Loans, Bonds, Investments, Loans from Literary Fund

2,886. approp.to: School Fund (1900-205.01) Cap.Outlay- Architect Fees

3,570. approp.to: School Fund (1900-601.01) Cap.Outlay- New Bldgs. or additions to present buildings

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 for approval of a supplemental appropriation in amount of \$ 4,902.70 in order to pay tuition for handicapped student enrolled in Lafayette Academy, Charlottesville, Va. It was noted that 60% reimbursement would be made by the state. Councilman Dingledine moved that the appropriation be approved for a first reading, and that:-

\$ 2,941.62 chgd.to: School Fund (R-12B) Antic. Rcpts.- Rcpts.from State School Funds- Spec. Education- Other

1,961.08 chgd.to: School Fund - Unappropriated Balance

4,902.70 approp.to: School Fund (1201-221.03) Other Inst.Costs- Tuition pd handicapped children.

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

The City Manager presented correspondence from the Utility Billing Department enclosing a list of delinquent water, sewer and refuse accounts in total amount of \$ 1,658.39. and request for authorization to charge same off records as uncollectable. It was noted that accounts listed are not currently being served by the City and that effort had been made by the department to locate the consumers for collection of amounts due. Councilman Rhodes raised a question as to whether or not the accounts might be collected at a later date, if charged off. City Manager Milam explained that they may, and pointed out that should any of the listed consumers apply for services in the future, the delinquent amounts must be paid before account is reopened. Following discussion, Councilman Cisney moved that the Department of Utility Billing be authorized to charge off those accounts listed, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

City Manager Milam informed Council that correspondence dated 2/27/80 from Roger A. and Sharon B. Canevet, advised that they had purchased the former "Gatsby's" on S.Liberty Street, which is presently being operated as a new and separate organization under the name "The Other Place." A request was made for consideration of granting a dance permit in that the establishment would be operated as a restaurant with live entertainment. A blueprint of the premises had been enclosed with the correspondence. He noted that since the request, the premises had been investigated by the Building Inspector, Police Chief and Fire Chief, with written reports submitted by each. He noted that although none had recommended denial of the request, one had suggested that if approved, the permit be for a temporary period only. Mr. Canevet informed Council that some changes have been made which should make the establishment safer, and noted that it had been inspected by the

Health Department, as well as those officials mentioned. Following discussion, Vice-Mayor Green moved that a dance permit be granted on a 6-month trial basis subject to inspections by the Building Official, Police Chief and Fire Chief, to assure strict compliance with all city regulations and requirements. The motion was seconded by Councilman Cisney and adopted by a unanimous vote of Council. Manager Milam said he would mail those comments offered by the various city officials, to Mr. Canevet, for information.

✓ The City Manager reported that the City of Harrisonburg has indicated for sometime that it desires to participate in a statewide automobile insurance plan, and had been working through the Virginia Municipal League for such an opportunity by submitting data concerning the City's vehicles, etc. He presented correspondence from the League Office dated 3/4/80, advising that implementation of both automobile and workmen's compensation coverage was being anticipated within the coming months, with commitments necessary from a minimum of twenty-five localities and at least \$1 million in surplus to capitalize the reciprocal. An estimated first year premium for Harrisonburg to participate in the automobile coverage was quoted as \$ 26,881. which figure allows credit for a 15% discount as well as experience credit. Manager Milam noted that through the statewide coverage, the City would have automobile insurance and workmen's compensation in one package, and offered an opinion that it appears to be a very good program. Through other correspondence dated 3/6/80 concerning workmen's compensation self-insurance fund which is being established for political subdivisions in Virginia, it was reported that over seventy localities have expressed interest, to date. Base premiums for workmen's compensation are established by the state, with the fund offering advance discounts plus the opportunity to share in any savings in the fund at the end of the year. City Manager Milam recommended that Council commit the City of Harrisonburg as a participant in the total program and approve the initial first year payment of \$ 26,881. for the Automobile Liability Insurance Program. Following discussion, Councilman Cisney moved that the City Manager's recommendation be approved, which motion, upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ For Council's information, Councilman Rhodes reported that the Harrisonburg Department of Transportation Safety Commission had met on Monday of this week, and scheduled another meeting for Friday, March 21st, in order to review the City's transportation system and compile information, based on needs of the department, etc.

At 9:25 P.M., Vice-Mayor Green moved that Council enter an executive session to discuss a legal matter and personnel. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

At 10:40 P.M., on motion duly adopted, the executive session was declared closed, the regular meeting reconvened, and adjourned.

N. Arlene Lober
CLERK

Lang Erickson
MAYOR

Tuesday, March 25, 1980

At a combined public hearing & 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; Councilmen Raymond C. Dingleline, Elon W. Rhodes, James Cisney; City Auditor Philip Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on March 11, 1980 were read, and approved as corrected.

✓ For information, correspondence dated 3/4/80 from Mr. John Kauffman, Fish Biologist Supervisor, Commission of Game and Inland Fisheries, was read. It was noted that the Commission had recently adopted the change allowing Sunday fishing at Silver Lake, and that although Mr. Kauffman had not seen minutes of the Commission, he felt the regulation change would be effective 7/1/80. Appreciation was expressed for consideration the Harrisonburg City Council had given the matter.

✓ Correspondence dated 3/21/80 was presented from Attorney Porter R. Graves, Jr., on behalf of his client, Peak Builders, Inc. (A Virginia Corporation), owner of Lots 17, 18, 19, 20 and 21 of the Masters and Brown, Red Hill Addition, located on the south side of Hawkins Street. A plat and request for resubdivision of the lots was submitted, in order to divide said lots into two separate parcels for the purpose of constructing two 6-unit apartments. Virginia Builders is presently applying for a variance from the lot density requirement through the Board of Zoning Appeals. City Manager Milam noted that the Planning Commission has authority to grant variances on lot lines and lot sizes. Councilman Rhodes moved that the 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 7:40 P.M., Mayor Erickson closed the regular session temporarily and called the evening's public hearing to order. City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper:

"The Harrisonburg City Council will hold a Public Hearing on Tuesday, March 25, 1980, at 7:30 P.M. in the City Council Chamber, Municipal Building, 345 S. Main Street, to consider the following rezoning request:

To change from R-1 Single Family Residential District to R-2 Residential District to R-2 Residential District, Lot 17, Block D, Page 16 of the City Block Map. This 50 x 160 foot lot with dwelling is located at 291 East Grattan Street. Mrs. Ann Nowlin Dechert and Susan S. Nowlin, co-owners, have requested the rezoning.

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

CITY OF HARRISONBURG- Marvin B. Milam, City Manager"

Mr. R.J. Sullivan, Planning Director, noted that rezoning of the residence would bring it into conformity with all other houses down the hill, and would allow the property to conform insofar as renting of rooms, under an R-2 Residential zone classification. Although one call had been received in his office expressing concern that the property may be converted to apartments, Mr. Sullivan noted that there were no plans by the co-owners to convert the home in any way.

There being no others to be heard, the Public Hearing was declared closed at 7:45 P.M. and the regular session reconvened.

City Manager Milam called attention to the Planning Commission report presented at Council's meeting on February 26th which reads as follows:

"...Mrs. Ann Nowlin Dechert, co-owner of the house and lot located at 291 East Grattan Street, explained to the Commissioners that her sister, Miss Susan Nowlin, has been renting two or three rooms to J.M.U. girls since 1971, and was not aware of the restrictions regarding rooming house qualifications until this year. She noted that their house is the only one facing E. Grattan Street not zoned R-2. The Director reported that all adjoining property owners were notified of the rezoning application and only one called to object if the Nowlins were planning to convert the house into apartments. Mrs. Dechert stated they do not wish to change anything within the house.

Mr. Milam concluded the discussion with a motion that the Planning Commission recommend to City Council that Lot 17, Block D, Page 16 of the City Block Map, known as the Nowlin Property, 291 E. Grattan Street, be rezoned from R-1 Single Family District to R-2 Residential. Mr. Fleming seconded the motion and all members present voted in favor..."

Mayor Erickson asked Council's wishes concerning the rezoning request. Councilman Dingledine moved that the recommendation of the City Planning Commission for rezoning the property at 291 E. Grattan Street from R-1 Residential to R-2 Residential, be approved. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

The following report submitted from a March 19th meeting of the City Planning Commission was presented and read:

"...The Commissioners reviewed maps showing the location of a 15' public alley, running west off South Liberty Street toward the C-W Railroad tracks. Mr. Victor J. Smith is requesting that approximately 120' of the alley be closed, in that J.M.A. Partners requested closing of the western portion in February to construct apartments. Mr. Smith told the Commissioners that he doesn't want traffic from 20 apartments using the 15' alley as access to or from Liberty Street and Mr. Hobert Texiere, owner of property on the south side of the alley, is in agreement. Mr. Smith pointed out that the section of alley he is requesting to be closed has never been developed, and the portion to remain public will continue to serve his and Mr. Texiere's properties.

Dr. Shank concluded the discussion with a motion that the 120' section of alley be recommended for closing, that a Board of Viewers be appointed to investigate and report its findings, and that Mr. Smith reimburse the City for the value of the land area involved. Mr. Rhodes seconded the motion and all members voted in favor..."

Planning Director Sullivan pointed out location of the alley on a map and noted that the Liberty St. portion will serve properties of Messrs. Texiere and Smith. The twenty apartment units will have ingress and egress by way of Lewis Street, with private parking lot provided to serve those units. Mr. Smith informed Council that he was willing to allow J.M.A. Partners to purchase one-half of the alley portion proposed for closing, or would purchase the entire area himself. Mr. James Monger of J.M.A. Partners said he was concerned about the distance of apartment units from a fire hydrant, and would check this out with the Fire Chief. City Manager Milam noted that the City Water Department would possibly extend the water line down Lewis Street, but asked Mr. Monger to discuss this with the Water Superintendent. Following discussion, Councilman Cisney moved that Council accept the report of the Planning Commission and appoint a Board of Viewers comprised of: Messrs. P.H. Hardy, T.H. Lowery and John H. Byrd, Sr., to view the portion of alley and report, in writing, whether or not there would be any inconvenience in the closing. The motion was seconded by Councilman Rhodes and adopted by a unanimous vote of Council. Further suggested was that the Board of Viewers contact adjacent property owners to make them aware that the portion was being considered for closing, and further, to inform them that they are eligible to purchase their portion. This information should be included in the Board's report to Council, along with their reaction concerning purchase of any additional land for which they may be eligible.

City Manager Milam presented and read the following Planning Commission report from a meeting held on March 19th:

"...The Commissioners reviewed maps showing the location of three 10' alleys, running southward off E. Washington Street, approximately 169' where they join an east-west alley. Mr. Hosie T. Fitzgerald, owner of all lots between the eastern and western alleys, desires to consolidate the lots in order to construct a warehouse. Closing the middle alley is essential if the warehouse plans are to be accomplished.

The Director reported that Mr. Fitzgerald was to contact the property owners on the east (Mr. A.M. McHone) and the west (Trustees of Newman-Washington Post 76) but he wasn't aware of the position taken by these adjoining property owners. Mr. Sullivan noted that the alleys do not have utilities in them and the lots are zoned M-1 Industrial. Mr. Milam concluded the review with a motion for the Planning Commission to recommend closing all three alleys, and a Board of Viewers be appointed. Mrs. Bowman seconded the motion. Voting for the motion: Mr. Milam, Mrs. Bowman, Dr. Shank, Dr. Eneedy, Mr. Kuykendall. Voting against: none. Abstaining: Mr. Rhodes..."

Mr. Sullivan pointed out location of the alleys on a map, and noted that the closing request of Mr. Fitzgerald was in order to join his properties. According to the Director, there seems to be no

apparent reason for the alleys in this particular area. He noted, however, that inasmuch as two other property owners do not seem overly excited about the closings, cost, etc., it may take some time for the Viewers to finalize their inspection, contacts with property owners, and submit a report to Council. Councilman Cisney moved that Council accept the report of the Planning Commission and appoint a Board of Viewers comprised of: Messrs. P.H. Hardy, T.H. Lowery and John H. Byrd, Sr., to view the three alleys and determine whether or not there would be any inconvenience in closing of same, and if so, what. Vice-Mayor Green seconded the motion which was then adopted by a unanimous vote of Council. Request was made for the Viewers to contact all adjacent property owners, advising them of the closing request, and offering each an opportunity to purchase any portion of the alleys for which they may be eligible. This should be included in the report to Council.

✓ The following report submitted from a Planning Commission meeting held on March 19th was read by the City Manager:

"...The Commissioners were oriented to the overall map of Reherd Acres, and the Director pointed out proposed Section 9, a 15-lot subdivision to be located on the east side of Vine Street and the north side of Meadowlark Drive. Mr. Sullivan noted that a 6-unit townhouse structure will face Meadowlark Drive, with common area for parking behind these units, and four duplex homes will be located on the east side of Vine Street. A 30' utility easement is shown along the rear property line of the duplex home lots, and an existing HEC power line will have to be moved to the 30' easement, at the developer's expense. Curb and gutter has already been laid on Vine Street and Meadowlark Drive, water and sewer lines are in the streets, and storm water will flow off Vine Street into an underground pipe via a 10' utility easement in the 'common area' lot #47.

Dr. Shank noted that Reherd Acres will slightly reduce the size of Lot #55 on the corner of Vine Street and Old Furnace Road, in order to erect an entrance sign to the development. He urged the City Staff to make sure the sign doesn't impair vision at the intersection. Dr. Shank then moved that the Planning Commission recommend approval of the Final Plan, Section 9, Reherd Acres Subdivision.

Dr. Eneedy seconded the motion and all members voted in favor..."

Mr. Sullivan gave a progress report on the developed areas in the subdivision and noted that Vine Street will be opened along Old Furnace Road to Meadowlark Drive. He traced storm water route around edge of the property, just inside existing curb & gutter. The sign, according to the Director, will not impair vision at the intersection, and the developer is aware that he is responsible for paying cost for moving power line. Mr. Sullivan pointed out that although a final plan has not been submitted for remainder of the area in the subdivision, R-4 Planned Unit Development allows group development (i.e. garden houses, duplexes, single family residences, etc.). Following discussion, Councilman Rhodes moved that the recommendation of the Planning Commission for approval of Section 9 (Final Plan) Reherd Acres Subdivision be approved. The motion was seconded by Councilman Dingle-dine, and adopted by a unanimous vote of Council.

✓ City Manager Milam presented and read the following report submitted by a duly appointed Board of Viewers:

"The undersigned, Harry Lowery, John H. Byrd, Sr. and Paul H. Hardy, who were appointed by the City Council of Harrisonburg, Virginia, on February 26, 1980, to view an alley on the rear of property owned by the IMCO Container Corp., to report in their opinion if any inconvenience would result from discontinuing said alley. Said 12 foot alley borders the western side of Lot 28 and separates it from Lots 24, 25, 26 and 27, Block R, Sheet 35 of City Block Map.

Said alley is situated north of West Market Street and east of Brook Avenue. Starting at West Market Street, the alley runs 260' north and extends 56' westward to Brook Avenue.

We do hereby respectfully report said Commission met March 11, 1980, and after consideration of same, report that in their opinion no inconvenience, either to public or private interest, would result from the closing of said alley. All three members recommend the alley be closed.

Respectfully submitted the 11th day of March, 1980."

Vice-Mayor Green moved that an ordinance effecting closing of the 12' alley be approved for a first reading and referred to the City Attorney to be drawn in proper ordinance form. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council. It was noted that payment by IMCO for the additional land must be made, prior to second and final reading of the ordinance.

✓ The following report submitted by a duly appointed Board of Viewers was read by the City Manager:

"The undersigned, P.H. Hardy, John H. Byrd, Sr. and T.H. Lowery, who were appointed by City Council on February 26, 1980, to view a 98 foot section of a 15 foot alley, running west of Liberty Street, toward C-W Railroad.

Said section of alley being requested to be closed by J.M.A. Partners (James Monger and others).

The undersigned wish to report that this alley was viewed on March 11th, and they wish to report that in our opinion no inconvenience would result from closing the 98 foot section at the extreme western end of the alley. We therefore recommend that this section of the alley be closed.

Respectfully submitted this 12th day of March, 1980."

Following a brief discussion, Councilman Cisney moved that an ordinance effecting the closing of the 98' portion of alley, be approved for a first reading, and referred to the City Attorney to be drawn in proper ordinance form. The motion was seconded by Councilman Dingle-dine, and adopted by a unanimous vote of Council.

✓ Mr. William Julias, Chairman of the Harrisonburg School Board, was present in the meeting, along with the School Superintendent, Director of Finance and Board members, for the purpose of presenting the proposed school budget for fiscal year 1980-81. He pointed out the fact that the total budget of \$ 6,268,335.00 represents an increase of \$ 1,299,426.00 over the current fiscal year, with a request of \$ 637,907. increase from the City of Harrisonburg. Mr. Julias said there was no recourse

than to ask for the increase and pointed out that \$ 415,000. (65%) of city monies would be for salaries and necessary benefits. An increase of 10% across the board is being requested, in that there has been no increase for cost of living for many years. The budget reflects a 15th step on the salary scale in order that senior teachers, as well as principals and administrators may step up, in that their salaries have been frozen at the 14th step. Unless inflation is relieved, Mr. Julias said that the scale would be added to every three or four years. Another 19% of the proposed budget would provide for rising cost of utilities. A first, in the proposal, is a request for purchase of a driver education car and funds to finance athletic department at Harrisonburg High School. City Manager Milam told those present that in order to raise the amount requested by the School Board, the city's real estate tax rate would have to be raised almost 50%. Noted further by Manager Milam was the fact that the School Board's practice in recent years has been to increase the number of employees without showing additional workers in the budget, and said that if several teachers leave the school system with salaries near the "top of the scale", and are replaced by teachers near the "bottom of the scale", those savings are combined and used to employ more people. Superintendent King replied that any excess funds used to hire more people has been justified, and added that since he has been serving as Superintendent, most of the programs for the handicapped have been developed and that each elementary school now has a music teacher and phys.ed teacher. At conclusion of the lengthy presentation and discussion, Mr. Don Grimes, President of the Harrisonburg Education Association, entered a plea for pay raises, in the presentation of a folder of information dealing with the decreasing purchasing power of the teacher's salary. No action was taken at this time re the School Board's request, but Mayor Erickson assured those present that the 1980-81 figures would be considered during an overall study of the City of Harrisonburg budget.

Councilman Cisney moved that a supplemental appropriation in amount of \$ 4,902.70 requested by the City School Board in order to pay tuition for handicapped student enrolled in Lafayette Academy, Charlottesville, Va., be approved for second & final reading, a first reading having been approved on March 11th, and that:

\$ 2,941.62 chgd.to: School Fund (R-12B) Antic. Rcpts.- Rcpts. from State
School Funds - Spec. Educ. - Other
1,961.08 chgd.to: School Fund - Unappropriated Balance
4,902.70 approp.to: School Fund (1201-221.03) Other Inst. Costs.- Tuition
paid handicapped children

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 \$ 6,456. requested by the City School Board to provide funds for excavation and architect fees for new construction at Massanutten Voc. Tech. Center, be approved for second & final reading, a first reading having been approved on March 11th, and that:

\$ 6,456. chgd.to: School Fund (R-55) Antic. Rcpts- Rcpts.from Loans, Bonds,
Investments, Loans from Literary Fund
2,886. approp.to: School Fund (1900-205.01) Cap.Outlay- Archt.Fees
3,570. approp.to: School Fund (1900-601.01) Cap.Outlay- New Bldgs. or
additions to present buildings

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

City Manager Milam presented a request from the City School Board for approval of a supplemental appropriation in amount of \$ 15,390. in order to appropriate unanticipated receipts from Alternative Education Program and Handicapped Program into various categories of the school accounts, in that the funding level was increased from amount anticipated in the school budget. It was noted that this would be an In and Out Category transaction. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:

\$ 3,719.chgd.to: School Fund (R-28B) Antic. Rcpts. from Fed.Funds- Other Fed.
Funds PL 94-142
11,671. chgd.to: School Fund (R-28C) Antic. Rcpts. from Fed.Funds- Other Fed.Funds
3,095. approp.to: School Fund (1209-109.01) Fed.Program- Comp. Clerical
3,719. approp.to: School Fund (1209-113.03) Comp. Psychologist
6,489. approp.to: School Fund (1209-134.11) Comp. Supervisors
1,508. approp.to: School Fund (1209-135.01) Insurance
264. approp.to: School Fund (1209-214.02) Rental Equip.
315. approp.to: School Fund (1209-218.00) Telephone

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

A request was presented from the City School Board for approval of a supplemental appropriation in amount of \$ 64,532.00 in order to provide funds to pay general contractor for Massanutten Voc. Tech.Center new construction through June 30, 1980. It was noted that the amount requested represents the City of Harrisonburg's share of cost (17%) for total construction cost of \$ 379,000. from 3/31/80 to 6/30/80. Further noted was the fact that any unspent funds will be encumbered to pay for construction billings received after 6/30/80 and any receipts from the Literary Fund Loan not received by that date will be set up in "reimbursable expenditures." Following discussion, Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 64,532. chgd.to: School Fund (R-55) Antic. Rcpts.-Rcpts from Loans, Bonds and
Investments, Loans from Literary Fund
64,532. approp.to: School Fund (1900-601.01) Cap.Outlay- New Bldgs. or
additions to existing buildings

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

Councilman Cisney moved that a supplemental appropriation in amount of \$ 13,975.71 requested by the Director of Social Services, representing 100% reimbursement by the Federal Government for emergency fuel assistance program, be approved for second & final reading, a first reading having been approved on March 11th, and that:

\$ 13,975.71 chgd.to: VPA Fund (611.00) Rev.from Other Agencies---

Grants-in-Aid from Commonwealth---Fuel Emerg. Assistance Program

13,975.71 approp.to: VPA Fund (8022-394.05) Emerg.Fuel Assistance

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

✓ A request was presented from Mrs. Marie Arrington, Director of Social Services, for approval of a supplemental appropriation in amount of \$ 1,490.28, representing 100% reimbursement by the Federal Government for the Fuel Emergency Assistance Program. Councilman Dingleline moved that the appropriation be approved for a first reading, and that:

\$ 1,490.28 chgd.to: VPA Fund (611.00) Rev.from other agencies---

Grants-in-Aid from Commonwealth- Fuel Emerg. Assistance Program

1,490.28 approp.to: VPA Fund (8022-394.05) Fuel Emerg. Assistance Program

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

✓ Councilman Cisney moved that a supplemental appropriation in amount of \$ 13,500. requested by the Superintendent of Streets due to insufficient funds for snow & ice removal, be approved for second & final reading, a first reading having been approved on March 11th, and that:

\$ 13,500. chgd.to: General Fund- Unappropriated Fund Balance

13,500. approp.to: General Fund (10330-350.00) St.Cleaning- Snow & Ice Removal

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

✓ Councilman Dingleline moved that a supplemental appropriation in amount of \$ 14,000. requested by the Parks & Recreation Director due to insufficient funds for payment of electric bills, be approved for second & final reading, a first reading having been approved on March 11th, and that:

\$ 14,000. chgd.to: General Fund- Unappropriated Fund Balance

14,000. approp.to: General Fund (11027-361.00) Community Activities Center-elect.

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

✓ Council was reminded that action concerning second & final reading of a supplemental appropriation in amount of \$ 33,253.10 had been deferred on January 22nd, following a first reading on January 8th, in that the purpose of same was to appropriate monies received for labor from the Virginia Employment Commission - Title 6, Title 6 Spec.Project and Title IID for months of July, August and September, 1979, for the CETA Program. Purpose of the deferral was to allow time for assurance that the City would not be held responsible for reimbursement of any funds, in that the Program is now being handled by the County. Councilman Cisney moved that the appropriation be approved for second & final reading, and that:

\$ 33,253.10 chgd.to: General Fund (1005.00) Recoveries & Rebates

1,670.46 approp.to: Gen.Fund (4040-12.50) Pur.Agent-Wages-Title IID

1,920.64 approp.to: " " (4110-250.00) Social Security (FICA) on wages
under Title 6, Title 6 S.P. & Title IID

1,720.14 approp.to: Gen.Fund (6015-12.50) Gen.Dist.Court- Police Ct.- Deputy
Court Clerk-Wages-Title IID

2,446.60 approp.to: Gen.Fund (9020-12.50) Fire Dept.- Title 6 & Title IID-Wages-
Firemen & Dispatchers

4,909.75 approp.to: Gen.Fund (9020-12.51) Fire Dept.- Title 6 & Title IID - Wages-
Firemen & Dispatchers

1,638.27 approp.to: Gen.Fund (10110-12.01) St.Dept.Wages-Title 6 - Laborers

1,982.11 approp.to: Gen.Fund (11020-12.50) Recreation Spec.Wages-Title IID

1,610.45 approp.to: Gen.Fund (11020-12.52) Janitor-Wages-Title IID

1,720.40 approp.to: Gen.Fund (11020-12.53) Clk/Typst/Recpt-Wages-Title IID

1,473.20 approp.to: Gen.Fund (11020-12.55) Janitor-Wages-Title IID

2,731.43 approp.to: Gen.Fund (11020-12.57) Concess.Wages- Title 6

6,066.76 approp.to: Gen.Fund (11020-12.58) Laborers Wages- Title 6 S.P.

1,195.05 approp.to: Gen.Fund (11020-12.59) Accnt.Clerk Wages- Title 6

348.00 approp.to: Gen.Fund (11020-12.60) Youth Programmer- Rec.Spec.-Wages-Title 6

1,819.84 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 \$ 300,000. from the Sewer Fund Unappropriated Fund Balance into the Sewer Reserve for Capital Improvements, due to insufficient funds in the proper account. Manager Milam noted that the Reserve Account has been running "in the red" which necessitates transfer of funds within the Sewer Department. Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:

\$ 300,000. chgd.to: Sewer Fund- Unappropriated Fund Balance

300,000. approp.to: Sewer Fund- Reserve for Capital Improvements

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

✓ Mr. Victor Smith, Commissioner of Revenue, was present in the meeting as a follow-up of an emergency message from the Virginia Department of Taxation, concerning House Bill 994 which was passed by the 1980 General Assembly, which law repeals the Bank Stock Tax and imposes a new Bank Franchise Tax effective for the years 1980, 81 and 82. He explained that the technical difference is that the old Bank Stock Tax was a tax on stockholders of the bank, while the new franchise tax will be on the bank, rather than the stockholders. Mr. Smith noted that since the Legislature has abolished the old law, each locality must adopt a new law by ordinance, prior to September of this year, which ordinance will be made retroactive to January 1, 1980. Following discussion, action was deferred, pending receipt of a model ordinance which Mr. Smith said was on its way to Harrisonburg at the present time.

✓ Council was informed that the terms of Messrs. Gary D. Buennemeyer and Dwight E. Miller on the Harrisonburg Industrial ^{Development} Authority would expire on April 24th of this year. Following a brief discussion, Councilman Cisney moved that they be reappointed to the Authority for terms of four (4) years, expiring on April 24, 1984. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

There being no further business and on motion of Councilman Cisney, seconded by Councilman Dingledine, and a unanimous vote of Council, the meeting adjourned at 9:30 P.M.

N. Phelene Loker
CLERK

Gary E. Green
MAYOR

Tuesday, April 8, 1980

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 Elon W. Rhodes, James C. Cisney; City Auditor Philip Peterman and Chief of Police Richard W. Presgrave. Absent: Councilman Raymond C. Dingledine, Jr. (illness).

Minutes of the regular meeting of March 25, 1980 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, 1980.

From the City Treasurer:

A trial balance report as of close of business on March 31, 1980.

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 \$ 6,501.88 for month of March, 1980.

From the City Auditor:

A financial report for the month of March, 1980.

A report of discounts saved in payment of vendors' invoices for month of March, 1980, totaling \$ 92.34.

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, 1980.

Mayor Erickson extended a cordial welcome to those in attendance in an unusually large crowd, and an invitation for them to attend any future meetings of Council.

✓ For information of Council, the City Manager presented an audit report of Community Development Block Grants (Harrisonburg Elderly Housing & Downtown Rehabilitation Projects), for years 1977 and 1978 through November 30, 1979. He pointed out the following facts: six copies of the report were forwarded to the Philadelphia Office and one copy to the City Auditor; A \$500,000. Grant for the Kavanaugh Hotel was received in 1977, with \$ 236,772. of that amount drawn, leaving a balance of \$ 263,228.; the 1978 Grant Program through 11/30/79 in amount of \$ 805,000. with \$ 370,600. of that amount drawn, leaving balance of \$ 434,400.; the R & H Authority received a Letter of Credit for \$ 195,000. of which \$ 38,000. has been expended, leaving a balance of \$ 157,000.; total funds still available from the 1978 Grant Program, \$ 591,400. Manager Milam gave breakdown for use of the funds, and said comments in the report had been answered to the Department of Housing & Urban Development.

✓ Mr. Tony Pinneri, 33 East Weaver Avenue, served as spokesman for a group of residents representing the Purcell Park Neighborhood Association, and requested that those present be permitted to comment following the reading of a report from the Harrisonburg Department of Transportation & Safety Commission, concerning HEC's present project of installing a power line carrying 69,000 volts of electricity, on Monument Avenue. He said that during the course of their efforts to have the line removed, residents have become aware that this may become a political issue, while their sole interest is for removal of the metal pole and lines. He informed Council that a resolution had been passed by the Parks & Recreation Commission on March 25th, requesting that notification be given prior to any wiring, etc., which may take place on or around park grounds. Support of City Council was urged, in a similar manner, with regard to residential areas in the City. Mr. Pinneri said that the group had met with HEC, following the meeting with City Council on February 26th, and offered an opinion that HEC is re-evaluating their position from a cost standpoint, when devaluation of properties, effect of the metal pole from an aesthetic standpoint and safety, should be factors for consideration. He stated further that Council must play a significant part in the final decision. When asked by Mr. Pinneri to give a statement concerning their feelings in the matter, the three Councilmen present in the Chamber at the time, offered the following: Mayor Erickson: as he had expressed in a former meeting, responsibility for placing poles and supplying energy does rest in the hands of the Harrisonburg Electric Commission. He understands that HEC has met with the neighborhood representatives and that work has been temporarily suspended during an evaluation of the situation by a professional firm. HEC has been one Commission that the City has been particularly proud of. A decision was made to form a Commission for supplying energy to Harrisonburg, rather than placing it under VEPCO. Members of the Commission are appointed by Council and selected carefully from recommendations of the Commission, and otherwise, based on their business ability. Mayor Erickson further noted that he respects their attitude at this moment, and is assured that they will have the entire project reviewed. Mr. Pinneri replied that the integrity of HEC is not an issue. Councilman Cisney urged patience in the matter, and said that Council has been very receptive to the information received, and had attended the open meeting at HEC. Council has received all correspondence concerning feelings of those in the neighborhood and those feelings are understood. Council has always tried to fulfill

its responsibility to its best, and this particular matter is presently in the hands of HEC for its investigation and report. Councilman Rhodes said he would like to wait until a report has been submitted by HEC, and noted that should it become necessary for Council to become a part of the Decision, he felt sure the governing body would do so. Mrs. Margaret Haynes, 1416 Valley Street, asked Council's personal assessment of the situation and said she would like a resolution of support from Council, prior to the report from HEC. Mr. John Wood, 52 East Weaver Avenue, pointed out the fact that the 69,000 volts is a completely new system into the community (with poles extended from 40' to 80') and said that a system such as this should be done in order to do the least possible harm to a residential neighborhood. Adele Davenport, 46 Monument Ave., noted that integrity of HEC or City Council was not being questioned in this issue. The following report submitted from a meeting of the Harrisonburg Department of Transportation and Safety Commission meeting held on March 21st was read by the City Manager:

"Chairman Rhodes stated that this meeting was called to make a recommendation on the safety aspect of the intersection of Monument Avenue and Valley Street as well as other intersections on Monument Avenue adjacent to Purcell Park. A Citizens Group from this area appeared at the March 10, 1980 meeting to register complaints on safety. All members of the commission were to visit the site and bring back recommendations to this meeting.

All members had visited the Monument Avenue area and each member gave an oral report on how they felt about the intersections in the area. After hearing all members and consolidating all the reports, Wayne King made the following motion:

- 1. Appropriate warning signs be put at approach of Purcell Park coming off Crawford Avenue and on Monument Avenue coming off S. Main Street.*
- 2. Recommend that trees on Purcell Park land at Valley Street and Crawford Avenue intersection be moved or cut.*
- 3. Crosswalks be placed on Monument Avenue at Valley Street, Crawford Avenue, Bluestone Street and Hillside Avenue.*
- 4. These three items be given immediate attention.*
- 5. Recommend private property owners consider trimming or cutting shrubbery on the southwest corner of Monument Avenue and Valley Street.*
- 6. The Commission does not feel the new pole at the intersection of Monument Avenue and Valley Street will create a major traffic hazard upon completion of above recommended improvements.*

Dr. Richard Smith seconded the motion and all members voted aye."

Mr. John Wood said that the metal pole is the problem, and not trees and shrubbery. Councilman Rhodes pointed out that the steps recommended in the report will be followed up, regardless of the pole situation, and noted further that the possibility of closing the parking lot at Purcell Park had been discussed during the Transportation & Safety Commission meeting. Ms. Haynes questioned the fact that the City's elected officials are not willing to accept responsibility for protection of neighborhoods and children. She said that cutting of trees and shrubs will not alleviate the problem of high voltage and metal pole. Mrs. Ray Wine, 43 Monument Avenue, said that the safety factor in the neighborhood cannot be questioned, especially from the standpoint of children in the area. Mrs. Judy Miller, 1429 Valley Street, offered an opinion that a 2-way stop sign would be necessary, in that it is impossible to make a left turn on Valley Street because of the pole. Ms. Haynes asked that the Harrisonburg Department of Transportation & Safety Commission restudy the situation and report on the problem, in that a solution is needed. Mr. Pinerri offered an opinion that data within the report is invalid, in that the situation was investigated during winter months, when the park is not in full use. Mayor Erickson informed those present that Council was accepting the report of the Transportation & Safety Commission for information, and suggested that the evening's lengthy agenda be continued.

Vice-Mayor Green, who had been standing at the back of the crowded Chamber, entered the room and was recorded present.

During a discussion of appointments to various Boards & Commissions, it was noted that the term of Alexander W. MacKenzie on the Board of Zoning Appeals had expired on March 20th of this year. Councilman Cisney moved that the City Attorney be authorized and directed to recommend Mr. MacKenzie's name to the Circuit Court Judge for reappointment. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Councilmen present.

Rockingham County Board of Supervisors members Ellwood Hoover, Harry Byrd and William Sipe were present in the meeting to inquire about a reply which had not been received from their letter of March 25th concerning the pending annexation suit. Mr. Hoover said it was felt that the matter should be settled out of court, and made request for an early meeting of the two governing bodies. Mayor Erickson informed them that a reply would be in their hands by Thursday of this week, in that he had been out of the City.

Members of Council received summaries of 1980-81 budget requests from various city department heads, with highlights from those summaries pointed out by the following persons: Marie Arrington (Director, Dept. of Social Services); John E. Driver (Assistant City Manager, reporting for city's insurance coverage); Philip L. Peterman (City Auditor, reporting on that office and Debt Service for General, Water & Sewer Funds); Gregory N. Liskey (Data Processing Manager); Richard W. Presgrave (Chief of Police); William H. Austin (Chief of Fire); Donn L. Devier (City Engineer); John H. Byrd, Jr. (Building & Zoning Official); Ralph L. Smith (Superintendent of Streets); Cecil F. Gilkerson (Parks & Recreation Director); Robert J. Sullivan, Jr. (City Planning Director); Edgar D. Loker (Superintendent of Water/Sewer Departments); Reggie S. Smith (Director of Public Transportation). The majority of department heads focussed Council's attention to the personal services portion of their summaries which provide for cost of living increases in salaries; operating expenses (rise in cost of fuel, gas & electricity); and Capital Outlay which may provide funds for purchase of needed equipment.

Of the non-departmental agencies supported by the City, Council received correspondence concerning their 1980-81 requests, with the following persons reporting in support of the agencies: Mary Bradshaw (Community Mental Health & Mental Retardations Services (Chapter 10) Board: reported

support of three programs this year; 10% increase request for administration - \$ 6,828. as compared to \$ 6,208. for the current fiscal year.

Dr. Fred Stevens (Massanutten Mental Health Clinic): 10% increase request - \$ 15,453. for 1980-81 (\$14,048. present year). Request made in order to offset loss in that Page County has been phased out, with only residents of the City and Rockingham County being served.

Dabney Overton, Jr. (Pear Street Center): Request increase from \$ 8,500. to \$ 11,000. due to uncertainty of availability of federal & state funding for the next fiscal year. Request from City of Harrisonburg would be reduced if more aid received. In answer to a question of Council concerning relationship between this Center and ASAP, Elizabeth Knighton, Executive Director of the Chapter 10 Board, explained that the Alcohol Safety Action Program is a joint City and County venture (separate from the Center), with treatment for some of those under the Program at Pear Street Center by contract only.

James Vass (Administrative Supervisor of Central Shenandoah Health District): Reported a 9.6% salary increase with Harrisonburg's share of total budget in amount of \$ 71,227. as compared to \$ 56,193. for the current year. He noted that the \$ 4,000. request for a van may be deleted if arrangements can be made to utilize services of the City's transportation system. When questioned concerning basis on which contributions are made, Mr. Vass explained that the basis is true value of real estate by the City in year 1977 as mandated by the state, with requirement for matching of allocation with local monies. Dr. Vass was asked by Council to submit a total budget for the entire district, setting forth all local shares.

Dan Stickley, Jr. (Chairman Finance Committee, Rockingham Public Library): Requested 10% increase over last year (\$58,850. for 1980-81 as compared to \$ 53,500 for 1979-80). No public funds go into the building but are used for operating expenses, salaries, etc. Increased hours for the Library to be open and available, has proven most favorable. An additional Board Certified Librarian has been added to the staff.

Susan Spirin (President of the Rockingham-Harrisonburg SPCA), introduced her replacement, Mr. Dave O'Brien. She informed Council that request is being made for a standard 7% increase over the current year's salary allocation for her replacement, and an additional \$ 1,900. to help with extended operational costs which are rising daily. She pointed out the fact that SPCA is a non-profit organization, and that 160 animals were brought into the shelter from the City this year, as compared to 68 last year.

Mayor Erickson expressed appreciation for the reports and assured all representatives of the various organizations that their requests would be considered in an overall study of the City of Harrisonburg budget.

Councilman Rhodes moved that a supplemental appropriation in amount of \$ 15,390.00 requested by the City School Board in order to appropriate unanticipated receipts from Alternative Education Program and Handicapped Program into various categories of the school budget, be approved for second and final reading, a first reading having been approved on March 25th, and that:

\$ 3,719. chgd.to: School Fund (R-28B) Antic. Rcpts.from Fed.Funds- Other Fed.
Funds PL 94-142

11,671. chgd.to: School Fund (R-28C) Antic. Rcpts.from Fed.Funds-Other Fed.Funds
3,095. approp.to: School Fund (1209-109.01) Fed.Program- Comp. Clerical
3,719. approp.to: School Fund (1209-113.03) Comp. Psychologist
6,489. approp.to: School Fund (1209-134.11) Comp. Supervisors
1,508. approp.to: School Fund (1209-135.01) Insurance
264. approp.to: School Fund (1209-214.02) Rental Equip.
315. approp.to: School Fund (1209-218.00) Telephone

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

Councilman Cisney moved that a supplemental appropriation in amount of \$ 64,532.00 requested by the City School Board in order to provide funds to pay general contractor for Massanutten Voc.Tech. Center new construction through June 30, 1980, be approved for second & final reading, a first reading having been approved on March 25th, and that:

\$ 64,532. chgd.to: School Fund (R-55) Antic.Rcpts.- Rcpts.from Loans, Bonds
and Investments, Loans from Literary Fund.
64,532. approp.to: School Fund (1900-601.01) Cap.Outlay- New Bldgs. or
additions to existing buildings.

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

Councilman Cisney moved that a supplemental appropriation in amount of \$ 300,000. requested by the Water/Sewer Superintendent, from the Sewer Fund Unappropriated Balance into the Sewer Reserve for Capital Improvements account, due to insufficient funds in the Reserve Account, be approved for second & final reading, a first reading having been approved on March 25th, and that:

\$ 300,000. chgd.to: Sewer Fund- Unapprop. Fund Balance
300,000. approp.to: Sewer Fund- Reserve for Capital Improvements

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

Councilman Cisney moved that a supplemental appropriation in amount of \$ 1,490.28 requested by the Director of Social Services, representing 100% reimbursement by the Federal Government for the Fuel Emergency Assistance Program, be approved for second & final reading, a first reading having been approved on March 25th, and that:

\$ 1,490.28 chgd.to: VPA Fund (611.00) Rev.from other agencies--Grants-in-Aid
from Commonwealth--Fuel Emerg. Assistance Program
1,490.28 approp.to: VPA Fund (8022-394.05) Fuel Emerg. Assistance Program

which motion, upon being seconded by Councilman Rhodes, 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 \$ 1,000., representing additional state appropriation to cover expenditures in the General Relief Program. Following a brief discussion, Vice-Mayor Green moved that the appro-

priation be approved for a first reading, and that:

\$ 1,000. chgd.to: VPA Fund (604.02) Rev.from Other Agencies---Grants-in-Aid from
Commonwealth--Matching General Relief

1,000. approp.to: VPA Fund (05-8022-391.02) Bureau of Public Assistance--Gen.Relief
which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of
Councilmen present.

✓ The following report, submitted by a duly appointed Board of Viewers, was presented and read
by the City Manager:

*"The undersigned, P.H.Hardy, John H. Byrd, Sr. and T.H.Lowery, who were
appointed by City Council on March 25, 1980 to view a 120' section of a 15 foot
public alley running west of Liberty Street to the C-W Railroad.*

*Your Board has viewed this section of the public alley and recommend that
a section of this public alley beginning at the edge of the concrete drive and
for a distance of approximately 120 feet be closed. Said closing will start at
the western edge of the concrete drive and run to the eastern edge of the 98 foot
section recently closed for J.M.A.Partners.*

*It is also understood that Mr. Victor J. Smith and J.M.A.Partners will work
out an agreement whereby J.M.A.Partners will be allowed to use an approximate
10' strip of this section being closed and we understand this agreement has been
reached.*

Respectfully submitted this 3rd day of April, 1980."

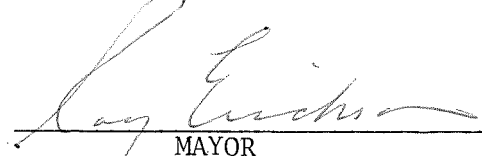
Manager Milam said that a complete survey description must be submitted and monies received for
purchase of the section of alley requested for closing, prior to final approval of an ordinance.
Following a brief discussion, Councilman Rhodes moved that an ordinance effecting the closing be
approved for a first reading and referred to the City Attorney to be drawn in proper form, which
motion, upon being seconded by Vice-Mayor Green, was adopted by a unanimous recorded vote of Council-
men present.

✓ City Attorney Lapsley presented a City Bank Franchise Ordinance for consideration of a first
reading, which had been prepared from a Model Ordinance submitted by the Virginia Municipal League.
Members were reminded that Commissioner of Revenue Smith had discussed House Bill 994, passed by
the 1980 General Assembly, repealing Bank Stock Tax and imposing a new Bank Franchise Tax on banks,
at the March 25th meeting. The new tax will be effective for the years 1980, 1981 and 1982, and
cities are required to adopt new ordinances which will be made retroactive to January 1, 1980.
Following a brief discussion, Councilman Cisney moved that the ordinance be approved for first read-
ing, which motion, upon being seconded by Vice-Mayor Green, was adopted by a unanimous recorded vote
of Councilmen present.

At 10:45 P.M., Councilman Rhodes moved that Council enter an executive session to discuss
personnel and a legal matter. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous
vote of Councilmen present.

At 11:40 P.M., on motion duly adopted, the executive session was declared closed, the regular
session reconvened, and adjourned.


CLERK


MAYOR

Monday, April 21, 1980

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; Clerk N. Arlene Loker; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney and Vice-Mayor Walter F. Green, III.

Mayor Erickson stated that this meeting had been called for the purpose of meeting in executive session with the Harrisonburg Electric Commission to discuss personnel matters.

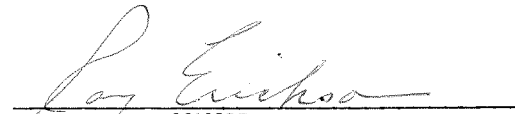
Councilman Rhodes moved that Council enter an executive session, which motion, upon being seconded by Councilman Dingledine, was adopted by a unanimous vote.

Mr. Bob Moss, Chairman of the Harrisonburg Electric Commission, entertained a motion for the Commission members, Mr. Ken Frantz, General Manager and Mr. Mike York, Assistant General Manager and Attorney James Sipe, to enter the executive session with City Council. The motion was duly adopted.

At 9:25 P.M., motions were adopted by both Council and the Commission to close the executive session, and Council's special meeting reconvened.

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


CLERK


MAYOR

Tuesday, April 22, 1980

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 Philip Peterman and Chief of Police Richard W. Presgrave. Absent: none/

Minutes of the regular meeting held on April 8th and special meeting of April 21st were read, and approved.

✓ Correspondence dated 4/17/80 was presented and read from Attorney Steven Blatt, on behalf of his clients, Mr. and Mrs. Wilbert Long, owners of real estate situate in the original C.C. Conrad Addition. Request was made to vacate a portion of the first subdivision plat, as well as a portion of a resubdivision plat of August 20, 1973, which is of record in the Clerk's Office, Circuit Court, and to approve a second subdivision plat. It was noted that following the original resubdivision of lots 19, 20 and 21 in 1973 (Block 2 of the Addition), a second resubdivision of lots 20 and 21 was carried out, without consent of the City of Harrisonburg, with plat also recorded in the Clerk's Office. Attorney Blatt pointed out the necessity to handle the matter in the manner requested, in keeping with provisions of the state code. Owners of the portion of Lot 19, now owned by the Longs, were listed in the correspondence as Trustees on a Deed of Trust. City Manager Milam informed Council that the lots in question are located on the corner of W. Gay & Willow Streets, and should the matter be referred to the City Planning Commission, a public hearing must be scheduled by that Body. Following a brief discussion, Councilman Cisney moved that the request for vacation, and new Plat be referred to the Planning Commission for study and recommendation, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ Correspondence from Senator John Warner, forwarded to Local Government Officials, was presented by the City Manager, concerning priority budget cut proposals by the House Budget Committee and Senate Budget Committee, which will move into various committees and then into the House and Senate for final voting. A preliminary list of the proposals, including those set forth by President Carter, accompanied the Senator's letter, along with a request for assistance from Governing Bodies insofar as viewpoints and opinions concerning the recommended cuts, as they relate to the particular interests of the citizens of Virginia. Manager Milam noted that some other Councils and Law Enforcement Agencies had written the Senator, as well as others in Congress, and were called in for disobeying the Governor's order. During discussion and review of the list of comparative figures proposed by the HBC, SBC and President, members expressed views concerning various recommended cuts, which will be forwarded to the Senator by Mayor Erickson.

✓ For information, City Manager Milam presented and read House Joint Resolution No. 110, which resolution had been agreed to by the House of Delegates on 3/6/80 and by the Senate on 2/29/80, in order to encourage registration of new voters. Inasmuch as the resolution is directed to registration by young citizens, copies were being sent to every local electoral board, general registrar, high school principal and the governing body of each county and city in the commonwealth, to open every door to young people and involve them in the electoral process.

✓ Mr. Jerry Bennett, 274 W. Elizabeth Street, appeared before Council as a follow-up of his letter dated 4/18/80 written on behalf of citizens and property owners in the 200 block of West Elizabeth Street and 100 block of North High Street. He presented to Council a petition signed by those concerned, opposing intentions of the IMCO Container Company to place liquid petroleum tanks underground, on a piece of land-locked property purchased from the Blanche Blakemore estate in the name of Rockingham National Bank (for IMCO). Mr. Bennett said that placing the tanks for industrial use on the R-3 zoned land would not only be in violation of the City's Zoning Ordinance, but would be an intrusion upon their rights as private property owners living in the residential area. Mayor Erickson informed Mr. Bennett that to date, there has been no application made by IMCO for any use of the land in question, and noted further that he had been informed by the City Building & Zoning Official this morning that IMCO, upon learning of the neighborhood concern, had made plans for the tanks to be placed in another location. Planning Director Robert Sullivan pointed out location of the R-3 piece of land as east of IMCO's plant, and stated that the recent rezoning to M-1 was for construction of a warehouse by IMCO, parking lot area and planting strip on West Market Street. Mr. Bennett expressed a desire for the R-3 Zone to remain, with no infringement on private properties for industrial use. Manager Milam said that only R-3 uses are permitted on an R-3 zoned lot, and that in order for land to be rezoned, and following application for same, the matter must go through a Planning Commission public hearing and Council public hearing. Councilman Dingledine said that if objections are raised from a neighborhood, it has been Council's policy, as well as the Planning Commission, to consider those objections, due to the fact that rezoning of any area in the City is done very carefully. When Mr. Bennett questioned the manner in which the lot was purchased by two different parties, with no resubdivision request received by the City, Planning Director Sullivan explained that the Commissioner of Revenue, in researching for title transferral as recorded in the County Clerk's Office, had reported that action, which resulted in designation of the lot division on the City Block Map, with back portion in name of Rockingham National Bank.

✓ The following report, submitted by the Planning Director from a Commission meeting held on April 16, 1980, following a public hearing on March 19th, was read by the City Manager (minutes of Public Hearing attached):

"...Mr. Gary Judd reported to the Commissioners that he has discussed his proposal for placing his professional surveyors' office in the basement of his home, 1240 S. Main Street, with adjacent property owner, Mr. Dick Moore, and he further explained his traffic access will be off S. Main Street, across his side yard area, thus reducing the need to use the 20' alley between Mr. Judd and Mr. Moore. Mr. Sullivan reported that he had called Mr. Moore about tonight's meeting, and Mr. Moore indicated he isn't opposed to Mr. Judd establishing his professional office in the home which will continue to serve as his residence. He expressed reservation about future possible use of the house if Mr. Judd should move or sell it. Mr. Milam concluded the discussion with a motion for the Planning Commission to recommend to City Council that Mr. Judd's Lot 4, Block 0, Page 18 of the City Block Map be rezoned from R-1 Single Family Residential District to R-3 Multiple Dwelling District. Mr. Fleming seconded the motion and all members voted in favor..."

Following a brief discussion, Councilman Cisney moved that the report of the Planning Commission be accepted, and a public hearing scheduled for Tuesday, May 13th, 7:30 P.M. with instructions for the City Manager to properly advertise same. The motion was seconded by Councilman Dingledine, and

adopted by a unanimous vote of Council.

✓ The following Planning Commission report from a meeting held on April 16, 1980 was presented and read by the City Manager:

"...The Commissioners reviewed a map illustrating the proposal by Peak Builders, Inc. to consolidate Lots 17 through 21 in the Masters and Brown-Red Hill Addition into two parcels, in order to construct two 6-unit apartment buildings on the south side of Hawkins Street. The Director reported that one of the two proposed lots will have enough area for a 6-unit apartment, and the other lot has been granted a variance by the Zoning Board of Appeals for 6 units. The map, drawn by J.R. Copper, C.L.S., illustrates proper setbacks and off-street parking spaces as required. Mr. S. Rexrode told the Commissioners that he will build curb and gutter along the Hawkins Street frontage. Discussion of neighboring property development, the narrowness of Hawkins Street, and provisions for proper handling of storm water was concluded by Mr. Milan's motion that the Commission recommend approval of the re-subdivision of Lots 17 through 21 into two lots, situate on the south side of Hawkins St. in the Masters and Brown-Red Hill Addition, provided the developer comply with all engineering and subdivision ordinance requirements of the City. Mr. Fleming seconded the motion and all members voted in favor..."

Planning Director Sullivan pointed out location of the lots, situate in an R-3 zone, and noted that a variance for lot sizes is involved. City Attorney Lapsley said that under the state statute, the original plat must be vacated and resubdivision approved. He explained that Lot 19 is being split and is of no use, while the other lots remain as they have been. This would be an area of title clearance. Following a brief discussion, Vice-Mayor Green moved that Council accept the report of the City Planning Commission and schedule a public hearing for Tuesday, May 13th, 7:30 P.M. The motion was seconded by Councilman Cisney and adopted by a unanimous vote of Council. The City Manager was instructed to properly advertise the hearing.

✓ Members of Council were reminded that the one year terms of all members presently serving on the Advisory Board---PRICE-ROTARY SENIOR CITIZENS CENTER, would expire on May 1st of this year. Following a brief discussion, Councilman Dingleline, a member of the Advisory Board, moved that the following persons be reappointed for one year terms expiring May 1, 1981: Mrs. Hazel MacNeil; Mrs. Lakey S. Logan; Mrs. Wilhelmina H. Johnson; Mrs. Henrietta Huffman; Mr. R.J. Sullivan, Jr.; Mrs. Pauline Riddle; Mr. C.W. Kestner; Mr. Gregory R. Versen; Mrs. Idah Payne (Richard) Suter; Mrs. Nancy (T.B.) McLean and Dr. Raymond C. Dingleline, Jr. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council. It was noted that Capt. John Jones, who was serving on the Board, has been transferred out of the City.

✓ For consideration of second & final reading, City Attorney Lapsley presented an ordinance repealing Section 12-1-44 of the City Code and re-enacting a new ordinance Section 12-1-44 titled "Bank Franchise Tax", which ordinance had been discussed and approved for a first reading on April 8th. He explained that House Bill 994, passed by the 1980 General Assembly, requires all localities to adopt new ordinances placing franchise directly on banks, in lieu of the present Bank Stock Tax Ordinance which taxes stockholders. Councilman Cisney 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. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Council. (Ord. Bk K, page 204).

✓ For consideration of a second & final reading, City Attorney Lapsley presented an ordinance effecting the closing of a portion of alley west of South Liberty Street, requested by JMA Partners. The ordinance was approved for a first reading on April 8th. City Manager Milan reported that a check had been received for purchase of the additional land. Councilman Cisney 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. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council. (Ord. Bk K, page 206).

✓ The City Manager presented a proposed ordinance appropriating sums of money for necessary capital expenditures of the City of Harrisonburg for the Revenue Sharing Funds. He noted anticipated receipts for Entitlement Period Eleven - October 1, 1979 to September 30, 1980 in amount of \$ 496,364.00, and proposed expenditures in a like amount (\$ 403,480. to Municipal Departments and \$ 92,884. to Dept. of Education). Following the review, Councilman Cisney moved that the ordinance be approved for a first reading and public hearing scheduled for Tuesday, May 13th, 7:30 P.M. The motion was seconded by Councilman Dingleline, and adopted by a unanimous recorded vote of Council. The City Manager was instructed to properly advertise the Public Hearing in the Daily News Record newspaper.

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 1,000. requested by the Director of Social Services, representing additional state appropriation to cover expenditures in the General Relief Program, be approved for second & final reading, a first reading having been approved on April 8th, and that:

\$ 1,000. chgd.to: VPA Fund (604.02) Rev.from Other Agencies---Grants-in-Aid from Commonwealth--Matching General Relief

1,000. approp.to: VPA Fund (05-8022-02) Bureau of Pub.Assistance--General Relief which motion, upon being seconded by Councilman Cisney, 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 \$ 6,602.80 representing 100% reimbursement by the Federal Government for Fuel Emergency Assistance Program. Councilman Dingleline moved that the appropriation be approved for a first reading, and that:

\$ 6,602.80 chgd.to: VPA Fund (611.00) Rev.from Other Agencies--Grant-in-Aid from Commonwealth--Fuel Emerg.Assistance Program.

1,835.35 approp.to: VPA Fund (8022-394.05) Fuel Emerg.Assistance Program

\$ 1,785.51 approp.to: VPA Fund (8021-11.01) Soc.Services- Joint Functions
 2,663.61 approp.to: VPA Fund (8021-11.04) Soc.Services- Eligibility PA
 318.33 approp.to: VPA Fund (8021-250.00) Soc.Serv ices- FICA,Group Ins.,etc.

which motion, upon being seconded by Councilman Cisney, 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 \$ 20,000., representing additional appropriation by Federal Government for the Emergency Fuel Assistance Program. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:

\$ 20,000. chgd.to: VPA Fund (611.00) Rev. from Other Agencies---Grants-in-Aid
 from Commonwealth--Fuel Emergency Assistance
 20,000. approp.to: VPA Fund (8022-394.05) Fuel Emergency Program

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

✓ A request was presented from Fire Chief Austin for approval of a supplemental appropriation in amount of \$ 2,000. in order to place revenue from sale of surplus Fire Department property, into proper account to offset electrical costs. Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 2,000. chgd.to: General Fund (1005.00) Recoveries & Rebates
 2,000. approp.to: General Fund (9020-361.00) Electricity

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

✓ A request was presented from Mr. John Byrd, Jr., City Building Official, for approval of a supplemental appropriation in amount of \$ 5,500. from the General Fund Unappropriated Fund Balance, due to insufficient funds for maintenance of City Buildings. Following a review for use of the funds, Councilman Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 5,500. chgd.to: General Fund - Unappropriated Fund Balance
 1,700. approp.to: General Fund (10210-271.00) Maint.of City Bldgs.-
 Maint. & Repairs - Bldgs. & Grounds
 3,300. approp.to: General Fund (10210-361.00) Maint.of City Bldgs.- Electricity
 75. approp.to: General Fund (10210-362.00) Maint.of City Bldgs.- Sewer Service
 75. approp.to: General Fund (10210-363.00) Maint.of City Bldgs.- Water Service
 350. approp.to: General Fund (10210-390.02) Maint.of City Bldgs.- Maint. &
 Repairs- 301 S.Main St.

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

✓ For consideration of Council approval, the following proposed resolution, submitted by the Director of Parks & Recreation, was presented and read by the City Manager:

"WHEREAS, the Virginia Commission of Outdoor Recreation provides funds to assist political subdivisions of the State of Virginia in improving and developing open spaces, park lands, and recreation facilities; and

WHEREAS, there are urgent needs within the City of Harrisonburg to provide employment for young adults; and

WHEREAS, Riven Rock Park and Harrisonburg Watershed Area is deemed of high improvement and/or development priority by said City and shall be referred to as Riven Rock Park and Harrisonburg Watershed Areas and the current employment rate is 3.9%; and

WHEREAS, the proportionate project share is funded up to one hundred (100) percent 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 formulation, approval and funding of the Riven Rock Park and Harrisonburg Watershed Area Project,

AND BE IT FURTHER RESOLVED that the Governing Body of the City of Harrisonburg gives its assurance that its unemployment rate is currently 3.9%; and

FURTHER RESOLVED that the City of Harrisonburg will abide by all applicable State and Federal regulations governing such expenditures of funds provided by the Virginia Commission of Outdoor Recreation; and

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 of all its citizenry."

Following a brief discussion, Councilman Rhodes moved that the resolution be approved, which motion, upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ Councilman Rhodes registered complaints which he had received concerning two different matters: (1) public dumping off Eastover Drive; (2) odor of outdoor privies on Norwood Street. Assistant City Manager Driver informed Council that the "no dumping" signs on Eastover Drive have been knocked down, and the City will have to clean up that area and replace the signs. He noted that the matter of outdoor privies would be referred to the Health Department.

✓ Council was informed by Councilman Dingledine that he had received complaints concerning the placing of parking meters on the small parking lot, south side of the Municipal Building, and said he felt it may not be right to charge for persons to park while paying bills, etc. in the City Building. City Manager Milam pointed out that the problem occurs during the year when the lot is filled throughout the day (last days for paying taxes, licenses, etc.). On those days, cars park in the center of the lot, making it almost impossible for others to back out of spaces. Noted further was the fact that Municipal Building employees have abused the lot, when a sign clearly reads "for

persons transacting business in the Municipal Building." Employees from Sears & Roebuck; the insurance agency directly across the street; and persons going to and from the church across Main Street had also used spaces in the lot at various times. Personnel from the Police Department had been marking tires and giving tickets, which action had not solved the problem. Manager Milam said he does not know how to maintain space in the lot and that it was felt the only solution would be the placing of meters.

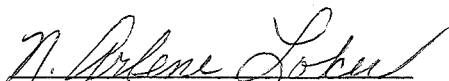
Assistant City Manager Driver invited members of Council to visit Riven Rock Park, in that Mr. Gilkerson, City Recreation Director, has done some very good work in the area by installing picnic tables, restrooms, etc. The park will open sometime during the month of May.

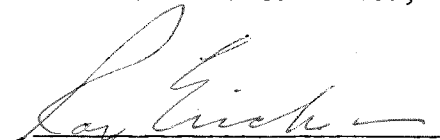
For information, Assistant City Manager Driver reported that around this same time last year, the School Board had requested an appropriation of \$ 45,000. to purchase new lights for Memorial Stadium. Council approved an amount of only \$ 15,000. and asked the Board to see what could be done with this amount of money. Several meetings were held by those concerned, and it was learned that the lights were in readiness for football but had never been changed over for the baseball season. The overhead wires are not insulated, which could result in someone climbing a pole and touching live wires. Mr. Driver informed Council that plans were made to advertise bids for underground conduit, with low bid of \$ 6,300. submitted. Other costs anticipated are: an approximate \$2500. - \$3000. for cleaning of limbs, replacing light bulbs, etc. and another \$5,000. for painting of towers. He offered an opinion that the \$ 15,000. appropriation should take care of necessary work, and place the area in good shape.

Assistant City Manager Driver informed Council that the City had received a Grant of approximately \$ 2,000. which will be used for a beautification program; basically the same as that of last year. He asked Mayor Erickson to declare May 5 - 9 as Harrisonburg Beautification Week. The Mayor said he would prepare a Proclamation tomorrow.

At 9:15 PM, on request of the City Auditor, Councilman Cisney moved that Council enter an executive session to discuss personnel. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

At 9:45 PM, on motion duly adopted, the executive session was declared closed, the regular session reconvened, and adjourned.


CLERK


MAYOR

Tuesday, May 13, 1980

At combined public hearings and regular meeting of Council held in the Council Chamber this evening at 7:30 PM there were present: Mayor Roy H. Erickson; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Councilmen Raymond C. Dingle, Jr., Elon W. Rhodes, James C. Cisney; Vice-Mayor Walter F. Green, III; City Auditor Philip Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on April 22nd 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 April, 1980.

From the City Treasurer:

A trial balance report as of close of business on April 30, 1980.

From the Police Department:

A report of total number of arrests; parking meter fines collected; cash collected from parking meters; total cash collected all sources in amount of \$ 7,437.62.

From the City Auditor:

A report of discounts saved in payment of vendors' invoices for month of April, 1980, totaling \$ 199.41.

A financial report for month of April, 1980.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of April, 1980.

✓ Mr. Rob Howarth, 225 Orchard Lane, served as spokesman for residents of the Purcell Park Area and presented a petition signed by more than 100 residents and property owners, requesting official closing of the following dedicated streets, in order to preserve and protect the present quality of the neighborhood and park: (1) north end of Hillside Avenue; (2) north end of Butler Street; (3) the complete east side of Butler Street; (4) east end of Monument Avenue; (5) east end of Orchard Lane. An additional request was for natural barriers (i.e. trees) to be placed at those locations. Councilman Dingle moved that the petition and requests 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.

✓ A final plat for "Homeplace" Subdivision, consisting of 40 lots, running off S. High Street (James Logan, developer) was presented by the City Manager. He pointed out the area on a map and noted that the subdivision would include dedication of a 700' public street, and 36 for-sale apartment units. Following a brief discussion, Vice-Mayor Green moved that the 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.

✓ City Manager Milam presented and read correspondence dated 1/17/80 from Attorney William Julias,

on behalf of Mrs. Icie I. Smith, concerning a small triangular strip of land on the south side of her residence at 41 N. High Street, which strip the City of Harrisonburg has held legal title to, since widening of High Street several years ago. It was pointed out that the strip of land appears to be serving no purpose at the present time and is not being maintained by the City. A request was made for an opportunity to be given Mrs. Smith to purchase the strip consisting of approximately 1,000 square feet, and to be advised of purchase price. Manager Milam noted that sealed bids would have to be advertised in that the other adjoining property owner may also be interested in purchasing same, and asked authority of Council to advertise for bids. Following a brief discussion, Councilman Rhodes moved that the City Manager be so authorized, which motion, upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

For information, Council was informed, through correspondence from the State Water Control Board, that a public hearing has been scheduled for June 5, 1980, 7:00 P.M. at the Montevideo High School auditorium, concerning a request of the Adolph Coors Company for a permit to discharge treated wastewaters into the Shenandoah River, and for a state certificate under the Virginia Code as amended. Written testimony, etc. was requested to be in Richmond prior to the hearing date.

The City Manager presented a Notice from the State Corporation Commission of a public hearing scheduled for June 9, 1980, 10:00 A.M. in the Commission's Courtroom, Blanton Building, Richmond, Va., concerning an application for rate increase by the Virginia Electric & Power Company (VEPCO). Written comments, etc. were requested on or before June 6th. He informed Council that a copy of the information supplied by the SCC had been forwarded to the Harrisonburg Electric Commission.

At 8:30 PM, Mayor Erickson closed the regular session temporarily and called the evening's first public hearing to order. City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper on April 24, 1980 and May 8, 1980:

"The Harrisonburg City Council will hold a public hearing on Tuesday, May 13, 1980 at 7:30 P.M. in the City Council Chamber, Municipal Building, to vacate Lots 17 through 21, Block S, Page 27 of City Block Map. These lots are located in the Masters and Brown-Red Hill Addition, and are on the south side of Hawkins Street between East Market and Reservoir Streets. According to Section 15.1-482, Code of Virginia, these lots must be vacated by ordinance of the governing body prior to approval of a Final Plat to resubdivide said lots into two 11,465 sq. foot lots for owner S.L. Rexrode.

All persons interested or affected by this matter will have an opportunity to express their views at this public hearing.

CITY OF HARRISONBURG, Marvin B. Milam, City Manager"

Council's attention was called to the following Planning Commission report from its April 16th meeting, which had been presented at the April 22nd Council meeting, prior to the scheduling of this evening's public hearing which is required under the state statute in that a resubdivision of lots is involved:

"...The Commissioners reviewed a map illustrating the proposal by Peak Builders, Inc. to consolidate Lots 17 through 21 in the Masters and Brown-Red Hill Addition into two parcels, in order to construct two 6-unit apartment buildings on the south side of Hawkins Street. The area for a 6-unit apartment, and the other lot has been granted a variance by the Board of Zoning Appeals for 6 units. The map, drawn by J.R. Copper, C.L.S., illustrates proper setbacks and off-street parking spaces as required. Mr. Rexrode told the Commissioners that he will build curb and gutter along the Hawkins Street frontage. Discussion of neighboring property development, the narrowness of Hawkins Street, and provisions for proper handling of storm water was concluded by Mr. Milam's motion that the Commission recommend approval of the resubdivision of Lots 17 through 21 into two lots, situated on the south side of Hawkins Street in the Masters and Brown-Red Hill Addition, provided the developer complies with all engineering and subdivision ordinance requirements of the City. Mr. Fleming seconded the motion and all members voted in favor..."

There being no one present desiring to be heard, the Hearing was closed at 8:40 P.M. and the regular session reconvened.

Mayor Erickson asked Council's wishes concerning the resubdivision request of Peak Builders, Inc. in the Masters and Brown-Red Hill Addition. Vice-Mayor Green moved that an ordinance providing for vacation of the original plat (Lots 17-21) in the Masters and Brown-Red Hill Addition be approved for a first reading, and referred to the City Attorney to be drawn in proper form. The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council.

At 8:45 P.M., Mayor Erickson closed the regular session temporarily and called the second public hearing of the evening to order. The following Notice of Hearing, advertised in the Daily News Record newspaper on April 24th and May 8th was read by the City Manager:

"The Harrisonburg City Council will hold a Public Hearing on Tuesday, May 13, 1980 at 7:30 P.M. in the City Council Chamber, Municipal Building, 345 S. Main Street, to consider the following request:

To change from R-1 Single Family District to R-3 Multiple Dwelling District, Lot 4, Block O, Page 18 of the City Block Map. This lot with dwelling is located on the northeast corner of S. Main Street and Port Republic Road. Request is by owner Gary A. Judd. Purpose: to convert basement of existing dwelling into his professional surveyor's office.

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

CITY OF HARRISONBURG- Marvin B. Milam, City Manager"

Planning Director Sullivan pointed out location of the property on a map and noted that Mr. Judd also owns the lot on the north side of his house, with access from Main Street and also from a 20' alley in the rear, where a private parking lot is provided. He noted that the rezoning would not be considered "spot zoning", but rather an extension of R-3 Multiple Dwelling District. The Planning

Commission had recommended to City Council that the rezoning be approved, at its April 16th meeting, following its public hearing on March 19th. Mr. Judd informed Council that his property is not included in restrictive covenants which forbid any commercial development. He presented photographs of the R-3 Zone just south of Port Road, which showed improved appearance of properties in the 1300 block of S.Main Street. Mr. Judd said he was in hopes that the neighbors were aware that the City is in control of any future use of the property, other than for his professional office. He said that Mr. Dick Moore is not upset with the Plan, as long as it remains a home, and had not opposed the rezoning at the Planning Commission Public Hearing, although he has asked for a postponement until the next regular meeting in that a new purchaser was not aware of the situation. Mr. Sullivan said he feels the photos prove success area in that the properties have been upgraded in appearance, and would increase in value because of this. A resident of Maplehurst Avenue asked "what happens if someone else purchases the property"? and "who will stop the rezoning down the line and up the street"? He expressed concern that the property in question, if rezoned, could be converted into apartments or a rooming house at some time in the future. Mr. Sullivan replied that Maplehurst Addition is zoned R-1 (Single Family Residential) and under covenants which restrict commercial development. Another resident of the area pointed out a violation of the present City Zoning Ordinance, with regard to the number of persons allowed, in a house located at the corner of Maplehurst Avenue and Main Street. Council was informed that at least eight persons are residing there, with the house not laid out in apartments, and no owner residing therein. Noise and parking have become a problem. The City Manager said the situation would be checked into, through the Building & Zoning Official. Mr. Judd said his house would need extensive remodeling for any other use than that proposed, in that it has only 1 1/2 baths, and approximately 2,000 sq.feet, mostly in porch area. His intention is to retain the property as a residence for his family of four. There being no others to be heard, the Public Hearing was declared closed at 9:13 P.M. and the regular session reconvened.

✓ Vice-Mayor Green asked the possibility of Mr. Judd applying to the Board of Zoning Appeals for a variance for special use permit. Mr. Sullivan replied that this is not the City's policy, and Council actually grants special use (i.e. United Virginia Bank-Spotswood, 1300 S.Main St. which was cheered by the neighborhood). City Attorney Lapsley pointed out that the Board of Zoning cannot grant variances in that variances do not deal with use of property. Manager Milam said that authority was removed from the Board, under the City's present Zoning Ordinance. Vice-Mayor Green noted that the ordinance is not enforced in many areas of the City where businesses are in neighborhoods zoned for no other use than residential (i.e. beauty parlors, etc.). The City Attorney noted that rather than businesses, these would be considered home occupations. Councilman Cisney assured those present that Council does have a concern about what may happen to the particular property under discussion for rezoning, should it be sold. During discussion, it was agreed, generally, that the best solution for both Mr. Judd and the neighborhood, would be a Special Use Permit for as long as he owns the property, although no provision is made for this in the ordinance. Mr. Judd said he had heard similar compromises four years ago when he first requested the rezoning, and again two years ago when his application was re-instated. Mayor Erickson suggested that in view of tonight's discussion, a decision be delayed until the next meeting of Council, and asked the City Attorney to study the City Ordinances to determine any manner in which a professional office might be allowed, without actually rezoning the property. Councilman Rhodes moved that the matter be reviewed and placed on the agenda for Council's next regular meeting (May 27th) for a definite decision at that time. The motion was seconded by Councilman Cisney and adopted by a unanimous vote of Council. When asked if the postponement met with the requestor's approval, Mrs. Judd replied, "what is two more weeks when we have waited four years?".

✓ At 9:25 P.M. the regular session was once again closed temporarily and the evening's third public hearing called to order. City Manager Milam read the following Notice of Hearing for Proposed Use of Federal Revenue Sharing Funds:

"Pursuant to PL 92-512 as amended by PL 94-488, the City Council on Tuesday, May 13, 1980 at 7:30 P.M. in the first floor City Council Chambers, Municipal Building, will conduct a public hearing on the Entitlement Period Eleven Funds of the Revenue Sharing Funds. Oral and written suggestions will be considered at this time.

Second and final reading of an Appropriation Ordinance of the City of Harrisonburg, Va. for the Revenue Sharing Funds will be considered at this time.

(Proposed expenditures of \$ 403,480. to Municipal Departments and \$ 92,884. to the Dept.of Education, were set out in detail, for the total anticipated receipts of \$ 496,364. - October 1, 1979 to September 30, 1980)

CITY OF HARRISONBURG, VA., Marvin B.Milam, City Manager"

There being no one present desiring to comment concerning the proposed use of the Funds, the Public Hearing was declared closed at 9:40 P.M. and the regular session reconvened.

✓ Mayor Erickson asked Council's wishes concerning the Revenue Sharing Budget which had been approved for first reading on April 22nd. Vice-Mayor Green 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 Minute Book. The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council. (Minute Bk O page 53).

✓ In discussing appointments to various Boards & Commissions, Council's attention was called to correspondence from the Executive Director of the Harrisonburg-Rockingham Community Mental Health & Mental Retardation Services (Chapter 10) Board, addressed to Mayor Erickson and the Rockingham County Board of Supervisors Chairman. It was noted that four vacancies will exist on the State Mental Health & Mental Retardation Board as of July 1st, this year, resulting in no Valley representation on the State Board, unless someone from this area is appointed. Mrs. Mary Bradshaw, the Board's first Coordinator and currently serving as a County appointee to the Community Services Board, has been endorsed by the local Board for candidacy for the State Board, with hearty endorsement also by Senator Nathan Miller. Support for the endorsement was requested of both the City and County Governing Bodies. Following a brief discussion, Vice-Mayor Green moved that endorsement of Mrs. Bradshaw for the State Board be approved, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

✓ Mayor Erickson informed Council that he had contacted Mr. William Blair concerning his serving on the Board of Zoning Appeals, should his name be recommended to the Circuit Court Judge, in that two members of the Board have resigned prior to expiration of their terms. Mr. Blair indicated that he would be willing to serve. Councilman Dingleline moved that the City Attorney be instructed to recommend Mr. William Blair to fill the unexpired term of Mr. P.H. Hardy, which expires on March 20, 1982. The motion was seconded by Vice-Mayor Green and adopted by a unanimous vote of Council.

✓ Following months of screening applications, personal interviews, etc. for the position of Deputy City Auditor for the City of Harrisonburg, Auditor Peterman recommended that Mrs. Romeo (Gloria) Olivas, 194 Highland Avenue, be appointed to serve in that capacity. Based on qualifications in her application and prior experience in various fields, Mr. Peterman offered an opinion that Mrs. Olivas would do an excellent job for the City. Vice-Mayor Green moved that the Auditor's recommendation for the appointment be approved, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

✓ For information, Mr. Robert Sullivan, Executive Secretary of the Harrisonburg-Rockingham County Independence Bicentennial Commission, presented the official listing of Harrisonburg's Bicentennial events, some of which had already occurred, and noted that the Poultry Federation Parade tomorrow (May 14) would feature a Bicentennial Float depicting a piano playing "Happy Birthday." Council was invited to journey to Richmond on May 29th for the signing of a Certificate of Recognition by Governor Dalton, declaring June 25 - July 5, 1980 as Bicentennial Week. Mr. Sullivan reported also that a Bicentennial Plate would commemorate the City's 200th birthday with a picture of the original "spring house" and present "town clock", in that both are so much the central focus point of the community, and symbolic of past history and the current year 1980. Appreciation was expressed to Mr. Sullivan and the Commission for time and effort which had been put forward in planning the many varied events for the City's celebration year. Mr. Sullivan said that dedication of the J.R. "Polly" Lineweaver Apartments on N. Main Street, and also the downtown beautification, would be a part of this bicentennial year, and asked for any ideas from Council which may not have been thought of by the Commission.

✓ Mr. James Rowe, Harrisonburg Area Manager, Columbia Gas Company, introduced Mr. Henry Smith, District Plant Manager, and Mr. Gary Lape, Operations Engineer, all of whom were present in the meeting for the purpose of making two requests for Council's consideration. Mr. Smith informed Council that the company is proposing construction of a new 8" and 6" distribution gas line facility on the west side of the City at an approximate cost of \$ 470,000. and noted that some additional work would bring the amount to more than 1/2 million dollars. Consideration of approval of the construction was requested. The second request would be a variance from the existing city ordinance which prohibits open cutting of newly paved streets for a period of five years. Mr. Lape said the gas lines from New Market through Edom Road would be upgraded, and traced the route for new construction beginning at Edom Road and going to Collicello Street---west on Sixth Street and southwest to Waterman Drive---paralleling Waterman Drive to West Market Street to the back side of Westover Park. From that point to Ohio Avenue, Dogwood Drive, etc. eventually tying into the two existing distribution system junctions at Main & Grace Streets and Main and Maryland Avenue. He said that letters have been sent out for bids on the project, with a hope that a contract may be awarded by June 16. The distribution line will increase capacity in Harrisonburg, in that requests for gas services have almost doubled throughout the City of Harrisonburg. Present 4" lines at Main Street and Maryland Avenue will be replaced with 6" lines. The 8" line will carry pressure of 125 lbs. per inch, as compared to the normal pressure operation of 30 to 60 lbs per inch. Mr. Lape requested either a waiver of the ordinance or granting of authority to cut through S. Main Street at Grace St. and Maryland Avenue. City Attorney Lapsley said that the City Engineer can grant relief under the ordinance section 6-1-6, should he deem it advisable to do so. Assistant City Manager Driver offered an opinion that it would be dangerous to go through the residential Holiday Hills area, more so than the controversial power line under construction on Monument Avenue, and said it may be well to open the matter to the public in that he felt many complaints would be registered. Councilman Dingleline moved that the requests of Columbia Gas Company be referred to the Planning Commission, with a review also by City Staff, prior to its coming back to City Council. The motion was seconded by Vice-Mayor Green. City Manager Milam pointed out the fact that Columbia Gas operates under a franchise with the City, in which he is delegated to issue permits, and noted further that all information concerning the proposed gas line has not been received. Mr. Smith replied that he had met with Mr. Ralph Smith, Superintendent of Streets, and Mr. Donn Devier, City Engineer, and at that time it was understood that the line route and other information would be presented to the City Manager. Mr. Driver reminded those present that South Main Street reconstruction was completed less than a year ago, and said he could not believe that plans for the gas line were worked up since that completion. He offered opposition to cutting into the street, in that the company had both notice and time to plan for its project prior to the reconstruction project by the City. The motion for referral to the Planning Commission and City Staff was adopted by a unanimous vote of Council. The City Manager suggested that complete plans for the project, as well as locations of open cuts which would be necessitated, be presented to the City Engineer. He also pointed out that a freeze on gas line construction, placed by the State Corporation Commission, had been removed only last Spring.

✓ For information, City Manager Milam reported that several meeting had been held, following employment of Mr. Dwight Miller, Architect, to draw plans for construction of two classrooms at the William G. Myers Armory, in exchange for conveyance of 3.5 acres of land by the Department of Military Affairs. He noted that an amount of \$ 50,000. (maximum provided in original agreement) had been appropriated from Revenue Sharing Funds for Entitlement Period Eleven which cover the period Oct. 1, 1979 to September 30, 1980, along with an amount of \$ 4,250. for A & E fees, and that the following project schedule had been established: April, 1980- Preliminary Approval; May, 1980- Final Plans and Specifications; June, 1980- Agency Approvals; July, 1980- Public Bid; August, 1980- Construction Permits; September, 1980- Award Contract; November, 1980- Project Completion; December, 1980- Deed Execution. Manager Milam noted further that the classrooms would be entered from the southeast corner of the Armory and that in order to obtain the necessary 22' X 102', some storage space in the building had to be relocated. The City holds an important lease on the property which provides for an annual rental of \$ 1.00, with the City to be responsible for maintenance and has the right to make any improvements it so desires to the property to be conveyed.

For consideration of second & final reading, the City Attorney presented an ordinance effecting the closing of a portion of a 15' alley on the west side of South Liberty Street, requested by Mr. Victor Smith, which ordinance had been approved for a first reading on April 8th. Manager Milam reported that proper amounts had been paid by Mr. Smith for the closing, and that he could see no outstanding problems in that it had been recommended by the Planning Commission and Board of Viewers. Councilman Dingleline 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. The motion was seconded by Vice-Mayor Green and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 207).

The following Board of Viewers' report was presented and read by the City Manager:

"The Board of Viewers, comprised of Messrs. P.H. Hardy, T.H. Lowery, and John H. Byrd, Sr., appointed by the City Council on Tuesday, March 25, 1980, to review three alleys partitioned to be closed by Mr. Hosie T. Fitzgerald, and determine whether or not there would be any inconvenience in the closing. The Viewers reviewed maps showing the location of the three 10' alleys, running southward approximately 169' where they join an east-west alley.

After a personal interview with the adjacent property owners, Mr. McHone on the east, and the Trustees of the American Legion, Newman Washington Post 76 on the west, we make the following report.

Both property owners paralleling the Fitzgerald lots have expressed a desire that the alleys remain and not be closed. Upon an interview with Mr. Fitzgerald, advising him of the requests of the Newman Washington Post and Mr. McHone, he was willing to withdraw his request for the closing of the two alleys paralleling his neighbors on east and west. However, Mr. Fitzgerald requested that the alley separating his lots be closed and that he would purchase from the City said 10' alley.

In view of the above, we the Board of Viewers, find no inconvenience in closing above described alley. We also feel that the desires of the adjacent property owners should be respected and that the two alleys in which they are involved be kept unchanged."

Manager Milam pointed out the alley location, southward off East Washington Street, adjoining Lots 7 and 8 owned by Mr. Fitzgerald. 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 ordinance form. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council.

For consideration of a first reading, City Attorney Lapsley presented a proposed ordinance amending Section 7-1-15 of the City Code titled "Deposit prerequisite to service; required" He pointed out that the only change in the Section would be the addition of words following "No deposit for utility services shall be required" OF ANY PERSON WHO IS A MEMBER IN GOOD STANDING OF THE JAMES MADISON UNIVERSITY UTILITY DEPOSIT ASSISTANCE PROGRAM. City Manager Milam reminded Council that a request for relief from the deposit requirement for fulltime qualifying students was instituted early in 1979, and that meetings had been held between the City Attorney and others concerned, to come up with a recommendation for amending the ordinance in such a manner that work in the Utility Billing Department would not be increased to a great extent for handling of those accounts. He noted that approximately 400 students had signed up for the program, and because of this fact, it was felt that a program should be established for a one year trial period, to determine whether or not problems would arise. He explained that under a proposed agreement between the Utility Deposit Assistance Program and the City of Harrisonburg, the students will sign a contract with the Agency, with copies forwarded to the Billing Department for its record. The names of qualifying students who have signed up for the program will be listed in alphabetical order, along with Social Security numbers, and made available to the department for referral, when applications for service are received. Mr. Linwood Rose, Associate Director of Residence Halls and Commuting Student Services, said that the program seems successful, which is being carried for other utilities, in that the Agency covers any defaults in payments which may arise during the period of time covered by the contract. Following discussion, Councilman Dingleline moved that the ordinance be approved for a first reading at this time, with action deferred on the proposed agreement until final adoption of the ordinance, in order to allow ample time for the terms, etc. to be reviewed by members of Council. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Council.

Councilman Cisney moved that a supplemental appropriation in amount of \$ 6,602.80 requested by the Director of Social Services, representing 100% reimbursement by the Federal Government for the Fuel Emergency Assistance Program, be approved for second & final reading, a first reading having been approved on April 22nd, and that:

\$ 6,602.80 chgd.to: VPA Fund (611.00) Rev.from Other Agencies--- Grants-in-Aid
from Commonwealth---Fuel Emerg. Assistance Program
1,835.35 approp.to: VPA Fund (8022-394.05) Fuel Emerg. Assistance Program
1,785.51 approp.to: VPA Fund (8022-11.01) Soc.Services- Joint Functions
2,663.61 approp.to: VPA Fund (8021-11.04) Soc.Services- Eligibility PA
318.33 approp.to: VPA Fund (8021-250.00) Soc.Services- FICA, Group Ins., etc.

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

Vice-Mayor Green moved that a supplemental appropriation in amount of \$ 20,000. requested by the Director of Social Services, representing additional appropriation by the Federal Government for the Fuel Emergency Assistance Program, be approved for second & final reading, a first reading having been approved on April 22nd, and that:

\$ 20,000. chgd.to: VPA Fund (611.00) Rev.from Other Agencies---Grants-in-Aid
from Commonwealth---Fuel Emerg. Assistance
20,000. approp.to: VPA Fund (8022-394.05) Fuel Emerg. Program

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

Councilman Dingleline moved that a supplemental appropriation in amount of \$ 2,000. requested by the Fire Chief in order to place revenue from sale of surplus Fire Department property into proper

account to offset electrical costs, be approved for second & final reading, a first reading having been approved on April 22nd, and that:

\$ 2,000. chgd.to: General Fund (1005.00) Recoveries & Rebates

2,000. approp.to: General Fund (9020-361.00) Electricity

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

✓ Councilman Cisney moved that a supplemental appropriation in amount of \$ 5,500. requested by Building & Zoning Official John Byrd due to insufficient funds in proper accounts for maintenance of city buildings, be approved for second & final reading, a first reading having been approved on April 22nd, and that:

\$ 5,500. chgd.to: General Fund - Unappropriated Fund Balance

1,700. approp.to: General Fund (10210-271.00) Maint.of City Buildings-
Maint. & Repairs - Bldgs. & Grounds

3,300. approp.to: General Fund (10210-361.00) Maint.of City Buildings- Electricity

75. approp.to: General Fund (10210-362.00) Maint.of City Buildings- Sewer Service

75. approp.to: General Fund (10210-363.00) Maint.of City Buildings- Water Service

which motion, upon being seconded by Councilman Rhodes, 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 \$ 2,444. (Litter Control Grant), in order that the said amount might be charged to Account of Recoveries & Rebates and appropriated to the proper account (Street Beautification). Following a brief discussion, Councilman Cisney moved that the appropriation be approved for a first reading, and that:-

\$ 2,444. chgd.to: General Fund (1005.00) Recoveries & Rebates

2,444. approp. to General Fund (10112-270.00) 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 \$ 5,000. representing anticipated additional appropriation from the Federal Government for the Fuel Emergency Assistance Program. It was noted that the Agency received additional information concerning CSA Poverty Guidelines which mandated certain cases reviewed and considered eligible for assistance. Following discussion, Councilman Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 5,000. chgd.to: VPA Fund (611.00) Rev.from Other Agencies---Grants-in-Aid
from Commonwealth--Fuel Emerg.Assistance

5,000. approp.to: VPA Fund (8022-394.05) Fuel Emerg.Assistance Program

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

✓ A request was presented from the City School Board for approval of a re-allocation of present school budget estimates in amount of \$ 20,000. due to insufficient funds in various accounts. Following a review of the accounts involved in the transaction, Vice-Mayor Green moved that the transfer be approved, and that:

\$ 500.00 chgd.to: School Fund (1200-218.00) Admin.- Postage, telephone & telegraph

5,000.00 chgd.to: " " (1201-134.12) Day Sch.Instr- Comp. Secondary Teachers

3,000.00 chgd.to: " " (1201-135.01) Comp. Inst.Superisors

1,000.00 chgd.to: " " (1201-220.00) Other Inst.Costs- Travel Inst.Personnel

4,000.00 chgd.to: " " (1201-305.00) Instruction Supplies

100.00 chgd.to: " " (1208-109.01) Adult Education- Comp.Clerical

75.00 chgd.to: " " (1208-109.02) Comp. Instructional Aides

5,525.00 chgd.to: " " (1208-134.01) Comp.Instructional Personnel

300.00 chgd.to: " " (1208-299.00) Other Inst. Costs

500.00 chgd.to: " " (1208-305.00) Instructional Supplies

2,500.00 approp.to: School Fund (1203-219.02) Pupil Trans.Ser.-Trans.by Pub.Carrier

12,000.00 approp.to: " " (1205-311.00) Oper. School Plant- Fuel

5,500.00 approp.to: " " (1206-295.00) Fixed Chgs.- Emplr.Cont.Frng.Benefits

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

✓ City Manager Milam reported that a line item proposed budget for fiscal year 1980-81 had been presented to each member of Council on April 30th---balanced, in total amount of \$ 18,998,719.00. He noted that an Appropriation Ordinance, setting forth expenditures and anticipated revenues had been mailed last Friday, which may be approved for a first reading at this time, if so desired. He requested authority to publish the Budget Summary in the Daily News Record newspaper, along with a notice of public hearing on the proposed budget for Tuesday, May 27th. In presenting his budget message, Manager Milam reported that balancing the budget had been accomplished with the existing \$.65 Real Estate and \$ 2.65 Personal Property Tax Rates; elimination of \$ 970,000. from requests by the various city departments, and utilization of \$ 276,504. of Anticipated Cash Balance from this year's operation. He pointed out that some of the largest increases in existing revenues are: return on investments (\$107,672.); local sales tax (\$195,000.); real estate tax (\$95,000.); business licenses (\$25,338.) and an additional \$70,000. from personal property, machinery & tools. The following city departments show increases over the present fiscal year: School; Recreation; Public Works; Police and Fire, while the Departments of Social Services, Water & Sewer reflect decreases. Explanations were given re those increases and/or decreases. An allocation of \$ 100,000. is included for continuation of downtown beautification, and a 10.5% increase for the Mental Health & Mental Retardation Services (Chapter 10) Board also reflected. A new salary scale (from survey updating the City's Classification and Pay Plan of 1977) was explained in detail by the City Manager with regard to implementation of same in determining individual salaries for the 1980-81 fiscal year. It is based on six regular steps and two longevity steps for each range. A few positions which are presently above the recommended pay range, should be frozen for the next fiscal year. A merit increase on anniversary dates of employees may be granted by the employee's superiors in the month of his employment, during

the fiscal year. Priorities in the proposed budget: (1) School Division salaries; (2) Waterworks improvements; (3) new City Pay and Classification Plan; (4) Street construction & maintenance; (5) energy increases in all departments; (6) maintaining existing programs and services without layoffs. In conclusion, Manager Milam offered an opinion that services provided are among the best, and the financial status of the City is healthy and sound. Councilman Dingledine moved that the Appropriation Ordinance be approved for a first reading, with authorization granted for the City Manager to publish the Budget Summary and notice of Public Hearing for Tuesday, May 27, 7:30 PM in the Daily News Record newspaper. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council. It was agreed that next Tuesday, May 20th, be scheduled for a budget study by Council, with time of meeting to be determined.

✓ The City Manager reported that bids had been advertised for Division I (18" water line) and Division II (18" and 12" water lines), and called Council's attention to the advertisement which went out to 29 interested contractors. He noted that an approximate \$ 800,000. may be saved if the projects are rebid, with city forces doing the paving and ~~sealing~~ ^{seeding}. Another saving will be on tax on cost of pipe, in that the contractor will be responsible for purchase of pipe for the projects. He presented plans and traced the water line routes for Council, to termination at Willow and Market Streets for tie-in with the existing 18" line. A pre-bid conference is scheduled for May 20th in the office of Water/Sewer Superintendent, prior to public opening of bids on May 29th in the Council Chamber. Verbal description of the Vine Street water tank was given by the City Manager, and comments requested concerning the proposed lettering: "Harrisonburg - 1780-1980-Bicentennial" at a cost of \$ 55.00 per character, or total amount of \$ 1,870. Following discussion, members unanimously agreed that lettering for the water tank be approved.

✓ Councilman Dingledine offered an opinion that a couple of spaces should be provided in the parking lot on south side of the Municipal Building, free of charge, for persons transacting business in the City Building. Vice-Mayor Green said he had also received a number of complaints concerning parking meters recently installed on that lot. Following discussion, the City Manager was instructed to mark and/or cover several meters for conducting of city business, with a 30-minute time limit.

✓ Councilman Dingledine said he had received comments concerning painting on the Campbell Street wall, and suggested the possibility of planting Virginia Creeper to discourage display of art work. Another suggestion was cleaning the wall, which would be only a temporary measure. No definite action was taken.

✓ Councilman Rhodes said he had noticed several Letters to the Editor concerning parking at the East Wolfe Street Deck, and offered an opinion that meters along the Mason & Wolfe Street sides should be changed for all-day parking in order to make those spaces more available for employees and shoppers. It was agreed that the Parking Authority be contacted concerning the situation, with possible meeting to be arranged with Council for discussion of overall parking at both decks, and otherwise.

✓ City Manager Milam asked members of Council if they desired to place an Ad in the Special Fall Issue of the Virginia Town & City magazine this year, as it has been done on some occasions in the past. Council discussed the matter briefly and agreed that an Ad should be placed, in that the City is celebrating its 200th birthday this year.

At 10:55 P.M., Councilman Cisney moved that Council enter an executive session to discuss real estate and a legal matter. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

At 12:05 A.M. on motion duly adopted, the executive session was declared closed, the regular session reconvened, and adjourned.

N. Delene Lopez
CLERK

Ray E. Eicher
MAYOR

Tuesday, May 20, 1980

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; Clerk N. Arlene Loker; Councilmen Raymond C. Dingledine, Jr.; Elon W. Rhodes; James C. Cisney; Vice-Mayor Walter F. Green, III; City Auditor Philip Peterman and Chief of Police Richard W. Presgrave. Absent: none.

✓ City Manager Milam read the following Meeting Call:

"An emergency existing, there will be a special meeting of the City Council called by the Mayor, to be held in the Council Chamber on Tuesday, May 20, 1980, at 7:30 P.M. to consider the following matters and take necessary action thereon:

1. Budget work session."

Mayor Erickson said that this meeting was called in order that various sections of the proposed budget for 1980-81 may be reviewed and to discuss any questions which Council may have re information presented at the last regular meeting. Inasmuch as the Personal Services sections deal with employees' salaries, he suggested that an executive session be entered, following the question and answer period, to discuss personnel.

✓ Councilman Dingledine, a member of the Parks & Recreation Commission, said there was concern about the proposed reduction in appropriation of funds for electricity and heating oil at the Community Activities Center building for the next fiscal year and heating oil for the Armory. Recreation Director Gilkerson noted that he could live with the \$ 35,000. proposed for electricity at the Center, but added that the \$ 6,000. budgeted for heating oil would not be adequate in that it requires 12,000 gallons for the Center during the heating season. Vice-Mayor Green questioned

how much efficiency is lost due to problems with heat pumps at the Center, to which Mr. Gilkerson replied that it was difficult to determine, in that the 3-year system has never worked properly, and that eleven of the pumps have gone out, to date. Although they are covered by a 5-year warranty, the Recreation Department has to pay the cost of taking the pumps out, and re-installing them. Further noted by the Director was the fact that the proposed budget leaves only about \$ 7,000. to pay seven employees at the Center, which employees, hired under the CETA Program are funded for nine months of this year. Proposed funds will be insufficient to pay those employees for 12 months next fiscal year, and give minimal raises. The Center is open 78 hours per week, with 10 fulltime employees. The possibility of cutting personnel and reducing hours the Center is open, was discussed, following a concern expressed by Vice-Mayor Green with regard to expenses. Mr. Mike Layman, Chairman of the Parks & Recreation Commission, noted that the Center is "jam-packed" on weekends and evenings, and encouraged members of Council to visit the Center to see the need for personnel. He said that sometimes it appears there are too many staff members, while sometimes there are not enough. High-lights throughout the proposed budget were pointed out by the City Manager, and explanations given for reductions, etc. in some of the categories.

At 8:45 P.M., Councilman Dingledine moved that Council enter an executive session to discuss personnel and a legal matter, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

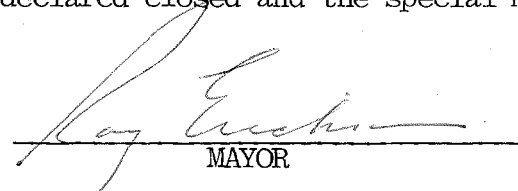
At 11:06 P.M., on motion duly adopted, the executive session was declared closed and the special session reconvened.

Vice-Mayor Green moved that the City Manager be authorized and directed to reduce the School Budget by the amount of \$ 46,794.; reduce Downtown Development Funds by \$ 75,000.; reduce anticipated revenues, and further, to find a way to increase salaries of city employees up to a maximum of 10% during the next fiscal year (1980-81). The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

At 11:10 P.M., Councilman Dingledine moved that Council enter a second executive session for the purpose of discussing a legal matter. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

On motion duly adopted, the executive session was declared closed and the special meeting reconvened and adjourned at 12:30 A.M.


CLERK


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 ELEVEN-
OCTOBER 1, 1979 TO SEPTEMBER 30, 1980

\$496,364.

PROPOSED EXPENDITURES:

Municipal Departments:

Board of Real Estate Assessors - Professional Services	\$ 22,000.
City Auditor - Micrographic Equipment	10,000.
Data Processing - ADP Equipment	23,000.
Police Department - Motor Vehicles	22,300.

Fire Department:

Fire Truck Reserve	20,000.
Equipment	5,000.
Building Inspection - Motor Vehicle	5,500.

Street Inspection:

Dump Truck	14,500.
Street Construction - Main and High Streets	40,000.
Traffic Engineering - Traffic Signals	24,000.
Refuse Collection - Garbage Truck	36,000.

Parks & Recreation:

Pick Up Truck	5,000.
Machinery, Equipment and Furniture	10,000.

National Guard Armory:

Armory Addition	50,000.
Architect and Engineering Fees	4,250.

Water Department - Water Pipe	111,930.
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TOTAL MUNICIPAL DEPARTMENTS	<u>\$ 403,480.</u>
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Department of Education:

Voc-Tech Capital Outlay	\$ 11,760.
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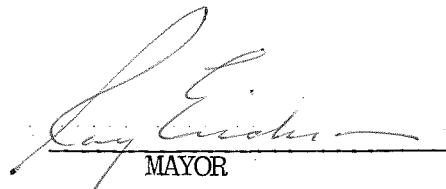
Annual Art and Instructional Supplies	\$ 25,106.
Special Education Transportation	17,242.
Repair, Replacement Equipment	20,212.
Motor Vehicle	6,500.
Furniture & Equipment	10,914.
Alterations-Buildings	<u>1,150.</u>
TOTAL DEPARTMENT OF EDUCATION	\$ 92,884.

TOTAL PROPOSED EXPENDITURES

\$ 496,364.

This ordinance shall become effective May 13, 1980.

Given under my hand this 13th day of May, 1980.


MAYOR

ATTEST:


CLERK

Tuesday, May 27, 1980

At combined public hearings and regular meeting of Council held in the Council Chamber this evening at 7:30 PM there were present: Mayor Roy H. Erickson; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Councilmen Raymond C. Dingledine, Jr.; Elon W. Rhodes; James C. Cisney; Vice-Mayor Walter F. Green, III; City Auditor Philip Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on May 13th were read and approved as corrected; minutes of a special meeting held on May 20th were read and approved.

Mr. Frank Bontz, Jr., Poultry Festival Chairman for 1980, was present in the meeting to present City Council the trophy for the City's "Happy 200th Birthday: float which won first prize in the commercial division in the Poultry Festival Parade last week. He expressed appreciation for the excellent cooperation by the various city departments on Parade Day, which has been experienced over the years. Mayor Erickson accepted the trophy on behalf of the Council and citizens of Harrisonburg, stating that the City is proud of the poultry industry and its activities which get better each year. Councilman Dingledine said that Mr. Robert Sullivan, Jr. and the Rockingham-Harrisonburg Independence Bicentennial Commission deserve credit for designing the appropriate float. The Mayor noted that activities have been planned for the remainder of this year for the City's bicentennial.

At 8:06 PM, the Mayor closed the regular session temporarily and called the first public hearing of the evening to order. City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper:

"The Harrisonburg City Council will hold a Public Hearing on Tuesday, May 27, 1980, at 7:30 P.M. in the City Council Chamber, Municipal Building, to vacate lots 19, 20, and 21, Block H, Page 35 of City Block Map. These lots are in the C.C. Conrad Addition, and are on the south side of West Gay Street between Chicago Avenue and North Willow Street. According to Sec. 15.1-431 and 15.1-482 (B) Code of Virginia, these lots must be vacated by ordinance of the governing body prior to approval of a final plat to resubdivide said lots into three lots to be known as lots 19A, 20A, and 21A.

All persons interested or affected by this matter will have an opportunity to express their views at this public hearing.

CITY OF HARRISONBURG- Marvin B. Milam, City Manager"

The following report, submitted from a Planning Commission meeting held on May 21st was presented and read:

"...The Commissioners reviewed a plat showing re-subdivision of Lots 19, 20 and 21, in the C.C. Conrad Addition, in the southeast corner of West Gay Street and North Willow Street. Attorney Steven Blatt, representing Mr. and Mrs. Wilbert L. Long, owners of proposed Lots 20A and 21A, reviewed the past history of how and why the old lot lines must be vacated in order to legally establish proposed Lots 19A, 20A, and 21A. The Director reported that setback and density regulations as required in the R-2 zone have been met. Dwellings exist on all three lots. Satisfied that all technicalities in this case have been carried out, Mr. Fleming moved that the Commission recommend approval of the resubdivision of Lots 19, 20 and 21 into Lots 19A, 20A, and 21A, as drawn by Donn L. Devier, City Engineer, on May 8, 1980. Dr. Shank seconded the motion and all members present voted in favor..."

City Attorney Lapsley said there had been problems because of two separate re-subdivisions on these lots since the original plat of September, 1926, and that under a recent state statute, Council is required to hold a public hearing prior to vacation of lots requested for resubdivision. In this instance, three lots (19, 20 and 21) are being vacated in order to legally establish proposed Lots 19A, 20A and 21A, with the present storm sewer easement which crosses the lots, to remain.

There being no others present desiring to be heard, the public hearing was declared closed at 8:20 P.M. and the regular session reconvened.

Mayor Erickson asked Council's wishes re the vacation of lots in the C. Conrad Addition and re-subdivision request by Mr. and Mrs. Wilbert Long. Councilman Cisney moved that Council accept the

report of the Planning Commission and approve an ordinance effecting vacation of Lots 19, 20 and 21 for a first reading, with referral of same to the City Attorney to be drawn in proper form. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council.

As a follow-up of request by Mr. Gary Judd for rezoning of his property on the corner of Port Republic Road and South Main Street from R-1 (Single Family Residential) to R-3 (Multiple Dwelling District), and on instructions of Council at the May 13th Public Hearing for determination of a way in which Mr. Judd's Professional Surveyor's Office may be located in his basement without actually rezoning the property, City Attorney Lapsley presented for consideration, a proposed ordinance amending the City's Zoning Ordinance to include a provision for "Conditional Zoning." He noted that the 1979 session of the Virginia Legislature added this type of zoning to the Virginia Code, whereby a requestor could be required to comply with certain conditions, other than those provided for under regular zoning classifications. The Conditional Zoning offers an opportunity to allow more flexibility, without opening doors wide to special use permits. Mr. Lapsley said he felt Council may wish to explore this possibility. Councilman Cisney asked if the property in question is rezoned to R-3 and placed under Conditional Zoning, "would the new owner (should the property be sold), apply to the City for rezoning", and "can the property be rezoned from R-3 Conditional Zoning back to a normal R-3 zone if so desired?" Attorney Lapsley said his interpretation would be that the City could rezone in any manner, but a request would have to come back to Council through proper procedure. Mayor Erickson said the amendment to the ordinance would provide for an additional condition for rezoning under certain circumstances, and added that any change in the Zoning Ordinance must go before a Planning Commission public hearing, although the proposed ordinance could be approved for a first reading at this time, and referred to that Body. Attorney Steven Weaver, counsel for Mr. Judd, said he felt the proposed amendment does not suit his client's need, in that no opposition was expressed for rezoning of properties across the street. Although Conditional Zoning is new to everyone, Mr. Weaver said he could see that rezoning to R-3 being conditioned, would limit the R-3 overall approach, and rezoning to R-3 for certain things which could be done with the property, would be the same as a special use permit, and could rule out certain undesirable businesses, etc. Inasmuch as the primary concern by residents in the area seems to be that a Fraternity or Sorority may some day occupy the dwelling, Mr. Judd said he would be willing to have the property transferred from joint ownership with his wife, to sole ownership by himself, with a restrictive covenant in the deed, barring any future use of the property as a Fraternity or Sorority. The Mayor said that Council was in sympathy with Mr. Judd's home and proposed professional office, and was striving to find a way to accommodate him in what he wanted to do. He offered an opinion that the proposed ordinance amendment would accomplish this. Attorney Lapsley informed Council that should the property be rezoned, with a restrictive covenant in the deed, as suggested, Mr. Judd's purpose would be fulfilled without the proposed amendment to the Zoning Ordinance for Conditional Zoning. Councilman Rhodes stated that the requests to rezone properties on the other three corners of the intersection to R-3 had met with no opposition in any of the Planning Commission or Council public hearings, and said he would like to see rezoning granted in this instance. He moved that the rezoning request of Mr. Judd from R-1 Residential to R-3 Multiple Dwelling District be approved, subject to a covenant being placed in the deed conveying property to sole ownership, restricting future use of the dwelling as either a Fraternity or Sorority, with the prepared covenant to be reviewed by the City Attorney for his approval. The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council. Councilman Dingledine then offered a second motion that the proposed ordinance amendment for Conditional Zoning 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.

At 8:40 P.M. the regular session was closed temporarily and the evening's second public hearing called to order. City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record Newspaper:

"Notice is hereby given that a Public Hearing on said budget as submitted and amended will be held in the Council Chamber in the Municipal Building at 7:30 P.M. on the 27th day of May, 1980, 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 14th day of May, 1980.

CITY OF HARRISONBURG--- Marvin B. Milam, City Manager"

He explained that due to errors by the Daily News Record in recording figures of appropriation proposed for Educational Purposes, in the Budget Summary published May 14th, the entire Section 2, Educational Purposes was republished in correct form on May 19th. Mayor Erickson asked if there was anyone present who wished to be heard concerning the proposed 1980-81 City of Harrisonburg budget. Following the presentation of information by Mr. James Vass re the Health Department's request for additional increase, the City Manager explained each proposed amendment in various accounts, which had been made since Council's budget study on May 20th. At 9:30 P.M., the public hearing was declared closed and the regular session reconvened.

Mayor Erickson asked Council's wishes concerning proposed Budget for 1980-81. Councilman Cisney moved that the appropriation ordinance, as amended, 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 Minute Book. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council. (Minute Bk 0 pages 59-72).

The following Planning Commission report, from a meeting held on May 21, 1980, was presented and read:

"...The Commissioners reviewed a proposed 36-lot apartment and/or townhouse subdivision, 'Homeplace' to be developed by Mr. James Logan, Sr. The Director reviewed the staff's comments and Subdivision Review Sheet. He noted that all setback and density requirements of the R-2 zone will be met. Easements for utilities and drainage have been added as required, and a 15' strip of land will be dedicated along the South High Street frontage when this plat is recorded.

Commissioners Kuykendall and Eneidy noted that site distance existing the proposed Logan Lane into South High Street is poor. Discussion regarding removal of a row of trees and posting 'no parking' signs followed. Mr. Logan agreed to remove the trees, but said he probably won't demolish the old Logan House until most or all of the proposed townhouse structures are constructed. When asked how soon the construction will start (the first 4-unit apartment has been built), Mr. Logan said it depends on how soon the City gets a new sewer line installed from S. High Street down through the 5-acre property to Maryland Avenue. City Engineer Devier told the Commissioners this could be six to eight weeks away.

Mr. Fleming moved that the Commission recommend approval of the Final Plan for 'Homeplace' Subdivision, and that Mr. Logan remove the trees and/or shrubs along S. High Street in front of the old Logan home, and 'no parking' be posted by the City. Mrs. Bowman seconded the motion and all members present voted in favor..."

Planning Director Sullivan presented a large scale map showing the public street (Logan Lane), living units, etc. and noted that backing out onto a deadend street (perpendicular to High St.) is not as dangerous as backing out onto a through street. The subdivision is comprised of forsale lots which will mean there would be 36 individual owners in the future, or several units purchased by one owner. Mr. Sullivan said that the original plat was changed, following staff review, to allow for dedication of a 15' strip along the frontage by Mr. Logan. Condition of easements for storm water have been amended. The total acreage is ample for the number of units proposed. Following discussion, Vice-Mayor Green moved that the recommendation of the Planning Commission be approved, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous recorded vote of Council.

Council was reminded that in December of last year, a recommendation of the Planning Commission for vacation of lots 4, 5, 6, 7, 18 & 19 in the J.T.Houck Addition (Block J, page 28 of the City Block Map), for construction of a Family Dollar Store, was approved. City Attorney Lapsley presented a proposed ordinance effecting the vacation. Following a brief discussion, Councilman Cisney moved that the ordinance be approved for a first reading, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council.

For consideration of second & final reading, the City Attorney presented an ordinance vacating Lots 17, 18, 19, 20 and 21 (Block S, page 27 of City Block Map) in the Masters and Brown-Red Hill Addition. Council was reminded that its public hearing was held on May 13th to vacate the lots prior to approval of a final plat to resubdivide the lots into two 11,465 square foot lots for the owner, S.L.Rexrode. Councilman Cisney moved that the ordinance, approved for a first reading on May 13th, 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. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 209).

For consideration of second & final reading, an ordinance amending and re-enacting Sec.7-1-15 of the City Code, titled "Deposit prerequisite to service; required" was presented by the City Manager. He reminded Council that action concerning approval of a proposed agreement between the City of Harrisonburg and James Madison University Utility Deposit Assistance Program had been deferred until after final reading of the ordinance. Councilman Dingledine 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. The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council. (Ord. Bk K, page 208). The following Agreement was then read, and discussed, for consideration of approval:

- 1) This agreement made and entered into this ____ day of May, 1980 by and between the City of Harrisonburg, hereinafter referred to as City, and the Utility Deposit Assistance Program, hereinafter referred to as UDAP.
- 2) The City agrees to furnish water and sewer service at one location per program member beginning July 1, 1980 to any full-time student of James Madison University who is acceptable to the City and to continue to furnish such service for so long as such student is acceptable to the City. The acceptability of any student shall be within the sole discretion of the City.
- 3) The City agrees not to require a security deposit from those full-time students attending James Madison University who are identified by the Utility Deposit Assistance Program as Program members. Program members may be identified by presentation of a paid receipt for membership, and a James Madison University Student Identification Card.
- 4) The UDAP agrees to indemnify the City from all loss, cost, or expense to the City in supplying water and sewer services to UDAP members which results from the failure or inability of said persons to pay for said services, provided, however, that the UDAP shall not exceed twenty-five (\$25.00) dollars a year for any one member.

The UDAP shall become obligated to indemnify the City when any amount charged to a UDAP member is not paid after sixty (60) days but no longer than ninety (90) days after the disconnection of water and sewer services, and such amount then due from the UDAP member to the City shall be payable by the UDAP.

- 5) It shall be the duty of the UDAP to provide a list of the names of its members to the City. The UDAP will not be responsible under this agreement for any loss, cost, or expenses incurred by the City in providing service to a student whose name has not been submitted to the City by the UDAP or upon presentation of a valid paid receipt for membership.

The UDAP shall furnish the City with two (2) copies of a listing of the names and Social Security numbers of all UDAP members, on or about the following dates: August 1, August 15, August 31, and September 15.

- 6) Nothing contained herein shall be construed to limit the rights of the City to collect from any individual customer any account balance in excess of the

amount guaranteed by the UDAP, or the rights of the UDAP to recover from such person any amount paid by it to the City on his behalf.

- 7) Either party hereto shall have the right to cancel said agreement upon the giving of thirty (30) days written notice to the other party; provided, however, that the UDAP shall remain liable to the City under this agreement to the account of any UDAP member prior to the effective date of such cancellation.
- 8) The UDAP shall provide the City on or before the fifteenth (15) day of September, with a list of persons who have failed to renew their UDAP membership for the next academic year. The UDAP liability for persons listed will terminate thirty (30) days after receipt of said list by the City. This list of persons shall be provided to the City by the UDAP so that persons covered by UDAP one year, who fail to join the UDAP the following year, may be contacted by the City and charged a security deposit. The UDAP will continue to assume liability for these students until thirty (30) days after presentation of this list to the City.

IN WITNESS WHEREOF, we have hereunto set our hands and seals:

The City of Harrisonburg

by

The Utility Deposit Assistance Program

by

Councilman Dingledine moved that the Agreement between the City and JMU Deposit Assistance Program be approved, with authorization for the City Manager to sign same on behalf of the City of Harrisonburg. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ Councilman Cisney moved that a supplemental appropriation in amount of \$ 2,444.00 representing Litter Control Grant received by the City, be approved for second & final reading, a first reading having been approved on May 13th, and that:

\$ 2,444. chgd.to: General Fund (1005.00) Recoveries & Rebates

2,444. approp.to: General Fund (10112-270.00) Litter Control

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 \$ 5,000.00, requested by the Director of Social Services, representing anticipated additional appropriation from the Federal Government for the Fuel Emergency Assistance Program, be approved for second & final reading, a first reading having been approved on May 13th, and that:

\$ 5,000. chgd.to: VPA Fund (611.00) Rev.from Other Agencies--Grants-in-Aid
from Commonwealth--Fuel Emerg. Assistance.

5,000. approp.to: VPA Fund (8022-394.05) Fuel Emergency Assistance Program

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

✓ A request was presented from the City School Board for approval of a supplemental appropriation in amount of \$ 6,800.00, in order to provide funds for temporary loan to Massanutten Voc. Tech.Center. It was noted in the request that the loan would enable the Center to meet its obligations prior to receiving state reimbursement for Vocational Equipment purchased. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:

\$ 6,800. chgd.to: School Fund (R-55) Receipts from Loans, Bonds & Investments--
Anticipated Receipts- Temp. Loans.

6,800. approp.to: School Fund (1900-403.00) Cap.Outlay- Furn. & Fixtures

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

✓ A request was presented from the City School Board for approval of a supplemental appropriation in amount of \$ 25,000.00 from within various accounts of the school budget appropriations, in order to provide funds for the following: unanticipated expense incurred in employing teacher to replace teacher serving as acting principal of Spotswood Elementary School, during regular principal's absence due to illness; to pay public transportation for transporting special education children to DeJarnette's in Staunton; increased cost of electricity; increased cost of fuel oil; mandated local/state matching funds for PL 94-142 (handicapped bill); and local funds for Massanutten Voc.Tech.Center equipment for three new programs. Following review of the accounts, Councilman Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 14,000. chgd.to: School Fund- Unapprop. balances

5,300. chgd.to: " " (R-12B) Realized Rev.- Rcpts.from State School Funds-
Spec. Educ. - Other than salaries

4,800. chgd.to: School Fund (R-37) Real.Rev.-Rcpts.from Other Funds- Rebates

900. chgd.to: " " (R-45) Real.Rev.-Rcpts.from Other Funds- Tuition
from another City/County

3,000. approp.to: School Fund (1201-134.11) Day Sch.Instr.-Comp.Elem.Tchrs

1,000. approp.to: " " (1203-219.02) Pupil Trans.Ser.-by Pub.Carrier

5,000. approp.to: " " (1205-207.00) Oper. Sch.Plant- Electricity

5,000. approp.to: " " (1205-311.00) Oper. Sch.Plant- Fuel

8,000. approp.to: " " (1209-111.03) Fed.Programs- Comp. Psychologist

3,000. approp.to: " " (1900-403.00) Cap.Outlay- Furn. & Equipment

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

✓ City Manager Milam presented correspondence dated 5/22/80 from Mr. David Rundgren, Executive Director, Central Shenandoah Planning District Commission, advising Mayor Erickson that Economic Development status under the Economic Development Administration, has been sought by the Commission for many years for the 6th Planning District, which status complements the Redevelopment Area Designation held by all jurisdictions with the exception of Rockingham County and the City of Harrisonburg.

It was noted that all requirements are currently met by the Commission's Board, other than no existing provision for minority representation on the Commission or its Executive Committee. This must be met, in order that the 6th Planning District may be considered. The following proposed resolution to insure minority representation was enclosed for Council's review and hopefully, its approval:

"WHEREAS, the City of Harrisonburg is a member of, and appointing authority to the Board of Commissioners for the Central Shenandoah Planning District Commission (CSPDC) chartered under the Virginia Area Development Act; and WHEREAS, the CSPDC has applied to the Economic Development Administration for designation of Planning District Six as an Economic Development District; and WHEREAS, the CSPDC, as the planning Body for the Economic Development District must continue to adequately reflect population characteristics; and WHEREAS, the CSPDC's Board of Commissioners provides adequate representation as required of a planning body for an Economic Development District; and WHEREAS, the Board of Commissioners must continue to provide adequate representation; and WHEREAS, the City of Harrisonburg as a member jurisdiction has appointing authority to the Board of Commissioners; now
THEREFORE BE IT RESOLVED that the City of Harrisonburg affirms its support for and participation in an Economic Development District; and furthermore, hereby affirms and assumes:

1. *That it will be responsible, jointly with the other member jurisdictions of the CSPDC, for CSPDC's continuancy eligibility as the planning agency for the Economic Development District;*
2. *That it will seek and obtain recommendations from appropriate organizations within its jurisdictional boundaries prior to appointing non-elected representatives to the CSPDC;*
3. *That at such time as the membership of the CSPDC shall fail to reflect minority and citizen representation required by an Economic Development District:*
 - (a) *Upon adequate notice from the Secretary of the CSPDC, the elected representatives shall meet with all other elected representatives as a Special Joint Committee of the member jurisdictions,*
 - (b) *The Special Joint Committee shall make appropriate recommendations on revising and realigning representation on the CSPDC to the member jurisdictions; and*
 - (c) *The discrepancy shall be removed within 90 days of the time that notice was first given.*
4. *That an original transcription of this Resolution, duly signed and executed, shall be forwarded to the CSPDC to be filed with its permanent records.*

APPROVED.

by

Following a discussion of the resolution, and further explanation by Councilman Rhodes, a member of the Central Shenandoah Planning District Commission, Councilman Rhodes moved that Council approve the resolution, with authorization for Mayor Erickson to sign same on behalf of the City of Harrisonburg. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ Mr. Tom Wetsel, President of the Harrisonburg Rescue Squad, was present in the meeting, along with other Squad members, as a followup of his letter dated 5/19/80 to City Manager Milam, pertaining to a request for the Lincoln-Miller property (corner Bruce & Liberty Sts.) to be purchased by the City as permanent quarters for the Squad. He pointed out that the building is not providing the City any tax revenue from Retail Sales; the physical location and size of building are excellent for the Squad's purposes; although the building is 40 years old, it has been well maintained and built to withstand many more years of use. Council was informed that although Mr. Miller has declined to set a price on the property, he has indicated that if the City would offer to purchase the building with tax free municipal bonds, he would sell, as long as the building is used for the Rescue Squad. According to Mr. Wetsel, the Squad would propose to accept the annual contribution from the City in approximate amount of \$ 25,000. and have it charged back to the City for an agreeable amount of time, until the property is actually owned by the Rescue Squad. A possibility of paying its own utilities was mentioned, as well as for the Squad's dispatching done elsewhere in the future. Judging by growth in both the County and City, Mr. Wetsel said it was inconceivable that neither the Fire Department or Rescue Squad will be answering less calls, needing less equipment, or less space. He noted that the Squad will have large expenditures in the future (i.e. replacement of vans, updated communication services, need for equipment to monitor heart beat and respiration, etc.) Councilman Dingledine asked if it were not advantageous for the Rescue Squad to be housed in the same building with the Fire Department, in that they would be active with each other. Mr. Wetsel said that the two had drifted apart over the years and that only a few of the Squadsmen work with the Fire Department. He noted that ambulances are monitored by both the Fire and Police Departments. Mayor Erickson raised a question as to whether a state mandate for special equipment, might provide funding. Mr. Wetsel said that no funds had been received from the state for the past several years. City Manager Milam made reminder that before the City can purchase any public property for public use, the matter must go before the Planning Commission. Following discussion, the City Manager was asked to look into the matter of a mandate, restrictive covenant for use of the building, etc. and report back to Council. The Mayor assured Squad members that "the matter would be kept alive."

✓ For information of Council, City Attorney Lapsley presented notices from the Circuit Court Judge, advising that Mr. William L. Blair had been appointed to the Board of Zoning Appeals for the City of Harrisonburg to fill the unexpired term of Mr. P.H. Hardy which expires March 20, 1982, and that Mr. Alexander W. MacKenzie had been appointed to the Board of Zoning for a term of five (5) years beginning March 20, 1980 and expiring March 20, 1985.

✓ Mr. Robert Sullivan, Executive Secretary of the Rockingham-Harrisonburg Independence Bicentennial Commission, invited members of Council to journey to Richmond tomorrow for the 3:30 P.M. signing by Governor Dalton of a Certificate recognizing June 29th through July 5th as Harrisonburg's week of celebration of its 200th birthday.

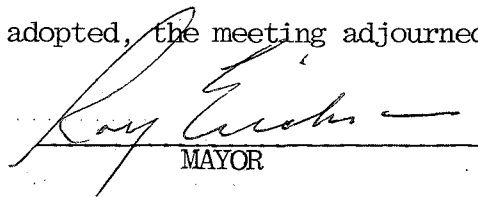
At 10:30 P.M., Councilman Dingledine moved that Council enter an executive session to discuss a legal matter, and possibly personnel. The motion was seconded by Councilman Cisney and adopted by a unanimous vote of Council.

At 12:35 A.M., on motion duly adopted, the executive session was declared closed and the regular session reconvened.

✓ Vice-Mayor Green offered a motion that "in order to keep annexation moving forward, the Mayor be authorized to present a news release tomorrow (May 28th) at 10:00 A.M., before which time, notification of same be submitted to the Rockingham County Board of Supervisors." The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

There being no further business, and on motion duly adopted, the meeting adjourned at 12:40 AM.


CLERK


MAYOR

APPROPRIATION ORDINANCE
OF THE CITY OF HARRISONBURG, VIRGINIA

For the Fiscal Year Ending June 30, 1981

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 1981. 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 I - 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, 1981.

Paragraph One - City Council and Clerk (1101)

For the current expenses and capital outlay of the CITY COUNCIL and CLERK, a division of the Legislative Department, the sum of forty thousand, three hundred twenty-eight dollars and no cents (\$30,328.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$20,020.00
(2) Other Operating Expenses	16,808.00
(3) Capital Outlay	3,500.00

Paragraph Two - Office of City Manager (1201)

For the current expenses and capital outlay of the OFFICE OF CITY MANAGER, a division of the General and Financial Administration, the sum of fifty-two thousand, five hundred fifteen dollars and no cents (\$52,515.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$45,040.00
(2) Other Operating Expenses	6,175.00
(3) Capital Outlay	1,300.00

Paragraph Three - Office of City Attorney (1204)

For the current expenses of the OFFICE OF THE CITY ATTORNEY, a division of the General and Financial Administration, the sum of eight thousand, two hundred thirty-two dollars and no cents (\$8,232.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 7,600.00
(2) Other Operating Expenses	632.00

Paragraph Four - City Auditor (1207)

For the current expenses and capital outlay of the CITY AUDITOR, a division of the General and Financial Administration, the sum of ninety thousand, eight hundred eleven dollars and no cents (\$90,811.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$70,891.00
(2) Other Operating Expenses	16,420.00
(3) Capital Outlay	3,500.00

Paragraph Five - Independent Auditor (1208)

For the current expenses of the INDEPENDENT AUDITOR, a division of the General and Financial Administration, 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 Six - Commissioner of Revenue (1209)

For the current expenses and capital outlay of the COMMISSIONER OF REVENUE, a division of the General and Financial Administration, the sum of ninety-nine thousand, nine hundred fifty-seven dollars and no cents (\$99,957.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 86,358.00
(2) Other Operating Expenses	11,299.00
(3) Capital Outlay	2,300.00

Paragraph Seven - Board of Real Estate Assessors (1210)

For the current expenses of the BOARD OF REAL ESTATE ASSESSORS, a division of the General and Financial Administration, the sum of fifteen thousand, five hundred dollars and no cents (\$15,500.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 15,000.00
(2) Other Operating Expenses	500.00

Paragraph Eight - Board of Equalization (1211)

For the current expenses of the BOARD OF EQUALIZATION, a division of the General and Financial Administration, the sum of five thousand, five hundred dollars and no cents (\$5,500.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 5,000.00
(2) Other Operating Expenses	500.00

Paragraph Nine - City Treasurer (1213)

For the current expenses and capital outlay of the CITY TREASURER, a division of the General and Financial Administration, the sum of eighty-eight thousand, five hundred seventy-six dollars and no cents (\$88,576.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 75,576.00
(2) Other Operating Expenses	12,900.00
(3) Capital Outlay	100.00

Paragraph Ten - Retirement Board (1217)

For the current expenses and contributions of the RETIREMENT BOARD, a division of the General and Financial Administration, the sum of three hundred sixteen thousand, one hundred twenty-four dollars and no cents (\$316,124.00) is appropriated from the General Fund to be apportioned as follows:

(1) Contribution to Retirement for City Employees	\$316,124.00
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Paragraph Eleven - Data Processing (1220)

For the current expenses and capital outlay of the DATA PROCESSING, a division of the General and Financial Administration, the sum of one hundred nineteen thousand, five hundred fifty-eight dollars and no cents (\$119,558.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 65,958.00
(2) Other Operating Expenses	48,600.00
(3) Capital Outlay	5,000.00

Paragraph Twelve - Purchasing Agent (1222)

For the current expenses and capital outlay of PURCHASING AGENT, a division of the General and Financial Administration, the sum of forty-eight thousand, five hundred forty dollars and no cents (\$48,540.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 39,415.00
(2) Other Operating Expenses	5,125.00
(3) Capital Outlay	4,000.00

Paragraph Thirteen - Delinquent Tax Collector (1224)

For the current expenses of the DELINQUENT TAX COLLECTOR, a division of the General and Financial Administration, the sum of four thousand dollars and no cents (\$4,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 3,000.00
(2) Other Operating Expenses	1,000.00

Paragraph Fourteen - Electoral Board and Officials (1301)

For the current expenses of the ELECTORAL BOARD AND OFFICIALS, a division of the Board of Elections, the sum of twenty thousand, seven hundred fifty-seven dollars and no cents (\$20,757.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 16,957.00
(2) Other Operating Expenses	3,800.00

Paragraph Fifteen - Juvenile & Domestic Relations Court (2105)

For the current expenses of the JUVENILE & DOMESTIC RELATIONS COURT, a division of the Judicial Administration, 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 Sixteen - County Court (2111)

For the current expenses of the COUNTY COURT, a division of the Judicial Administration, the sum of one thousand dollars and no cents (\$1,000.00) is appropriated from the General Fund to be apportioned as follows:

- | | |
|------------------------------|-------------|
| (1) Other Operating Expenses | \$ 1,000.00 |
|------------------------------|-------------|

Paragraph Seventeen - Lunacy Commission (2112)

For the current expenses of the LUNACY COMMISSION, a division of the Judicial Administration, the sum of one thousand, twenty-five dollars and no cents (\$1,025.00) is appropriated from the General Fund to be apportioned as follows:

- | | |
|------------------------------|-------------|
| (1) Personal Services | \$ 1,000.00 |
| (2) Other Operating Expenses | 25.00 |

Paragraph Eighteen - Police Department (3101)

For the current expenses and capital outlay of the POLICE DEPARTMENT, a division of the Department of Public Safety, the sum of six hundred twenty-two thousand, three hundred forty-five dollars and no cents (\$622,345.00) is appropriated from the General Fund to be apportioned as follows:

- | | |
|------------------------------|---------------|
| (1) Personal Services | \$ 511,695.00 |
| (2) Other Operating Expenses | 98,450.00 |
| (3) Capital Outlay | 12,200.00 |

Paragraph Nineteen - Fire Department (3201)

For the current expenses and capital outlay of the FIRE DEPARTMENT, a division of the Department of Public Safety, the sum of three hundred two thousand, fourteen dollars and no cents (\$302,014.00) is appropriated from the General Fund to be apportioned as follows:

- | | |
|------------------------------|---------------|
| (1) Personal Services | \$ 203,064.00 |
| (2) Other Operating Expenses | 84,650.00 |
| (3) Capital Outlay | 14,300.00 |

Paragraph Twenty - City and County Jail (3302)

For the current expenses of the CITY AND COUNTY JAIL, a division of the Department of Public Safety, the sum of twenty thousand, six hundred forty-two dollars and no cents (\$20,642.00) is appropriated from the General Fund to be apportioned as follows:

- | | |
|------------------------------|--------------|
| (1) Personal Services | \$ 10,542.00 |
| (2) Other Operating Expenses | 10,100.00 |

Paragraph Twenty-One - Building Inspection (3401)

For the current expenses and capital outlay of the BUILDING INSPECTION, a division of the Department of Public Safety, the sum of seventy-nine thousand, eight hundred twenty dollars and no cents (\$79,820.00) is appropriated from the General Fund to be apportioned as follows:

- | | |
|------------------------------|--------------|
| (1) Personal Services | \$ 72,820.00 |
| (2) Other Operating Expenses | 5,500.00 |
| (3) Capital Outlay | 1,500.00 |

Paragraph Twenty-Two - Game Warden (3502)

For the current expenses of the GAME WARDEN, a division of the Department of Public Safety, the sum of fourteen thousand, four hundred sixty-five dollars and no cents (\$14,465.00) is appropriated from the General Fund to be apportioned as follows:

- | | |
|------------------------------|-------------|
| (1) Personal Services | \$ 1,430.00 |
| (2) Other Operating Expenses | 13,035.00 |

Paragraph Twenty-Three - Coroner (3503)

For the current expenses of the 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 |
|-----------------------|-----------|

Paragraph Twenty-Four - Emergency Services (3505)

For the current expenses of EMERGENCY SERVICES, a division of the Department of Public Safety, the sum of twelve thousand, one hundred twenty dollars and no cents (\$12,120.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 2,250.00
(2) Other Operating Expenses	9,870.00

Paragraph Twenty-Five - General Engineering (4101)

For the current expenses and capital outlay of the GENERAL ENGINEERING, a division of the Department of Public Works, the sum of sixty-three thousand, two hundred eighty-five dollars and no cents (\$63,285.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$59,435.00
(2) Other Operating Expenses	2,350.00
(3) Capital Outlay	1,500.00

Paragraph Twenty-Six - Street Inspection, Repairs & Maintenance (3102)

For the current expenses and capital outlay of the STREET INSPECTION, REPAIRS & MAINTENANCE, a division of the Department of Public Works, the sum of six hundred two thousand, seven hundred forty-three dollars and no cents (\$602,743.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$263,573.00
(2) Other Operating Expenses	192,170.00
(3) Capital Outlay	147,000.00

Paragraph Twenty-Seven - Street Lighting (4104)

For the current expenses of STREET LIGHTING, a division of the Department of Public Works, the sum of two hundred fourteen thousand, nine hundred eighty-three dollars and no cents (\$214,983.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$214,983.00
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Paragraph Twenty-Eight - Traffic Engineering (4107)

For the current expenses of TRAFFIC ENGINEERING, a division of the Department of Public Works, the sum of forty-five thousand, three hundred sixty-six dollars and no cents (\$45,366.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$22,128.00
(2) Other Operating Expenses	23,238.00

Paragraph Twenty-Nine - Highway & Street Beautification (4108)

For the current expenses and capital outlay of the HIGHWAY & STREET BEAUTIFICATION, a division of the Department of Public Works, the sum of forty thousand, nine hundred twenty-three dollars and no cents (\$40,923.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$22,363.00
(2) Other Operating Expenses	6,910.00
(3) Capital Outlay	11,659.00

Paragraph Thirty - Street Cleaning (4202)

For the current expenses and capital outlay of the STREET CLEANING, a division of the Department of Public Works, the sum of seventy-two thousand, three hundred fifty-eight dollars and no cents (\$72,358.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$33,733.00
(2) Other Operating Expenses	36,025.00
(3) Capital Outlay	2,600.00

Paragraph Thirty-One - Refuse Collection (4203)

For the current expenses and capital outlay of the REFUSE COLLECTION, a division of the Department of Public Works, the sum of two hundred thirty-seven thousand, two hundred fifty-seven dollars and no cents (\$237,257.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$185,737.00
(2) Other Operating Expenses	49,020.00
(3) Capital Outlay	2,500.00

Paragraph Thirty-Two - Insect and Rodent Control (4206)

For the current expenses of the INSECT AND RODENT CONTROL, a division of the Department of Public Works, the sum of two thousand, twenty-five dollars and no cents (\$2,025.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,350.00
(2) Other Operating Expenses	675.00

Paragraph Thirty-Three - General Properties (4302)

For the current expenses and capital outlay of the GENERAL PROPERTIES, a division of the Department of Public Works, the sum of eighty-seven thousand, fifty-four dollars and no cents (\$87,054.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 18,404.00
(2) Other Operating Expenses	38,650.00
(3) Capital Outlay	30,000.00

Paragraph Thirty-Four - Downtown Rehabilitation Project (4304)

For the capital outlay of the DOWNTOWN REHABILITATION PROJECT, a division of the Department of Public Works, the sum of twenty-five thousand dollars and no cents (\$25,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Capital Outlay	\$ 25,000.00
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Paragraph Thirty-Five - Local Health Department (5101)

For the current expenses of the LOCAL HEALTH DEPARTMENT, a division of the Health and Welfare Department, the sum of sixty-two thousand, one hundred seventy-four dollars and no cents (\$62,174.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 62,174.00
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Paragraph Thirty-Six - Mental Health & Mental Retardation (5202)

For the current expenses of the MENTAL HEALTH AND MENTAL RETARDATION, a division of the Health and Welfare Department, the sum of thirty-one thousand, seven hundred eighty-one dollars and no cents (\$31,781.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 31,781.00
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Paragraph Thirty-Seven - Bureau of Parks & Recreation (7101)

For the current expenses and capital outlay of BUREAU OF PARKS & RECREATION, a division of Parks, Recreation and Cultural, the sum of two hundred eighty thousand, one hundred forty-eight dollars and no cents (\$280,148.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$184,946.00
(2) Other Operating Expenses	56,950.00
(3) Capital Outlay	38,252.00

Paragraph Thirty-Eight - Hillandale Park (7102)

For the current expenses of HILLANDALE PARK, a division of Parks, Recreation and Cultural, the sum of seventeen thousand, two hundred thirty-four dollars and no cents (\$17,234.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 11,422.00
(2) Other Operating Expenses	5,812.00

Paragraph Thirty-Nine - Riven Rock Park (7103)

For the current expenses of RIVEN ROCK PARK, a division of Parks, Recreation and Cultural, the sum of two thousand, nine hundred dollars and no cents (\$2,900.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 2,400.00
(2) Other Operating Expenses	500.00

Paragraph Forty - Community Activities Center (7104)

For the current expenses and capital outlay of COMMUNITY ACTIVITIES CENTER, a division of Parks, Recreation and Cultural, the sum of one hundred thirty-eight thousand, three hundred seventy-three dollars and no cents (\$138,373.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 79,318.00
(2) Other Operating Expenses	50,555.00
(3) Capital Outlay	8,500.00

Paragraph Forty-One - National Guard Armory (7105)

For the current expenses of the NATIONAL GUARD ARMORY, a division of Parks, Recreation and Cultural, the sum of eighteen thousand, seven hundred sixty dollars and no cents (\$18,760.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 9,090.00
(2) Other Operating Expenses	9,670.00

Paragraph Forty-Two - Simms Recreation Center (7106)

For the current expenses of the SIMMS RECREATION CENTER, a division of Parks, Recreation and

Cultural, the sum of eleven thousand, seven hundred nineteen dollars and no cents (\$11,719.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 9,929.00
(2) Other Operating Expenses	1,790.00

Paragraph Forty-Three - Westover Swimming Pool (7107)

For the current expenses and capital outlay of the WESTOVER SWIMMING POOL, a division of Parks, Recreation and Cultural, the sum of thirty-six thousand, five hundred fifty dollars and no cents (\$36,550.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$24,985.00
(2) Other Operating Expenses	6,765.00
(3) Capital Outlay	4,800.00

Paragraph Forty-Four - Planning Commission(8101)

For the current expenses of the PLANNING COMMISSION, a division of Community Development, the sum of forty thousand, two dollars and no cents (\$40,002.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$36,452.00
(2) Other Operating Expenses	3,550.00

Paragraph Forty-Five - Board of Zoning Appeals (8104)

For the current expenses of the BOARD OF ZONING APPEALS, a division of Community Development, the sum of one thousand, two hundred twenty dollars and no cents (\$1,220.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 720.00
(2) Other Operating Expenses	500.00

Paragraph Forty-Six - Harrisonburg Parking Authority (8106)

For the current expenses of the HARRISONBURG PARKING AUTHORITY, a division of Community Development, the sum of ninety-three thousand, three hundred forty-seven dollars and no cents (\$93,347.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$38,351.00
(2) Other Operating Expenses	54,996.00

Paragraph Forty-Seven - Non-Departmental (09)

For subsidizing the City's Public Utilities, and for aiding the activities of independent, civic, charitable, and other organizations, the sum of five hundred fifty-four thousand, seven hundred fifteen dollars and no cents (\$554,715.00) is appropriated from the General Fund to be apportioned as follows:

9102	Insurance - Employees	\$227,000.00
9103	Insurance and Bond Premiums	84,100.00
9104	Support of Community and Civic Organizations:	
	5604.01 State Chamber of Commerce	150.00
	5604.02 Chamber of Commerce (AMA Parade \$250)	2,650.00
	5604.03 County Rest Room	1,900.00
	5604.04 Rockingham Library Association	58,850.00
	5604.05 Salvation Army	1,000.00
	5604.06 Rescue Squad (Gas & Oil)	825.00
	5604.07 Shenandoah Valley, Inv.	120.00
	5604.09 Commission - Regional Juvenile Detention Home	3,650.00
	5604.10 Shenandoah Valley Soil & Water Conservation District	600.00
	5604.11 Blue Ridge Community College	200.00
	5604.12 Rockingham County Historical Society	500.00
	5604.13 Harrisonburg-Rockingham Bicentennial Comm.	500.00
	5604.14 Central Shenandoah Planning District	4,725.00
	5604.15 Valley Program for Aging Services	5,720.00
	5604.16 WVPT - Public Television	1,980.00
	5605.01 Other Non-Departmental	1,200.00
9105	Joint Expenses - Rockingham County:	
	3009.02 Payment to Rockingham County	90,000.00
9106	Airport:	
	5606.01 Subscriptions & Contributions	25,000.00
9107	Dues to Municipal League:	
	5607.01 Dues to Virginia Municipal League	2,546.00
	5608.01 Dues to National League of Cities	1,000.00
9108	Annexation:	
	1010.01 Other Personal Services	17,200.00
	1010.02 Engineering Fees	21,342.00
	899.00 Annual Share Rockingham County Bonds & Interest	1,957.00

Paragraph Forty-Eight - Indebtedness Requirement General Fund (10)

For the payment of the interest on and the retirement of bonds of the City of Harrisonburg,

Virginia, the sum of two hundred twenty-one thousand, two hundred eight dollars and no cents (\$221,208.00) is appropriated from the General Fund to be apportioned as follows:

(1) Serial Bonds and Interest	\$221,208.00
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Paragraph Forty-Nine - Transfers to Other Funds (11)

For supplementing the revenue of other funds the sum of three million, nine hundred seventy-eight thousand, eight hundred sixty-two dollars and no cents (\$3,978,862.00) is appropriated from the General Fund to be apportioned as follows:

(1) Central Garage Fund	\$ 29,741.00
(2) Central Stores Fund	12,244.00
(3) Virginia Public Assistance	66,877.00
(4) Schools	3,800,000.00
(5) Public Transportation	70,000.00

Paragraph Fifty - Reserve for Contingencies (12)

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, 1981	\$8,893,564.00
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To be provided for from the following anticipated and estimated revenue which is as follows:

Anticipated Cash Balance July 1, 1980	\$ 168,600.00
General Property Taxes (estimated)	2,332,200.00
Other Local Taxes (estimated)	3,168,800.00
Permits, Privilege Fees and Regulatory Licenses (estimated)	36,726.00
Fines and Forfeitures (estimated)	70,476.00
Revenue From Use of Money & Property (estimated)	233,968.00
Charges for Services (estimated)	416,535.00
Miscellaneous Revenue (estimated)	703,700.00
Recovered Costs (estimated)	155,000.00
Payments in Lieu of Taxes (estimated)	105,535.00
Non-Categorical Aid (estimated)	735,410.00
Shared Expenses (Categorical)(estimated)	91,361.00
Categorical Aid (estimated)	373,844.00
Non-Revenue Receipts (estimated)	20,800.00
Transfers (estimated)	280,609.00

Total General Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1981	\$8,893,564.00
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SECTION II - SCHOOL BOARD

That the following sums of money be and the same hereby are appropriated for the school purposes herein specified for the fiscal year ending June 30, 1981:

Paragraph One - 17A - Administration

For the current expenses of the ADMINISTRATION OF THE DEPARTMENT OF EDUCATION, the sum of one hundred thirty thousand, six hundred fifteen dollars and no cents (\$130,615.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Administration	\$ 130,615.00
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Paragraph Two - 17B-1 - Regular Day School

For the current expenses of REGULAR DAY SCHOOL, the sum of two million, eight hundred eighty-six thousand, three hundred fourteen dollars and no cents (\$2,886,314.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Regular Day School	\$2,886,314.00
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Paragraph Three - 17B-2 - Other Instructional Costs

For the current expenses of OTHER INSTRUCTIONAL COSTS, the sum of three hundred ninety thousand, five hundred sixty-seven dollars and no cents (\$390,567.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Other Instructional Costs	\$ 390,567.00
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Paragraph Four - 17C - Attendance and Health Services

For the current expenses of ATTENDANCE AND HEALTH SERVICES, the sum of twenty-six thousand,

eight hundred twenty-three dollars and no cents (\$26,823.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Attendance and Health Services \$ 26,823.00

Paragraph Five - 17D1 - Pupil Transportation Services

For the current expenses of PUPIL TRANSPORTATION SERVICES, the sum of twelve thousand, two hundred sixteen dollars and no cents (\$12,216.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Pupil Transportation Services \$ 12,216.00

Paragraph Six - 17E - School Food Services

For the current expenses of SCHOOL FOOD SERVICES, the sum of four hundred sixty-three thousand, one hundred three dollars and no cents (\$463,103.00) is appropriated from the City School Fund to be apportioned as follows:

(1) School Food Services \$463,103.00

Paragraph Seven - 17F1 - Operation of School Plant

For the current expenses of OPERATION OF SCHOOL PLANT, the sum of four hundred sixty thousand, six hundred twelve dollars and no cents (\$460,612.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Operation of School Plant \$460,612.00

Paragraph Eight - 17F2 - Maintenance of School Plant

For the current expenses of MAINTENANCE OF SCHOOL PLANT, the sum of one hundred forty-seven thousand, nine hundred seventy-one dollars and no cents (\$147,971.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Maintenance of School Plant \$147,971.00

Paragraph Nine - 17G - Fixed Charges

For the current expenses of FIXED CHARGES, the sum of six hundred sixty thousand, seven hundred thirty-five dollars and no cents (\$660,735.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Fixed Charges \$660,735.00

Paragraph Ten - 17H - Summer Schools

For the current expenses of SUMMER SCHOOLS, the sum of twenty-eight thousand, two hundred forty-three dollars and no cents (\$28,243.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Summer Schools \$ 28,243.00

Paragraph Eleven - 17I - Adult Education

For the current expenses of ADULT EDUCATION, the sum of twenty thousand, eight hundred six dollars and no cents (\$20,806.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Adult Education \$ 20,806.00

Paragraph Twelve - 17J - Federal Programs

For the current expenses of FEDERAL PROGRAMS, the sum of three hundred sixteen thousand, nine hundred sixty dollars and no cents (\$316,960.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Federal Programs \$316,960.00

Paragraph Thirteen - 19 - Capital Outlay

For the capital outlay of the DEPARTMENT OF EDUCATION, the sum of eighty-two thousand, four hundred seventy dollars and no cents (\$82,470.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Capital Outlay \$ 82,470.00

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 sixteen thousand, one hundred fourteen dollars and no cents (\$216,114.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Serial Bonds & Interest \$216,114.00

S U M M A R Y

Expenditures and Revenue

Total School Fund Appropriations for the Fiscal Year Ending June 30, 1981	\$5,843,549.00
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To be provided for from the following
Anticipated Revenue, which is as follows:

Receipts from State School Funds	\$1,141,172.00
Revenue from Federal Funds	448,656.00
Receipts from Other Funds	380,209.00
Receipts from Loans, Bonds & Investments	73,512.00
Receipts from City Funds	3,800,000.00

Total School Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1981	\$5,843,549.00
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SECTION III - WATER FUND

That the following sums of money be and the same hereby are appropriated for the water purposes herein specified for the fiscal year ending June 30, 1981:

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-eight thousand, five hundred seventy-four dollars and no cents (\$28,574.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 27,139.00
(2) Other Operating Expenses	1,435.00

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 one hundred sixteen thousand, three hundred eighty dollars and no cents (\$116,380.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 7,670.00
(2) Other Operating Expenses	108,710.00

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 forty-four thousand, sixty-four dollars and no cents (\$244,064.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	84,744.00
(2) Other Operating Expenses	159,320.00

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 nineteen thousand, four hundred twenty-five dollars and no cents (\$19,425.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 18,850.00
(2) Other Operating Expenses	575.00

Paragraph Five - Miscellaneous (5)

For setting aside reserves for depreciation and payment of taxes, the sum of two hundred sixty-six thousand, three hundred twelve dollars and no cents (\$266,312.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Depreciation	\$ 211,818.00
(2) Taxes	54,494.00

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 eighty-one thousand, three hundred forty-five dollars and no cents (\$181,345.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 116,245.00
(2) Other Operating Expenses	65,100.00

Paragraph Seven - Capital Outlay (7)

For capital improvements in the WATER DEPARTMENT, a division of the Department of Public Service

Enterprises, the sum of two hundred ninety-one thousand dollars and no cents (\$291,000.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Capital Outlay \$ 291,000.00

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 forty-two thousand, twenty-nine dollars and no cents (\$242,029.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc. \$ 242,029.00

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 thirty-nine thousand, four hundred sixty-three dollars and no cents (\$139,463.00) is appropriated from the Water Fund to be apportioned as follows:

(1) To General Fund, Share of Accounting, Collecting & Data Processing	\$ 80,418.00
(2) To General Fund - Insurances	21,200.00
(3) To General Fund - Retirement & Social Security	18,750.00
(4) To Central Garage Fund	9,913.00
(5) To Central Stores Fund	9,182.00

Paragraph Ten - Transfers to Other Funds (10)

For sharing the cost of operation in other funds the sum of thirty-nine thousand, six hundred forty-eight dollars and no cents (\$39,648.00) is appropriated from the Water Fund to be transferred as follows:

(1) To General Fund - Utility Tax \$ 39,648.00

S U M M A R Y

Expenditures and Revenue

Total Water Fund Appropriations for the Fiscal Year Ending June 30, 1981	\$1,568,240.00
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To be provided for from the following Anticipated Revenue, which is as follows:

Other Local Taxes (estimated)	\$ 48,612.00
Permits, Privilege Fees and Regulatory Licenses (estimated)	92,616.00
Revenue From Use of Money & Property (estimated)	32,300.00
Charges for Services (estimated)	1,087,904.00
Recovered Costs (estimated)	10,000.00
Non-Revenue Receipts (estimated)	51,050.00
Transfers (estimated)	245,758.00

Total Water Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1981	\$1,568,240.00
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SECTION IV - SEWER FUND

That the following sums of money be and the same hereby are appropriated for sewerage purposes herein specified for the fiscal year ending June 30, 1981:

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-eight thousand, five hundred seventy-nine dollars and no cents (\$28,579.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 27,139.00
(2) Other Operating Expenses	1,440.00

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 five hundred forty-six thousand, three hundred sixty dollars and no cents (\$546,360.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 29,960.00
(2) Other Operating Expenses	516,400.00

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 eighty-nine thousand, six hundred ninety dollars and no cents (\$189,690.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 82,390.00
(2) Other Operating Expenses	107,300.00

Paragraph Four - Miscellaneous (4)

For setting aside reserve for depreciation and the payment of taxes, the sum of one hundred twelve thousand, three hundred thirty-four dollars and no cents (\$112,334.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Depreciation	\$ 89,420.00
(2) Taxes	22,914.00

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 four hundred seventy-one thousand dollars and no cents (\$471,000.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Capital Outlay	\$471,000.00
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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 two thousand, three hundred eighty-six dollars and no cents (\$202,386.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc.	\$202,386.00
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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 thirty-nine thousand, four hundred sixty-three dollars and no cents (\$139,463.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) To General Fund - Share of Accounting, Collecting & Data Processing	\$ 80,418.00
(2) To General - Insurance	21,200.00
(3) To General Fund - Retirement & Social Security	18,750.00
(4) To Central Garage Fund	9,913.00
(5) To Central Stores Fund	9,182.00

S U M M A R Y

Expenditures & Revenue

Total Sewer Fund Appropriations for the Fiscal Year Ending June 30, 1981	\$1,689,812.00
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To be provided for from the following Anticipated Revenue, which is as follows:

Other Local Taxes (estimated)	\$ 3,000.00
Permits, Privilege Fees and Regulatory Licenses (estimated)	4,716.00
Revenue from Use of Money & Property (estimated)	82,006.00
Charges for Services (estimated)	1,271,920.00
Recovered Costs (estimated)	52,000.00
Revenue from Federal Government (estimated)	257,620.00
Non-Revenue Receipts (estimated)	18,550.00

Total Sewer Fund Revenue (estimated) for the fiscal year Ending June 30, 1981	\$1,689,812.00
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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, 1981:

Paragraph One - Director of Social Services (5301)

For the current expenses of the DIRECTOR OF SOCIAL SERVICES, a division of the Department of Social Services, the sum of two hundred twenty-one thousand, six hundred fifty dollars and no cents (\$221,650.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Personal Services	\$174,169.00
(2) Other Operating Expenses	47,481.00

Paragraph Two - Bureau of Public Assistance (5302)

For the current expenses of the BUREAU OF PUBLIC ASSISTANCE, a division of the Department of

Social Services, the sum of one hundred eighteen thousand, eight hundred dollars and no cents (\$118,800.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses	\$118,800.00
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Paragraph Three - Hospitalization & Medical Services (5304)

For the current expenses of the HOSPITALIZATION & 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) Hospitalization	\$ 500.00
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Paragraph Four - Social Services Bureau (5309)

For the current expenses of the SOCIAL SERVICES BUREAU, a division of the Department of Social Services, the sum of fifty-two thousand, eighty-five dollars and no cents (\$52,085.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 52,085.00
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Paragraph Five - Capital Outlay (7000)

For the capital outlay of the DEPARTMENT OF SOCIAL SERVICES, the sum of seven thousand, one hundred dollars and no cents (\$7,100.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Capital Outlay	\$ 7,100.00
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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, 1981:	\$400,135.00
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To be provided for From the Following Anticipated Revenue which is as follows:

Recovered Costs (estimated)	\$ 1,000.00
Categorical Aid (estimated)	273,558.00
Revenue from Federal Government (estimated)	58,700.00
Transfers From Other Funds (estimated)	66,877.00

Total Virginia Public Assistance Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1981	\$400,135.00
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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, 1981:

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 ninety-three thousand, eight hundred forty-six dollars and no cents (\$93,846.00) is appropriated from the Central Garage Fund to be apportioned as follows:

(1) Personal Services	\$74,326.00
(2) Other Operating Expenses	10,820.00
(3) Capital Outlay	8,700.00

S U M M A R Y

Expenditures and Revenue

Total Central Garage Fund Appropriations for the Fiscal Year Ending June 30, 1981:	\$93,846.00
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To be provided for from the following Anticipated Revenue, which is as follows:

Revenue from Use of Money & Property (estimated)	\$44,279.00
Transfers from Other Funds (estimated)	49,567.00

Total Central Garage Fund Revenue (estimated) For the Fiscal Year Ending June 30, 1981	\$93,846.00
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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, 1981:

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 thirty thousand, six hundred eight dollars and no cents (\$30,608.00) is appropriated from the Central Stores Fund to be apportioned as follows:

(1) Personal Services	\$19,498.00
(2) Other Operating Exp.	9,010.00
(3) Capital Outlay	2,100.00

S U M M A R Y

Expenditures and Revenue

Total Central Stores Fund Appropriations for the Fiscal Year Ending June 30, 1981:	\$30,608.00
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To be provided for from the following Anticipated Revenue, which is as follows:

Transfers From Other Funds (estimated)	\$30,608.00
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Total Central Stores Fund Revenue for the Fiscal Year Ending June 30, 1981	\$30,608.00
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SECTION VIII - PUBLIC TRANSPORTATION

That the following sums of money be and the same hereby are appropriated for Public Transportation purposes herein specified for the fiscal year ending June 30, 1981:

Paragraph One - Public Transportation

For the current expenses and capital outlay of the PUBLIC TRANSPORTATION, a division of the Public Transportation Fund, the sum of three hundred ninety-six thousand, two hundred seventy-nine dollars and no cents (\$396,279.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$222,659.00
(2) Other Operating Exp.	143,620.00
(3) Capital Outlay	30,000.00

S U M M A R Y

Expenditures and Revenue

Total Public Transportation Fund Appropriations for the Fiscal Year Ending June 30, 1981:	\$396,279.00
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To be provided for from the following Anticipated Revenue, which is as follows:

Charges for Services (estimated)	\$291,279.00
Transfers From Other Funds (estimated)	105,000.00

Total Public Transportation Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1981	\$396,279.00
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TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH VIII IN THIS
ORDINANCE FOR THE FISCAL YEAR ENDING JUNE 30, 1981
RECAPITULATION

Section I	(General Fund)	\$ 8,893,564.00
Section II	(School Fund)	\$ 5,843,549.00
Section III	(Water Fund)	\$ 1,568,240.00
Section IV	(Sewer Fund)	\$ 1,689,812.00
Section V	(Virginia Pub.Assistance Fund)	\$ 400,135.00
Section VI	(Central Garage Fund)	\$ 93,846.00
Section VII	(Central Stores Fund)	\$ 30,608.00
Section VIII	(Public Transportation Fund)	\$ 396,279.00

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 \$.65 (Sixty-five 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 58-829.02

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 1980; it being expressly provided, however, that the provisions of this Ordinance shall not apply to household goods and personal effects as enumerated under subsection (8) 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 Thirteen Cents (\$.13) per annum per \$100.00 of assessed valuation, payable on or before December 5, 1980.

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, 1980, and ending June 30, 1981, both dates inclusive, be, and they are hereby authorized and fixed as the maximum compensation to be allowed officers and employees for the services rendered, unless otherwise provided by ordinance; provided, however, that the City Manager is authorized to make such re-arrangements of salaries in the several departments herein names as may best meet the needs and interest of the City and to transfer parts of salaries from one department to another when extra work is transferred from one department to another.

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

This ordinance shall become effective July 1, 1980.

Given under my hand this 27th day of May, 1980.


MAYOR

ATTEST:


CLERK

Tuesday, June 10, 1980

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. Dingle, Jr.; Elon W. Rhodes; James C. Cisney; City Auditor Philip Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the combined public hearings and regular meeting held on May 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 May, 1980.

From the City Treasurer:

A trial balance report as of close of business on May 30, 1980.

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 \$ 8,531.88

From the City Auditor:

A financial report for month of May, 1980

A report of discounts saved in payment of vendors' invoices for month of May, 1980, totaling \$ 174.00.

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, 1980.

✓ The City Manager presented and read correspondence dated 5/29/80 from Mr. Don S. Ruddle, requesting permission to park opposite his building (22 E. Market Street) occasionally, for short periods of time, due to his health and age. Manager Milam informed Council that this matter was being brought to its attention, in that other property owners in the downtown area have requested permission for loading and unloading privileges in front of their establishments. He offered an opinion that the special parking requests should be investigated by one of the City agencies. Following a brief discussion, Councilman Rhodes moved that the matter be referred to the Harrisonburg Parking Authority for study and report. The motion was seconded by Councilman Dingle, and adopted by a unanimous vote of Council.

✓ City Manager Milam called Council's attention to their copies of a map showing location of three lots situate on the eastern end of Kelly Street, presently part of an estate, which lots have been offered for sale to the City of Harrisonburg, in that they are adjacent to City of Harrisonburg Water Department land. Vice-Mayor Green moved that the matter 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.

Council's attention was called to correspondence dated 5/28/80 from the Virginia Municipal League's Executive Secretary, directed to all city and town attorneys, for consideration of their governing bodies' participation in the settlement of a long-standing suit involving jail facilities, through financial contributions. Enclosed with the correspondence was a letter from the City of Norfolk, to the League, advising that although the case was dismissed without prejudice, by Order entered on 5/24/77, the case is now before the court on the question of attorney's fees to be awarded the plaintiff's counsel in amount of \$ 18,000. Inasmuch as the Assistant Attorney General is exploring the possibility of settling the matter prior to the hearing on August 5th, commitment is being sought from as many municipalities as possible, who are willing to participate by offering a contribution. City Manager Milam reminded Council that the City of Harrisonburg does not own any jail facilities, and said he does not know if the City would realize any benefits from the suit. Following a brief discussion, Councilman Cisney moved that the City of Harrisonburg not participate in the settlement of legal fees. The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Council.

The City Manager presented correspondence dated 6/10/80, maps and resubdivision plat, submitted by Mr. Glen Berkshire, along with a request for rezoning of Lots 14 through 25 and a portion of Lot 26, situated on the south side of Clinton Street, from the present M-1 (Industrial) to R-2 (Res.), for construction of single family dwellings. A further request was for resubdivision of Lots 23, 24 and 25, and portion of 26, shown on City Block Map, block 'H'. It was noted that the only adjoining land owners, to Mr. Berkshire's knowledge, are Mr. and Mrs. S.C. Good, who reside at Rt. 10, Harrisonburg. Following a brief discussion, Councilman Cisney moved that the requests, along with maps, plat, etc. be referred to the City Planning Commission for study and recommendation. The motion was seconded by Councilman Rhodes and adopted by a unanimous vote of Council.

For information, City Manager Milam informed Council that although the Transportation Department had advertised a public hearing for 6/10/80, the information failed to get into the Council file and on the agenda for this evening. As a result, the hearing will be re-advertised for Tuesday, June 24th. There was no one present desiring to be heard, should the hearing have been held at this time.

For consideration of second & final reading, an ordinance effecting the vacation of certain lots in the J.T. Houck Addition was presented, a first reading having been approved on May 27th. Planning Director Sullivan informed Council of errors which had been discovered in the original ordinance concerning Lot and Block numbers, in that Lot No. 7 was omitted and City Map Block Number was listed as 7, rather than 2. He noted further that the Block number in the Planning Commission's report was also in error, in that it was listed as J, rather than 2. The ordinance should set out Lots 4, 5, 6, 7, 18 & 19, Block 2. Councilman Cisney moved that the ordinance, as corrected, be approved for second & final reading, with authorization for the Mayor to sign the corrected copy and the Clerk to attest same and spread upon the pages of the City's Ordinance Book. The motion was seconded by Councilman Dingleline, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 211).

City Attorney Lapsley presented, for consideration of second & final reading, an ordinance effecting vacation of Lots 19, 20 and 21 in the C.C. Conrad Addition (south side of West Gay Street between Chicago Avenue and North Willow Street), as well as resubdivision plats of the lots recorded in September 1968 and September 1978. He reminded Council that there had been problems due to the separate resubdivisions on the lots since the original plat of 1926, and that this ordinance is necessary in order to legally establish Lots 19A, 20A and 21A, requested by the owners, Mr. and Mrs. Wilbert Long. Councilman Dingleline moved that the ordinance be approved for 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. The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 210).

Correspondence dated 5/30/80 from V. Stephen Bradshaw, attorney for West Side Offices, (former location of First Church of the Brethren), was presented and read, requesting that the matter of a former request to close a portion of High Street adjoining the offices be placed on the agenda for the June 10th meeting, for Council action. Manager Milam noted that the matter has been deferred since June of last year when Council received a report from the Planning Commission, and asked if it was desired to proceed with the request by approval of an ordinance for two readings based on the former policy for closings, or the new policy with recently adopted ordinance providing for the requestor to pay filing fee, Viewers' fees and value of land acquired in the closing. Mayor Erickson said he had some concern when the matter was last discussed, as to whether or not property owners facing W. Market Street would have continued access through the portion onto High Street. He questioned whether or not this would still be a problem, in that Dr. Claude Morrison is deceased, and Mrs. Morrison has moved out of the City. City Attorney Lapsley noted that this would have to be cleared up, prior to preparation of an ordinance. Councilman Cisney offered an opinion that the City has some obligation to not charge the requestor under the new policy, in that the matter has been pending prior to adoption of the ordinance. Following discussion, the City Attorney was instructed to check with Attorney Bradshaw re future use of the portion for access onto High Street, easements, etc., and report back to Council.

During a discussion concerning appointments to Boards & Commissions, a letter dated 5/30/80 from Kittie DePoy was read in which she submitted her resignation from the City School Board, effective July 1, 1980, due to additional personal responsibilities. Councilman Dingleline moved that Mrs. DePoy's resignation be accepted, with regrets, which motion upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

Mayor Erickson asked members if they desired, at this time, to make recommendation for a member to the Board of Zoning Appeals, in that Mr. Robert Williams had submitted his resignation. Councilman Rhodes moved that the City Attorney be instructed to recommend to the Circuit Court Judge the name of Dr. Joseph D. Eney, 420 Eastover Drive, to fill the unexpired term of Mr. Williams to

March 20, 1983. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

According to seven bids received on May 29th for Division I and Division II of the Waterworks Improvement Program, City Manager Milam informed Council that the low bidder for both Divisions is Branch & Associates, Inc., Roanoke, Va., as follows: Division I (18" water line), total base bid, \$ 221,613.30; Division II (18" & 12" water lines), total base bid, \$ 279,768.30. He noted that the analysis of bids was prepared by Wiley & Wilson Engineering Firm, who, through correspondence dated 6/4/80, recommends awarding of contracts to the low bidder. Other firms submitting higher bids than Branch & Associates were: Aaron J. Conner, Roanoke, Va.; Echols Bros., Inc., Staunton, Va.; R.G.Griffith, Chantilly, Va.; G.L.Howard, Inc., Rockville, Va.; Perry Engineering Co., Winchester, Va. and H.J.Schneider, Pittsburgh, Pa. Manager Milam explained that the bid quotations involve only digging of ditch and installation of pipe (no purchase of materials). He said that a financial statement has been received which well qualifies the firm, and that it has recently completed over \$1 million site work for the J.R.Donnelley Plant on Kratzer Road. Paving and seeding of the projects will be done by City forces. Purchase of materials will be made through the low bidder(s), when determined. Some funds are appropriated in the current city budget for paving, seeding, contingencies, rights-of-way, engineering, etc., with remainder to be requested through appropriations after the beginning of the new fiscal year on July 1st. Following discussion, Councilman Dingledine moved that the City Manager be authorized to award contracts for Division I and Division II to the Branch Associates, Inc., Roanoke, Va., on base bids reported on analysis, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

Councilman Rhodes moved that a supplemental appropriation in amount of \$ 6,800.00, requested by the City School Board in order to provide funds for temporary loan to Massanutten Voc. Tech. Center, be approved for second & final reading, a first reading having been approved on May 27th, and that:

\$ 6,800. chgd.to: School Fund (R-55) Receipts from Loans, Bonds & Investments -
Antic. Receipts- Temp. Loans

6,800. approp.to: School Fund (1900-403.00) Capital Outlay- Furn. & Fixtures
which motion, upon being seconded by Councilman Dingledine, was adopted by a unanimous recorded vote of Council.

Councilman Cisney moved that a supplemental appropriation in amount of \$ 25,000.00 requested by the City School Board in order to provide funds to meet various expenses, be approved for second & final reading, a first reading having been approved on May 27th, and that:

\$ 14,000. chgd.to: School Fund - Unappropriated Balances
5,300. chgd.to: School Fund (R-12B) Realized Rev.- Rcpts. from State School
Funds- Spec. Education - Other than salaries
4,800. chgd.to: School Fund (R-37) Realized Revenue- Rcpts. from Other Funds-Rebates
900. chgd.to: School Fund (R-45) Realized Revenue- Rcpts. from Other Funds- Tuition
from another City/County
3,000. approp. to: School Fund (1201-134.11) Day Sch.Instr.- Comp. Elem. Tchrs
1,000. approp.to: School Fund (1203-219.02) Pupil Trns.Ser.-by Pub.Carrier
5,000. approp.to: School Fund (1205-207.00) Oper Sch.Plant- Electricity
5,000. approp. to: School Fund (1205-311.00) Oper.Sch.Plant- Fuel
8,000. approp.to: School Fund (1209-111.03) Fed.Programs- Comp. Psychologist
3,000. approp.to: School Fund (1900-403.00) Cap.Outlay- Furn. & Equipment

which motion, upon being seconded by Vice-Mayor 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 \$ 100,000. from the General Fund, Unappropriated Fund Balance, to be used as beginning funds for the Energy Recovery Project, more specifically for payment of Engineering Design Fees. Following a brief discussion, Councilman Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 100,000. chgd.to: General Fund - Unapprop. Fund Balance
100,000. approp.to: General Fund (10340-72.01) Refuse & Garbage Collection-
Capital Outlay-Energy Recovery Project

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

City Manager Milam requested approval of a supplemental appropriation in amount of \$ 250,000. from the General Fund, Unappropriated Fund Balance, into a Reserve Account for future Capital Outlay Projects. Following a brief discussion, Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 250,000. chgd.to: General Fund- Unapprop. Fund Balance
250,000. approp.to: General Fund - Reserve for Future Constr.Projects

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

From meetings held on April 14th; April 28th and May 12, 1980, by the Transportation Advisory Committee composed of: Councilman Elon Rhodes; Chairman James Rhodes; Wayne King; Dr. Richard Smith; Dr. Paul Cline; Jean Grimes; Nelson Fitzwater; Julius Ritchie; Chief Presgrave and Assistant City Manager John Driver, a report was presented and read, with recommendations for increased taxicab rates and other charges, in order that this segment of transportation need not be subsidized. School bus and van rates were also set out in the report, along with hours for running buses on Saturdays; salary plus commission for taxi drivers; employment of transportation supervisor, etc. Assistant City Manager Driver informed Council that the proposed rates would bring Harrisonburg in line with the cities of Staunton and Charlottesville. When question was raised concerning "no charge for packages after 6th of the month for Senior Citizens and Handicapped", Mr. Driver explained that the first week of a month, following receipt of Social Security checks, etc., is the busiest time for delivery of packages for those travelling by cab, with less activity along this line after the first week. During discussion, it was agreed that an ordinance should be drawn, with authorization

for City Council to set rates as it sees fit, which will cover any rate changes in the future, in lieu of adopting an ordinance each time by two readings. Vice-Mayor Green moved that Council accept the report of the Transportation Advisory Committee and approve an ordinance for first reading providing Council authorization, with same referred to the City Attorney to be drawn in proper ordinance form. The motion was seconded by Councilman Cisney and adopted by a unanimous recorded vote of Council.

At 8:45 P.M. members of the Harrisonburg Electric Commission entered the Council Chamber for a discussion with City Council. Chairman Bob Moss entertained a motion for HEC to enter an executive session with Council to discuss real estate, at which time a motion was duly adopted. Following this action, Mayor Erickson entertained a similar motion by Council. Councilman Rhodes moved that Council enter the executive session with HEC to discuss acquisition of real estate, which motion, upon being seconded by Councilman Cisney, was adopted by a voice vote. Ms. Margaret Haynes, a member of the Purcell Park Neighborhood Association, expressed objection to the voice vote and asked that Council votes on the motion be recorded. City Attorney Lapsley stated that the motion had been made and adopted, with only three of five votes of Council necessary to represent a majority.

At 9:15 P.M., on motions duly adopted by HEC and Council, the executive session was declared closed, and the regular session of Council reconvened.

Mayor Erickson noted that the discussion in the executive session, as pointed out, dealt with the possibility of having to acquire as many as 27 pieces of property easements for relocation of the power line, presently under construction on Monument Avenue, with no decision made as yet. Mr. Emmet Stroop, HEC member, called attention to a few copies of the final report compiled by Southern Engineering from its study of the power line situation, and noted that some six different routes had been investigated. He said that each route has some problems with regard to real estate, which was discussed with Council. Copies of the report were made available for the Purcell Park Neighborhood Association, and news media, with a request that they be returned to HEC following review of same. Mr. Stroop informed those present of a called meeting (not public hearing) of HEC for Monday, June 16th, 7:00 P.M. at the Electric Commission building, for a review of the report, in detail.

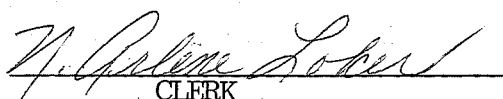
Following a brief discussion, Vice-Mayor Green moved that the Mayor, City Manager and Planning Director be authorized and directed to plan a special Bicentennial supplement for the Daily News Record newspaper. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

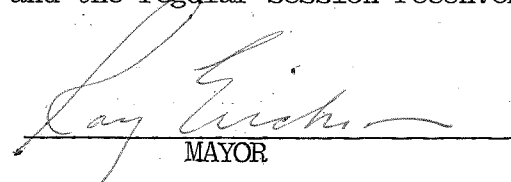
The City Manager said he had nothing definite to report at this time concerning a request of the Harrisonburg Rescue Squad for the City to purchase the Lincoln-Miller property, in that the matter will be quite involved, and require some time for a decision.

Manager Milam was instructed by Council to include an item on the June 24th agenda for Council to meet with representatives concerning the Heat Recovery Plant.

At 9:35 P.M., Councilman Cisney moved that Council enter an executive session to discuss personnel. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote. The press representatives were re-called, and the motion for executive session amended to include discussion of a legal matter, as well.

At 10:40 P.M., on motion of Councilman Cisney, seconded by Councilman Dingledine, and a unanimous vote, the executive session was declared closed, and the regular session reconvened and adjourned.


CLERK


MAYOR

Tuesday, June 17, 1980

At a special 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; City Auditor Philip Peterman and Chief of Police Richard W. Presgrave. Absent: none.

City Manager Milam read the Special Meeting Call as follows:

"An emergency existing, there will be a special meeting of the City Council, called by the Mayor, to be held in the Council Chamber on Tuesday, June 17, 1980, 7:30 P.M. to consider the following matters and take necessary action thereon:

✓ 1. *At the request of the Purcell Park Neighborhood Association, City Council has called a special meeting to allow the Association to discuss HEC pole location on Monument Avenue and the Environmental Impact on their neighborhood.*

2. *Executive session to discuss personnel and legal matters."*

Mayor Erickson stated that this evening's meeting had been brought about by the fact that one of the Councilmen had requested it. Citizens and members of the Purcell Park Neighborhood Association will be given an opportunity to present further information or reiterate former information. He said, however, that no action will be taken at this time due to the hurried meeting. Councilman Dingledine expressed appreciation for Council action in scheduling this meeting on such short notice, with the group, for the purpose of hearing comments, particularly any new information which may be offered with regard to the HEC power line. The Mayor called on anyone present, desiring to be heard.

Mrs. Judy Miller, 1429 Valley Street, presented and read a prepared statement from the Association in which appreciation was expressed for this evening's special meeting. It was noted that after the unfortunate experience of last evening (referring to the HEC meeting), residents were once again turning to the governing body for support in their endeavor (referring to an alternate route for the 69,000 volt power line). A suggestion was made for the matter to now be referred to the City Planning Commission for its review and recommendation.

Attorney Roger Ritchie, counsel for the Purcell Park Neighborhood Association, called attention to Section 10-1-6 of the City Code titled "Approval of construction of public ways, buildings, etc." which states that "...and no public utility, either publicly or privately owned, shall be constructed or authorized in the City...until and unless the reasonable and general location has been submitted to and approved by the City Planning Commission..." He said that the charter preserves quality of living in the City, and offered an opinion that HEC should abide by same. He pointed out the fact that City Council has the power to have HEC move the poles and line, or place a stop sign, or take some other remedial action.

Jean Hornberg, 1406 Valley Street, referred to the series of meetings held by the Planning Commission re the City's 20-year plan, and noted that some information brought out in last night's HEC meeting, did not coincide with information from the Planning meeting (i.e. a Planner reported that Port Republic Road would not be widened within 20 years--HEC said that it definitely would be widened. She offered an opinion that emotions during last night's meeting may have affected HEC's decision to proceed with the project in the Park area. Mayor Erickson said he did not know if anyone really knows the future of Port Road insofar as widening.

Margaret Haynes, 1416 Valley Street, informed Council that the Association had detected weaknesses in the study report concerning alternative routes, as prepared by Southern Engineering, and said that the group would prefer to review the report more in depth and make its presentation to an impartial Body, which is the reason for a suggestion for referral to the City Planning Commission. She cited the following points in the report and comments by HEC, considered questionable: (1) HEC contends that JMU is not willing to help them with an easement--(A JMU representative told her (Ms.) Haynes that JMU would let HEC have an easement at no charge, along the Interstate, in that it is felt the line should not be in an R-1 neighborhood); (2) An HEC representative explained that Port Republic Road would be widened, and if the line is above ground, it would have to be relocated--(Planner reported at a Planning Commission meeting that there is nothing in the City's Plan for widening within 20 years, so as to discourage traffic on Port Road; (3) Report reveals that the length of radial tap is much greater on the alternative routes than from the present location (it is felt that adding another 1/2 mile, or so, to the radial tap, would be more sound than leaving the line in the present location, where it will be extremely difficult to cross a field, particularly when snow is on the ground, to maintain the line; (4) The present loop of the system will result in the Reservoir Substation providing service for industry, whereas the Maryland Avenue Substation provides services for residences; (5) it was reiterated that HEC feels it would be unadvisable to place taller poles on either side of Main Street (110') --(the report states that it would be more obtrusive to have the larger poles), but the Group feels it (HEC) has no conflict with placing 80' poles, 100' apart, in a residential neighborhood; (6) The Neighborhood Association feels that the VEPCO access facility charge is another "scare tactic" by HEC, in that VEPCO has suggested that bringing 69,000 volts into the City be postponed, based on the growth rate. The Mayor asked Ms. Haynes if the electrical engineer with whom they had been in contact, could substantiate statements made this evening, to which she replied in the affirmative.

Several other residents of the Purcell Park area offered comments with regard to unsightly appearance of the steel and wooden poles, safety of children in the area, health factor, depreciation of property values, etc. Mayor Erickson questioned what the problem would be, should the steel pole be removed. Councilman Cisney questioned why nothing was heard until March of this year, when installation of poles began last fall. Ms. Haynes noted that pole installation began in late summer, and that workmen (not HEC employees) said only that the poles were being replaced, which led residents to believe that something was wrong with the present poles. The steel pole has become a symbol of deception of the entire project and is obnoxious to the neighborhood. City Attorney Lapsley said he would hesitate to offer an opinion on the code section (referred to earlier in the meeting) on such short notice, but that he would look into the matter immediately. City Manager Milam confirmed the fact with Attorney Lapsley that Council had initially granted HEC its powers, and added that in this instance, he felt the neighborhood had a right to come to Council, in that the HEC meeting last evening was "somewhat upsetting" and residents were not given opportunity to sufficiently state their case. Following the lengthy discussion, Council was again asked to intervene on behalf of the Group insofar as having work delayed by HEC, pending a decision re referral to the Planning Commission. The Purcell Park Neighborhood Association expressed appreciation for the opportunity to air views this evening, and said it would respect any decision handed down by the Planning Commission.

At 8:55 P.M., on motion of Councilman Dingledine, seconded by Vice-Mayor Green, and a unanimous vote, Council entered an executive session to discuss personnel and a legal matter.

At 10:45 P.M., Councilman Rhodes moved that the executive session be closed, and special session reconvened. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

There being no further business, the special session was adjourned.

N. Delene Loker
CLERK

Ray Erickson
MAYOR

Tuesday, June 24, 1980

At a special meeting of Council held in the Council Chamber this evening at 6:30 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, Elon W. Rhodes, James C. Cisney; Chief of Police Richard W. Presgrave. Absent: City Auditor Philip Peterman.

City Manager Milam read the following meeting notice:

"An emergency existing, there will be a special meeting of the City Council, called by the Mayor, to be held in the Council Chamber on Tuesday, June 24, 1980, 6:30 P.M., to consider the following matters and take necessary action thereon:

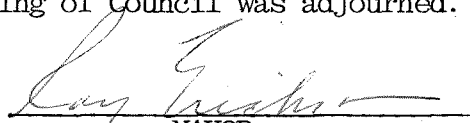
- ✓ 1. *Executive session to discuss legal and real estate matters with Harrisonburg Electric Commission."*

Mayor Erickson extended a welcome to HEC General Manager Kenneth Frantz and HEC Commissioners Moss, Stroop, Reich, Gillum and Wine, and entertained a motion of Council for the executive session. Councilman Dingledine moved that Council enter an executive session with the Harrisonburg Electric Commission to discuss legal and real estate matters. The motion was seconded by Councilman Rhodes and adopted by a unanimous vote of Council. Commissioner Stroop moved that HEC enter an executive session with City Council to discuss legal and real estate matters, which motion, upon being seconded by Commissioner Reich, was adopted by a unanimous vote of HEC members.

At 7:25 P.M., Councilman Cisney moved that the executive session be closed and special session reconvene, which motion was seconded by Councilman Rhodes and adopted by a unanimous vote of Council. A similar motion was duly adopted by HEC.

There being no further business, the special meeting of Council was adjourned.


CLERK


MAYOR

At a combined public hearing and regular meeting 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. Dingledine, Jr., Elon W. Rhodes, James C. Cisney; Vice-Mayor Walter F. Green, III; City Auditor Philip Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on June 10th and special meeting of June 17th were approved as read.

✓ Mayor Erickson said that a special meeting with the Harrisonburg Electric Commission was held this evening at 6:30 P.M. concerning the power line in the Purcell Park area, and that he wished to inform that a joint statement will be made by HEC and City Council in the very near future.

✓ Correspondence dated 6/12/80 from Attorney Steven Blatt, on behalf of his clients, Mr. and Mrs. Warren Dillenbeck, purchasers of Lot No. 3 of re-subdivided lots, Block 'P' of Westwood Subdivision in the City of Harrisonburg, was read. He advised the City Manager that Block 'P' of the subdivision was recorded in the Clerk's Office, Deed Book 438, page 191, with the same block resubdivided at a later date, on consent of the City, and is of record in Deed Book 482, page 296-295. A request was made for a portion of Block 'P' (Lots 3, 4 and 5) to be vacated, as provided in the Virginia State Code, in order to resolve all boundary related problems. City Manager Milam called members' attention to their copies of the map, showing location of the subdivision as south of Dogwood Drive. Following a brief discussion, Councilman Cisney moved that the request be referred to the City Planning Commission for study and recommendation. The motion was seconded by Councilman Rhodes and adopted by a unanimous vote of Council.

✓ For information, City Manager Milam presented a notice from the State Corporation Commission concerning a public hearing scheduled for July 28, 1980 in Richmond, Va. re advertising practices and termination of customer services practices by Gas and Electric facilities. He noted that a copy of the information had been sent the Harrisonburg Electric Commission General Manager.

✓ The City Manager presented and read correspondence from Mr. R.J. Sullivan, Jr., Executive Sect'y of the Rockingham-Harrisonburg Independence Bicentennial Commission, which included a request for permission of Council to the City Fire Department for using fireworks inside the City on the evening of July 4, 1980 as a highlight event during "Harrisonburg Bicentennial Week." It was noted that Chief Austin's department is prepared to set off the fireworks on the hillside just west of Westover Swimming Pool and the Community Activities Center. According to Mr. Sullivan's letter, he had inspected the site, along with Recreation Director Gilkerson and Chief of Fire, Austin, with mutual agreement that the area is a safe place to set off the fireworks after 10:00 P.M., following a Harrisonburg Turks baseball game. Vice-Mayor Green moved that permission be granted, which motion, upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ Councilman Dingledine moved that the City express appreciation to the Board of Supervisors for their resolution concerning Harrisonburg's Bicentennial celebration, and that the Board members and Administration of Rockingham County be extended an invitation to attend special events planned by the City. Mayor Erickson said he had extended personal "thanks" for the Board's action, but would be happy to send a letter on behalf of Council. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote.

✓ Mr. Alan R. Shirkey, 814 Virginia Avenue, appeared before Council and offered personal concerns, as well as for others in the neighborhood, re a problem of noise and air pollution in the area of Rocco Feeds on Kratzer Road. He informed Council of an understanding that Rocco anticipates construction of an approximate \$3 million expansion, which could, or could not be concentrated on the northwest facility. The area is zoned light to medium industry, according to Mr. Shirkey, and based on this fact, several questions were posed: (1) "Is Rocco considered light industry?" (2) Will it be

allowed to continue building feed storage bins in that area?"; (3) Can expansion of Rocco be stopped in the area?" Mayor Erickson replied that if the area is zoned properly, permits can be issued for expansion. City Manager Milam noted that the Zoning & Building Official would make a determination as to whether or not Rocco is light industry, after which time the decision could be appealed to the Board of Zoning Appeals, if so desired by the neighborhood. Mr. Shirkey said they would like to have Rocco kept at its present level. He questioned whether or not state monitoring had been done recently to determine the level of air pollution, and was informed that the monitoring had been discontinued due to the low pollution level in the City. Mayor Erickson asked Mr. Shirkey to put his questions and concerns in writing, and send them to him, at which time he would try to find some answers.

On request of Edward J. Baldwin, Jr., Scout Coordinator, time was made available on this evening's agenda for presentation to each member of the governing body a commemorative patch designed for Harrisonburg's Bicentennial, and the following resolution:

WHEREAS that on July 1, 1980 The City of Harrisonburg, Virginia is celebrating its bicentennial and

WHEREAS the Scouts of Boy Scout Troop 48 and Cub Scout Pack 48, of Otterbein United Methodist Church, in conjunction with the Boy Scout Troops and Cub Scout Packs within the Massanutten District of the Stonewall Jackson Area Council, want to celebrate with The City of Harrisonburg-

BE IT THEREFORE RESOLVED so as to preserve the memory of this celebration, we, the members of Boy Scout Troop 48 and Cub Scout Pack 48, with respect to the Boy Scout Troops and Cub Scout Packs within the Massanutten District, present to each member of the Harrisonburg City Council a patch commemorating the 200th year for The City of Harrisonburg.

BE IT FURTHER RESOLVED that a copy of this resolution be given to each member of the Harrisonburg City Council, to the District Executive of the Massanutten District, and to the Stonewall Jackson Area Council.

Respectfully,

The Scouts and Leaders

Mayor Erickson said that the resolution and patch will be kept and cherished within the City and noted that thoughts of all leaders and scouts in Harrisonburg's Bicentennial year, are much appreciated.

At 8:10 P. M., the Mayor closed the regular session temporarily and called the public hearing to order. City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper:

"The Harrisonburg City Council will hold a Public Hearing on Tuesday, June 24, 1980, at 7:30 P.M. in the City Council Chamber, Municipal Building, 345 S. Main Street.

This hearing will be to discuss Harrisonburg's application for Section 18 funds under the Urban Mass Transportation Act of 1964. These funds will be used to upgrade the city's bus system.

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

CITY OF HARRISONBURG - Marvin B. Milam, City Manager"

Mr. Reggie Smith, Transportation Director, explained that Section 18, under the Urban Mass Transportation Act, provides funds to localities for capital expenses, operating expenses and administration. He noted that three new buses, machine tools and two shelters for bus stops are included in the approximate \$ 235,000. being applied for in state and federal funds for public transportation, with approximately \$ 199,000.00 representing state funds and \$ 35,000.00 federal funds. The City's share of \$ 49,000. has been included in the 1980-81 budget. Quiet T. Please, present address unconfirmed, offered an opinion that the City's plans for use of the funds do not seem to be appropriate, and suggested that buying new buses is "not very innovative." Mr. Alan Shirkey, 814 Virginia Avenue, asked how long the City has had the three buses that are being replaced, and their present condition. Mr. Smith replied that the buses are three years old, with mileage ranging from 78,000 to 89,000 miles. Each bus has had the transmission replaced, and one has been equipped with a new engine. He added that by the time the grant comes through, the fleet of buses will be deteriorating even more. They will probably be traded in if new ones are purchased. When question was raised as to whether bus hours would be extended, Mayor Erickson stated that the schedule has been established by the transportation department and the transportation study committee. Saturday runs will be discontinued at 3:00 P.M. after July 1st, in that it is felt by the Committee that the demand on Saturdays is not such as to necessitate runs after that time, which will cut the cost of operation. Quiet T. Please suggested straight runs by buses, in all directions, rather than making so many different stops, in order to lessen wear and tear on the buses. There being no others to be heard, the public hearing was declared closed at 8:28 P.M. and the regular session reconvened.

Manager Milam informed Council that the City is required to file an A-95 application form(s) with the Planning District for the state and federal grants, with assurance of non-discrimination, in order to receive federal assistance. He then read the following resolution for Council's consideration of approval, for financial assistance through the Virginia Department of Highways & Transportation to defray the local matching share:

BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia, that the City Manager of the City of Harrisonburg is authorized, for and on behalf of the City of Harrisonburg, to execute and file an application to the Virginia Department of Highways & Transportation, Commonwealth of Virginia, for a grant of Federal Public transportation assistance authorized under Section 18 of the Urban Mass Transportation Act of 1964, as amended, in the amount of \$ 199,394.00 to assist in the operating, capital, and administrative cost of local public transportation services, to accept from the Virginia Department of Highways & Transportation grants in such amount as may be awarded, and to authorize the City Manager to furnish to the Virginia Department of Highways and Transportation such documents and other information as may be required for processing the grant request.

FURTHER, BE IT RESOLVED that the City Manager is authorized, for and on behalf of the City of Harrisonburg to execute and file an application to the Virginia Department of Highways & Transportation, Commonwealth of Virginia, for a grant of transportation special revenues authorized under budget item 640 of the 1980 Acts of the General Assembly - Chapter 760, Item 640, Financial Assistance for Mass Transit - in the amount of \$ 2,891.00 to defray fifty percent (50%) of the local matching share for administrative expenses and in the amount of \$ 31,232.00 to defray ninety-five percent (95%) of the local matching share of the City of Harrisonburg for capital costs of an approved Federal Grant, to accept from the Virginia Department of Highways & Transportation grants in such amount as may be awarded, and to authorize the City Manager to furnish to the Virginia Department of Highways & Transportation such documents and other information as may be required for processing the grant request.

The Harrisonburg City Council certifies that the funds shall be used in accordance with the requirements of the UMTA Section 18 Program and the State Appropriation Act of 1980, that the City of Harrisonburg will provide matching funds in the ratio as required, and that the record of receipts and expenditure of funds granted the City of Harrisonburg may be subject to audit by the Virginia Department of Highways & Transportation and by the State Auditor of Public Accounts.

The undersigned duly qualified Clerk of the Council of the City of Harrisonburg, Virginia, certifies that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the City Council held on Tuesday, June 24, 1980.

CLERK

Councilman Cisney moved that the resolution be approved, with authorization for the Clerk to sign same, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

For consideration of a second & final reading, the City Attorney presented and read an ordinance amending Section 14.1-81 of the City Code titled "Taxi and bus rates generally." Council was reminded that the ordinance was approved for a first reading on June 10th in that it was decided to grant Council authority to set rates by resolution, rather than by approving an ordinance for two readings each time rates are changed. 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. The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 212).

As a follow-up of Council's review of recommendations submitted by the Transportation Advisory Committee at the regular meeting held on June 10th, the following resolution establishing rates and charges was read for consideration of approval:

WHEREAS, the Transportation Advisory Committee met on April 14, April 28 and May 12, 1980, for the purpose of reviewing the City's Transportation System, and make certain recommendations; and

WHEREAS, the Transportation Advisory Committee felt that the taxi system should not have to be subsidized and the bus system should not have to be subsidized in excess of \$ 50,000.00 a year; and

WHEREAS, the Transportation Advisory Committee submitted a report, along with recommendations concerning the transportation system, which report was presented and reviewed at a regular meeting of Council held on Tuesday, June 10, 1980;

NOW, THEREFORE, BE IT RESOLVED that the Harrisonburg City Council does hereby approve, and adopt, the following recommendations of the Transportation Advisory Committee:

1. Taxi rates to be increased to the following, effective July 1, 1980:

- \$ 1.00 first 2/6 mile
- \$ 0.10 each 1/6 mile after
- \$ 0.30 all packages over two (2)
- \$ 0.20 extra for all stops plus waiting time
- \$ 6.00 per hour waiting
- \$ 0.30 off fare for shared rides

Senior Citizens and Handicapped - No charge for packages after 6th of the month.

2. School Bus Rates:

- \$ 0.70 per mile
- \$ 5.00 per hour waiting when trip does not exceed 100 miles
- \$ 0.40 without driver per mile

3. Van Rates:

- \$ 0.60 per mile
- \$ 5.00 per hour waiting when trip does not exceed 100 miles
- \$ 0.35 without driver per mile

THIS RESOLUTION ADOPTED and APPROVED this 24th day of June, 1980.

ATTEST:

CLERK

Following a brief discussion, Councilman Rhodes moved that the resolution be approved, with authorization for the Mayor to sign same. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

City Manager Milam reminded Council that a request for closing a portion of old S.High Street (former location of First Church of the Brethren) had been reinstated at the last regular meeting, with no action taken, in that the City Attorney was instructed to contact Attorney Bradshaw re utility easement and access from rear of former Morrison properties. He called attention to a 1975 report submitted by a duly appointed Board of Viewers recommending that the portion be closed, based on two recommendations: (1) that Morrison be granted ingress and egress from end of 11' alley at the eastern line of old S.High Street to new eastern line of South High Street and the northern line of W. Water Street: (2) that the City retains an easement because of water, sewer, gas and telephone conduit lines which run the length of the block between W. Water and W. Market Streets--also, no permanent structures be allowed. City Attorney Lapsley reported that he had contacted Attorney Bradshaw and been informed that the current owners are willing to give the City an easement for utilities, but would prefer to use the portion requested for closing, as parking area for West-side Offices. Vice-Mayor Green offered an opinion that the new owners of the former Morrison properties facing West Market Street should be made aware of the situation. Councilman Dingledine suggested the possibility of a second report by a Board of Viewers. Planning Director Sullivan said he could get the address of the new owner in Falls Church, Virginia, and write a letter advising them of the situation. Following discussion, Councilman Cisney moved that the Planning Director be instructed to write the new owner(s), advising them of the request for closing the portion in rear of the properties, and requesting any comments or objections which they may have. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓The following report submitted from a meeting of the City Planning Commission held on June 18th was presented and read:

"...Mr. Donn Devier, City Engineer, described the proposed route for Columbia Gas Company's distribution line, from Edom Road to South Main Street via several streets including Waterman Drive, S. Dogwood Drive and Maryland Avenue. The pipeline will be behind curb and gutter, but within the City's street right-of-way. Mr. Henry Smith of Columbia Gas Company responded to several questions. Mr. Fleming asked why the line couldn't run along the railroad right-of-way; Mr. Rhodes asked if there are plans to extend gas lines west and south of the City; Mr. Kuykendall asked if 125 pounds is the highest amount of pressure to be used; he also asked if alternate routes have been considered which would miss residential areas; Mr. Sullivan asked why the lines aren't placed under the street pavement rather than behind the curb and gutter; Mr. Kuykendall suggested running the line across school board property near Memorial Stadium. Dr. Eneedy asked how cutting of private driveways is handled. Mr. Rhodes asked how the Recreation Commission feels. Mr. Byrd asked how the Gas Company coordinates its inspection process with the City. Mr. Milam suggested moving the line to New York Avenue.

Mr. Milam reviewed City Staff's concerns, noting that approval of the proposed line should be subject to the Company assuring, in lieu of a performance bond, that the line's purpose is to serve the City of Harrisonburg, and the Company agrees to pay for a City Inspector who will certify the replacement to original conditions the driveways, lawns and landscaping which are disturbed. Mr. Smith responded that he isn't in a position to agree tonight, but will contact his Ohio headquarters as to company policy.

Mr. Fleming concluded the discussion with a motion that the Planning Commission recommend approval of Columbia Gas Company's natural gas distribution line through western Harrisonburg, providing the Company restore driveways, landscaping and lawns to their original conditions; a City Inspector's prevailing salary be paid by the Company; New York Avenue rather than Maryland Avenue be considered as part of the route, and the provision not permitting open-cutting in a new street (S.Main St.) be waived. Mr. Rhodes seconded the motion. Members voting in favor: Mr. Fleming, Mr. Rhodes, Mrs. Bowman, Dr. Shank, Dr. Eneedy. Voting against: Mr. Kuykendall. Abstaining: Mr. Milam..."

✓The City Manager referred to a letter dated 6/3/80 from Mr. Henry Smith which set forth remarks and problems which will be encountered in the project, and called members' attention to their copies of the existing franchise with the Gas Company which contains certain provisions for company projects within the City. He noted that although the franchise grants authority for the City Manager to approve the laying of lines, he felt it best for this project to be brought to the governing body because of the necessity for open cutting in the recently reconstructed South Main Street, and further, to give the city people an opportunity to "get together" with Gas Company representatives to discuss all aspects of the distribution system. City Engineering Devier traced the line, verbally, from its beginning point on Edom Road to the South Main Street junctions, noting rights-of-way, fill areas, etc. Mr. Smith assured Council that streets, driveways, sidewalks, landscaping, etc. will be replaced as nearly as possible to their original condition, and that the company will work with the City administration and public in order to minimize public inconvenience and complaints which may be registered with the City. Councilman Cisney asked if there were any plans for an automatic shut-off valve in the event of a ruptured line. Mr. Smith replied that there would be manual valving, in that an automatic shut-off is not used in a distribution system. He said that the system will increase availability about twice that at the present time, and that New York Avenue route is being investigated at the present time to determine how many lots will be opened. Following the lengthy discussion, Councilman Rhodes moved that the Planning Commission recommendation be approved, which motion, upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

✓Through correspondence dated 6/11/80, a request was made by Massanutten Bank and Trust for permission to hook-on to the city water line to serve a branch bank which is planned on U.S.Route 11, south. A plat of the location was enclosed. City Manager Milam pointed out that the City's policy is for Council to approve any hook-ons to that particular line. Following a brief discussion, Vice-Mayor Green moved that the request of Massanutten Bank & Trust be approved, which motion, upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓Councilman Dingledine moved that a supplemental appropriation in amount of \$ 100,000. represent-

ing beginning funds for the Heat Recovery Project, be approved for second & final reading, a first reading having been approved on June 10th, and that:

\$ 100,000. chgd.to: General Fund - Unappropriated Fund Balance

100,000. approp.to: General Fund (10340-72.01) Refuse & Garbage Collection-
Capital Outlay- Energy Recovery Plant

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

Councilman Cisney moved that a supplemental appropriation in amount of \$ 250,000., to be used for Capital Outlay Projects, be approved for second & final reading, a first reading having been approved on June 10th, and that:

\$250,000. chgd.to: General Fund- Unappropriated Fund Balance

250,000. approp.to: General Fund- Reserve for Future Construction Projects.

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

A request was presented from the City School Board for approval of a transfer of funds in amount of \$ 1,380.00, within school appropriations, in order to cover unanticipated expenses in Adult Education, and equipment. Following a review of accounts involved in the transaction, Councilman Dingledine moved that the transfer be approved, and that:

\$ 500.00 trans.from: School Fund (1201-220.00) Other Inst.Costs-Travel Inst.Personnel

165.00 trans.from: School Fund (1202-316.00) Attend. & Health Serv.-Medical Supplies

300.00 trans.from: School Fund (1206-213.00) Fixed Chgs.- Workmen's Comp.

375.50 trans.from: School Fund (2000-802.03) Debt Serv.- Inst. on Lit.Fund Loan

39.50 trans.from: School Fund (2000-806.00) Handling Chgs.-

500.00 trans.to: School Fund (1208-134.01) Adult Educ.- Comp. Inst. Personnel

880.00 trans.to: School Fund (1900-403.00) Cap.Outlay- Furn. & Equip.

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

Representatives of the William F. Cosulich Associates of Woodbury, New York, were present in the meeting, along with Mr. Larry Wales, Municipal Advisor; JMU President Ronald Carrier and Rockingham Memorial Hospital Administrator T. Carter Melton, to discuss the City's proposed steam producing plant east of the City. Mr. Miro Dvirka, engineer for the Wm. Cosulich Firm, informed Council that the plant would be compatible and aesthetically pleasing. It would be located in a ravine east of Interstate 81, approximately 800' north of the Field House presently being constructed by JMU, with access (100' right-of-way) to the plant and Field House from Ridge Road. The plant would supply steam heat for the Field House, and a duct through the tunnel under 81 would deliver the bulk of steam to the university and hospital power plants on the west side of Interstate 81. He noted a complete change in plans from the original Landfill site for the plant, and said that Harrisonburg is being used as a model city in many other areas, and its pioneering spirit in the trash-burning field is attracting attention throughout the United States. The financial aspect of the \$ 7.5 million project was discussed by the municipal advisor, as well as the 85 tons of garbage daily which is necessary to produce steam required by the two institutions. The City collects 40 tons per day at the present time, and would have to pick up the additional 45 tons from its neighbors to get the volume. Mr. Wales said that the cost per ton for disposing waste will increase from \$ 7.64 per ton, to \$ 15.21, if the construction bonds are paid off in 20 years, but if bonds are extended to 25 years, with no principle paid off within the first 5 years, the cost will be \$ 10.50 per ton. He predicted that by the year 1997, the City would begin realizing a profit. Assistant City Manager Driver said that the project had been in the thinking stage since the early 1970s, but that the City had to wait for feasibility of the project, which came about when the University and Hospital became interested in purchasing steam. Those institutions will be the City's steam customers and put up an initial investment, as well as work toward getting grants for the project. Mr. Driver noted that an increase will have to be placed, either on refuse collection, or the City's tax base. Dr. Carrier and Mr. Melton expressed enthusiasm and pledged to work for grants to offset cost of the project. The City will pay JMU \$ 1.5 million to use the plant site which JMU is in the process of purchasing, and approximately \$1 million will be saved by moving the site from the Landfill area to JMU property. When question was raised by Mayor Erickson as to what the City would gain by its pioneering spirit and enthusiasm about our plant which has spread throughout the U.S., Mr. Dvirka replied that the Department of Energy will pass on to Harrisonburg direct financial benefits through its Entitlement Program, because of federal interest in reducing the consumption of imported oil. Vice-Mayor Green asked how soon the project would begin and when it would be completed. Mr. Driver said that the tentative schedule is: October 1st for construction plans; January 1, 1981, bids will be advertised and construction started, with an 18 month construction time anticipated. Planning Director Sullivan posed two questions: (1) how the plant will look from Interstate 81, and (2) is it possible that other customers may need the services. Mr. Dvirka replied that a buffer of trees will be planted between Interstate 81 and the plant, which will be an attractive metal building from which there will be no odor or smoke. In order to serve other customers, the plant would have to be enlarged. Vice-Mayor Green moved that authority be granted for proceeding with the project, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council. Manager Milam said that a preliminary draft of an agreement between the City of Harrisonburg and the two institutions has been drawn, with a hope that it can be executed in 60 days. He called members' attention to their copies of an Environmental Review Form, and requested its referral to the City Planning Commission. Councilman Cisney moved that it be so referred, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council. Mayor Erickson expressed appreciation for the attendance of representatives present in the meeting and said "we are joining hands, not only for the betterment of those involved in the project, but the entire City. It looks like we are now moving along with the project after many years."

Councilman Dingledine registered complaints which he had received concerning IMCO employees parking on the streets, and blocking traffic. The City Manager said he would look into the matter.

Manager Milam reported that he would meet this Friday morning with representatives of the Virginia Municipal League to discuss details concerning a joint program which is being offered by

the League for automobile insurance and workmen's compensation coverage, and asked that Councilman Cisney sit in on that meeting. When advised by Mr. Cisney that he would be out-of-town on that day, Manager Milam said he would try to change the meeting time to next Monday. He noted that the matter will also be discussed with the local insurance agency, and said he hoped to have a report for Council prior to its next regular meeting on July 8th.

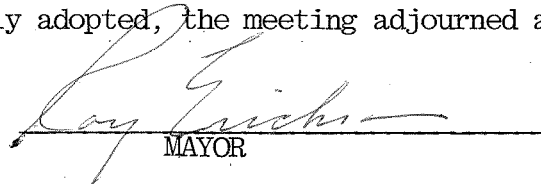
At 10:10 P.M., Vice-Mayor Green moved that Council enter an executive session to discuss a legal matter and personnel. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

At 12:05 A.M., on motion duly adopted, the executive session was closed and the regular session reconvened.

✓ Council was reminded that Mr. Ray Wine's final term on the City School Board will expire on June 30th, and that a second vacancy has been created due to the resignation of Mrs. Katherine DePoy, which has been received and accepted. Councilman Rhodes moved that Mr. William C. Harris, 455 Andergren Drive (Pres., United Virginia Bank-Spotswood), be appointed to the School Board for a term of three (3) years, expiring 6/30/83, to replace Mr. Wine. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

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


CLERK


MAYOR

Tuesday, July 8, 1980

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 Philip Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the special meeting and regular meeting held on June 24th were 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, 1980.

From the City Treasurer:

A trial balance report as of close of business on June 30, 1980.

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 \$ 6,977.55

From the City Auditor:

A report of discounts saved in payment of vendors' invoices for month of June, 1980, totaling \$ 136.18

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of June, 1980.

✓ Mr. Fred Showker, a native of Harrisonburg and art associate with Bill Hummel, presented Mayor Erickson with a totally original expression of the City's Bicentennial, in a commemorative lithograph, depicting the American Eagle (representing strength, freedom and power), holding a banner which reads "Harrisonburg - 1780 - 1980." He noted that all of the 80 plates were cut by hand, all painting done by hand, and all colors personally mixed, each symbolizing significance from the past. Eighty of the prints are in circulation, with No. 1 presented to the Mayor during his term in office, and then for his personal collection. After he leaves office, the last copy will be presented to the City of Harrisonburg. The Mayor expressed appreciation, not only for himself, but the governing body, for the timely gift, and said it would be treasured in memory of this, Harrisonburg's 200th birthday year.

✓ The Mayor proudly displayed a gift from Governor Dalton, to members of the Advisory Board of the Industrial Development Authority who had served eight years, in the form of a replica of the first share of stock purchased by the old Virginia Company. He noted that the Governor had a desire to share in the City's Bicentennial.

✓ For Council information, the City Manager read a letter dated 6/25/80 from the Harrisonburg Parking Authority advising Council of the following two actions taken by the Authority at a meeting held on June 19th: (1) the request of Mr. Don S. Ruddell for special parking permission on East Market Street was rejected; (2) made recommendation that bids be taken for painting the exterior stairwells and covering of outside panels and columns of the new parking deck on Wolfe St. It was noted that work on the deck should be bid, in order that the projects may be done during the warm season. Manager Milam reminded Council that the request of Mr. Ruddell had been referred to the Parking Authority to be reviewed along with requests from other downtown establishments for permission to use parking spaces for loading and unloading.

✓ Correspondence dated 6/24/80 from Mr. Sam Moore was read, requesting vacation of a lot line separating Lot 14 and Lot 15 of the Haas Addition located on Walnut Lane. It was noted that the seller, Hamilton Haas, identified these lots as numbers 5 and 6. Mr. Moore said that he had requested a variance of 450 square feet in order that a 6-unit apartment building may be constructed on Lot 15, which necessitates combining the two lots to meet zoning requirements. On motion of Vice-

Mayor Green, seconded by Councilman Cisney, and a unanimous vote of Council, the request and preliminary site survey were referred to the City Planning Commission for study and recommendation.

The City Manager presented and read a resolution adopted by the Town of Culpeper (copies of which had been sent to every member of the Municipal Electric Power Association of Virginia), endorsing and agreeing to financially support the employment of a fulltime General Manager, in order to implement the Electric Authorities Act approved by the 1979 Session of the General Assembly. He noted that the resolution had been sent to the Harrisonburg Electric Commission, with decision of contribution left to its discretion.

City Manager Milam informed Council that when the statewide Neighborhood Census was begun early this year, Harrisonburg indicated it would be interested in participating, and requested additional information. He called attention to correspondence dated 7/2/80 from Ms. Margaret White, Area Mgr., Department of Housing & Urban Development, Richmond, Va., stating that the department fully supports statistical data accumulated on the basis of neighborhoods and urges participation of communities that use, or wish to use the "Neighborhood" concept in their Community Development Block Grant Programs. The data will help in targeting resources to benefit low & moderate income persons and to define meaningful Neighborhood Strategy Areas, and also be useful for neighborhoods in which that Section 8 Moderate Rehabilitation Area Programs are being targeted. It was noted further that the data, when coupled with Home Mortgage Disclosure Act data, would help local governments in their analyses of disinvestment & reinvestment patterns, and further goals of the Community Reinvestment Act which encourage financial institutions to get the credit needs of their local communities. Following discussion, Councilman Cisney moved that the City Manager be authorized to notify the Bureau of Census, Washington, D.C., of the City's desire to participate in the Neighborhood Census and request any additional information re same. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council. Manager Milam noted that the deadline for requests to participate, is December 31, 1980.

Councilman Dingledine expressed appreciation for activities held during Harrisonburg's Birthday Week, and noted that many more Bicentennial activities are planned for the remainder of this year. He moved that the Mayor be authorized to write letters expressing appreciation of Council to: Rev. Lloyd Sprinkel and Mr. Nelson Alexander, co-chairmen of The Harrisonburg-Rockingham Bicentennial Commission and members of the Commission; Mr. Robert J. Sullivan, Jr., Executive Secretary of the Commission, and his secretary, Ms. Kitty Lilly; Martha Caldwell, Caroline Marshall; Lathan Mims and Mary Jane King, for their contributions to the success of the events. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

Mayor Erickson called members' attention to their Bicentennial gifts which included: a Bicentennial plate; painted copy of the City Seal (suitable for framing); a booklet titled: "Harrisonburg - The Transformation of a City" and another titled "Journey Into The Past - Historic Harrisonburg" by Martha Caldwell and Caroline Marshall - drawings by R.J. Sullivan, Jr. and cover by Austin Loewner. He said that the symbols of Harrisonburg's Bicentennial will be kept and cherished.

Correspondence dated 7/1/80 from the Virginia State Library, Richmond, was presented, in which the City Manager was advised that Rockingham Public Library officials were being notified that a grant-in-aid had been approved by the State Library Board for fiscal year 1980-1981 in amount of \$ 75,641.00. Two copies of the authorization form were enclosed with the correspondence, to be signed and returned, assuring that the funds would be spent for purchase of library books, materials and equipment, library staff salary supplements and travel by library staff or library board members to professional meetings, as well as requirements which would be met in order to receive the grant. Councilman Cisney moved that the City Manager be authorized and directed to sign and return the forms, 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, attention was called to correspondence dated 6/30/80 from the Executive Director, Harrisonburg - Rockingham Community Mental Health & Mental Retardation Services (Chapter 10) Board, advising that Mrs. Eleanor Canter's second term had expired as of July 1st, and that an unexpired term which Mrs. Betty Kipps has been filling, had also expired on that date. A recommendation was submitted for Council's consideration in the reappointment of Mrs. Kipps, and for Mr. Ralph Cline, 444 Dixie Avenue, Harrisonburg to be appointed as replacement for Mrs. Canter. Following a brief discussion, Councilman Rhodes moved that Mrs. Kipps be reappointed for a term of three (3) years, (to be considered her first full term), expiring on July 1, 1983, and that Mr. Ralph W. Cline be appointed to the Board for a term of three (3) years, expiring on July 1, 1983. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

Members were presented with an updated roster of the various Boards & Commissions, prepared in the office of City Manager, as of July, 1980.

The City Manager presented for consideration of a second & final reading, an ordinance effecting the closing of an alley situate on the south side of East Washington Street, requested by Mr. Hosie Fitzgerald. He reminded Council that the original request was for the closing of three alleys, but only one was recommended by the Board of Viewers, in that adjacent property owners opposed the other two. The ordinance has been held since its first reading on May 13th, pending payment of proper fees for the transaction. Manager Milam noted that an amount of \$ 630.56 has been received for payment of land derived in the closing, and that all now appears to be in order. Councilman Cisney 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. The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 213).

City Manager Milam presented and read correspondence dated 6/23/80 from Mr. James Logan, Chairman, Harrisonburg Board of Social Services, requesting that mileage be increased from 15¢ to 18½¢ per mile, in accordance with action by the General Assembly. It was noted that the State Office had

forwarded confirmation of the increase, which has been authorized and included in the Budget. Manager Milan recommended that the increase be approved in order that all municipal departments, or their agencies, may receive 18½¢ per mile of city business travel time, with use of personal vehicles. Vice-Mayor Green moved that the increase from 15¢ to 18½¢ per mile be approved, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Council.

✓ The City Manager called members' attention to their copies of the Harrisonburg 1995 Thoroughfare Plan, in final form, prepared by the Transportation Planning Division, Virginia Department of Highways & Transportation, for the City of Harrisonburg and Rockingham County. He noted that 26 copies had been made available to the City, with several copies distributed to various city personnel, and request for those copies to be returned following use, in that they will be in effect until the year 1995, with no additional copies on hand. He pointed out highlights from the report, including the fact that the Waterman Drive extension was omitted from the final form. Manager Milan then cited the following six committed projects, along with fourteen additional projects recommended to be built by the year 1995:

- 1) Route 11 - from the South Corporate Limits to Interstate Route 81 - widen to a four lane facility.
- 2) Route 33 - from the West Corporate Limits to Route 910 - widen to a four lane facility.
- 3) Route 710 - from 659 to the East Corporate Limits - improve to twenty-two feet of pavement.
- 4) Route 763 - from Route 910 to Waterman Drive - to improve to forty feet of pavement, with curb & gutter.
- 5) Route 763 Spur - from existing Route 763 to Route 42 - provide twenty-four feet of pavement on new location.
- 6) High Street - from South Corporate Limits to Grace Street - improve to forth-eight feet of pavement with curb & gutter.

During discussion, it was noted that the controversial widening of Port Republic Road is listed as number 6 under recommended projects, and that assurance had been given the Purcell Park Neighborhood Association that the 69,000 volt power line will be re-routed to Port Road following widening, and placed underground. Assistant City Manager Driver informed Council that he had been advised by Mr. Richard Lockwood, Transportation Planning Engineer, that no public hearings would be necessary for adoption of the 1995 final Plan in order to meet requirements of the Department of Highways and Transportation, and that the Plan could be adopted by motion of City Council. He suggested that if so desired, the Plan be adopted at this time in that it is identical to the one reviewed during the joint public hearing of the City and County, with the exception of the Waterman Drive extension elimination from the final draft. He noted that a resolution could be prepared, proposing that the project of widening Port Republic Road be included in the listing of projects already committed, in order that moving of the power line from the Purcell Park neighborhood might be expedited. Following discussion, Vice-Mayor Green moved that Council approve the Harrisonburg 1995 Thoroughfare Plan, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council. The Assistant City Manager was asked to see that a proper resolution is prepared by the next meeting of Council, requesting that the Port Republic Road project be funded as a project for construction.

✓ City Manager Milan informed Council that following the last regular meeting, a copy of the Environmental Review Form concerning the City's proposed Heat Recovery Project had been referred to the Planning Commission, as requested, and that the form had also been sent out to a number of other agencies. He advised that comments are requested by July 14th and that if none were offered, acceptance of the form would be indicated. The matter was discussed briefly, with no comments offered.

✓ With regard to the City's desire to participate in a joint Automobile Insurance & Workmen's Compensation Insurance Plan established by the Virginia Municipal League under the name "Virginia Municipal Group Self-Insurance Association" of which Mayor Erickson is a member of the Supervisory Board. Manager Milan referred to information which had been received through correspondence, and presented an indemnity agreement which had been received in his office on June 17th. He said that the question has been whether or not to switch insurance coverage the end of June, and noted an impossibility to do so in that the City Code requires two readings of an ordinance and two readings of an appropriation, with start-up date of the Program on July 1st. He suggested that the City try to develop more information for inclusion in an agreement, and make any necessary ordinance changes, in hopes that participation may materialize next year. Noted further was that there is still a problem in renewing the City's present policy. Mayor Erickson said he would relay any further information concerning the Plan, to Council.

✓ For information of Council, a report dated 6/30/80 from the Area Manager, Department of Housing & Urban Development, was presented, concerning the City's 1977-1978 Community Development Block Grant Programs, with statistics and information re the following areas: Citizen Participation; Housing Assistance Plan; Program Progress; Program Benefit; Financial Management. Mrs. White expressed appreciation for the cooperation and assistance she had received from Miss Judy Martin and Mr. Jim Deskins.

✓ Council was advised of a request from Mr. Jim Deskins, Director of New Programs for the Harrisonburg Redevelopment & Housing Authority, for transferral of deeds for the following properties situated in the redevelopment area bounded by Elizabeth, Main, Rock & Liberty Streets, to the Authority: Shank Building; B & A Lot; Old Kavanaugh; Old Hose Co. #4 (Salvation Army); Lam Property; Powers Property; Gibson Property; Saunders (Dominion Oxygen); Crouch/Blaugh Property; Klingstein Property; Hess Property; Klingstein (Armstrong) and Kline Property. The City Manager reminded Council that authorization had been granted last November for transfer of deeds for all properties in that area and that the matter is actually in the hands of the City Attorney. He requested, however, that the former Hose Co. #4 property be withheld from the list for the present time, for clarification of the deed. On motion of Councilman Dingledine, seconded by Vice-Mayor Green, and a unanimous vote of Council, the City Attorney was directed to transfer all deeds requested, with exception of the former #4 Company Building on W. Elizabeth St.

Vice-Mayor Green noted that additional properties need to be acquired in the Redevelopment Area bounded by Elizabeth, Main, Rock & Elizabeth Streets, and suggested the possibility of a loan by the City, to the Authority, for this purpose. City Manager Milam said that if desired, an amount of \$ 90,000. could be charged to the General Fund-Reserve for Future Projects, representing such a loan. Following a brief discussion, Vice-Mayor Green moved that an appropriation in amount of \$ 90,000.00 be approved for a first reading at this time, with proper appropriation form to be in readiness prior to a second & final reading. The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council.

For information of Council, the following three reports were presented from City Treasurer M.A.Firebaugh, submitted in compliance with the Virginia Tax Code and City Code: a list of delinquent taxes on Real Estate and Tangible Personal Property for the year 1979; a revised list of delinquent taxes on Tangible Personal Property for the year 1978; delinquent taxes remaining unpaid at the close of the fiscal year ending 6/30/80. City Manager Milam noted that the reports (including lists) would be on file in his office for review. On motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote of Council, the reports were received for information.

Council was informed by the City Manager that contracts had been signed yesterday with Branch Associates, Inc., low bidder on both divisions of the Water Improvement Project, and that the firm would operate from a trailer on the corner of Vine Street during construction. A conference will be scheduled with the City Administration, contractor, etc.

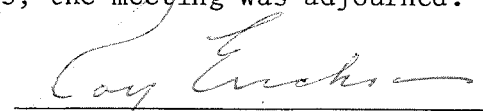
Chief Presgrave informed Council that the IMCO parking situation had been investigated by his department following the last regular meeting, and that tickets will be given to anyone in violation of blocking the city streets. He offered an opinion that a little sympathy is due IMCO employees at this time, in view of the large construction project which is underway.

Councilman Dingledine raised a question concerning the parking situation on N.Main Street, in that some of the meters have been removed on the west side, down to the former Kavanaugh location. Assistant City Manager Driver said he would like to see all parking removed from the west side of the street, Elizabeth to Wolfe Streets, but that the City Manager is of the opinion that merchants in the block would not agree to this action. He noted that the spaces which have been removed, could be put back on. No action taken b6 Council.

At 9:10 P.M., Vice-Mayor Green moved that Council enter an executive session to discuss a legal matter and personnel. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

At 9:50 P.M., on motion duly adopted, the executive session was declared closed, and the regular session reconvened. There being no further business, the meeting was adjourned.


CLERK


MAYOR

Tuesday, July 22, 1980

At a combined public hearing and regular meeting 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; City Auditor Philip Peterman and Chief of Police Richard W. Presgrave. Absent: none.

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

✓ Council received a plat and request for a change in lot line between Lots numbered 5 & 6 in the Fry Addition (between Bluestone & Valley Sts.), submitted by Kline Realty, Inc., Agent for Mr. John Stewart, seller. On motion of Councilman Dingledine, seconded by Councilman Rhodes, and a unanimous vote of Council, the plat was referred to the City Planning Commission for study and recommendation.

✓ For information of Council, the City Manager reported that he was in receipt of a certified letter advising that the Continental Telephone of Virginia had, on July 16th, filed application with the State Corporation Commission, for an increase in rates. He noted that further information is available at the SCC or attorneys for Continental Telephone (Hunton & Williams, Richmond, Va.) for anyone desiring to review same. A public notice of the application should be forthcoming in the Daily News Record newspaper.

✓ Correspondence was presented from the Northfield Estates Homeowners' Association, Inc., requesting that due to the imposing presence of the new water tank on East Washington Street, consideration be given by City Council for painting it a light earthtone color. City Manager Milam reminded Council that the contract for the tank had been let last November, with colors of light blue tank and dark blue lettering included therein. He noted further that on May 13th of this year, Council approved the lettering for the tank which will read "Harrisonburg - 1780 - 1980 - Bicentennial." Following a brief discussion, Councilman Dingledine moved that the letter be referred to the City Planning Commission for comments. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ Correspondence dated 7/14/80 from Mr. C. Robert Hartt, Executive Secretary, Harrisonburg Retail Merchants' Association, was presented and read by the City Manager. A request was made for permission to conduct an "Old Fashioned Sidewalk Days Sale" on July 24, 25 and 26 in member downtown stores. Manager Milam noted that this is a normal annual request, and that it necessitates Council approval in that it involves use of City sidewalks. On motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Council, permission was granted as requested.

At 7:50 P.M., Mayor Erickson closed the regular session temporarily and called the evening's public hearing to order. City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper on July 11th and 14th:

COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
CITY OF HARRISONBURG

NOTICE IS HEREBY GIVEN that pursuant to Sec. 570.425(a)(3), page 8485, and Sec. 570.431, page 8487, Rules and Regulations of the Federal Register, Vol. 43, No. 41, Wednesday, March 1, 1978. The City of Harrisonburg will hold a public hearing at 3:00 P.M. on the 17th day of July, 1980, and at 7:30 P.M. on the 22nd of July, 1980, in the Council Chambers, 345 S. Main Street, Harrisonburg, Va.

The hearing shall consist of a report on the proposed amendment to the current Community Development Program and the availability of grant funds under the Housing & Community Development Act of 1977 which will include the following topics:

THE COMMUNITY DEVELOPMENT AND HOUSING STRATEGY
THE HOUSING ASSISTANCE PLAN

The purpose of this hearing is to provide City of 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 local Community Development Block Grant Program pre-application and amendment to the current Community Development 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 with the City Manager. 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 CD activities are ongoing 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 with the City Manager any time during the program year. The following documentation relevant to the development of the Community Development Program will be on display at the Harrisonburg Office of the City Manager.

--Public Notice --Records of Public Hearings --All key documents submitted by the Department of Housing -- Copies of regulations covering the Community Development Program--
Explanation of important program requirements

These hearings are being held to offer an opportunity for citizens of Harrisonburg to participate in the preparation of an amendment to the existing Community Development Programs for community development funds. The submission of the amendment is anticipated to be July 23, 1980.

Marvin B. Milam, City Manager - City of Harrisonburg

Mr. Jim Deskins, Director of New Programs for the Harrisonburg Redevelopment & Housing Authority, said that one revision requested is extension of the 1978 boundary to include properties on Elizabeth Street (between N. Main & N. Liberty Sts.), with program changed from non-commercial to commercial type. Manager Milam noted that the other revision would be to consolidate some of the funds held at the present time, for acquisition of additional properties in the redevelopment area. He read the following proposed resolution for Council's consideration of approval:

✓ WHEREAS, the Housing and Community Development Act of 1977 as amended, has 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 for Fiscal Year 1978 under said Act; and

WHEREAS, the City Council of the City of Harrisonburg, Virginia, has caused to be prepared revisions to the Community Development Program for Fiscal Year 1978 for the full amount of Federal funds to which the City is entitled; and

WHEREAS, the City Council has reviewed said revisions and has held at least two public hearings on the community development program to assure citizen participation and comment with regard to the development of program activities and has further provided for and encouraged citizen participation through its Citizen Participation Plan.

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

1. The revisions to the Community Development Program for Fiscal Year 1978, for the City of Harrisonburg, Va., as represented by the Community development activities set forth in Applications for Discretionary Grants dated July 1980, are 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 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 applications and to provide such additional information as may be required.

Roy Erickson, Mayor

Attest:

N. Arlene Loker, Clerk

There being no others in the hearing desiring to be heard, it was closed at 8:05 P.M. and the regular session reconvened.

✓ Mayor Erickson asked Council's wishes concerning the proposed resolution for the Community Development Program, read during this evening's public hearing. Councilman Rhodes moved that the resolution be approved, with authorization for the proper officials to sign same. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

Council was informed by the City Manager that although a copy of the appropriation form, representing a loan of \$ 90,000. to the Redevelopment & Housing Authority for acquisition of additional properties in the Redevelopment Area, had been sent to each member last Friday, a change is being recommended at this time. He noted that the amount would be appropriated to the General Fund, Reserve for Contingencies, rather than to the account of Downtown Rehabilitation Project Capital Outlay - Buildings (under Public Works), but added that the reason for the loan remains the same. Councilman Cisney moved that the corrected appropriation form in amount of \$ 90,000. be approved for second & final reading, a first reading having been approved on July 8th, and that:

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

90,000. approp.to: General Fund (18000-14.41) Reserve for Contingencies
which motion, upon being seconded by Councilman Dingledine, was adopted by a unanimous recorded vote of Council.

✓ The following report from a meeting of the City Planning Commission held on July 16th was presented by the City Manager:

"After the Director described the Zoning Map, noting that single family homes have been built on all of the lots along the southwest side of Clinton Street opposite the vacant land Mr. Glen Berkshire wants rezoned from industrial to residential, Mr. Dennis Combs of 189 Clinton Street read a letter from residents setting forth complaints and request for the following: curbing installed and base asphalt arrangements; street lights installed; better drainage system; and Clinton Street widened or made one-way.

In the discussion following Mr. Combs' presentation, Mr. Fleming said he feels residential development on the northeast side of Clinton Street will help control and direct the storm water problem. Mr. Milan explained the City's policies regarding street improvements when an older subdivision is opened. He suggested the Commission incorporate the residents' requests and concerns in its report to City Council. He indicated steps will be taken immediately, concerning need for street lights and curb & guttering may be included in the 1981 budget.

Dr. Eneedy concluded the discussion with a motion for the Planning Commission to recommend to City Council that Lots 14 through 26, Block H, Page 41 of the City Block Map be rezoned from M-1 Industrial to R-2 Residential and the City Manager and City Staff be made aware of the urgent need for street lights, curb & guttering, and an adequate drainage system on both sides of Clinton Street, from Jefferson to Albert Streets. Mr. Rhodes seconded the motion, and all members present voted in favor."

City Manager Milan reminded Council that a public hearing is necessary in that the matter concerns rezoning, and noted that the earliest date a hearing can be scheduled in order to properly advertise, etc. would be Tuesday, August 12th. Councilman Cisney moved that the Planning Commission report be accepted for information, and the City Manager be authorized and directed to publicize a public hearing for Tuesday, August 12, 1980, 7:30 P.M. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

The following Planning Commission report from a meeting held on July 16th, was read:

"The Director reviewed four separate requests to vacate certain lot lines, noting that City Council will need to hold a public hearing to conform with Virginia Code Sections 15.1-431 and 15.482 (b). The requests are:

- 1. S.C. Good Subdivision, vacating of lot lines between Lots 24, 25, 26 and 27. Mr. Glen Berkshire proposed to re-subdivide these four lots into three (Lots 24, 25, 26). Noting that this request will form larger building lots on Clinton and Jefferson Streets, Mr. Rhodes moved that the Planning Commission recommend approval of the vacating of lot lines and re-subdivision as requested. Mrs. Bowman seconded the motion and all members present voted aye.*
- 2. Northfield Estates Subdivision, vacating of lot lines between Lots 45 through 52. Mr. Michael Patrick proposed to re-subdivide these eight lots into seven, in order to construct seven 'zero lot-line patio homes' on the east side of Northfield Court. Mr. Milan moved that the Planning Commission recommend approval of the vacating of these lot lines and the re-subdivision into seven lots as requested. Mrs. Bowman seconded the motion and all members present voted aye.*
- 3. Westwood Subdivision, vacating of lot lines between Lots 3, 4 & 5 in Block P, located on the northwest side of South Dogwood Drive. The Director reviewed a letter dated June 12, 1980 from Attorney Steven Blatt, which pointed out that these three lots were re-subdivided into four lots (Lots 3, 3A, 4 & 5) in September, 1976, but formal vacating of lot lines was not done according to Virginia Code requirements. Mr. Rhodes moved that the Planning Commission recommend approval of the vacating of the lines between Lots 3, 4, 5, Block P, Westwood Subdivision. Mr. Milan seconded the motion and all members present voted aye.*
- 4. Hamilton Haas Lots on Walnut Lane; Mr. Sam B. Moore, in a June 24, 1980 letter to City Council, requested that the lot line between Lots 14 and 15, east side of Walnut Lane, be eliminated so that he can construct a 5-unit apartment house on the combined 11,550 square foot parcel. The Director noted that R-3 zoning will allow 5 units, if he can meet off-street parking require-*

ments and set-backs. The Board of Zoning Appeals denied Mr. Moore permission to construct a 6-unit apartment on this site. Mr. Milam moved that the Planning Commission recommend approval of vacating the lot line between Lots 14 and 15, Block L, Page 25 of City Block Map. Mrs. Bowman seconded the motion and all members present voted aye..."

Councilman Rhodes moved that the Planning Commission report be accepted for information, and that the City Manager be authorized and directed to properly advertise a public hearing on the four requests for Tuesday, August 12, 1980, 7:30 P.M. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ Council was reminded that following the public hearing on July 8th when the Harrisonburg 1995 Thoroughfare Plan was approved, a resolution was requested by this meeting requesting that the Port Republic Road widening be funded as a committee project. He read the following proposed resolution for consideration of approval:

WHEREAS, it is necessary for a formal request to be made to the Department of Highways and Transportation of the Commonwealth of Virginia by the Council of the City of Harrisonburg by resolution for each project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA, at its regular meeting on this 22nd day of July, 1980, that:

1. The Department of Highways & Transportation of the Commonwealth of Virginia, be, and it is hereby requested to establish and set up a project within the City of Harrisonburg, Virginia, to reconstruct Port Republic Road (State Route 659) as shown in the 1995 Harrisonburg Thoroughfare Plan from South Main Street to the East corporate limits of the City of Harrisonburg being the western limits of Interstate 81.
2. That the City hereby agrees to pay its share of the cost for surveys and plans, right-of-way, and construction under the present cost formula adopted by the Department of Highways & Transportation.
3. The City further agrees that if the said project is established as herein requested and thereafter the said City decides not to proceed further with the said project, then the City, by this resolution, agrees to repay the Highway Department for 100 percent of the cost incurred for the said project to the time of abandonment.

ADOPTED this _____ day of _____, 1980.

Mayor

Attest:

Clerk

Councilman Cisney moved that the resolution be approved, with authorization for the proper officials to sign same on behalf of the City of Harrisonburg, which motion, upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

Through correspondence from the office of the Governor, City Manager Milam informed Council that House Bill 599, approved by the 1979 General Assembly, provides for 100% state funding of the approved salaries and expenses for local sheriffs and offices of Commonwealth Attorneys, 100% for salaries of Circuit Court Judges, etc. He noted that under the Bill, Harrisonburg will be eligible for approximately \$ 230,000., which amount is about \$ 6,000. more than the City has projected in its 1980-81 budget for anticipated state funding for the police department, and estimate of the City's share to pay three Circuit Court Judges. Although the correspondence said nothing re payment for the Sheriff, Commonwealth Attorney and Circuit Court Judges who are to receive their total salaries from the state, Manager Milam offered an opinion that those salaries will be administered through Rockingham County, and that bills to the City for those offices should be less this year under the new law. The report was for information, with no Council action necessary.

Councilman Rhodes moved that a proper resolution be drawn and sent to the City of Staunton, extending sympathy on the death of Councilman (and former Mayor), Richard Farrier. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

At 8:30 P.M., Vice-Mayor Green moved that Council enter an executive session to discuss a legal matter and personnel. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

At 10:05 P.M., on motion duly adopted, the executive session was declared closed and the regular meeting reconvened. No further business, the meeting was adjourned.

J. Andrew Loker
CLERK

Loy Ench
MAYOR

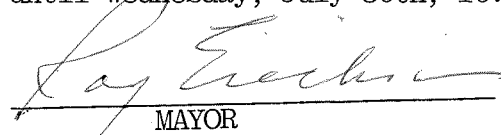
Thursday, July 24, 1980

At a special called meeting held in the Council Chamber this evening at 8:00 P.M., the following members of the Governing Body were present: Mayor Roy H. Erickson; Vice-Mayor Walter F. Green, III, Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes and James C. Cisney. Also present: all five members of the Rockingham County Board of Supervisors.

The meeting was opened formally by Mayor Erickson, and Councilman Dingledine moved that Council enter an executive session with the Board of Supervisors to discuss a legal matter. A similar motion was adopted by the County Board. Both Bodies then retired to the Mayor's Office for the discussion.

At 10:00 P.M., on returning to the Council Chambers, the executive session was declared closed, and the special session reconvened and adjourned until Wednesday, July 30th, 10:30 A.M. in the Council Chamber.


CLERK


MAYOR

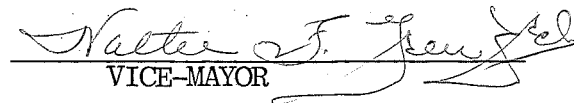
Thursday, August 7, 1980

✓
At an adjourned meeting of Council held in the Board of Supervisors' Meeting Room, County Court House, this evening at 8:00 P.M., the following members were present: Vice-Mayor Walter F. Green, III; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes and James C. Cisney. Absent: Mayor Roy H. Erickson. Also present: all five members of the Rockingham County Board of Supervisors.

Vice-Mayor Green presided on behalf of City Council, in the Mayor's absence, and noted that this is a continuation of two prior meetings held on July 24th and July 30th in the City Council Chambers. Councilman Cisney moved that Council enter an executive session with the Board of Supervisors to discuss a legal matter, which motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present. A similar motion was duly adopted by the Board of Supervisors. Both Bodies then retired to the Conference Room.

At 8:50 P.M., on returning to the Meeting Room, a motion was made by Councilman Cisney for the executive session to be declared closed, and the adjourned session to be reconvened and adjourned. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present. A similar motion was adopted by the Board of Supervisors.


CLERK


VICE-MAYOR

Tuesday, August 12, 1980

At combined public hearings and regular meeting 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 Elon W. Rhodes and James C. Cisney; City Auditor Philip L. Peterman. Absent: Councilman Raymond C. Dingledine, Jr. and Chief of Police Richard W. Presgrave. (sitting in for the Chief, Capt. Stroble).

Minutes of the regular meeting held on July 22nd; special meeting of July 24th; adjourned meetings of July 30th and August 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 July, 1980.

From the City Treasurer:

A trial balance report as of close of business on July 31, 1980.

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 \$ 8,425.19.

From the City Auditor:

Financial reports for months of June and July, 1980.

A report of discounts saved in payment of vendors' invoices for month of July, 1980, in amount of \$ 367.52.

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, 1980.

✓ Correspondence dated 7/30/80 from Miss Mildred Ruddie, 296 W. Market Street, was presented and read, along with a petition signed by 38 residents and property owners of West Market Street and adjacent streets. Request was made for Council to take such legal action as may be necessary to stop employees of IMCO Container Company from using the entrance to the new parking lot via West Market Street. It was noted that the understanding was for only three delivery trucks to use the exit from the new lot onto W. Market Street for weekly deliveries of corrugated packaging, and that use by employees creates a traffic hazard. Vice-Mayor Green said he had talked with IMCO Officials after receiving several calls from neighbors in that area expressing concern that IMCO employees were

not using the parking facilities which have been made available. It is his understanding that the West Market Street entrance is being used primarily by people working on the plant's new addition, and that following completion of construction, the West Market Street entrance will be blocked. This action should also eliminate employee parking on surrounding streets. He noted further that the officials have offered to make every effort to get the parking lot used, and parking on surrounding streets discouraged. They will be glad to meet with the police chief, city manager, or anyone else re the situation. Councilman Cisney said he had received calls to the effect that the R-3 zoned lot, adjacent to IMCO (on which an earlier complaint had been registered concerning its intended use for burying liquid petroleum tanks) is now being used for purposes other than R-3 functions (i.e. storing equipment, etc.) Large cardboard boxes are on the lot at the present time, which could be materials for construction. When a resident offered an opinion that this was against the law, Mayor Erickson replied that it could be considered temporary storage. Another resident informed Council that the stop sign at the corner of Brook Avenue & Wolfe Street is completely blocked from view by employee parking, and that careless driving is also involved. The Mayor expressed a hope that this is only a temporary situation. Mr. Jerry Bennett, 74 West Elizabeth Street, read a letter concerning the R-3 zoned lot, in which Council was asked to make clarification of usage of the lot under that zoning classification. It was noted that the lot, owned by IMCO and adjacent to IMCO's M-1 zoned land, seems to be in violation of the City's ordinance, with equipment, containers, rock and fill dirt placed thereon. There is no room for interpretation, according to the letter, in that "residential is residential, and industrial is industrial." The following three requests and questions were set out by Mr. Bennett: (1) clarification of R-3 lot usage; (2) can IMCO use the R-3 zoned lot to store M-1 materials, even temporarily?; (3) how can residents get the City to enforce its own zoning regulations? Mayor Erickson said he would see that a written statement is sent to Mr. Bennett's home re R-3 usage. Mr. Bennett said he wants to know if an R-3 lot can be used as M-1 Industrial, and that he would like for IMCO to be notified that they cannot use the lot for storage purposes, if so determined. Following the lengthy discussion, Vice-Mayor Green moved that the City Manager, Police Chief, City Attorney and Building/Zoning Official meet with IMCO Officials to clarify usage of the R-3 zoned lot and work out some solution to the parking problem. The motion was seconded by Councilman Rhodes and adopted by a unanimous vote of Councilmen present. Another resident cited the difficulty in backing out of private driveways, etc. due to parked vehicles, and said that although the Superintendent of Streets had promised to paint the curb at Wolfe Street and Chicago Avenue, nothing has been done, to date.

City Manager Milam presented the final plat for Section 3, Country Club Court Subdivision, situate in the northwest corner of the I-81, US 33 interchange, as submitted by Attorney Steven Blatt on behalf of his client, Mr. Bernard Bolt. It was noted that the engineering plans conform to the preliminary layout, approved earlier by City Council, with the exception that the western end of Country Club Court has been shortened, and the townhouses slightly realigned in Block "A". Councilman Cisney 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 Councilmen present.

Correspondence dated 8/12/80 was presented from Erwin N. Lam, Contractor, enclosing plat and site plans for lots numbered 3, 4 & 5 on the south side of Clinton Street, with request for vacation of the lots and new lot lines created according to the Plat. It was noted that the requested action would allow construction of a duplex apartment on future vacant lot and addition of one apartment to the existing duplex on the other lot, resulting in the cleaning up and beautifying both pieces of property. On motion of Councilman Rhodes, seconded by Vice-Mayor Green, and a unanimous vote of Councilmen present, the plat and plans were referred to the Planning Commission for study and recommendation.

Council received a request from Attorney Stephen Bradshaw for vacation of the Logan Addition consisting of six lots located on the northeast corner of South Avenue and South High Street. Two plats were enclosed, namely: original plat attached to the deed to Mr. Neff from the Logans, and a recent plat for 14,577 sq. feet of this property which comprises all of Lot 6 and 20' of Lot 5, which Mr. Neff now desires to convey to a new purchaser. Councilman Rhodes moved that the plats 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 Councilmen present.

Mayor Erickson presented and read a note which he had received from the City of Staunton conveying sincere appreciation for the resolution adopted by the Harrisonburg City Council expressing sympathy on the death of Councilman Richard Farrier.

At 8:03 P.M., Mayor Erickson closed the regular session temporarily and called the first public hearing of the evening to order. City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper on July 24th and August 7th:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, August 12, 1980 at 7:30 P.M. in the City Council Chamber, Municipal Building, in accordance with Sections 15.1-431 and 15.1-481(b), Code of Virginia, to vacate certain lot lines by Ordinance of the Governing Body prior to approval of Final Plats to re-subdivide these areas.

Lot lines to be vacated are: Lots 24, 25, 26 & 27, S.C. Good Subdivision, Block H, Page 41 of City Map; Lots 45 through 52, Northfield Estates Subdivision; Lots 3, 4, 5, Block P, Westwood Subdivision; and Lots 14 and 15, Block L, Page 25 of City Map, owned by Hamilton Haas on Walnut Lane.

All persons interested or affected by these matters will have an opportunity to express their views at this Public Hearing.

CITY OF HARRISONBURG, Marvin B. Milam, City Manager

Planning Director Sullivan read the following report from a July 16th meeting of the Planning Commission, which report had been presented to Council at its last regular meeting:

"The Director reviewed four separate requests to vacate certain lot lines, noting that City Council will need to hold a public hearing to conform with Virginia Code Sections 15.1-431 and 15.1-482(b). The requests are:

- 1. S.C. Good Subdivision, vacating of lot lines between Lots 24, 25, 26*

and 27. (Mr. Glen Berkshire proposed to resubdivide these four lots into three Lots 24, 25, 26). Noting that this request will form larger building lots on Clinton and Jefferson Streets, Mr. Rhodes moved that the Planning Commission recommend approval of the vacation of lot lines and re-subdivision as requested. Mrs. Bowman seconded the motion and all members present voted aye.

2. Northfield Estates Subdivision, vacating of lot lines between Lots 45 through 52. Mr. Michael Patrick proposed to re-subdivide these eight lots into seven, in order to construct seven 'zero lot-line patio homes' on the east side of Northfield Court. Mr. Milam moved that the Planning Commission recommend approval of the vacating of these lot lines and the re-subdivision into seven lots as requested. Mrs. Bowman seconded the motion and all members present voted aye.

3. Westwood Subdivision, vacating of lot lines between Lots 3, 4 & 5 in Block P, located on the northwest side of S. Dogwood Drive. The Director reviewed a letter dated June 12, 1980 from Attorney Steven Blatt, which pointed out that these three lots were re-subdivided into four lots (Lots 3, 3A, 4 & 5) in September, 1976, but formal vacating of lot lines was not done according to Virginia Code requirements. Mr. Rhodes moved that the Planning Commission recommend approval of the vacating of the lines between Lots 3, 4, 5, Block P, Westwood Subdivision. Mr. Milam seconded the motion and all members present voted aye.

4. Hamilton Haas Lots on Walnut Lane; Mr. Sam B. Moore, in a June 24, 1980 letter to City Council, requested that the lot line between Lots 14 and 15, east side of Walnut Lane, be eliminated so that he can construct a 5-unit apartment house on the combined 11,550 sq. foot parcel. The Director noted that R-3 zoning will allow 5 units, if he can meet off-street parking requirements and set-backs. The Board of Zoning Appeals denied Mr. Moore permission to construct a 6-unit apartment on this site. Mr. Milam moved that the Planning Commission recommend approval of vacating the lot line between Lots 14 and 15, Block L, Page 25 of City Block Map. Mrs. Bowman seconded the motion and all members present voted aye..."

Planning Director Sullivan pointed out all four locations on a City Map, with the following explanations concerning each: (1) S.C. Good Subdivision - vacating of the lot lines would re-arrange the corner of Clinton & Jefferson Sts., in a better manner, for single family homes; (2) Northfield Estates - 8 lots have been recorded, and vacating of lot lines would reduce the lots to seven, permitting more square footage in each lot and allow the building of homes on the lot line; (3) Westwood Subdivision - vacating lot lines would reduce 4 lots to 3; (4) Hamilton Haas Lots - elimination of one lot line would provide the necessary square footage in both lots to build a 5-unit apartment. There being no others present desiring to be heard, the public hearing was declared closed at 8:07 P.M. and the regular session reconvened.

City Manager Milam presented and read correspondence from Mr. Sam Moore requesting withdrawal of the request for lot line vacation in the Hamilton Haas lots on Walnut Lane, and noted that this was listed as number 4 on the Planning Commission report. The request of Mr. Moore was accepted.

Following discussion, Councilman Cisney moved that Council approve vacation of lots in the S.C. Good Subdivision; Northfield Estates Subdivision and Westwood Subdivision as recommended by the Planning Commission, and that an ordinance effecting the vacations be approved for a first reading and referred to the City Attorney to be drawn in proper form. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Councilmen present.

At 8:12 P.M., Mayor Erickson closed the regular session temporarily and called the evening's second public hearing to order. The City Manager read the following Notice of Hearing as advertised in the Daily News Record newspaper on July 24th and August 7th:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, August 12, 1980, at 7:30 P.M. in the City Council Chamber, Municipal Bldg., 345 S. Main Street, to consider the following rezoning request:

To change from M-1 Industrial to R-2 Residential District, Lots 14 through 26, Block H, Page 41 of City Block Map. These vacant lots are located on the north side of Clinton Street, immediately east of Jefferson Street. Request is by Mr. Glen Berkshire. Purpose: to construct twelve single family homes.

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

CITY OF HARRISONBURG, Marvin B. Milam, City Manager

Planning Director Sullivan pointed out the area requested for rezoning on a City Map, and read the following report of the Planning Commission which had been presented to Council at its last regular meeting:

"After the Director described the Zoning Map, noting that single family homes have been built on all of the lots along the southwest side of Clinton Street opposite the vacant land Mr. Berkshire wants rezoned from industrial to residential, Mr. Dennis Combs of 189 Clinton Street read a letter from families of the S.C. Good Subdivision expressing concerns re the proposed residential development on the north side of Clinton Street, and requesting the following improvements to that street: (1) Curbing installed and base asphalt arrangements; (2) Street lights installed; (3) Better drainage system; (4) Street widened or made one-way.

In the discussion following Mr. Combs' presentation, Mr. Fleming said he feels residential development on the northeast side of Clinton Street will help control and direct the storm water problem. Mr. Milam explained the City's policies regarding street improvements when an older subdivision is opened. He suggested the Commission incorporate the residents' requests and concerns in its report to City Council. He indicated steps will be taken immediately,

concerning need for street lights, and curb & guttering may be included in the 1981 budget.

Dr. Eneedy concluded the discussion with a motion for the Planning Commission to recommend to City Council that Lots 14 through 26, Block H, Page 41 of the City Block Map be rezoned from M-1 Industrial to R-2 Residential and the City Manager and City Staff be made aware of the urgent need for street lights, curb & guttering, and an adequate drainage system on both sides of Clinton Street, from Jefferson to Albert Streets. Mr. Rhodes seconded the motion, and all members present voted in favor."

Mr. Sullivan pointed out that Mr. Berkshire has an option to purchase the lots for single family homes, which would complete the block as residential. He noted that an adequate drainage system is needed, in that pipes under Clinton Street and the filling process, only carry water to the drain pipes to a certain extent. Clinton Street, he added, is a paper street, with deed recorded some years ago. City Manager Milam reminded Council that the current Subdivision Control Ordinance, adopted in the early 1960s, provides for the developer to pay for streets, curbing & guttering in new subdivisions, while the original ordinance provision places the burden of cost for those improvements on the City. There being no one present desiring to be heard, the Mayor closed the Hearing at 8:24 P.M. and the regular session reconvened.

Vice-Mayor Green objected to the fact that the former city policy places the burden of cost on citizens, and serves as an advantage to a developer who is opening streets in a subdivision already recorded and platted on city books. He asked that the Planning Commission be requested to study the policy in that one such action could "open a whole new can of worms" in the future. Manager Milam offered an opinion that it might be the time for a change in policy, and noted that although there are presently only a few of the paper streets remaining undeveloped in the City, future expansion through annexation may bring more into the City Limits. He added further that it may be well, sometime in the future, for the City to adopt a policy that building permits not be issued until certain street improvements are made. Councilman Rhodes moved that the Planning Commission recommendation for rezoning of Lots 14 through 26, north side of Clinton Street, be approved, which motion, upon being seconded by Councilman Cisney, was adopted by a majority recorded vote of Council. Voting aye: Councilmen Rhodes, Cisney and Erickson. Voting no: Vice-Mayor Green; Absent: Councilman Dingledine. It was agreed that the Planning Commission take a look at the current Subdivision Control Ordinance to determine if it should apply only to new subdivision lots, and Mr. Sullivan was asked to place this matter on the Commission's agenda for its next meeting.

During a discussion concerning appointments to various Boards & Commissions, Council was reminded of a vacancy on the City School Board representing the unexpired term of Mrs. Kitty DePoy, whose resignation has been accepted. Vice-Mayor Green moved that Mrs. Carolyn Hale Shank of 25 Edgelawn Drive, Harrisonburg, be appointed to fill the unexpired term to June 30, 1982. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

For Council's information, correspondence dated 8/4/80 was presented and read from Mr. J.G. Ripley, State Urban Engineer, Department of Highways & Transportation, acknowledging receipt of Council's resolution requesting the department to establish a project for Port Republic Road. Assistant City Manager Driver was advised that due to a steady decline in funds available for construction, the project could not be programmed at this time, and that the South High Street project has been delayed and will not be advertised until after 1986. It was noted that should the funding outlook improve, the City's request would be reconsidered. Mr. Driver expressed the possibility of applying for additional funding, following completion of the Port Road Interchange, for extension to Main Street. Mayor Erickson suggested the possibility of setting up a September meeting with the Highway representative to discuss the matter.

A request was presented from the City School Board for approval of a supplemental appropriation in amount of \$ 48,200. to appropriate funds for a special grant, covering a Regional Feasibility Study. When question was raised concerning the purpose of such a study, Mary Jane Kine of Daily News Record staff offered an explanation that Harrisonburg would serve as the Administrative Agent in the Study, to set up a model program for six school jurisdictions to work together, especially with regard to handicapped students, with program to be handled in one location. Following discussion, Councilman Cisney moved that the appropriation be approved for a first reading, with written information concerning the Study to be submitted by the School Board prior to a second and final reading, and that:-

\$ 48,200. chgd.to: School Fund (R-28A) Antic. Rcpts.- Other Fed.Funds-
Regional Feasibility Study.

22,000.	approp.to: School Fund (1209-100.04)	Rgnl.Feas.Study- Director
8,500.	approp.to: School Fund (1209-101.00)	" " " -Secretary
5,000.	approp.to: School Fund (1209-105.00)	" " " -Travel
500.	approp.to: School Fund (1209-106.00)	" " " -Auditor
1,900.	approp.to: School Fund (1209-107.00)	" " " -Indirect Costs
2,000.	approp.to: School Fund (1209-203.00)	" " " -Inst. Supplies
2,500.	approp.to: School Fund (1209-600.00)	" " " -Telephone
5,200.	approp.to: School Fund (1209-800.04)	" " " -Fixed Chgs.
600.	approp.to: School Fund (1209-1230.00)	" " " -Equip. Rental

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

The City Manager presented a request from the City School Board for approval of a supplemental appropriation in amount of \$ 10,000. in order to appropriate funds received from the state to establish a Virginia Remediation Program as mandated by state law. Following a brief discussion, Councilman Cisney moved that the appropriation be approved for a first reading, and that:-

\$ 10,000. chgd.to: School Fund (R-18A) Realized Rev.- Rcpts. from Other State
Funds- Remedial Education.

5,407. approp.to: School Fund (1201-109.02) Other Inst. Costs- Comp.Tchr.
Aides.

450. approp.to: School Fund (1201-236.01) In Ser.Trng.
1,105. approp. to: School Fund (1206-295.00) Fixed Chgs - Emplr. contrib. frng benefits
3,038. approp. to: School Fund (1201-305.00) Instr. Supplies

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

A request was presented from the City School Board for approval of a supplemental appropriation in amount of \$ 623.45 in order to appropriate funds received from Virginia Athletic Commission for local portion of admissions tax on wrestling matches held by the HHS Athletic Department. It was noted in the request that the funds would be remitted to the Athletic Department. Councilman Cisney moved that the appropriation be approved, and that:

\$ 623.45 chgd.to: School Fund (R-47) Rcpts.from Other Funds- Rcpts.
from Other State Agencies (Real.Revenue)

623.45 approp.to: School Fund (1201-299.00) Other Inst.Costs.

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

A request was presented from Assistant City Manager Driver for approval of a supplemental appropriation in amount of \$ 200,000.00 for engineering, financing, and other related costs of the City's Solid Waste (Heat Recovery) Project. Following a brief discussion, Councilman Cisney moved that the appropriation be approved for a first reading, and that:-

\$ 200,000. chgd.to: General Fund- Unapprop. Fund Balance

200,000. approp.to: General Fund (4203-7010.00) Refuse Collection-
Cap.Outlay- Energy Recovery Plant

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

City Manager Milam requested that Council approve a supplemental appropriation in amount of \$ 200,000. for use on various annexation expenses. On motion of Councilman Rhodes, seconded by Vice-Mayor Green, and a unanimous recorded vote of Councilmen present, the appropriation was approved for a first reading, as follows:

\$ 200,000. chgd.to: General Fund- Unapprop. Fund Balance

75,000. approp.to: General Fund (9108-1010.01) Annexation- Other Per.Services

125,000. approp.to: General Fund (9109-1010.02) Annexation- Eng.Fees

Councilman Rhodes brought several matters to Council's attention in order to determine what has, or could be done to correct the following situations:

(1) Outdoor privies on Norwood Street (complaint registered at a prior meeting)

City Manager Milam reported that a survey conducted on Hawkins & Norwood Streets revealed that approximately 1/2 dozen rental properties and the same number of owner-occupied dwellings have no indoor plumbing, and that the owners cannot afford the cost. Notices have been served on the rental units, along with information for requirements under the Minimum Standard Housing Code, in that these properties are owned by persons other than those living therein. Vice-Mayor Green offered an opinion that the City should look into the possibility of partially funding the owner-occupied properties, in order to assist those owners who cannot afford the cost of a bath and kitchen sink.

(2) Widening of Hawkins Street (matter presented some time ago to Council)

Assistant City Manager Driver reported that the Harrisonburg Department of Transportation & Safety Commission had looked into the situation of Hawkins & Norwood Streets from the standpoint of widening, or one-way streets, with no recommendation submitted to Council. He noted that Norwood Street is not wide enough for curb & gutter, but could be considered as a project, with acquisition of rights-of-way, etc. Vice-Mayor Green offered an opinion that the City should come up with a plan for the entire area in that it is adjacent to a developed area.

(3) Water drainage on Kelly Street, to Broad Street:

Councilman Rhodes informed Council that waters come down the hill on Kelly, and accumulates to the point that vehicles have difficulty getting through. The drains have been cleaned out by the Street Department, which action has not eliminated the problem. Assistant City Manager Driver said that the drains are not large enough to carry the water.

(4) Drainage problem, and consideration of widening Effinger Street between Myrtle and Sterling Streets:

Councilman Rhodes said that consideration should be given to widening Effinger in this block due to its narrowness, and only one strip of asphalt, in that new homes are being constructed.

During discussion of the various matters, it was agreed, generally, that a Master Plan is needed, of the entire area, in order to bring street construction, water drainage, etc. up to code specifications.

At 9:08 P.M., Vice-Mayor Green moved that Council enter an executive session to discuss a legal matter and personnel, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Councilmen present.

At 11:18 P.M., on motion of Councilman Cisney, seconded by Councilman Rhodes, and a unanimous vote of Councilmen present, the executive session was declared closed, and the regular session reconvened and adjourned.

N. Belene Loker
CLERK

Lay E. Green
MAYOR

Tuesday, August 26, 1980

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 Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on August 12th were approved as read.

✓ Correspondence from Ms. Nancy Stratton, Co-Chairman, Fine Arts Committee, Harrisonburg Junior Women's Club, was presented and read by the City Manager. A request was made for permission to use the sidewalks surrounding Court Square on Saturday, September 13th, from 10:00 A.M. to 6:00 P.M. for the purpose of displaying art work by some of the participating artists. The display will be in observance of the Club's 7th Annual Arts and Crafts Festival. Assurance was given that adequate space will be left open for public use of the sidewalks on that day. In case of rain, the Festival will be held on Sunday, September 14th. Following a brief discussion, Vice-Mayor Green moved that permission be granted, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

✓ Council's attention was called to a Financial Report for the Shenandoah Valley Airport Commission as of 6/30/80, prepared and submitted by the Accounting Firm of Forrest Arehart Associates, Waynesboro, Va. Mayor Erickson, a member of the Commission, noted that services will be stepped up considerably on September 15th to complement Piedmont services between Baltimore and Pittsburgh.

✓ The City Manager reported that on August 19th, following the last regular meeting of Council, he, along with City Attorney Lapsley, Capt. Strobe and Building/Zoning Official Byrd, visited the IMCO Container Company and made a walking tour with the consulting engineer, plant manager, foreman and architect. The purpose was primarily to inform the officials concerning complaints by residents in the area of materials which are stored on the R-3 zoned lot owned by IMCO adjacent to its M-1 property, as well as employee parking on Wolfe and other streets which causes a traffic hazard and inconvenience to residents' use of driveways, etc. He noted that they had been assured by the officials that storing of materials for construction (presently underway) is a temporary situation, and added that the Building/ Zoning Official has the right to grant permission for temporary use, which he had done in this instance for storage of boxes, paneling, etc. Manager Milam reported further that the West Market Street gate has been locked and will be opened only at times when it is necessary for delivery trucks to use that entrance-exit. Employees of IMCO are using the new parking lot. City Attorney Lapsley said they were informed that following completion of construction and removal of materials from the R-3 lot, the lot will be transformed into a garden spot with shrubs, etc. The City Manager pointed out the fact that yellow lines have been painted at the corner of Wolfe Street and Chicago Avenue. Mr. Jerry Bennett stated that he had heard nothing re clarification of R-3 lot usage, and that there is nothing in the City's Zoning Ordinance which allows M-1 zone to be used in connection with R-3, even temporarily. He expressed a concern that following this temporary use of the lot, the plant may then use it for other temporary periods. Attorney Lapsley gave assurance that this is only for temporary use and said that should the plant be in violation in the future, the situation will be dealt with. Mr. Bennett asked if there would be a written agreement between the City and IMCO re no further use of the R-3 zoned lot for M-1 purposes. The City Manager informed Mr. Bennett and other residents present in the meeting, that a petition could be filed with the Board of Zoning Appeals, which Body has the authority to overrule use of a lot, but noted that under the Building Code (BOCA), Mr. Byrd has written authority to grant temporary use of a lot. Mayor Erickson said he would like to feel that the integrity of IMCO is trustworthy, and could not say if there would be a written agreement. He stated further that IMCO officials know the residents' message, and will live comfortably in the neighborhood. Mr. R.J. Sullivan, Sr. expressed concern that the R-3 lot is no longer landlocked, but fenced in, with access from IMCO. Following the lengthy discussion, Councilman Rhodes offered a motion that the Mayor contact IMCO Officials, advising them of no future use of the lot in question, other than for R-3 purpose, and requesting a letter to that effect. Councilman Dingledine seconded the motion with a proviso that it include a stipulation for the lot to be developed into a garden spot, following completion of construction. The motion, as amended, was adopted by a unanimous vote of Council.

✓ The following Planning Commission report from a meeting held on August 20, 1980, was presented and read by the City Manager:

"...The Commissioners reviewed a map of the three C.B. Dallard lots on the north side of Kelly Street and adjacent to Northeast Park and the City Reservoir property. The Director reported that the Dallard estate is being settled and if the City is interested in the 33,764 square feet of land, it could be reserved for future public housing development, or as additional land for Northeast Park or City Reservoir property. Mr. Milam added that the lots are in a low spot, and they cannot be connected to the present sewer line in Kelly Street. If a private developer buys the lots and requests sewer connections, it will cost the City between \$ 10,000. and \$ 15,000. to extend sewer lines from Summit Street to these low lots. Mr. Milam reported that the three lots can be bought for \$ 7,500.

Dr. Shank offered a motion for the Planning Commission to recommend that City Council consider purchasing the three C.B. Dallard lots on Kelly Street and adjacent to Northeast Park and City Reservoir property for \$ 7,500. Dr. Eneidy seconded the motion and all members voted aye with Mr. Rhodes abstaining..."

Manager Milam referred to the map of lot location attached to the report and noted that the City had constructed a cul-de-sac at the end of Kelly Street several years ago. Further noted was the fact that the lots had been scheduled for auction on a Saturday morning, following Council's last meeting, and that he was contacted by Attorney Wilson concerning an offer which had been made to the City several months ago to purchase the lots, but that he was in no position to answer for Council at that time. He had indicated to Mr. Wilson that he would ask the City Planning Commission

to consider the matter at this time, in that it was tabled by the Commission following referral by Council on June 10th of this year. Manager Milam said he had not discussed either the matter, or cost of the lots with Mr. Rhodes (executor for the Dallard Estate) prior to the Planning Commission meeting on August 20th. Following discussion, Councilman Cisney moved that the City make an offer of \$ 7,500. for the three lots, based on recommendations of the City Manager and Planning Commission. The motion was seconded by Vice-Mayor Green, and adopted by a majority vote of Council. Voting aye: Councilmen Dingledine, Cisney, Green and Erickson. Voting no: none. Abstaining: Councilman Rhodes.

The following report, submitted by the Planning Commission from a meeting held on August 20th, was presented and read:

"...A letter dated July 16, 1980 from Michael Patrick, Acting President of the Northfield Estates Homeowners' Association, was read and it requests that 'due to the imposing presence of the (City's new water) tank, it would be more esthetically pleasing if painted a light earthtone color.' The Director then read a letter dated August 8, 1980 from Water & Sewer Superintendent Loker, stating that the color selection (light blue) was made some time ago and the contract has already been awarded to paint the tank. Changing the color now would cost the City an additional \$ 3,800.

The Commissioners briefly discussed the matter, learning that dark blue lettering will be used (HARRISONBURG BICENTENNIAL, 1780-1980) on a light blue background. Mr. Fleming moved that the Planning Commission deny the request by Northfield Estates Homeowners' Association that the tank be painted "earth-tone." Mrs. Bowman seconded the motion and all members voted aye.."

Following a brief discussion, Councilman Cisney moved that the Planning Commission's recommendation for denial of the Association's request, be approved, which motion, upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Council.

The following Planning Commission report from an August 20th meeting was presented and read:

"...The Commissioners reviewed the overall layout plans for Country Club Court Subdivision, a townhouse project located in the northeast corner of I-81, U.S.Rt. 33 interchange. The Director discussed the Staff Review Sheet, noting that staff wants a 20' utility easement added, from the end of Section 3's proposed cul-de-sac to the Rt. 33 bridge. He added that the easement may be needed for future pedestrian access to nearby Dutch Mill Court, or for water, sewer, gas or electric utilities. The Director reported that 26 townhouse lots are proposed in Section 3, and the private parking area for 55 parking spaces will connect a new westerly extension and cul-de-sac of Country Club Court. Also, the developer, Bernard Bolt of Haymarket, Va., will be required to record 20' utility easements for the 6" water and 8" sewer lines and the storm drainage pipe system. Curb and gutter will be installed at developer's expense on extended Country Club Court.

Noting that Mr. Bolt's townhouse development has conformed to the City's requirements and extra details, such as green spaces and landscaping are part of Mr. Bolt's project, Mr. Fleming moved that the Planning Commission recommend approval of Country Club Court, Section 3, providing a 20' utility easement as described by City Staff be added to the engineer's plat. Mr. Rhodes seconded the motion and all members voted aye..."

Planning Director Sullivan reviewed the overall plan for Council and noted that the design of the cul-de-sac has been drawn in, showing area of the 20' utility easement agreed upon. Under this section, an old farmhouse which has been an "eyesore" will have to be removed. On motion of Councilman Cisney, seconded by Councilman Dingledine, and a unanimous vote of Council, the recommendation of the Planning Commission was approved.

City Manager Milam presented the following report from a Planning Commission meeting held on August 20th:

"...The Director reviewed three re-subdivision requests, all involving vacating of certain lot lines, which will necessitate City Council having a public hearing to conform with Virginia Code Sections 15.1-431 and 15.1-482(b). The requests are as follows:

a) John Stewart, owner of Lots 5 and 6 in the Fry Subdivision, requests that these lots be merged, with small portions of each lot being transferred to Lot 7. A plat by City Engineer Donn Devier, shows this to result in two lots, one with 17,330.98 sq. feet on the northeast corner of Fry Avenue and Bluestone Street, and the other lot with 12,956.28 sq. feet on the north side of Fry Avenue. Mr. Fleming moved that the Planning Commission recommend approval of the vacating of lot lines and re-subdivision of the three lots into two lots. Mrs. Bowman seconded the motion and all members voted aye.

b) Bill Neff, owner of Lots 1 through 6 in the Logan Addition, located in the northeast corner of South High Street and South Avenue, requests that all lot lines be vacated and two lots be established, one on the corner and one facing S. High Street. A plat by Robert Jellum, Land Surveyor, was examined. Mr. Henry Clark, III, told the Commissioners that Mr. Neff has a buyer for the S. High Street lot and the corner property, with four houses on it, will eventually be cleared and developed commercially. It is zoned M-1 Industrial District. Dr. Shank moved that the Planning Commission recommend approval of the vacating of lot lines and re-subdivision of the six lots into two lots. Mr. Fleming seconded the motion and all members voted aye.

c) Erwin Lam, owner of Lots 3, 4 and 5 in the C.H. Heltzel Addition, located in the southeast corner of Clinton Street and Madison Street, requests that all lot lines be vacated and two lots be established. A plat by

Robert Jellum, Land Surveyor, was examined. Mr. Lam wants to build a duplex apartment on proposed Lot B, and add an apartment unit to an existing duplex on proposed Lot A. Noting that the lot size requirements in R-2 Residential will be met if resubdivided, Dr. Shank moved that the Planning Commission recommend approval of the vacating of lot lines and resubdivision of the three lots into two lots. Mr. Fleming seconded the motion and all members present voted aye..."

Planning Director Sullivan pointed out locations of the three subdivisions on a map and explained the situation in each, with vacation of lot lines requested. Following a brief discussion, Councilman Cisney moved that the Planning Commission report be accepted and public hearing on the three requests scheduled for Tuesday, September 23rd, 7:30 P.M. in the Council Chamber. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council. The City Manager was instructed to properly advertise the Hearing in the Daily News Record newspaper.

For consideration of a second & final reading, City Attorney Lapsley presented an ordinance effecting vacation of portions of plats in the S.C. Good, Northfield Estates and Westwood Subdivisions, which ordinance had been approved for first reading at the regular meeting held on August 12th, following a public hearing on the requests. Councilman Cisney 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. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, pg 214).

The City Manager reminded Council that a request of Mr. Sam Moore for vacation of lot line between Lots 14 and 15, Block L, Page 25 of the City Block Map, situate in the Hamilton Haas Addition on Walnut Lane, had been withdrawn, on request of Mr. Moore by letter presented at the public hearing held on August 12th. He presented a recent communication from Mr. Moore, resubmitting the request, in that he desires to construct a 5-unit apartment building on the lots. Mr. Milam pointed out that the Planning Commission had recommended vacation of the lot line, and no one appeared at the August 12th hearing of Council re the request, although it was not presented at that time. Councilman Dingledine moved that an ordinance effecting the lot line vacation 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.

City Manager Milam informed Council that a letter had been received the latter part of June from the Virginia Department of Highways & Transportation, with copies of the report on Harrisonburg's Traffic Count taken in April of this year, signed by the Traffic Safety Engineer. Assistant City Manager Driver pointed out traffic counts for various streets in the City, noting that the count for South Main Street reflects traffic generated by the university, with 16,900 vehicles a day from Port Republic Road south to Weaver Avenue, and 16,630 vehicles to the north of JMU Campus, Grace Street to Cantrell Avenue. For several years the count was taken in May, after the college had closed, and on request of city officials, was moved to April for a true count when school is in session. Mr. Driver reported that the total traffic recorded in the City was 318,060 vehicles per day, 29,000 more than in 1972. On S. High Street (City's next scheduled project), the count ranged from 15,400 vehicles between Water & West Market Streets, to 13,320 between Grace and W. Bruce Sts. All sections of S. High Street showed a decline from the 1979 count due to its use as an alternate route when South Main was being reconstructed. Port Republic Road showed a count of 11,790, up from 11,440 last year. Two arteries leading out of the City, according to the report, had the lowest count, namely: W. Market St. and Rt. 42. Members reviewed their copies of a chart prepared by the Harrisonburg Planning Office in July, 1979, and amended August, 1980, showing traffic count for streets, years 1970-1980.

Council was reminded by the City Manager that an appropriation in amount of \$ 48,200. was approved for a first reading at the last regular meeting (which appropriation was requested by the City School Board to be used for a Regional Feasibility Study in Special Education), providing the School Board submit written information concerning the Study prior to a second & final reading of the appropriation. He called members' attention to their copies of correspondence from School Superintendent Wayne King, enclosing three documents explaining the Study: abstract of the Study; official notice of grant awarding; budget showing how the grant will be spent. Six school divisions are involved in the project, namely: Harrisonburg (fiscal agent); Rockingham, Shenandoah, Greene, Highland and Page Counties. Councilman Cisney moved that the appropriation be approved for second and final reading, and that:-

\$ 48,200. chgd.to: School Fund (R-28A) Antic. Rpts.- Other Fed.Funds-
Regional Feasibility Study.

22,000.	approp.to: School Fund (1209-100.04)	Rgnl.Feas.Study-	Director
8,500.	approp.to: School Fund (1209-101.00)	" " "	- Secretary
5,000.	approp.to: School Fund (1209-105.00)	" " "	- Travel
500.	approp.to: School Fund (1209-106.00)	" " "	- Auditor
1,900.	approp.to: School Fund (1209-107.00)	" " "	- Indirect Costs
2,000.	approp.to: School Fund (1209-203.00)	" " "	- Inst.Supplies
2,500.	approp.to: School Fund (1209-600.00)	" " "	- Telephone
5,200.	approp.to: School Fund (1209-800.04)	" " "	- Fixed Chgs.
600.	approp.to: School Fund (1209-1230.00)	" " "	- Equip. Rental

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

Councilman Cisney moved that a supplemental appropriation in amount of \$ 10,000. requested by the City School Board in order to appropriate funds received from the state to establish a Virginia Remediation Program, be approved for second & final reading, a first reading having been approved on August 12th, and that:-

\$ 10,000. chgd.to: School Fund (R-18A) Real.Revenue- Rpts. from Other
State Funds- Remedial Education
5,407. approp.to: School Fund (1201-109.02) Other Inst.Costs- Comp.
Teacher Aides
450. approp.to: School Fund (1201-236.01) In Ser.Training

\$ 3,038. approp.to: School Fund (1201-305.00) Instr.Supplies
 1,105. approp.to: School Fund (1206-295.00) Fixed Chgs.-Emplr.Contr. Frng.Benefits
 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 \$ 200,000. which was approved for a first reading on August 12th in order to pay for engineering, financing, and other related costs of the City's Solid Waste (Heat Recovery) Project, be approved for second & final reading, and that:

\$ 200,000. chgd.to: General Fund- Unappropriated Fund Balance
 200,000. approp.to: General Fund (4203-7010.01) Refuse Collection-
 Capital Outlay- Energy Recovery Plant

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

Councilman Rhodes moved that a supplemental appropriation in amount of \$ 200,000. to be used for various annexation expenses, be approved for second & final reading, a first reading having been approved on August 12th, and that:-

\$ 200,000. chgd.to: General Fund- Unappropriated Fund Balance
 75,000. approp.to: General Fund (9108-1010.01) Annex.- Other Per.Services
 125,000. approp.to: General Fund (9109-1010.02) Annex.- Eng.Fees

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

The City Manager requested Council's consideration of approval, a supplemental appropriation in amount of \$ 7,500. to be used for purchase of three vacant lots from the C.B.Dallard Estate situate on the north side of Kelly Street, adjacent to Northeast Park, if offer is accepted. The total amount represents \$ 2,500. for each lot. Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:

\$ 7,500. chgd.to: General Fund- Unappropriated Fund Balance
 7,500. approp.to: General Fund (9401-14. 41) Res.for Contingencies

which motion, upon being seconded by Councilman Cisney, was adopted by a majority recorded vote of Council. Voting aye: Councilmen Dingledine, Cisney, Green and Erickson. Voting no: none. Abstaining: Councilman Rhodes.

The City Manager called Council's attention to their copies of "Phase I Inspection Report National Dam Safety Program" prepared by Schnabel Engineering Associates and J.K.Timmons & Associates, for the Norfolk District Corps of Engineers, July, 1980. He noted that the report focusses on Silver Lake and includes map, field sketches and recommended remedial measures determined by an April 15th inspection. Manager Milam pointed out the fact that basically the City uses water from Bridgewater and Rawley Springs at the present time, but will have to rely on Silver Lake as an emergency supply. He said he does not know what the City should do re corrective measures at this particular time. Following a brief discussion, it was agreed that the matter be tabled, pending some word from the Governor's Office, in that the report stated that the owner of Silver Lake (City of Harrisonburg) should engage services of a professional consultant within two months of the date of notification of the Governor.

The City Manager presented a request from Mr. Jim Deskins, Director of New Programs for the Harrisonburg Redevelopment & Housing Authority, for Council to review a proposal submitted by Bumbaugh Buick with regard to improvements to their property at 202 N. Liberty Street. An exchange of land between the R & H Authority and Bumbaugh Buick has been investigated by the Authority via appraisals of the two properties: City lot, approximately 6,300 sq.feet, adjacent to the firm and purchased by the City from Erwin and Nancy Lam; Bumbaugh Buick lot, approximately 10,000 sq.feet, located beside Creek Avenue, which includes a concrete bridge. The property would be purchased and sold by the two parties, at appraisal value, resulting in extra dollars for the City's Community Development Program. Manager Milam reminded Council that the land trade was first presented and discussed at the regular meeting on July 10, 1979, with agreement at that time for "the door to be left open for negotiations." Councilman Cisney recalled that Council had informed Mr. Bumbaugh that if improvements were made (i.e. expansion of new car display, landscaping all sides of the car lot, improvements to office, garage, etc.) to blend in with the City's redevelopment plan, the property would be removed from the list of properties to be acquired by the City. Manager Milam noted that comments from Council have been requested re the proposed improvements and land exchange, prior to the Authority's September 16th meeting. Following discussion, Vice-Mayor Green moved that the City Manager be authorized and directed to issue a statement to the Authority advising that Council has no objection to the property transaction, or removal of the business firm from the redevelopment area. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

For information of Council, the City Manager reported that three bids were received on August 19th for demolition of four properties in the downtown redevelopment area: The O.M.A.R.Lodge, and three other properties on Creek Avenue. Bids were as follows: Raymond R.Hensley of Grottoes,Va., \$ 1,997.77; David A. Reed & Sons, \$ 3,900.00; United Wreckers and Excavators, \$ 4,129.00. He noted that Raymond Hensley, the low bidder, will be contracted for the work which should begin sometime next week.

City Manager Milam presented an updated report concerning the City's Grant Funds for the Redevelopment Area, with regard to amount expended for acquisition, demolition, etc. and balances remaining. He said that within a month or so, a new application will be filed for the 1980-81 fiscal year, which will include rehabilitation in the downtown area (Wolfe and Community Streets), as well as Hawkins & Norwood Streets. The Authority will be requested to use the funds for improvements of properties, and or acquisition of properties on those streets. The report was for information.

As required each year in submitting application for Liability Insurance coverage, the City Manager presented insurance forms and requested that they be signed by the Mayor, Vice-Mayor and one member of City Council. The forms were signed, with Councilman Rhodes designated to sign as the other Council member.

All members of the Governing Body signed the Waiver of Notice for Council's Re-Organization Meeting scheduled for Tuesday, September 2nd, at 10:00 A.M. in the City Council Chamber.

✓ City Manager Milam reminded Council that a Court Order entered September 5, 1979 was presented at the regular meeting on October 9, 1979, appointing the five member Board of Assessors for one (1) year terms, namely: Messrs. Elmer B. Kaylor, Robert L. Brumback, T. Harry Lowery, Richard L. Suter and John H. Byrd, Sr. In view of the reassessment of city properties which is presently undersay, he suggested that a recommendation be made to the Circuit Court Judge for an extension of the terms for 120 additional days, from expiration on September 5th of this year. On motion of Councilman Dingledine, seconded by Councilman Rhodes, and a unanimous vote of Council, the City Attorney was instructed to make the recommendation to the Circuit Court.

✓ Councilman Dingledine informed Council that he had received a letter from Mrs. Nancy McLean, submitting her resignation from the Advisory Board, Price-Rotary Senior Citizens Center. He noted that an appointment to fill the vacancy is not required of Council.

✓ Councilman Dingledine said he had received a call from a resident of Franklin Street inquiring about the City's policy for sidewalk repairs. City Manager Milam noted that the City Code provides for a 50-50 cost basis between the City and property owners for installation of sidewalks, but does not make provision for repairs. It was agreed that the Franklin Street sidewalks be looked into from the standpoint of weed growth, etc. Councilman Rhodes mentioned the need of sidewalk repairs on old S. High Street and Federal Street between East Market & Elizabeth Streets, which could also be investigated.

✓ Councilman Rhodes expressed concerns re the City's two parking decks, namely: (1) bagging of several meters on the Water Street side of the Municipal Deck for hucksters, in that it interferes with vehicles entering the deck; (2) poor use of the Wolfe Street deck, usually about half-full -- suggested changing some of the meters on the lower level to all-day parking, which should increase use of the deck. Following a brief discussion, Manager Milam was asked to contact the Harrisonburg Parking Authority and set up a meeting date with Council, for a discussion of these, and other matters pertaining to parking within the City.

At 9:40 P.M., Councilman Dingledine moved that Council enter an executive session to discuss a legal matter, on request of the City Attorney. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

At 10:30 P.M., the executive session was declared closed and the regular session reconvened. There being no further business, and on motion duly adopted, the meeting was adjourned.

N. Eugene Loker
CLERK

Ray E. Eish
MAYOR

Tuesday, September 2, 1980

At a Re-organization Meeting of Council held in the Council Chamber today at 10:00 A.M. there were present: Mayor Roy H. Erickson; City Manager Marvin B. Milam; Clerk N. Arlene Loker; Councilmen Raymond C. Dingleline, Jr., Elon W. Rhodes, James C. Cisney; Vice-Mayor Walter F. Green, III and City Auditor Philip L. Peterman. Absent: City Attorney Norvell A. Lapsley and Chief of Police Richard W. Presgrave.

City Manager Milam read the following Meeting Call:

"An emergency existing, there will be a special meeting of the City Council, called by the Mayor, to be held in the Council Chamber on Tuesday, September 2, 1980, at 10:00 A.M. (Reference Sec. 42 City Charter), to consider the following matters and take necessary action thereon:

1. Call to order.
2. Oath prescribed by law (Dr. Raymond C. Dingleline, Jr., by Court Clerk)
(Mr. Roy H. Erickson, by Court Clerk)
(Mr. Elon W. Rhodes, by Court Clerk)
3. Re-organization of City Council:
 - a. Election of MAYOR, 2 year term- Section 7 City Charter
 - b. Election of VICE-MAYOR, 2 year term- Section 7 City Charter
 - c. Appoint CITY MANAGER, Sections 37 and 38 City Charter
 - d. Appoint CITY CLERK, City Code Section 3-3-1
 - e. Appoint CITY ATTORNEY, City Code Section 3-2-1
 - f. Appoint CITY AUDITOR, City Code Section 4-1-51
 - g. Designate DEPUTY CITY AUDITOR, City Code Section 4-1-52
 - h. Appoint COLLECTOR OF DELINQUENT TAXES, City Code Section 4-1-41
 - i. Appoint one member of Council to Planning Commission, City Code Sec. 10-1-2(c)

4. Other Matters"

Mayor Erickson stated that each two years, Council holds a Re-organization Meeting insofar as election and appointment of various city officials for additional terms, and noted that three members of the Governing Body, elected in May or this year, have been duly sworn into office by the Court Clerk.

Councilman Dingleline moved that Roy H. Erickson be re-elected to serve as Mayor for the City of Harrisonburg for a term of two (2) years, under Section 7 of the City Charter. The motion was seconded by Vice-Mayor Green, and adopted by a majority vote of Council. Mr. Erickson, abstaining. Mayor Erickson expressed appreciation for the confidence which Council has shown in him for the past number of years.

Councilman Cisney moved that Dr. Walter F. Green, III, be re-elected to serve as Vice-Mayor

of the City of Harrisonburg for a term of two (2) years, under Section 7, City Charter. The motion was seconded by Councilman Dingledine, and adopted by a majority vote of Council. Dr. Green, abstaining.

The following actions were taken with regard to appointment of other city officials, listed as (c) through (h) on meeting call notice:

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 Harrisonburg's City Manager under Sections 37 and 38 of the City Charter.

On motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote of Council, N. Arlene Loker was reappointed to serve as City Clerk under Section 3-3-1 of City Code.

On motion of Councilman Cisney, seconded by Councilman Dingledine, and a unanimous vote of Council, Attorney Norvell A. Lapsley was reappointed to serve as City Attorney for a four (4) year term expiring December 31, 1984. Current term expires December 31, 1980.


On motion of Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote of Council, Mr. Philip L. Peterman was reappointed to serve as City Auditor under Section 4-1-51 of the City Code.

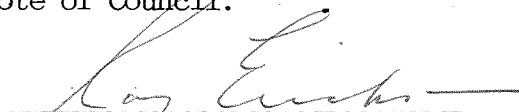
Councilman Cisney moved that Mrs. Gloria Olivas be designated to serve as Deputy City Auditor under Section 4-1-52 of the City Charter. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

On motion of Vice-Mayor Green, seconded by Councilman Rhodes, and a unanimous vote of Council, City Treasurer Marshall A. Firebaugh, was appointed to serve as Collector of Delinquent Taxes for a term of two (2) years under Section 4-1-41 of the City Code. *(to Dec 31, 1982)*

Councilman Cisney offered a motion that Councilman Elon Rhodes continue serving as a representative of Council on the City Planning Commission under Section 10-1-2 (c) of the City Code. The motion was seconded by Councilman Dingledine and adopted by a majority vote of Council. Councilman Rhodes, abstaining.

There being no further business, Councilman Cisney moved that this meeting be adjourned (10:16 AM) until tomorrow (September 3rd) at 12:00 noon in the Mayor's Office. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.


CLERK


MAYOR

Wednesday, September 3, 1980

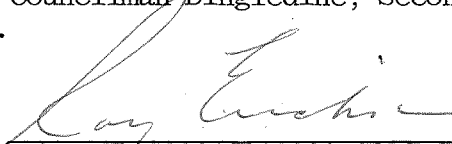
✓ At an adjourned meeting of Council held in the Mayor's Office today at 12:00 noon there were present: Mayor Roy H. Erickson; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Vice-Mayor Walter F. Green, III; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes and James C. Cisney.

Councilman Cisney moved that Council enter an executive session to discuss a legal matter, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous vote.

At 3:35 P.M., Councilman Cisney moved that the executive session be declared closed. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

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


CLERK


MAYOR

Tuesday, September 9, 1980

At a combined public hearing and regular meeting 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; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: Councilman James C. Cisney.

Minutes of the regular meeting held on August 26th, re-organization meeting of September 2nd and adjourned meeting of September 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 August, 1980.

From the City Treasurer:

A trial balance report as of close of business on August 31, 1980.

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 \$ 3,472.06.

From the City Auditor:

A financial report for the City of Harrisonburg for month of August, 1980.

A report of discounts saved in payment of vendors' invoices for month of August, 1980, in amount of \$ 486.91.

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, 1980.

✓ Correspondence dated 9/4/80 from Ms. Edith B. Ageon was presented and read, in which request was made for vacation of lot lines between Lots 4, 5, 6 & 7 on the west side of Virginia Avenue (Block 12 of the Harrisonburg Land & Improvement Co. Plat). It was noted that lot changes were made by Plat dated 5/26/49 (enclosed with correspondence), without proper authorization of Council, and is of record in the County Clerk's Office, Deed Book 218, at page 276. The City Manager stated that houses are being constructed on the lots at the present time. On motion of Councilman Dingle-dine, seconded by Vice-Mayor Green, and a unanimous vote of Councilmen present, the request and plat were referred to the City Planning Commission for study and recommendation.

✓ City Manager Milam presented the final plat for Unit 10, Rehherd Acres Subdivision, situate on the corner of Vine Street and Meadowlark Drive. Councilman Rhodes moved that the Plat be referred to the City Planning Commission for study and recommendation, which motion, upon being seconded by Councilman Dingle-dine, was adopted by a unanimous vote of Councilmen present.

✓ Correspondence dated 9/5/80, and plat showing proposed division of Lot 44 of the Zirkle Addition (243 Kelly St.) into two lots, submitted by J. R. Copper, Jr., CLS, was presented by the City Manager. On motion of Vice-Mayor Green, seconded by Councilman Dingle-dine, and a unanimous vote of Councilmen present, the plat was referred to the Planning Commission for study and recommendation.

✓ The City Manager presented a preliminary plat of proposed re-subdivision of Lots 4 & 5, Hilltop Farms Subdivision (Old Furnace Rd. & Vine St.), submitted by J.R.Copper, Jr., CLS. Purpose of the resubdivision is to add lot lines to permit individual ownership of townhouses. On motion of Councilman Rhodes, seconded by Councilman Dingle-dine, and a unanimous vote of Councilmen present, the plat was referred to the City Planning Commission for study and recommendation.

✓ At 8:00 P.M., Mayor Erickson closed the regular session temporarily and called the evening's public hearing to order. The following Notice of Hearing, as advertised in the Daily News Record newspaper, was read by the City Manager:

"The Harrisonburg City Council will hold a public hearing on Tuesday, September 9, 1980, at 7:30 P.M. in the City Council Chambers, Municipal Building, 345 S. Main Street.

Purpose of Hearing: to discuss Harrisonburg's application for Section 18 funds under the Urban Mass Transportation Act of 1964. These funds will be for operating assistance and administration assistance.

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

CITY OF HARRISONBURG - Marvin B. Milam, City Manager"

City Transportation Director, Reggie Smith, reported briefly on the need for assistance in the operation of the City's Bus System and presented a proposed budget for use of the funds, if application is approved. During the presentation, discrepancies in figures were evidenced in the budget form and resolution for filing of application. There being no one present desiring to be heard, the public hearing was declared closed at 8:12 P.M. and the regular session reconvened.

✓ Councilman Rhodes moved that the Transportation Director be instructed to correct the budget form and resolution for presentation at Council's next regular meeting on September 23rd. The motion was seconded by Councilman Dingle-dine and adopted by a unanimous vote of Councilmen present.

For consideration of second & final reading, an ordinance was presented, effecting the vacation of lot line between Lots 5 & 6 in the Haas 2nd Addition (Walnut Lane), which ordinance was approved for first reading on August 26th. Council was reminded that Mr. Sam Moore desires to construct a 5-unit apartment on the site, which has been recommended by the City Planning Commission (report presented at August 26th meeting). Following a brief discussion, Councilman Dingle-dine 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. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Councilmen present. (Refer to Ord. Bk K, page 215).

✓ In presenting for consideration of second & final reading of a supplemental appropriation in amount of \$ 6,400. for purchase of three lots on Kelly Street (C.B.Dallard estate), City Manager Milam noted that due to publicity, the lots will now be sold at public auction. No interest had been shown at the time the matter of selling the lots to the City at this price was discussed with Attorney Tom Wilson. Following a brief discussion, Vice-Mayor Green moved that the City Manager be authorized and directed to attend the auction and bid up to the amount of \$ 7,500., and further, that the appropriation be approved for second & final reading, and that:

\$ 7,500. chgd.to: General Fund- Unappropriated Fund Balance

7,500. approp.to: General Fund (9401-14.41) Res.for Contingencies

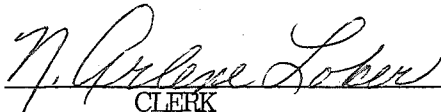
which motion, upon being seconded by Councilman Dingle-dine, was adopted by a majority recorded vote of Councilmen present. Voting aye: Councilmen Dingle-dine, Green and Erickson. Abstaining: Councilman Rhodes. Absent: Councilman Cisney.

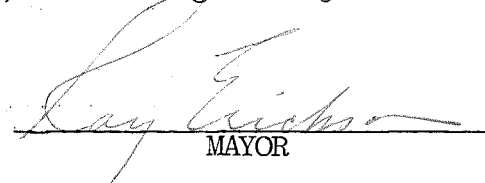
✓ Correspondence dated 9/5/80 from Mr. Dwight E. Miller was read, in which he tendered his resignation as a member of the Building Code Board of Appeals, in order to meet the statutes for membership on the Harrisonburg Industrial Authority. It was noted that activity continues to increase in the Authority, whereas the Board of Appeals seldom meets. On motion of Councilman Dingle-dine, seconded by Vice-Mayor Green, and a unanimous vote of Councilmen present, Mr. Miller's resignation was accepted.

During a discussion of appointments to various Boards and Commissions, Council was informed that Dr. Henry Deyerle had submitted his resignation as a member of the Harrisonburg Industrial Authority, and that his term does not expire until April 24, 1982. Vice-Mayor Green moved that Dr. Deyerle's resignation be accepted, with regrets, and that Dr. J. F. Wine be appointed to serve the unexpired term. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.

For information, City Manager Milam reported on a meeting held yesterday in Richmond with the Commission on Local Governments, which Commission is reviewing Harrisonburg's suit to annex 14 sq. miles of Rockingham County, which report included time schedules for proceedings. He noted that site tours of the area are scheduled for November 15th & 16th, with four hours set aside for each tour beginning at 1:00 P.M. on those dates. City data must be submitted to the Commission by November 1st, and County data by November 8th, with request by the Commission for a 3 to 4 week period in which to review all information received from both governing bodies. The City will argue its case before the 5-member Commission on December 3rd and 4th; the County on December 5th & 8th, with December 9th reserved for rebuttal time. A public hearing is scheduled for December 10th at 7:30 P.M. in Harrisonburg, with location to be determined. Although January 25th represents the 6-month deadline allowed the Commission for submitting its report, an extension of 18 days (Feb. 13) will be permitted, if necessary, in order to allow sufficient time for preparation of the cases. Manager Milam noted that although a representative of the City's annexation law firm had requested the extension (which drew no opposition from the County), the request was made only if it does not delay opening of the trial on April 7th. Both the City and County expressed verbal desire that the suit proceed on the previous 6-month schedule, if at all possible.

There being no further business and on motion of Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Councilmen present, the meeting was adjourned at 8:45 P.M.


CLERK


MAYOR

Tuesday, September 23, 1980

At a combined public hearing and regular meeting held in the Council Chamber this evening at 7:30 P.M. there were present: Mayor Roy H. Erickson; City Manager Marvin B. Milam; Clerk N. Arlene Loker; Vice-Mayor Walter F. Green, III; Councilmen Raymond C. Dingle, Jr., Elon W. Rhodes, James C. Cisney; City Auditor Philip L. Peterman. Absent: City Attorney Norvell A. Lapsley and Chief of Police Richard W. Presgrave. (sitting in for the Chief, Capt. Stroble).

Minutes of the regular meeting held on September 19th were approved as read.

At 7:40 P.M., Mayor Erickson closed the regular session temporarily and called the evening's public hearing to order. City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper on September 4th and 18th:

"The Harrisonburg City Council will hold a Public Hearing on Tuesday, September 23, 1980 at 7:30 P.M. in the City Council Chambers, Municipal Building, in accordance with Sections 15.1-431 and 15.1-482(b), Code of Virginia, to vacate certain lot lines by Ordinance of the Governing Body prior to approval of Final Plats to re-subdivide these areas.

Lot Lines to be vacated are: Lots 5 & 6, Fry Subdivision, Sheet 11, Block F of City Block Map; Lots 1-6, Logan Addition, Sheet 19, Block D of City Block Map; Lots 3, 4 & 5 of the C.H. Heltzel Addition, Sheet 41, Block F of City Block Map; and Lots 14 & 15, Block L, Sheet 25 of City Block Map, owned by Hamilton Haas on Walnut Lane.

All persons interested or affected by these matters will have an opportunity to express their views at this Public Hearing.

CITY OF HARRISONBURG- Marvin B. Milam, City Manager"

Manager Milam stated that the public hearing notice had inadvertently advertised the request of Mr. Sam Moore to vacate the lot line between Lots 14 & 15 in the Hamilton Haas Addition, in that this matter had been satisfactorily concluded at the last regular meeting held on September 9th, through final reading of an ordinance. Council's attention was called to the following Planning Commission report which had been presented at the meeting of August 26th:

"...The Director reviewed three re-subdivision requests, all involving vacating of certain lot lines, which will necessitate City Council having a public hearing to conform with Virginia Code Sections 15.1-431 and 15.1-482(b). The requests are as follows:

a) John Stewart, owner of Lots 5 and 6 in the Fry Subdivision, requests that these lots be merged, with small portions of each lot being transferred to Lot 7. A plat by City Engineer Donn Devier, shows this to result in two lots, one with 17,330.98 sq. feet on the northeast corner of Fry Avenue and Bluestone St., and the other lot with 12,956.28 sq. feet, on the north side of Fry Avenue. Mr. Fleming moved that the Planning Commission recommend approval of the vacating of lot lines and resubdivision of the three lots into two lots. Mrs. Brown seconded the motion and all members voted aye.

b) Bill Neff, owner of Lots 1 through 6 in the Logan Addition, located in the northeast corner of South High Street and South Avenue, requests that all lot lines be vacated and two lots be established, one on the corner and one facing South High Street. A plat by Robert Jellum, Land Surveyor, was examined. Mr. Henry Clark, III, told the Commissioners that Mr. Neff has a buyer for the S. High Street lot and the corner property, with four houses on it, will eventually be cleared and developed commercially. It is zoned M-1 Industrial District. Dr. Shank moved that the Planning Commission recommend approval of the vacating of lot lines and resubdivision of the six lots into two

lots. Mr. Fleming seconded the motion and all members voted aye.

c) Mr. Erwin Lam, owner of Lots 3, 4 and 5 in the C.H. Heltzel Addition, located in the southeast corner of Clinton Street and Madison Street, requests that all lot lines be vacated and two lots be established. A plat by Robert Jellum, Land Surveyor, was examined. Mr. Lam wants to build a duplex apartment on proposed Lot B, and add an apartment unit to an existing duplex on proposed Lot A. Noting that the lot size requirements in R-2 Residential will be met if resubdivided, Dr. Shank moved that the Planning Commission recommend approval of the vacating of lot lines and resubdivision of the three lots into two lots. Mr. Fleming seconded the motion and all members present voted aye..."

Planning Director Sullivan informed Council and those present in the meeting, that one of the requests needed a change of approach, namely: The Logan Addition. He noted that he had been advised that the owners wants to abolish the line between Lots 5 & 6 in order to increase the size of Lot 6 by adding 20' from Lot 5, with Lots numbered 1, 2, 3 & 4 to remain as is, with houses located thereon. The numbers of all six lots will remain the same. He pointed out the fact that the request was misunderstood when presented by the owner's counsel at the Planning Commission meeting, and recommendation was made for vacation of all lot lines in the Logan Addition, and resubdivision of the six lots into two lots. Mr. Bill Neff, owner, said he has a purchaser for Lot 6 and that a plan has been submitted for development of same. Councilman Cisney questioned the advisability of splitting Lot No. 5, which will leave only a 35' lot, when both lots could be combined, with a possibility of selling off a portion at some future time. He noted, however, that the decision made no difference to him, personally.

There being no one present, desiring to be heard on any of the three requests, Mayor Erickson closed the Hearing at 7:49 P.M. and the regular session reconvened.

Mr. Bill Neff said that the misunderstanding in his request for lots in the Logan Addition was due to a breakdown in communication between counsel and owner, and added that Lot No. 5 could be developed at some future date, although he could not say at this time. Mayor Erickson suggested that Council act on each of the requests separately, by motion.

Councilman Cisney moved that Council approve the Planning Commission's recommendation for vacation of lot lines and resubdivision of three lots into two lots in the Fry Subdivision, and that an ordinance effecting the vacation be approved for a first reading and referred to the City Attorney to be drawn in proper form. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

Councilman Cisney moved that vacation of line between Lots 5 and 6 in the Logan Addition be approved, as explained by the Planning Director, and that an ordinance effecting the vacation be approved for a first reading and referred to the City Attorney to be drawn in proper ordinance form. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

Councilman Cisney moved that Council approve the Planning Commission's recommendation for vacation of lot lines in the C.H. Heltzel Addition and resubdivision of three lots into two lots, and that an ordinance effecting the vacation be approved for a first reading and referred to the City Attorney to be drawn in proper form. The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council.

The City Manager presented correspondence dated 9/17/80 from Mr. Wayne Gayton, asking to be placed on this evening's agenda re a request for issuance of a business license to buy precious metals at his present location on the corner of Noll Drive and N. Main Street (former Speedy Car Wash). In order to avoid purchase of stolen merchandise, Mr. Gayton said that every transaction would be recorded by picture and description. In other correspondence dated 9/18/80 from Mr. Victor Smith, Commissioner of Revenue, Council was advised that Mr. Gayton had applied in his office for a business license. It was noted that although the City has an ordinance (Sec. 12-1-51) which levies an annual license tax of \$ 150. for buyers of gold and silver, the State Department of Taxation has classified such activity as Junk Dealers in that they deal in used items and commodities, and that under the state statute, any request for a Junk Dealer's license must be approved by the Governing Body of the locality in which application is made, in order that the requestor may receive a state license. Mr. Smith stated no objection to issuing a permit if spelled out that activity would be restricted to buying precious metals, which would prohibit purchase, sale or trade of any junk materials. Mr. Gayton, present in the meeting, assured Council that it would be a legitimate business and that he would be glad to comply with any requirements of the City. Mr. Smith, also present, stated that a state license would be required, following approval by Council, but noted that it should include stipulations that the requestor have a permanent place of business; that he not deal in any other merchandise; and that merchandise be held by the buyer for a period of five (5) days, in that it could prove to be stolen. When Councilman Dingledine raised a question of what the requestor would be classified as, if licensed, Mr. Smith replied that without the stipulations, he could deal in both junk and gold & silver. Another request of the same nature was made by Mr. James Lee Foley, who intends to buy gold & silver at his permanent location on the lower level of Court Square Village. Mr. Foley said he would be willing to comply with the holding period and any other requirements which may be placed. He will obtain proper identification from a seller (i.e. name, address, etc.). Councilman Dingledine suggested that the City Attorney be asked to investigate an amendment to the City's present ordinance. Mayor Erickson offered an opinion that Messrs. Gayton and Foley need to know what they can do, but that the matter should also be studied from a legal standpoint. Mr. Smith said that the City's Ordinance (Sec. 12-1-51) titled "Buyers of Gold & Silver" could be amended by placing restrictions on terms as to a permanent place of business, selling nothing other than precious metals, and a holding period of 5 days. Councilman Dingledine moved that issuance of licenses be delayed and the City Attorney instructed to confer with Mr. Smith re an amendment to the City's Ordinance. Councilman Cisney offered a substitute motion that issuance of the licenses be approved under the City's Ordinance, Sec. 12-1-51, subject to any amendments to that particular section by ordinance. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

The following Planning Commission report from a meeting held on September 17th was read by

the City Manager:

"...The Commissioners reviewed a request from Mrs. Edith Ageon that certain lot lines be vacated between Lots 4, 5, 6 & 7 in Block 12 of the Harrisonburg Land and Improvement Company Subdivision, located in the 700 block on the west side of Virginia Ave. A letter from Mrs. Ageon explained that in May 1949, these lot lines were moved 5' north of their original location, without receiving proper authorization from City Council. The Commissioners studied attached maps and were satisfied that lot lines will continue to exist between the four lots, but the original locations of lot lines are being eliminated by this review. Mr. Fleming moved that the Commission recommend to City Council that it schedule a public hearing to favorably consider the elimination of the original lot lines between Lots 4, 5, 6 & 7 in Block 12 of the Harrisonburg Land and Improvement Co. Dr. Shank seconded the motion and all members voted in favor..."

City Manager Milam suggested that the Hearing be scheduled for Tuesday, October 14th, in order to allow ample time for advertising, etc. On motion of Vice-Mayor Green, seconded by Councilman Cisney, and a unanimous vote, the Planning Commission report was accepted and a Public Hearing scheduled for October 14th, 7:30 P.M.

✓ Planning Director Sullivan called Council's attention to a sketch showing proposed improvements which were felt would enhance the downtown business core, as drawn in 1966, and noted that some of the ideas have materialized (i.e. sidewalks, landscaping, lighting, etc.) He said that he, along with Assistant City Manager Driver and Building Official Byrd, had met with a committee from First Presbyterian Church (Messrs. Sam Shrum, Walter Trobaugh and Bob Frazier) on a couple of occasions, in that the church is expanding its present structure and utilizing its parking lot. He presented a sketch of the re-designed parking lot and noted that although work will continue on the church building through the Fall of this year, work on the parking lot will not be done until next Spring. Mr. Sullivan explained that the architect and church committee want to continue providing 22 parking spaces, 8 of which will be adjacent to the present Sunday School Building and used by the church staff, with the remaining 14 on the west side to be made available to the public, with a roadway from Elizabeth Street to Court Square and pedestrian walkway through the center of the lot. The church is leasing spaces to the Harrisonburg Parking Authority, and should the City so desire, an opportunity prevails for a request for a 20' easement across church property. The committee will be glad to grant such an easement for possibly a 10-year period, subject to renewal. There may be plans in the distant future for the church to add to its Educational Building, which prohibits a more permanent lease arrangement with the City. Mr. Sullivan pointed out the fact that due to the City's improvements in the Court Square area by placing brick work along the Square, as well as Water, Bruce and Main Streets, the architect and church staff feel it would be complimentary to continue the brick work across Presbyterian Church Property. However, the final decision to go this route has not been made by the church congregation. The committee wants to know whether or not the City is interested, and if so, is it felt that the church should share in the cost of brick work, lighting and landscaping of the walkway, which would be included in the City's portion of the project. Vice-Mayor Green pointed out that the Presbyterian Church had been approached some time ago about a project such as this, and offered an opinion that it would be very compatible with work already completed by the City in its downtown improvement program. Mr. Sullivan said that the project will be a financial involvement by the City Government and that the cost could be regulated by the amount of landscaping, brick work, etc. which may be done. The sketch, as presented, places the walkway directly in front of the church's main entrance, which will be moved to the west side, and extend from Court Square to Elizabeth Street. A large patio is planned for the front of the church building which will be chained off from public use, except when necessary to be opened for use by special vehicles (i.e. limousine, hearse, etc.) Councilman Cisney offered an opinion that the City should participate in the project and Mayor Erickson said that the philosophy of the work has been evident for the past 15 years. Following discussion, Vice-Mayor Green moved that the City Manager and Assistant City Manager negotiate with the church committee re terms of the easement and the City's share of cost, which motion, upon being seconded by Councilman Cisney, was adopted by a unanimous vote of Council.

✓ The following resolution, corrected and submitted by the Transportation Director, was read for Council's consideration of approval. Manager Milam reminded Council that discrepancies had been found in the original resolution presented at the meeting on September 9th at which time a public hearing was held concerning application for federal funding:

BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia, that the City Manager of the City of Harrisonburg is authorized for and on behalf of the City of Harrisonburg, to execute and file an application to the Virginia Department of Highways & Transportation, Commonwealth of Virginia, for a grant of Federal Public Transportation Assistance authorized under Section 18 of the Urban Mass Transportation Act of 1964, as amended, in the amount of \$ 46,501.00 to assist in the operating, capital, and administrative cost of local public transportation services, to accept from the Virginia Department of Highways & Transportation grants in such amount as may be awarded, and to authorize the City Manager to furnish to the Virginia Department of Highways & Transportation such documents and other information as may be required for processing the grant request.

FURTHER, BE IT RESOLVED that the City Manager is authorized, for and on behalf of the City of Harrisonburg to execute and file an application to the Virginia Department of Highways & Transportation, Commonwealth of Virginia, for a grant of transportation special revenues authorized under budget item 640 of the 1980 Acts of the General Assembly - Chapter 760, Item 640, Financial Assistance for Mass Transit - in the amount of \$ 2,040.00 to defray fifty percent (50%) of the local matching share for administrative expenses and in the amount of \$ -0- to defray ninety-five percent (95%) of the local matching share of the City of Harrisonburg for capital costs of an approved Federal Grant, to accept from the Virginia Department of Highways & Transportation grants in such amount as may be awarded, and to authorize the City Manager to furnish to the Virginia Depart-

ment of Highways & Transportation such documents and other information as may be required for processing the grant request.

The Harrisonburg City Council certifies that the funds shall be used in accordance with the requirements of the UMTA Section 18 Program and the State Appropriation Act of 1980, that the City of Harrisonburg will provide matching funds in the ratio as required, and that the record of receipts and expenditure of funds granted the City of Harrisonburg may be subject to audit by the Virginia Department of Highways & Transportation and by the State Auditor of Public Accounts.

The undersigned duly qualified Clerk of the Council of the City of Harrisonburg, Virginia, certifies that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of Council held on the _____ day of _____, 1980.

Clerk

On motion of Councilman Cisney, seconded by Vice-Mayor Green, and a unanimous vote of Council, the resolution was approved, and the Clerk authorized to sign same.

A request was presented from the City School Board for a transfer of funds within school appropriations in amount of \$ 850.66 in order to provide funds for badly needed shade replacement at the Simms Building. Following a brief discussion, Councilman Dingledine moved that the transfer be approved, and that:

\$ 850.66 trans.from: School Fund (RS SSL 79-80) Rev.Sharing- Stadium Lights

850.66 trans.to: School Fund (RS SSR 79-80) Rev.Sharing- Simms Shade Repl.

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

With regard to a complaint registered at the last regular meeting about the need for sidewalk repairs on Franklin Street, City Manager Milam referred back to the year 1967 when the City attempted to widen the 200 block of Franklin on recommendation of the City Manager, with opposition raised at that time by residents on the street, primarily from the standpoint of cutting trees and taking away its beauty. He noted that opposition was registered year after year, and when he became City Manager in 1969, the widening project was being carried as a budget item, but was transferred to another street project, in that it was decided not to widen the Franklin Street block due to opposition of residents. He pointed out a need for improvements to utilities, street and sidewalks. The City's present policy provides for a 50-50 cost basis for the property owner and city for sidewalk installation, with no provision set out for maintenance. Manager Milam mentioned, however, that cost of sidewalk replacement in the downtown area was done at 100% cost to the City, under its Downtown Improvement Program. The question is - how Council desires to handle repairs and maintenance of sidewalks. Councilman Dingledine offered an opinion that once a sidewalk is installed, it should be the responsibility of the City. Vice-Mayor Green said this could prove to be a very extensive program throughout the entire City, and require considerable funds for sidewalk maintenance. A decision was not reached at this time re the question of repairs and maintenance.

At 8:55 P.M., on request of the City Manager, Councilman Rhodes moved that Council enter an executive session to discuss real estate matters. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

At 11:30 P.M., on motion of Councilman Dingledine, seconded by Vice-Mayor Green, and a unanimous vote, the executive session was declared closed, and the regular session reconvened.

There being no further business, and on motion duly adopted, the meeting was adjourned.

N. Arlene Loker
CLERK

Lay Eichen
MAYOR

Tuesday, October 14, 1980

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. Dingledine, Elon W. Rhodes; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: Councilman James C. Cisney.

Mayor Erickson announced that Councilman Cisney's absence is due to recent surgery, and said he was happy to report that he has returned to his home.

Minutes of regular meeting held on September 23rd, approved as corrected.

The following regular monthly reports were presented and ordered filed:

From the City Manager:

A report of activities in the various departments and said office for the month of September, 1980.

From the City Treasurer:

A trial balance report as of close of business on September 30, 1980.

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 \$ 10,612.22.

From the City Auditor:

A financial report for the City of Harrisonburg, Va. for month of September, 1980.

A report of cash discounts saved in payment of vendors' invoices for month of September, in amount of \$ 112.04.

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 September, 1980.

City Manager Milam presented the annual report of the Harrisonburg Electric Commission for year ended 6/30/80, prepared by the CPA Firm of A.M. Pullen & Company. He noted that a copy would be on file in his office for review, if desired.

The City Manager called Council's attention to the annual financial report for the Shenandoah Valley Juvenile Detention Home Commission for year ended 6/30/80, prepared by the CPA Firm of Yancey & Anderson of Staunton, Va. A copy will be on file in his office for review.

Correspondence dated 9/26/80 from the Bill V. Neff Enterprises was presented and read by the City Manager re property situate at 1065 S. High Street. A plat of 6,710 square feet of the property was enclosed, representing a portion of larger tract containing 1.10 acres which is zoned M-1. A request was made for the parcel as shown on the plat, to be separated from the large tract. Following a brief discussion, Councilman Rhodes moved that the plat be referred to the City Planning Commission for study and recommendation. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.

Correspondence dated 10/9/80 was presented and read from Mr. Gene S. Wagner, owner of lots on the northeast corner of Monument Ave. and Hillside Ave. It was noted that Mr. Wagner and his wife are in the process of dividing the lots for sale, and request was made for the following plat vacations: (1) that portion of plat of Fairview Addition, Lots 26, 27, 28, 29 and 30, Block 8 of the Addition. (Plat is of record in the Clerk's Office of Rockingham County, Va., in Deed Book 147, at Page 12); (2) that portion of plat of A.D. Moore and Zelda D. Moore's property, Lots 2 and 3. (Plat of record in Deed Book 218, at page 589). The City Manager noted that lots in this old subdivision were changed in 1949. Following discussion, Councilman Dingledine moved that the plats be referred to the City Planning Commission for study and recommendation, which motion, upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Councilmen present.

Council received a proposed development plan for approximately 4.3 acres of land situate at the corner of old Country Club Road and East Market Street, submitted by Mr. J.R. Copper, CLS, for his client, Neil Turner, with a request for rezoning of the acreage from the present R-1 Residential to R-4 Planned Unit Development District. The City Manager noted that the rezoning request involves the corner lot and tract in rear, which leads back to the Gunsmoke Development. Following a brief discussion, Councilman Rhodes moved that the Plan be referred to the City Planning Commission for study and recommendation, which motion, upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Councilmen present.

At 7:53 P.M., Mayor Erickson closed the regular session temporarily and called the evening's public hearing to order. City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper on September 25th and October 9th:

"The Harrisonburg City Council will hold a Public Hearing on Tuesday, October 14, 1980 at 7:30 P.M. in the City Council Chambers, Municipal Building, in accordance with Sections 15.1-431 and 15.1-482(b), Code of Virginia, to vacate certain lot lines by Ordinance of the Governing Body. Lot Lines to be vacated are between Lots 4, 5, 6 and 7 in Block 12 of the Harrisonburg Land and Improvement Company Subdivision, as originally laid out prior to May 26, 1949. The present lot lines are located five feet north of and parallel to the original lot lines. The present lines will remain. The lots are located on the west side of Virginia Avenue, 700 block, between 3rd and 4th Streets.

All persons interested or affected by these matters will have an opportunity to express their views at this Public Hearing.

CITY OF HARRISONBURG- Marvin B. Milam, City Manager"

Council's attention was called to the following Planning Commission report concerning the matter, which had been presented at the regular meeting of Council on September 23rd:

"..The Commissioners reviewed a request from Mrs. Edith Ageon that certain lot lines be vacated between Lots 4, 5, 6 & 7 in Block 12 of the Harrisonburg Land and Improvement Co. Subdivision, located in the 700 block of Virginia Avenue, west side. A letter from Mrs. Ageon explained that in May 1949, these lot lines were moved 5' north of their original location, without receiving proper authorization from City Council. The Commissioners studied attached maps and were satisfied that lot lines will continue to exist between the four lots, but the original locations of lot lines are being eliminated by this review. Mr. Fleming moved that the Commission recommend to City Council that it schedule a public hearing to favorably consider the elimination of the original lot lines between Lots 4, 5, 6 & 7 in Block 12 of the Harrisonburg Land and Improvement Company Subdivision. Dr. Shank seconded the motion and all members voted in favor..."

Mrs. Albert Joseph, Jr., 771 Virginia Avenue, and owner of Lot No. 7, was present in the meeting to clarify frontage of her lot (50' or 45') since change was made in 1949. City Attorney Lapsley explained that there had been a setback problem further down the street, which was corrected years ago by moving lines of the lots 5' to the north of their original locations. He noted that Lot 7 is set out as having a 45' frontage. Further noted was the fact that under a recent state law, lot line changes must be approved by the governing body, and that the changes made in these particular lots were discovered only recently. Mrs. Joseph expressed concern that she may have been paying taxes on a 50' frontage, rather than 45' the past years, and was told to check with the Commissioner of Revenue's Office for verification of the amount. There being no others desiring to be heard, the Hearing was declared closed at 8:05 P.M. and the regular session reconvened.

City Manager Milam presented and read a proposed ordinance vacating a portion of the plat of Harrisonburg Land and Improvement Company Subdivision (between Lots 4, 5, 6 & 7, w/s of Virginia Avenue, for consideration of a first reading. On motion of Councilman Dingledine, seconded by Vice-Mayor Green, and a unanimous recorded vote of Councilmen present, the ordinance was approved for a first reading.

For consideration of a second reading, an ordinance was presented by the City Attorney set out in three separate paragraphs for vacation of lot lines in the Logan Addition, C.H.Heltzel Addition and Fry Subdivision. Inasmuch as it was noted that separate ordinances had been approved for first readings on September 23rd, Mayor Erickson suggested that each paragraph in the ordinance be acted upon, separately.

✓ Councilman Rhodes moved that paragraph (1) of the ordinance for vacation of lot line between Lots 5 and 6 of the Logan Addition, located on the northeastern corner of South Avenue and South High Street, be approved for second and & final reading, with authorization for the Mayor to sign the Ordinance, if approved in its entirety, and the Clerk to attest same and spread upon the pages of the City's Ordinance Book. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Councilmen present. (Ord. Bk K, page 216).

✓ Councilman Dingledine moved that paragraph (2) of the ordinance for vacation of lot lines between lots 3, 4 and 5 in the C.H.Heltzel Addition, located on the southeastern corner of Clinton Street and Madison Street, be approved for second & final reading, with authorization for the Mayor to sign the ordinance, if approved in its entirety, 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 Councilmen present. (Ord. Bk K, page 216).

✓ Vice-Mayor Green moved that paragraph (3) of the ordinance for vacation of lot lines between Lots 5, 6 and 7 of the Fry Subdivision, located on the northeastern corner of Fry Avenue and Bluestone Street, 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. The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Councilmen present. (Ord. Bk K, page 216).

✓ City Manager Milam gave background information re the franchise with Warner Amex for TV cable service, which, under the franchise ordinance, expired in April of this year. He reminded Council that correspondence had been received from the company in September of 1979 notifying renewal for an additional eight year period, in that the franchise was granted by the City for period 1972 to April 1, 1980. The Mayor replied and acknowledged receipt of the correspondence in October, 1979, and a committee comprised of City Manager Milam, Vice-Mayor Green and Councilman Dingledine studied services rendered and programs offered at the present time, as well as future plans of the company for upgrading of the system. The committee met on several occasions, with comprehensive information received from Warner on April 10th of this year, which was followed by more correspondence. He presented and read the following proposed resolution for consideration of approval, with a request that Council recommend any corrections or additions to same:

RESOLVED, by the City Council of Harrisonburg, Virginia, that the franchise ordinance, known as the "Harrisonburg Community Antenna Television Company Franchise Ordinance", will be amended, as set forth below, as soon as is reasonably practicable after written certification has been received from Warner Amex Cable Communications, Inc., that the programming services set forth in Exhibits A and B attached hereto are available to all of its CATV system subscribers in the franchise area of the City of Harrisonburg.

Proposed amendment to the "Harrisonburg Community Antenna Company Franchise Ordinance". Section 31(c) of said franchise ordinance would be amended by deleting the bracketed language, as follows:

(c) The Franchise shall be renewable [or may be terminated each year thereafter on six months written notice] by [City or] grantee for an additional eight (8) years."

Mayor

Attest:

Clerk

Mr. Chuck Stigberg, local manager of Warner Amex, was present in the meeting to explain proposed new services for the City's cable subscribers, as set out in a report as Exhibit A and Exhibit B. Under Exhibit A - channel 20 (independent station from Washington, D.C.) would be added to the 12-channel service package, provided an FCC ruling that more than one independent station may be carried in areas that serve 1,000 or more customers is upheld, appeal for which is expected to be heard in the U.S. Court of Appeals this week. Effective date of the new ruling is scheduled for November 14th of this year. If it is not legally possible to add channel 20, a satellite-fed programming service will be substituted, until channel 20 can be carried over the present time and weather channel. Time and weather would be moved to channel 8, which will also continue to broadcast ABC programming from Petersburg. Exhibit B - offeres a new and optional 5-channel tier which includes ESPN (24 hours of sports); USA Network (sports, children's programs and coverage of Congress); UPI (news); WOR (independent TV station from New York); and WTBS (independent station from Atlanta). The two latter stations will be carried only if legally permissible under the FCC ruling, and initial charge for the 5-channel tier will be \$3.00 additional monthly charge for customers selecting this service. In addition, two premium movie channels will be offered at an initial cost of \$ 9.00 for each movie channel, per month, over and above the regular cable charge. Mr. Stigberg noted that Warner Amex plans to offer all of the new services by May, 1981. A special device will have to be installed on individual TV sets for customers choosing to receive the additional 5-channels, with no charge for the device which will be owned and maintained by the company, but a connection charge would be made, in addition to \$3.00 extra charge per month. He informed Council that the company would have to replace all the electronic equipment and upgrade its entire system (including overhauling of the microwave receiving station on Laird's Knob), in that present equipment will provide only 12 channels. The company has already requested a license through the FCC and has a portion of the necessary equipment in the plant. When asked by Councilman Dingledine if the proposed new equipment and upgrading of the system would improve cable reception for all subscribers, regardless of the area in which they reside, Mr. Stigberg replied that it should. Vice-Mayor Green suggested that it be clarified that any future changes will have to be approved by Council, as in the past, if all services as proposed are added to the system, and offered an opinion that the resolution should include: (1) a performance date expected by the City; and (2) that monthly progress reports be submitted to the City by the company. City Manager Milam said he felt the

resolution would serve the purpose of both Council and the Cable Company. Following discussion, Vice-Mayor Green moved that the resolution be approved for a first reading, with same to be reviewed prior to final reading, for any changes. The motion was seconded by Councilman Dingleline, and adopted by a unanimous recorded vote of Councilmen present.

✓ A request was presented from the City School Board for approval of a supplemental appropriation in amount of \$ 496.56 in order to appropriate funds received from an insurance company for equipment stolen in the burglary of May 20, 1980. It was noted that this amount would allow partial replacement of the equipment. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved, and that:

\$ 496.56 chgd.to: School Fund (R-51) Realized Revenue- Recpts.from Other Funds- Insurance Adjustments.

496.56 approp.to: School Fund (1900-403.00) Cap.Outlay- Furn. & Equip.

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

✓ The City Manager presented a request from the Director of Parks & Recreation for approval of a supplemental appropriation in amount of \$ 250.00 in order to transfer money received as Winner of the District 4 Babe Ruth Baseball from Account of Recoveries & Rebates, into the regular budget appropriations to help defray cost of travel expenses to the State Tournament. Councilman Dingleline moved that the appropriation be approved, and that:

\$ 250.00 chgd.to: General Fund (1901-01) Recoveries & Rebates

250.00 approp.to: General Fund (7101-5500.01) Parks & Playgrounds- Travel.

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

✓ A request was presented from Mr. Cecil Gilkerson, Director of Parks & Recreation, for approval of a supplemental appropriation in amount of \$ 2,090.88, in order to reimburse the City's General Fund for Employer's share of FICA for manager, staff and enrollees of YACC for period Oct. 1, 1979 - September 30, 1980. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 2,090.88 chgd.to: YACC Revolving Fund

2,090.88 approp.to: General Fund (1217-2001.01) Employee's Retirement Admin.- Social Security

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

✓ City Manager Milam presented a request from Mr. Ralph Smith, Superintendent of Streets, for approval of a supplemental appropriation in amount of \$ 18,416.45, representing payment to the C-W Railroad for flashing signals at the grade crossing serving Country Club Court. He reminded Council that when the work was done at this crossing in 1977, it was agreed that the City bear the cost of signals installed at this particular crossing. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:

\$ 18,416.45 chgd.to: General Fund- Unapprop. Fund Balance

18,416.45 approp.to: General Fund (4102-3004.07) St.Inspection- Repairs & Maint. work in annexed area.

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

✓ A request was presented from Miss Judy Martin, CD Coordinator, for approval of a supplemental appropriation in amount of \$ 19,275.00 from account of Recoveries & Rebates, into the CD Revolving Fund. It was noted in the request that these funds are considered Program Income, and must be expended prior to Community Development monies. Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 19,275.00 chgd.to: General Fund - Real.Revenue- Recoveries & Rebates

19,275.00 approp. to: CD Revolving Fund

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

✓ City Manager Milam informed Council that notification has been received from the Virginia State Library, Richmond, Va., that Rockingham Public Library officials were being notified that a grant-in-aid of \$ 8,000. had been approved for fiscal year 1980-81. An authorization form was enclosed with the correspondence for expenditure of the funds, to be signed by the City Manager and returned as soon as possible. On motion of Councilman Dingleline, seconded by Vice-Mayor Green, and a unanimous vote of Councilmen present, the City Manager was so authorized.

✓ Council was advised that Mr. Bill Grow had tendered his resignation as a member of the Blue Ridge Community College Board. Councilman Rhodes moved that Mr. Grow's resignation be accepted, with regrets, and that a letter be sent to this effect. The motion was seconded by Councilman Dingleline, and adopted by a unanimous vote of Councilmen present.

✓ The following Planning Commission report from a meeting held on October 13, 1980, was read by the City Manager:

"...The Commissioners studied plans drawn by Robert E. Funk, Land Surveyor, showing ten proposed townhouse lots and a common area parcel for driveway and parking spaces, to be located on the south side of Meadowlark Drive and just east of Vine Street. This final Plan of Section 10, Reherd Acres Subdivision, had been redrawn for the developers since the Commissioners met on September 17th, in order to accommodate a slightly larger townhouse plan. Mr. Sullivan pointed out that all utilities and the street were already installed as part of the construction work for Section 7. The only additional item in this proposed section is a 20' utility easement across the southeast portion of the common area parcel. The Subdivision Review Sheet was

attached, explaining the utility, street, and geographic details.

Mr. Fleming offered a motion that the Planning Commission recommend approval of the Final Plan for Section 10, Reherd Acres Subdivision.

Mrs. Bowman seconded the motion. In discussion, Mr. Milam asked if the developer and HEC had settled the issue of relocating an electric line in nearby Section 9 and if the 25' HEC easement shown on Section 10 is satisfactory. Mr. Sullivan reported that a contract between Reherd Acres, Inc. and HEC has been signed regarding the relocation of the line and easement in Section 9, and the proposed townhouses in Sec. 10 will be constructed beyond the 25' easement. The motion was then voted on, and all members present voted in favor..."

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

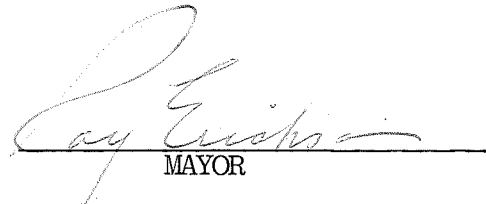
✓ Council received information from Vice-Mayor Green that the Rockingham Memorial Hospital Board is of the opinion that additional lighting is needed from Mason Street, up the hill, in that many joggers work out in that area at night, etc. Further, that a stop sign is needed on Grace Street where 2-way traffic has been opened up (beside RMH on south side, previously only one-way back to parking lot and out onto Cantrell Ave.) Inasmuch as this is private property, Dr. Green said that the hospital would put up a stop sign,

✓ Councilman Dingledine asked what might be done re the area between the curb on Ott Street and steps leading down onto Cantrell Avenue, in that it is only a graveled area. Possibility of black-topping the area was suggested.

At 9:25 P.M., on request of the City Manager, Councilman Rhodes moved that Council enter an executive session to discuss a land matter. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.

At 10:25 P.M., on motion of Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Councilmen present, the executive session was declared closed and the regular session reconvened. No further business, the meeting was adjourned.


CLERK


MAYOR

Tuesday, October 28, 1980

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; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: Councilman James C. Cisney.

Minutes of the regular meeting held on October 14th were approved as corrected.

✓ Mr. Robert Drechsler was present in the meeting as a representative of the Harrisonburg-Rockingham Chamber of Commerce, to present a resolution urging the city and county to settle the pending annexation suit out of court, by compromise. He noted that although the Chamber has neither the expertise, information or desire to get involved in details, he would like to reaffirm its confidence in City Council to solve the annexation problem. The resolution reads as follows:

WHEREAS the Harrisonburg-Rockingham Chamber of Commerce is vitally concerned with major issues affecting the Community it serves; and

WHEREAS the Chamber believes that the governing bodies of Harrisonburg and Rockingham County are comprised of individuals of the highest integrity and competence; and

WHEREAS the Chamber wishes to see present and future issues between Harrisonburg and Rockingham County resolved by the elected officials in the most expedient and efficient manner possible in the interest of financial responsibility and positive City - County relationships.

BE IT THEREFORE RESOLVED that the Harrisonburg-Rockingham Chamber of Commerce goes on record as supporting the resolution of the current annexation question through negotiations between the governing bodies rather than through the proposed litigation for which \$450,000. has been budgeted in the current fiscal year, and which estimates indicate could eventually cost the taxpayers of the City and County up to two million dollars in legal, engineering and related fees; and

BE IT FURTHER RESOLVED that the Chamber instructs the Staff and Public Affairs Committee to develop a public information program to bring the potential cost of this litigation to the attention of the citizens of Harrisonburg and Rockingham County.

Vice-Mayor Green pointed out the fact that funds for engineering and planning procedures are necessary, whether litigation, or not. Mayor Erickson expressed appreciation for Mr. Drechsler's presentation.

✓ Correspondence dated 10/17/80 from City Treasurer Firebaugh was presented and read, requesting Council's desire with regard to the advertising as unpaid the delinquent real estate for years 1978 and 1979, as required under Chapter 9, Section 16 of the City Code as amended 12/11/73. On motion of Councilman Dingledine, seconded by Councilman Rhodes, and a unanimous vote of Councilmen present, the City Treasurer was so authorized and directed.

The City Manager called Council's attention to independent audit reports (fiscal year 1980) for Community Services Board operated programs which receive State funds, submitted by the Executive Director of the Harrisonburg-Rockingham Community Mental Health and Mental Retardation Services Board. The reports, prepared by Preston Morris & Co., CPA, Harrisonburg, Va., reveal cash receipts in amount of \$ 249,014.00, and disbursements in amount of \$ 251,609.00. A copy of the reports will be in the City Manager's Office for review.

For consideration of a second & final reading, the City Manager presented an ordinance for vacation of lot lines between Lots 4, 5, 6 & 7 of Block 12 of the Harrisonburg Land and Improvement Company Subdivision (w/s/ Virginia Ave.), which ordinance had been approved for a first reading on October 14th. 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. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Councilmen present. (Refer to Ord. Bk K, page 217).

The following proposed resolution was presented and read by the City Manager for consideration of a second & final reading, a first reading having been approved on October 14th:

WHEREAS, agreement has been reached between the City of Harrisonburg and Warner Amex Cable Communications, Inc. as to certain additions to and improvements in the services rendered by Warner Amex under the franchise ordinance with the City of Harrisonburg; and

WHEREAS, Warner Amex has agreed to give to the City monthly progress reports as work on the additions and improvements is done; and

WHEREAS, in consideration for the improvements and additions the City has agreed to an extension in the franchise ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Harrisonburg, Virginia, in regular session this 28th day of October, 1980, that upon receipt of said monthly progress reports and upon receipt of written certification from Warner Amex that the programming services set forth in Exhibits A and B attached to this resolution are available to all of the CATV system subscribers in the franchise area of the City of Harrisonburg that the "Harrisonburg Community Antenna Television Company Franchise Ordinance" will be amended as follows: Sec. 31(c) shall read:

'The franchise shall be renewable by the grantee at the end of the initial term for an additional eight (8) years.'

BE IT FURTHER RESOLVED that rates and charges for the new services listed in Exhibits A and B are subject to approval by the Council in the same manner as the present rates and will be subject to the provisions of Sec. 34 of the franchise ordinance.

Mayor

Attest:

Clerk

City Attorney Lapsley informed Council that he had been advised today by Attorney Wharton that the rates are controlled by the FCC, which would make language of the last paragraph of the resolution in error, and noted that the paragraph could be deleted. Mr. Chuck Stigberg, local manager of Warner Amex, said the company had been informed by its attorney that there is no legal action which gives the City authority to control rates for pay television or optional programming. When a suggestion was made for the resolution to be acted upon at the November 11th meeting, Mr. Stigberg asked the possibility of approving at least the first part of the document at this time. Following discussion, it was agreed that the matter be deferred until the next regular meeting, and the City Attorney was asked to have the resolution in complete form at that time for approval.

City Manager Milam presented and read the following report submitted by the Planning Director from a meeting of the Planning Commission held on October 15, 1980:

"...The Commissioners reviewed for the second time, a proposal to re-subdivide Lot 44 in the Zirkle Addition into two lots of 5,199 sq. feet each, one to face Effinger Street and one to face Kelly Street. Mr. Nick Forkovitch told the Commissioners he plans to build a Farmers Home Administration single family house on each lot, and the dilapidated house facing Kelly Street will be demolished. The Director explained that R-2 Residential District requires 7,000 sq. feet per lot, therefore Mr. Forkovitch needs a variance of 1,801 sq. feet for each proposed lot. Dr. Eneedy asked why two nearby lots facing Kelly Street have only 4,000 sq. feet each. Mr. Rhodes reported that these lots were formed when two Farmers Home dwellings were recently constructed on Effinger Street, but the lot sizes dated back many years. Mr. Fleming said he sees construction of two new single family homes as beneficial to the immediate neighborhood, and the variance requested by Mr. Forkovitch is the way to accomplish the improvement. Mr. Milam then moved that the Commission recommend approval of the re-subdivision of Lot 44 into two 5,199 sq. foot lots, and granting of a 1,801 sq. foot variance on each lot. Mrs. Bowman seconded the motion and all members present voted in favor..."

Manager Milam called Council's attention to the plat showing division of Lot 44, as well as a sketch showing resubdivision of the lot into two lots. Following a brief discussion, Vice-Mayor Green 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 Councilmen present.

The following Planning Commission report, from a meeting held on October 15, 1980, was presented and read by the City Manager:

"...The Commissioners reviewed a plat of a proposed 6,710 sq. foot lot at 1065 South High Street, drawn by Robert Jellum, Land Surveyor, for owner Bill V. Neff. The Director explained that Mr. Neff's 1.15 acre parcel on the northwest corner of South High Street and South Avenue is zoned M-1 Industrial and it includes two dwellings plus a warehouse. Mr. Neff desires to sell the dwelling facing South High Street and proper setbacks and lot area is shown on the plat submitted by Mr. Jellum. Mr. Sullivan also reported that in 1974, Mr. Neff sold Lot 3 and the County

Clerk's Office Deed Book 440 shows that Lots 1, 2 and 4 were merged into the single 1.15 acre parcel. Mr. Fleming moved that the Planning Commission recommend approval of this resubdivision, establishing a 6,710 sq.foot lot at 1065 South High Street. Mr. Milam seconded the motion and all members present voted in favor..."

Council's attention was called to the attached plat showing location of the 6,710 sq.foot lot as northwest side of S.High Street, as well as a sketch showing the existing 1.15 acre parcel, and proposed resubdivision into the larger land area. Councilman Dingledine moved that the recommendation of the Planning Commission be approved, which motion, upon being seconded by Vice-Mayor Green, was adopted by a unanimous vote of Councilmen present.

City Manager Milam presented and read the following Planning Commission report from a meeting held on October 15, 1980:

"...The Commissioners reviewed a request from Gene S. Wagner that lot lines be vacated between Lots 26, 27, 28, 29, 30 in Block 8 of the Fairview Addition. These lots were later shown as Lots 2 and 3 on a plat dated August 24, 1949 as drawn for A. D. and Zelda S. Moore. The Director asked the Commissioners to recommend vacating of both plats so that Mr. Wagner can clear title before selling a house and lot situated at 294 Monument Avenue. Noting that Mr. Wagner's house is 10' from the adjacent property and all other area requirements are satisfactory, Mr. Fleming moved that the Commission recommend to City Council that it schedule a public hearing to favorably consider the elimination of lot lines between Lots 26, 27, 28, 29 and 30 in Block 8 of the Fairview Addition and between Lots 2 and 3 of the A.D. and Zelda Moore 1949 plat. Mrs. Bowman seconded the motion and all members present voted in favor..."

Councilman Rhodes moved that Council accept the Planning Commission report and schedule a public hearing for Tuesday, November 25th, 7:30 P.M. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Councilmen present.

Councilman Dingledine moved that a supplemental appropriation in amount of \$ 2,090.88 requested by the Director of Parks & Recreation, in order to reimburse the City's General Fund for Employer's share of FICA for manager, staff and enrollees of YACC for period October 1, 1979 - September 30, 1980, be approved for second & final reading, a first reading having been approved on October 14th, and that:

\$ 2,090.88 chgd.to: YACC Revolving Fund
2,090.88 approp.to: General Fund (1217-2001.01) Employee's Retirement
Administration - Social Security

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

Vice-Mayor Green moved that a supplemental appropriation in amount of \$ 18,416.45 requested by the Superintendent of Streets, representing payment to the C-W Railroad for flashing signals at the grade crossing serving Country Club Court, be approved for second & final reading, a first reading having been approved on October 14th, and that:

\$ 18,416.45 chgd.to: General Fund- Unappropriated Fund Balance
18,416.45 approp.to: General Fund (4102-3004.07) St. Inspection -
Repairs & Maint. - work in annexed area

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

Vice-Mayor Green moved that a supplemental appropriation in amount of \$ 19,275.00 requested by the CD Coordinator, from account of Recoveries & Rebates, into the Community Development Revolving Fund, be approved for second & final reading, a first reading having been approved on October 14th, and that:-

\$ 19,275.00 chgd.to: General Fund- Realized Rev.- Recoveries & Rebates
19,275.00 approp. to: CD Revolving Fund

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Councilmen present.

The City Manager requested approval of a supplemental appropriation in amount of \$ 2,240.56 due to insufficient funds in the current budget to cover 1979-80 charges for joint expenses from Rockingham County. He called Council's attention to correspondence from Mr. William O'Brien, County Administrator, enclosing a detailed listing of charges to the City for its share of expenses for the court house, jail, circuit court, district court, commonwealth attorney, etc., and an invoice for total amount due of \$ 92,240.56. He explained that an amount of \$ 90,000. was provided in the City's budget for this purpose, leaving a balance due of \$ 2,240.56. Following discussion, Councilman Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 2,240.56 chgd.to: General Fund- Unappropriated Fund Balance
2,240.56 approp.to: General Fund (9105-3009.02) Joint Expense- Rock. County

The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Councilmen present.

A request was presented from the Recreation Director for approval of a supplemental appropriation in amount of \$ 3,697.99 in order to transfer amounts to General Budget for salaries paid concession employees for the 1980 summer season from Revolving Fund C-1 (Westover Pool Concession Account). Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 3,697.99 chgd.to: Parks & Recreation Revolving Fund C-1
2,399.40 approp.to: General Fund (7104-1010.01) Community Activities Center-
Other Personal Services
1,085.00 approp.to: General Fund (7107-1010.01) Westover Swimming Pool-
Other Personal Services

\$ 213.59 approp.to: General Fund (1217-2001.01) Employee's Retirement Admin.-
Social Security

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Councilmen present.

✓ Council received a request from the Parks & Recreation Director for approval of a supplemental appropriation in amount of \$ 3,949.36 in order to transfer various amounts from account of Recoveries & Rebates, into the operating budget, due to the following: cancellation of NRPA trip to Phoenix by Director Gilkerson (\$754.00); sale of light fixtures from Purcell Park Ball Field (old lighting system)(\$1,250.00); payment from Hahn Contr. Co., Birdsboro, Pa. for landscaping Westover Park upon completion of routing gas line through the park (\$1,208.00); and reimbursement for defective ballasts & capacitors by Muscatine Lighting Co. (\$737.36). Following discussion, Councilman Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 3,949.36 chgd.to: General Fund (1901.01) Recoveries & Rebates

1,987.36 approp. to: General Fund (7101-3004.02) Parks & Playgrounds-
Maint. & Repairs - Furn. & Fixtures

1,208.00 approp.to: General Fund (7101-3004.04) Parks & Playgrounds- Bldgs. & Grnds.

754.00 approp.to: General Fund (7101-5500.01) Travel

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

✓ The City Manager presented a request from the City School Board for approval of a supplemental appropriation in amount of \$ 4,000. in order to appropriate funds from Federal Grant to provide tutoring and instructional materials for the Indo Chinese Refugees. City Auditor Peterman explained that the amount was anticipated, in that under this particular federal program, funds must be expended prior to receiving same. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:

\$ 4,000. chgd.to: School Fund (R-28) Recpts.from Other Funds- Other Fed.
Programs (Antic. Recpts.)

1,500. approp.to: School Fund (1201-299.00) Other Inst.Costs, Other Inst.Costs

2,500. approp.to: School Fund (1201-305.00) Other Inst.Costs-Inst. supplies

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

✓ The following proposed resolution was submitted by Chief of Police Presgrave, for consideration of Council's approval:

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 Friday, October 31, 1980 (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

The City Manager reminded Council that a resolution has been adopted over past years setting a curfew in the City on this particular holiday. On motion of Vice-Mayor Green, seconded by Councilman Dingledine, and a unanimous vote of Councilmen present, the resolution was approved.

✓ City Manager Milam reminded Council that a dance permit had been granted "The Other Place" (S.Liberty St.) on a 6-month trial basis, at the regular meeting held on March 11, 1980, subject to inspections by the Building Official, Police Chief and Fire Chief. He called attention to correspondence received from each of the three city officials, reporting as follows: Chief of Fire Austin reported no calls of any nature or Fire Code violations of any sort at the establishment; Building Official Byrd reported that the building had not been affected by addition, alteration, or deterioration, and that no Code violations are apparent at this time; Police Chief Presgrave reported nine complaint calls between 4/9/80 and 10/5/80, which he did not consider a large number. City Attorney Lapsley referred to City Code Sec. 12-3-22 which provides that a dance permit may be revoked by Council at any time. Following discussion, Vice-Mayor Green moved that the dance permit be renewed for "The Other Place", which motion, upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Councilmen present.

Although the next regular meeting of Council on Tuesday, November 11th, is a legal holiday (Veterans Day), it was unanimously agreed by Councilmen present that the meeting be held on that date.

✓ Councilman Rhodes, a member of the Harrisonburg Department of Transportation & Safety Commission, reported that Dr. Smith had submitted his resignation in that he has moved out of the City. He noted that the Commission desires that Dr. Smith remain a member of that Commission, if permissible. Following a brief discussion, City Attorney Lapsley volunteered to look into the legality of the matter and report back to Council.

At 8:50 PM, on request of the City Manager, Councilman Dingledine moved that Council enter an executive session for the purpose of discussing real estate and a legal matter. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Councilmen present.

At 10:50 PM, on motion duly adopted, the executive session was declared closed, the regular session reconvened and adjourned.

[Signature]
CLERK

[Signature]
MAYOR

Monday, November 10, 1980

✓ At a special called meeting held in the Council Chamber this evening at 7:30 there were present: Vice-Mayor Walter F. Green, III; Councilmen Raymond C. Dingledine, Jr., Elon W. Rhodes, James C. Cisney; City Manager Marvin B. Milam and City Attorney Norvell A. Lapsley.

The Vice-Mayor noted that this meeting had been called in order that Council may meet Mr. Roger Richman, mediator appointed by the Virginia Commission on Local Government, to work with the county and city in an effort to reach a compromise on the city's suit to annex 14 square miles of county land, should both governing bodies so agree. He was introduced by Mr. M.H. Wilkinson, Executive Director of the Commission.

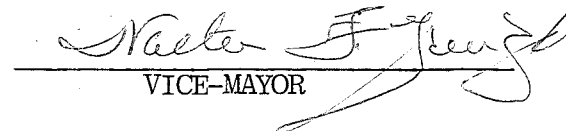
Councilman Dingledine moved that Council enter an executive session, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous vote of Councilmen present.

At 10:00 P.M., on motion of Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Councilmen present, the executive session was declared closed and the special session reconvened.

Vice-Mayor Green announced that the three members present in most of tonight's meeting, did not wish to respond to the mediation proposal at this time, in that Councilman Cisney (recuperating from recent surgery) had left the meeting at 8:30 P.M., and Mayor Erickson is out of the state due to illness in his family.

There being no further, the meeting was adjourned.


CLERK


VICE-MAYOR

Tuesday, November 11, 1980

At a regular meeting of Council held in the Council Chamber this evening at 7:30, there were present: City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Walter F. Green, III; Councilmen Raymond C. Dingle, Jr., Elon W. Rhodes, James C. Cisney; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: Mayor Roy H. Erickson.

Vice-Mayor Green presided in the absence of the Mayor, and called the meeting to order.

Minutes of the regular meeting held on October 28th were approved, as corrected.

The following regular monthly reports were presented and ordered filed:

From the City Manager:

A report of activities in the various departments and said office for the month of October, 1980.

From the City Treasurer:

A trial balance report as of close of business on October 31, 1980.

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 \$ 8,253.78.

From the City Auditor:

A financial report for the City of Harrisonburg, month of October, 1980.

A report of discounts saved in payment of vendors' invoices for month of October, 1980, totaling \$ 391.15.

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, 1980.

✓ City Attorney Lapsley reported that in checking through the state and city codes, he could find nothing to prohibit Dr. Smith from continuing to serve as a member of the Harrisonburg Department of Transportation & Safety Commission, although he has moved out of the city. Councilman Rhodes, a member of the Commission, had reported at the last meeting of Council that Dr. Smith had submitted his resignation, and that the Commission desired that he remain a member if allowable. He volunteered to inform the Commission and Dr. Smith of the City Attorney's report.

✓ Correspondence dated 11/6/80 was presented from Attorney Charles Chenault (Law Firm of Hoover, Hoover, Penrod & Davenport), enclosing a plat which is recorded in the Clerk's Office, showing vacation of old lot lines and resubdivision of lots 68 & 69 (owned by Ira Moore) and situate on the east side of Lee Highway. Inasmuch as the firm represents both Ms. Grace S. Walter (present owner of Lots 68 & 69) and Ms. Sarah F. Holsinger (present owner of Lots 12 & 13), request was made for vacation of the old lot lines and resubdivision as shown on an attached plat. It was noted that Ms. Walter intends to convey the resubdivided portion of Lots numbered 68A & 69A to Ms. Holsinger, who, originally, had conveyed Lots 68 & 69 to her. After contract of the sale was signed, it was discovered that the rear wall of the house on Lots 12 & 13 either touches, or may encroach upon the division line between the lots. Correction of the situation would make the house on 12 & 13 conform to the City rear setback line requirement. Following a brief discussion, Councilman Rhodes moved that the Plat be referred to the City Planning Commission for study and recommendation. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Councilmen present.

✓ The City Manager presented a proposed plat for "Bee-Jay Subdivision" located on the northwest side of South High Street and the northeast side of South Avenue, owned by Mr. Bill V. Neff. The

Plat was submitted by Mr. Ken Kline, realtor, on behalf of Mr. Neff, with request for Council's consideration for approval. Manager Milam noted that four lots are involved in the subdivision. On motion of Councilman Dingleline, seconded by Councilman Rhodes, and a unanimous vote of Councilmen present, the Plat was referred to the City Planning Commission for study & recommendation.

Through correspondence dated 11/11/80 from Mr. Ken Kline, request was made for Council to refer a proposed plat for a 5.6 acre tract of land zoned R-2, located just east of the intersection of Rock Street and Summit Avenue, to the City Planning Commission. Mr. Kline desires to develop the property by construction of for-sale townhouses and 4-unit apartments, and would like the plat, which will be in readiness by the next Planning Commission meeting, to be reviewed. On motion of Councilman Cisney, seconded by Councilman Dingleline, and a unanimous vote of Councilmen present, the plat was so referred.

For information, City Manager Milam reported that the dedication ceremony for Flood Control Dam 82 on Dry River will be held on November 13th, beginning at 10:30 A.M. This is one of five dams on the Lower North River Watershed.

For information, the Assistant City Manager reported that it now seems that bids on the City's Heat Recovery Plant will not be opened before February 1st of next year, although this was scheduled for January 1st over a year ago. He presented a layout of the proposed plant, showing location as 1,000' east of Interstate 81 near the new coliseum, on JMU land. The location has been changed several times since its original intended location, in that the plant has to be of the same elevation as other buildings because of water pressure. The site plan and architectural plan will be taken before the Virginia Arts Commission, Richmond, Virginia, where they must be approved. Mr. Driver gave a verbal description of the plant while presenting the architectural drawing. As recommended by Madison architects, it will be a metal type building that will blend in well with other buildings. He reported further that the Attorney General will have to approve a steam agreement between the City and JMU for the \$1.5 million which the City will pay JMU for the land, funds for which will be borrowed through a lease agreement, and also for purchase of steam by JMU and RMH, which document will have to have interpretation by the Attorney General's Office. An agreement will also have to be written for use of JMU land. Mr. Driver pointed out the fact that the primary hold-up on the project at the present time will be approval of the plans by the Arts Commission, upon presentation of same.

Assistant City Manager Driver reported that he had met with the Presbyterian Church Committee, and they have requested some commitment from the City, in writing, with regard to its participation in the proposed 10' walkway project. He asked that Council set some guidelines as to what is desired. He noted that in the beginning discussions, it would have cost the City \$ 15,000. for a 10-year lease for the walkway, but stands at approximately \$10,000. at the present time. Mr. Driver asked if Council would desire a longer lease, and/or a lesser amount to be spent on the project. He offered an opinion that the City could do all of the brick work along Court Square and Elizabeth Street, install a couple street lights, and construct the two entrances from Court Square and Elizabeth Street, for the amount stated. Parking meters remaining following completion of the church project would be worked on a 40 (city) 60 (church) basis, and the church would have the authority to bag off any of the meters at any time. The parking lot and maintenance of the lot would be the responsibility of the Harrisonburg Parking Authority. Councilman Cisney offered an opinion that should the City not be able to acquire a longer lease than for a 10-year period, some rebate on the \$ 10,000. should be made by the church, and said he felt that the City should have more than just a cut-off in 10 years for the work that will be done. Mr. Driver said he felt sure the City could get a longer lease, in that the 10 years was his own suggestion. Council asked Mr. Driver to continue negotiations with the church for the project, along the line of this discussion.

City Attorney Lapsley presented an amended and final form of a resolution between the City and Warner Amex Cable Communications, Inc. re additions to, and improvements in its service, and reminded Council that although the original resolution had been approved for a first reading at the last regular meeting, question was raised concerning wording of the last paragraph governing rates to be charged. He reported that it has been determined that the City can control only the basic flat rate charged subscribers for the present channels, and that the optional channels and movie channels will be controlled by the FCC. He read the amended last paragraph as follows:

"(j) The terms and conditions set forth in this section refer exclusively to the rates and charges applicable to grantee's basic complement of broadcast signals distributed to all subscribers."

Mr. Chuck Stigberg, local manager of Warner Amex, noted that the market place determines the rates, which do not have to go through the FCC. When question was raised by Councilman Dingleline, Mr. Stigberg replied that no word had been received to date concerning a decision on the ruling that cities with 1,000 or more customers could have more than one independent station, but offered an opinion that it would be approved. Vice-Mayor Green asked when channel 20 would be received if the ruling is approved, and Mr. Stigberg said the best that could be hoped for, would be 90 days. The necessary equipment should be arriving momentarily. Another question by Council was concerning the charge for installation of the special device on individual tv sets for receiving the additional channels. Mr. Stigberg said it would be in the \$ 15. - \$ 25. range, and that those subscribers desiring the optional 5-channels (\$3.00 extra charge per month), and both movie channels (\$9.00 each per month), would be charged only once for installation, although several trips to a residence would be necessary for connections to provide all the new services. Councilman Cisney moved that the following amended resolution be approved for second & final reading, which motion, upon being seconded by Councilman Dingleline, was adopted by a unanimous recorded vote of Councilmen present:

WHEREAS, agreement has been reached between the City of Harrisonburg and Warner Amex Cable Communications, Inc. as to certain additions to and improvements in the service rendered by Warner Amex under the franchise ordinance with the City of Harrisonburg; and

WHEREAS, Warner Amex has agreed to give to the City monthly progress reports as work on the additions and improvements is done,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Harrisonburg in

regular session this 11th day of November, 1980, that upon receipt of said monthly progress reports and upon receipt of written certification from Warner Amex that the programming services set forth in Exhibits A and B attached to this resolution are available to all of the CATV system subscribers in the franchise area of the City of Harrisonburg, that the "Harrisonburg Community Antenna Television Company Franchise Ordinance" will be amended as follows: Sec. (31(c) shall read:

'The franchise shall be renewable by the grantee at the end of the initial term for an additional eight (8) years.'

BE IT FURTHER RESOLVED that Section 34 be amended by adding the following sub-section:

'(j) The terms and conditions set forth in this section refer exclusively to the rates and charges applicable to grantee's basic complement of broadcast signals distributed to all subscribers.'

ADOPTED and APPROVED this _____ day of November, 1980

Mayor

Atteste:

Clerk

✓ Councilman Cisney moved that a supplemental appropriation in amount of \$ 2,240.56, representing balance due over and above budgeted appropriation for payment of joint expenses with Rockingham County, be approved for second & final reading, a first reading having been approved on October 28th and that:

\$ 2,240.56 chgd.to: General Fund- Unapprop. Fund Balance

2,240.56 approp.to: General Fund (9105-3009.02) Joint Expense- Rock.County

The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Councilmen present.

✓ Councilman Dingleline moved that a supplemental appropriation in amount of \$ 3,697.99 requested by the Director of Parks & Recreation in order to transfer amounts to General Budget for salaries paid concession employees at Westover Park for the 1980 summer season, be approved for second and final reading, a first reading having been approved on October 28th, and that:

\$ 3,697.99 chgd.to: Parks & Recreation Revolving Fund C-1

2,399.40 approp.to: General Fund (7104-1010.01) Community Activities

Center- Other Personal Services

1,085.00 approp.to: General Fund (7107-1010.01) Westover Swimming Pool-

Other Personal Services

213.59 approp.to: General Fund (1217-2001.01) Employee's Retirement

Admin.- Soc. Security

The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Councilmen present.

✓ Councilman Rhodes moved that a supplemental appropriation in amount of \$ 3,949.36 requested by the Director of Parks & Recreation in order to transfer various amounts from Account of Recoveries & Rebates, into the operating budget (representing sale of light fixtures; reimbursement by Hahn Company for landscaping; reimbursement for defective equipment), be approved for second & final reading, a first reading having been approved on October 28th, and that:

\$ 3,949.36 chgd.to: General Fund (1901.01) Recoveries & Rebates

1,987.36 approp.to: General Fund (7101-3004.02) Parks & Playgrounds-

Maint. & Repairs- Furn. & Fixtures

1,208.00 approp.to: General Fund (7101-3004.04) Parks & Playgrounds-

Bldgs. & Grounds

754.00 approp.to: General Fund (7101-5500.01) Travel

The motion was seconded by Councilman Dingleline, and adopted by a unanimous recorded vote of Councilmen present.

✓ Councilman Cisney moved that a supplemental appropriation in amount of \$ 4,000. requested by the City School Board in order to appropriate funds from Federal Grant to provide tutoring and instructional materials for the Indo Chinese Refugees, be approved for second & final reading, a first reading having been approved on October 28th, and that:

\$ 4,000. chgd.to: School Fund (R-28) Recpts.from Other Funds- Other

Fed.Programs (Antic. Receipts)

1,500. approp.to: School Fund (1201-299.00) Other Inst.Costs- Other

Instructional Costs

2,500. approp.to: School Fund (1201-305.00) Other Inst.Costs- Instr.Supplies

The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Councilmen present.

✓ A request was presented from the City School Board for approval of a transfer of funds within school appropriations in total amount of \$ 52,736.00, with reasons for request set out as follows: (1) School Board adopted salary scale after final reading of city council's appropriation. This action was necessary since council reduced school appropriation act on final reading; (2) curtailment of Title I program due to reduction in funding; (3) additional funding of Manpower Training Act funds (Alternative Education Program) due to assumption of work experience program by school board. This program previously administered by Virginia Employment Commission. Following a review of amounts being transferred to and from the various accounts, and discussion of reasons given for the transaction, Councilman Cisney moved that the transfer be approved as set forth below, with a request for the City Auditor to present further clarification of the transaction at the next meeting of Council.

\$ 1,261. trans.from: School Fund (1200-102.01) Admin.- Comp. Supt.

92. trans.from: " " (1200-135.02) Admin.- Comp.Adm. Secretaries

3,768. trans.from: " " (1201-109.01) Other Inst.Costs.- Comp.Tchr.Aides

\$ 831.	trans.from:	School Fund	(1201-133.11)	Day Sch.Instr.-Comp.Elem.Principals
255.	trans.from:	" "	(1201-133.12)	Day Sch.Instr.-Comp. Sec. Principals
406.	trans.from:	" "	(1201-133.13)	Day Sch.Instr.- Comp.Comb.School Prin.
31.	trans.from:	" "	(1201-133.22)	Day Sch.Instr.- Comp.Sec.Ass't Principal
208.	trans.from:	" "	(1201-133.23)	Day Sch.Instr.- Comp. Comb.Sch.Ass't Prin.
9,010.	trans.from:	" "	(1201-135.01)	Day Sch.Instr.- Comp.Supervisors
207.	trans.from:	" "	(1201-135.02)	Day Sch.Instr.- Comp.Visiting Tchr.
277.	trans.from:	" "	(1202-111.03)	Attend. & Health Serv.-Comp.Psychologist
2,589.	trans.from:	" "	(1204-399.02)	Sch.Food Serv.-Comp.Cafe Employees
8.	trans.from:	" "	(1209-100.00)	Fed.Program- Comp. Clerical
69.	trans.from:	" "	(1209-100.01)	Fed.Program- Comp. Administrator
200.	trans.from:	" "	(1209-100.02)	Fed.Program-Travel-Administrator
134.	trans.from:	" "	(1209-100.03)	Fed.Program-Indir. Cost Payment
57.	trans.from:	" "	(1209-109.01)	Fed.Program- Comp.Clerical
911.	trans.from:	" "	(1209-111.00)	Fed.Program- Comp. Psychologist
3,476.	trans.from:	" "	(1209-135.02)	Fed.Program- Comp. Secretary
15,852.	trans.from:	" "	(1209-200.01)	Fed.Program- Comp.Tchr.Aides
1,000.	trans.from:	" "	(1209-200.05)	Fed.Program- Inst.Supplies
629.	trans.from:	" "	(1209-200.08)	Fed.Program- In Ser.Travel
5,657.	trans.from:	" "	(1209-200.11)	Fed.Program- Comp.Inst.Personnel
100.	trans.from:	" "	(1209-218.00)	Fed.Program- Telephone
3,277.	trans.from:	" "	(1209-800.00)	Fed.Program- Fixed Charges
1,000.	trans.from:	" "	(1209-1230.03)	Fed.Program- Inst.Equipment
431.	trans.from:	" "	(1205-215.02)	Maint.Sch.Plant-Repr.Repl.Motor Vehicles
1,000.	trans.from:	" "	(1205-290.01)	Maint.Sch.Plant-Cont.Serv.Bldg. & Grnds
87.	trans. to:	" "	(1200-135.01)	Admin.- Comp.- Other Admr.
250.	trans. to:	" "	(1200-202.00)	Admin. Audit Expenses
1,016.	trans. to:	" "	(1200-220.00)	Admin.-Travel-Admin.Personnel
2,807.	trans. to:	" "	(1201-109.01)	Other Inst.Costs- Comp.Clerical
6,000.	trans. to:	" "	(1201-134.11)	Day Sch.Instr.- Comp.Elem.Tchrs.
4,948.	trans. to:	" "	(1201-320.00)	Other Inst.Costs.- Textbks.furn.free
961.	trans. to:	" "	(1202-220.00)	Attend. & Health Servs.-Travel-Psychologist
2,589.	trans. to:	" "	(1204-399.01)	School Food Service- Food
1,431.	trans. to:	" "	(1205-119.02)	Maint.Sch.Plant-Comp.Maint.Employees
433.	trans. to:	" "	(1209-109.02)	Fed.Program- Comp.Tchr.Aides
520.	trans. to:	" "	(1209-134.11)	Fed.Program- Comp.Elem.Tchrs.
814.	trans. to:	" "	(1209-134.12)	Fed.Program- Comp.Sec.Tchrs.
3,512.	trans. to:	" "	(1209-135.01)	Fed.Program- Comp. Supervisor
3,780.	trans. to:	" "	(1209-295.00)	Fed.Program- Fixed Chgs.
10,530.	trans. to:	" "	(1209-299.00)	Fed.Programs- Other Inst. Costs
12,370.	trans. to:	" "	(1209-403.00)	Fed.Program- Equipment
411.	trans. to:	" "	(1209-601.02)	Fed.Program- Alter.to Bldgs.

The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Councilmen present.

A request was presented from the City School Board for approval of a transfer within school appropriations in amount of \$ 28,276.00 due to curtailment of ESEA Title I funds: additional funding due to assumption of work experience program previously administered by Virginia Employment Commission. Following a brief discussion, Councilman Dingledine moved that the transfer be approved, and that:

\$ 27,276. trans. from: School Fund (R-21A) Rcpts.from Fed.Funds- Elem. & Sec.
Ed. Act- Operating
1,000. trans.from: School Fund (R-21B) Rcpts.from Fed.Funds- Elem. & Sec.
Ed. Act - Capital Outlay
28,276. trans. to: School Fund (R-23) Rcpts. from Fed.Funds- Manpower Trng.Act

The motion was seconded by Councilman Cisney, and 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 \$ 220.00 in order to cover the local share of additional monies requested from the state to purchase a replacement station wagon. Following a brief discussion, Councilman Cisney moved that the appropriation be approved, and that:

\$ 220.00 chgd.to: VPA Fund- Title XX - Spec. Welfare Fund (taken from the
2.5% local admin. share)
220.00 approp.to: VPA Fund (7000-7005.01) Cap. Outlay- Auto Equipment
(20% local funds of \$1100.00 addt'l requested state money)

The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.

A request was presented from the Water/Sewer Superintendent for approval of a supplemental appropriation in amount of \$ 300,000. for 12" and 18" water line to Rockingham Memorial Hospital and James Madison University. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved for first reading, and that:

\$ 300,000. chgd.to: Sewer Fund- Unapprop. Fund Balance
300,000. approp.to: Sewer Fund (7-7013.21) 12" & 18" water line

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Councilmen present.

Correspondence was presented and read from the secretary of The Harrisonburg Hairdressers Affiliate No. 16, requesting to use city sidewalks on Saturday, December 13th, as well as local parking lots, for table sales of small Christmas favors. Money derived from the sales would be used for the local Affiliate and expenses of delegates to represent the organization at the January session of the General Assembly for the purpose of presenting views on various Legislative problems which are being faced in the Beauty profession. City Attorney Lapsley noted that one use of the

funds was intended to influence the General Assembly, and offered an opinion that this would be an improper use of city sidewalks. He pointed out that annual sidewalk sales by the Retail Merchants Association are considered appropriate. Vice-Mayor Green suggested that the matter be tabled and invitation extended for a representative of Harrisonburg Affiliate No. 16 to appear before Council and further elaborate on the request. The suggestion met with Council's approval, and the City Manager was asked to write the secretary, Ms. Mary Ann Soden, advising her of the invitation.

✓ Correspondence dated 11/4/80 was presented and read from Mr. Edward J. Baldwin, Harrisonburg Building Inspection Department, advising Council concerning a state of extreme deterioration of a dwelling located at 230 E. Johnson Street. He noted that the department had notified the owner, Mr. Thomas Mason, that improvements had to be made, or structure demolished, by September 30, 1980, with no action taken, to date. Calls have been received from others in the neighborhood with complaints of the structure attracting both children and vagrants, and of rodents which have been seen in and around same. City Manager Milam referred to Sec. 15-3-1 of the City Code entitled: "Presentation to council; notice to person owning or controlling property involved; hearing." Under this section, the owner would be given a 5-day notice prior to a hearing on the deteriorated property, in order that he (or she) may appear and defend action against the said property. Based on the last sentence re a hearing, the City Manager offered an opinion that the owner should have the right to appear before Council. Following discussion, Councilman Cisney moved that Mr. Thomas Mason be contacted and made aware of his right to appear at Council's next regular meeting on November 25th, and advised that should he not appear, proper action would be taken by the City with regard to the property on East Johnson Street. The motion was seconded by Councilman Dingle-dine, and adopted by a unanimous vote of Councilmen present. The City Manager was asked to place this matter on the November 25th agenda.

At 8:50 P.M., Councilman Rhodes moved that Council enter an executive session to discuss a legal matter. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Councilmen present.

At 9:45 P.M., on motion of Councilman Cisney, seconded by Councilman Dingledine, and a unanimous vote, the executive session was declared closed, the regular session reconvened and adjourned.

N. Ashene Loku
CLERK

Victor J. Green
VICE-MAYOR

Tuesday, November 25, 1980

At combined public hearings and regular meeting held in the Council Chamber this evening at 7:30, 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 Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the special meeting held on November 10th were approved as read; minutes of regular meeting of November 11th, approved as corrected.

For information of Council, the City Manager presented results of the November 4th general election as submitted by the Harrisonburg Electoral Board, which included the following votes cast in the City of Harrisonburg: for president (Democratic Party) Jimmy Carter, 1,896; (Republican Party) Ronald Reagan, 3,388; (Independent Candidates): Barry Commoner, 61; John Anderson, 403; Clifton DeBerry, 9 - (Libertarian Party), Ed Clark, 39. For House of Representatives (7th District), J. Kenneth Robinson elected with total of 3,947 votes. Results of the four Constitutional Amendments were also revealed in the report.

For information and recordation in minutes of this meeting, the following resolution, approved by the WVPT (public television) Board of Directors on October 22, 1980, was read:

WHEREAS, the Shenandoah Valley Educational Television Corporation is a non-profit Corporation representing Public Schools, Institutions of Higher Education, Business, Industry and Interested Citizens in Harrisonburg and the surrounding vicinity and is established for the purpose of providing an Educational Telecasting Service; and

WHEREAS, Corporate goals and objectives encompass both formal and informal education in the classroom and in the home as well as cultural and informational programs, provided through its telecasting service, WVPT; and

WHEREAS, this Board of Director recognizes and accepts its unique responsibility to assure the delivery of High Quality Tele-communications to meet the educational, cultural and informational needs of those citizens desiring such a service;

BE IT RESOLVED, that the Shenandoah Valley Educational Television Corp. urges the City Council of Harrisonburg, Virginia, to carefully assess its responsibility in the area of telecommunications in general and Community Antenna Television (CATV) in particular, to assure that citizens are well served via a community antenna television system with sufficient channel capacity and diversity to meet present and future public needs;

BE IT FURTHER RESOLVED, that this Board offers the services of its interested lay members and its paid professionals to assist Council at this crucial time in obtaining a level of service that recognizes the importance of program quality, diversity, and local service, in addition to quantity of channel.

✓ Council's attention was called to the City's Financial Report for fiscal year ended June 30,

1980, prepared and submitted by Keeler, Phibbs & Company (CPA). City Manager Milam noted that sheets 12 and 13 had been amended, in that the Chapter 10 Board was omitted on the original report. Mayor Erickson asked members to study the report and bring in any questions which they may have, regarding same. City Auditor Peterman said that a representative of the firm would be available to answer any questions which may arise.

The City Manager presented correspondence from the Commission on Local Government, enclosing a copy of the Notice of Public Hearing which is scheduled for Wednesday, December 10th, 7:00 PM at the County Court House (City of Harrisonburg-County of Rockingham, Annexation Case). A form was enclosed for registration of those desiring to be heard at the Hearing. He noted that a set of the rules & regulations which the Commission will follow (adopted in July, 1980 and effective as of September 1, 1980) will be available in his office. Harrisonburg will present its case at the County Court Room on December 3rd and 4th; the County of Rockingham on December 5th and 8th. The report was for information.

At 8:00 P.M., Mayor Erickson closed the regular session temporarily and called the first Public Hearing of the evening, to order. The following Notice of Hearing was read:

"The Harrisonburg City Council will hold a Public Hearing on Tuesday, November 25, 1980, at 7:30 P.M. in the City Council Chamber, Municipal Building, in accordance with Sections 15.1-431 and 15.1-482(b), Code of Virginia, to vacate certain lot lines by Ordinance of the Governing Body. Lot lines to be vacated are between Lots 26, 27, 28, 29, and 30 in Block 8 of the Fairview Addition and between Lots 2 and 3 of A. D. and Zelda Moore's 1949 plat. These lots are located on the north side of Monument Avenue, immediately west of Hillside Avenue.

All persons interested or affected by these matters will have an opportunity to express their views at this Public Hearing.

CITY OF HARRISONBURG- Marvin B. Milam, City Manager"

Council's attention was called to the following Planning Commission report which had been presented at the meeting of October 28th:

"...The Commissioners reviewed a request from Gene S. Wagner that lot lines be vacated between Lots 26, 27, 28, 29 and 30 in Block 8 of the Fairview Addition. These lots were later shown as Lots 2 and 3 on a plat dated August 24, 1949 as drawn for A. D. and Zelda S. Moore. The Director asked the Commissioners to recommend vacating of both plats so that Mr. Wagner can clear title before selling a house and lot situated at 294 Monument Avenue. Noting that Mr. Wagner's house is 10' from the adjacent property and all other area requirements are satisfactory, Mr. Fleming moved that the Commission recommend to City Council that it schedule a public hearing to favorably consider the elimination of lot lines between Lots 26, 27, 28, 29 and 30 in Block 8 of the Fairview Addition and between Lots 2 and 3 of the A.D. and Zelda Moore 1949 plat. Mrs. Bowman seconded the motion and all members voted in favor..."

The Mayor called on anyone present, desiring to be heard re the matter. Mr and Mrs. Wagner informed Council that the lot lines should have been vacated a long time ago, but the fact was only recently brought to mind. They wish to comply with the law and clear the matter up.

There being no others desiring to be heard, the Hearing was declared closed at 8:06 PM and the regular session reconvened.

City Attorney Lapsley presented a proposed ordinance for vacating of lot lines as discussed in the public hearing, for consideration of a first reading. On motion by Councilman Dingledine, seconded by Councilman Cisney, and a unanimous recorded vote of Council, the ordinance was approved for first reading.

At 8:07 PM, the regular meeting was once again closed temporarily, and the evening's second Public Hearing called to order. The following Notice of Hearing as advertised in the Daily News Record newspaper was read:

NOTICE OF PUBLIC HEARING
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS - CITY OF HARRISONBURG

"Notice is hereby given that pursuant to Section 570.531, of the Small Cities Regulations of the Community Development Block Grant, the City of Harrisonburg will hold the following public hearings on: November 19, 1980 at 7:30 PM in the Council Chambers, 345 S. Main Street, Harrisonburg, Virginia, and a second public hearing on November 25, 1980 at 7:30 PM in the Council Chambers, 345 S. Main St., Harrisonburg, Virginia.

The purpose of these hearings is to provide the citizens of Harrisonburg an opportunity to articulate needs, express preferences about proposed activities, assist in the selection of priorities and otherwise participate in the development of a local Community Development Block Grant Program pre-application. Information will be made available concerning the amount of funds available for the 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 these hearings. The submission of views and proposals regarding the Community Development Program, particularly by low and moderate income persons, member of minority groups and residents of blighted areas and neighborhoods where Community Development activities are ongoing, 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 with the City Manager anytime during the program year. The following documents relevant to the development of the Community Development Program will be on display at the office of the City Manager.

---Public Notices

- Records of Public Hearings
- All key documents submitted to the Dept. of Housing
- Copies of regulations concerning the Community Development Program

---Explanation of important program requirements

These hearings are being held to offer an opportunity for citizens of Harrisonburg to participate in the development of a housing strategy and the Community Development Block Grant Pre-application under the Small Cities Program. The deadline for submission of the pre-application is December 15, 1980.

CITY OF HARRISONBURG- Marvin B. Milam, City Manager"

City Manager Milam noted that the City had sent a Letter of Intent, on November 21st, to file applications for Fiscal Year 1981 funds under the Community Development Block Grant Small Cities Program, as follows: \$1.8 million for general rehabilitation and development in the downtown area, and \$ 700,000. for a 1-year rehabilitation program in the Hawkins-Norwood Street area. Correspondence has been received from the Central Shenandoah Planning District Commission, advising that the notification of intent to apply for '81 fiscal year funds had been reviewed, with no issues raised as a result of that review. He reported further that correspondence from The Department of Intergovernmental Affairs reveals that the A-95 process has been satisfied at the state level, and must be attached to the City's application. Mr. Al Siff of Harland Bartholomew & Associates, who has assisted the City of Harrisonburg for the past several years in applications for funding, offered comments concerning intended use of the funds, if approved, and made reminder that the correspondence received refers to the City's Letter of Intent to fill applications under the Community Development Block Grant Small Cities Program, with deadline of December 15th for filing of pre-application forms. Manager Milam pointed out the fact that the \$ 700,000., if approved, would be used for installation of indoor plumbing at several residents in the Hawkins-Norwood Street area, and other needed improvements.

There being no others present desiring to be heard, the Hearing was declared closed at 8:12 PM and the regular session reconvened.

✓ Councilman Rhodes moved that the City Manager be authorized to file pre-applications for 1981 funding under the Community Development Block Grant Program, which motion, upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ City Manager Milam informed Council that following the last regular meeting on November 11th, Mr. Tom Mason had been contacted by certified mail, of his right to appear before Council this evening regarding his property at 230 East Johnson Street which is in deteriorating and dilapidated condition, in accordance with Section 15-3-1 of the City Code. Inasmuch as Mr. Mason was not present in this evening's meeting, Councilman Cisney moved that the Building Inspection Office be authorized and directed to proceed with demolition of the said structure under Code provisions. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

✓ City Manager Milam informed Council that the next day following the meeting of November 11th, he had contacted the Secretary of Local Haridresser's Affiliate No. 16, extending an invitation for a representative of the organization to present further information at this evening's meeting re a request which had been made for permission to use the City's sidewalks for sale of small Christmas favors. Inasmuch as Ms. Soden (or any other representative) was not present in the meeting, no action was taken with regard to the request.

✓ The following report from a November 19th meeting of the City Planning Commission was read:

"...The Commissioners reviewed a proposed 5-lot "Bee-Jay" Subdivision, located in the northwest corner of South High Street and South Avenue and presently owned by Bill V. Neff. The Director noted that proposed Lot 1 has an existing warehouse, houses are on Lots 2 and 3, and Lots 4 and 5 are vacant parcels. The property is zoned M-1 Industrial and proper setbacks are provided around the existing buildings.

Mr. Fleming offered a motion that the Planning Commission recommend approval, providing that a 10' strip along the front of Lots 1, 2 and 3 be dedicated to the City for future widening of South High Street. Mrs. Bowman seconded the motion and all members present voted in favor of the motion..."

Following a brief discussion, Vice-Mayor Green moved that the recommendation of the Planning Commission be approved. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ From a November 19th meeting of the City Planning Commission, the following report was read by the City Manager:

"...The Commissioners reviewed a map drawn by City Engineer Donn Devier, showing the 'vacation of old lot line and subdivision of Lots 68 and 69 as shown on map of lots owned by Ira H. Moore lying on the east side of the Lee Highway.' Mr. Byrd reported that he wants to review a zoning variance that was processed concerning Lots 68 and 69, and since a house is located on Lots 12 and 13 near or on the existing lot line, it should be drawn on the map by Mr. Devier.

Mr. Fleming moved that the Planning Commission recommend that City Council hold a public hearing to vacate the lot line between Lots 12 and 13 and Lots 68-69, and establish a new lot line 24.60' south of the present line, subject to Mr. Byrd's review of the variance and Mr. Devier adding the house location to the map. Mrs. Bowman seconded the motion and all members present voted in favor of the motion..."

Councilman Cisney moved that Council accept the report of the Planning Commission and schedule a public hearing for Tuesday, December 23rd, 7:30 P.M. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council. The City Manager was instructed to properly advertise the hearing.

✓ Council was reminded of three upcoming vacancies on the Building Code of Appeals (two by expiration of second terms, and one by resignation) as of November 30th. City Manager Milam referred to

Section 126.2.2 of the BOCA Building Code titled "Qualifications of board members", with certain requirements which must be considered when making appointments to fill the vacancies. When a question was raised as to whether present members would be allowed to continue serving until qualifying members can be appointed, City Attorney Lapsley replied that he could see no reason for their not continuing to serve, unless stated otherwise in the Code. The City Manager was asked to supply each member with a copy of the Code section in order that the information re qualifications might be digested.

✓ Council was reminded that the terms of three members on the Harrisonburg Redevelopment and Housing Authority would expire as of November 29, 1980, as follows: Mr. Walter F. Green (2nd term); Percy M. Johnson (filling unexpired term); and Mr. Lyle W. Sweet (filling unexpired term). Councilman Cisney moved that Messrs. Sweet and Johnson be reappointed to the Authority for their first full terms of four (4) years each, expiring November 29, 1984. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ During discussion of appointments to various Boards & Commissions, the fact was noted that the first term of Mr. Tom Pappas as a member of The Harrisonburg Parking Authority would expire on November 28, 1980. Councilman Rhodes moved that Mr. Pappas be reappointed to the Authority for a second full term of five (5) years, expiring on November 28, 1985. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ In keeping with a request of Council at the last regular meeting, City Auditor Peterman reported as follows, from Memo submitted by Mr. Paul Quintrell, Director of Finance for City Schools, further information concerning a transfer request in amount of \$ 52,736.00 by the City School Board, which transfer had been approved on November 11th: salaries of teachers were reduced in order to meet reduction in the budget required by Council, in that other operating costs, etc. could not be lowered; the School Board adopted a teachers' scale of 16 steps rather than the 15-step scale originally budgeted, which action required additional funding; Elementary & Secondary Act Title I funds were curtailed; the Alternative Education Program received a considerable increase in funding; and a portion of the increase was requested for transfer from the Title I fund to Alternative Education Accounts in that all will not be used due to funding curtailment. Noted further in the Memo was the fact that Council will receive a request in the near future for a supplemental appropriation for balance of increased funding for Alternative Education. The report was for information only.

✓ Councilman Cisney moved that a supplemental appropriation in amount of \$ 300,000. requested by the Water/Sewer Superintendent for a 12" and 18" water line to Rockingham Memorial Hospital and James Madison University, be approved for second & final reading, a first reading having been approved on November 11th, and that:

\$ 300,000. chgd.to: Sewer Fund- Unappropriated Fund Balance

300,000. approp.to: Sewer Fund (7-7013.21) 12" & 18" water line

The motion was seconded by Councilman Rhodes, and 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 \$ 1,100.00 for replacement of current station wagon through fleet purchase by the City. The City Auditor explained that funds have been approved by the state, and reimbursement will be made after a check has been written by the City. Councilman Cisney moved that the appropriation be approved for a first reading, and that:

\$ 1,100. chgd.to: VPA Fund (2400-2401.02) Revenue- Categorical Aid- Admin.

1,100. approp.to: VPA Fund (7000-7005.01) Cap.Outlay- Auto Equip.

The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Council.

✓ The City Manager presented a request from Chief of Fire, Austin, for approval of a supplemental appropriation in amount of \$ 200.00 to replace funds to the fire department for sale of surplus fire equipment to the Grottoes Volunteer Fire Department. Following a brief discussion, Councilman Dingledine moved that the appropriation be approved, and that:

\$ 200.00 chgd.to: General Fund (1901.01) Recoveries & Rebates

200.00 approp.to: General Fund (3201-7001.00) Mach. & Equip.

The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ Council was reminded that for the past several years the City of Harrisonburg has been the recipient of a Grant to implement a Litter Control Program, and is eligible for a Grant of \$ 2,444. The following resolution was presented for consideration of approval:

WHEREAS, the City Council recognizes the existence of a litter problem within the boundaries of Harrisonburg; and

WHEREAS, the Virginia Litter Control Act of 1976 provides, 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 governing administration and use of said funds:

BE IT RESOLVED that the City Council:

HEREBY endorses and supports such a program for the City of 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.

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 officials to sign same.

Correspondence dated 11/7/80 from City Treasurer Firebaugh was presented and read, in which he advised of unpaid personal property balances, including penalties, for the years 1974 and 1975 in amounts of \$ 370.04 and \$ 527.83, respectively. Request was made for authorization for the delinquent taxes, which are more than three years old, to be charged off city records. Following a brief discussion, the City Treasurer was so authorized and directed, on motion of Councilman Cisney, seconded by Vice-Mayor Green, and a unanimous vote of Council.

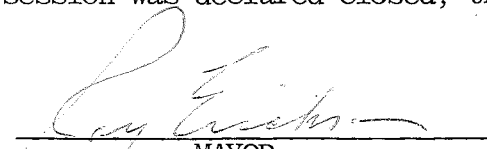
City Manager Milam presented correspondence dated 11/6/80 from City Treasurer Firebaugh, advising that Section 4-1-27 of the City Code provides that "8% per annum on such principal and penalty shall begin to accrue as of January 1st of the year next after which unpaid tax was assessed", and further, by a recent action of the state legislature, the 8% can be increased to 10%. Mr. Firebaugh suggested that 10% interest be charged on all real estate and personal property assessible on and after January 1, 1981, and remaining unpaid on January 1st after year of assessment. During discussion, City Attorney Lapsley noted that this would require an amendment to the section of code referred to, in that it provides for 8% interest. Councilman Dingledine moved that an ordinance effecting the increase in interest be approved for a first reading and referred to the City Attorney to be drawn in proper ordinance form. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Council.

For consideration of a first reading, the City Attorney presented an ordinance amending Section 12-1-51 of the City Code titled "Buyers of gold and silver." He reminded Council that licenses were approved for two such buyers, on motion adopted at the September 23rd meeting, subject to any amendments to this particular section of the ordinance, and that the Commissioner of Revenue had set forth certain requirements at that meeting. The amendment under consideration at this time provides that the buyer: be in a permanent location; keep records of name & address of each seller of items and list of items purchased; not dispose of any items purchased for a period of time not less than 5 business days after date of purchase; not buy items commonly referred to as junk; and not purchase from anyone under the age of 18. Attorney Lapsley pointed out that the City's ordinance does not cover itinerant dealers which has presented no problem to date, in that they set up their operation from hotels situate in Rockingham County, and are covered under a county ordinance. He noted that this could become a problem due to the increasing purchase of precious metals. Following discussion, Councilman Dingledine moved that the ordinance be approved for a first reading and the City Attorney instructed to draw a separate ordinance governing itinerant dealers. The motion was seconded by Councilman Cisney, and adopted by a unanimous recorded vote of Council.

At 8:50 P.M., on motion of Councilman Cisney, seconded by Councilman Dingledine, and a unanimous vote of Council, members entered an executive session to discuss legal, real estate and personnel matters.

At 10:00 P.M., on motion duly adopted, the executive session was declared closed, the regular session reconvened and adjourned.


CLERK


MAYOR

Tuesday, December 9, 1980

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 Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on November 25th were 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, 1980.

From the City Treasurer:

A trial balance report as of close of business on November 29, 1980.

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 \$ 6,250.28

From the City Auditor:

A financial report for the City of Harrisonburg, Va. - month of November, 1980

A report of cash discounts saved in payment of vendors' invoices for month of November, 1980, totaling \$ 508.52

From the Department of Utility Billing:

A report of water, sewer and refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of November, 1980

✓ Correspondence dated 12/8/80 from Mr. J.R. Copper, Jr. (agent for Ken Kline) was presented, enclosing plat for proposed vacation of lot lines between Lots 8 and 9, and Lots 29 through 34 of the "Masters & Brown Red Hill Addition". City Manager Milam noted that the location of the Addition is between Norwood and Hawkins Streets, and the vacation of lot lines will bring about more development in that area. On motion of Councilman Rhodes, seconded by Councilman Dingledine, and a unanimous vote of Council, the plat was referred to the City Planning Commission for study and recommendation.

✓ The City Attorney presented and read, for consideration of a second & final reading, an ordinance effecting the vacation of lot lines between Lots 26, 27, 28, 29 & 30, Block 8 of the Fairview Addition Plat, and between Lots 2 and 3 of the A.D. & Zelda Moore Subdivision, which ordinance had

been approved for a first reading on November 25th. Council was reminded that a public hearing had been held on this matter, November 25th. On motion of Councilman Dingledine, seconded by Councilman Cisney, and a unanimous recorded vote of Council, the ordinance was approved for 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. City Manager Milam referred to a Memo from Planning Director Sullivan, advising that although it was the Commission's intent to include recommendation for approval of the resubdivision of new lots, as well as vacation of lot lines, this fact was omitted from the Commission's recommendation which had been submitted to Council. Councilman Rhodes then moved that Council approve the resubdivision of new lots, which motion, upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council. (Refer to Ord. Bk K, page 218).

✓ For consideration of second & final reading, City Attorney Lapsley presented and read an ordinance amending Section 12-1-51 of the City Code, titled: "Buyers of Gold & Silver", which ordinance had been approved for a first reading on November 25th. He noted that this amendment deals only with buyers having permanent business locations, and that he had not prepared an ordinance as yet, which would apply to itinerant dealers. The ordinance will be in readiness by the next regular meeting of Council. Following discussion, Councilman Cisney moved that the ordinance amending Section 12-1-51 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. The motion was seconded by Councilman Rhodes, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 219).

✓ The City Attorney presented for consideration of second & final reading, an ordinance amending Section 4-1-27 of the City Code, titled: "Collection of taxes generally; when taxes due; interest and penalties on taxes," which ordinance had been approved for a first reading on November 25th. He noted that the only change was increase in interest rate on delinquent taxes from the present 8% to 10%, as allowed under recent state legislation. Effective date of the ordinance would be January 1, 1981. Following a brief discussion, 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. The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk K, page 220).

✓ Correspondence dated 11/25/80 from Mr. Wayne King, Superintendent of City Schools, was presented and read by the City Manager. Request was made for permission to apply for a loan of \$ 33,200.00 through the Literary Loan Fund, representing Harrisonburg's share of funding for an addition to the boiler and construction of additional facilities at Massanutten Vocational Technical Center. It was pointed out by Mr. King that a letter had been received from Mr. Carroll Jones, principal of Massanutten Voc. Tech. Center, setting out funding needs in total amount of \$ 415,000., of which one-half is anticipated from a non-reimbursable grant, while 16% of the remaining amount would be the City's share of cost. Following discussion, Vice-Mayor Green moved that permission be granted the School Superintendent to apply for the loan, which motion, upon being seconded by Councilman Dingledine, was adopted by a unanimous vote of Council.

✓ Councilman Dingledine moved that a supplemental appropriation in amount of \$ 1,100. requested by the Director of Social Services for replacement of current station wagon through fleet purchase by the City, be approved for second & final reading, a first reading having been approved on November 25th, and that:

\$ 1,100. chgd.to: VPA Fund (2400-2401.02) Revenue- Categorical Aid- Admin.

1,100. approp.to: VPA Fund (7000-7005.01) Cap. Outlay- Auto Equipment

The motion was seconded by Vice-Mayor Green, and adopted by a unanimous recorded vote of Council.

✓ A request was presented from the City School Board for approval of a supplemental appropriation in amount of \$ 600.00 in order to appropriate unanticipated grant from Virginia Commission of the Arts for 50% of the cost of a Christmas play which will be presented by Theatre IV, a theatre group from Richmond, Va., at the Waterman and Spotswood Elementary Schools. It was noted that the remaining 50% will be paid from Federal Title I funds. Following a brief discussion, Councilman Rhodes moved that the appropriation be approved, and that:

\$ 600. chgd.to: School Fund (R-47) Antic. Rcpts.- Rcpts.from Other Funds-
Payments from Other State Agencies

600. approp.to: School Fund (1201-299.00) Other Inst. Costs- Other Inst.Costs

The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

In keeping with a request at the last regular meeting, City Manager Milam supplied each member of Council with a copy of Section 126.2.2 of the BOCA Basic Building Code/1978 titled: "Qualifications of board members". Members of Council desired to digest information set out in this section, in that three vacancies have been created on the Building Code Board of Appeals, and new appointees must meet the stated qualifications.

✓ Correspondence dated 12/3/80 from Mr. John Driver, Secretary of The Harrisonburg Department of Transportation & Safety Commission, was presented by the City Manager. Council was informed that the Commission, at its November 25th meeting, had voted to recommend appointment of Mrs. Jean Grimes as a member, in that she has served for approximately two years as a P.T.A. representative, attended all meetings, and shown enthusiasm in working with the Commission. Further noted was the fact that her expertise as a school crossing guard has been helpful in making recommendations on safety problems for school children. Councilman Rhodes moved that Council accept the recommendation of the Commission, and appoint Mrs. Grimes to serve as a member. The motion was seconded by Councilman Dingledine, and adopted by a unanimous vote of Council.

✓ Each member of Council was presented a form for disclosure of real estate holdings, and informed by the City Manager that the form must be properly filled out prior to December 31st.

✓ For information of Council, the City Manager presented the first progress report submitted by Warner Cable of Harrisonburg, since this requirement was set out in a recently adopted resolution

for improvements in, and additions to the cable service. It was noted that progress on the electronic upgrade has continued on schedule, with delivery of 50% of the necessary equipment completed. It was necessary to install telephone landlines between the telephone company's central office and Laird's Knob, for delivery of A/P and NOAA weather to Laird's Knob. Upon delivery of the video switcher and final completion of the landline link, the A/P news channel will be added, shortly thereafter. Manager Milan referred also to communication from Warner Cable to the FCC, dated 11/13/80, requesting authorization for additional channels for station WOL-59.

✓ For information of Council, Assistant City Manager Driver reported that the architectural plan for the proposed Solid Waste Building was approved by the Virginia Commission of Arts on Friday, December 5th, which follows its approval of the site location, in November. The City's project is progressing toward the scheduled opening of bids on February 11th for construction of the building on JMU land.

✓ Correspondence dated 12/1/80 from the Law Firm of Hoover, Hoover, Penrod & Davenport, counsel for Ms. Grace Walter and Ms. Sarah Holsinger, was presented by the City Manager. Request was made for postponement of the public hearing scheduled for this evening, on the matter of vacation of lot lines and establishment of a new lot line in the Moore Addition, until Council's January 13th meeting. On motion of Councilman Dingledine, seconded by Councilman Cisney, and a unanimous vote of Council, the public hearing was re-scheduled, and the City Manager instructed to properly advertise same.

At 8:15 P.M., on motion of Councilman Cisney, seconded by Councilman Dingledine, and a unanimous vote, Council entered an executive session to discuss legal and personnel matters.

At 9:35 PM, on motion duly adopted, the executive session was declared closed, the regular session reconvened, and adjourned.

N. Arlene Loker
CLERK

Lay E. Eicher
MAYOR

Tuesday, December 23, 1980

At a regular meeting of Council held in the Council Chamber this evening at 7:30 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, Elon W. Rhodes, James C. Cisney; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on December 9th were approved as read.

✓ A request was presented from Shenandoah Investment Corporation, through its counsel, Attorney Thomas Wilson, for rezoning of Lots 2 and 3 in the Maplehurst Addition, from R-1 Residential to R-2 Residential, said lots fronting 60' each on the southeast side of S. Main Street and extending southeastward approximately 180' to a 10' alley at the northeast corner of intersection of Maplehurst Avenue and S. Main Street. A check in amount of \$ 75.00, representing filing fee, was enclosed with the request. On motion of Councilman Cisney, seconded by Councilman Dingledine, and a unanimous vote of Council, the request was referred to the City Planning Commission for study and recommendation.

✓ For information, Council's attention was called to a Notice of Public Hearing scheduled by the Virginia State Corporation Commission (SCC) for January 26, 1981, 10:00 A.M., Richmond, Va., in the matter of determination of rates, terms and conditions for purchase and sale of electricity between Virginia Electric & Power Company (VEPCO) and qualifying cogenerators and small power producers. Manager Milam noted that the deadline for comments and/or protests in the matter, is January 12th.

✓ During a discussion of appointments to various Boards and Commissions, Council was reminded that the first term of Mr. Emmet C. Stroop on The Harrisonburg Electric Commission would expire on December 31st of this year. Councilman Dingledine moved that Mr. Stroop be reappointed to the Commission for a term of three (3) years, expiring on December 31, 1983. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ Council was informed that two vacancies would be created on the Parks & Recreation Commission as of December 31, 1980, as follows: Mrs. Sarah Sampson (filling unexpired term - East Ward); and Mr. Joseph D. Deadrick, Jr. (completing first term- West Ward). Councilman Dingledine moved that Mrs. Sampson and Mr. Deadrick be reappointed to the Parks & Recreation Commission for terms of four (4) years each, expiring December 31, 1984. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

✓ It was noted that three vacancies will be created on the City Planning Commission as of Dec. 31, 1980, as follows: W. Richard Fleming (completing first term); Messrs. Billy H. Kuykendall and Dr. Charles L. Shank (completing second terms). Following a brief discussion, Vice-Mayor Green moved that Mr. W. Richard Fleming be reappointed to the Commission for a term of four (4) years, expiring on December 31, 1984. The motion was seconded by Councilman Cisney, and adopted by a unanimous vote of Council.

✓ A request was presented from the Director of Social Services for approval of a supplemental appropriation in amount of \$ 460.00 for additional salary and benefits coverage for new Social Work Supervisor. Councilman Dingledine moved that the appropriation be approved, and that:

\$ 460.00 chgd. to: VPA Fund- Title XX--Spec. Welfare Fund (Local Share Only)
405.00 approp. to: VPA Fund (5301-1001.03) Per. Services- Services- Salaries
55.00 approp. to: VPA Fund (5301-2014.01) Other Oper.- FICA, Retirement, etc.

The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

The City Manager presented a request from the City School Board for approval of a supplemental appropriation in amount of \$ 650.00 to appropriate additional money from federal sources through the state, for Adult Basic Education. It was noted that there is currently a class load of approximately 70-80 students, and that the requested funds will provide a teacher for a fourth section, which will reduce the aforementioned class load. Following a brief discussion, Vice-Mayor Green moved that the appropriation be approved, and that:

\$ 650.00 chgd.to: School Fund (R-20) Antic. Rcpts.- Rcpts. from Fed. Funds

650.00 approp.to: School Fund (1208-305.00) Adult Educ.- Comp. Inst. Personnel

The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

City Manager Milam presented a request for approval of a supplemental appropriation in amount of \$ 200,000.00 for payment of various annexation expenses for services rendered by the Engineering Firm of Wiley & Wilson and the Law Firm of Mays, Valentine, Davenport & Moore. (statements attached to request). Vice-Mayor Green moved that the appropriation be approved for a first reading, and that:

\$ 200,000. chgd.to: General Fund- Unapprop. Fund Balance

100,000. approp.to: General Fund (9108-1010.01) Annex.- Other Per. Services

100,000. approp.to: General Fund (9108-1010.02) Annex.- Eng. Fees

The motion was seconded by Councilman Dingledine, and adopted by a unanimous recorded vote of Council.

The following report, submitted by the Planning Director from a December 17th meeting of the Commission, was read:

"...The Commissioners reviewed a map showing Lots 8 & 9 and 29 through 34 in the 'Masters and Brown Red Hill Addition', drawn by Mr. J.R. Copper, Surveyor. Mr. Copper explained that Mr. Ken Kline, owner, wants to vacate these lines in order to construct apartments on the land, which is between Hawkins & Norwood Streets. Mr. Byrd reported that a sink hole area will be filled in and used for some of the off-street parking, and the old Beach house has already been demolished in preparation for the apartments, to be built by Mr. S. Rexrode.

Mr. Fleming moved that the Planning Commission recommend to City Council that the Lot Lines as described, be vacated, and that Council hold the necessary public hearing in January, 1981. Mr. Milam seconded the motion and all members present voted in favor..."

Councilman Cisney moved that the Planning Commission report be accepted, and that a public hearing be scheduled for Tuesday, January 13th, providing proper advertisement of same may be made, in view of the holiday season, and if not, the hearing be scheduled for Tuesday, January 27th, 7:30 P.M. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

The following Planning Commission report from a meeting held on December 17th was presented and read:

"...The Commissioners reviewed a proposed re-subdivision concerning Lots 1, 2 and 5 in the Hilltop Farm Subdivision on Old Furnace Road and Vine Streets. Maps drawn by J.R. Copper, Surveyor, illustrated proposals to split each lot in order that 'for-sale' duplexes can be built. Lots 1 and 2 are owned by Harry Bowers and Ken Downey, and Lot 5 is now owned by Wayne Wenger. All lots will have over 4,000 sq. feet of area and all setback and off-street parking requirements will be met. Mr. Sullivan noted that the developers (owners) are responsible for construction of curb and gutter across the fronts of the lots when houses are built, and this requirement will be pointed out by Mr. Byrd before any building permits are granted.

Mr. Fleming offered a motion that the Planning Commission recommend approval of the re-subdivision of Lots 1, 2 and 5 in Hilltop Farm Subdivision, as drawn by J. R. Copper, provided the developers-owners of said lots construct the curb and gutter according to City Engineering Department specifications. Mrs. Bowman seconded the motion and all members present voted in favor..."

City Manager Milam called Council's attention to copies of the Plot Plans for resubdivision of the lots, attached to the Planning Commission report. Following a brief discussion, Councilman Rhodes moved that the recommendation of the Planning Commission be approved. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

City Attorney Lapsley presented an ordinance amending Sec. 12-1-51 of the City Code by adding a new Section 12-1-51.1 titled "Itinerant Dealers in Precious Metals and Stones." He reminded Council that an ordinance, recently adopted, amended Section 12-1-51 for dealers with permanent places of business, while this applies to those dealers engaging in temporary or transient business in this city. Various requirements were set out in the ordinance, along with a license of \$ 50.00 per day. In reading the ordinance, it was noted that paragraph (c) contained one word error, namely: say, instead of day. Attorney Lapsley said that the ordinance was drawn from a model ordinance from the Attorney General's Office. Following a brief discussion, Councilman Dingledine moved that the ordinance, with word correction, be approved for a first reading, which motion, upon being seconded by Councilman Rhodes, was adopted by a unanimous recorded vote of Council.

The City Manager referred to Council minutes of June, 1978, at which time a motion was adopted, allowing use of the Sipe House by the Harrisonburg-Rockingham Historical Society for a two year period, with the City to supply maintenance and fuel. He noted that the Society's expenses have been in excess of funds appropriated by the City from maintenance money of the Municipal Building. Following a brief discussion, Councilman Dingledine moved that the Historical Society be allowed to use the building until the end of the current fiscal year, June 30, 1981, with further assessment of expenses, etc., prior to that time. The motion was seconded by Vice-Mayor Green, and adopted by a unanimous vote of Council.

For information, City Manager Milam reported that the dilapidated structure on East Johnson St. has been demolished, under City Code provisions, and that the City Attorney has been requested to

file a lien against the owner, Mr. Tom Mason, for cost of demolition and clearing of the lot, in amount of \$ 1,340.78.

✓ Manager Milam called Council's attention to their copies of the booklet containing information for the City's application to HUD for a Grant of \$1.8 million for redevelopment in the downtown area, and asked that the copies be returned to his office, following review. Deadline for the application was December 15th.

✓ The City Manager reminded Council that the Circuit Court Judge had, by Court Order dated September 5, 1979, appointed the following five persons to comprise a Board of Assessors for a term of one year: Messrs. Elmer B. Kaylor, Robert L. Brumback, T. Harry Lowery, Richard L. Suter and John H. Byrd, Sr. Inasmuch as the reassessment of city properties has not been completed, he suggested that an extension of time be requested of the Judge. The public review of assessments is tentatively scheduled for February 15, 1981. Following discussion, Councilman Cisney moved that the City Attorney be authorized to take the necessary steps to acquire an extension of the term until completion of the current reassessment of properties. The motion was seconded by Councilman Dingle-dine, and adopted by a unanimous vote of Council.

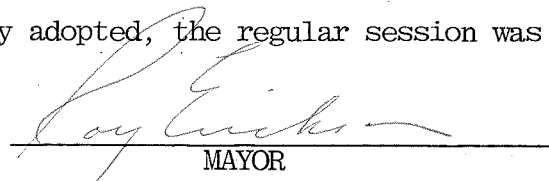
At 8:20 P.M., Councilman Cisney moved that Council enter an executive session to discuss personnel. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

At 9:15 P.M., on motion by Councilman Rhodes, seconded by Councilman Cisney, and a unanimous vote of Council, the executive session was declared closed, and the regular session reconvened.

✓ Two vacancies were created on the Building Code Board of Appeals as of November 30, 1980, by expiration of Messrs. Jack Neff and Walter Trobaugh, Jr.'s second terms. A third member must be considered in that Mr. Dwight Miller resigned as a member, with term to expire November 30, 1981. During discussion, Councilman Cisney noted that Mr. Howard D. Whitmore, architect, residing at 440 Maryland Avenue, Harrisonburg, is well qualified to serve as a member of that Board, and meets all criteria set out in the BOCA Building Code. He moved that Mr. Whitmore be appointed as replacement for Mr. Jack Neff, to serve a term of five (5) years, expiring on November 30, 1985. The motion was seconded by Councilman Rhodes, and adopted by a unanimous vote of Council.

There being no further business and on motion duly adopted, the regular session was adjourned.


CLERK


MAYOR