

Tuesday, January 14, 1986

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingledine, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Following roll call, Mayor Green asked for a moment of silence in memory of Lyle W. Sweet, who had spent countless hours in serving on a number of the City's Boards and Commissions.

Minutes of the regular meeting of December 17th were approved as corrected.

The following regular monthly reports were presented and ordered filed:

From the City Manager:

A Progress Report of activities in the various departments and said office for the month of December, 1985.

From the City Treasurer:

A Trial Balance report as of close of business on December 31, 1985.

From the Police Department:

A report of Fines & Costs in amount of \$ 2,264.07; Cash Collected from Street Parking Meters in amount of \$ 6,140.09; Total cash collected \$ 8,404.16 for month of December, 1985.

From the City Auditor:

A Financial Report for the City of Harrisonburg, month of December, 1985.

A report of cash discounts saved in payment of vendor's invoices for month of December, 1985, in total amount of \$ 132.21.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of December, 1985.

✓ For information, correspondence was presented from Attorney George H. Roberts, Jr., enclosing a certified copy of Form 8038 to be filed pursuant to Sec. 15.1-1377 of the Virginia Code, for issuance of \$ 481,612.02 Industrial Development Refunding Note, by the Harrisonburg Industrial Development Authority, to Electrical Wholesalers, Inc. Project.

✓ Correspondence was presented from Dr. Joseph E. Gardner, requesting rezoning of Lot 5 on Old Furnace Road at the existing city limits, which he owns, to R-3 Residential District for uniformity. It was noted that although he has owned the lot for several years, he was not aware until recently that there are three separate zonings in the lot, with a small area left in the county at the time of annexation and the remainder divided between R-2 and R-3 City. Feasibility of a multiple dwelling residential project in the near future, will be explored. On motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous vote of Council, the request was referred to the City Planning Commission. City Manager Milam noted that the requestor is required to submit a filing fee for processing his rezoning request. ★

✓ City Manager Milam noted that the public hearing concerning the cable franchise renewal, had been continued from ~~November 26th~~, until this time, in order to receive additional input through oral or written comments and statements. He called attention to correspondence received since the last meeting of Council, namely: letter from the Harrisonburg Electric Commission which included a request for Council's consideration of the following two proposals in negotiating for renewal of the franchise: (1) free access to one TV Channel, without charge, for the duration of the renewed franchise period; (2) that Warner-Amex Cable be required to submit specifications and construction standards for pole attachments prior to installation: letter from Margaret & Gregory Geisert, Rt 5, Box 116, Harrisonburg.

The Clerk was asked to note these names and addresses in the record of this meeting. Attention was called to the report of results of a telephone survey conducted in the Harrisonburg area December 11 - 17, 1985, by a Cincinnati based Marketing Research Firm "THE ANSWER GROUP". Ms. Marie Niederhelman, who supervised the survey, was present to present highlights from the report, setting out comparison with the initial survey which was conducted in June, insofar as replied to questions concerning the Harrisonburg cable system. She apologized for the lateness of the report, and said that the June survey was conducted, prior to her affiliation with the Group. Methodology for the current survey was centrally located in Ohio, with numbers for the telephone survey, chosen from random. The interviewers were briefed, to make sure they understood the questions and to learn how the questions should be asked. The interviews were monitored and checked afterward. Trained supervisors spot-checked, calling some back and asking some of the questions over, to be sure they had been correctly recorded. Two hundred current subscribers and fifty former subscribers were interviewed, with a slightly different set of questions. In presenting highlights of the survey, Ms. Niederhelman noted that 2/3 of Harrisonburg's current subscribers are generally satisfied with services they have received from Warner Amex Cable Communications, while the June survey reflected that 3/4 of the 200 interviewed, were "very, or somewhat satisfied" with their services; many subscribers are interested in additional cable services (i.e. sports & movies - interested in obtaining a music-video channel such as M-TV and/or accredited college courses); received a high rating with regard to the company's responsiveness to complaints relating to service or billing problems, etc. Of the 50 former subscribers interviewed, the report notes that most had discontinued services in that they had moved out of the service area; felt service too expensive; were watching less commercial tv; had purchased VCR or satellite dish, etc. These former subscribers stated general satisfaction with program variety, as well as picture quality and reception. Mr. Howard Friedman, a representative of the City's Cable Consulting Firm of Cooper-Rutter Associates, noted that the December survey was prepared by his firm and paid for by Warner Amex, under an agreement between the firm and cable company. The idea of a second survey was initiated as a part of the consulting firm's evaluation of the present cable system in the Harrisonburg area. The survey was conducted, in that an almost identical survey in June, by the same Ohio firm, showed generally favorable outcome, which could have been questioned. The second report, however, confirms findings of the former survey. Vice-Mayor Dingeldine asked if any geographic pattern was followed in the survey by telephone and Ms. Niederhelman said the names were run on a computer and called at random under the 433, 434 and 568 exchanges, within the Harrisonburg area. Mr. Friedman explained that the evaluation is in part I of the procedure and needs in the cable services will be ascertained in the next phase, along with proposals by the city for updating the present system, changes and additions in programming, etc. A draft will be circulated to Council and conclude with a final draft which would be submitted to Warner Amex, with 60 days to reply. The proposed resolution providing for Warner Amex to reacquire 50% ownership interest which had been sold to American Express Company in 1979, was then presented for Council's consideration of approval. Attorney Bruce Wallinger, speaking for Warner Amex, noted that some questions had been raised when the resolution was presented on December 17th, and pointed out that the company is in total agreement with the City Manager's statement that the resolution is not a part of the franchise renewal request. He said he had spoken to Attorneys Lapsley and Harrison, and the resolution is not for sale of property or facility, but it is desired that a change in control of the company be approved under Section 23 of the Franchise, although not a requirement for Council's approval. The entire ownership will go back to Warner Communications, under the name of Warner Cable Communications, with no change in financial backings. It was noted further that Section I of the franchise could be interpreted as a requirement for Council's approval. According to Attorney Wallinger, financial reports requested by Council, had been submitted. City Attorney Lapsley said that Section 22 provides that a transaction of at least 30% requires Council's approval, but Section 21 is less clear. Attorney Harrison offered an opinion that Sec. 21 does need Council's approval. City Manager Milam questioned two statements in the proposed resolution, namely "or one of its subsidiaries" and "consented to in all respects." Reply was that the statements referred only to the change in name insofar as "subsidiaries" was concerned. When Council Member Robinson asked about services not being made available in various requested areas, it was pointed out that the franchise does not require extended services to each and every area that comes into the city, and that in some instances there may be long vacant land which would require wires to be run on telephone poles, with large costs involved. Attorney Wallinger said various areas in question would be re-surveyed. Manager Milam then read Section 5 of the Franchise Agreement which applies to the provision of cable service. Council Member Robinson said that service is run in the county, when some areas in the city require only about two miles of cable. Attorney Harrison pointed out that a "transfer of the franchise shall not, in any, limit the right of the city to review and consider the past performance of Warner Amex in connection with the renewal proceedings, and to otherwise exercise all rights available to the city under the Cable Act, as if no transfer of the franchise had occurred." He noted that the first phase of the evaluation will not be formally closed at this time, in that Warner Amex has no objection to this being kept open, with further discussion. Council Member Rhodes offered a motion for the resolution for Warner Amex to reacquire 50% ownership, be approved, with deletion of statements referring to "subsidiaries" and "consented to in all respects", and with inclusion of Attorney Harrison's statements. The motion was seconded by Vice-Mayor Dingeldine and adopted by a unanimous vote of Council, with Resolution in the following final form:

WHEREAS, Warner Communications, Inc. sold a 50% ownership interest in its cable television business (the "Warner Amex Joint Venture") to American Express Company in 1979; and

WHEREAS, in accordance with the original joint venture agreements with American Express, Warner Communications, Inc. has exercised its right to reacquire such ownership interest; and

WHEREAS, Warner Communications, Inc., Warner-Amex and Warner Cable Communications, Inc. have agreed that the transfer of the Harrisonburg franchise to Warner Cable Communications, Inc. shall in no way affect the franchise renewal proceedings now in progress pursuant to the Cable Act of 1984, and, more specifically, that transfer of the franchise shall not, in any way, limit the right of the city to review and consider the past performance of Warner-Amex in connection with the renewal proceedings and to otherwise exercise all rights available to the city under the Cable Act, as if no transfer of the franchise had occurred.

NOW, THEREFORE, BE IT RESOLVED that the transfer of the Harrisonburg franchise from the Warner Amex Joint Venture to Warner Communications, Inc. or Warner Cable Communications, Inc. doing business as Warner Cable Communications, is hereby approved by the Harrisonburg City Council, City of Harrisonburg, Virginia.

ADOPTED and APPROVED this 14th day of January, 1986.

Atteste: _____ Clerk

Mayor

Mr. William Gloseclose of Dominion Bank, and Chairman of the Chamber of Commerce Convention/Tourism Bureau Committee, was present in the meeting to present each member of Council with a packet of information concerning proposed establishment of a Convention/Tourism Bureau in the City of Harrisonburg. He requested that Council appoint a representative to serve on the committee, along with additional members appointed by the Chamber, to develop a plan to determine how we can attract tourism and events into the community as business activity. Mayor Green gave assurance that a representative would be appointed.

For consideration of a second & final reading, an ordinance repealing Sections 16-6-11 thru 16-6-17 of the Harrisonburg Code, was presented. Sections involved, concern Driving while intoxicated; breath analysis; violations; convictions; etc. The sections to be repealed are set out under Section 13-1-3 of the State Code, which has been adopted by Council, with language much easier for the Police Department to follow. Vice-Mayor 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 Council Member Robinson, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk L page 60).

For Council's consideration, the City Attorney presented an ordinance amending Sec. 12-1-42(a) of the Harrisonburg City Code, which amendment provides for an increase from \$ 250 to \$500 license tax for persons selling to consumers at retail, from temporary or fixed places in the City, as well as all itinerant vendors doing business in the city. Council Member Robinson questioned the proportion of sales tax on such sales, and offered an opinion that the matter should be looked into, in that it would apply also to the Farmer's Market. Following a brief discussion, Council Member Rhodes offered a motion for the ordinance to be approved for a first reading, with instructions for the City Manager to check with the Commissioner of Revenue concerning the collection of sales tax, and report back, prior to a second reading of the ordinance. The motion was seconded by Council Member Shank, and adopted by a unanimous recorded vote of Council.

City Attorney Lapsley presented, for Council's consideration, an ordinance amending Section 12-1-45(c) of the Harrisonburg City Code, providing for an increase from \$ 250 to \$ 500, license tax for the privilege of peddling or bartering in the City of Harrisonburg. Council Member Rhodes moved that the ordinance be approved for a first reading, with the understanding that the question of a sales tax would be clarified and reported to Council, prior to a second reading of the ordinance. The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

Correspondence was presented from City Treasurer Beverly Miller, listing various business licenses for years 1984 and 1985, with request that they be charged off city records. An explanation concerning the reason for charging off each individual license, was stated. On motion of Council Member Rhodes, seconded by Vice-Mayor Dingleline, and a unanimous vote of Council, the City Treasurer was so authorized.

Council received the following Planning Commission report from its meeting of January 8, 1986:

"...The Commissioners reviewed Final Plats for Sections 15 and 16 of 'Neff Properties', located on both sides of University Boulevard between Kroger's and Reservoir Street. Proposed Section 15 consists of five 1-acre lots on the north side of University Boulevard. Mr. Sullivan report that the City is constructing a 30 foot paved street within the 60' right-of-way and water and sewer lines are being laid. However, the developers will be required to construct curb and gutter and acceleration-deceleration lanes, or approximately 7' of roadway width on each side of University Boulevard. Mr. Neff assured the Commission that this work would occur when the lots are developed.

Mr. Heath made a motion that the Commission recommend approval of Neff Properties, Section 15, located on the north side of University Boulevard. Mr. Hartman seconded the motion which passed unanimously. Applying the same requirements to proposed Section 16, located on the south side of University Boulevard, Mr. Trobaugh moved that it be recommended to City Council for approval. Mr. Heath seconded the motion which passed unanimously..."

City Manager Milam called attention to the plats attached to the report, and Council Member Rhodes, a member of the Planning Commission, noted that the Commissioners could see no problem in recommending approval of the two sections. On motion of Council Member Robinson, seconded by Council Member Rhodes, and a unanimous vote of Council, the recommendation of the Planning Commission, was approved.

The following Planning Commission report from its January 8th meeting, was presented and read:

"...Attorney Steve Heitz, representing LIBCO of Virginia, Inc., reported that Temple Associates sold Waterman Square Shopping Center in December to LIBCO. The request is to establish two corner lots on the front portion of the shopping center, facing West Market Street. When the City reviewed the site plan in early 1984, these parcels were envisioned and discussed, but the subdivision plat had never been submitted for review. The Director reported that the City wants at least a 30' radius on the northwest corner of West Market Street and Waterman Drive. Mr. Heitz felt the owners would agree to this. Mr. Heath moved, and Mr. Trobaugh seconded his motion, to recommend approval of Waterman Square Subdivision. The motion passed unanimously. It was also understood that any development of these parcels would include curbing and gutters along street frontage..."

City Manager Milam called attention to the Plat attached to the report, and reiterated the fact that although the Planning Commission had reviewed the site plan in 1984, a subdivision plat was not submitted at that time, and thus, never fully approved as a subdivision. Following a brief discussion, Council Member Rhodes offered a motion for the recommendation of the Planning Commission to be approved. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

Council Member Robinson moved that a supplemental appropriation in amount of \$ 14,500., requested by the Street Superintendent in order to replace a steam generator with electrical heated tank for

asphalt, and to recover funds from auction of used equipment for equipment replacement, be approved for second & final reading, a first reading having been approved on December 17th, and that:

\$ 7,000 chgd.to: General Fund (1901.01) Recoveries & Rebates
 7,500 chgd.to: General Fund - Unapprop. Fund Balance
 14,500 approp.to: General Fund (4102-7001.00) St. Inspection- Mach. & Equip.

The motion was seconded by Council Member Rhodes, and adopted by a unanimous recorded vote of Council.

✓ Council Member Shank moved that a supplemental appropriation in amount of \$ 12,500, requested by the Street Superintendent in order to replace four traffic signal controllers, be approved for second & final reading, a first reading having been approved on December 17th, and that:

\$ 12,500 chgd.to: General Fund - Unapprop. Fund Balance
 12,500 approp.to: General Fund (4107-3004.01) Traffic Eng.- Maint. & Repairs
 to Machinery & Equipment

The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous recorded vote of Council.

✓ City Manager Milam brought Council up-to-date re the matter of a proposed resolution reducing membership in the Upper Valley Regional Park Authority from 16 members to 8; payment of the \$10,000 by each of the four jurisdictions for year 1984-85, and sharing the debt of the Authority equally between Staunton, Augusta County, Rockingham County and Harrisonburg. The latest meeting was held on December 18th, which resulted in a decision that the two representatives from each of the jurisdictions be the County Administrator or City Manager (or their designee, which may be an elected official), and the Director of Parks & Recreation. He noted that the City of Staunton approved a resolution on December 23rd providing for payment of the \$ 10,000 to be in the form of a Grant and not a Loan; to share equally in the Authority's debt, providing the other three participants do likewise; and by action of January 9th, appointed its City Manager (or designee) and Director of Parks & Recreation to the Authority: Augusta County has approved the resolution; authorized payment of the \$ 10,000 and allocated funds and authorized payment of 1/4 of the Authority's debt, provided the other jurisdictions do likewise, and agreed to appoint the County Administrator (or his designee) and the Director of Parks & Recreation to serve on the Authority: Rockingham County agreed to its share of the Authority's debt, to pay the \$ 10,000 for year 1984-85, and share in the Authority's debt, and to appoint the County Administrator (or his designee) and the County's Director of Parks & Recreation to serve on the Authority. Manager Milam noted that Council needs to approve the resolution reducing the number of representatives from four to two, and to insert the names so appointed, into the resolution. During discussion, it was agreed that City Manager Milam, or his designee, and Parks & Recreation Director Cecil Gilkerson, be named as the City's representatives. On motion of Vice-Mayor Dingledine, seconded by Council Member Rhodes and a unanimous vote of Council, the following Resolution was approved:

WHEREAS, by concurrent resolution approved by City Council of the City of Harrisonburg, Virginia, on January 25, 1966, and by the Rockingham County Board of Supervisors on February 4, 1966, the Articles of Incorporation of the Upper Valley Regional Park Authority were adopted; and

WHEREAS, pursuant to Sec. 15.1-1230 of the Code of Virginia (1950) as amended, the County of Augusta, Virginia, joined in the Authority by resolution adopted September 14, 1966, and the City of Staunton, Virginia joined in the Authority by resolution adopted February 9, 1967; and

WHEREAS, it is now deemed desirable to amend the Articles of Incorporation of the Upper Valley Regional Park Authority so as to reduce its membership from four (4) to two (2) members from each participating political subdivision;

NOW, THEREFORE, BE IT CONCURRENTLY RESOLVED, by the City Council of the City of Harrisonburg, Virginia, that the following shall be, and hereby are adopted as Articles of Amendment to the Articles of Incorporation of the Upper Valley Regional Park Authority:

ARTICLES OF AMENDMENT TO THE
 ARTICLES OF INCORPORATION OF THE
 UPPER VALLEY REGIONAL PARK AUTHORITY

1. The name of the Authority shall remain
 "UPPER VALLEY REGIONAL PARK AUTHORITY"
2. The amendment adopted is to amend and re-enact Article "b" of the Articles of Incorporation as follows:
 - b. The names of the participating political subdivisions are:
 City of Harrisonburg, Virginia
 County of Rockingham, Virginia
 County of Augusta, Virginia
 City of Staunton, Virginia

Each participating political subdivision shall appoint two (2) members to the Authority, one of whom may be a member of the governing body of the participating political subdivision.

The names and addresses of the members of the authority from the City of Harrisonburg, shall, upon the effective date of this resolution be as follows, each of whom is a resident of Harrisburg and each of whom shall continue in office until the expiration date of the term set forth opposite the member's name and until a successor shall be duly appointed and shall qualify:

<u>Name</u>	<u>Address</u>	<u>Expir. of Term</u>
City Manager Marvin B. Milam (or his designee)	Municipal Bldg. Harrisonburg, Va.	Sept. 30, 1989
Cecil F. Gilkerson, Parks & Recreation Dir.	305 S. Dogwood Dr. Harrisonburg, Va.	Sept. 30, 1987

The successor of each member shall be appointed by the governing body to the participating political subdivision from which the member whose term is expiring was appointed, and such successor shall serve for a term of four (4) years and until a successor shall be duly appointed and shall qualify, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Any member of the Authority shall be eligible for re-appointment.

Each member shall be reimbursed the amount of the member's actual expenses necessarily incurred in the performance of the member's duties.

3. The effective date of these Articles of Amendment to the Articles of Incorporation of the Upper Valley Regional Park Authority shall be October 1, 1985, provided concurrent resolutions are adopted by the other three participating political subdivisions.

IN WITNESS WHEREOF, the City of Harrisonburg, a participating member political subdivision of the Authority has, after a duly advertised public hearing, caused this Articles of Amendment to be executed by the Mayor of its governing body to be affixed hereto and attested by the Clerk of said governing body this 14th day of January, 1986.

Mayor

Atteste:

Clerk

✓ City Manager Milam presented, for Council's consideration, a request for approval of a supplemental appropriation in amount of \$ 32,075, representing Harrisonburg's share of the Upper Valley Regional Park Authority's total debt, with same to be equally shared by the other three participants in the Authority. Council Member Shank moved that the appropriation be approved for a first reading, and that:

\$ 32,075 chgd.to: General Fund - Unapprop. Fund Balance

32,075 approp.to: General Fund (9104-5604.08) Support of Community & Civic Org.-

Upper Valley Regional Park Authority

The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

✓ Vice-Mayor Dingledine offered a motion for a letter, expressing sympathy of City Council, to be sent to the family of Lyle W. Sweet. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

✓ Council was reminded that the second term of Mr. Yancey Gillum on the Harrisonburg Electric Commission, had expired as of December 31, 1985, and Mayor Green asked member's wishes concerning an appointment for the vacancy. Vice-Mayor Dingledine offered a motion for Mr. Francis E. Turner, 815 Elmwood Drive, Harrisonburg, to be appointed to a first term of three (3) years on the Commission, to expire on December 31, 1988. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

✓ Inasmuch as Mr. Jack Mason had resigned as a representative of the City of Harrisonburg on the Blue Ridge Community College Board of Trustees, prior to expiration of his second term, Mayor Green asked members' wishes concerning a replacement for the vacancy. Council Member Shank moved that Mr. W. Price Lineweaver of 23 Tamela Court, Harrisonburg, be appointed to serve the unexpired term of Mr. Mason, which will expire on June 30, 1987. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

✓ For information, City Manager Milam reported that Mr. V. Stephen Bradshaw had submitted his resignation as a member of the City's Bi-Racial Commission, in that he has moved from the City, to the County.

✓ Correspondence dated June 20, 1983, was presented from Mr. James Deskins, Executive Director of the Harrisonburg Redevelopment & Housing Authority, enclosing copy of a position paper developed by the Authority, with regard to the extension of Kelly Street through to Tower Street and the improvement of Tower Street from Old Furnace Road to East Washington Street. City Manager Milam said that Mr. Deskins had advised that the Authority would pay for the work. He suggested that Council may wish to think about the matter, with work programmed in next year's budget, if approved. He noted that the City is not allowed to use Highway Funds for this type of work. Mayor Green said Mr. Deskins is of the opinion that increased traffic will help problems in the area, and the project would provide access to the area. Council Member Rhodes reminded Council of the water problem on Kelly Street which results in water being dumped onto other areas. Following discussion, Council Member Shank offered a motion for the City Manager to work with Mr. Deskins, City Engineer Wilcox, Street Personnel, Superintendent of Water/Sewer and Transportation Director, concerning the request, prior to referral of same to the City Planning Commission for review. The motion was seconded by Council Member Robinson and adopted by a unanimous vote of Council.

✓ City Manager Milam presented plans that were submitted in early October by Johnson & Williams Associates, Rockingham County's Engineers, whereby the county would connect to the terminus of the city's 12" water main on Chestnut Ridge and extend it into the county with a 12" water main. He noted that City Engineer Wilcox and Water Superintendent Yancey had met with Mr. Don Krueger and two representatives from the Engineering Firm, with concern expressed at that time as to where the connection would be made. Manager Milam pointed out the fact that four or five years ago, Harrisonburg had no water pressure problems, with the biggest problems preceding annexation at the expansion of JMU with construction of the Convocation Center, and at the hospital. Residents of Sandtrap Lane complained of low pressure, as well as other areas around the City, which were outside the city at that time. Manager Milam gave history of work done by the city insofar as installation of water lines, etc. to serve the water needs of the city, concluding with lines, which were installed to serve Reherd Acres, K-Mart/Kroger and Schewel Furniture area. The county is now requesting to connect a 12" line to the city's existing 12" line near #3 Fire Station on Route 33 east, and to run this line to Massanetta Springs to serve the Lakewood Estates subdivision and Sunnyside, with installation along the shoulder of Rt. 33. The county proposed to place a metering system within the city. He noted that the profile shows connection at the crest of the hill. From this point to Sunnyside, it is down hill, with fire hydrants and valves shown on the plan, but no connections. Concern was expressed that pressure at Chestnut Ridge is minimal, and unrestricted flow to the lower elevations could deplete water supply to higher elevations in the City. Inasmuch as the county is asking for 9,000 gallons of water per day, into a 12" line which carries a capacity of 2 million gallons per day, Manager Milam recommended that the request for a 12" line be denied. Mayor Green offered the following comments: "While I have not seen engineering reports, I realize Mr. Milam's responsibility, and therefore, his recommendation. We are now aware that the county has immediate needs for water in their Massanetta Springs development area. I would like for us to avoid litigation procedures and costly delays for the county developers

(both Massanetta and Martin's). If we get in a no-win situation, whether we lose or appeal, or vice-versa - either way, this could consume considerable time and expense. I would hope that we would be able to reach an agreement whereby we can satisfy their immediate needs, with the understanding, up front, that we do not want to enter into a piecemeal agreement, with its inherent future problems. We need to address the future, whereby we can assure the city requirements and satisfy the additional needs of the county. The only way we can do this, is to increase our treatment facility capacity and get more water to the east corridor from the west 33 treatment center. This must be understood, up front. In addition, and further in the future, I hope we can agree to working together to form a system for transporting more water from Switzer Dam." Vice-Mayor Dingleline said he agreed wholeheartedly, and offered a motion for the city and county engineers to work out what might be done to meet immediate needs of the county. The motion was lost for lack of a second. Mayor Green said that Council should act on the City Manager's recommendation for denial of a 12" line, and then get on with the joint venture for an alternate plan. Manager Milam noted some dissention among attorneys re interpretation of the 1978 contract, as to its effectiveness, based on wording of an amendment approved in April of 1984, paragraph 2, by Council. Council Member Rhodes said "we want to furnish water that the county needs, but I would like to move that the 12" connection be denied, as recommended by the City Manager, and for a committee to be appointed to begin work immediately with the county, to determine a method for meeting the county's immediate needs, as well as a long range plan for future needs." The motion was seconded by Council Member Shank.

At 10:25 p.m., Vice-Mayor Dingleline offered a motion for Council to enter an executive session to discuss a legal matter. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

At 10:57 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened.

The Clerk was asked to re-read Council Member Rhodes' motion concerning the county's water needs, after which time it was adopted by a unanimous vote of Council. Mayor Green asked Vice-Mayor Dingleline and Council Member Shank to contact the liaison people for the county, and explain the city's position with regard to legalities, etc., as discussed and acted upon in this meeting.

City Manager Milam called attention to nine City holidays presently being observed, including a day off for an employee's birthday. He informed Council that he had been asked that January 20th be observed for Martin Luther King's birthday, which has been declared a Federal Holiday for some time. Vice-Mayor Dingleline offered a motion for January 20th to be established as a holiday for city employees, due to its symbolic importance. Council Member Rhodes expressed appreciation for the comment, and seconded the motion, which then received a unanimous vote of Council.

City Manager Milam called attention to correspondence of January 7, 1986 which he had received from Dr. Ronald Carrier, President of James Madison University, in which he stated a desire to work with the city re a former request of the City for a right-of-way to install a sewer line through the arboretum located on the JMU campus. He asked that Dr. Norlyn Bodkin be contacted to plan construction of the sewer line with the city. Two additional requests were made, namely: (1) consideration of the city to assist JMU in completion of a pond in the arboretum and construction of a well; (2) JMU to have two plots at Switzer Dam area for biological research. Council Member Rhodes said he felt that more information is needed with regard to costs, etc. Mayor Green offered an opinion that the city should pursue a right-of-way, and consider Dr. Carrier's requests. Following the brief discussion, the City Manager was asked to pursue negotiations for a right-of-way, through proper channels.

Council was reminded by the City Manager that a CPA Firm must be appointed to audit city records, by June 1st, in that this is the last year on the 3-year proposal. He called attention to a proposed "Request for Proposal for Auditing Purposes", which includes specifications that follow closely those used by the City of Staunton. He noted that if approved by Council, the proposal would be forwarded to the local CPA Firms, after which time, replies would be reviewed with recommendation to Council, prior to Council's appointment of a firm. On motion of Council Member Shank, seconded by Council Member Rhodes, and a unanimous vote of Council, the City Manager was authorized to proceed.

City Manager Milam called members' attention to their copies of Fiscal Year '85 independent audit reports for Community Services Board-operated programs which receive State funds, as submitted by Ms. Elizabeth P. Knighton, Executive Director of the Harrisonburg-Rockingham Community Services Board.

City Manager Milam presented a request for Council's assistance in a joint venture by JMU and Rockingham Development Corporation, to establish an Innovation Center in the city. Manager Milam informed Council that he had received a request from Dr. Eney, Mr. D.P. Davis, Jr. and Dr. Carrier, for the City to contribute the amount of \$ 5,000. A like amount is being requested of Rockingham County, with \$ 10,000 to be provided by each organization (JMU and RDC). He noted that space is available at Dunham Bush for such a Center. The City Manager was asked by Council, to place the matter on a future agenda, with invitation extended for a representative to be present at that meeting to supply additional information.

Mayor Green appointed Council Member Thomas H. Robinson, II, to serve as a representative of Council on the Chamber of Commerce Convention/Tourism Advisory Committee, along with representatives from RDC, JMU and the local business community.

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

N. Barbara Lopez
CLERK

Walter F. Green, Jr.
MAYOR

Tuesday, January 28, 1986

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingleline, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Vice-Mayor Dingleline called for a moment of silence, out of respect and appreciation to the seven Astronauts who so tragically gave their lives this day in the Space Ship Challenger, and in sympathy to their families.

Minutes of the regular meeting held on January 14th were approved, as corrected.

✓ Council received the following report from a Planning Commission meeting held on January 22nd:

"...Following the Notice of Public Hearing statement, Chairman Eneidy opened the floor to anyone desiring to speak in favor of the rezoning of 4.1 acres owned by Mr. and Mrs. David Garber and 5 acres owned by Mr. and Mrs. Winfred Keagy. Attorney Henry Clark spoke for the Garbers and referred to a site plan illustrating 36 condominium units in four structures, along the east side of newly built Hunters Road. He noted that 36 units are actually less than what R-2 Residential zoning would allow, but R-3 Multiple Dwelling District is being applied for in order to build structures of six and 12 units each. (R-2 zoning restricts a builder to no more than 4 units per structure). Mr. Clark also noted that 74 off-street parking spaces are planned which is 2 more than required. Overflow parking spaces will be available along Hunters Road which is over 1,100' long from Port Road to the existing Hunters Ridge condominiums.

Mr. Winfred Keagy spoke on behalf of rezoning his adjacent 5 acres to R-3 District. He noted that his property was a part of the 1984 rezoning case which was withdrawn by D.M.I. Corp. of Williamsburg in September 1984 just prior to a City Council meeting. He reported that D.M.I. Corporation is no longer interested in acquiring the Keagy parcel, but if Garber's land is rezoned, it would be time-saving and logical to rezone the Keagy parcel at the same time, because R-3 would be the highest and best use if bordered by R-3.

Mr. Carl Wassum, President of the Port Road Neighborhood Association, read a statement from the organization which projected possible population figures, traffic increases, and suggested a moratorium on rezonings until the Zoning Ordinance review is completed. Mr. Kenneth Langraf and Dr. James Eby of Devonshire Homeowner's Association, supported Mr. Wassum's statement.

After discussing the existing zoning patterns of the area, students' lifestyles, number of automobiles (56% of J.M.U.'s students have autos). Mr. Rhodes moved that the Keagy request be tabled, since no plan of development was provided. Mr. Trobaugh seconded the motion which passed unanimously. Then Mr. Heath moved that the Commission recommend rezoning the 4.1 Garber parcel from R-1 to R-3. Mr. Hartman seconded the motion, which passed unanimously..."

City Manager Milam reminded Council that a public hearing is required in all rezoning issues, and said it seems apparent that the date of March 11th is satisfactory to all concerned. On motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote of Council, March 11th was approved as the date of a public hearing on the Garber rezoning request, and the City Manager was instructed to properly advertise same in the Daily News Record newspaper, for 7:30 p.m.

✓ Council received the following Planning Commission report from its January 22nd meeting:

"...The Commissioners again reviewed the request from Peoples Baptist Church to re-subdivide their parsonage lot on the northwest corner of Monument Avenue and Bluestone Street. The Director reported that City Attorney Lapsley felt the temporary moratorium on subdivisions within the Permit Parking District should not apply in this situation, because no additional dwelling or dwellings will result and the purpose is to provide more off-street parking, which will help the parking arrangement rather than impose more parking on public rights-of-way. Mr. Rhodes noted that he also spoke to Mr. Lapsley and was satisfied concerning the circumstances of this case. City Staffers Wilcox, Byrd and Sullivan suggested the lot line between proposed Lot A and the church parcel facing South Main Street be eliminated, while proposed Lot B, with dwelling and 10,395 square feet be recommended for approval. Attorney Henry Clark told the Commission the church officials will agree to eliminating the lot line between Lot A and the church parcel, and he felt the Commission could recommend this in its motion.

Mr. Heath offered a motion for the Commission to recommend approval of Peoples Baptist Church to resubdivide Lots 35, 36 & 37, Block I, Fairview Addition, forming a 10,395 square foot lot on the northwest corner of Monument Avenue, and Bluestone Street, and adding "Lot A" of 4,905 square feet to the main church parcel facing S. Main Street. Mr. Trobaugh seconded the motion and all members present voted in favor..."

City Manager Milam called attention to the revised plat which he had received late this evening, noting the solid line on the original plat, and elimination of same on the revised plat, between Lot A and the church parcel. Council Member Rhodes offered a motion for the recommendation of the Planning Commission to be approved, with resubdivision as set out on the revised plat. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

✓ The following Planning Commission report from its January 22nd meeting, was presented and read:

"...Mr. Copper described the proposed 2-lot subdivision by Investor's Savings & Loan, located in the triangle formed by East Market Street, Country Club Road and Lowe's Store. It was originally surveyed in July 1981, approved by the County, but never recorded. Now Investor's S & L has a purchaser for Lot 1 adjacent to Lowe's, and they need the City's approval in order to record the 2 lots as a subdivision. Water and Sewer Superintendent Yancey reported that

adequately-sized utility lines are available from Country Club Road. Realtor Albert Constable said he wasn't at liberty to reveal the contract purchaser for Lot 1, but the development is permitted under B-2 General Business zoning.

Mr. Rhodes moved and Mr. Hughes seconded his motion that the Commission recommend approval of the Investor's S & L Subdivision, Section 1. The motion passed unanimously..."

Council Member Rhodes, a member of the City Planning Commission, noted no problem, insofar as the Commission's recommendation for approval of Section 1, Investor's S & L Subdivision. On motion of Vice-Mayor Dingledine, seconded by Council Member Robinson, and a unanimous vote of Council, the recommendation of the Planning Commission was approved.

✓ The following Planning Commission report from its January 22nd meeting, was presented and read:

"...Mr. J.R. Copper, a partner of MNY & C, reported that his office building plus three other adjacent professional office structures want to be recorded as a subdivision of five parcels. Each structure occupies an individual lot, and the fifth lot, with 19,530 square feet, will always be a 'common space' parcel for parking and access usage. The already built project is located at 1041 South High Street. Attorney Steve Weaver summarized the covenants, emphasizing that the common space parcel can never be built upon, even if ownership of the development changes. The covenants also prevent any one of the lots to be sold to someone not a member of the 'association.' Concerning water and sewer, Mr. Copper said the owners are fully responsible for all bills and repairs, since they have private lines. The Water and Sewer Superintendent said there should be no problem as long as the association cannot sell any or all of the lots to a non-member.

Mr. Heath concluded the discussion with a motion for the Commission to recommend approval of the South High Professional Office Complex, Section 1. Mr. Rhodes seconded the motion, and all members present voted in favor..."

Council Member Rhodes, a member of the City Planning Commission, said that the question of water and sewer lines had been raised in the Commission's meeting, insofar as no individual meters, and Mr. Copper replied that the Association will maintain the lines, with one connection for the four lots. Council Member Rhodes also noted the fact that changing the units to 'for sale' rather than renting, had also been spoken of in the meeting. Mr. Copper noted that a subdivision had been recommended, rather than condominiums, and that the structures are 2-story. Fire walls have been constructed, and other safety requirements complied with. Lot 5 will be owned by the Association and maintained by a group of involved individuals. He pointed out the fact that nothing can be constructed on this lot, in that it will be encumbered by all the easements. Following discussion, Council Member Shank offered a motion for the recommendation of the Planning Commission to be approved. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

✓ Council received the following Planning Commission report from its January 22nd meeting:

"...A letter from Attorney Steven Blatt was read, asking the City to officially approve the resubdivision of Lots 1, 2, 3 & 4 of Block 8 in Airhart Addition. In August, 1959, these lots were surveyed by Mr. G.K. Harmsberger and reduced to three residential lots. They are located on the west side of Hartman Drive just south of Second Street. Three dwellings exist on the three lots. The Director reported that the City Block Map correctly shows the three lots, as proposed on Mr. Harmsberger's 1959 plat. Attorney Blatt is asking for official approval at this time, in order that an owner's consent and dedication can be signed by the Mayor and Planning Commission Chairman.

Mr. Hartman moved that the Commission recommend approval of the 1959 resubdivision of Lots 1, 2, 3 & 4 of Block 8, Airhart Addition. Mr. Rhodes seconded the motion which passed unanimously..."

City Manager Milam called attention to the survey and plat, attached to the report, and Council Member Rhodes, a member of the City Planning Commission said "all is in place." Vice-Mayor Dingledine offered a motion for the recommendation of the Planning Commission to be approved. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

✓ City Manager Milam presented a Proposed Position Classification and Pay Plan for city employees, as prepared by Yarger and Associates, Inc. of Falls Church, Virginia. He explained that in 1970, the city approved a Plan by Yarger Associates, with completion of same preceding the state law requirement by about five years. In 1974, another Classification Pay Plan was prepared by the same firm, which has been used with the 1970 Plan as a guide for new employees, although not used 100% of the time. The 1974 Plan was completed in October 1974, and in 1975, under Title 15 of the state code, it was mandated that all cities, counties and towns must have a grievance procedure, and also a Position Classification Pay Plan. As a result of this mandate, the City followed up and completed a more comprehensive report, prepared by Municipal Advisors of Virginia Beach, Virginia. In 1976, the Personnel Management System was completed and adopted by ordinance, which ordinance included a paragraph referring to that system. He noted that Council may revise the Plan from time to time, which has been done on several occasions. Attempt was made to consolidate some policies and resolutions into one manual. He pointed out the fact that it is now 1986, and the only thing that has happened, is that he had attempted to use as much of the Personnel Management System as possible. A requirement of the Virginia General Assembly is for all cities to resubmit their plan by the middle of February. Parts of the present Plan are still in effect. In 1980, a smaller report "Salary Survey" update, was recalculated, to determine whether or not the City's pay scale was in line with those of the 1970s. Council, in 1980, did not approve this report, although it was presented and recommended for adoption. No action with regard to its adoption, resulted from some personality conflicts at that time. Council held an executive session, and following this, he (the City Manager) was instructed to use another method for determining increases in salaries, which has been done. He asked some indication from Council, as to its wishes, for preparation of the upcoming budget for fiscal year 1986-87. Following adoption of last year's budget, bids were taken for preparation of an up-to-date Position Classification Pay Plan, with low bid submitted by, and contract awarded to Yarger and Associates, Inc. The report was completed in October, 1985, with presentation delayed until this time due to the workload of Council, with a number of pressing matters which have resulted in long agendas and late meetings. Manager Milam presented highlights of the 1985 six-year plan, which may or may not be used, depending upon Council's decision concerning adoption of same. He noted that the Plan has been updated four times, in order to help each individual employee receive fair treatment. To assist the Firm in pre-

paring the Plan, each employee was provided with full classification information and a form to be filled out with regard to his/her position, with request that it be examined and discussed with families and/or ministers. The forms, upon completion, were submitted to the supervisor of each employee, who only made comments, prior to their being sent to the firm to be analyzed in preparing the Plan. The report has sufficient information to provide a reasonable salary for new employment, but does not include either the School Board or Harrisonburg Electric Commission. Manager Milam requested approval of the Plan, to be used as a guide in employment, and as a supplement to that approved in 1976. He expressed a hope that Council and City Staff would consider approval, in that a guide is desperately needed. The fact was impressed upon Council that personalities should not be considered in approving the Pay Classification Plan, but rather, the position. He noted that a City Police Officer has instituted a law suit against the city, with charge of a lack of uniform pay policy. Manager Milam noted that if the 1985 Plan is approved, copies of same would be distributed, with effort to implement the Plan. He added that if approved, Council could amend any of the pay scales, in that the Plan will serve only as a guide, and the 1976 Plan is way out-of-date. The Plan would be use as a guide in correcting some inequities. Following the City Manager's report, Council Member Rhodes offered a motion for the 1985 Position Classification Pay Plan to be approved as a Guide for the City Manager, to be approved. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council. Manager Milam said that a tentative date of February 25th has been set for meeting with Mr. Yarger, and asked members of Council to review the Plan and make any changes, prior to that time.

✓ For consideration of a second & final reading, an ordinance was presented, amending Section 12-1-42(a) of the Harrisonburg City Code, increasing the license tax from \$250 to \$500 for persons selling to consumers at retail, from temporary or fixed places in the city, as well as all itinerant vendors doing business in the city. The ordinance was approved for a first reading on January 14th. City Manager Milam informed Council that he had contacted the Commissioner of Revenue concerning collection of sales tax from Itinerant Merchants and Peddlers, as requested, and that the Commissioner had then contacted the Branch Office of the Department of Taxation located on North Main Street. In a Memo from Commissioner Smith, it was noted that the Department of Taxation makes every effort to register all such merchants, and if registered, sales tax is collected, with sales reported to the locality in which the sales take place, with tax allocated to the specific locality. Mr. Smith added a personal statement that "every effort is made to enforce compliance with the revenue licensing and sales tax collection by this office and the Department of Taxation." Council Member Shank offered a motion for the ordinance to 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 Council Member Rhodes, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk L, page 61).

✓ For consideration of a second & final reading, an ordinance was presented to amend Section 12-1-45(c) of the Harrisonburg City Code, by increasing from \$250 to \$500 the license tax for the privilege of peddling or bartering in the City of Harrisonburg. The ordinance was approved for a first reading on January 14th. Inasmuch as the question of sales tax collection had been clarified through the Commissioner of Revenue, Council Member Robinson offered a motion for the ordinance to 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 Dingleline, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk L, page 62).

✓ For consideration of a second & final reading, City Manager Milam presented the appropriation form in amount of \$ 32,975., representing Harrisonburg's 1/4 share of the Upper Valley Regional Park Authority's debt, which appropriation had been approved for a first reading on January 14th. He noted that Augusta County would be meeting this evening to act on this, ruling on behalf of employees for retirement benefits, and added the fact that there will be additional debt service. When he asked if Council would like to defer action on a second reading of the appropriation, Mayor Green said it had been agreed that the City would act on the issue, when it had been approved by the other three participants. Council Member Rhodes offered a motion for the appropriation to be approved for second and final reading, contingent upon payment by the other localities, and that:

\$ 32,075 chgd.to: General Fund - Unappropriated Fund Balance
32,075 approp.to: General Fund (9104-5604.08) Support of Community & Civic Org.-
Upper Valley Regional Park Authority

The motion was seconded by Council Member Shank, and adopted by a unanimous recorded vote of Council.

✓ A request was presented from Police Chief Presgrave for approval of a supplemental appropriation in amount of \$ 1,524.82, in order to return funds received, to accounts from which they were expended. Vice-Mayor Dingleline moved that the appropriation be approved for a first reading, and that:

\$ 1,524.82 chgd.to: General Fund (1901.01) Recoveries & Rebates
481.33 approp.to: General Fund (3101-5500.01) Travel
1,043.49 approp.to: General Fund (3101-1001.05) Patrolman

The motion was seconded by Council Member Shank, and 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 \$ 8,109.12, in order to transfer monies received from Harrisonburg Parking Authority for additional work that was done while paving parking lot back of Harrison Plaza. Following a brief discussion, Council Member Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 8,109.12 chgd.to: General Fund (1901.01) Recoveries & Rebates
8,109.12 approp.to: General Fund (8106-5400.01) Parking Authority- Other Mat.& Supp.

The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous recorded vote of Council.

✓ City Manager Milam presented a request from Fire Chief Shifflett for approval of a supplemental appropriation in amount of \$ 26,854.54 in order to recover funds for fire department expenses. The funds have been received from Rockingham County. Vice-Mayor Dingleline moved that the appropriation be approved for a first reading, and that:

\$ 26,854.54 chgd.to: General Fund (1901.01) Recoveries & Rebates
24,854.54 approp.to: General Fund (3201-1001.06) Dispatchers
2,000.00 approp.to: General Fund (3201-5400.01) Other Mat. & Supplies

The motion was seconded by Council Member Rhodes, and adopted by a unanimous recorded vote of Council.

Fire Chief Shifflett informed Council that an engine was involved in a 1985 accident, with repairs not made, to date, in that the company is unable to remove it from service, due to no reserve equipment. Although repairs to the engine are important, the Chief asked for a commitment in the City's 1986-87 budget for approximately \$ 42,000 toward the cost of a new engine, with total purchase price estimated at \$120,000, with another \$30,000 needed for equipment. The engine could be purchased, using a 4 to 5 year lease-purchase agreement, with interest rates of between 7% and 7 3/4%, depending upon the lender. He added the fact that with the purchase of a new engine, another could be placed in reserve. City Manager Milam said his reason for bringing this matter to Council, was because the requested appropriation would have to be made available in the city's budget for the next three or four years. He asked some guidance to determine whether or not the Chief could proceed with the lease-purchase arrangement, and added the fact that banks are interested in working with the city on such an arrangement. Manager Milam offered an opinion that this would be a good way to acquire equipment. Following discussion, Council Member Rhodes offered a motion for the requested amount toward purchase of a new engine, to be appropriated in the City of Harrisonburg 1986-87 budget. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

City Manager Milam informed Council that Fire Chief Shifflett feels he has gone as far as he can, with the E-911 System, and has asked about the possibility of scheduling a public hearing on the issue. He said Council may wish to select a date for sometime this spring, or in May or June, following adoption of the City's budget, in order that notification of same may be given Continental Telephone. He expressed a desire for information requested in January 21st correspondence from the company, to be furnished by the Fire Chief. An added fact was that this may need to be tied in with 1986-87 budget requests, insofar as meetings. Chief Shifflett noted that the cut-over of February 1988 has been set, and that tariff has been applied for, through the SCC. Although no specific dates have been set for a commitment from the city, he said it would be helpful if he could point out, after the next meeting of Council, that a mail-out, or some other method would be instituted for receiving public interest and input. The Plan is in the preliminary stages at this time. Vice-Mayor Dingleline said his understanding was that the company would prepare a Plan and present it to Council, prior to any hearings, etc. The Chief said they are in the process of planning at this time, and said he felt the company would welcome an opportunity to meet with Council for presentation of an up-date report. When Manager Milam asked about the month of June for receiving a final proposal, Chief Shifflett said he would ask the company for a proposal, sometime after adoption of the City's budget. Manager Milam pointed out the fact that the City had only promised to program this in the 1987-88 budget, with no commitment before that fiscal year.

With regard to the Tax Reform Act of 1984 requiring that the value of the personal use of a company-owned vehicle be included in employees' gross wages, City Manager Milam presented a report of "Commuting Use of City Owned Vehicles - Calendar Year 1985." Auditor Peterman said that the November deadline was to allow employees an option not to subject this fringe benefit to federal and state income tax. He presented a proposed resolution, noting that approval of same would decrease the amount to approximately \$ 60 per year for commuting use of various vehicles. He cited the situation which arose in December 1985, when lump sums were deducted from one pay check of various employees. He requested approval of the resolution before the end of this month, in order that the same situation will not arise at the end of 1986. Method of payment would be left to the discretion of the employees. Auditor Peterman suggested one change in the proposed resolution, namely, that notification to the employees, by the city, state "by January 31, 1986" rather than July 1st. On motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous vote of Council, the following resolution, as amended, was approved:

RESOLVED: That the following policy regarding employee personal usage of business vehicles of the City of Harrisonburg, Harrisonburg, Virginia, be, and is hereby adopted by the Harrisonburg City Council:

1. *The City of Harrisonburg, due to valid business considerations, provides a business vehicle to various employees for their usage. The primary reason the vehicles are provided is for adequate transportation for business activities. However, the City of Harrisonburg believes it is necessary for the employees to use these vehicles to commute to and from the business. It is the City of Harrisonburg's policy that there should be no other personal use of these business vehicles, unless approved on a specific case-by-case basis.*
2. *The City of Harrisonburg agrees that it will be responsible for the automobile liability insurance coverage for these vehicles.*
3. *The City of Harrisonburg will include the value of the employee's personal usage for commuting in each employee's form W-2 annually. This value will be computed under the applicable method as established by IRS regulations. Specifically, non-officer employees or less than five percent owner-employees will have their personal usage valued at \$3.00 per day, unless they have been approved for personal usage in addition to commuting. Then the value will be computed using the IRS's Annual Lease Value Table.*
4. *The City of Harrisonburg will notify employees by January 31, 1986, and every January 1st thereafter, that no federal income tax will be withheld from this imputed value.*
5. *The City of Harrisonburg will withhold the required FICA (Social Security) tax computed on this value annually, no later than December 31st of each year.*

ADOPTED and APPROVED this 28th day of January, 1986.

Clerk

It was agreed that the following concerns be referred to the Harrisonburg Transportation Safety Commission, for review and report:

- (1) Change in signs on Lee Avenue at the intersections of First and Second Streets, due to accidents resulting from non-compliance with "Yield" signs.
- (2) Possibility of reducing speed limit on Reservoir street from the present

35 mph, in the vicinity of McDonald's Restaurant.

(3) Need for 4-way stop sign at Meadowlark and Blue Ridge Drives.

✓ Council Member Robinson registered a request for street lights on Central Avenue between South Avenue and Maryland Avenue, due to difficulty in seeing the school entrance after passing the intersection at the fire station. Assistant City Manager Driver said he would look into the situation.

✓ For information, and recordation in minutes of this meeting, City Manager Milam presented correspondence from Mr. Frederick A. Board, Senior Vice-President and Controller, Dominion Bank, and from Ms. Gloria A. Spitzer, concerning the city's tv cable service.

At 9:50 p.m., Vice-Mayor Dingleline moved that Council enter an executive session to discuss real estate and legal matter. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

At 10:45 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened. There being no further business, the meeting was adjourned.


CLERK


MAYOR

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingledine, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on January 28th were approved as read.

The following regular monthly reports were presented and ordered filed:

From the City Manager:

A progress report of activities in the various departments and said office for the month of January, 1986.

From the City Treasurer:

A trial balance report as of close of business on January 31, 1986.

From the Police Department:

A report of cash collected from street parking meters, \$ 5,293.55; Fines & Costs, \$ 4,977.75; total cash collected during month of January 1986, \$ 10,271.30.

Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of January, 1986.

Council received a Note of Thanks from Mrs. Nancy Sweet, for flowers received.

✓ For information, City Manager Milam presented a copy of Form 8038 which had been filed with the Internal Revenue Service, in connection with the issuance of the Redevelopment & Housing Authority's Revenue Bonds in amount of \$ 3,543,746 for Rippon Landing Associates, II. Although the original Resolution, approved by Council on February 26, 1985 was in total amount of \$ 11,500,000, the Bonds were issued in the lesser amount. Form 8038 is a requirement under Sec. 15-1-1377 of the Virginia Code.

✓ Mr. Timothy Milligan, President of the Old Town Homeowners' Association, expressed concern about the delay in action concerning the R-2 Residential Zoning Regulations, with regard to recommendations submitted by the Association in November, which, he feels have been shelved. He said there is no room for any kind of construction, and added that "if there is a moratorium on all requests to resubdivide property within the Neighborhood Permit Parking Area, or where there is a current parking problem, then, there should be a moratorium." He said he was pleased with a recommendation of Messrs. Byrd & Sullivan in January, but felt that Council inaccurately approved a subdivision, when a moratorium is in effect. He asked the possibility of a public hearing being scheduled on the zoning issue. Council Member Rhodes, a member of the Planning Commission, noted that approval of the Peoples Baptist Church request to resubdivide its lot was done, due to circumstances which prevailed. Mayor Green pointed out the fact that the matter of zoning is presently in the hands of the Planning Commission, and asked Council Member Rhodes to have Mr. Sullivan contact Mr. Milligan, in that some type of commitment is being requested by the Homeowners' Association.

✓ Mr. J. M. Phillips, Environmental Health Program Manager of the Central Shenandoah Health District, was present in the meeting to present the annual Health Program Report of activities conducted in Harrisonburg during fiscal year 1984-85. The report was received for information.

✓ Mr. Dana Armentrout, Fiscal Agent, Shenandoah Valley Private Industry Council, was present in the meeting to present a Summary of Planned Operations in Service Delivery 4, under Title IIA of the Job Training Partnership Act, year 7/1/86 - 6/30/87. He presented statistics concerning four activities proposed for Title IIA funding, namely: Out-of-School; On-the-Job-Training; Assistance for the Handicapped; Classroom Training. Mr. Armentrout noted that although PIC is a local agency, funds come through the Federal Government, which funding faces a cut-back. He informed Council that \$174,000 incentive funds came into this area last year, and added that the Private Industry Council was rated #1. Following the review, Vice-Mayor Dingledine offered a motion for Council to concur in the Plan. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

✓ The City Manager presented the following proposed Resolution, prepared by Mr. Francis Bell, and submitted for Council's consideration of approval:

RESOLVED by the Council of the City of Harrisonburg in regular session

assembled, that they do hereby designate _____, who in their opinion is knowledgeable as to the tax structure, bond financing and general municipal financing of the City of Harrisonburg, as the person to receive and advise with representatives of industries which might be interested in locating in this area. This designation is made for the purpose of completing the application to the Virginia Department of Economic Development, to house the Harrisonburg-Rockingham area certified for industrial prospects.

ADOPTED and APPROVED this _____ day of _____, 1986.

Mayor

Atteste:

Clerk

During reading of the Resolution, it was noted that the word "house" was in error, and should be the word "have." Council Member Rhodes offered a motion for the Resolution to be approved, with word correction, and for the name of Marvin B. Milam, City Manager, to be inserted in the blank provided for the city's designee. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

City Manager Milam informed Council that some technicalities concerning land purchase for a new school and park area, required action at this time, although the property owners from whom the land is under option, would not be present in this meeting. The following five items were set out for consideration:

- (a) proposal to accept Deed of Gift
- (b) proposal to acquire land for school and park system
- (c) proposal to issue Municipal Notes for financing
- (d) proposed first reading of \$ 100,000 for principle payment of 1986 and \$ 5,000 handling charges.
- (e) signing by the Mayor and property owners of Deeds and/or Agreements that may be necessary.

City Attorney Lapsley presented the Deed of Gift, donating \$ 50,000 land value to the City, representing a contribution to the education of children in the City of Harrisonburg, by the owners, J. Grattan Lineweaver, Reba L. Long and LeRoy Lineweaver. The Gift of Land is comprised of 9.25 acres, situate on the south side of West Market Street. He noted some difference in acreage from the 1895 survey, to the present time. Attorney Lapsley then presented the Deed from the same parties, to the City of Harrisonburg, for a parcel of land comprised of 139.07 acres which adjoins the aforementioned parcel, and proposed to be purchased by the City. He noted that markings of the 1895 survey were very good, considering its age, and added that measurements were not off more than a foot or two. City Manager Milam pointed out location of the acreage on a map, and noted that Mr. Grattan Lineweaver reserves lifetime rights to his home and surrounding acre which includes barn, garage and outbuildings. He added further that the owners would like to lease pasture land, until such time as the City begins its development. Manager Milam pointed out that through acquisition of land for additional park area, the City has fulfilled its annexation commitment to add approximately 245 acres to the park system by year 1992, six years ahead of schedule. With regard to payment for the 139.07 acres, Manager Milam said that first reading of the principle payment for the 1986 in amount of \$ 100,000 plus \$ 5,000 handling charges, would be requested in this meeting, with the balance due of \$ 400,000 to be paid in twelve (12) Municipal non-negotiable Notes over years 1987, 1988, 1989 and 1990, at an interest rate of 7%, which indebtedness of the City, will also require two readings. Council was informed that Wednesday, February 26th, has been scheduled as the date of final settlement on the land, which will be the day following Council's next regular meeting when second readings are acted upon. The second option for purchase of the land was renewed and will expire after Council's action. He noted that the City will pay a total of \$ 570,000 over the next five years, representing \$ 500,000 in principal and \$ 70,000 in interest. Messrs. Gregory Geisert and School Superintendent Alan Hiner expressed appreciation to Council for its efforts to purchase the property, which is ideal as the site for a new school. Manager Milam pointed out the fact that work toward a school had been underway over the past several years by the former School Superintendent, and had been studied by a committee of four, which included Vice-Mayor Dingleline and Council Member Shank, and lastly, to Mayor Green, who had negotiated the purchase through the owners, to this point. Vice-Mayor Dingleline offered a motion for a supplemental appropriation of \$ 105,000, representing the principle payment for 1986 and handling charges, to be approved for a first reading, and that:

\$ 105,000 chgd. to: General Fund - Unappropriated Fund Balance

100,000 approp. to: General Fund (9201-92.00) Debt Service-principle payment
for School and Park Land, 1986

5,000 approp. to: General Fund (9201-92.01) Debt Service- Handling Charges

The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council. Council Member Rhodes moved that the Municipal Notes in 1 - 12 series, in gross amount of \$ 400,000 plus interest, be approved for a first reading, as follows:

Note #1	J. Grattan Lineweaver	\$ 33,333.34	Due 3/1/87	7% interest
Note #2	LeRoy Lineweaver	33,333.33	Due 3/1/87	7% interest
Note #3	Reba L. Long	33,333.33	Due 3/1/87	7% interest
Note #4	Reba L. Long	33,333.33	Due 3/1/88	7% interest
Note #5	J. Grattan Lineweaver	33,333.33	Due 3/1/88	7% interest
Note #6	LeRoy Lineweaver	33,333.34	Due 3/1/88	7% interest
Note #7	Reba L. Long	33,333.34	Due 3/1/89	7% interest
Note #8	J. Grattan Lineweaver	33,333.33	Due 3/1/89	7% interest
Note #9	LeRoy Lineweaver	33,333.33	Due 3/1/89	7% interest
Note #10	LeRoy Lineweaver	33,333.33	Due 3/1/90	7% interest
Note #11	J. Grattan Lineweaver	33,333.33	Due 3/1/90	7% interest
Note #12	Reba L. Long	33,333.34	Due 3/1/90	7% interest

The motion approving the Municipal Notes, 1 - 12 Series, was seconded by Council Member Shank and adopted by a unanimous recorded vote of Council. On motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous vote of Council, the Mayor and Clerk were authorized to sign the Deed of Trust, at an appropriate time.

City Manager Milam called members' attention to their copies of information concerning the Innovation Center which is proposed through a joint venture of Rockingham Development Corporation and James Madison University, with assistance provided by the County of Rockingham and City of Harrisonburg. The information was made available when conference was held with Dr. Carrier. He noted that Mr. Warren

Denton, a representative of the City on the RDC Board, is in favor of the Center, and recommends approval of the City's contribution toward initiation of the project. Manager Milam said that the purpose of the Center is to create new ideas and jobs for the city. The proposed location of the Center has been changed from that previously mentioned, with negotiations underway at the present time. He asked Council's consideration in approving the appropriation for a first reading at this time. Council Member Robinson said he had no objection to approving the \$ 5,000 for a first reading, but would like an update on the project, prior to a final reading. On motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous recorded vote of Council, the following appropriation was approved for a first reading:

\$ 5,000 chgd.to: General Fund - Unappropriated Fund Balance
5,000 approp.to: General Fund (9104-5605.07) Support of Community & Civic Org.-
Business Innovation Center

Council Member Robinson moved that a supplemental appropriation in amount of \$ 1,524.82, requested by the Police Chief in order to return funds received, to accounts from which they were expended, be approved for second & final reading, a first reading having been approved on January 28th, and that:

\$ 1,524.82 chgd.to: General Fund (1901.01) Recoveries & Rebates
481.33 approp.to: General Fund (3101-5500.01) Travel
1,043.49 approp.to: General Fund (3101-1001.05) Patrolman

The motion was seconded by Council Member Shank, and adopted by a unanimous recorded vote of Council.

Council Member Shank moved that a supplemental appropriation in amount of \$ 8,109.12, requested in order to transfer monies received from the Harrisonburg Parking Authority for additional work done while paving parking lot back of Harrison Plaza, be approved for second & final reading, a first reading having been approved on January 28th, and that:

\$ 8,109.12 chgd.to: General Fund (1901.01) Recoveries & Rebates
8,109.12 approp.to: General Fund (8106-5400.01) Parking Auth.-Other Mat. & Supp.

The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

Council Member Shank offered a motion for a supplemental appropriation in amount of \$26,854.54, requested by the Fire Chief in order to recover funds received from Rockingham County, for fire department expenses, to be approved for second & final reading, a first reading having been approved on January 28th, and that:

\$ 26,854.54 chgd.to: General Fund (1901.01) Recoveries & Rebates
24,854.54 approp.to: General Fund (3201-1001.06) Dispatchers
2,000.00 approp.to: General Fund (3201-5400.01) Other Mat. & Supplies

The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous recorded vote of Council.

City Manager Milam presented a request from Mr. John Holsten, Superintendent of the Resource Recovery Facility, for approval of a supplemental appropriation in amount of \$ 4,077.84, in order to recover funds expended for repairs to steam engine from 1985 accident through reimbursement from an Insurance Company. Vice-Mayor Dingleline moved that the appropriation be approved for a first reading, and that:

\$ 4,077.84 chgd.to: Sanitation Fund (1901.01) Recoveries & Rebates
4,077.84 approp.to: Sanitation Fund (1-3004.01) Maint. & Repairs- Mach. & Equip.

The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

A request was presented from Parks & Recreation Director Gilkerson for approval of a supplemental appropriation in amount of \$ 5,550.83, in order to recover funds of William G. Myers Armory expenses from D.E. Miller services; John Lyons - painting interior/exterior; Glass & Metals - installing windows (reimbursement by the Dept. of Military Affairs). Vice-Mayor Dingleline moved that the appropriation be approved for a first reading, and that:

\$ 5,550.83 chgd.to: General Fund (1901.01) Recoveries & Rebates
5,550.83 approp.to: General Fund (7105-3004.04) Nat'l Guard Armory-
Rep/Maint.- Bldgs. & Grounds

The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

For information, Assistant City Manager Driver reported record sales in steam since opening of the Resource Recovery Facility in 1982, a lot of which is due to the contract which the City has with Rockingham County.

Messrs. Eugene Wiseman and Prentiss Shifflett were present in the meeting to express concern over the delay in installation of the sewer line on the north side of West Market Street, in that request had been made by petition in May, 1985, with easements for installation already finalized. The City Manager was asked to check into the matter from the standpoint of some time element on the project.

Mayor Green called for a brief recess in order to await the arrival of Attorney Don Litten.

When the regular session was back in session, Manager Milam noted that Mr. Litten has been working, on behalf of the City, with Mr. George Aldhizer (attorney for Rockingham County), and meeting with representatives of the City's Engineering Firm of Wiley & Wilson and the County's Engineering Firm of Johnson & Williams, as well as County Administrator O'Brien, regarding a request of the County for a water connection on Route 33 east, to extend to Massanetta Springs, Sunnyside and Lakewood Estates. Attorney Litten said he preferred that the proposed contract, which had been prepared in conjunction with Attorney Aldhizer, to be reviewed by the County Board of Supervisors, prior to any public discussion and action by City Council.

At 9:45 p.m., Council Member Rhodes moved that Council enter an executive session to discuss a property matter. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

At 11:30 p.m., the executive session was closed, on motion duly adopted, and the regular session reconvened. There being no further business, the meeting was adjourned.

CLERK

Walter J. Sweeney
MAYOR

At a Special Meeting of Council held in the Council Chamber at 3:30 p.m. there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingle, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

City Manager Milam read the following Special Meeting Call, which had been signed by all members:

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 Thursday, February 13, 1986, at 3:30 p.m., to consider the following matters and take necessary action thereon:

1. *Rockingham County Board of Supervisors request a water connection on East Market Street (Route 33 East) that would extend to Massanetta Springs, Sunnyside, and Lakewood Estates.*
2. *Other matters.*

Manager Milam called attention to preliminary plans which were submitted to the Engineer's Office in October of last year, and noted that the only change being that of a meter vault proposed to be installed near the corporate limit line. The proposal provides for the County to extend its 12" water line to the meter vault, with a 12 x 6" reducer which will go to a 6" pressure sustaining valve. If water pressure drops below 30# pressure on the city's side, the valve will close and not open until the pressure builds up. There will be a combination of meters, with a 4" or 6" meter (size to be determined by the county), to be installed by the County, with maintenance of same by the city. In addition to a verbal agreement, it has been determined that a 4" by-pass line will be installed, with 2 valves and a 1" meter. The Agreement, as amended, was prepared by Attorneys Don Litten and George Aldhizer (city's special counsel and county's attorney, respectively), following review of the amended plan by City Engineer Wilcox, Water Superintendent Yancey, the engineering firm of Wiley & Wilson, Mr. John Steadman (city's consulting engineer) and a Water Specialist. Attorney Litten informed Council that the County has authorized execution of the Amended Agreement, and are ready to sign same, inasmuch as it has been approved by the Board of Supervisors. Manager Milam traced the proposed water line on a map, and said that to his knowledge, there were no changes from the original agreement, other than installation of a metering vault. He presented the following Amended Agreement for Council's consideration:

AMENDED AGREEMENT

This amended agreement is made and entered into this 13th day of February, 1986 between the City of Harrisonburg, a municipal corporation of the Commonwealth of Virginia (the "City") and the County of Rockingham, a county of the Commonwealth of Virginia (the "County").

PREAMBLE

A. The City and County entered into a contract dated January 24, 1978 for the furnishing of water from the City's water distribution system to the County for resale by the County to water customers located within the County as more specifically provided in that contract.

B. As a result of an annexation proceeding commenced by the City of Harrisonburg and the annexation of certain lands of the county by the city effective January 1, 1983, certain rights and obligations under the 1978 agreement were modified by the Court by granting to the City certain water lines and facilities formerly within the County as well as the return to the City of certain customers formerly granted to the County under the 1978 agreement.

C. The 1978 agreement was amended by the parties by writing dated April 25, 1984, in which the requirement of the County to pay the City a minimum charge of \$400 per month was deleted from the 1978 agreement.

D. The 1978 agreement provides for the City to furnish 648,000 gallons of water per day to the County.

E. The County has requested a connection at a location on Chestnut Ridge and the City is unable to furnish 648,000 gallons per day at such connection point.

F. It is necessary to amend and clarify the 1978 agreement as to the Chestnut Ridge connection.

THEREFORE it is agreed as follows:

1. The City consents for the County to connect a 12" line to the existing City water line located near the fire station on Chestnut Ridge on the southern side of East Market Street or U.S. Route 33 near the eastern city limits (the "Chestnut Ridge connection"). The connection shall be at the expense of the County and the vault, meter, pressure system valves and appurtenances shall be constructed by the County according to the specifications or sketch attached to this agreement as "Exhibit A" ("apparatus") which shall be located in the County near the City Limits.

2. City agrees to furnish initially to the County at the Chestnut Ridge location point 180,000 gallons of water per day average flow at more than 30 pounds per square inch. Average flow means the quantity of water delivered in a 24 hour day at a rate of said quantity divided by 1440 minutes per day. In this instance this will equate to 125 gallons per minute.

3. In the event of any fire, other emergency, or accident, either in the City or the County, both parties agree to cooperate with each other and make every effort to furnish all necessary water to the party experiencing the difficulty. Specifically the City agrees to increase the volume and flow to the extent possible during the period of emergency. In addition, City shall make all reasonable efforts to keep the present 500,000 gallon tank on Chestnut

Ridge substantially filled at all times. Further, if the pressure to the County ever falls to 30 pounds per square inch or below, the City will commence work as soon as reasonably possible to restore the pressure to more than 30 pounds per square inch and such work shall be diligently pursued until completed. In the event of a fire in the City in the area served by the Chestnut Ridge tank (the City's second high pressure level) County agrees to cooperate and, if necessary, restrict its use of water during the period of the fire.

4. The parties confirm that the maximum combined volume of water than the City shall be required to furnish the County at all connection points is 648,000 gallons per day so that whatever water is used at the Chestnut Ridge connection shall be deducted from 648,000 gallons per day.

5. The City presently has plans to upgrade its water system by the installation of a 12 inch water line (the "Ridgeville line") which is to be located in the general area of Chestnut Ridge, the construction of which shall be completed by December 31, 1987. After the Ridgeville line is completed the City will be able to make available to County 648,000 gallons of water per day on an average flow basis at more than 30 pounds per square inch at the Chestnut Ridge connection.

6. During construction of the apparatus shown in Exhibit A and the connection the City shall have the right to inspect the work.

7. The County will provide a parking area sufficient for a service vehicle near the apparatus.

8. The City will perform regular routine maintenance on the apparatus shown in Exhibit A.

9. When the flow of water purchased by the County at the Chestnut Ridge connection reaches 150,000 gallons per day averaged over a 3 month period, the County agrees that it will commence construction of a storage tank of a size sufficient (in County's opinion) to meet its design peak flow and fire flow requirements and at a site to be determined by the County and such construction shall be diligently pursued until completed.

10. It is confirmed that the City shall furnish the water required under the 1978 agreement (a total of 648,000 gallons average flow at all combined County connection points) at no cost to the County except for payment of the purchase price of water specified in the 1978 agreement and for such other costs as the 1978 agreement provides. The County understands and confirms however that the City will not be expected to spend unreasonable sums in delivering peak flow to the Chestnut Ridge connection and the County accepts the peak flows available from the City's system. "Peak flow" as used in this agreement means a flow up to two and one half times the average flow available to the County under this agreement. In this instance under this agreement, the peak flow is now 312.5 gallons per minute, and after the Ridgeville line upgrading by the City, the peak flow beginning January 1, 1988 will be 1,125 gallons per minutes. The City for its part agrees that it will not permit additional connections at a location currently connected by the County which would decrease its ability to furnish the requirements of the County in accordance with the 1978 agreement and this amendment.

11. Except as amended by this agreement, the 1984 amendment, and the order of the Annexation Court, all of the terms and provisions of the 1978 agreement remain firm and stable and in full force and effect.

IN WITNESS WHEREOF, the City has caused this agreement to be signed in its name and on its behalf by its mayor, attested by its clerk, as thereunto duly authorized by the city council; and the County has caused this agreement to be signed in its name and on its behalf by its chairman, attested by its county administrator, as thereunto duly authorized by the board of supervisors.

CITY OF HARRISONBURG

by _____ Mayor

Attest: _____ Clerk

COUNTY OF ROCKINGHAM

BY _____ Chmn, Bd. of Supervisors

Attest: _____ County Administrator

Vice-Mayor Dingleline offered a motion for Council to approve the amended agreement between the City of Harrisonburg and County of Rockingham. The motion was seconded by Council Member Robinson. The Clerk then called the roll for a recorded vote on the motion. Voting "aye", Council Members Rhodes, Robinson, Shank and Dingleline. Mayor Green stated that: "The city system plan, now over 20 years old, was designed for 20 years. Contrary to Council's request for a joint city-county update plan for water delivery to the East Corridor, with no agreement as to increasing supply, treatment center and delivery across town from west to east, and because this is an increased financial burden on the citizens of Harrisonburg whereby we are selling bulk water for the county's resale below the city's cost, I vote 'no'". The motion was adopted by a majority affirmative vote: 4 to 1.

There being no further business and on motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote of Council, the meeting was adjourned at 3:42 p.m.

N. Pelone Loker
CLERK

Maeter J. Green
MAYOR

Tuesday, February 25, 1986

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingledine, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on February 11th and special meeting held on February 13th, were approved as read.

The City Auditor's financial report for month of January was received, and ordered filed.

Mr. James Yarger of Yarger Associates, Inc., Falls Church, Virginia, was present in the meeting to present highlights from the Position Classification & Pay Plan, which was prepared by his firm, and approved by Council at the January 28th meeting. He noted that Pay Plans change considerably over the years, and offered an opinion that it is well to keep them up-to-date periodically. In preparation of the report, Mr. Yarger said that qualified personnel was recruited to review duties and responsibilities of the various positions, as submitted, with effort made to see that positions were comparable with areas over the Shenandoah Valley. He presented sheets setting out corrections relating to the relationship between the Police and Fire Departments, which represents the only change in the report. City Manager Milam pointed out that the report was approved, to be used as a guide in the preparation of next year's budget. He called attention to the various areas which were used, in a comparison of the various positions, and said that one problem which exists, is that a number of the 357 positions surveyed, are currently over the maximum pay, as set out in the report, which problem will have to be handled by Council. Mayor Green expressed appreciation to Mr. Yarger for his report.

Council received the Report on Audit, Fiscal Year ended 6/30/85, for the County of Rockingham/City of Harrisonburg General District Court, as prepared and submitted by the Auditor of Public Accounts. City Manager Milam noted receipts in amount of \$ 97,868. and disbursements of \$ 97,838. for the City of Harrisonburg, and said that a copy of the report would be on file in his office for review, if so desired.

Council's attention was called to the Report on Audit for Fiscal Year ended 6/30/85 for the Juvenile & Domestic Relations District Court, prepared and submitted by the Auditor of Public Accounts. City Manager Milam pointed out that the Court is located on the second floor of the Harrisonburg Police Station, and noted receipts and disbursements for the City in amount of \$ 5,379 for last fiscal year. A copy of the report will be available for review.

Correspondence was presented from Ms. Jane Moss, Festival Coordinator for the Virginia Poultry Federation, Inc., advising that plans are underway for the 16th annual Virginia Poultry Festival Week to be held here in Harrisonburg, May 13 - 18, 1986. Request was made for permission to erect a banner across Main Street the first part of May to advertise the Festival Parade and Fund Day, with second request to again be permitted to issue permits for vendors to sell concessions on Parade Day, Saturday, May 17th. City Manager Milam reminded Council that discontinuance of erecting banners across Main Street had been approved, with exception of the banner advertising the Poultry Festival, due to problems which had been encountered. He added the fact that Commissioner of Revenue Smith has no objection to issuance of vendor's permits by the Federation, which had been permitted over the past several years. On motion of Vice-Mayor Dingledine, seconded by Council Member Robinson, and a unanimous vote of Council, both requests of the Virginia Poultry Federation, were approved.

Messrs. Douglas Flory, Walter Heyer and Clarence Guyer were present in the meeting to present each member of Council with a packet of information, and to report concerning the Museum of American Frontier Culture. The project was started about 10 years ago, and the Governor, on authorization of the General Assembly, has set aside land at the junction of Interstate Highways I-64 and I-81 in Augusta County near Staunton, as the site for the Museum. Four farms will be featured, namely: English, Scotch Irish, German and Appalachian. The first phase of the Museum will be completed by the spring of 1988 and it is hoped that limited tours may be offered in 1987. The Museum will give people outside the Valley, knowledge of our heritage and culture, with an estimate of 225,000 tourists visiting the Museum each year. Programs are being developed with the various schools, colleges and universities, to provide learning of the entire history of the Shenandoah Valley. Council was informed that the \$ 500,000 goal which was initially established for the Shenandoah Valley regional campaign has been reached, and increased to \$ 700,000. These funds will be included as part of the overall \$3 million national level of funding needed to complete the project. According to the representatives, the Museum will be influential in putting additional funds back into the various areas, including Harrisonburg. Request was made for an annual contribution of \$ 25,000 over the next three years, from the City of Harrisonburg, in support of the Museum. When Vice-Mayor Dingledine asked what the total project cost would be, Mr. Heyer said between 4 1/2 and 5 million dollars, with \$ 1.7 million in funding before the General Assembly to get the site work underway. Once established, the Museum will be a self sustaining institution. An increase in the contribution request was noted, from a total request of \$ 25,000 over a 3-year period in June 1985 when request was first made, and this evening's request of a total of \$ 75,000 over a 3-year period. Following the presentation, Mayor Green said "we wish you well, but this is the time of year when we have to see what dollars we can come up with", referring to the City's 1986-87 budget.

Assistant City Manager John Driver said that inasmuch as this would be his last meeting as an employee of the City of Harrisonburg, he would like to say he had enjoyed the meetings for more than 26 years. He noted that only three Mayors, serving the City for longer than that period of time, speaks well of the City: the late Mayor Frank Switzer, who was a strong promoter of Urban Renewal; former Mayor Roy Erickson, who was a believer in annexation and his relationship with city employees and Mayor Walter Green, 3rd, who has recently negotiated for the purchase of land for the School Board and Recreation Department. As of Friday, February 28th, Mr. Driver said he would be retiring as Harrisonburg's first Assistant City Manager. Mayor Green wished Mr. Driver well in his retirement, and invited him back, to share his expertise. Vice-Mayor Dingledine concurred, and expressed appreciation for the fine services he had rendered.

Ms. Betty Redmond, Nurse Manager, Central Shenandoah Health District, was present in the meeting to present an annual report on nursing activities at the Harrisonburg-Rockingham Health Department.

City Manager Milam requested that Council take final action with regard to purchase of land on the south side of West Market Street, namely: second reading of supplemental appropriation in amount of \$ 105,000, representing the principle payment for 1986 and handling charges, and second reading of twelve (12) Municipal Notes totaling \$ 400,000, payable over the next four years (1987, 1988, 1989 and 1990) to owners J. Grattan Lineweaver, LeRoy Lineweaver and Reba L. Long. He noted that the family

would be contacted concerning the possibility of final settlement tomorrow afternoon. Manager Milam made reminder that the Mayor and Clerk had been granted authorization to sign the Deed of Trust, at the last meeting of Council, and added the fact that the completed appraisal of the Gift of Land will be presented at the closing. Council Member Rhodes moved that the appropriation of \$105,000 be approved for second & final reading, a first reading having been approved on February 11th, and that:

\$ 105,000 chgd.to: General Fund- Unappropriated Fund Balance
 100,000 approp.to: General Fund (9201-92.00) Debt Serv.-Principle Payment for
 School & Park Land, 1986
 5,000 approp.to: General Fund (9201-92.01) Debt Serv.- Handling Charges

The motion was seconded by Council Member Shank, and adopted by a unanimous recorded vote of Council. Manager Milam noted that three separate checks would be drawn for presentation to the owners at tomorrow's closing. Vice-Mayor Dingleline then offered a motion for the twelve Municipal Notes totaling \$ 400,000 @ 7% interest rate, to be approved for second & final reading, a first reading having been approved on February 11th. The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council. Inasmuch as all necessary action had been completed concerning the purchase of land for a new school site and additional park land, City Attorney Lapsley said that all documents would be properly recorded, following tomorrow's closing.

✓ Council received the following Planning Commission report from its February 19th meeting:

"...The Director described the history of zoning boundaries and the changes of City Limits as a result of the 1983 annexation. Dr. Joseph Gardner, owner of a one-acre parcel on the north side of Old Furnace Road approximately 550' east of Vine Street, requests that the western one-third of his property be rezoned from R-2 to R-3 Multiple Dwelling District. After annexation, approximately 1/3 of the property remained in the county, but zoned R-3, and 1/3 of the property was zoned R-3 by the City. Dr. Gardner told the Commissioners that since annexation, he is paying taxes to the City on the entire tract.

Mr. Rhodes stated that he felt the City should correct this oversight, regarding the splitting of the parcel by a zoning line. He then moved for the Commission to recommend rezoning of the western 1/3 of the Joseph Gardner parcel from R-2 Residential to R-3 Multiple Dwelling District. Mr. Heath seconded the motion which passed unanimously..."

Inasmuch as a public hearing must be held on all zoning issues, Council Member Shank offered a motion for a Hearing to be scheduled for Tuesday, March 25, 1986, 7:30 p.m. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council. City Manager Milam was instructed to properly advertise the Public Hearing.

✓ The following Planning Commission report from its February 19th meeting was presented:

"...After reading the Public Hearing Notice, the Director pointed out on the City's Official Land Use Map and Community Facilities Map where 148 acres of undeveloped land is located, between West Market Street and Hillandale Park, and where 45 additional acres of undeveloped land is located adjacent to the future park to be developed near Smithland Road and Old Furnace Road. All of these additions of City-owned properties are the result of recent acquisitions by City Council. The Planning Commission had endorsed the purchases on Smithland Road and near Old Furnace Road. The 148-acre addition, for park expansion and as a location for a new intermediate school, fits in generally with the Land Use Plan's concept of eventually connecting Hillandale and Westover Parks, at least with a trail or roadway in the future. The Director concluded his explanation by noting that the Land Use Plan and the Community Facilities Plan are of prime importance and the Planning Commission is responsible for its contents, which serve as the key guide for zoning and other municipal decisions.

No one spoke on the subject. Mr. Heath stated we are really bringing the maps up to date, to reflect what now exists in City-owned properties. He then moved for the Commission to recommend approval of the map amendments regarding new City-owned land. Mr. Rhodes seconded the motion which passed unanimously..."

City Manager Milam pointed out location of the additional city-owned lands referred to in the Commission's report, noting that final action had been taken, earlier in this meeting, on the most recently land acquired by the City on the south side of West Market Street. Vice-Mayor Dingleline offered a motion for the recommendation of the Planning Commission to amend city maps, to be approved. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

✓ City Manager Milam presented the following Planning Commission report from its February 19th meeting:

"...The Commissioners were oriented to an overall map of Portland East Subdivision, and the Director pointed out the location of proposed Unit 4, with 21 single family lots. Surveyor Robert Funk explained to the Commissioners why the layout includes an 11.4% grade on Springfield Drive, and a relatively sharp curve near the entrance to this section. Also, the developers are aware that proposed Lot 18 is crossed by easements, limiting the buildable area on said lot. Mr. Sullivan added that the land is zoned R-1 Single Family Residential, and the design or layout being considered was originally presented to the county as was the existing Portland East Subdivision.

Mr. Heath moved for the Commission to recommend approval of the Final Plan for Portland East Subdivision, Unit 4, and variances be granted regarding the radius curve and grade on Springfield Drive. Mr. Rhodes seconded the motion which passed unanimously..."

City Manager Milam called attention to the Subdivision Review Sheet and maps of Portland East, Unit 4, attached to the report. Council Member Rhodes, a member of the Planning Commission, noted that the only problem which the Commission had with its recommendation for approval, was cleared up with the granting of variances on the radius curve. He offered a motion for the recommendation of the Planning Commission to be approved. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

✓ Council received bid tabulation for the Switchboard Road Collector, prepared by City Engineer

Arthur Wilcox. The low Base Bid of \$ 37,470 was submitted by M.E.Humphries, G.C., Stuarts Draft, Virginia. Three other bids were submitted as follows: Atlantic Coast Contractors, \$ 39,399.65; Aaron T. Conner, G.C.; \$ 49,000; and Monger Bros. Contracting, \$ 69,298. Although the project is not required for completion, under Annexation Orders, until year 1990, Mr. Wilcox recommended that the low bid be approved, as soon as possible, in order that a contract may be let, with construction completed prior to "garden time", and added that the Route 33 West Sewer Interceptor had been requested by property owners due to failing septic systems. Council was reminded by the City Manager that a petition from property owners on the north side of West Market Street, was presented in May of last year, with easements then acquired for the project. Several inquiries have been received, since that time, as to when installation of the sewer line may be expected. Council Member Rhodes offered a motion for the low bid of \$ 37,470 submitted by M.E.Humphries, to be approved, with authorization for the City Engineer to award the contract. The motion was seconded by Council Member Shank, and adopted by a unanimous recorded vote of Council.

✓ Vice-Mayor Dingleline moved that a supplemental appropriation in amount of \$ 4,077.84, in order to recover funds expended for repairs to damaged steam engine, through reimbursement from an Insurance Company, be approved for second & final reading, a first reading having been approved on February 11th, and that:

\$ 4,077.84 chgd.to: General Fund (1901.01) Recoveries & Rebates

4,077.84 approp.to: General Fund (3004.01) Maint. & Repairs- Mach. & Equip.

The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

✓ Council Member Shank moved that a supplemental appropriation in amount of \$ 5,550.83 to recover funds of William G. Myers Armory expenses, from various sources, be approved for second & final reading, a first reading having been approved on February 11th, and that:

\$ 5,550.83 chgd.to: General Fund (1901.01) Recoveries & Rebates

5,550.83 approp.to: General Fund (7105-3004.04) Nat'l Guard Armory-

Repairs/ Maint.- Bldgs. & Grnds.

The motion was seconded by Council member Rhodes, and adopted by a unanimous recorded vote of Council.

✓ Vice-Mayor Dingleline moved that a supplemental appropriation in amount of \$ 5,000, representing the City's contribution toward initiation of the Innovation Center Project, be approved for second & final reading, a first reading having been approved on February 11th, and that:

\$ 5,000 chgd.to: General Fund - Unappropriated Fund Balance

5,000 approp.to: General Fund (9104-5605.07) Support of Community & Civic Org.-

Business Innovation Center

The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

✓ A request was presented from Assistant City Manager Driver for approval of a supplemental appropriation in amount of \$ 5,000 which is needed to complete funding for the contract to install lights at Memorial Stadium. Council was reminded that the amount of \$ 35,000 had been appropriated for the project and that the amount of contract awarded, exceeded that amount by \$ 3,280. Mr. Driver pointed out that an additional amount of \$ 1,729 is needed to change the light switches from a pole in the outfield to the press box in the stadium. The total cost of \$ 40,000 for the project, places the lighting system at Memorial Stadium in first class condition. Council Member Shank moved that the appropriation be approved for a first reading, and that:

\$ 5,000 chgd.to: General Fund - Unappropriated Fund Balance

5,000 approp.to: General Fund (9104-5605.06) Non-Departmental- Memorial Stadium

The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous recorded vote of Council.

✓ City Manager Milam called attention to correspondence of February 14th from Ms. Peggy Martz, Consultant, Continental Telephone Company, re the Enhanced 911 Emergency Services System, with cost proposal for Rockingham County and the City of Harrisonburg, attached. It was noted that the March 1988 cutover date could only be preserved if final authorization is received from the City and County by March 31, 1986. The next available cutover date would be 1989 or 1990. Fire Chief Shifflett noted that Council can approve or disapprove the proposal, or table the matter until June. In order to secure the 1988 cutover, he suggested that a public hearing be scheduled, with action then taken concerning whether or not to initiate the System. Chief Shifflett said that the System would add 52¢ to each customer's monthly phone bill, the first year, and 67¢ per month thereafter. He offered an opinion that it is a worthwhile system and cited its value in pinpointing directions or addresses of an emergency, when not given clearly. All information will be shown on a small computer screen. Manager Milam questioned how the financial portion would be handled: i.e. if the company would bill each customer and write the city a check, then bill the city, with the city, in turn, writing the company a check. Chief Shifflett said the County's next meeting is tomorrow, with action to approve the System, anticipated. On motion of Council Member Shank, seconded by Council Member Rhodes, and a unanimous vote of Council, a Public Hearing was scheduled for Tuesday, March 11, 1986.

✓ Council Member Rhodes noted that inasmuch as the City is purchasing land on West Market Street for a new school, and had purchased properties along West Bruce Street a number of years ago adjacent to the Harrisonburg High School property, he would suggest that the School Board be contacted re the possibility of putting the Bruce Street properties back on the City's tax base. The City Manager was asked to contact School Superintendent Alan Hiner concerning the possibility of selling the properties in order that they may revert back to private use.

At 9:40 p.m., on motion of Vice-Mayor Dingleline, seconded by Council Member Rhodes, and a unanimous vote, Council entered an executive session to discuss personnel, finance and a legal matter.

At 10:35 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened. There being no further business, the meeting was adjourned.

N. Arlene Loken
CLERK

Walter F. Gungor
MAYOR

Tuesday, March 11, 1986

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingleline, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on February 25th were approved as read.

The following regular monthly reports were presented and ordered filed:

From the City Manager:

A report of activities in the various departments and said office for the month of February, 1986.

From the City Treasurer:

A trial balance report as of close of business on February 28, 1986.

From the Police Department:

A report of Fines & Costs, \$ 7,162.82; Cash Collected from Street Parking Meters, \$ 6,073.05; Total collected and turned over to Treasurer, \$ 13,235.87 for month of February, 1986.

From the City Auditor:

A financial report for month of February, 1986.

A report of cash discounts saved in payment of vendor's invoices in total amount of \$ 322.46 for month of February, 1986.

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, 1986.

Through correspondence of 3/6/86 from Mr. Jim Monger, request was made for the closing of a 15' alley running east and west from Grattan to Lewis Streets, and bordering Monger property on both sides. It was noted that a Plan of Development would be sent to the Planning Office. On motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote of Council, the request was referred to the City Planning Commission for review and report.

City Planning Director Sullivan was present in the meeting to present a verbal report re Zoning Amendments. He noted that Dr. Joseph Eney, Chairman of the Planning Commission, would be present at the March 25th meeting for a follow-up report, and then summarized the review process as follows: The City Zoning Map was thoroughly reviewed in 1983. Zoning Texts have been amended several times since 1963, in that in 1962, there was a sizeable annexation of area by the City. Bartholomew & Associates updated the Zoning and Map. Amendments to the Zoning Text Ordinance were made in the late 1960s and three times in the 70s. In 1984, the Text was amended to include a district for Mobile Home Developments. The Commission was asked to review the zoning, particularly the Residential Districts, from the standpoint of parking and density. Some suggested amendments for Residential Districts were received from the Old Town Homeowners' Association, and rather than act on those at this time, the Commission felt it would be appropriate to review the ordinance, page by page. In January 1986, a study was begun by Chairman Eney, Building Official Byrd and the Planning Director, to determine how to proceed in an orderly fashion. Contact was made with Mr. John Cofer of Richmond, who was an expert witness in annexation on the City's zoning matters. He came to Harrisonburg, and with the Committee, toured the City. When he left, he took the City's Zoning Map and Ordinance, to discuss them in detail, along with several suggested additions to the ordinance (i.e. organization of the ordinance). This was reported to the Planning Commission, with nothing for them to go over, in that the trip was made in February. A letter was received from Mr. Cofer, and the Committee spent three days re-writing the ordinance, after reading each sentence and under-lining things to ask Mr. Cofer. The Commission is in the initial stage of the 58 page ordinance, which is less than half-way through the study. Mr. Sullivan said it is hoped that a rough draft may be presented to the Commission at its April meeting, in that it cannot be ready by this Wednesday's meeting. He noted that the normal process is a public hearing by the Planning Commission and then referral to Council for a second hearing, with a joint Hearing by the two bodies, at times. A Public Hearing will bring forth some additional suggestions. Dr. Eney is on spring break from JMU, and Mr. Sullivan said he wanted to thank him for his time and help. Mayor Green expressed appreciation to Mr. Sullivan for his update report.

Mr. John Driver, a representative of Harrisonburg on the Regional Sewer Authority, referred to a report by Attorney Don Litten, with recommendations. He noted that in January, February and March, 1984, the Authority was in violation of the National Code. The State Water Control Board issued a Consent Order to be signed, to bring the plant into compliance with their regulations. Dr. Jennelle of the firm of Dewberry & Davis, signed the Consent Order in August 1985, after several months of study. Table progress had to be given, in order to be in compliance by year 1988. Several options were made available to the firm, with a hope that plans may be ready by April 15th, setting out a solution. He noted that a \$ 1.5 million Holding Pond would be only a temporary solution, and offered an opinion that the participating localities should look into final construction of a 15 million gallon per day plant. Work is being done toward a 12 million gallon per day plant, although the original design was for 8 million, which has been eliminated. If the plant can be increased to a 12 million per day capacity, Mr. Driver said it could meet standards. A Program has been worked up that will cost approximately \$6 million. Standards can be met with an expenditure of \$ 2.6 million toward the project. The Authority has \$ 750,000 in its treasury, representing funds from the Environmental Protection Agency and state, toward the original construction project. The funds have been invested, in that the EPA has not completed its audit, which may result in some of the funds being recalled. An estimated \$ 500,000 may be in-hand toward the \$2.6 million project. Mr. Litten was asked to work up some recommendations, which were reviewed with Council, by Mr. Driver. He made Council aware that a decision should be reached with regard to the proposed program, in order that a report may be finalized by April 15th. Should no action be taken by the participating localities for plant expansion, a moratorium will be placed on sewer construction. Although no monies are needed before July 1, 1988, Mr. Driver said that funds could be accumulated, if sewer rates are adjusted this year. Decision of the date to begin adjusting rates, would have to be determined. In conclusion, Mr. Driver reported that Harrisonburg's cost is 38¢ per 1,000 gallons for treatment of sewage, which is in line with the lowest rates in the state of Virginia. The Plant is being operated

economically and a good job is being done. He asked for a report from Council at its next meeting on March 25th. City Manager Milam informed Council that the Industrial Pre-treatment Program would be finalized and ready for presentation at the next meeting. Water/Sewer Superintendent Yancey reported that a crew of two is presently in the process of making a house-to-house canvas, to determine any illegal sewer hook-ups. Members were asked to review the report of March 3, 1986, prepared by Attorney Litten, prior to the March 25th meeting of Council.

Mr. John Driver, Secretary of the Harrisonburg Transportation Safety Commission, presented the following three recommendations concerning situations which had been referred to the Commission by Council, at its January 28th meeting:

(1) Request for yield signs at intersections of Lee Avenue with First and Second Streets, to be changed to "stop" signs.

Motion: to recommend that stop signs be erected at the above stated intersections, in place of the present yield signs.

(2) Request for speed limit to be reduced from 35 MPH on Reservoir Street between Cantrell Avenue and Carlton Street.

Motion: that the speed limit be reduced at the above stated location from 35 MPH to 25 MPH.

(3) Request for four-way stop signs at Meadowlark Drive and Blue Ridge Drive.

Motion: to recommend to Council that four-way stop signs not be installed at this intersection.

Mr. Driver noted that the recommendations were made by the Commission, following statements by the Police Chief concerning each situation. On motion of Vice-Mayor Dingledine, seconded by Council Member Rhodes, and a unanimous vote of Council, the three recommendations were approved.

At 8:23 P.M., Mayor Green closed the regular session temporarily and called the first public hearing of the evening, to order. City Manager Milam read the following Hearing Notice, published in the Daily News Record newspaper on February 20 and March 6, 1986:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, March 11, 1986, at 7:30 p.m. in the City Council Chambers to consider the following rezoning request:

David and Doris Garber's request to rezone 4.1 acres from R-1 Single Family Residential, to R-3 Multiple Dwelling District. This property is on the south side of Port Republic Road and adjoins the east side of Howard Johnson's Motor Lodge and the Port Road Exxon properties.

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

CITY OF HARRISONBURG- Marvin B. Milam, City Manager

Attention was called to the following Planning Commission report which was presented to Council at the January 28th meeting:

"...Following the notice of public hearing statement, Chairman Eneidy opened the floor to anyone desiring to speak in favor of the rezoning of 4.1 acres owned by Mr. and Mrs. David Garber and 5 acres owned by Mr. and Mrs. Winfred Keagy. Attorney Henry Clark spoke for the Garbers and referred to a site plan illustrating 36 condominium units in four structures, along the east side of newly built Hunters Road. He noted that 36 units are actually less than what R-2 Residential zoning would allow, but R-3 Multiple Dwelling District is being applied for in order to build structures of six and 12 units each. (R-2 zoning restricts a builder to no more than 4 units per structure). Mr. Clark also noted that 74 off-street parking spaces are planned which is 2 more than required. Overflow parking spaces will be available along Hunters Road which is over 1,100' long from Port Road to the existing Hunters Ridge condominiums.

Mr. Winfred Keagy spoke on behalf of rezoning his adjacent 5 acres to R-3 District. He noted that his property was a part of the 1984 rezoning case which was withdrawn by D.M.I. Corporation of Williamsburg in September 1984, just prior to a City Council meeting. He reported that D.M.I. Corp. is no longer interested in acquiring the Keagy parcel, but if Garber's land is rezoned, it would be time-saving and logical to rezone the Keagy parcel at the same time, because R-3 would be the highest and best use if bordered by R-3.

Mr. Carl Wassum, President of the Port Road Neighborhood Association, read a statement from the organization which projected possible population figures, traffic increases, and suggested a moratorium on rezonings until the Zoning Ordinance review is completed. Mr. Kenneth Langraf and Dr. James Eby of Devonshire Homeowners' Ass'n, supported Mr. Wassum's statement.

After discussing the existing zoning patterns of the area, students' life-styles, number of automobiles (56% of J.M.U.'s students have autos), Mr. Rhodes moved that the Keagy request be tabled, since no plan of development was provided. Mr. Trobaugh seconded the motion which passed unanimously. Then Mr. Heath moved that the Commission recommend rezoning the 4.1 acre Garber parcel from R-1 to R-3. Mr. Hartman seconded the motion, which passed unanimously..."

Planning Director Sullivan referred to a map, setting out location of the 4.1 acres requested for rezoning, and its relationship to surrounding zones. Mr. Albert Constable, realtor, presented pictures of the 3-story condominiums, noting that the area is not favorable for R-1 zoning classification. He pointed out that the 4-lane situation which has been developed, greatly relieves the traffic flow on Port Road, Devonshire and Squire Hill. Attorney Henry Clark, representing the Garbers, said his clients were "out-front" in saying that they were basically looking at student housing, with approximately 75% of the units for students, and the remaining 25% for young married couples, etc. He noted excellent working relationship with the Planning and Engineering Departments of the City, with regard to plans for the area. Mr. Clark pointed out the fact that Hunters Road, which is a 1250' street, serves only this area and any traffic created is with the development, and any parking problems will be handled through sufficient parking per unit. There is space provided for a 130 overflow of cars for the 36 units, which will have no effect on the surrounding neighborhood. He said the project is needed, with the first phase already completed and occupied, and offered an opinion that there would be no advantage in changing the zone to R-2 Residential. Mr. Sterling Nichols of D.M.I. Corporation, said there are more applicants for housing, than they will be able to handle. They are endeavoring

to exercise a little more control over the tenants than most housing projects. They want to be good neighbors and take care of all complaints. Attorney Clark noted that Port Road is fully developed to the top of the hill and the developers of D.M.I. are taking steps, above those required, in order to cooperate with Devonshire. He introduced Mr. Brad Dixon, who will be moving in as Resident Manager. A petition signed by approximately 270 individuals was presented to Council, expressing interest in what is going on insofar as zoning in the Port Road area, and a lengthy letter from Mr. Carl Wassum, President of the Port Road Neighborhood Association, was read by Mr. Arthur Joecks, stating various reasons for opposition to rezoning of the Garber land (i.e. desire for the neighborhood to remain a residential character; rezoning the Garber land would lead to rezoning of other undeveloped land to R-3; the 36 units could allow as many as 540 persons in the area; overflow parking would be overwhelming onto Port Road and Devon Lane; rezoning could place the area in high risk for pedestrians; could lead to the addition of five or more streets or driveways intersecting with Port Road between Howard Johnsons and Devon Lane). A feeling of members of the Association is that R-2 zoning would better control density, because it would lower the density by 50%. Council was asked to delay a decision on the matter until it could be considered under a revised zoning ordinance, and asked that the zoning not be changed, if the new zoning ordinance does not limit density to 10 units or less per acre. Mr. George Clatterbuck of 795 Port Road, said he had built his home in 1952 and "was not ready to be pushed into having his land rezoned." He was advised that the request was not for the rezoning of private land, but only to control density. Mr. Clark noted a restriction for four persons per unit in this project, which will have a minimal effect on any of the neighborhood. He said the projection of population by the Association is "far fetched" and asked what is wrong with parking on the street, when it is done all over the City. Hunters Road has 1500' for overflow at social functions, etc. Inasmuch as there is a limitation on the distance between streets, Mr. Clark pointed out that this is the only one that can be put in the area. He asked approval of the rezoning request of Mr. Garber. Mr. Joecks asked the following two questions: (1) will parking be allowed on only one side of the street as promised? (2) how long will the Resident Manager be here? Mr. Clark said there was no objection to posting "no-parking" signs on one side of the street, if necessary for emergency vehicles. Mr. Dixon said he has a wife and two children, and that they are prepared to make Harrisonburg their home for a good many year. He is impressed with the area and will send his children to E.M.C. Mayor Green asked if an R-2 concentration could be maintained with the type of buildings proposed, and was assured that the 36 units (3 story) are "way under the density for an R-3 zone." He suggested the possibility of the Planning Commission looking into the zoning situation for the entire undeveloped land area. There being no others desiring to be heard, the Public Hearing was closed at 9:14 p.m. and the regular session reconvened.

Mayor Green asked members' wishes concerning the rezoning request for 4.1 acres on Port Road by David & Doris Garber. Vice-Mayor Dingledine offered a motion for the Garber property to be rezoned from R-1 Residential to R-3 Multiple Dwelling District, as recommended by the Planning Commission, with a stipulation that the Planning Commission review the undeveloped land, presently zoned R-3, immediately east of Devon Lane. Council Member Rhodes seconded the motion, with an amendment for parking to be permitted on the west side of Hunters Road, only, for ingress and egress of emergency vehicles. Fire Chief Shifflett said this should pose no problem. Attorney Clark said this is a 34' street and although there was no objection to parking only on one side, he felt it may not be necessary. The Chief noted that inasmuch as there are problems in other complexes, he was of the opinion that Council should take action for parking on one side, only. The motion, as amended, was then adopted by a unanimous vote of Council.

At 9:23 P.M., Mayor Green closed the regular session temporarily, and called the evening's second public hearing to order. City Manager Milam read the Hearing Notice as published in the Daily News Record newspaper on March 1st and March 6th, 1986, as follows:

The Harrisonburg City Council will hold a public hearing at 7:30 p.m. Tuesday, March 11, 1986 in the City Council Chambers, 345 S. Main Street, to consider the following:

An "E-911" system means a telephone service which utilizes a computerized system to automatically route emergency telephone calls placed by dialing the digits "911" to the proper public safety answering point. An E-911 system includes selective routing of telephone calls, automatic telephone number identification, and automatic location identification performed by computers and other control center communications equipment.

House Bill Number 258 provides a method of funding the service through a local tax imposed on telephone services. Bill 258 also provides a vehicle for collecting the tax by requiring the telephone company to collect, account and remit levies.

With E-911, statistical information is provided on all calls for emergency center resource management.

The telephone company coordinates the implementation of E-911.

E-911 is the technology necessary to provide more information - more quickly.

The proposed construction cost for joint City-County operation is \$ 421,678 and the proposed monthly fee to be added to each telephone access line would be 51¢. The proposed City-County maintenance monthly fee is 67¢ for each telephone access line.

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

CITY OF HARRISONBURG -Marvin B. Milam, City Manager

Fire Chief Shifflett noted that the City jointly operates a Fire-Rescue Center with Rockingham County, and that last year, Continental Telephone Company approached the City re a system that would provide a "911" number for reporting emergencies to the Fire Department, Rescue Squad, Police or Sheriff's Department. The 3-digit number would be used, as opposed to the present 7 digits. The system prevents wrong information, in that all information re the call is projected on a screen within a 2-second time period. If the caller is unable to give pertinent information, the terminal will set out the address, phone number, etc. Forced disconnection will be provided for the Dispatcher in the event of an invalid call. A party line may also be held open, even though the caller may hang up, with an emergency reing-back system also provided. Chief Shifflett stated that the system will be located in the Hose Co. #4 building on East Rock Street, with secondary call locations at the police station and Sheriff's Department. Council viewed a filmstrip showing how the system works, and setting out

statistics with regard to construction and maintenance costs. An additional charge of 51¢ would be added to each of the city's 13,097 telephone access lines; monthly, toward construction cost of the system, for the first 24 months, after which time a monthly maintenance charge of 52¢ would be added to each access line instead, with amounts to be collected by the telephone company and turned over to the jurisdictions (less a 3% collection fee to be retained by the company). Chief Shifflett noted that it would be necessary to employ four additional Dispatchers at a starting annual salary of \$ 12,168, with 25% fringe benefits, which would increase the number of Dispatchers to ten. Council was informed that a decision concerning a commitment by the City must be made by the end of this month, in order to be eligible for the proposed cut-over in March of 1988. The County has approved the joint venture, pending City Council's approval. Ms. Peggy Martz, ConTel Representative, presented the video of ABC's 20/20, which featured very interesting and vital information concerning the "E-911" System. She asked serious consideration of Council re the joint venture, and remarked that if a commitment is made by the end of March, the cut-over for March 1988 will be initiated, otherwise, it will be lost until year 1990 or later. When Council Member Rhodes asked if the monthly rate would change or remain the same, Ms. Martz could give no assurance that there would be no change, down the road, but it was understood by Council that the employment of four additional Dispatchers could result in a 67¢ monthly maintenance charge on each access line. When Vice-Mayor Dingleline raised a question concerning the method proposed for handling, Ms. Martz pointed out that the company can collect the fees from each access line, but must turn the monies over to the jurisdictions, retaining a 3% fee for collection. Division of the cost for the system would be based upon the number of telephone access lines in each jurisdiction. There being no others desiring to be heard, either for or against the "E-911" System; the Hearing was closed, and the regular session reconvened.

✓ Mayor Green asked members' wishes concerning initiation of the Enhanced "911" Emergency Number System. Vice-Mayor Dingleline said he was reluctant to add an additional charge to those of fixed incomes (i.e. the elderly), but was convinced that the "911" System is good for the welfare and safety of the community. He offered a motion for Council to approve the joint venture with Rockingham County for initiation of the "E-911" System. Council Member Robinson seconded the motion, with the possibility of giving some relief to individuals that may suffer hardship with the additional monthly charge, and approval of an ordinance for first reading. The motion was adopted by a unan. recorded vote of Council.

✓ At 10:15 P.M., Mayor Green closed the regular session temporarily, and called the evening's third public hearing to order. City Manager Milam read the following Notice of Hearing, published in the Daily News Record newspaper three times: February 11th, March 4th and March 11th:

The Harrisonburg City Council will hold a public hearing on Tuesday, March 11, 1986, at 7:30 p.m. in the City Council Chambers, Municipal Building, 345 South Main Street.

There will be a public hearing March 11, 1986 at the Harrisonburg City Council Chambers. This hearing will be to discuss Harrisonburg's application for Section 18 funds under the Urban Mass Transportation Act of 1964. These funds will aid in operating and administrative costs for FY '87.

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

CITY OF HARRISONBURG- Marvin B. Milam, City Manager

Transportation Director Reggie Smith noted that this was the annual application for Section 18 funding through the Virginia Department of Highways & Transportation, under the Urban Mass Transportation Act of 1964, to aid in operating and administrative costs of the local transportation services for Fiscal Year 1986-87. He noted that improvements to the system, through use of approved funding, would include purchase of two buses, a canopy, and fencing in the transportation area. Following a report of the transportation system by the Director, Mayor Green called on anyone present who may desire to be heard, either for or against the application. There being none, the Hearing was declared closed at 10:24 p.m. and the regular session reconvened.

City Manager Milam called members' attention to the following proposed Resolution, authorizing him to file application for the requested funding:

BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia, 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 and 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 \$ 325,323.30 to assist in the capital, operating and administrative costs 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 Chapter 684, Item 644 of the 1982 Acts of the General Assembly in the amount of \$ 7,775.60 to defray fifty percent (50%) of the local matching share of the City of Harrisonburg for capital and maintenance parts and supplies 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 Appropriations Act of 1982, that the City of Harrisonburg will provide matching funds in the ratio required, and that the record of receipts and expenditures 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.

ADOPTED and APPROVED this _____ day of _____, 1986.

Mayor

Atteste:

Clerk

Council Member Rhodes offered a motion for the Resolution to be approved, with authorization for the proper officials to sign the same. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

✓ Mr. Reggie Smith, Director of Transportation, presented a proposal for the following changes in the Department's Rate Schedule:

- (1) To eliminate the extra charge of \$.50 on the taxi rate which has been charged from 12:00 a.m. - 4:00 a.m.
- (2) To set Handicapped Rates as follows:
 - \$ 1.00 per 1-way trip within city limits
 - \$.20 extra for all stops plus waiting time
 - \$ 6.00 per hour waiting

Mr. Smith noted that the remainder of the Rate Schedule would remain the same. He pointed out the fact that the 50¢ extra was added to the taxi rate at the time the 24 hour service was implemented, with opposition expressed by shift-workers. He added the fact that there is a requirement for transit buses to provide handicapped services, which includes those confined to wheelchairs. Following discussion, Council Member Rhodes offered a motion for the Transportation Rate Schedule to be amended to include the two recommendations of the Director. The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

✓ Inasmuch as Mr. Roy Erickson's term had expired on January 28th of this year, as Harrisonburg's representative on the Shenandoah Valley Airport Commission, Mayor Green asked members' wishes concerning an appointment. On motion of Vice-Mayor Dingledine, seconded by Council Member Robinson, and a unanimous vote of Council, Mr. Erickson was reappointed to the Commission for a three (3) year term, expiring on January 28, 1989.

✓ Council was reminded that the first term of Mr. Forrest Palmer on the Board of Zoning Appeals will expire on March 20th of this year. Council Member Robinson offered a motion for Mr. Palmer's name to be submitted to the Circuit Court Judge for reappointment to a second term on the Board. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

✓ Council Member Rhodes moved that a supplemental appropriation in amount of \$ 5,000 in order to complete funding for lights at Memorial Stadium, be approved for second & final reading, a first reading having been approved on February 25th, and that:

\$ 5,000 chgd.to: General Fund - Unappropriated Fund Balance
5,000 approp.to: General Fund (9104-5605.06) Non-Departmental- Mem.Stadium

The motion was seconded by Council Member Shank, and adopted by a unanimous recorded vote of Council.

✓ A request was presented from Mr. James Baker, Assistant Superintendent of Streets, for approval of a supplemental appropriation in amount of \$ 200,577.27 due to insufficient funds to meet the Highway Funding appropriation, to complete 1985-86 funding for street lighting, and to cover costs in relocating power lines on Reservoir Street Project. Following a review of the breakdown of funding, by City Manager Milan, Council Member Rhodes offered a motion for the appropriation to be approved for a first reading, and that:

\$ 200,577.27 chgd.to: General Fund - Unappropriated Fund Balance
23,949.24 approp.to: General Fund (4102-3004.05) Maint. & Repairs-
Highways, streets & sidewalks
66,000.00 approp.to: General Fund (4102-3004.07) Maint. & Repairs-
Highways, streets & sidewalks- Annex Area
73,565.03 approp.to: General Fund (4102-7012.00) Work in Progress- Annex Area
37,063.00 approp.to: General Fund (4102-5101.01) Electricity- St.Lights

The motion was seconded by Council Member Shank, and adopted by a unanimous recorded vote of Council.

✓ City Manager Milan reminded Council that a CPA Firm must be designated prior to the end of the current fiscal year, to audit the financial statements of the City of Harrisonburg for fiscal year ending June 30, 1986. He called attention to the Proposal for Examination, submitted by the Firm of Phibbs, Burkholder, Geisert & Huffman, setting out a total cost of \$ 19,845.00 for the fiscal year's audit, including provision of 50 copies of the report. Manager Milan noted that request had been received for a longer period of bidding to be allowed. Inasmuch as this firm has prepared the City's audit for the past fifteen years, in a satisfactory manner, Council Member Shank offered a motion for the Bid Proposal to be accepted, as submitted, and the Firm of Phibbs, Burkholder, Geisert & Huffman designated to conduct the City of Harrisonburg's 1985-86 audit. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

✓ Council discussed briefly, telephone contacts with the City Manager and Vice-Mayor, by Broadway's Mayor Fitzwater, concerning proposed improvements on Route 42 north by the State Highway Department from the standpoint of dual-laning all the way. Inasmuch as the Route 42 north project has been set out in the Chamber's 5-Point Program since the 1970s, with Council's annual approval of the project, as stated, no further action was taken.

At 10:50 p.m., on motion of Vice-Mayor Dingledine, seconded by Council Member Robinson and a unanimous vote, Council entered an executive session to discuss a legal matter.

At 11:20 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened. There being no further business, the meeting was adjourned.

N. Robert Loken
CLERK

Walter J. Green
MAYOR

Tuesday, March 25, 1986

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingleline, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on March 11th were approved as corrected.

✓ Ms. Tami Morello, General Manager of Valley Mall, was present in the meeting as a follow-up of her letter of March 13th, to express concern about the city's ordinance increasing the business license for itinerant merchants to \$ 500, and application of same to the Mall. She offered an opinion that the original purpose of the ordinance was geared toward distressed merchandise offered for sale from trucks at various places in the city. The various types of merchants and businesses who lease space in the Mall, on a temporary basis, are special, and offered in Malls all over the country. Some are national companies and others are "Mom & Pop" operations that come in for one day only. These merchants pay rent and are a part of the overall Mall effort. The desire is to increase sales in the Mall, and customers like the various promotions. Due to the increase in license fee, Valley Mall has not leased space, since Christmas. Mr. Victor Smith, Commissioner of Revenue, said "we are enforcing the law, as written, and those merchants are considered as a part of this ordinance." Although he has not checked with other malls to determine how these merchants are handled insofar as license, Mr. Smith said he would be happy to do so, if desired. Mayor Green asked him to check with the City of Charlottesville, and report back to Council. Mr. Smith pointed out the fact that it does not have to be distressed merchandise, but merchants with no permanent quarters, from which to sell their wares. When Mayor Green asked if a lot of the national companies pay the sales tax in the "Home Court", Mr. Smith replied that unless they are registered with the Virginia Sales Tax Division, he doubts that they are. Ms. Morello informed Council that a lot of these promotions are done in the City of Winchester, although she does not know how they are handled. In one place, she noted that they were handled under one fee, and left to the discretion of the mall's management. Vice-Mayor Dingleline pointed out that every store in Valley Mall is paying the sales tax. Council Member Robinson said that out of every 4¢ received on the dollar, 1¢ is received by the city as a local tax. Ms. Morello said she would look into this. Mayor Green said he would like to know where these merchants pay the tax -- at home or where they operate. City Attorney Lapsley said he would look into the matter of sales tax, with Charlottesville. The Vice-Mayor pointed out that the sales tax is a legal obligation. Mayor Green assured Ms. Morello that following some investigation, she would be contacted.

✓ Correspondence was presented from Mr. Jacob Martin, addressed to the City Manager, in which he stated that since his annexation into the City, he is a victim of Harrisonburg's "peddlers license law." For more than 37 years, Mr. Martin noted that he has been hauling most of his items which are sold, on a pickup truck, but does not go door to door. Goods are delivered at the time of the sale. He noted in the correspondence that the present or former license fee is prohibitive for his type of operation. Commissioner of Revenue Smith informed Council that Mr. Martin had paid the former fee of \$ 250 before the increase to \$500, and that he had informed Mr. Martin that a peddler is someone who sells. He suggested to him that if he changed his status to solicitor and took orders from his customers, with later delivery, he could pay a lesser rate and save approximately \$ 400 a year. Although Mr. Martin stated objection to making a second trip for each sale, Mr. Smith informed Council that he is now paying on gross receipts, while he had previously paid one fee. No action was taken by Council, in that it appeared the matter had been handled through the Commissioner's office.

✓ Council received a petition with 101 signatures of residents, setting out problems which are being encountered in the Purcell Park area, primarily due to use of the park by JMU students. Vice-Mayor Dingleline, a member of the Harrisonburg Parks & Recreation Commission, informed Council that the Recreation Director and Commission Chairman plan to meet with representatives of James Madison University, to discuss the situation and complaints registered.

✓ Through correspondence addressed to Mayor Green from the Virginia Department of Highways and Transportation, he was notified of a public hearing which is scheduled for April 14th in Staunton, for the purpose of receiving requests for the interstate, primary and urban systems and transit systems. It was noted that citizen input will assist in preparation of the 1986-87 construction allocations and public transit aid to cities and counties. City Manager Milam said he had asked Planning Director Sullivan to attend the Hearing on behalf of the City of Harrisonburg.

✓ City Manager Milam called Council's attention to the following 5-Point Highway Program, submitted by the Harrisonburg-Rockingham Chamber of Commerce, and received only this morning:

FUNDING

- Primary I. Improvement of State Route 42 between the City of Harrisonburg and Towns of Broadway and Timberville to become a dual-lane divided highway. This highway is currently carrying approximately 4,800 vehicles per day. The Harrisonburg-Rockingham Chamber of Commerce objects to the current plan of two- and three-laning of the route and asks for redesign of the plan to include four-laning for the entire route.*
- II. Improvement of U.S. 340 from Shenandoah to Elkton to Grottoes to a dual-lane highway. This highway currently carries 5,880 vehicles per day from Shenandoah to Elkton, 1,895 vehicles from Elkton to Route 649; and 2,280 vehicles from Route 649 to Grottoes for a total of 10,055 vehicles per day.*
- III. Improvement of State Route 257 from its western intersection with U.S. Route 11 north of Mt. Crawford in an easterly direction to its intersection with Interstate 81. The highway is carrying approximately 2,440 vehicles per day. This is requested because of the truck traffic generated by Marshall's, Inc. and the potential industrial and commercial growth of Bridgewater and Dayton.*
- IV. Improvement of Route 33 (West Market Street) from the Square in downtown Harrisonburg west to one-quarter mile past the old city limits. This highway is currently carrying approximately 7,140 vehicles per day.*
- V. Improvement of Route 42 (South High Street) from Grace Street to*

Rockingham Square Shopping Center. This is one and one-half miles of two-lane road that is being fed by four-lane Route 42 from the south, four-lane High Street from the north and four-lane Cantrell Avenue from the east. The highway is currently carrying 13,380 vehicles per day.

City Manager Milam expressed concern re an article which appeared in this morning's Daily News Record, particularly re any change in the Route 42 Highway Improvement, as proposed over past years. In a June 12, 1984 public hearing, it was proposed as a 5-lane highway from the Old Corporate Limits of Harrisonburg to the Virginia Mennonite Home, with 4-lanes from there to the new Corporate Limits. He offered an opinion that the design of the Highway Department, on behalf of the City of Harrisonburg, is very beneficial, not only to the City, but to the total area. He said that although Broadway has made request for the City of Harrisonburg to object to the present plan, he felt there should be no contradiction to the proposed project, and above all, no delay in the project, via change in design. Manager Milam said he was of the opinion that Primary I, as set out in the 5-Point Program, is adverse to the original plan, if it means "between the Corporate Limits", and felt that Council should object to the project, as stated. He noted that the matter may be deferred until Council's April 8th meeting, if desired, in that the public hearing will not be held until April 14th in Staunton. He pointed out that according to the news article, the County does not want any work done until it can be 4-laned through the entire route from Harrisonburg to the Broadway-Timberville area, and added that "he would not want to sacrifice the City's 'piece' of the project." Vice-Mayor Dingleline referred to an excerpt from Council's meeting of June 12, 1984, and asked if Council could reiterate that this project, as proposed, is what the City wishes done, particularly since many projects, including a Nursing Home, are being developed in that area. Manager Milam said he could agree with the first part of the paragraph setting out the project under I of the Chamber's Program, but could not agree with stopping all work for a redesign. Vice-Mayor Dingleline then offered a motion for Council to approve the Chamber's 5-Point Program, with deletion of the last sentence under Primary I. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

Dr. Joseph Eney, Chairman of the City Planning Commission, was present in the meeting to give an update report concerning a study of the City's Zoning Ordinance. He said that a lot of time has been spent by Planning Director Sullivan, Building Official Byrd and himself, in a review of 100+ definitions throughout the Ordinance, with nothing gained from some, as stated. He noted that the ordinance has some logic, as well as some illogic. The new ordinance will have an index, which is logical. The study of the ordinance includes line by line review, site plan review, certification of occupancy, etc. They are also addressing the off-street parking which surfaced about 1971, and continuing into the District regulations, non-conforming uses, etc. The Consultant set out some differences, which have been put with those found by the Committee. Dr. Eney said that the target is to get a clean draft to the Planning Commission with the hope that they will be able to release it to the Press, Libraries, etc., for study. He concluded his report by pointing out that this has been a time-consuming, long drawn-out process. The Committee will be giving the Consultant all information relating to progress which has been made, with a hope that a revised ordinance may be presented to the Planning Commission at its April 23rd meeting. Mayor Green thanked Dr. Eney for his report.

At 8:15 p.m., Mayor Green closed the regular session temporarily and called the evening's public hearing to order. City Manager Milam read the Notice of Hearing as published in the Daily News Record on March 6 and March 20, 1986, as follows:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, March 25, 1986, at 7:30 p.m. in the City Council Chambers, 345 S. Main Street, to consider adjusting the Zoning Map as follows:

To place all of Lot 5, Block A on Page 31 of City Block Map in the R-3 Multiple Dwelling District. Said one-acre lot is located on the north side of Old Furnace Road, 550' east of Vine Street. Prior to the 1983 annexation, the City line divided Lot 5. The City portion was zoned R-2 Residential; the County portion was zoned R-3. The owners, Joseph and Janet Gardner, request an adjustment of the Zoning Map in order that all of Lot 5 be zoned R-3.

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

CITY OF HARRISONBURG- Marvin B. Milam, City Manager

Attention was called to the following Planning Commission report from its meeting of February 19th, and presented to City Council on February 25th:

"...The Director described the history of zoning boundaries and the changes of City Limits as a result of the 1983 annexation. Dr. Joseph Gardner, owner of a one-acre parcel on the north side of Old Furnace Road approximately 550' east of Vine Street, requests that the western one-third of his property be rezoned from R-2 to R-3 Multiple Dwelling District. After annexation, approximately 1/3 of the property remained in the county, but zoned R-3, and 1/3 of the property was zoned R-3 by the City. Dr. Gardner told the Commissioners that since annexation, he is paying taxes to the City on the entire tract.

Mr. Rhodes stated that he felt the City should correct this oversight, regarding the splitting of the parcel by a zoning line. He then moved for the Commission to recommend rezoning of the western 1/3 of the Joseph Gardner parcel from R-2 Residential to R-3 Multiple Dwelling District. Mr. Heath seconded the motion which passed unanimously..."

Planning Director Sullivan pointed out the location of 1-acre Lot 5 on a map, and presented a drawing showing the portion that is presently zoned R-2. He noted that if rezoning of that portion to R-3 is approved, all of the area will be under that zone. Should the Gardner or Liskey properties be developed at some future time, all the land will be under the same zoning formula. He added the fact that the Commission had addressed this request as an adjustment and carry-over on the city map. Manager Milam noted that the old City Limit line follows R-2 and the new begins about 250' from the center line and runs parallel to Furnace Road. Dr. Gardner has indicated that he was paying split taxes prior to annexation, and only one tax to the City since annexation. Mayor Green called on anyone present desiring to be heard either for or against the rezoning request. There being none, the Hearing was closed at 8:20 p.m. and the regular session reconvened.

Mayor Green asked members' wishes concerning the rezoning request of Dr. Joseph Gardner for Lot 5 from R-2 Residential to R-3 Multiple Dwelling District. Vice-Mayor Dingleline offered a motion for the recommendation of the Planning Commission to be approved, and Lot 5 rezoned to R-3. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

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

"...A March 6, 1986 letter from Mr. Jim Monger, owner of J-M Apartments, was read. Mr. Monger's request is that an undeveloped 'paper' alley be closed so that additional apartments can be built behind some existing apartments on the north side of West Grattan Street near the C-W Railroad tracks. Mr. Monger told the Commission that the Mongers own the properties on both sides of the 25' alley which is 304' long and 15' wide. Mr. Sullivan reported that a preliminary site plan for two 6-unit apartment structures is being studied by City Staff and will be discussed further at a future meeting. There being no utilities or easements in the 15' alley or apparent need for it, Mr. Trobaugh moved that the Commission recommend its closing and a Board of Viewers be appointed by City Council. Mr. Hartman seconded the motion which passed unanimously..."

Manager Milam called attention to the plat attached to the report, setting out location of the alley requested for closing. Following a brief discussion, Council Member Shank offered a motion for the report of the Planning Commission to be accepted, with the following appointed to serve as a Board of Viewers to view the alley, and report in writing, whether or not there would be any inconvenience in the closing, and if so, what: Messrs. John H. Byrd, Sr., Richard L. Suter, Wilmer C. Byrd, Sr. and William L. Blair. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

The following Planning Commission report from its March 19th meeting was presented and read:

"...The Commissioners reviewed a Final Plat showing a resubdivision of Lot 7 in Mr. Bill V. Neff's Interstate Commercial Park Subdivision. The Director reported that Lot 7 is a 4.46 acre parcel on the north side of Reedy Circle, just east of S. Main St. Mr. Neff desires to split Lot 7 into a 1.16 acre lot and a 3.30 acre lot. A 20' drainage easement extends along proposed Lot 7A, adjacent to Reedy Circle which has curb and gutter and some gravel base. Mr. Neff reported that a contractor is ready to finish the street work required by the City and drainage easements within proposed Lot 7B will be finalized when he knows what will be built on that lot. Also, rip-rap will be placed in the drainage channel crossing Lot 7A. Cooperation with the City's public works staff will continue, he added.

Mr. Trobaugh, noting that a resubdivision within this B-2 zoned area was anticipated in May 1985 when the subdivision was first approved, moved that the Commission recommend approval of the resubdivision of Lot 7, Section I of Interstate Commercial Park Subdivision, with the understanding that drainage ditch work and completion of Reedy Circle will be accomplished in the immediate future. Mr. Rhodes seconded the motion which passed unanimously..."

Planning Director Sullivan called attention to the plat attached to the Commission's report, and noted that he had nothing to add, in that all had apparently been covered in the report. Council Member Rhodes offered a motion for the recommendation of the Planning Commission to be approved, as stated. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

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

"...The Commissioners studied a map of the 5.66 acre Margaret Whitesel property located on the west side of S. Main Street, near Holiday Inn. Land Surveyor Robert E. Funk is proposing a 4-lot commercial subdivision. Proposed Lot 3 is occupied by a Seven-Eleven Store and a Waffle House is proposed for Lot 2 located immediately south of the Seven-Eleven Store. The Director reported that a site plan for the Waffle House has been submitted to the City Engineer and the Building Official. Mr. Funk told the Commission that an entrance road and separate right turn exit is planned on Lot 2. A traffic light services vehicular flow on S. Main Street and Pleasant Valley Road with a direct flow allowed for vehicles entering and leaving the Seven-Eleven. Waffle House hopes to connect its parking lot with the Seven-Eleven lot. Also, an existing drainage ditch on the rear portion of proposed Lot 2 will be re-routed around the parking lot. When development occurs on Lots 1 & 4, drainage plans will have to be carefully considered before building permits are issued.

Mr. Hughes noted that the proposed subdivision borders recently rebuilt South Main Street which has water and sewer lines, and careful consideration needs to be given to the traffic flow changes as development occurs. He moved that the Commission recommend approval of the Final Plan of the Margaret Whitesel Subdivision. Mr. Trobaugh seconded the motion and all members present voted in favor..."

Planning Director Sullivan called attention to the attached plat, and noted that most of the discussion in the Commission's meeting was about the site plan and how best to use the traffic light. If the lots are tied in, Mr. Sullivan said that traffic could turn left into the City. Otherwise, traffic would have to go south and make a "U" turn. Council Member Rhodes offered an opinion that there may be some problem with traffic. Following discussion, Council Member Shank offered a motion for the recommendation of the Planning Commission, to be approved. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

Council received the following Planning Commission report from its March 19th meeting:

"...Mr. J.R. Copper, Land Surveyor, described a proposed 20-lot Tower Heights Subdivision, with 16 for-sale townhouse lots on the west side of Tower Street near the City reservoirs and 3 townhouse lots facing Old Furnace Road plus an existing house. Mr. Joseph Funkhouser, owner/developer, stated that he believes young professional couples and middle-aged people will buy these townhouses. The project extends north to City-owned land near Kelley Street and the Transit Department building. Mr. Copper reviewed a proposed Final Plan of Section 1, which has 7 townhouse lots and the existing house on the northwest corner of Old Furnace Road and Tower Street. Various utility and access easements were explained. Water and sewer is available from both streets. Parking for three townhouses on Old Furnace Road will be in the backyard areas. On Tower Street, the parking will be in front. Improvements to Tower Street will be the City's responsibility.

Mr. Rhodes offered a motion for the Commission to recommend approval of the

overall preliminary plan of Section 1, Tower Heights Subdivision. Mr. Hartman seconded the motion and all members present voted in favor..."

Planning Director Sullivan called attention to the attached plat, setting out location of the eight lots proposed in Section 1, with four on Old Furnace Road (existing house on corner) and four fronting on Tower Street. He noted that the language in the Commission's recommendation refers to the overall preliminary plan of the subdivision, and also approval of the Final Plan for Section 1. He said that Tower Street was dedicated years ago, before subdivision requirements, and is almost a paper street, although considered a road. Mr. Copper pointed out the location on a map and said no traffic will be going onto, or leaving Old Furnace Road, but will go to the rear of the development. Section 1 runs to an existing city water easement. Vice-Mayor Dingleline asked what time constraint will be on the City for improvements to Tower Street. Manager Milam said that although the Subdivision Ordinance requires the developer to be responsible for a street, in this instance the city will be responsible for stone and surface treatment, curb and gutter, in that it is a dedicated street. He stated no definite time for the street treatment, but said they may have to wait years for the curb and gutter. He explained that highway funds cannot be used, but the improvements must be done with general taxation funds. When Council Member Rhodes raised a question concerning an existing garage, Mr. Copper replied that it will be demolished. Following discussion, Vice-Mayor Dingleline offered a motion for the recommendation of the Planning Commission to be approved, as stated. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

The following Planning Commission report, from its March 19th meeting, was presented and read:

"...The Commissioners studied proposed Final Plans of Willow Hills Subdivision, Units 2 & 3, drawn by Mr. J. W. Harris, Land Surveyor. The Director stated that Unit 2 has 15 residential lots on proposed Lynne Place and Kimberly Court. Mr. Ike Rowan, developer, said these lots will be sold for single family housing. The existing hold pond, partly located on Lots 5 & 6, was discussed at length. Proposed Unit 3, with only 4 lots on the west side of Willow Hills Drive, will continue to have a 40' access lane to the Eddie Edwards and E. B. Heatwole properties. These lots may be developed with 2-family homes. Mr. Harris reported that he is prepared to make a few minor adjustments to the construction plans requested by the City Engineer, and he noted that 75' of Lynne Place has an 11% grade.

Mr. Trobaugh moved that the Commission recommend approval of the Final Plans for Units 2 & 3, Willow Hills Subdivision, and grant a variance to allow the 11% street grade on Lynne Place near its intersection with Willow Hills Drive. Mr. Hughes seconded the motion and all members present voted in favor..."

Planning Director Sullivan pointed out location of the sections on a map, in relation to the surrounding area (i.e. Willow Hills Drive and Rex Road). Vice-Mayor Dingleline asked if any provision is made for safety of children with regard to the Holding Pond. Mr. J.W. Harris, surveyor, noted that the easement lines were established for the pond, with the feeling that the adjacent lot owners would fence the area. The Vice-Mayor said he hoped that the owners would be forewarned of the danger. Mr. S.L. Rexrode, an owner in RCR Associates, developers of Willow Hills Subdivision, pointed out that the pond does not hold water, but an 18" line goes through the bottom, and the pond may have water very temporarily, with a maximum depth of 4' which may remain only 20 - 30 minutes, before it drains out. Mr. Sullivan noted that fencing was brought up in the Commission's meeting, with question of whether or not the developers would provide the protection. He offered an opinion that the lot owners may have to make the decision. He noted further that the run-off should be faster, when more development occurs. Mr. Sullivan suggested that the developers recommend to the two lot owners, that they take precaution. The easement area includes a wet weather stream and pond, and is there for convenience of the city, in the event that a city crew may have to enter the area to make repairs, or for installation of water & sewer lines. Vice-Mayor Dingleline offered a motion for Council to approve the Planning Commission's recommendation, as stated, with a stipulation that the developer provide suitable fencing between Lots 5 & 6 and the Holding Pond. Mr. J.R. Copper, CLS, said that a fence collects debris and restricts flow of water into a pond. This is a 200' wide ditch and has a sharp fall on the dam portion. Although there is no objection to a fence, it would need to be put into the actual area, which would be too close to the building line of one house. The Vice-Mayor reiterated an earlier statement by the Planning Director concerning more development increasing run-off. Mr. Rexrode asked about the developers contacting the lot owners to discuss some type of barrier and the Vice-Mayor said he would like to see it as a part of the development. Mr. Rexrode asked if there would be any problem in putting a fence down at the easement area, and Mr. Sullivan replied in the negative. The back door of Lot 5 will be very close to the earthen man-made dam. When City Manager Milam asked how much more land would be developed, he was advised "a fraction over 30 acres." When he questioned whether or not this drainage area would be included, he was told that it would take care of the entire area. Manager Milam then suggested the possibility of screening the end of the pipe, which may be as safe as a fence that would have to be maintained. He asked if the 18" Intake could be screened off, and Mr. Rexrode replied that it could be done. Vice-Mayor Dingleline said he felt this would be a desirable solution. Manager Milam noted that these developers are providing a Holding Pond, which other developers have not been required to do, and suggested that screening may serve as a compromise. Mr. Copper said this could be an obstruction, and cause more water to build up in the pond. He added that it would also change design of the structure. At this point in the lengthy discussion, Council Member Rhodes said that a fence could not be constructed this evening, and then seconded the Vice-Mayor's motion to approve the Planning Commission's recommendation, as stated, with stipulation that the developer provide suitable fencing. The motion was adopted by a unanimous vote of Council.

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

"...The Director oriented the Commissioners to a map of Reherd Acres Area, showing where proposed Unit 17A, with three duplex housing lots, and proposed Unit 18, with eleven single family lots, are located. Mr. DePoy told the Commissioners that Meadowlark Drive is now being constructed from Blue Ridge Drive eastward to Mockingbird Drive, and Unit 18 is an additional extension of Meadowlark Drive. It is zoned R-1 Residential. The proposed duplex layout in Unit 17A will include construction of Goldfinch Drive, eastward 400' from Blue Ridge Drive. Water and sewer lines are already in the ground. Construction plans have been okayed by the City Engineer.

Mr. Trobaugh moved that the Commission recommend approval of the Final Plans

for Units 17A and 18, Reherd Acres Subdivision. Mr. Rhodes seconded the motion which passed unanimously..."

Attention was called to the plat and subdivision review sheet, attached to the report. Mr. Sullivan explained the layout, and noted that the new street, Goldfinch Drive, will have to be completed to a cul-de-sac. Council Member Shank offered a motion for the recommendation of the Planning Commission to be approved. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

✓ Council received the following Planning Commission report from its March 19th meeting:

"...Messrs. Steve Weaver, Steve Bradshaw, J.R. Copper and John Darden asked the Commission to accept the revisions made on the proposed Final Plan for Dukes' Plaza Subdivision. The 20.5 acre shopping center layout, in the northwest corner of South Main Street and West Mosby Road, will include three small parcels facing Main Street and the main parcel behind these parcels, but with a 64' wide access strip to Main Street plus two access connections to West Mosby Road. Mr. Weaver explained the plans to provide storm drainage easements along the front of Lots 1 & 2, drainage and slope easements along the upper side of the shopping center lot, and plans to funnel storm water to a defined channel on the Imperial Oil Company lot northeast of the proposed center. Also, an existing VEPCO power line which crosses the site will be relocated at the developer's expense. Mr. Trobaugh noted that traffic flow problems may occur for vehicles wanting to turn left as they leave the shopping center. However, use of West Mosby Road does provide traffic light control.

Noting that final engineering and site plan review is continuing by all departments affected, Mr. Hughes moved that the revised Plan for Dukes' Plaza Subdivision be recommended for approval, including the moving of an existing drop inlet at the developer's expense, located between Lots 2 & 3. Mr. Rhodes seconded the motion, and all members present voted in favor..."

City Manager Milam called attention to the attached plat, setting out 17,489 acres. Mr. J.R. Copper, CLS, presented the overall plan, noting that the utilities will be private and that some easements will be required. A 2" domestic line will be metered, with one master meter. He noted that the developers have built and maintained about fifty shopping centers, and feel this arrangement is the best way to provide water, in order to eliminate connection fee, etc. Council Member Rhodes asked about ingress and egress to the Center. He was advised that there will be 2-lane traffic with two entrances, which will be shared by McDonalds. Most shoppers will most likely come out Mosby Road and use the traffic light. Council Member Rhodes offered a motion for the recommendation of the Planning Commission to be approved. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

✓ City Manager Milam reminded Council that two weeks ago, the Harrisonburg-Rockingham Regional Sewer Authority laid out a 2 1/2 million dollar Improvement Plan, with \$ 1,445,440 set out as the city's share of cost toward new construction, representing 60.01% of the total amount. He noted that in order to generate only 1/2 million, an additional monthly sewer charge of 50¢ would have to be added to consumers' bills. If agreeable with Council, he suggested that a commitment could be given that the city would come up with its share, and even if the entire amount could not be paid next year, it could possibly be paid over the next few years through appropriations in the city's budgets. If the City does not generate the amount by the time it is needed, the City may have to resort to a bond issue. Mr. John Driver, a representative of Harrisonburg on the Sewer Authority, informed Council that all funds will be needed by July 1, 1988, with a portion needed prior to that time. Manager Milam said it would suit, if the Authority would have the bond issue, and bill the city, particularly if the bonds were sold and all localities participated on an equal basis. At this point, the city is responsible for 60% of the total amount, while the towns of Bridgewater, Dayton, Mt. Crawford and the County of Rockingham, share the balance. Mr. Driver pointed out the fact that the city and two towns are using their capacity of 5 million gallons, while Rockingham County is using only approximately 200,000 of its allocation of 2 1/2 million. Although the county's sewer is presently being measured by a water meter, while the other localities have sewer meters, this will be rectified by all having sewer meters. Following discussion, Council Member Rhodes offered a motion for the City of Harrisonburg to give a commitment for its share toward plant construction, through future City of Harrisonburg budgets. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

✓ The following proposed Resolution was presented and read, for Council's consideration of approval, concerning a lease-purchase agreement for purchase of a new fire engine at a cost of \$ 130,000 plus another \$ 30,000 for equipment:

WHEREAS, authorization was granted at the regular meeting of the Harrisonburg City Council on January 28, 1986, for purchase of a new fire engine under a lease-purchase agreement; and

WHEREAS, a Conditional Sales Contract has been received from the Sovran Leasing Corporation in principle amount of \$ 160,000 at an annual interest rate of 7.25%,

NOW, THEREFORE, BE IT RESOLVED that Marvin B. Milam, City Manager of the City of Harrisonburg, Virginia, is hereby authorized and directed to enter into and deliver, on behalf of the City, a Conditional Sales Contract and such other documentation required, with Sovran Leasing Corporation, whereby the City will purchase the equipment described in said Conditional Sales Contract.

ADOPTED and APPROVED this _____ day of _____, 1986.

Mayor

Atteste:

Clerk

On motion of Council Member Robinson, seconded by Council Member Rhodes, and a unanimous vote of Council, the Resolution was approved, with authorization for the proper officials to sign the same.

✓ Correspondence of 3/6/86 from the Central Shenandoah Planning District Commission advised that the present terms of the Commission's Executive Committee members will expire June 30, 1986, with request made for Harrisonburg City Council to select one of its two representatives to stand for election to the Executive Committee for a term of two years, expiring June 30, 1988. Council was reminded that the present three year terms of Council Member Rhodes and Planning Director Sullivan, as representatives of Harrisonburg on the Commission will also expire on June 30th of this year.

Department of Highways & Transportation to make maintenance payments effective July 1, 1986.

ADOPTED and APPROVED this _____ day of _____, 1986.

Mayor

Atteste:

Clerk

Following a review of the listed streets and portions of streets, eligible for maintenance payment, Vice-Mayor Dingleline offered a motion for the Resolution to be approved, with authorization for the proper officials to sign the same. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

City Manager Milam called Council's attention to a dissertation proposal prepared by Mr. Walter Cox, a doctoral candidate in the College of Architecture and Urban Studies at Virginia Tech, Blacksburg, Virginia. The research relates to the question of compensation for prospective loss of net tax revenues by Rockingham County from the 1983 annexation of land by the City of Harrisonburg. Request was made for access to all relevant documents concerning the annexation, by the researcher. Manager Milam said he had discussed this proposal with Carter Glass, attorney with the firm of Mays, Valentine, Davenport & Moore, in that the researcher, Mr. Cox, had worked on behalf of the County on the annexation issue. Attorney Glass noted that Mr. Alan Steiss of Virginia Tech, who had signed the correspondence re the research, was also working with the County during the annexation trial. Manager Milam said his only concern was releasing information, and would prefer to release only information from his office, and that of the Commissioner of Revenue. Council Member Robinson said he felt that the only way to research the situation would be to consider the city's expense in complying with the annexation court order, rather than a one-sided investigation as to the county's loss of revenue. Vice-Mayor Dingleline offered an opinion that Mr. Steiss should be informed that their position is well taken, but more information is desired. It was agreed that the matter be tabled.

For information, Council Member Shank reported that he had attended the Special Education Advisory meeting last night. It was noted that the State Department of Education has completed its review, which is done every five years. When the last review was conducted, Harrisonburg had one of the lowest ratings in the state, and under the most recent review, Harrisonburg received one of the highest ratings. Dr. Shank said that Harrisonburg currently has 350 students enrolled in Special Education, and that credit for the rating should be given former School Superintendent Wayne Kine, the teachers and Mr. Al Falcioni.

At 10:10 p.m., on motion of Vice-Mayor Dingleline, seconded by Council Member Robinson, and a unanimous vote, Council entered an executive session to discuss real estate and a legal matter.

At 11:30 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened. There being no further business, the meeting was adjourned.

N. Arlene Loker
CLERK

Walter F. [Signature]
MAYOR

Tuesday, April 8, 1986

At a regular meeting of Council held in the Council Chamber this evening at 7:30, there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingledine, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: Attorney Norvell A. Lapsley.

✓ County Supervisors Lynwood Byerly and Glenn Heatwole, members of the Liaison Committee serving with Vice-Mayor Dingledine and Council Member Shank, were present in the meeting for the purpose of making public, action which had been taken by the Committee with regard to a proposed City/County Office Complex. Vice-Mayor Dingledine acknowledged work which had been done by Council Member Shank, as well as the other members. He offered an opinion that the Committee had accomplished a lot, and said he looked forward to further accomplishments in the future. He asked Supervisor Byerly to read the Committee Report for Council's consideration, noting that the same report would be presented to the County Board of Supervisors tomorrow night for its consideration. The report was read as follows:

The City-County Liaison Committee recommends the following statement for approval and adoption:

Harrisonburg and Rockingham County have agreed to hire a consultant to study the feasibility of building a jointly owned and operated governmental center. A multistoried complex is envisioned that would most likely house the administrative offices of both jurisdictions along with various governmental departments and several of the court systems. One location being considered for the new construction is the city-owned land adjacent to the present Harrisonburg Municipal Building. The study will also extend to all presently owned city and county facilities to integrate possibly the use of these buildings in a more efficient manner.

This is consistent with past actions by the county and city to address problems and projects of mutual concern in a continuing effort to deliver efficient services to the taxpayer at the lowest possible cost. Viable examples of this joint approach are the Massanutten Vocational Technical Center, Shenandoah Valley Airport, Shenandoah Valley Detention Home, Central Fire and Rescue Communications Center, Community Services Board, etc.

The county and the city further agree to contribute equally to pay for the study. The county administrator and the city manager will jointly locate the consultant.

Mayor Green expressed appreciation to Supervisors Byerly and Heatwole for their presence in the meeting, and asked Members of Council their wishes concerning the statement of the Liaison Committee. Vice-Mayor Dingledine offered a motion for the statement to be approved, as presented. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

Minutes of the regular meeting held on March 25th 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 March, 1986.

From the City Treasurer:

A trial balance report as of close of business on March 31, 1986.

From the Police Department:

A report of Fines & Costs, \$ 3,569.50; Cash collected from street parking meters, \$ 8,340.57; total amount turned over to Treasurer for month of March, 1986 - \$ 11,910.07.

From the City Auditor:

A report of cash discounts saved in payment of vendor's invoices for month of March, 1986 in total amount of \$ 243.57.

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, 1986.

✓ Correspondence was presented from the National Democratic Policy Committee, with a request for permission to distribute literature concerning the NPDC from a card table on a public sidewalk with good pedestrian traffic (i.e. Post Office). Vice-Mayor Dingledine said it would actually be a membership drive and Council Member Rhodes suggested that the request be denied. City Manager Milam noted that most uses approved, are for craft shows and promotions for downtown businesses, and added the fact that the city's ordinance prohibits obstruction of public sidewalks. Council Member Rhodes offered an opinion that granting this type of request, would set a precedent for others. Following the brief discussion, it was agreed that the request be deferred, pending a legal opinion, and the City Manager was asked to get additional information re same.

✓ City Manager Milam informed Council that he was in receipt of the budget for fiscal year 1986-87, submitted by the Harrisonburg Electric Commission, and noted that it is required to be received by April 7th each year.

✓ Council Member Robinson moved that a supplemental appropriation in amount of \$ 3,449.75, requested by the Fire Chief in order to recover local share of funds collected for Emergency Medical Services, through state vehicle registration for Fiscal Year 1986 from the State Department of Health, be approved for second & final reading, a first reading having been approved on March 25th, and that:

\$ 3,449.75 chgd. to: General Fund (1901.01) Recoveries & Rebates

3,449.75 approp. to: General Fund (3505-5400.01) Other Mat. & Supplies

The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous recorded vote of Council.

✓ A request was presented from Police Chief Presgrave for approval of a supplemental appropriation in amount of \$ 4,060.14 in order to return funds received, to accounts from which they were expended. The amount represents check received from Allstate for wrecked cruiser; JMU overtime check and overtime earnings for Harrisonburg police officers under DUI Grant. Council Member Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 4,060.14 chgd. to: General Fund (1901.01) Recoveries & Rebates

1,119.90 approp. to: General Fund (3101-3004.03) Maint. & Repair of Auto Equip.

2,940.24 approp. to: General Fund (3101-1001.07) Spec. Police

The motion was seconded by Council Member Shank, and adopted by a unanimous recorded vote of Council.

✓ Correspondence was presented from the Virginia Municipal League, requesting names of nominees to serve on seven policy committees, and attend meetings between May and Mid-August this year, prior to the annual conference in September. The City Manager was instructed to return the requested form, with the following individuals nominated to the various committees:

Community & Economic Development: Council Member Thomas H. Robinson, II

Effective Government: Mayor Walter F. Green, 3rd

Environmental Quality: Mr. John E. Driver

Human Development: Mrs. Sonja Bible, Director of Social Services

Public Safety: Chief of Police Richard W. Presgrave

Transportation: Council Member Elon W. Rhodes

Education: Council Member Charles L. Shank

✓ Council was reminded that a vacancy had been created on the Harrisonburg Redevelopment Authority, with the passing of Lyle Sweet, and Mayor Green asked members' wishes concerning an appointment. Council Member Rhodes moved that Mr. Robert C. Williams of 468 Myers Avenue, Harrisonburg be appointed to the Authority to fill the unexpired term to November 20, 1988. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

✓ Council was reminded that a vacancy exists on the Bi-Racial Committee, and Mayor Green asked members' wishes concerning an appointment. Inasmuch as the committee has not been active, insofar as meetings, Council Member Robinson offered a motion for the Committee to be placed "on hold" until a need arises for it to be re-activated. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

✓ With the realization that the one year terms of members on the Price-Rotary Senior Citizens' Advisory Board will expire as of May 1st of this year, Vice-Mayor Dingledine, Chairman of the Commission, offered a motion for the Commission to be dissolved, in that some of the programs have changed, and activities are under the supervision of the Parks & Recreation Department. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council. Vice-Mayor Dingledine said he would send letters to all members, expressing appreciation for services rendered.

✓ City Attorney Lapsley provided for this evening's meeting, Notice from the Circuit Court of Rockingham County that Mr. Forrest C. Palmer had been reappointed to the Board of Zoning Appeals for a second term of five (5) years, expiring March 20, 1991.

✓ Due to accidents which have been occurring at the intersection of Erickson Drive and South High

Street, Vice-Mayor Dingledine asked the possibility of reducing the speed limit until a traffic light is installed by the Highway Department. Chief of Police Presgrave noted that the problem is not with speed, but rather, vehicles turning off Erickson Drive into a 4-lane traffic situation, north into the city.

✓ Council Member Robinson registered reports he had received concerning a problem of misuse of the basketball area at Purcell Park. He asked the possibility of placing some signs in the area and provision of a portable "john." Vice-Mayor Dingledine said the Recreation Director and Commission Chairman would relay information concerning the situation to representatives of James Madison University, inasmuch as earlier complaints referred to students' use of the park facilities. No action taken with regard to signs or "john".

✓ Correspondence was presented from the District Manager of Virginia Electric & Power Company, enclosing three copies of an agreement between VEPCO and the City of Harrisonburg for purchase of electricity by the municipality, with term of agreement from 7/1/85 to 6/30/88. City Manager Milam pointed out that an agreement (contract) is negotiated from time to time by the Virginia Municipal League, and that the proposed agreement concerns electric service at the city's pumping station at Bridgewater. Following a brief discussion, Council Member Rhodes offered a motion for the City Manager to be authorized to sign and return the requested forms. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

✓ City Manager Milam presented and read the following Board of Viewers' report concerning the requested closing of a 15' alley north of West Grattan Street:

We, the Board of Viewers, John H. Byrd, Sr., Richard L. Suter, Wilmer C. Byrd, Sr. and William L. Blair, did meet at the alley April 4, 1986, at 10:05 a.m. We unanimously agreed that the alley has not been used/is not being used, nor is it foreseeable that it will be used as an alley. We agreed that closing the alley would be no inconvenience. We recommend it be closed and the lands it occupies be returned to the adjoining lot owners.

This alley is 15' wide, 304' long. Lots 11 through 17 border it on the south, while Lot 18 borders the north side. It is north of and parallel to lower West Grattan Street. It joins the C & W Railroad property on the west. It has a confluence with the alley west of Liberty Street that joins Grattan Street and Lewis Street.

Council was reminded that a Planning Commission report, recommending the closing and appointment of a Board of Viewers, had been presented at the March 25th meeting. The normal procedure is for the Viewers' report to be accepted and an ordinance for the closing, approved for a first reading. The City Engineer provides the City Attorney with metes and bounds of the alley, or portion of alley to be closed, for his information in the preparation of an ordinance, and this information is also relayed to the Commissioner of Revenue for a determination of fees to be charged adjoining lot owners. A second reading of the ordinance is deferred until proper fees have been received. Council Member Shank offered a motion for the Viewers' report to be accepted and an ordinance for closing of the alley to be approved for a first reading, and referred to the City Attorney to be drawn in proper form. The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

At 8:40 p.m., on motion of Council Member Rhodes, seconded by Vice-Mayor Dingledine and a unanimous vote, Council entered an executive session to discuss real estate and personnel.

At 10:10 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened. There being no further business, the meeting was adjourned.

N. Carlene Loker
CLERK

Maester J. Green
MAYOR

Tuesday, April 22, 1986

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingleline, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on April 8th were approved as read.

Council received the City Auditor's financial report for month of March, 1986, and ordered same filed.

Ms. Tami Morello, General Manager of The Valley Mall, was present in the meeting as a follow-up of her letter dated 4/15/86, in which request was made for consideration of an annual payment of \$1,000 by Valley Mall, to the City, which would be equivalent to two itinerant merchants' license. She said she would like to look at the Mall Management Company as one business entity, and to be permitted to purchase its own license to cover temporary merchants who rent space in the mall. She noted a problem with the mall getting into the tax business. The management would be assured that all temporary merchants have a valid state sales tax identification number, and would keep sales records of all those businesses, available for inspection by city officials, in order to ensure that the city receives its share of local sales tax. Commissioner of Revenue Smith noted that he had accumulated a lot of information from other cities, which he had not found the time to analyze. Mayor Green said that the matter had been discussed, from the standpoint of only one license tax for the mall's itinerant merchants. He asked Mr. Smith to get his information together, and work with the City Attorney with regard to a solution, and further requested that they contact Ms. Morello when a satisfactory fee has been established.

Through correspondence from Attorney Earl Thoma, Jr., on behalf of Martin L. Stroble, request was made for consideration in the rezoning of four lots at the corner of Clinton and Madison Streets,

from R-2 Residential to B-2 General Business. The intent of the owner is to lease the lots for use as a parking lot by the auto shop on the corner. Vice-Mayor Dingledine moved that the request be referred to the City Planning Commission for study and recommendation. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

Correspondence was presented from Columbia Gas of Virginia, enclosing copy of the Virginia State Corporation Commission's Order pertaining to an application of Columbia to be permitted to flex its rates to meet all oil and propane competition under Rate Schedule Alternate Fuel Displacement Service. City Manager Milam informed Council that he questioned the term "flex" and had made available a copy of the Order to Mr. John Holsten because of the adverse effect the rates may have on the city's steam plant, in that JMU uses gas in lieu of steam, at a reduced rate. A public hearing is scheduled for May 16, 1986 at 10 a.m. in the Commission's Courtroom for the purpose of receiving evidence relevant to Columbia's request for a flexible rate. Following discussion, the City Manager was asked to contact a representative of the company for further clarification, concerning the term "flex."

Mr. Jack Altemus, Valley Regional Director of the Virginia Employment Commission, was present in the meeting to present highlights from the Job Service Plan, 1986 Program Year, for Delivery Area IV, Shenandoah Valley. He said a request had been received for the Plan to be coordinated (i.e. how to do business and what is going to be done). He noted that the area covers from Winchester to Buena Vista, and that for the past few years, the Plan has been presented to City Council, with concurrence through the signature of a city official. Mr. Altemus pointed out that the Plan reflects an approximate 3% increase with regard to what they expect to do this year, over the same period last year. Council Member Robinsin offered a motion for Council to concur in the 1986 Plan, with authorization for the Mayor to sign on behalf of the City of Harrisonburg. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

City Manager Milam called attention to correspondence from Attorney Stephen Heitz, enclosing a proposed Pretreatment Agreement between the City of Harrisonburg and the Harrisonburg-Rockingham Regional Sewer Authority, page 2 of which had been revised in order to delete any responsibility on the Authority. Reminder was made that the city had agreed to establish and enforce an industrial pretreatment program, in action taken in March of this year. The existing fee schedule of April 10, 1986 will be followed. Manager Milam said he would like for Water Treatment Plant Manager Armstrong, Water/Sewer Superintendent Yancey, and John Driver, to get together and review the situation, in that the matter of pretreatment is ready for some discussion, but not for publicity. He noted that it may be feasible for one person to do all the sampling, with cost to be divided between the jurisdictions, and an equal fee schedule. The matter was deferred until the next regular meeting of Council, for further clarification, following a study by the individuals mentioned.

Correspondence of 4/7/86 from School Superintendent Hiner was presented, with request for Council's consideration of approving an application for a Literary Fund Loan in total amount of \$ 315,000. It was noted that Harrisonburg's share of the total cost would be \$ 47,250 at an interest rate of 5% for a period of 20 years. Requested funds would be used for construction of an addition to the Massanutten Vocational Technical Center, to house special education and assessment center facilities. Council Member Rhodes offered a motion for Council to approve the School's application for a Literary Fund Loan. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

With regard to a previous request from the National Democratic Policy Committee to set up a card table on a sidewalk in downtown Harrisonburg to distribute literature, City Attorney Lapsley informed Council that "it may be tough" to deny the request, in that it could mean involvement in political activity, particularly under First Amendment Rights and Freedom of Speech. Inasmuch as City Council is trustee of sidewalks, and has the right to select a proper location, Attorney Lapsley suggested that more information is needed concerning dates and times the committee desires to use the sidewalk. City Manager Milam was instructed to contact the committee for additional information.

Vice-Mayor Dingledine moved that a supplemental appropriation in amount of \$ 4,060.14, requested by the Police Chief in order to return funds, to accounts from which they were expended, be approved for second & final reading, a first reading having been approved on April 8th, and that:

- \$ 4,060.14 chgd.to: General Fund (1901.01) Recoveries & Rebates
- 1,119.90 approp.to: General Fund (3101-3004.03) Maint. & Repair of Auto Equip.
- 2,940.24 approp.to: General Fund (3101-1001.07) Special Police

The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

A request was presented from the Director of Social Services for approval of a re-allocation of funds in amount of \$ 20,000, representing replacement of an automobile and copier; replacement of other office equipment which the Department had borrowed from the Private Industry Council, in light of the agency's move. Vice-Mayor Dingledine moved that the re-allocation of funds be approved, and that:

- \$ 5,000. trans.from: VPA Fund (5301-1001.02) Pers.Serv.- Joint Functions
- 5,000. trans.from: VPA Fund (5301-1001.05) Pers.Serv.- Elig. PA
- 3,500. trans.from: VPA Fund (5301-2014.01) Other Op.- FICA, Retire, Grp. Ins.
- 1,000. trans.from: VPA Fund (5301-5500.01) Travel & Staff Development
- 5,500. trans.from: VPA Fund (5301-8001.02) Other Op.- Office Space Chg.
- 10,000. trans.to: VPA Fund (7000-7002.01) Cap. Outlay- Office Equip.
- 10,000. trans.to: VPA Fund (7000-7005.01) Cap. Outlay- Auto Equip.

The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

Council was reminded that Mr. Billy M. Walton's second term on the Industrial Development Authority will expire on April 24, 1986, rendering him ineligible for reappointment. The first term of Dr. J.F. Wine will also expire on April 24th. Council Member Shank offered a motion for Dr. Wine to be reappointed to the Authority for a second term of four (4) years, expiring April 24, 1990. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

For consideration of a second & final reading, City Attorney Lapsley presented a revised ordinance amending Sec. 4-2-66 of the City Code, entitled "Telephone Service." He explained that the original ordinance, approved for a first reading on March 11th, set out an amount of initial fee to be placed

on each access line in the city, as well as a later fee following completion of the E-911 Emergency System. The revised ordinance includes the following statement: "the amount of said fees shall be established by council." Vice-Mayor Dingleline moved that the ordinance, as revised, 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 Council Member Robinson, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk L, page 63).

For information, City Manager Milam presented correspondence from the Virginia Department of Highways & Transportation, concerning urban maintenance payments for all cities and towns, and advising that the definition of Maintenance would be expanded to include the following:

1. Storm drainage replacement for undersized culverts
2. Minor pavement widening where tractor trailers run off the pavement or intersection radii need to be increased to accommodate turning movements.
3. Reconstruction or replacement of roadbeds or sidewalks where they are deteriorated beyond repair.
4. Plant mix overlays for streets previously only surface treated.
5. Higher grade materials, such as traffic signs and paint, than originally used.
6. High-intensity pavement marking devices on roadways
7. Traffic control devices upgrading and replacement
8. Barriers or guardrails to protect traffic control cabinets when the barrier or guardrail is immediately adjacent to the cabinet.

Manager Milam noted that the expanded definition would be of benefit to the City.

City Manager Milam informed Council that request had been received from a developer to purchase land across from Keister School on the west side of Central Avenue. He noted that the frontage may be equivalent to a city block in length, and asked Council's desire with regard to this city owned parcel. Council Member Rhodes pointed out the fact that the high density zoning of R-3 was instrumental in Council's decision approximately five years ago, when another request for purchase was denied. Although Council Member Robinson suggested the possibility of down-zoning the property and consideration of future offers for purchase, it was noted that due to the shape of the parcel and its location next to C-W railroad tracks, the property would not be profitable for anything other than high density residential development. Council Member Rhodes offered a motion for the property to be retained by the City. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

For information, Vice-Mayor Dingleline, a member of the Harrisonburg Parks & Recreation Commission, reported on a meeting of the Commission, attended by Mr. L.J. Purcell on behalf of a group of petitioners from the Purcell Park Area who had expressed concern about misuse of the park facilities. The Commission Chairman discussed progress which had been made toward a solution to the problem, including meetings with JMU Administration and Student Government. The Vice-Mayor said that the Commission has requested meetings with JMU representatives again next spring and fall, in order to increase awareness of respecting proper use of the park. Recreation Director Gilkerson has indicated that some "no trespassing" signs would be posted, for after 10 p.m. and city police have been patrolling the area, with some improvements noted. Mr. Purcell is the only property owner that has land adjacent to the park, and his property has no fence. Director Gilkerson agreed that a fence would be erected.

City Manager Milam was instructed to pass along information to Warner Cable that Rockingham Motel on Rt. 11 south, desires cable service. He noted that a proposal from Warner should be in by May 20th, which includes a provision for extension of cable services to areas not presently served.

Due to complaints being registered concerning the littering of streets and roads by feathers from Holly Farms trucks, Chief Presgrave was asked to contact Mr. Harrison, General Manager, about the situation.

There being no further business and on motion duly adopted, the meeting was adjourned at 8:57 p.m.

CLERK

MAYOR

Tuesday, May 13, 1986

Tuesday, May 13, 1986

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingledine, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on April 22nd 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 April, 1986.

From the City Treasurer:

A trial balance report as of close of business on April 30, 1986.

From the Police Department:

A report of cash collected from street parking meters, \$ 7,503.09; Fines & Costs, \$ 5,655.08; total cash turned over to City Treasurer, \$ 13,158.17.

From the City Auditor:

A financial report for month of April, 1986.

A report of cash discounts saved in payment of vendor's invoices in amount of \$ 129.50 for month of April, 1986.

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, 1986.

Correspondence was presented from Mr. Craig W. Moore, requesting rezoning of property situate on the southeast corner of South Main and Campbell Streets, from R-3 Residential to B-2 General Business. Purpose of the request is to allow the home to be restored to an inn and fine dining restaurant. On motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous vote of Council, the request was referred to the City Planning Commission for review and report.

Attention was called to correspondence to Water/Sewer Superintendent Yancey from the Shenandoah Telephone Company, enclosing detailed plans covering the layout of the proposed towers foundation and individual foundation footings of a tower proposed to be erected near Vine Street, 20' or more away from the city's water line. City Manager Milam noted that the tower would be located between the city's two reservoirs, and approximately 150' in height. He suggested that the request be referred to the City Planning Commission for review and report. On motion of Council Member Shank, seconded by Council Member Robinson and a unanimous vote of Council, the request for erection of a tower, was so referred.

Correspondence was presented from Mrs. Janet Detamore, Executive Secretary of the Harrisonburg/Rockingham Mental Health Association, in which request was made for permission to use the sidewalk on the south side of Court Square on Saturday, May 31st, from 10 a.m. - 2 p.m. for the annual Family Fun Festival. City Manager Milam noted that the city is trustee of sidewalks, and that this particular event is one which has been approved over past years. Vice-Mayor Dingleline offered a motion for the request to be approved. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

For information and recordation in Council minutes, City Manager Milam presented results of the General Election held in the City of Harrisonburg on May 6, 1986 for Council Members. The report, submitted and signed by members of the Harrisonburg Electoral Board, set out the voting results as follows:

Walter F. Green, 3rd, 1,526; Timothy P. Milligan, 1,340; Charles L. Shank, 1,585; Roy Erickson, 2; Ron Boyd, 1; Quiet T. Please, 1

Greatest number of votes cast for Walter Green and Charles Shank, for the two Council seats.

With regard to item 4 on this evening's agenda "HEC - Proposed transmission and substation expansion", City Manager Milam informed Council that HEC is not prepared at this time to go public with their location, and has requested that the matter be delayed for two weeks.

Harrisonburg School Superintendent Alan Hiner was present in the meeting to speak to the need for a new intermediate school in order to relieve the crowded situation which presently exists, particularly at the Thomas Harrison Jr. High and Harrisonburg High Schools. He noted that many programs have been mandated on the state and local levels and the Senior High School is beyond its capacity and using rooms in the Jr. High building, with that space now needed by the Jr. High School. The plan is to construct a facility at the recently acquired Lineweaver land on Rt. 33 west, to house grades 6, 7 & 8, which would relieve the crowding by removing the 6th grade from elementary schools and grades 7 & 8 from Thomas Harrison Jr. High. Superintendent Hiner informed Council that the School Board has agreed to formally express its intention to begin plans for the new school, based on Council's approval and funding. Application will be made for a Literary Fund Loan at 5% interest, over a 20-year period. Additional funding would have to be provided through other means. Following approval of the governing body to proceed with the project, he noted that an architect would be acquired to plan, design and supervise the work. Seed money has been put into the project, which Superintendent Hiner feels may take care of the initial phase. Inasmuch as the total project is estimated between 6 and 7 million dollars, Mr. Hiner said that the payment period would be negotiated in order to delay the project, for additional funding. Three individuals are being proposed to comprise an Architectural Selection Committee: Jim Messner, School Board Chairman; Building/Zoning Official John Byrd and Superintendent Hiner. When question was raised in Council concerning how long the new school may be sufficient to meet space needs, Superintendent Hiner said he felt "it would take care of the situation for a fairly indefinite period of time, inasmuch as it will be built for 800 students. He added the fact that "down the road, we are looking at another elementary school." When Mayor Green offered a projection of ten years, Mr. Hiner said that was a good guess. When the Mayor questioned cost of refurbishing the Jr. High building, Mr. Hiner said he had no estimate, in that those costs had not been addressed, to this time. He noted a need to expand both lab and library areas, which would be solved, to some extent, by another middle school. Following discussion, Vice-Mayor Dingleline offered a motion for the School Board to be authorized to proceed along lines of the Superintendents' presentation. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

For Council's consideration, City Manager Milam presented the following proposed Pretreatment Agreement between the Harrisonburg-Rockingham Regional Sewer Authority and City of Harrisonburg, as prepared and submitted by Attorney Stephen T. Heitz:

THIS AGREEMENT is entered into this _____ day of _____, 1986, between the HARRISONBURG-ROCKINGHAM REGIONAL SEWER AUTHORITY (the "Authority"), a public body, politic and corporate, created pursuant to the Virginia Water and Sewer Authorities Act, and the CITY OF HARRISONBURG ("Harrisonburg"), a municipal corporation of the Commonwealth of Virginia.

PREAMBLE:

- 1. The Authority has developed and is implementing an industrial pretreatment program pursuant to conditions contained in its waste-water discharge permit issued by the Commonwealth of Virginia.*
- 2. Harrisonburg entered into an Industrial Pretreatment Agreement with the Authority (the "Agreement") dated March 4, 1985, agreeing to establish and enforce an industrial pretreatment program conforming to the requirements contained in the Federal Pretreatment Regulations (40 CFR Part 403). Harrisonburg has adopted an ordinance enacting such a program.*

THEREFORE, in consideration of the premises and the following terms and conditions, the Authority and Harrisonburg agree as follows:

- 1. Pursuant to paragraph 8 of the Agreement, Harrisonburg grants to the Authority*

the legal authority and the Authority assumes all responsibility for performance of technical and administrative activities necessary for implementing Harrisonburg's industrial pretreatment program in accordance with Harrisonburg's Sewer Ordinance, the Agreement and all local, state and federal laws and regulations.

2. Harrisonburg agrees to pay to the Authority all costs incurred by the Authority in performing the activities assumed by the previous paragraph. All work contracted for by the Authority will be billed at cost, and all work performed by the Authority will be billed according to the Authority's rate schedule in effect at the time of billing.

3. This Agreement may be terminated by either party upon 30 days' written notice to the other party. Upon termination (a) the Authority shall make available to Harrisonburg all records pertaining to activities performed pursuant to this Agreement and (b) Harrisonburg shall pay to the Authority all costs for work either contracted for or in progress.

The parties have caused this document to be executed on their behalf by their duly authorized officers.

HARRISONBURG-ROCKINGHAM REGIONAL
SEWER AUTHORITY

By _____ Chairman

Secretary

CITY OF HARRISONBURG, VIRGINIA

By _____ Mayor

Atteste:

Clerk

Manager Milam pointed out that under Section 7-3-85(a)(2) of the Harrisonburg City Code, the city is required to pretreat to an acceptable condition for discharge to the public sewers, and noted that under the proposed Agreement, the Authority's personnel would perform all testing within the City of Harrisonburg. He recommended that the proposal be approved, signed, and forwarded to Attorney Stephen Heitz to obtain signatures of the Authority's Chairman and Secretary. Following discussion, Council Member Rhodes offered a motion for the Pretreatment Agreement to be approved, with authorization for the proper officials to sign the same on behalf of the City of Harrisonburg. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

✓ Council received the following Planning Commission report from its April 23rd meeting:

"...The Commissioners studied a plat of the McHar property on South Court Square which extends to West Water Street. The owner desire to sell a 19.2' x 59.6' portion, which faces West Water Street. An existing building covers the proposed lot and a 2.1' open space separates the building from the Golden China Restaurant. Mr. Trobaugh moved and Mr. Hughes seconded his motion that the Commission recommend approval of the McHar, Inc. Subdivision. The motion passed unanimously..."

City Manager Milam called attention to the plat attached to the report and said that the lot in question is a relatively small one, between Court Square and West Water Street. Planning Director Sullivan noted that the lot is very narrow, and added the fact that the City has no minimum lot size requirement. Council Member Rhodes offered a motion for the McHar, Inc. Subdivision to be approved, as recommended by the Planning Commission. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

✓ City Manager Milam presented and read the following Planning Commission report from its April 23rd meeting:

"...The Commissioners reviewed a Final Plat showing a re-subdivision of Lot 7B on the north side of Reedy Circle in Interstate Commercial Park Subdivision. Mr. Bill Neff told the Commissioners that he desires to sell Lot 7C to Mr. Ike McCary. He stated that the drainage ditch crossing the front of proposed Lot 7C is being constructed and drainage work will be finished within a week. Also, a final location for the drainage easement on Lot 7B will be established when development occurs. Mr. Hartman moved and Mr. Trobaugh seconded his motion to recommend approval of Lots 7B and 7C of Interstate Commercial Park Subdivision. The motion passed unanimously..."

Attention was called to the attached plat, and Planning Director Sullivan noted that a 20' sewer line easement across Lot 7D is coming from Truck Enterprises and a 20' drainage easement is on the front of Lot 7C. Council Member Shank offered a motion for the recommendation of the Planning Commission to be approved. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

✓ The following Planning Commission report was presented and read, from the meeting of April 23rd:

"...The Commissioners reviewed the Final Plan for Harrington Heights Subdivision, Unit 3, drawn by David L. Ingram and Associates. Eight single family lots are proposed plus a 550' extension of Greenbriar Drive. Owner/developer Harry Flippo submitted a letter to the Commissioners, stating that ht will restrict the development of these lots to single family homes only. At present, there are 10 single family homes on the developed portion of Greenbriar Drive. The Director explained to the Commissioners that a 20' sewer and drainage/utility easements have been added to the plat between Lots 9, 10, and 11. Both easements also extend south across adjacent common open space. This information was requested during a previous meeting.

Mr. Rhodes mived and Mr. Hartman seconded the motion for recommendation to approve the Final Plan of Harrington Heights Subdivision, Unit 3. The motion passed unanimously..."

Planning Director Sullivan informed Council that City Engineer Wilcox is out of town, but has said he would like to meet with the engineer who designed the streets, etc., prior to signing of the final document by the Planning Commission Chairman and Mayor, in order to be sure that all things are satisfactory. Based on the City Engineer's desire, Vice-Mayor Dingleline offered a motion for the matter to be tabled, pending clarification from the City Engineer. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

For consideration of a first reading, City Attorney Lapsley presented an ordinance amending and re-enacting Section 13-1-3 of the Harrisonburg City Code entitled "Adoption of state law." He noted that there have been some amendments to the state law concerning operation of vehicles, since this section was adopted in November, 1984. In order to avoid problems which may arise with future amendments, the state code sec. 46.1-188 will be adopted annually. An ordinance will come back to Council in July of this year, but the present ordinance will cover amendments for 1985. Vice-Mayor Dingleline questioned whether the General Assembly could pass legislation for localities to approve the state code section as amended, and whether or not this could be looked into. He offered a motion for the ordinance amending Sec. 13-1-3 to be approved for a first reading, with request that the City Attorney contact our representatives concerning the proposed legislation. The motion was seconded by Council Member Rhodes, and adopted by a unanimous recorded vote of Council.

City Attorney Lapsley presented an ordinance amending Title 2 of the Harrisonburg City Code by the addition of Section 11-1-11 "Building Code Board of Appeals." The section provides for appointment of a Board which shall be governed by the Virginia Uniform Statewide Building Code, said section having been adopted and made a part of the City Code in Section 11-1-1. It further provides that when a city inspector rejects or condemns all or any part of a structure, new or existing, the owner may, within 5 days, file a written application for a review by the Board of Appeals. No employee of the Department of Building Inspection shall be appointed as a member of the Board, and a fee of \$50 shall accompany the application of an owner for appeal, to cover expenses of notification. When question was raised concerning the \$50 fee, City Manager Milam said that citizens should not be discouraged from applying for an appeal, by a larger fee, but should pay a fee sufficient for minimal coverage. Council Member Rhodes moved that the ordinance be approved for a first reading, which motion, upon being seconded by Council Member Robinson, was adopted by a unanimous recorded vote of Council.

City Attorney Lapsley presented, for Council's consideration, an ordinance amending Title 5, Chapter 2 of the City Code, by adding Section 5-2-8 "Appeal from Decision of Inspector to Building Code Board of Appeals." The addition reads as follows: "An appeal from the decision of the fire inspector shall be heard and decided by the Building Code Board of Appeals as provided by Section 11-1-11 of the Harrisonburg City Code." Attorney Lapsley noted that Fire Chief Shifflett has asked that the Building Code Board of Appeals act also as a Fire Code Board of Appeals, rather than having to create a separate board. The Building Code Board of Appeals would hold hearings, or review applications of owners when buildings are rejected or condemned by the fire inspector. Council Member Rhodes offered a motion for the ordinance to be approved for a first reading. The motion was seconded by Council Member Shank, and adopted by a unanimous recorded vote of Council.

City Manager Milam informed Council that a resolution is necessary, prior to submitting application for a Litter Control Grant, and presented the following for consideration:

WHEREAS, the Harrisonburg City Council recognizes the existence of the litter problem within the boundaries of the City 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 covering administration and use of said funds,

BE IT RESOLVED that the Harrisonburg City Council:

HEREBY endorses and supports such a program for the City of Harrisonburg and is indicated in the attached Application Form LC-G-1; and

HEREBY authorizes Marvin B. Milam, 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 being in accord with the regulations governing use and expenditure of said Fund.

ADOPTED and APPROVED this _____ day of _____, 1986.

Mayor

Manager Milam pointed out that the city's program for the week of April 28 - May 2, 1987 provides for city-wide collection, and clean up by city forces, as well as civic organizations. An Implementation Plan is for the Pilot Club to instruct grades K-6 in having a clean city, and special groups will be employed to pick up litter on highways and along streams running through the city. On motion of Council Member Shank, seconded by Council Member Robinson, and a unanimous vote of Council, the Resolution was approved, and signed by the Mayor.

City Manager Milam presented an Appropriation Ordinance for the City's proposed 1986-87 budget in gross amount of \$ 40,233,659. He asked approval of the ordinance for a first reading, and authorization to publish a synopsis of the proposed budget in the Daily News Record newspaper and public hearing date for May 27th. He noted that work sheets for the budget had been mailed to members of Council on May 1st, and on Friday of last week, copies of the Appropriation Ordinance were made available. He reviewed the ordinance, calling attention to appropriations to the various funds as follows:

General Fund	\$ 19,250,211.00
School Fund	11,826,311.00
Water Fund	2,160,275.00
Sewer Fund	2,361,921.00
Virginia Public Assistance Fund	699,984.00
Central Garage Fund	183,089.00
Central Stores Fund	61,603.00
Public Transportation Fund	1,127,900.00
Sanitation Fund	2,552,365.00
Total Appropriations	\$ 40,233,659.00 less inter-fund transfers of \$ 31,659.00

Manager Milam pointed out that the largest increases in the budget were for schools (includes second payment to the Lineweavers for purchase of land on Route 33 west); public safety (fire & police); general financial administration (retirement benefits for city employees), etc. The problem areas are the water and sewer funds, due to compliance with the Annexation Court Order for extension of

lines in the new development areas. Although rates have not been changes since 1976, he noted that more money is needed to operate the water and sewer systems. No tax increase is being proposed in the 1986-87 budget, but an adjustment in water and sewer rates is being proposed as follows: at least 20¢ per 1,000 gallons in all categories of the water schedule (double in rural areas), and \$ 50¢ per 1,000 gallons in all sewer categories (double outside the city). 44% of all customers are minimum users that will not be affected, in that the minimum charge will remain the same. Larger users will realize a substantial increase. Should the increases not be approved, Manager Milam said that some of the work projects will have to be eliminated. Following the review, Council Member Rhodes offered a motion for the Appropriation Ordinance to be approved for a first reading, with authorization for the City Manager to publish a synopsis of the budget, along with public hearing date of May 27, 1986, 7:30 p.m. The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

City Manager Milam called attention to a mailing list - Request for Proposal to Provide Consulting Architectural Services for Rockingham County and the City of Harrisonburg- Joint Office Complex, which he had prepared in conjunction with the County Administrator. He expressed a hope for proposals to be received no later than June 19th for review, with recommendation of a firm ready for presentation to the governing bodies by mid-July.

City Manager Milam called Council's attention to a bid tabulation prepared and submitted by the City Engineer, of bids received on May 8th for the Virginia Avenue sewer line. Base bids were received from Mundy Quarries, Atlantic Coast Contractor and Aaron J. Conner, General Contractor, with low bid of \$ 268,610.30 submitted by Atlantic Coast Contractor of Charlotte, N.C. He traced the route of the sewer line on a map, which total project is set out in three divisions, namely: Mt. Clinton Pike Collector; Harmony Heights Collector and Sharon Drive Collector. A motion was offered by Council Member Robinson for the low bid of Atlantic Coast Contractor, to be accepted. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

City Manager Milam presented a proposed agreement between the Southern Railway Company and the City of Harrisonburg concerning installation and maintenance of an overhead wire line crossing at Harrisonburg, Virginia. He explained that the Harrisonburg Electric Commission is required to take easements in the name of the city, with approval by City Council. This particular easement is located in Mt. Clinton Pike extended, and the agreement has been received in duplicate for the Mayor's signature and request that it not be dated until executed by the Company's Vice-President. Vice-Mayor Dingleline offered a motion for the agreement to be approved, with authorization for the Mayor to sign same on behalf of the City of Harrisonburg. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

The City Manager presented correspondence from the National Democratic Policy Committee in reply to a request for additional information concerning dates and times, use of the city's sidewalk was desired for distribution of literature. According to the correspondence, the NDPC anticipates conducting activities once weekly during the months of May, June and July, on sidewalk adjacent to the post office, and in the area on south side of Court Square. Vice-Mayor Dingleline offered a motion for the City Manager to inform the Committee that the city will approve use of the sidewalk on the south side of Court Square, one day a week during May, June and July, if they will specify the day, in order to avoid conflicts. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

Vice-Mayor Dingleline presented a request he had received for consideration in reduction of the speed limit on Pleasant Hill Road to 25 mph, and also the placing of "Watch for Turning Vehicle" sign. He noted that the problem is vehicles having to back out onto Pleasant Hill Road, from apartments at the top of the hill. He offered a motion for the matter to be referred to the Harrisonburg Transportation Safety Commission for review and recommendation. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

Council Member Robinson once again approached the matter of the "tacky" building in rear of the School Board, which is used by the Recreation Department for storage purposes. The City Manager was asked to take a look at the building, to determine a solution to its appearance.

Council Member Rhodes informed of low water pressure on Vine Street, particularly at the residence of Harry Bowman, 681 Vine Street, near the city's reservoirs, as well as along Furnace Road. City Manager Milam was asked to check into the situation.

At 9:40 p.m., on motion of Council Member Shank, seconded by Council Member Robinson, and a unanimous vote, Council entered an executive session to discuss real estate and a legal matter.

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

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

For the Fiscal Year Ending June 30, 1987

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 1987. TO PRESCRIBE THE TERMS, CONDITIONS, AND PROVISIONS WITH RESPECT TO THE ITEMS OF APPROPRIATION AND THEIR PAYMENT; AND TO REPEAL ALL ORDINANCES WHILLY 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, 1987.

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 sixty-one thousand, one hundred fifty dollars and no cents (\$61,150.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$33,600.00
(2) Other Operating Expenses	25,350.00
(3) Capital Outlay	2,200.00

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 eighty-six thousand, eight hundred three dollars and no cents (\$86,803.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$71,463.00
(2) Other Operating Expenses	12,340.00
(3) Capital Outlay	3,000.00

Paragraph Three - Office of City Attorney (1204)

For the current expenses of the OFFICE OF THE CITY ATTORNEY, a division of the General Financial Administration, the sum of eleven thousand, seven hundred fifty dollars and no cents (\$11,750.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$10,800.00
(2) Other Operating Expenses	950.00

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 one hundred thirty-six thousand, fifty-nine dollars and no cents (\$136,059.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$107,409.00
(2) Other Operating Expenses	25,150.00
(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 twelve thousand, six hundred five dollars and no cents (\$12,605.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 12,605.00
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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 one hundred sixty-six thousand, five hundred sixty-one dollars and no cents (\$166,561.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$139,811.00
(2) Other Operating Expenses	23,250.00
(3) Capital Outlay	3,500.00

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 sixty-eight thousand, eight hundred dollars and no cents (\$68,800.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$48,000.00
(2) Other Operating Expenses	20,800.00

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 twelve thousand dollars and no cents (\$12,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$10,000.00
(2) Other Operating Expenses	2,000.00

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 one hundred forty-five thousand, seven hundred fifty-nine dollars and no cents (\$145,759.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$112,909.00
(2) Other Operating Expenses	29,850.00
(3) Capital Outlay	3,000.00

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 nine hundred twenty-seven thousand, six hundred ninety-four dollars and no cents (\$927,694.00) is appropriated from the General Fund to be apportioned as follows:

(1) Contribution to Retirement for City Employees	\$927,694.00
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Paragraph Eleven - Data Processing

For the current expenses and capital outlay of the DATA PROCESSING, a division of the General and Financial Administration, the sum of one hundred ninety-two thousand, one hundred thirty-six dollars and no cents (\$192,136.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 94,186.00
(2) Other Operating Expenses	59,950.00
(3) Capital Outlay	38,000.00

Paragraph Twelve - Purchasing Agent (1222)

For the current expenses and capital outlay of the PURCHASING AGENT, a division of the General and Financial Administration, the sum of seventy-four thousand, nine hundred sixty-three dollars and no cents (\$74,963.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 62,861.00
(2) Other Operating Expenses	9,102.00
(3) Capital Outlay	3,000.00

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 eight thousand, seven hundred dollars and no cents (\$8,700.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 8,000.00
(2) Other Operating Expenses	700.00

Paragraph Fourteen - Electoral Board and Officials (1301)

For the current expenses and capital outlay of the ELECTORAL BOARD AND OFFICIALS, a division of the Board of Elections, the sum of forty thousand, eight hundred eighty-five dollars and no cents (\$40,885.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 34,960.00
(2) Other Operating Expenses	4,925.00
(3) Capital Outlay	1,000.00

Paragraph Fifteen - Juvenile & Domestic Relations Court (2105)

For the current expenses and capital outlay of the JUVENILE & DOMESTIC RELATIONS COURT, a division of the Judicial Administration, the sum of twelve thousand, four hundred dollars and no cents (\$12,400.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 10,900.00
(2) Capital Outlay	1,500.00

Paragraph Sixteen - County Court (2111)

For the current expenses of the COUNTY COURT, a division of the Judicial Administration, the sum of one thousand, two hundred dollars and no cents (\$1,200.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 1,200.00
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Paragraph Seventeen - Lunacy Commission (2112)

For the current expenses of the LUNACY COMMISSION, a division of the Judicial Administration, the sum of eight hundred twenty-five dollars and no cents (\$825.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 800.00
(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 one million, one hundred forty-five thousand, five hundred nineteen dollars and no cents (\$1,145,519.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$871,919.00
(2) Other Operating Expenses	176,000.00
(3) Capital Outlay	97,600.00

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 eight hundred fifty-two thousand, seven hundred twenty-nine dollars and no cents (\$852,729.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$633,457.00
(2) Other Operating Expenses	170,150.00
(3) Capital Outlay	49,122.00

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-six thousand, five hundred thirty-nine dollars and no cents (\$26,539.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 11,045.00
(2) Other Operating Expenses	15,494.00

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 one hundred thirty thousand, seven hundred forty-four dollars and no cents (\$130,744.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$116,144.00
(2) Other Operating Expenses	13,150.00
(3) Capital Outlay	1,450.00

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 twenty-five thousand, one hundred fifty-five dollars and no cents (\$25,155.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 2,130.00
(2) Other Operating Expenses	23,025.00

Paragraph Twenty-Three - Coroner (3503)

For the current expenses of the CORONER, a division of the Department of Public Safety, the sum of nine hundred fifty dollars and no cents (\$950.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 950.00
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Paragraph Twenty-Four - Emergency Services (3505)

For the current expenses of EMERGENCY SERVICES, a division of the Department of Public Safety, the sum of ninety-two thousand, seven hundred fifty dollars and no cents (\$92,750.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 92,750.00
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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 one hundred thirty-four thousand, six hundred thirty-six dollars and no cents (\$134,636.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$111,330.00
(2) Other Operating Expenses	7,706.00
(3) Capital Outlay	15,600.00

Paragraph Twenty-Six - Street Inspection, Repairs & Maintenance (4102)

For the current expenses and capital outlay of the STREET INSPECTION, REPAIRS AND MAINTENANCE, a division of the Department of Public Works, the sum of one million, five hundred two thousand, seven hundred fifteen dollars and no cents (\$1,502,715.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$483,204.00
(2) Other Operating Expenses	600,584.00
(3) Capital Outlay	418,927.00

Paragraph Twenty-Seven - Street Lighting (4104)

For the current expenses of STREET LIGHTING, a division of the Department of Public Works, the sum of three hundred thirteen thousand, one hundred seventeen dollars and no cents (\$313,117.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$313,117.00
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Paragraph Twenty-Eight - Traffic Engineering (4107)

For the current expenses and capital outlay of TRAFFIC ENGINEERING, a division of the Department

of Public Works, the sum of one hundred sixty-five thousand, two hundred twenty-seven dollars and no cents (\$165,227.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 54,750.00
(2) Other Operating Expenses	80,030.00
(3) Capital Outlay	30,447.00

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 eighty-one thousand, three hundred twelve dollars and no cents (\$81,312.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 38,990.00
(2) Other Operating Expenses	18,322.00
(3) Capital Outlay	24,000.00

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 two hundred thirty-eight thousand, one hundred ninety dollars and no cents (\$238,190.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 55,995.00
(2) Other Operating Expenses	92,195.00
(3) Capital Outlay	90,000.00

Paragraph Thirty-One - 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 three thousand, one hundred ten dollars and no cents (\$3,110.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,485.00
(2) Other Operating Expenses	1,625.00

Paragraph Thirty-Two - 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 ninety-two thousand, three hundred ninety-nine dollars and no cents (\$92,399.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 26,849.00
(2) Other Operating Expenses	60,550.00
(3) Capital Outlay	5,000.00

Paragraph Thirty-Three - Downtown Rehabilitation Project (4304)

For the capital outlay of the DOWNTOWN REHABILITATION PROJECT, a division of the Department of Public Works, the sum of ten thousand dollars and no cents (\$10,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Capital Outlay	\$ 10,000.00
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Paragraph Thirty-Four - Local Health Department (5101)

For the current expenses of the LOCAL HEALTH DEPARTMENT, a division of the Health and Welfare Department, the sum of one hundred twenty-nine thousand, four hundred sixty-one dollars and no cents (\$129,461.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$129,461.00
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Paragraph Thirty-Five - 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 fifty-seven thousand, six hundred thirty-seven dollars and no cents (\$57,637.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 57,637.00
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Paragraph Thirty-Six - Bureau of Parks & Recreation (7101)

For the current expenses and capital outlay of the BUREAU OF PARKS & RECREATION, a division of Parks, Recreation and Cultural, the sum of five hundred ten thousand, six hundred thirty-four dollars and no cents (\$510,634.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$304,831.00
(2) Other Operating Expenses	94,303.00
(3) Capital Outlay	111,500.00

Paragraph Thirty-Seven - Hillandale Park (7102)

For the current expenses of HILLANDALE PARK, a division of Parks, Recreation and Cultural, the sum of twenty-six thousand, four hundred ninety-one dollars and no cents (\$26,491.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 17,966.00
(2) Other Operating Expenses	8,525.00

Paragraph Thirty-Eight - Riven Rock Park (7103)

For the current expenses of RIVEN ROCK PARK, a division of Parks, Recreation and Cultural, the sum of three thousand, two hundred fifty dollars and no cents (\$3,250.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 2,000.00
(2) Other Operating Expenses	1,250.00

Paragraph Thirty-Nine - 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 two hundred ten thousand, three hundred seventy-nine dollars and no cents (\$210,379.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$134,079.00
(2) Other Operating Expenses	69,300.00
(3) Capital Outlay	7,000.00

Paragraph Forty - National Guard Armory (7105)

For the current expenses of the NATIONAL GUARD ARMORY, a division of Parks, Recreation and Cultural, the sum of twenty-nine thousand, four hundred seven dollars and no cents (\$29,407.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 15,737.00
(2) Other Operating Expenses	13,670.00

Paragraph Forty-One - Simms Recreation Center (7106)

For the current expenses of the SIMMS RECREATION CENTER, a division of Parks, Recreation and Cultural, the sum of nineteen thousand, two hundred ninety-nine dollars and no cents (\$19,299.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 15,649.00
(2) Other Operating Expenses	3,650.00

Paragraph Forty-Two - 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 forty-nine thousand, nine hundred fifty dollars and no cents (\$49,950.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 38,200.00
(2) Other Operating Expenses	8,850.00
(3) Capital Outlay	2,900.00

Paragraph Forty-Three - Athletic Complex (Landfill) (7108)

For the current expenses of the ATHLETIC COMPLEX (LANDFILL), a division of Parks, Recreation and Cultural, the sum of ten thousand, three hundred fifty dollars and no cents (\$10,350.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 5,200.00
(2) Other Operating Expenses	5,150.00

Paragraph Forty-Four - Planning Commission (8101)

For the current expenses and capital outlay of the PLANNING COMMISSION, a division of the Community Development, the sum of sixty-seven thousand, fifteen dollars and no cents (\$67,015.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 55,805.00
(2) Other Operating Expenses	6,210.00
(3) Capital Outlay	5,000.00

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, four hundred twenty dollars and no cents (\$1,420.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 720.00
(2) Other Operating Expenses	700.00

Paragraph Forth-Six - Harrisonburg Parking Authority (8106)

For the current expenses of the HARRISONBURG PARKING AUTHORITY, a division of Community Development, the sum of one hundred two thousand, eight hundred thirty-six dollars and no cents (\$102,836.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 41,922.00
(2) Other Operating Expenses	60,914.00

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 six hundred one thousand, three hundred thirty-four dollars and no cents (\$601,334.00) is appropriated from the General Fund to be apportioned as follows:

9102	Insurance - Employees	\$191,000.00
9103	Insurance and Bond Premiums	38,244.00
9104	Support of Community and Civic Organizations:	
	5604.01 State Chamber of Commerce	100.00
	5604.02 Chamber of Commerce (AL Parade \$275)	2,675.00
	5604.03 County Rest Room	2,500.00
	5604.04 Rockingham Library Association	91,546.00
	5604.05 Salvation Army	5,000.00
	5604.06 Rescue Squad (Gas and Oil)	1,000.00
	5604.07 Shenandoah Valley, Inc.	500.00
	5604.08 Upper Valley Regional Park Authority	10,000.00
	5604.09 Commission-Regional Juvenile Detention Home	10,007.00
	5604.10 Shenandoah Valley Soil & Water Conservation District	1,250.00
	5604.11 Blue Ridge Community College	600.00
	5604.12 Harrisonburg-Rockingham Historical Society	500.00
	5604.14 Central Shenandoah Planning District	6,350.00
	5604.15 Valley Program for Aging Services	5,720.00
	5604.16 WVPT - Public Television	2,500.00
	5605.01 Other Non-Departmental	1,000.00
	5605.02 Central Shenandoah EMS Council	2,500.00
	5605.03 First Step, Inc.	7,600.00
	5605.05 CATV - System	54,882.00
	5605.08 RDC - Economic Development	10,000.00
9105	Joint Expenses - Rockingham County:	
	3009.02 Payment to Rockingham County	125,000.00
9106	Airport:	
	5605.01 Subscriptions & Contributions	25,000.00
9107	Dues to Municipal League:	
	5607.01 Dues to Virginia Municipal League	4,860.00
	5608.01 Dues to National League of Cities	1,000.00

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 million, one hundred twenty-seven thousand, four hundred thirty dollars and no cents (\$2,127,430.00) is appropriated from the General Fund to be apportioned as follows:

(1) Serial Bonds and Interest	\$2,127,430.00
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Paragraph Forty-Nine - Transfers to Other Funds (11)

For supplementing the revenue of other funds the sum of eight million, four hundred ninety-seven thousand, nine hundred thirty-six dollars and no cents (\$8,497,936.00) is appropriated from the General Fund to be apportioned as follows:

(1) Central Garage Fund	\$ 39,275.00
(2) Central Stores Fund	24,643.00
(3) Virginia Public Assistance	143,036.00
(4) Schools	7,578,086.00
(5) Public Transportation	151,740.00
(6) Sanitation	561,156.00

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, 1987	\$19,250,211.00
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To be provided for from the following anticipated and estimated revenue which is as follows:

Anticipated Cash Balance Available 7-1-86	\$ 306,204.00
General Property Taxes (estimated)	6,469,400.00
Other Local Taxes (estimated)	6,937,457.00
Permits, Privilege Fees and Regulatory Licenses (estimated)	70,112.00
Fines and Forfeitures (estimated)	157,000.00
Revenue from Use of Money & Property (estimated)	239,546.00
Charges for Services (estimated)	189,666.00
Miscellaneous Revenue (estimated)	1,104,396.00
Recovered Costs (estimated)	223,563.00
Payments in Lieu of Taxes (estimated)	9,000.00
Non-Categorical Aid (estimated)	1,510,024.00
Shared Expenses (Categorical) (estimated)	179,598.00

Categorical Aid (estimated)	\$1,300,216.00
Non-Revenue Receipts (estimated)	21,100.00
Transfers (estimated)	532,929.00
 Total General Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1987	 \$19,250,211.00

SECTION II - SCHOOL BOARD

That the following sums of money be and the same hereby are appropriated for the school purposes herein specified for the fiscal year ending June 30, 1987:

Paragraph One - 17A - Administration

For the current expenses of the ADMINISTRATION OF THE DEPARTMENT OF EDUCATION, the sum of two hundred five thousand, four hundred sixty dollars and no cents (\$205,460.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Administration \$ 205,460.00

Paragraph Two - 17B-1 - Regular Day School

For the current expenses of REGULAR DAY SCHOOL, the sum of five million, seven hundred fifty-four thousand, six hundred ninety-three dollars and no cents (\$5,754,693.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Regular Day School \$5,754,693.00

Paragraph Three - 17B-2 - Other Instructional Costs

For the current expenses of OTHER INSTRUCTIONAL COSTS, the sum of one million, one hundred thirty-three thousand, seven hundred forty dollars and no cents (\$1,133,740.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Other Instructional Costs \$1,133,740.00

Paragraph Four - 17C - Attendance and Health Services

For the current expenses of ATTENDANCE AND HEALTH SERVICES, the sum of ninety-three thousand, four hundred seventy-two dollars and no cents (\$93,472.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Attendance and Health
Services \$ 93,472.00

Paragraph Five - 17D1 - Pupil Transportation Services

For the current expenses of PUPIL TRANSPORTATION SERVICES, the sum of one hundred ninety-six thousand, three hundred eighty-three dollars and no cents (\$196,383.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Pupil Transportation Services \$ 196,383.00

Paragraph Six - 17E - School Food Services

For the current expenses of SCHOOL FOOD SERVICES, the sum of eight hundred ninety-two thousand, ten dollars and no cents (\$892,010.00) is appropriated from the City School Fund to be apportioned as follows:

(1) School Food Services \$ 892,010.00

Paragraph Seven - 17F1 - Operation of School Plant

For the current expenses of OPERATION OF SCHOOL PLANT, the sum of six hundred eleven thousand, seven hundred thirty-one dollars and no cents (\$611,731.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Operation of School Plant \$ 611,731.00

Paragraph Eight - 17F2 - Maintenance of School Plant

For the current expenses of MAINTENANCE OF SCHOOL PLANT, the sum of three hundred eighty-two thousand, five hundred fifty-six dollars and no cents (\$382,556.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Maintenance of School Plant \$ 382,556.00

Paragraph Nine - 17G - Fixed Charges

For the current expenses of FIXED CHARGES, the sum of one million, six hundred forty-nine thousand, six hundred thirty-four dollars and no cents (\$1,649,634.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Fixed Charges \$1,649,634.00

Paragraph Ten - 17H - Summer Schools

For the current expenses of SUMMER SCHOOLS, the sum of forty-two thousand, one hundred

ninety-four dollars and no cents (\$42,194.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Summer Schools \$ 42,194.00

Paragraph Eleven - 17I - Adult Education

For the current expenses of ADULT EDUCATION, the sum of four thousand, seven hundred eighty dollars and no cents (\$4,780.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Adult Education \$ 4,780.00

Paragraph Twelve - 17J - Federal Programs

For the current expenses of FEDERAL PROGRAMS, the sum of two hundred fifty-four thousand, seven hundred thirty-four dollars and no cents (\$254,734.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Federal Programs \$ 254,734.00

Paragraph Thirteen - School Textbook Fund

For the current expenses of SCHOOL TEXTBOOK FUND, the sum of seventy thousand, four hundred fifty dollars and no cents (\$70,450.00) is appropriated from the City School Fund to be apportioned as follows:

(1) School Textbook Fund \$ 70,450.00

Paragraph Fourteen - 19 - Capital Outlay

For the capital outlay of the DEPARTMENT OF EDUCATION, the sum of two hundred ninety-two thousand, one hundred forty-two dollars and no cents (\$292,142.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Capital Outlay \$ 292,142.00

Paragraph Fifteen - 20 - Indebtedness Requirements School Board

For the payment of interest on and the retirement of loans of the School System of the City of Harrisonburg, Virginia, the sum of two hundred forty-two thousand, three hundred thirty-two dollars and no cents (\$242,332.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Serial Bonds & Interest \$ 242,332.00

S U M M A R Y

Expenditures and Revenue

Total School Fund Appropriations for Fiscal Year Ending June 30, 1987: \$11,826,311.00

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

Receipts From State School Funds (estimated)	\$2,976,491.00
Revenue From Federal Funds (estimated)	434,913.00
Receipts From Other Funds (estimated)	836,821.00
Receipts From City Funds	7,578,086.00

Total School Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1987 \$11,826,311.00

SECTION III - WATER FUND

That the following sums of money be and the same hereby are appropriated for the water purposes herein specified for the fiscal year ending June 30, 1987:

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 forty-five thousand, nine hundred forty-seven dollars and no cents (\$45,947.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services \$ 41,306.00
(2) Other Operating Expenses 4,641.00

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 seventy thousand dollars and no cents (\$170,000.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services \$ 10,000.00
(2) Other Operating Expenses 160,000.00

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 three hundred eighty thousand, six hundred seven dollars and no cents (\$380,607.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 175,000.00
(2) Other Operating Expenses	205,607.00

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 thirty-two thousand, eight hundred five dollars and no cents (\$32,805.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 30,000.00
(2) Other Operating Expenses	2,805.00

Paragraph Five - Miscellaneous (5)

For setting aside reserves for depreciation and payment of taxes, the sum of three hundred sixty-six thousand, four hundred fifty dollars and no cents (\$366,450.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Depreciation	\$ 291,880.00
(2) Taxes, etc.	74,570.00

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 two hundred ninety-three thousand, four hundred forty-eight dollars and no cents (\$293,448.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 182,963.00
(2) Other Operating Expenses	110,485.00

Paragraph Seven - Capital Outlay (7)

For the capital improvements in the WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of three hundred thirty-two thousand, six hundred fifty dollars and no cents (\$332,650.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Capital Outlay	\$ 332,650.00
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Paragraph Eight - Indebtedness Requirements Water Fund (8)

For the payment of interest, retirement and handling charges of bonds of the PUBLIC ENTERPRISES - WATER ACTIVITIES, the sum of two hundred fifty-nine thousand, eight hundred thirty dollars and no cents (\$259,830.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc.	\$ 259,830.00
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Paragraph Nine - Non-Departmental (9)

For sharing the costs of operation in other funds for the benefit of the Water Fund, the sum of two hundred fifteen thousand, one hundred sixty-six dollars and no cents (\$215,166.00) is appropriated from the Water Fund to be apportioned as follows:

(1) To General Fund, Share of Accounting, Collecting & Data Processing	\$ 124,903.00
(2) To General Fund - Insurance	5,107.00
(3) To General Fund - Retirement & Social Security	47,040.00
(4) To Central Garage Fund	19,636.00
(5) To Central Stores Fund	18,480.00

Paragraph Ten - Transfers to Other Funds (10)

For sharing the cost of operation of other funds the sum of sixty-three thousand, three hundred seventy-two dollars and no cents (\$63,372.00) is appropriated from the Water Fund to be transferred as follows:

(1) To General Fund - Utility Tax	\$ 63,372.00
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S U M M A R Y

Expenditures and Revenue

Total Water Fund Appropriations for the Fiscal Year Ending June 30, 1987 \$ 2,160,275.00

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

Other Local Taxes (estimated)	\$ 69,572.00
Permit, Privilege Fees and Regulatory Licenses (estimated)	136,444.00
Revenue from Use of Money & Property (estimated)	22,000.00
Charges for Services (estimated)	1,517,516.00

Recovered Costs (estimated)	\$ 11,000.00
Non-Revenue Receipts (estimated)	78,202.00
Transfers (estimated)	325,541.00
Total Water Fund Revenue (estimated) for Fiscal Year Ending June 30, 1986	\$ 2,160,275.00

SECTION IV - SEWER FUND

That the following sums of money be and the same hereby are appropriated for sewerage purposes herein specified for the fiscal year ending June 30, 1987:

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 forty-five thousand, eight hundred fifty-two dollars and no cents (\$45,852.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 41,306.00
Other Operating Expenses	4,546.00

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 seven hundred thirty-seven thousand, nine hundred eighty-six dollars and no cents (\$737,986.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 30,000.00
(2) Other Operating Expenses	707,986.00

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 two hundred eighty-four thousand, seven hundred sixty dollars and no cents (\$284,760.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 175,000.00
(2) Other Operating Expenses	109,760.00

Paragraph Four - Miscellaneous (4)

For setting aside reserve for depreciation and the payment of taxes, the sum of two hundred twenty thousand, eight hundred seventy-one dollars and no cents (\$220,871.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Depreciation	\$ 183,305.00
(2) Taxes, etc.	37,566.00

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 six hundred sixty-one thousand, four hundred dollars and no cents (\$661,400.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Capital Outlay	\$ 661,400.00
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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 one hundred ninety-three thousand, four hundred ninety-seven dollars and no cents (\$193,497.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc.	\$ 193,497.00
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Paragraph Seven - Transfers to Other Funds (9)

For sharing the cost of operation of other funds for the benefit of the SEWER DEPARTMENT, the sum of two hundred seventeen thousand, five hundred fifty-five dollars and no cents (\$217,555.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) To General Fund - Share of Accounting, Collecting & Data Processing	\$ 124,903.00
(2) To General Fund - Insurance	7,496.00
(3) To General Fund - Retirement & Social Security	47,040.00
(4) To Central Garage Fund	19,636.00
(5) To Central Stores Fund	18,480.00

S U M M A R Y

Expenditures and Revenue

Total Sewer Appropriations for the Fiscal Year Ending June 30, 1987	\$2,361,921.00
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To be provided for from the following
Anticipated Revenue, which is as follows:

Other Local Taxes (estimated)	\$	100.00
Permits, Privilege Fees and Regulatory Licenses (estimated)		38,500.00
Revenue From Use of Money & Property (estimated)		58,590.00
Charges for Services (estimated)		2,171,497.00
Recovered Costs (estimated)		10,000.00
Non-Revenue Receipts (estimated)		25,850.00
Transfers (estimated)		57,384.00
 Total Sewer Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1987	 \$	 2,361,921.00

SECTION V - VIRGINIA PUBLIC ASSISTANCE FUND

That the following sums of money be and same hereby are appropriated for the social services purposes herein specified for the fiscal year ending June 30, 1987:

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 four hundred twenty-four thousand, three hundred ninety-four dollars and no cents (\$424,394.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Personal Services	\$	276,975.00
(2) Other Operating Expenses		147,419.00

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 sixty-eight thousand, three hundred dollars and no cents (\$168,300.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses	\$	168,300.00
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Paragraph Three - Social Services Bureau (5309)

For the current expenses of the SOCIAL SERVICES BUREAU, a division of the Department of Social Services, the sum of one hundred seven thousand, two hundred ninety dollars and no cents (\$107,290.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses	\$	107,290.00
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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, 1987	\$	699,984.00
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To be provided for from the following
Anticipated Revenue which is as follows:

Categorical Aid (estimated)	\$	556,948.00
Transfers From Other Funds (estimated)		143,036.00

Total Virginia Public Assistance Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1987	\$	699,984.00
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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 purposed herein specified for the fiscal year ending June 30, 1987:

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 one hundred eighty-three thousand, eighty-nine dollars and no cents (\$183,089.00) is appropriated from the Central Garage Fund to be apportioned as follows:

(1) Personal Services	\$	133,228.00
(2) Other Operating Expenses		27,661.00
(3) Capital Outlay		22,200.00

S U M M A R Y

Expenditures and Revenue

Total Central Garage Fund Appropriations for the Fiscal Year Ending June 30, 1987	\$	183,089.00
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To be provided for from the following
Anticipated Revenue, which is as follows:

Revenue From Use of Money & Property (estimated)	\$104,542.00
Transfers From Other Funds (estimated)	78,547.00
Total Central Garage Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1987	\$183,089.00

SECTION VII - CENTRAL STORES OPERATING FUND

That the following sums of money be and the same hereby are appropriated for Central Stores purposes herein specified for the fiscal year ending June 30, 1987:

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 sixty-one thousand, six hundred three dollars and no cents (\$61,603.00) is appropriated from the Central Stores Fund to be apportioned as follows:

(1) Personal Services	\$ 32,126.00
(2) Other Operating Expenses	15,877.00
(3) Capital Outlay	13,600.00

S U M M A R Y

Expenditures and Revenue

Total Central Stores Fund Appropriations for the Fiscal Year Ending June 30, 1987	\$ 61,603.00
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To be provided for from the following
Anticipated Revenue, which is as follows:

Transfers From Other Funds (estimated)	\$ 61,603.00
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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, 1987:

Paragraph One - Transit Buses (1)

For the current expenses of the TRANSIT BUSES, a division of the Public Transportation Fund, the sum of four hundred ten thousand, nine hundred fifty-three dollars and no cents (\$410,953.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$208,586.00
(2) Other Operating Expenses	202,367.00

Paragraph Two - School Buses (2)

For the current expenses of the SCHOOL BUSES, a division of the Public Transportation Fund, the sum of two hundred twenty-five thousand, eighty-one dollars and no cents (\$225,081.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$132,355.00
(2) Other Operating Expenses	92,726.00

Paragraph Three - Taxi Cabs/Vans (3)

For the current expenses of the TAXI CABS/VANS, a division of the Public Transportation Fund, the sum of two hundred ninety-segen thousand, four hundred forty-one dollars and no cents (\$297,441.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$199,953.00
(2) Other Operating Expenses	97,488.00

Paragraph Four - Miscellaneous (4)

For the current expenses of MISCELLANEOUS, a division of the Public Transportation Fund, the sum of twenty-eight thousand, four hundred twenty-five dollars and no cents (\$28,425.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$ 7,700.00
(2) Other Operating Expenses	20,725.00

Paragraph Five - Capital Outlay (7)

For the capital improvements in the PUBLIC TRANSPORTATION DEPARTMENT, a division of the Public Transportation Fund, the sum of one hundred seventy-six thousand dollars and no cents (\$176,000.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Capital Outlay	\$176,000.00
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S U M M A R Y

Expenditures and Revenue

Total Public Transportation Fund
Appropriations for the Fiscal Year
Ending June 30, 1987 \$ 1,137,900.00

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

Charges for Services (estimated)	\$ 577,000.00
Recovered Costs (estimated)	10,000.00
Other Categorical Aid (estimated)	298,160.00
Transfers From Other Funds (estimated)	252,740.00

Total Public Transportation Fund
Revenue (estimated) for the Fiscal
Year Ending June 30, 1987 \$ 1,137,900.00

SECTION IX - SANITATION FUND

That the following sums of money be and the same hereby are appropriated for the Sanitation purposes herein specified for the fiscal year ending June 30, 1987:

Paragraph One - Resource Recovery Facility (1)

For the current expenses of the RESOURCE RECOVERY FACILITY, a division of the Sanitation Fund, the sum of four hundred sixty-three thousand, seven hundred eighty-two dollars and no cents (\$463,782.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$ 319,852.00
(2) Other Operating Expenses	143,930.00

Paragraph Two - Refuse Collection (2)

For the current expenses of the REFUSE COLLECTION, a division of the Sanitation Fund, the sum of three hundred fifty-six thousand, three hundred fifty-one dollars and no cents (\$356,351.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$ 266,490.00
(2) Other Operating Expenses	89,861.00

Paragraph Three - Sanitary Landfill (3)

For the current expenses of the SANITARY LANDFILL, a division of the Sanitation Fund, the sum of fifty-six thousand, five hundred eighty-two dollars and no cents (\$56,582.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$ 34,005.00
(2) Other Operating Expenses	22,577.00

Paragraph Four - Miscellaneous (4)

For setting aside reserve for depreciation and the payment of taxes, the sum of two hundred ninety-one thousand, twenty-five dollars and no cents (\$291,025.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Depreciation	\$ 291,025.00
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Paragraph Five - Capital Outlay (7)

For the capital improvements of the SANITATION FUND, a division of the Sanitation Fund, the sum of one hundred two thousand, eight hundred eighty dollars and no cents (\$102,880.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Capital Outlay	\$ 102,880.00
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Paragraph Six - Debt Service (8)

For the payment of the interest on and the retirement of bonds of the SANITATION FUND, the sum of one million, one hundred seventy-four thousand, seven hundred seventy-seven dollars and no cents (\$1,174,777.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Serial Bonds and Interest	\$ 1,174,777.00
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Paragraph Seven - Non-Departmental (9)

For sharing the cost of operation of other funds for the benefit of the SANITATION FUND, the sum of one hundred six thousand, nine hundred sixty-eight dollars and no cents (\$106,968.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) To General Fund - Insurance	\$ 10,968.00
(2) To General Fund - Retirement & Social Security	96,000.00

S U M M A R Y

Expenditures and Revenue

Total Sanitation Fund Appropriations for the Fiscal Year Ending June 30, 1987	\$ 2,552,365.00
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To be provided for from the following
Anticipated Revenue, which is as follows:

Revenue from Use of Money & Property (estimated)	\$ 3,000.00
Charges for Services (estimated)	1,098,248.00
Recovered Costs (estimated)	900.00
Revenue From Federal Government (estimated)	598,036.00
Transfers (estimated)	852,181.00
 Total Sanitation Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1986	 \$ 2,552,365.00

TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH IX IN THIS
ORDINANCE FOR THE FISCAL YEAR ENDING JUNE 30, 1987
RECAPITULATION

Section I	(General Fund)	\$19,250,211.00
Section II	(School Fund)	\$11,826,311.00
Section III	(Water Fund)	\$ 2,160,275.00
Section IV	(Sewer Fund)	\$ 2,361,921.00
Section V	(Virginia Public Assistance Fund)	\$ 699,984.00
Section VI	(Central Garage Fund)	\$ 183,089.00
Section VII	(Central Stores Fund)	\$ 61,603.00
Section VIII	(Public Transportation Fund)	\$1,137,900.00
Section IX	(Sanitation Fund)	\$ 2,552,365.00
	TOTAL APPROPRIATIONS	\$40,233,659.00

SECTION X

All of the monies appropriated as shown by the contained items in Sections I through IX 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 1979, now in effect or hereafter adopted or amended, relating hereto.

That the rate of taxation of Real Estate be fixed at \$0.72 (Seventy-two Cents), and that the rate of taxation on Tangible Personal Property, Machinery and Tools and Merchants Capital, as defined by Chapter 35 of Title 58.1 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 58.1-3503 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 58.1-3503 of said Code, be fixed at \$ 1.50 (One Dollar and Fifty Cents) on each one hundred dollars assessed valuation for the year 1986; it being expressly provided, however, that the provisions of this Ordinance shall not apply to household goods and personal effects as enumerated in Section 58.1-3504 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 applies to the real estate for which the City furnishes police and fire protection and for the collection and disposal of refuse, and where such real estate are exempt from taxation under Sections 58.1-3606 through 58.1-3608 of the Code of Virginia. Pursuant to Section 58.1-3400 through 58.1-3407 Code of Virginia, as amended, rate of service charge shall be Fourteen Cents (\$0.14) per annum per \$100.00 of assessed valuation, payable on or before December 5, 1986. The above service charge shall apply to all real property except those specifically exempted from the service charge as provided in such section. (Such as property owned by the Commonwealth, hospitals, cemeteries, churches, etc.)

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, 1986, and ending June 30, 1987, 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, 1986.

Given under my hand this 27th day of May, 1986.


MAYOR

ATTESTE.

CLERK

Tuesday, May 27, 1986

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mavor Raymond C. Dingledine, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II, City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave.

Absent: Council Member Shank

Minutes of the regular meeting held on May 13th were approved as read.

✓ Ms. Betty Banta was present in the meeting to inform Council that the Small Business Administration Office has located in the Red Cross Office, Room 504, Sovran Bank Building, for the purpose of expediting receipt of checks for loans to flood victims in Rockingham County and the City of Harrisonburg. Calls will be made to Atlanta for those who have not completed their Loan Closing Documents, in order that checks may be ready for mailing, upon receipt of the documents. Telephone number for the office is 434-3092 and the office hours are from 9 am - 5 pm, or by appointment.

✓ City Manager Milam called members' attention to their copies of the Franchise Renewal Proposal submitted by Warner Cable Communications, Inc., accompanied by a cover letter from Ms. Libby Cherrington, Manager. He noted that copies of the proposal had been distributed, including copies to Attorney Holmes Harrison and the city's CPA firm. No other bids have been submitted, in reply to the City Manager's request for proposal, and the city will have 120 days in which to review and answer the one in-hand. By mid-July, Council will take the position to either accept the proposal, with modifications, or to reject the proposal.

At 7:50 p.m., Mayor Green closed the regular session temporarily and called the evening's public hearing to order.

✓ City Manager Milam called attention to the synopsis of the city's proposed budget, setting out comparison of estimated receipts by funds and sources for fiscal year ending 6/30/87, as well as appropriations proposed for the various funds. He read the following Notice of Hearing which appeared in the news article following the budget synopsis:

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 727th day of May, 1986, at which meeting the said budget will be further acted upon by the Council. All citizens (especially senior citizens) are invited to attend and provide the Council with written and oral comments and ask questions concerning the City's entire proposed budget and the relationship of Revenue Sharing Funds to the budget. The entire proposed budget, a statement on the proposed uses of Revenue Sharing Funds, and the proposed budget summarized above can be inspected by the public from 8:30 a.m. until 5:00 p.m., Monday through Friday in the City Manager's Office, second floor, Municipal Building.

MARVIN B. MILAM, City Manager

Manager Milam noted that unless decided otherwise by Congress, Revenue Sharing will terminate October 1st of this year, and the City will have to find about \$ 600,000 in next year's budget. Mayor Green called on anyone present, desiring to be heard concerning the city's proposed budget. There being none, the Hearing was closed at 8:02 p.m. and the regular session reconvened.

✓ Vice-Mayor Dingleline called attention to a letter dated 5/2/86 from Attorney Henry Clerk, requesting appropriations from the City and County on a 50/50 basis, to Rockingham Development Corp. on a total amount of \$ 82,950 for year 1986-87. City Manager Milam noted that the letter was received after the city's proposed budget had been presented to Council. He reminded Council that a news article, published earlier, set out an initial contribution of \$ 10,000 from each of the two governing bodies, and asked Council how the matter should be handled, in view of the difference in amounts. Manager Milam offered an opinion that a contribution of \$ 10,000 for economic development may be in order for next year's budget, particularly since three major business firms are contemplating relocating outside the City of Harrisonburg, namely: Shenandoah's Pride to north of Mt. Crawford; Good Printers to Bridgewater, and Riddleberger Bros. to north of Mt. Crawford. Mr. Bill Neff said he had worked with RDC on a number of endeavors, and praised the Corporation for its activity in bringing industry into the area. Manager Milam said that requests for contributions are cut-off in April, in order that they may be worked into the proposed budget. He suggested that if the contribution request of RDC is approved in the amount of \$ 10,000, that it be drawn from the account numbered 5605.05 - CATV System, in the Appropriation Ordinance. This would reduce CATV from \$ 64,882 to \$ 54,882, and establish a separate account 5605.08 in amount of \$ 10,000 to RDC for Economic Development. He presented a revised sheet no. 11 to the Appropriation Ordinance, setting out the suggested amendment, for Council's consideration. Vice-Mayor Dingleline offered a motion for the Appropriation Ordinance to be amended, as suggested by the City Manager. The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council Members present.

✓ City Manager Milam reviewed with Council, the 26 page Appropriation Ordinance for the City's proposed budget for fiscal year 1986-87, in gross amount of \$ 40,233,659, less inter-fund transfers. He noted that the rate of real estate taxation remains at \$0.72; tangible personal property taxation of \$ 1.50 per each one hundred dollars assessed value for 1986, will not change; service charge on real estate exempt from regular taxation on which the city furnishes various services, remains at 20% of the real estate tax levied by Council; and no change in service charge of \$0.14 per \$100 of assessed valuation, which applies to all real property except those specifically exempted from the service charge. Salaries, wages and allowances fixed at maximum compensation to be allowed officers and employees for services rendered, with authorization for the City Manager to make such re-arrangement of salaries in the various departments, and to transfer parts of salaries from one department to another, as may best meet the needs and interest of the city. Following the review, Council Member Rhodes moved that the Appropriation Ordinance, as amended, be approved for second & final reading, a first reading having been approved on May 13th, 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 Council Member Robinson, and adopted by a unanimous recorded vote of Council. (Refer to Minute Bk P, pages 92-106).

✓ For consideration of a second & final reading, City Attorney Lapsley presented an ordinance amending and re-enacting Section 13-1-3 of the City Code, entitled: Adoption of state law." He noted that a number of amendments have been made by the state with regard to the operation of a vehicle, and informed Council that due to amendments which are made from time to time, the city will have to adopt the state law by ordinance, annually. On motion of Vice-Mayor Dingleline, seconded by Council Member Robinson, and a unanimous recorded vote of Council Members present, 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 L, page 64).

✓ For consideration of a second & final reading, the City Attorney presented an ordinance amending Title 5, Chapter 2 of the City Code, by adding Section 5-2-8 entitled: Appeal from Decision of Inspector to Building Code Board of Appeals. The ordinance, approved for a first reading on May 13th, provides for appeals from the decision of the fire inspector to be heard and decided by the Building Code Board of Appeals. On motion of Council Member Rhodes, seconded by Vice-Mayor Dingleline, 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 L, page 65).

✓ The City Attorney presented, for consideration of a second & final reading, an ordinance amending Title 11 of the City Code, by the addition of Section 11-1-11 entitled: Building Code Board of Appeals. He noted that although the Board of Appeals is provided for in the statewide building code which was adopted by Council, this is a special ordinance setting out composition, function, etc. of the City's Board. On motion of Council Member Robinson, seconded by Vice-Mayor Dingleline, 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. (Ord. Bk L, page 66).

✓ The following Planning Commission report from its May 21st meeting, was received by Council:

"...Following the Public Hearing to consider rezoning of vacant lots on the northeast corner of Clinton and Madison Streets from R-2 Residential to B-2 General Business, discussion concluded that a parking lot, if adequately screened by shrubbery such as pine trees, would be the best use of the property. Mr. Rhodes stated that he could support the lease agreement (which limits any vehicle to parking on the lot no longer than 60 days) and 'adequate' screening on both Clinton and Madison Street sides. He moved that the Commission recommend to Council that the Martin Stroble Lots be rezoned from R-2 Residential to B-2 General Business. Mr. Heath seconded the motion which passed unanimously..."

Inasmuch as all zoning issues require a public hearing by City Council, Vice-Mayor Dingleline offered a motion for the report of the Planning Commission to be accepted, and public hearing scheduled for Tuesday, June 24, 1986, at 7:30 p.m. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council Members present. The City Manager was instructed to properly publicize the Hearing.

✓ Council received the following Planning Commission report from its May 21st meeting:

"...The Commissioners were shown a map of Fairway Hills Subdivision Section III. The Director pointed to lots 68, 69, 70 & 71 on the south side of Divot Drive. Attorney Henry Clark explained that three people desire to purchase the four lots and resubdivide them into three. The 20' utility easement between Lots 68 & 69 will not be relocated. All three proposed lots will continue to have utility easements on all sides of said lots. All of the lots will have over 20,000 square feet of land.

Mr. Hughes moved and Mr. Trobaugh seconded his motion that the Commission recommend approval of this resubdivision of Lots 68, 69, 70 & 71 into three lots in Section III, Fairway Hills Subdivision. All members present voted in favor..."

City Manager Milam called attention to the plat attached to the report setting out location of the lots in relation to total lots in Section III. Council Member Robinson moved that the recommendation of the Planning Commission, be approved. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council Members present.

✓ Council received the following Planning Commission report from a meeting held on May 21st:

"...The Commissioners were given revised copies of the proposed resubdivision of Lots 2, 3 & 4 in Unit 3 of Willow Hills Subdivision. As requested by City Staff, the developers have redrawn the proposed townhouse lots so that all lot lines will continue in a straight line from front to rear. As a result, three of the interior townhouse lots will have less than 4,000 square feet of land area which is the minimum size for an R-2 Residential District, but the rear yards of all ten units will be aligned in an orderly fashion.

Mr. Heath moved that the Commission recommend approval of the resubdivision of Lots 2, 3 & 4 in Unit 3 of Willow Hills Subdivision into ten townhouse lots, and grant a variance to allow lots of less than 4,000 square feet for Lots 3B, 4B and 4C. Mr. Rhodes seconded the motion and all members present voted in favor..."

Following review of the attached plat, Council Member Robinson moved that the recommendation of the Planning Commission be approved. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council Members present.

✓ The following Planning Commission report from its May 21st meeting, was presented:

"...The Director first oriented the Commissioners to preliminary drawing of a shopping center, on land between East Market Street and Country Club Road. Mr. Bill Neff and Mr. J.R. Copper then described several lot changes involving four property owners which are needed to allow adequate access to the proposed development. An existing 20' drainage and utility easement crossing the site will not be relocated. The shopping center site plans will be reviewed at a future date, if the proposed 20.44 acre site is sold for such purpose.

Mr. Heath moved that the Commission recommend approval of the Neff resubdivision to form a 20.44 acre tract of land between East Market Street and Country Club Road. Mr. Rhodes seconded the motion which passed unanimously..."

City Manager Milam explained the survey sheet attached to the report. When the Vice-Mayor questioned whether a plan was in-hand for the land acreage, Mr. Neff said that the project for a shopping center is under contract. When questioned by the Vice-Mayor whether an additional shopping center is needed in the city, Mr. Neff pointed out that the Valley Mall spaces are filled, and that new stores will be moving into the proposed shopping center, which will be different from anything, in most cases.

Council Member Rhodes offered a motion for the recommendation of the Planning Commission to be

approved. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

Council received the following Planning Commission report from its May 21st meeting:

"...The Director described the Vine Street section of Reherd Acres and pointed out the proposed location for sixteen townhouse lots plus common area in Unit 19. All units will face an off-street common parking lot. Mr. J.R. Copper described the drawing and the dimensions of the utility and vehicular access easements. Mr. DePoy said it will be up to the homeowners' association to decide what recreational facilities they may place on the common green areas. Mr. Heath asked how much space will exist between these proposed units and some existing townhouses which face Vine Street. The distance will be 80 feet. Mr. Trobaugh noted that part of the front yard area will actually be graveled or paved for parking, and Mr. Milam expressed concern that the rear yards will be only 25' long, therefore any future requests for enclosed porches or rooms will need a variance. Mr. Byrd asked Mr. DePoy to consider covenants that will prohibit adding enclosed rooms.

Mr. Milam concluded the review with a motion that the Commission recommend approval of the Final Plat for Unit 19, Reherd Acres Subdivision. Mr. Hughes seconded the motion and all members present, voted in favor..."

When question was raised concerning how usage of the common green areas is determined, Mr. DePoy said that the areas are turned over to a Homeowners' Association, with recreational facilities, etc. left to its discretion. He said it is felt that use of the areas should be left to residents, and added the fact that elderly residents who have purchased living units, may have little or no interest in any form of recreation. City Manager Milam pointed out that the lots are relatively short, and said that variances would be required for any requests to enclose porches or add rooms, in that such construction would result in a setback change. Planning Director Sullivan offered an opinion that inasmuch as Building Official Byrd had asked for covenants prohibiting the addition of enclosed rooms, Mr. DePoy should meet with Mr. Byrd. Mr. DePoy said there was no way the covenants could be changed, in that they have been in effect since 1983 when the Homeowners' Association was formed. When Council Member Rhodes, a member of the Planning Commission, asked Mr. Sullivan if all aspects were not covered in the Commission's meeting, Mr. Sullivan replied that Mr. Byrd's question concerning covenants was not answered. He pointed out the fact that without covenants prohibiting enclosures, all requests would have to be met, one by one, and each reviewed for a variance. Following discussion, Vice-Mayor Dingleline offered a motion for the recommendation of the Planning Commission to be approved. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council Members present.

The following Planning Commission report from its May 21st meeting, was presented:

"...Land Surveyor George Foard reviewed plans for proposed Unit 20A of Reherd Acres, located on the east side of Blue Ridge Drive opposite the Madison Manor condominiums. The overall plan shows 40 townhouse units. At present, the developers want to build seven townhouses which will face Blue Ridge Drive. Parking will be on the back side. Mr. Foard explained the reasons for locating the sewer lines in the rear. The Director asked if Goldfinch Drive will be constructed at the time these seven proposed townhouses are built, since access to their off-street parking will be via Goldfinch Drive. Also, the City approved nearby Unit 17A for duplex housing which is supposed to be a 'buffer' between single-family homes and the higher density development such as the Unit 20A layout. Mr. Byrd again suggested restrictive covenants to prevent owners from adding enclosed additions, due to the minimum sized townhouse lots shown in 20A. Mr. DePoy agreed to this requirement for 8" water and sewer lines. Mr. Byrd asked him if he feels sensitive to the objections from residents to more high density development. He stated that he feels it as much or more than City officials, because he lives in Reherd Acres himself.

Mr. Milam concluded the discussion with a motion for the Commission to recommend approval of the Final Plat for Unit 20A, Reherd Acres Subdivision. Mr. Hughes seconded the motion which passed unanimously..."

Mr. DePoy noted that the land is zoned R-2 since annexation into the City, and that the proposed townhouse units are designed to be very attractive. On motion of Council Member Robinson, seconded by Council Member Rhodes, and a unanimous vote of Council Members present, the recommendation of the Planning Commission was approved.

For consideration of a first reading, City Manager Milam presented an ordinance amending Sec. 7-4-1 of the Harrisonburg City Code, entitled: "Schedule of rates and charges generally." He reiterated a statement which he had made at the last regular meeting that more money is needed to operate the water and sewer systems, and reviewed the following proposed increases as set out in the ordinance:

City Water:

0 to 25,000 gallons from \$1.06 per 1,000 gallons, to \$1.26
 Next 25,000 gallons to 250,000 gallons from \$ 0.89 to \$ 1.09
 All over 250,000 gallons from \$ 0.63 per 1,000 gallons to \$ 0.83

Rural Water:

0 to 25,000 gallons from \$ 2.12 per 1,000 gallons to \$ 2.52
 Next 25,000 gallons from \$ 1.78 per 1,000 gallons to \$ 2.18
 All over 250,000 gallons from \$ 1.26 per 1,000 gallons to \$ 1.66

City Sewer:

0 to 25,000 gallons from \$ 1.50 per 1,000 gallons to \$ 2.00
 Next 25,000 gallons from \$ 1.37 per 1,000 gallons to \$ 1.87
 All over 250,000 gallons from \$ 1.11 per 1,000 gallons to \$ 1.61

Rural Sewer:

0 to 25,000 gallons from \$ 2.46 per 1,000 gallons to \$ 4.00
 Next 25,000 gallons from \$ 2.16 per 1,000 gallons to \$ 3.74
 All over 250,000 gallons from \$ 1.64 per 1,000 gallons to \$ 3.22
 Rockingham County (East 33 Agreement) from \$0.48 per 1,000 gallons to \$0.66

Council Member Rhodes asked if something could be worked out with regard to some relief on the sewer

charge during summer months, when yards and gardens are being watered. Vice-Mayor Dingledine agreed that this was worth looking into, and then offered a motion for the ordinance to be approved for a first reading. The motion was seconded by Council Member Rhodes and adopted by a unanimous recorded vote of Council Members present.

✓ Vice-Mayor Dingledine brought up the matter of a house which has been under construction in the city for three years, and property unmowed. He offered an opinion that some time limit should be considered as a policy, for completion of construction. The City Manager was asked to check into the matter to determine whether any such policy may be in existence.

Council Member Rhodes spoke concerning condition of the old swimming pool site, grown up with weeds, adjacent to Newtown Cemetery, as well as a litter problem on Kelly Street. He noted that an old house stands, which has been boarded up for a number of years, and results in continued blight in the area that is getting progressively worse. Mr. Rhodes expressed a desire for something to be done about the situation. Chief of Police Presgrave said that his department could have the weeds cut, but offered an opinion that the city is in need of an ordinance which is enforceable for situations such as this. Another matter brought up by Council Member Rhodes was a parking problem at Lincoln Circle. He suggested that perhaps the R & H Authority could take some action before the situation gets any worse. Mayor Green asked Chief Presgrave, Jim Deskins and the City Manager to get together to determine how the city's ordinance can be enforced to address these situations.

Mayor Green said that the street sweeper does a good job, but is hampered by cars being parked along the streets. He offered an opinion that certain hours should be set aside for vehicles to be off the streets when they are being cleaned. City Manager Milam said that specific times for different areas in the city was discussed some time ago, but never put into effect. He suggested that advertising times for cleaning streets, or signs, may help.

Council Member Rhodes mentioned a problem at the intersection of Virginia Avenue and Third Street, due to yellow no parking lines, being painted white. The Mayor noted that other areas in the city have the same problem.

At 9:32 p.m., on motion of Vice-Mayor Dingledine, seconded by Council Member Rhodes and a unanimous vote, Council entered an executive session to discuss personnel and a legal matter.

At 11:30 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened. There being no further business, the meeting was adjourned.

CLERK


MAYOR

Tuesday, June 10, 1986

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingledine, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on May 27th 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 May, 1986.

From the City Treasurer:

A trial balance report as of close of business on May 31, 1986.

From the Police Department:

A report of Fines & Costs, \$ 5,516.73; Cash Collected from street parking meters, \$ 8,794.92; Total Cash collected, paid on accounts and turned over to Treasurer, \$14,311.65, for month of May, 1986.

From the City Auditor:

A financial report for the City of Harrisonburg, month of May, 1986.

A report of cash discounts saved in payment of vendor's invoices for month of May, 1986, totaling \$ 324.36

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, 1986.

✓ Mr. Hal Finlayson, a 3-year representative of Harrisonburg on the Diversionary Program: Community Corrections Board, was present in the meeting to report on services rendered, etc. The Program is operated by the Criminal Division, state funded, with no city or county funds involved. Following conviction and sentencing of prisoners, the judge has the prerogative of sending individual cases to the Corrections Board, and those so recommended, enter the Program. Individuals are required to sign a contract, agreeing to certain conditions, prior to entering a house in Winchester where they are closely supervised, with stringent rules. During the usual 90 - 120 day stay, counselling is provided, as well as assistance in finding employment for the individuals. Since the Board has been active in the Blue Ridge area, Mr. Finlayson reported 197 referrals to the Board, with 60 of that number failing to qualify for the Program. They were sent back to the courts and to the penitentiary. Individuals participating in the Program are required to prepare themselves and accept employment, in order to pay back court costs and some restitution to the individuals wronged in their crime. The Program provides help for non-violent prisoners, and relieves, to some extent, the crowded situation in jails, where some are required to sleep on the floor. Mr. Finlayson asked Council to consider remaining in the Program, in that there is no cost involved, and the Program is very worthwhile in that it salvages some individuals who have not yet become hardened criminals. When asked how many of the individuals were from Harrisonburg, Mr. Finlayson replied "very few." Mayor Green expressed

appreciation for the informative report.

City Manager Milam presented a petition signed by 42 residents of Shenandoah Street in Park View, requesting installation of curb & gutter. Reasons included: large amount of surface water; high concentration of residents due to recent construction of apartment houses; portion of the street already has curb and gutter; the street has been torn up to install larger pipes and will need to be resurfaced, with this being the logical time for installation of curb & gutter prior to the resurfacing. Manager Milam said he was not sure whether the project is programmed for the coming year, and noted that some of the section needs to have piping renewed. Mayor Green asked the City Manager to check into the matter.

Mr. Kenneth Frantz, General Manager of the Harrisonburg Electric Commission, was present in the meeting to present a proposed resolution for Council's consideration, authorizing the Commission to borrow up to, but not exceeding \$5 million for construction and improvements. He reminded Council that a similar resolution was approved in June of last year and effective for a one year period, only. On motion of Council Member Rhodes, seconded by Vice-Mayor Dingleline, and a unanimous vote of Council, the following resolution was approved, with authorization for the Clerk to sign the same:

RESOLVED, that the Harrisonburg Electric Commission unanimously recommends and requests that the City Council of the City of Harrisonburg, authorize the Commission to borrow from such lending institution or institutions, and in accordance with such terms as the Commission may be deemed advisable, a sum not to exceed Five Million Dollars to be repaid within a period of not exceeding one year for the purpose of repayment of the indebtedness previously incurred and approved by the City Council for the acquisition of electrical facilities within the annexed area of the City as well as for the construction and improvement of its facilities, and for the purpose of making available additional funds which may be needed during said one year period for operating expenses.

APPROVED by the Harrisonburg City Council this 10th day of June, 1986.

City Manager Milam presented correspondence from the Harrisonburg Retail Merchants' Association, requesting permission for the various downtown businesses to display merchandise on the sidewalks at the annual sidewalk sale on July 17, 18 and 19, 1986. A second request of Wayne Harrison, Chairman of the Fiddlers & Bluegrass Competition, through the Association, was for the south side of Court Square to be blocked off from through traffic on Saturday, July 19th, from 9 am to 5 pm for Harrisonburg's first Fiddlers and Bluegrass Competition. Manager Milam noted that Council has approved use of the sidewalks for the downtown sales promotion over past years, but this is the first year the Fiddlers' Competition is being held in the City. Chief Presgrave said that arrangements could be made to prohibit through traffic on the south side of Court Square during the hours requested, and said he could foresee no particular problem. Vice-Mayor Dingleline offered a motion for the requests to be granted. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council,

City Manager Milam informed Council that although Marie Garnett, a resident of 300 Dixie Avenue, had planned to be in attendance at this evening's meeting, she had been called away on an emergency. She intended to address the matter of permit parking for Beech Street and Dixie Avenue. He noted that Dr. Paul Cline of 221 Dixie Avenue, supports the proposal, also. Mayor Green said that concern has been expressed about student parking in this area, with one solution being that of permit parking. He added that it is difficult to control, in that all students have permits to park. Larry Hoover, speaking on behalf of his parents who reside at 231 Grace Street, expressed concern about the problem, and asked Council to look at the hours proposed (9 am - 3 pm), from the standpoint of various functions which take place late evenings and nights (i.e. ball games), as well as a litter problem. City Manager Milam said he was thinking of school hours, when the hours were set out. Mayor Green said there has been a problem in the southeast area of the city, where permit parking is in effect, of residents not being aware that there is a requirement for permits to be obtained from the Treasurer's Office, and asked those present, to contact the remainder of their neighborhood for their feelings re permit parking, and to make them aware of the requirement. Manager Milam said he would have a draft form of an ordinance in readiness for Council's next meeting on June 24th covering two blocks of Beech Street, two blocks of Dixie Avenue and one block of Grace Street, as a beginning, to help solve the situation.

Planning Director Sullivan reported that a first draft of an amended Zoning Ordinance had been delivered a few weeks ago, and noted that Mr. William Cofer has several suggestions to make. He will meet with the full Planning Commission on June 18th, and with Council, if possible. The Commission will propose to schedule a public hearing for July 16th and the document will be available for review following the June 18th meeting. Should Council desire for the sequence of events to be pursued, an Ad will be placed in the Daily News Record newspaper. Mr. Sullivan presented highlights of the Ordinance, setting out requirements for the four residential districts: R-1, R-2, R-3 and R-4. City Manager Milam noted that following the July 16th public hearing, there will be a couple of weeks for a review of the ordinance, with the possibility of a first reading of the Ordinance by Council at its August 12th meeting and a second reading on August 26th. Should this action prove too fast, a second reading could be considered on September 9th. Appreciation was expressed to the Planning Director for his report.

City Manager Milam reminded Council that first terms of Messrs. James Wampler and James Messner, on the Harrisonburg City School Board will expire as of 6/30/86, with both eligible for reappointment to second terms. He read Sec. 22.1-29.1 of the Virginia Code, as follows:

*Public hearing before appointment of school board members-
At least seven days prior to the appointment of any school board member pursuant to the provisions of this chapter of Sec. 15.1-609, 15.1-644, 15.1-708 or 15.1-770, or of any municipal charter, the appointing authority shall hold one or more public hearings to receive the views of citizens within the school districts. The appointing authority shall cause public notice to be given at least ten days prior to any hearing by publication in a newspaper having a general circulation within the school district.*

Vice-Mayor Dingleline moved that a public hearing be scheduled for Tuesday, June 24th, 7:30 pm, with regard to the School Board appointments, with instructions for the City Manager to properly advertise same in the Daily News Record newspaper. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

✓ For consideration of a second & final reading, City Manager Milam presented and reviewed an ordinance amending Section 7-4-1 of the City Code, entitled: "Schedule of rates and charges generally." The ordinance, approved for a first reading on May 27th, increases water and sewer rates in the city and rural areas. Council Member Rhodes said he would like for something to be worked out for the sewer charge during summer months when lawns and gardens are being watered. Manager Milam said that a new computer system, recently initiated for water and sewer billing, would have to be adjusted in order to handle the separate charge, which is difficult, and added that he would look into the matter. Vice-Mayor Dingleline offered a motion for the ordinance to 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 Council Member Rhodes, and adopted by a unanimous recorded vote of Council. After further discussion, Council Member Rhodes moved that the ordinance be made effective as of this date, to be worked in with the billing cycle for the various districts. The motion was seconded by Council Member Shank, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk L, page 67).

✓ City Manager Milam presented for Council's consideration of approval, an agreement between the City of Harrisonburg and James Madison University, for transporting of students in the city's bus system. He noted that the present agreement replaces the original one, in that the Virginia Department of Highways & Transportation and JMU desire to be relieved of any liability. Transportation Director Reggie Smith said that the purpose of the agreement is to assure that JMU abides by fair standards and equal opportunity, and added the fact that JMU is pleased with the agreement, which is as follows:

This agreement is made and entered into the first day of August, 1986, by and between the City of Harrisonburg, hereinafter referred to as City, and James Madison University, hereinafter referred to as JMU. All covenants and provisions of the agreements between the Virginia Department of Highways & Transportation and the City of Harrisonburg dated March 12, 1986 are hereby incorporated into this agreement.

The City agrees to provide bus service for all JMU students and employees presenting a valid JMU identification card for the period of the contract which shall terminate July 30, 1987, unless either the City or JMU deems the service to be unacceptable at the conclusion of the Fall Semester. Should either party wish to terminate the contract at the conclusion of the Fall Semester, one-half of the annual fee from JMU to the City will be paid, and the contract will be terminated.

Bus Service is defined below under the headings of standard transit service, evening-weekend shuttle transit service and Sunday shuttle transit service. Buses will operate in inclement weather and on all national, state or local holidays when JMU is in session during the Fall and Spring semesters as indicated by the attached University calendar. Any changes in service routes or times must be agreed to in writing at least two (2) weeks in advance by both the City and JMU. All service other than standard service will be operated only while JMU is in session.

Standard City Transit Service. Standard City transit service is defined as that service available to all city residents, twelve (12) months of the year. The service consists of four (4) routes and operates from 7 a.m. to 6 p.m., Monday through Friday, and 9 a.m. to 3 p.m. on Saturday. (Routes and schedules attached)

Evening-Weekend Shuttle Transit Service. Evening shuttle transit service designed to operate specifically for JMU will begin at 6:10 p.m. at JMU and will conclude at 1:00 a.m. at JMU on weekdays and 3:00 a.m. at JMU on Fridays and Saturdays. Buses will operate until 2:00 a.m. during exam periods. (Routes and schedules attached)

Sunday Shuttle Transit Service. Sunday shuttle transit service designed to operate specifically for JMU will begin 9:00 a.m. at JMU and will conclude at 6:00 p.m. at JMU (Routes and schedules attached)

Cost and Remuneration: The City agrees to provide the bus service described above with 30-passenger (or larger) buses for the contractual period. Charges for each type of service for the contractual period are provided below:

Standard Transit Service	\$ 65,550.00
Evening-Weekend Shuttle Transit Service	26,450.00
Sunday Shuttle Transit Service	5,550.00
Total	\$ 97,500.00

For the service as described, JMU agrees to pay the City ninety-seven thousand, five hundred dollars (\$97,500.00) for the contractual period. Termination of the service at the end of the first semester will result in a prorated payment to the City of forty-eight thousand, seven-hundred fifty dollars (\$48,750.00). Payment will be made in four (4) equal sums on or before November 1, 1986; January 1, 1987; March 1, 1987 and May 1, 1987.

Charter Service will be available in addition to the services and costs described, based upon the following fee schedule:

30 passenger transit diesels - \$0.80 per mile
45 passenger Blue-Bird All American - \$0.80 per mile
45 passenger school buses - \$0.70 per mile
20 passenger bus - \$0.70 per mile
15 passenger van - \$0.60 per mile
\$ 6.00 per hour wait time

All transit service in town will be charged at the rate of \$20 per hour.

The City agrees -o save and hold harmless JMU and the Virginia Department of Highways & Transportation from any and all claims arising out of the transport of JMU students and employees by the City Transit Service.

The City agrees to give first and full consideration to employing JMU bus drivers, should additional drivers be required by the City.

William F. Merck, II
Vice-President for
Business Affairs
James Madison University

Marvin B. Milam
City Manager
City of Harrisonburg, Va.

On motion of Council Member Shank, seconded by Council Member Robinson, and a unanimous vote of Council, the Agreement was approved, with authorization for the City Manager to sign same on behalf of the City of Harrisonburg.

Attorney James Sipe presented, for Council's consideration of approval, a Resolution for issuance of revenue bonds in amount not to exceed \$13,100,000 by the Harrisonburg Redevelopment & Housing Authority, for Dimension-Amberton Associates, LTD, for construction of 190 living units in Prince William County, Virginia. He reminded Council that the project had been processed over a year ago, and bonds not issued, to date. Under Section 103(k) of the Internal Revenue Code of 1954, a requirement is set out for a second public hearing to be held, and the entire process for issuance to be repeated. Attorney Sipe presented the following documents, relating to the issue: report of public hearing; copy of Notice; Fiscal Impact Statement and Certified Copy of Resolution adopted by the Housing Authority's Board of Commissioners. On motion of Vice-Mayor Dingledine, seconded by Council Member Robinson, and a unanimous recorded vote of Council, the following Resolution was approved:

WHEREAS, the Harrisonburg Redevelopment & Housing Authority (the "Authority") has held a public hearing on May 21, 1986, regarding the issuance of its revenue bonds in an amount not to exceed \$ 13,100,000 (the "Bonds") to assist Dimension-Amberton Associates, LTD, a Texas limited partnership (the "Developer"), in financing the acquisition and construction of a multi-family apartment project of approximately 190 units (the "Project") to be located in Prince William County, Virginia; and

WHEREAS, the Authority has recommended that the City Council of the City of Harrisonburg, Virginia (the "City Council"), approve the issuance of the Bonds to comply with Section 103(k) of the Internal Revenue Code of 1954, as amended (the "Code"); and

WHEREAS, a copy of the Authority's resolutions recommending such approval by the City Council and approving the issuance of the Bonds, subject to terms to be agreed upon, a record of the public hearing and a "fiscal impact statement" with respect to the Project have been filed with the City Council;

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

- 1. The City Council approves the issuance of the Bonds by the Authority for the benefit of the Developer to the extent required by Section 103(k) of the Code to permit the Authority to assist in the financing of the Project.*
- 2. The approval of the issuance of the Bonds, as required by Section 103(k) of the Code does not constitute an endorsement of the Bonds or the credit-worthiness of the Developer, but, as required by Section 36-29 of the Code of Virginia of 1950, as amended, the Bonds shall provide that the Bonds shall not be a debt of the City of Harrisonburg, the Commonwealth of Virginia or any political subdivision thereof (other than the Authority) and neither the City of Harrisonburg, nor the Commonwealth of Virginia or any political subdivision thereof (other than the Authority) shall be liable thereon, nor in any event shall the Bonds be payable out of any funds or properties other than those of the Authority specifically pledged thereto. The Bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.*
- 3. This resolution shall take effect immediately upon its adoption.*

Clerk

For consideration of a first reading, City Attorney Lapsley presented an ordinance amending Section 11-1-42 of the Harrisonburg City Code, by adding the following paragraph:

"(c) Itinerant vendors in covered malls may place their merchandist for sale in said malls in corridors or common areas after having made specific arrangements with the mall management; provided, however, the management of said malls shall first have paid a license fee to the city of \$1,000.00 annually. Before allowing said itinerant vendor to display merchandise for sale, the management of said malls shall require from each itinerant vendor, certification that said vendor is certified to collect and properly dispose of Virginia State Sales Tax."

City Manager Milam reminded Council that the matter had been discussed at the March 25th meeting and again on April 22nd, when the management of Valley Mall agreed to pay \$1,000 annually, which would be equivalent to two license taxes for itinerant merchants, in order that space may be made available in the mall during the year for out-of-town merchants to display and sell their merchandise. On motion of Council Member Rhodes, seconded by Vice-Mayor Dingledine, and a unanimous recorded vote of Council, the ordinance was approved for a first reading.

✓ Council received the following Planning Commission report from its May 21st meeting:

"...The Commissioners studied a proposed Final Plat of Lot 1, Section 1, Molloy Subdivision. The 1.98 acre tract is located on the southwest side of Pleasant Valley Road where the road curves near Cassco Corporation and Greendale Road. Mr. John Driver reported that H.E.C. plans to purchase the proposed 1.98 acre tract. It is part of the 20 acre Molloy property. Massanutten Vo-Tech is located 760' west of the 1.98 acre tract. No road construction work or easements are needed.

Mr. Trobaugh moved and Mr. Rhodes seconded his motion that the Commission recommend approval of the Final Plat. All members present voted in favor..."

Planning Director Sullivan called attention to the plat attached to the report and noted that inasmuch as there are no easements or road widening involved, the Commission had no problem in recommending approval. Vice-Mayor Dingledine moved that the recommendation of the Planning Commission be approved, which motion, upon being seconded by Council Member Robinson, was adopted by a unanimous vote of Council.

✓ Planning Director Sullivan referred to a report from the City Planning Commission which was presented at the May 13th regular meeting of Council, which report included a recommendation for the final plan of Harrington Heights Subdivision, Unit 3, to be approved. Inasmuch as the City Engineer had expressed a desire to be in contact with the engineer to investigate layout of streets, etc., prior to signing of a final document by the Commission Chairman and Mayor, the matter was tabled, pending clarification from the City Engineer. Mr. Sullivan informed Council that he had received a note from City Engineer Wilcos at 4:50 p.m. on the evening of Council's last meeting, May 27th, stating that Unit 3 of Harrington Heights Subdivision was "all squared away" and recommending that it be brought off the table, and approved. Mr. Sullivan reiterated the fact that Mr. Flippo had submitted a

letter to the Commission, stating that he will restrict the development to single family homes, only. Vice-Mayor Dingledine offered a motion for the matter to be removed from tabled matters, and the recommendation of the Planning Commission, approved. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

✓ A request was presented from the City School Board for approval of a transfer of funds in amount of \$ 35,000 in order to cover projected shortfall in appropriation for employer's cost of fringe benefits, primarily due to increase in hospitalization rates. Vice-Mayor Dingledine offered a motion for the inter-fund transfer to be approved, and that:

\$ 22,000 trans.from: School Fund (1201-221.00) Instruction- Tuition Pd.Other Division
13,000 trans.from: School Fund (1208-134.01) Adult Ed.-Comp.Inst.Personnel
35,000 trans.to: School Fund (1206-295.00) Fixed Chgs.-Emp.Cont.Frng.Benefits

The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

✓ Council received a request from the Transportation Director for approval of a supplemental appropriation in amount of \$ 9,000, with funds needed to pay operating cost and meet payroll. It was noted that the funds were derived through sale of vehicles and Workmens' Compensation claims. Council Member Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 9,000 chgd.to: Transportation Fund (4-1901.01) Recoveries & Rebates
1,500 approp.to: Transportation Fund (4-5101.01) Electricity
7,500 approp.to: Transportation Fund (3-1001.06) Dispatchers

The motion was seconded by Council Member Shank, and adopted by a unanimous recorded vote of Council.

✓ The City Manager presented a request from the Parks & Recreation Director for approval of a supplemental appropriation in amount of \$ 2,220.68 in order to recover funds for insurance reimbursement on damaged vehicles and rental of city owned land. Council Member Robinson offered a motion for the appropriation to be approved for a first reading, and that:

\$ 2,220.68 chgd.to: General Fund (1901.01) Recoveries & Rebates
720.68 approp.to: General Fund (7101-3004.03) Maint. & Repairs- Auto Equip.
1,500.00 approp.to: General Fund (7101-3004.04) Maint. & Repairs- Bldgs. & Grnds.

The motion was seconded by Council Member Shank, and adopted by a unanimous recorded vote of Council.

City Manager Milam requested approval of a supplemental appropriation in amount of \$ 16,360 in order to appropriate monies received from Workers' Compensation Insurance dividend for period July 1, 1984 - July 1, 1985. Council Member Robinson moved that the appropriation be approved for a first reading, and that:

\$ 16,360 chgd.to: General Fund (4101.01) Insurances- Recoveries & Rebates
16,360 approp.to: General Fund (9103-5308.01) Insurance & Bond Premiums- Gen.Liability

The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous recorded vote of Council.

✓ A request was presented from Police Chief Presgrave for approval of a supplemental appropriation in amount of \$ 2,815.61 in order to return reimbursed expended funds and to receive funds from bicycle sale. He noted that other than reimbursements received, the amount includes also sale of unclaimed bicycles and other supplies. Council Member Rhodes offered a motion for the appropriation to be approved for a first reading, and that:

\$ 2,815.61 chgd.to: General Fund (1901.01) Recoveries & Rebates
2,815.61 approp.to: General Fund (3101-5400.01) Other Mat. & Supplies

The motion was seconded by Council Member Shank, and adopted by a unanimous recorded vote of Council.

City Manager Milam presented a request from the Transportation Director for approval of a supplemental appropriation in amount of \$ 26,627.21 from a Reserve for Depreciation Account. He informed Council that this balance had been in the Transportation Reserve for a number of years, and it was felt that use of same may be the easiest way for the department's payroll to be met for the remainder of this fiscal year. Council Member Robinson moved that the appropriation be approved for a first reading, and that:

\$ 26,627.21 chgd.to: Transportation Fund - Res.for Depreciation
20,000.00 approp.to: Transportation Fund (1-3004.05) Maint. & Repairs- Transit Bus
6,627.21 approp.to: Transportation Fund (4-5810.01) Depreciation

The motion was seconded by Council Member Rhodes, and adopted by a unanimous recorded vote of Council.

✓ As a result of suggestion at a previous meeting by Council Member Rhodes, for the school owned lots on Bruce Street to be sold and placed back on the city's tax base, City Manager Milam noted that the School Board was contacted. He presented a resolution, approved and submitted by the Board, transferring titles to three properties on the south side of West Bruce Street, to the City of Harrisonburg. Manager Milam said he would bring a map to the next meeting on June 24th, and Council could decide how best to proceed with the sales (i.e. sealed bids, or otherwise).

✓ Council Member Rhodes informed Council of a complaint concerning the 35 mph speed limit on South Avenue. Chief Presgrave was asked to look into the situation as to the feasibility of reducing same to 25 mph.

At 9:20 p.m., on motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote, Council entered an executive session to discuss personnel and a legal matter.

At 11:20 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened. There being no further business, the meeting was adjourned.

CLERK

Walter B. ...
MAYOR

Tuesday, June 24, 1986

At a regular meeting of Council held in the Council Chamber this evening at 7:30, there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingleline, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on June 10th were approved as read.

Through correspondence dated 6/17/86 from Mr. Earl Fehr, Facilities Engineer of Brockway Mfg. located at 291 W. Wolfe Street, request was made for the rezoning of two lots owned by the plant, as follows: Lot 24 from R-2 Residential to M-1 Industrial (to increase turning area for trucks and increase parking for shipping dept. personnel) and Lot 40 from R-3 Residential to M-1 Industrial (for office employee daytime parking). It was noted that the changes would reduce the need for on-street parking by employees, and an offer was made to provide fencing or shrubbery along the areas, if so desired. On motion of Vice-Mayor Dingleline, seconded by Council Member Robinson, and a unanimous vote of Council, the request was referred to the City Planning Commission for study and recommendation.

City Manager Milam presented a Memo from Police Chief Presgrave, advising that since he had made a study concerning the 35 mph speed limit on South Avenue, on instructions of City Council, he would recommend that the speed limit be reduced to 25 mph. He noted that South Avenue has become a highly developed street, with a major school crossing, and more construction underway. In his Memo, the Chief pointed out that on the speed check which was conducted on 395 vehicles, an average speed of 33.7 mph resulted, with almost 10% clocked at 36 mph or above. Council Member Rhodes offered a motion for the speed limit to be reduced to 25 mph on South Avenue, as recommended by the Police Chief. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

A report from the Harrisonburg Transportation Safety Commission was presented, from its meeting held on May 27th, which included the following motion: "that the speed limit on Pleasant Hill Road be reduced to 25 mph with four signs being appropriately placed (one each at the Pear and South Main Street ends of the road and two near the middle) and that appropriate signs warning of turning vehicles be placed near the apartments at the crest of the hill." The matter had been referred to the Commission by Council at the regular meeting held on May 13th, in that complaints concerning the situation, particularly cars backing onto the road from apartments at the top of the hill, had been registered by the Vice-Mayor. The report set out statements by Chief of Police Presgrave, that tickets have been written for speeding, in that the average speed is currently 40-45 mph, with speed limit of only 35 mph. Accidents on the road have been minimal, and not speed related. On motion of Council Member Rhodes, seconded by Vice-Mayor Dingleline, and a unanimous vote of Council, the recommendation of the Commission was approved.

At 7:50 p.m., Mayor Green 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, advertised on Friday, June 13th:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, June 24, 1986, at 7:30 p.m., in the Municipal Building, 345 South Main Street, Harrisonburg, Virginia.

The Harrisonburg City Council will receive the views of citizens within the Harrisonburg School District concerning the appointment of two School Board members whose three year terms will commence July 1, 1986.

Marvin B. Milam, City Manager

Mayor Green called on anyone present, desiring to be heard concerning the appointments. There being none, the Hearing was closed at 7:52 pm and the regular session reconvened. It was noted that appointments would be made, following the 7-day waiting period.

Mayor Green called the evening's second public hearing to order and City Manager Milam read the following Notice as advertised on June 15th and June 19th:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, June 24, 1986, at 7:30 p.m. in the City Council Chambers, 345 S. Main Street, to consider the following rezoning request:

Martin L. Stroble's request to rezone Lots 29, 30, 31 and 31B from R-2 Residential to B-2 General Business. These vacant lots are located on the northeast corner of Clinton and Madison Streets, and 150' west of North Main Street. Purpose: to develop a parking lot to be leased to L.D. Hottle's Heavy Duty Body Shop.

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 lots on a map, and called attention to the following Planning Commission report which had been presented to Council at the May 27th regular meeting:

"..Following the public hearing to consider rezoning of vacant lots on the northeast corner of Clinton and Madison Streets from R-2 Residential to B-2 General Business, discussion concluded that a parking lot, if adequately screened by shrubbery such as pine trees, would be the best use of the property. Mr. Rhodes stated that he could support the lease agreement (which limits any vehicle to parking on the lot no longer than 60 days) and 'adequate' screening on both Clinton and Madison Street sides. He moved that the Commission recommend to Council that the Martin Stroble lots be rezoned from R-2 Residential to B-2 General Business. Mr. Heath seconded the motion, which passed unanimously..."

Mr. Sullivan noted that although businesses are in the area (i.e. car wash, restaurant, etc.), the area in request will extend into the residential pattern where homes are located on three corners. This situation prompted the Commission's request for screening. He added the fact that rezoning of the lots would keep vehicles from parking on narrow Clinton Street, and would also straighten out the zoning line. Mayor Green called on anyone present desiring to be heard concerning the rezoning request. Council was informed that Mr. Stroble has begun some improvements on the lots, with nothing

done, as yet, with regard to screening the area. There being no others desiring to be heard, the public hearing was declared closed at 7:59 pm and the regular session reconvened.

✓ Mayor Green asked members' wishes concerning the rezoning request of Mr. Stroble. On motion of Council Member Robinson, seconded by Council Member Rhodes, and a unanimous vote of Council, the recommendation of the Planning Commission for rezoning of Lots 29, 30, 31 and 31B from R-2 Res. to B-2 General Business, was approved.

✓ City Manager Milam presented a proposed ordinance to institute permit parking from 8 am - 8 pm on both sides of Beech Street from Grace Street to Ohio Avenue, and on both sides of Dixie Avenue from Chestnut Drive to High Street. He noted that in 1971, when the situation of students parking on residential streets was a matter of concern, former School Superintendent King presented to the School Board, the following requirement to be made a part of the school's policy: "All pupils who drive automobiles to the high school will park on the parking lot and the principal will set up such administrative procedures to ensure that this is done." The statement was approved, and set out in the policy under Section 11-9. Manager Milam presented a petition, received today, signed by 25 property owners, stating as follows: "We, the undersigned property owners, respectfully request that the City of Harrisonburg provide permit parking from the hours of 8 am to 8 pm on both sides of Beech Street from Grace Street to Ohio Avenue and on both sides of Dixie Avenue from High Street to Chestnut Drive. We understand that there will be an annual fee of \$2.00 per household and that guests will have to display a guest parking card provided by the householder. We are willing to abide by these regulations." Manager Milam said he had received a comment from Mr. Larry Hoover, that the ordinance was not quite borad enough, in that Grace Street was not included, although this was suggested at the June 10th meeting when the matter was discussed. Mrs. Marie Garnett expressed appreciation for Council's efforts in striving to relieve the situation, and asked that Grace Street from High to Beech Streets be included in the permit parking. Following discussion, Vice-Mayor Dingleline offered a motion for the ordinance amending Sec. 13-1-60.01 be approved for a first reading, as amended to include both sides of Grace Street from Chestnut Drive to High Street, and referred back to the City Attorney to be redrawn. The motion was seconded by Council Member Robinson and adopted by a unanimous recorded vote of Council.

✓ For consideration of second & final reading, an ordinance was presented, amending Sec. 13-1-42 by adding paragraph (c) providing for an annual Itinerant Merchants' License fee of \$ 1,000 to be paid by the management of a covered mall. Commissioner of Revenue Smith said he had checked with other malls, and found that most have an Itinerant Merchants' License fee. Although the city may be losing one vendor under the ordinance, it can be assured that those selling merchandise within Valley Mall, will be paying sales tax. The mall management will be responsible for checking into, and notifying the Tax Department of Itinerant Merchants, in order that they may have same registered for taxation. Mr. Smith recommended that the ordinance include a provision that this license would not be subject to pro-ration or transfer. When Mayor Green asked if this would mean that tax would be returned here, Mr. Smith replied that the City of Harrisonburg would be entitled for return of the tax, back to the city, and that the ordinance applies to covered malls, only. Council Member Rhodes offered a motion for the ordinance, as amended to include the Commissioner's recommendation, be approved for second & final reading, with same referred back to the City Attorney for the added provision. The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council. (Ord. Bk L page 69).

✓ City Manager Milam presented, for consideration of second & final reading, an ordinance for the closing of a 15' alley, requested by JM Apartments (Jim Monger). He called attention to the alley description, and noted that a check had been received from Mr. Monger in amount of \$ 2,879.79, based on an average cost of 62¢ per square foot, for the total 4,620 square feet. On motion of Vice-Mayor Dingleline, seconded by Council Member Robinson, and a unanimous recorded vote of Council, the ordinance was approved for final reading, (a first reading having been approved on 4/8/86), 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 L page 70).

✓ With regard to this evening's agenda item 9A, City Manager Milam presented a written request from Mr. Craig Moore, to withdraw his request for rezoning the lot on the southeast corner of Campbell and Main Streets from R-3 to B-2. The request for withdrawal, was accepted.

✓ The following Planning Commission report from its June 18th meeting, was presented and read:

"...Parks & Recreation Director Gilkerson displayed a preliminary site plan of an 18-hole golf course, proposed for the 130-acre City owned park land on Smithland Road. Mr. Gilkerson reported that the Parks & Recreation Commission endorsed the project on June 16th, and he hopes the City will develop the golf course when financially feasible. He asked the Planning Commission for its blessing. While he doesn't have money in his budget for the project, Mr. Gilkerson said City employees could start hauling fill dirt to the site now, as Mr. Bill Neff has offered it to the City.

The Commissioners, having read a feasibility study from Ault, Clark & Associates, golf course architects from Wheaton, Maryland, noted that more information may be helpful before a decision is made. Mr. John Driver, representing Lakeview Golf Course, said his group (Lakeview) doesn't oppose a municipal golf course, if it will be self-supporting. He asked the Commissioners to table the matter until a 'true feasibility study' is made... Chairman Eney asked the Commissioners to approach the concept from a philosophical viewpoint. Mr. Trobaugh stated he felt the City has 'in concept' supported development of a golf course on this site or other sites for 'some time.'

Mr. Trobaugh then moved that the Commission approve the concept of developing a municipal golf course on the 130-acre Smithland Road park site, subject to further information and feasibility study. Mr. Hughes seconded the motion. Voting in favor: Trobaugh, Hughes, Heath, Milam. Voting against: Eney. Abstaining: Rhodes..."

Mayor Green noted that Council has asked for a feasibility study to be made with regard to the proposed venture, and is not ready at this time for any action, other than to accept the report of the Planning Commission. On motion of Council Member Shank, seconded by Vice-Mayor Dingleline, and a unanimous vote of Council, the report was accepted for information.

✓ Council received the following Planning Commission report from its June 18th meeting:

"...A plat drawn by Surveyor Hal Benner, dated June 11, 1986 and showing

William Skelton's proposed 2-lot subdivision, was studied by the Commissioners. The Director explained that the City has requested Mr. Skelton to dedicate right-of-way, measured 25' from the center line of Ramblewood Road. However, road improvements or curb or gutter will not be required because of his location, over a mile from paved road or City utilities. Previous reviews of this matter had resulted in delaying a decision due to inadequate platting and field work. A letter from Mr. Skelton expressed his willingness to give the extra right-of-way, but he asked the City to pay for the survey and deed preparation costs. Mr. Milan concurred in this request. Mr. Hughes then moved and Mr. Heath seconded his motion, that the Commission recommend approval of the 2-lot William Skelton Subdivision. All members present voted in favor..."

Planning Director Sullivan pointed out the fact that the plat was redrawn a couple of times and the subdivider is now in a position to develop the property into two lots, with two dwellings. A mobile home is located on the curve and a single family home is on Lot 1. The property has to be re-surveyed. Mr. Skelton has agreed to give the City a 25' right-of-way from the center line, when location is determined. Mr. Sullivan said that a second subdivision on the other side of the road, with the same request for a 25' right-of-way, would result in a 50' right-of-way. He said that the Planning Commission felt that the right-of-way information, survey work, and Mr. Skelton's right response, was a sound basis for its recommendation for approval. Council Member Rhodes offered a motion for the recommendation of the Planning Commission to be approved. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

The following Planning Commission report, from its June 18th meeting, was presented:

"...Surveyor J. R. Copper reported to the Commissioners that Section 2 of Tower Heights Subdivision will add eleven townhouse lots along the west side of Tower Street. They will be an addition to the seven townhouse lots approved in April in Section 1. He added that the construction plans were reviewed and approved for the entire layout when Section 1 was presented. Water and sewer lines are in Tower Street, which will be improved by the City since it had existed as a dedicated street prior to current subdivision regulations becoming effective.

Mr. Heath moved and Mr. Trobaugh seconded the motion that the Commission recommend approval of the Final Plat for Section 2, Tower Heights Subdivision. All members present, voted in favor..."

Planning Director Sullivan pointed out location of the subdivision on a map, in the northeast section of the City, near the City's Reservoirs. Vice-Mayor Dingedine moved that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

Council received the following Planning Commission report from its June 18th meeting:

"...Attorney Steve Weaver explained the background of problems involving four existing townhouses on Lots 7, 7A, 7B and 7C in Hillandale Subdivision, Section 1, Block A. The common walls were not placed on the property lines, and the front section is off by 2' up to 4.5'. In order to have clear title, Mr. Weaver requested the Commission to recommend vacating the original lot lines and approve the resubdivision as drawn on June 6, 1986 by Surveyor Robert Jellum.

Mr. Trobaugh moved and Mr. Hughes seconded his motion, that the Commission recommend approval of vacating existing lot lines, resubdividing Lots 7, 7A, 7B and 7C, and granting a front yard setback variance of 2' up to 4.5'. All members present voted in favor..."

Following a brief discussion, and on motion of Council Member Robinson, seconded by Council Member Rhodes, and a unanimous vote of Council, the recommendation of the Planning Commission was approved.

A Planning Commission report, from its June 18th meeting, was presented as follows:

"...The Commissioners studied a plat drawn by Surveyor Hal Berner, showing a 140 square foot strip of land to be sold by Robert M. Reedy to Mark A. Burmeister. Mr. Burmeister desires to build a garage on the north side of his home at 839 Lee Avenue and he needs the extra land, which Mr. Reedy has agreed to sell. Mr. Byrd reported that the Board of Zoning Appeals has granted Mr. Burmeister a setback variance for his garage.

Mr. Trobaugh moved and Mr. Hughes seconded his motion, that the Commission recommend approval of the resubdivision of Lots 55 & 56 in Section 4, Holiday Hills Subdivision. All members present voted in favor..."

Planning Director Sullivan called attention to the attached plat, noting this location in relation to the entire neighborhood. Council Member Shank moved that the recommendation of the City Planning Commission be approved. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

A Planning Commission report, from its June 18th meeting, was presented:

"...Surveyor J.R. Copper told the Commissioners that Softcloth Car Wash plans to purchase a 1.57 acre parcel from Parkcrest Land Trust, located on the southeast side of N. Main Street and adjacent to a Seven-Eleven Store and Standard Parts, Inc. Utilities are available in North Main Street and curb and gutter exists on Main Street. An overall layout of 18 lots for 'Northfield Commercial' Subdivision was shown, and this request combines 2 lots into one. A future public street may be established on the upper side of Proposed Lot 1, by Parkcrest Land Trust, according to the preliminary site plan. Mr. Sullivan noted that this site plan was reviewed by the Commission in August 1985, when Parkcrest Land Trust wanted approval for two lots fronting E. Washington Street. The owners were reminded that they will be responsible for building and dedicating the street which runs from E. Washington to North Main Streets.

Mr. Trobaugh concluded the discussion with a motion for the Commission to recommend approval of Lot 1, Section 1, Northfield Commercial Subdivision. Mr. Heath seconded the motion which passed unanimously..."

Planning Director Sullivan called attention to the attached plat, as well as a map relating location of the parcel to North Main Street. He reiterated the fact that the request is for approval of the one lot which has water and sewer available. Council Member Rhodes offered a motion for the recommendation of the Planning Commission to be approved. The motion was seconded by Council Member Robinson

and adopted by a unanimous vote of Council.

City Manager Milam presented the following Planning Commission report from its June 18th meeting:

"...The Commissioners were shown a site plan and architect's sketch of a proposed 30,000 square foot law office building for Wharton, Aldhizer, Weaver Law Firm, to be built at 100 South Mason Street and on the north side of Newman Avenue. The Director noted that the site is zoned B-2 General Business and two existing apartment houses plus rented parking spaces will be renived. Also, the proposed plan will be reviewed by the Board of Zoning Appeals on July 14, 1986 due to setback problems on the east Water Street side and off-street parking requirements. City Staff doesn't feel East Water Street needs to be widened, but curb and gutter on East Water Street should be required to control storm water run-off.

Mr. Hughes moved for the Commission to recommend approval of the site plan for the proposed Wharton, Aldhizer and Weaver Law Office, with curb and gutter on the East Water Street side of the site. Mr. Rhodes seconded the motion which passed unanimously..."

Planning Director Sullivan presented a sketch of the proposed office building and proposed parking area, noting that the free parking on Water Street may be lost, with this development. Council Member Robinson moved that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

The following City Planning Commission report, from its June 18th meeting, was presented:

"...The Commissioners reviewed a proposed layout for two 6-unit apartment buildings, to be built by Jim Monger on an acre of land north of West Grattan Street. Mr. J.R. Copper showed a revised site plan which reflects City Staff's request for a second entrance-exit to the site. The first entrance is off West Grattan Street, between two existing apartment structures, while the second will come off an alley which runs from West Grattan to Lewis Street. A total of 42 off-street parking spaces are on the plan, 13 of which serve an existing 8-unit apartment building on West Grattan. A 15' paper alley crossing the site will have to be closed before the project can be constructed.

Mr. Rhodes moved and Mr. Hughes seconded his motion that the Commission recommend approval of the Monger Apartment site plan. The motion passed unanimously..."

Planning Director Sullivan presented a plat showing location of the proposed development in relation to Liberty Street, Grattan Street and the railroad tracks. He noted that inasmuch as the 15' alley has now been officially closed, with second reading of an ordinance earlier in this meeting, and property fee paid by Mr. Monger, he can now proceed with this type of arrangement, as set out in the report, if so approved. On motion of Council Member Shank, seconded by Council Member Rhodes, and a unanimous vote of Council, the recommendation of the Planning Commission was approved.

Vice-Mayor Dingleline suggested that inasmuch as Mr. Hal Finlayson's term on the Community Corrections Board (Diversionary Program) will expire as of June 30th, this be listed as an agenda item for an appointment of a representative of Harrisonburg, to be considered.

Council Member Robinson moved that a supplemental appropriation in amount of \$ 9,000, requested by the Transportation Director, in order to pay operating cost and meet payroll, be approved for second & final reading, a first reading having been approved on June 10th, and that:

\$ 9,000 chgd.to: Transportation Fund (4-1901.01) Recoveries & Rebates
1,500 approp.to: Transportation Fund (4-5101.01) Electricity
7,500 approp.to: Transportation Fund (3-1001.06) Dispatchers

The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous recorded vote of Council.

Vice-Mayor Dingleline moved that a supplemental appropriation in amount of \$ 2,220.68, requested by the Parks & Recreation Director in order to recover funds for insurance reimbursement on damaged vehicles and rental of city owned land, be approved for second & final reading, a first reading having been approved on June 10th, and that:

\$2,220.68 chgd.to: General Fund (1901.01) Recoveries & Rebates
720.68 approp.to: General Fund (7101-3004.03) Maint. & Rep.-Auto Equip.
1,500.00 approp.to: General Fund (7101-3004.04) Maint. & Rep.- Bldgs. & Grnds.

The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

Council Member Robinson moved that a supplemental appropriation in amount of \$ 16,360 to appropriate Workers' Compensation Insurance dividends, be approved for second & final reading, a first reading having been approved on June 10th, and that:

\$ 16,360 chgd.to: General Fund (4101.01) Recoveries & Rebates
16,360 approp.to: General Fund (9103-5308.01) Ins. & Bond Premium- Gen.Liab.

The motion was seconded by Council Member Rhodes, and adopted by a unanimous recorded vote of Council.

Council Member Rhodes moved that a supplemental appropriation in amount of \$ 26,627.21, requested by the Transportation Director in order to use funds in a Reserve Account to meet the payroll for the remainder of the current fiscal year, be approved for second & final reading, a first reading having been approved on June 10th, and that:

\$ 26,627.21 chgd.to: Transportation Fund - Res.for Depreciation
20,000.00 approp.to: Transportation Fund (1-3004.05) Maint. & Rep.-Transit Bus
6,627.21 approp.to: Transportation Fund (4-5810.01) Depreciation

The motion was seconded by Council Member Shank, and adopted by a unanimous recorded vote of Council.

Council Member Shank moved that a supplemental appropriation in amount of \$ 2,815.61, requested by the Police Chief in order to return reimbursed expended funds and to receive funds from sale of unclaimed bicycles, and other supplies, be approved for second & final reading, a first reading having been approved on June 10th, and that:

\$ 2,815.61 chgd.to: General Fund (1901.01) Recoveries & Rebates
2,815.61 approp.to: General Fund (3101-5400.01) Other Mat. & Supplies

The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous recorded vote of Council.

City Manager Milam reminded Council that the School Board had turned over to the City, properties which had been purchased by the City on the south side of West Bruce Street a number of years ago, under a plan to acquire all available properties on that side of the street for use by the Schools. He called attention to a map setting out location of Lots 10-11-12, and noted that inasmuch as the Lineweaver Land has been purchased as the site of a middle school, the Bruce Street lots are no longer needed, and can be sold and placed back on the City's tax base. He asked Council's guidance with regard to sale of the properties, insofar as sealed bids, or otherwise. Mayor Green noted that some of the baseball people, as well as some county people, have expressed reservations concerning sale of the properties, because of the area being used for parking for games, etc. It was agreed that the matter be deferred until the next regular meeting, and the City Manager was asked to make some contacts to determine parking needs.

Council was reminded that the lease on quarters in the Sipe House (301 S. Main St.), occupied by the Harrisonburg/Rockingham Historical Society, expires as of June 30th, which lease has been renewed on a year-by-year basis. Vice-Mayor Dingledine said he had been in contact with the Society and was informed that the organization may be moving to a new location in two years. A desire has been expressed for the lease to be renewed at least for the next couple of years for use of the present space. City Manager Milam noted that a sizable amount of money has been spent in repairs to the property which houses the Historical Society in the front portion of the first floor, and the second floor. The Fire Chief's Administrative Offices are located on the ground floor. Vice-Mayor Dingledine moved that the lease for Harrisonburg/Rockingham Historical Society be renewed for one year, expiring June 30, 1987. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

City Manager Milam reported that sealed bids for city insurance, for period 7/1/86 - 7/1/87, were opened in his office on the 23rd day of June, 1986, at 11:00 a.m. The bid offer had solicited for: Workers' Compensation; Fleet-Auto Liability; Comprehensive General Liability; Fire Insurance; Contractor's Equipment; Computer Insurance; Money & Securities - Broad Form; Umbrella Excess Liability; Honesty Blanket Bond and Health Care. Bids were received, as follows:

Shomo & Lineweaver Insurance Co. - The Travelers Insurance Co.

Proposal No. 1

Fire Insurance, Contractor's Equipment, HEC - Computer, Money & Securities, Automobile Liability & Physical, and Comprehensive General Liability (based on \$1 million)

Estimated Annual Premium, payable in 10 monthly installments

\$329,756

(Exclusions: Law Enforcement Activities; Athletic Participants, Pollution & Volunteer Firemen)

Proposal No. 2

Fire, Contractor's Equipment, Computer Insurance, Money & Securities - Broad Form

Estimated Annual Premium, payable in 10 monthly installments

\$ 65,655

Virginia Municipal Liability Pool (VML)

Based on \$1 million CSL:

Auto Liability - total contribution

\$107,993

General Liability - total contribution

\$154,957

plus

40% surplus contribution for Auto Liability

\$ 43,197

40% surplus contribution for General Liability

\$ 61,863

Total Contribution

\$368,010

Based on \$2 million CSL:

Automobile Liability

\$152,030

General Liability

\$228,557

No bids received for Honesty Blanket Bond or Umbrella Excess Liability.

Shomo & Lineweaver Insurance Agency (Travelers)

Workers' Compensation - total premium for 1986-87

\$211,902

Long Term Disability @ \$ 9.77 per employee, unchanged from current year.

Blue Cross/Blue Shield of Virginia

Current Full Service Benefits with Dental - effective no later than 7/1/86

Employee only \$ 50.53

Employee and one minor 73.96

Employee and family 155.79

Carve-out 29.34

(Right to revise proposal if information changes)

Mr. Joe Morton, representing Shomo & Lineweaver Insurance Agency, and Mr. Bryan Yoho, representing the Virginia Municipal Liability Pool, were present, to discuss the bids and answer any questions Council may have. Manager Milam noted that based on a thorough review of all information, he would recommend as follows: that the City continue with current coverage for Worker's Compensation (1986-87) with Alexsis Risk Management Services (total premium, \$ 163,546); to enter the Program under the Virginia Municipal Self-Insurance Association for Automobile Liability and General Liability, based on \$1 million CSL with total contribution of \$ 368,010 plus \$100 membership fee; to accept Proposal No. 2 submitted by Shomo & Lineweaver (Travelers) with total premium of \$ 65,544; and to accept bid of Blue Cross/Blue Shield of Virginia for Health Care at rates submitted. Following discussion, Vice-Mayor Dingledine offered a motion for the following proposed resolution, as presented and read by the City Manager, to be approved, which motion upon being seconded by Council Member Rhodes, was adopted by a unanimous vote of Council.

WHEREAS, the City of Harrisonburg wishes to join with other political subdivisions to establish the Virginia Municipal Self-Insurance Association to create pools to jointly and cooperatively self-insure and to pool the separate risks and liabilities of the individual members pursuant to the

terms of Chapter 11.1 of Title 15.1 of the Code of Virginia; and

WHEREAS, through such Association, the City of Harrisonburg wishes to join with other political subdivisions to create the Virginia Municipal Liability Pool whereby members can jointly pool funds to provide the necessary anticipated financing for comprehensive general liability, automobile liability, and automobile physical damage; and

WHEREAS, such Pool must be, and is anticipated to be, licensed by the Bureau of Insurance of the State Corporation Commission prior to operating; and

WHEREAS, the anticipated responsibilities of the members of the Pool and the amount and terms of the coverage to be provided are set forth in the Member Agreement which is attached hereto;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Harrisonburg, in a meeting assembled on the 24th day of June, 1986:

1. The City of Harrisonburg certifies its intention to become a member of such Pool for three years beginning July 1, 1986 or as soon thereafter as the Pool becomes operational;
2. Such membership is contingent upon:
 - a. Certification of the Pool by the Commission
 - b. Final approval by the Associations' members' Supervisory Board, of the Member Agreement attached hereto and of the membership of the City of Harrisonburg.
 - c. Payment of \$ 368.010 for the first year contribution to the Pool pursuant to the quotation submitted to the City of Harrisonburg or such final amount as mutually agreed upon by the member and the Association or their respective designees.
3. It is recognized that members of the Pool may be required to pay additional assessments to the Pool and that in the event the Pool is in a deficit position which is not corrected, a member will be liable for any and all unpaid claims against such member.
4. City Manager Marvin B. Milam is authorized to do all things necessary to enable the City of Harrisonburg to become a member of the Association and the Pool, including, but not limited to execution of the Member Agreement.

APPROVED this 24th day of June, 1986.

Council Member Shank offered a motion for the draft of Membership Agreement to be approved, which includes payment of \$100 membership fee. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council. A motion was then offered by Vice-Mayor Dingledine for recommendations of the City Manager; with regard to acceptance of bid by Shomo & Lineweaver for Proposal No. 2; continued coverage with Alexsis Risk Management Services for Workers' Compensation; and bid of Blue Cross/Blue Shield of Virginia for Health Care, to be approved. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

✓ Attorney Holmes Harrison asked for some time with members of Council to discuss how the City intends to operate or deal with the cable franchise proposal, from this point forward.

At 10:10 p.m., on motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote, Council entered an executive session to discuss legal matters.

At 11:59 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened. There being no further business, the meeting was adjourned.

CLERK

MAYOR

Walter F. Beun

Tuesday, July 1, 1986

At a Reorganizational Meeting held in the Council Chamber today at 10:00 am there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingleline, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: Council Member Charles L. Shank.

The following Special Meeting Call, signed by all present, was presented:

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, July 1, 1986 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, Sec. 42 of the City Charter (by Court Clerk)
Dr. Walter F. Green, 3rd, Dr. Charles L. Shank*
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 & 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 Section 10-1-2(c)*
4. *Other matters*

The Clerk reported that she was in receipt of Oaths of Office, duly taken by Walter F. Green, 3rd and Charles L. Shank, and placed on file. Both were returned to Council for four year terms in the May 1986 election. Council Member Green said arrangements have been made, through the Clerk's Office, Court House, for Oaths to be administered in the future, for members of the Governing Body, in the

Office of City Clerk, rather than at the Court House.

Under Item 3 of today's agenda, "Re-organization of City Council (sections a through i), the following actions were taken:

✓ City Manager Milam entertained a nomination for Mayor of the City of Harrisonburg. Council Member Dingleline said he was privileged to nominate Dr. Walter F. Green, 3rd, for re-election as Mayor of the City of Harrisonburg for a 2-year term expiring 6/30/88, under Section 7 of the City Charter. The motion was seconded by Council Member Robinson, and adopted by a majority vote of Council Members present. Dr. Green, abstaining.

Mayor Green expressed appreciation for the support of members in his re-election, and proceeded to preside over the remainder of the meeting.

✓ Council Member Robinson moved that Dr. Raymond C. Dingleline, Jr. be re-elected to serve as Vice-Mayor of the City of Harrisonburg for a term of two years, expiring 6/30/88, under Section 7 of the City Charter. The motion was seconded by Council Member Rhodes, and adopted by a majority vote of Council Members present. Dr. Dingleline, abstaining.

✓ Council Member Rhodes praised Marvin B. Milam for his excellent performance as City Manager for the City of Harrisonburg, and contrary to the usual 2 year appointment, offered a motion that he be reappointed for a term of four (4) years, expiring 6/30/90. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council Members present.

✓ On motion of Vice-Mayor Dingleline, seconded by Council Member Robinson, and a unanimous vote of Council Members present, Mrs. N. Arlene Loker was reappointed as City Clerk for a term of two years expiring 6/30/88.

✓ Mayor Green reported that City Attorney Lapsley had submitted a letter, requesting that he not be considered for reappointment, due to his private law practice consuming much of his time, as well as other activities. He has consented, however, on request, to continue serving in that capacity until such time as a suitable replacement is made. The Mayor noted that Mr. Lapsley has had experience in working with the City for the past twelve years, and is aware of changes in the Virginia Law that affect the City of Harrisonburg.

✓ On motion of Council Member Robinson, seconded by Council Member Rhodes, and a unanimous vote of Council Members present, Mr. Philip L. Peterman was reappointed to serve as City Auditor for a term of two years, expiring 6/30/88.

✓ Based on a recommendation by the City Auditor, Council Member Robinson offered a motion for Mrs. Gloria Olivas to be designated to continue serving as Deputy City Auditor. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council Members present.

✓ Council was reminded that the present two year term of Delinquent Tax Collector, held by City Treasurer Beverly S. Miller, will expire as of December 31st of this year. Council Member Rhodes moved that Mrs. Miller be reappointed to serve as Delinquent Tax Collector for the City of Harrisonburg, beginning 12/31/86 and expiring 12/31/88. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council Members present.

✓ Vice-Mayor Dingleline stated that in view of the fine job Council Member Rhodes has done in representing Council on the City Planning Commission, he would offer a motion for Mr. Rhodes to continue serving in that capacity. The motion was seconded by Council Member Robinson, and adopted by a majority vote of Council Members present. Mr. Rhodes abstaining.

There being no further business, and on motion of Council Member Rhodes, seconded by Vice-Mayor Dingleline, and a unanimous vote of Council, the meeting was adjourned at 10:21 a.m.

CLERK

MAJOR



Tuesday, July 8, 1986

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingleline, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on June 24th were approved as corrected; minutes of the July 1st Re-organization Meeting, 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 June, 1986.

From the City Treasurer:

A trial balance report as of close of business on June 30, 1986.

From the Police Department:

A report of cash collected from street parking meters, \$ 6,713.59; Fines & Costs, \$ 2,026.55 for month of June, 1986.

From the City Auditor:

A report of cash discounts saved in payment of vendor's invoices for month of June, 1986, totaling \$ 235.39.

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, 1986.

Mr. Robert Wetsel, Chairman of the Salvation Army Advisory Board, was present in the meeting, as a follow-up of his letter of 7/3/86, along with the new Commanding Officer, Bruce Williams, and a representation of Board Members. He pointed out location of the new Army Headquarters on Ashby Ave., presently under construction, in relation to four city owned lots on the northeast side of Monroe Street, and made request to lease the lots for recreational purposes, at a nominal fee. Mr. Wetsel said water and sewer is available, and the Army desires to help beautify the City and offer some recreational activities. The area, with various types of recreational equipment and picnic tables, would be mowed and maintained by the Salvation Army. Mayor Green said he could see no reason why some arrangement could not be worked out, and City Manager Milam offered an opinion that with the prior closing of a portion of Monroe Street, it would be a good idea for the area to be used, and that it would be more economical to lease the lots for a nominal fee. Following discussion and on motion of Council Member Robinson, seconded by Vice-Mayor Dingledine, and a unanimous vote of Council, the request for use of the city owned lots by the Salvation Army was approved, and the City Attorney instructed to prepare a lease agreement between the City of Harrisonburg and the Salvation Army, setting out a nominal fee.

City Manager Milam presented correspondence of 7/2/86, addressed to the Mayor, from Mr. J. R. Copper, Land Surveyor, on behalf of Mr. Bernard Bolt, requesting vacation of a street and rezoning of 0.78 acres of land on Country Club Road and Country Club Court, from R-1 Residential to R-3 Residential. On motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous vote of Council, the request and attached plat were referred to the City Planning Commission for review and report.

For consideration of a second & final reading, an ordinance amending Section 13-1-60.01 of the Harrisonburg City Code was presented, to institute permit parking from 8 am to 8 pm on both sides of Beech Street from Grace Street to Ohio Avenue, both sides of Dixie Avenue from Chestnut Drive to High Street and both sides of Grace Street from Chestnut Drive to High Street. On motion of Vice-Mayor Dingledine, seconded by Council Member Robinson, 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 L, page 71)

It was agreed that appointments to various Boards & Commissions would be considered at the next regular meeting on July 22nd.

City Manager Milam presented the following reports submitted by Beverly S. Miller, City Treasurer:

Delinquent taxes at close of fiscal year ending 6/30/86:	
1982 Personal Property	\$ 4,367.71
Prior to 1982 - Real Estate	11,830.08
1983 Personal Property	5,066.11
1983 Real Estate	14,410.92
1984 Personal Property	7,041.41
1984 Real Estate	27,597.29

A revised list of delinquent taxes on Tangible Personal Property for year 1984 as required by Chapter 20, Sec. 58-978 of the Tax Code of Virginia.

A list of delinquent taxes on Real Estate and Tangible Personal Property for the year 1985 as required by Chapter 20, Sec. 58-978 of the Tax Code of Virginia, and Article 9, Sec.4-1-28 of the City Code.

Council Member Rhodes offered a motion for Council to accept the reports, which motion upon being seconded by Council Member Shank, was adopted by a unanimous vote of Council.

At 8:15 p.m., on motion of Council Member Rhodes, seconded by Vice-Mayor Dingledine, and a unanimous vote, Council entered an executive session to discuss real estate and personnel.

At 10:43 p.m., on motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous vote of Council, the executive session was closed and the regular session reconvened. There being no further business, the meeting was adjourned.

CLERK

MAYOR

Tuesday, July 22, 1986

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Norvell A. Lapsley; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingleline, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman. Absent: Police Chief Richard W. Presgrave. (sitting in for the Chief, Captain Stroble).

Minutes of the regular meeting held on July 8th, approved as read.

✓ Ms. Diane Gray, Director of the Gemeinshaft Home, introduced a representation of Board Members, also present in the meeting. She reported that the Home, situate at 1431 Mt. Clinton Pike, is a private, non-profit home, designed to provide a Christian disciplined and supportive environment for people from our community, returning from, or being diverted from prison. The Home, staffed by four individuals, with accommodations for 8 to 10 residents, is operated by rules and regulations, with counselling provided for the residents, and assistance in employment placement. Individuals who have committed any violent crime, are not accepted in the Home, and the average proposed time of residency is 3 to 6 months. A screening committee determine the status of those who have resided in the Home. Funding is through residents' employment earnings, as well as pledges and contributions, with no local funds involved. Mayor Green expressed appreciation for the report.

✓ Mr. James Barnes of 315 N. Dogwood Drive, appeared before Council to report concerning problems which exist at 536 Green Street and 536½ Green St., situate in the rear. The property, rented by the Fred Knights, presently has a number of occupants, including children and dogs. Neighbors in the

vicinity are plagued daily with loud music, cursing, fighting and the barking of dogs, at all hours. Constant calls to the police are answered, with some arrests made, after which the disturbances always continue as before. Mr. Don Cook of 311 N. Dogwood Drive, substantiated the remarks and asked for some relief, other than calls to the police. City Manager Milam said it appears that the residence is in violation of the city's zoning, with regard to occupancy. He noted that the situation would be investigated by the Building/Zoning Official's Office. Captain Stroble reported approximately eleven arrests, from calls received, and noted that an officer answers each and every call. Mayor Green suggested that the City Manager direct some representatives, either from the Building/Zoning Office, or Police Department, to meet with the neighbors for a determination of what can be done to relieve the situation.

✓ City Engineer Wilcox presented a proposed agreement between the City of Harrisonburg and the Soil Conservation Service, for repairs to sites 22 and 81C, Lower North River Watershed, resulting from hurricane damages. The agreement shall remain in effect until 9/30/86; following signed approval of both the City and SCC. It may be renewed each fiscal year, until the purposes of same are complete. Mr. Wilcox informed Council that the Agreement provides for the SCC to provide necessary technical assistance for the repair work, at no cost to the city. The city will be in communication with the SCC concerning the repairs. If the city does not institute the agreement, Mr. Wilcox said it would have to assume responsibility for the cost and repairs at the mountain. He stated no problem with the agreement, in its modified form. Following a brief discussion, Vice-Mayor Dingleline offered a motion for the agreement to be approved, with authorization for the Mayor to sign same on behalf of the City of Harrisonburg. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

✓ City Engineer Wilcox reported that in October, 1974, the city obtained a Special Use Permit from the Forest Service, to use lands in the National Forest. The area of 90 acres is being increased to 96½ acres, in order to provide area for repair of roads. He presented a new permit for the Skidmore Fork/Switzer Dam, updating the current permit. Mr. Wilcox noted a clause in the agreement, providing the Holder of the permit (city) to be liable for injury, loss or damage resulting from the authorization, regardless of the Holder's fault or negligence, with liability not to exceed \$1 million. Spraying of pesticides in the area is prohibited by either the city or Forest Service. A chain link fence will be erected by the city above the emergency spillway high wall area, and Mr. Wilcox noted that other repairs are needed. On motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote of Council, the Mayor was authorized to sign the permit on behalf of the City, which permit will expire 12/31/86.

✓ The following Planning Commission report from its July 16th meeting was received by Council:

"...A preliminary site plan for Sarco's Corporation's 72 acres of M-1 Industrial property was shown to the Commissioners. Twelve parcels, served by a circular street layout, would be available for industrial or business uses. Mr. Mike Sarco has purchased additional land from Valley Church of Christ in order to construct a public street from Virginia Avenue to his 72-acre site which is located on the east side of the Norfolk-Southern railroad. Mr. Sarco told the Commissioners that he is considering some redesigning of the preliminary plan before submitting a final subdivision plat.

The Director showed an overall map of north Harrisonburg to the Commissioners, relating the Sarco property to Park View, North Liberty and North Main Streets, the proposed extension of Mt. Clinton Pike, and its future connection with North Main and Vine Streets. He also pointed to the possibility of extending a road through the Sarco tract eastward across William Heatwole's property, the Martin Eby property, and Edward Moore's property which fronts on N. Main. Mr. Sarco reported that he sees merit in such a proposal and will likely change his preliminary plan to reflect this idea. He also stated that the Norfolk-Southern Railroad needs a statement from the City indicating its support for his access road becoming a public street which will cross the railroad tracks 600' east of Virginia Avenue.

Mr. Hughes moved that the Commission endorse the proposed public street to be built by Mr. Sarco, from Virginia Avenue to and across the Norfolk-Southern Railroad, approximately 600' long and between Valley Church of Christ and E. Clayton Shank's property. Mr. Heath seconded the motion, adding that a 50' radii be required on the tie-in intersection with Virginia Avenue and the road be curbed and guttered with 40' pavement. All members voted for this motion..."

Planning Director Sullivan reviewed the preliminary site plan with Council, setting out location of the proposed street. He noted that Mr. Mike Sarco needs an extra amount of land from The Valley Church of Christ, and has agreed to develop the street. The Commission feels that the road from Sarco should extend eastward across the William Heatwole, Martin Eby and Edward Moore properties, tying in with North Main Street, in order that traffic from Virginia Avenue and North Liberty Street to Main, may be relieved. Mr. Sullivan noted that Mr. Eby is dedicating land for the street and the Heatwole property is subject to being divided and sold into industrial tracts, although nothing has been put into writing. The Planning Commission is recommending that the street be a public street with curb, gutter, storm drainage, etc. The church desires that its gravel approach to the parking lot be tied in with the present gravel road. Mr. Sarco has to determine how valuable the development will be, prior to any action with regard to a final plat. City Engineer Wilcox pointed out that the road ends at the railroad. If no permission is given Mr. Sarco to build a crossing, Mr. Wilcox doubts that the city would want to build a crossing and without this, he said that the road "goes nowhere." He suggested that Council approve the concept, with agreement that the matter of a crossing be taken up, at no cost to the city. City Manager Milam made reminder that plans are only preliminary, with action concerning the street, necessary, in order that the developer may proceed with certain rights-of-way, etc. Following discussion, Council Member Rhodes offered a motion for the recommendation of the Planning Commission, endorsing the proposed public street, to be approved. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

✓ Mr. Cecil Gilkerson, Director of Parks & Recreation for the City of Harrisonburg, explained for Council, proposed plans by the Department of Military Affairs, for an addition to the south side of the William G. Myers Armory on South Willow Street, and said the Commission had opposed the addition to that side, with preference to the north side, in that utilities are located there, and the addition would not infringe upon the city's tennis courts. He noted that suggestion has been made for a new armory to be constructed at another location, in that the present building is landlocked between

school property and recreation land. Mr. Gilkerson said that although the proposal for an addition has not been too well received, the main problem at the present time is a proposal to remove the bleachers from the Assembly Hall, which seats approximately 540 people, in that it is considered too large. With removal of the bleachers, the space is proposed for table and chair storage, with open space above. This arrangement would come almost to the edge of the basketball court. Under the proposal, 2 10' wide locker room would be constructed, with restrooms across the Assembly Hall. The Director pointed out that all league play has been held in the Armory, in order to permit open play at the Community Activities Center, and noted many other uses of the area (i.e. flood relief, programs, etc.) Since 1954, when the Armory was constructed, and turned over to the Recreation Dept. for its use, in conjunction with the National Guard Unit for meetings, etc., Mr. Gilkerson noted a total amount of \$ 422,687 spent in personal services and operating expenses, as well as \$ 15,550 in capital outlay. An estimated amount of \$ 262,536, submitted by the City Engineer, includes cost for public works at the site, net value of land donated by the City to the National Guard, and construction cost for two classrooms and storage space. Mr. Gilkerson presented and read the following recommendation, approved by the Harrisonburg Parks & Recreation Commission, at a meeting held on July 14, 1986, concerning proposed addition/alterations to the Harrisonburg Armory, and asked that Council endorse the Commission's stand on the issue:

Robert Dinsmore, Chairman, made the motion on behalf of the Parks and Recreation Commission, that they go on record as being opposed to eliminating the bleachers on the south side of the Armory and opposing any additions to the interior of the existing assembly hall, and for city officials to take appropriate action necessary to resolve this situation.
Seconded by Darla LePera. Motion passed unanimously.

City Manager Milam referred to correspondence from Col. William Timberlake, requesting a reply from the city by August, concerning the proposal, and suggested that Council endorse the Commission's recommendation and send this on as the city's answer. On motion of Vice-Mayor Dingleline, seconded by Council Member Robinson, and a unanimous vote, Council endorsed the recommendation of the Parks & Recreation Commission.

✓ For consideration of a first reading, City Attorney Lapsley presented an ordinance amending Section 6-2-9 of the City Code entitled: "Accumulation of junk, rubbish or garbage on premises in open view." He called attention to paragraphs d and e, added to the previous wording, with violations considered a Class I misdemeanor:

(d) It shall be unlawful for any person to place or leave, on any property in the city, any dilapidated furniture, appliance, machinery, equipment, building material or other item, which is either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition and which is not completely enclosed within a building or dwelling. Any such item which remains on the property of any occupant for a period of ten (10) days after notice of violation of this section shall be presumed to be abandoned and subject to being removed from the property by the city without further notice.

(e) This section shall not apply to licensed junk dealers or establishments engaged in the repair, rebuilding, reconditioning or salvaging of equipment.

Council Member Rhodes questioned paragraph (e) in that it exonerates licensed junk dealers and establishments from any regulation, and offered an opinion that it may be well for a time limit to be considered for junk or rubbish to be left in open view. He offered a motion for the ordinance to be approved for a first reading, as amended to include a time limit, with ordinance referred back to the City Attorney to be redrawn, upon determination of a time period for junk dealers and establishments. The motion was seconded by Council Member Shank, and adopted by a unanimous recorded vote of Council.

✓ For consideration of a first reading, the City Attorney presented an ordinance re-enacting and amending Section 16-6-58 of the City Code entitled: "Weeds, etc., on lots." He noted that the ordinance authorizes the City Manager to investigate, in conjunction with the Police Department, nuisance situations with regard to grass, weeds, brush and other foreign growth, at a height of 15" or more, on any land or premises within the city, including the area in front of such land or premises extending to the curb line, which presents any threat to the health, safety or general welfare of residents in the city. Notice would be given property owners of the situation and ordered to remove same within five (5) days. If not complied with, the work would be done by city forces or by contract, with cost billed the owner. If bill is not paid within a 30-day period, the amount would be forwarded to the Office of City Treasurer, to be added to the next regular tax bill of the property owner. It was suggested that the words "or general welfare" be added in paragraphs b and e, following the words health, safety. Council Member Shank moved that the ordinance be approved for a first reading, with suggested word additions, and referred back to the City Attorney to be redrawn. The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

✓ For information, the City Manager presented a report from the Building/Zoning Office, concerning actions which have been taken re the following properties in the city:

330 Kelley Street property in a state of deterioration due to age and neglect: notified owner by letter dated 7/15/86.

437 Kelley Street property was in the process of being rehabilitated and half-way through, the rehabilitation project stopped: owner of record notified by letter dated 7/15/86.

510 Kelley Street general condition of property structure: first correspondence sent to owner of record on 5/21/86 (no response). Second correspondence by certified mail 7/16/86.

400 Kelley Street (Harris Pool) -Following an inspection it was determined that: (1) property is secured from trespass by a stable cyclone fence, topped with barbed wire - entrance gate padlocked. Security measures appear adequate. (2) city forces have cut undergrowth along the Kelley Street frontage of the fence and found no debris on outside of fence. Undergrowth has been cut between Kelley Street and the Simms School property to the north - the school site has been well mowed and maintained about 3 feet of the rear fence line. Some attention needed along fence lines: (3) premises inside fencing is now in need of some attention due to debris within the fence along Kelley Street and considerable broken glass and clutter around the pool itself. Owner prepared to drain stagnant water from pool floor and provide drainage ditching - R & H Authority has some interest in purchase of the land.

536 Green Street - dwelling in violation of the Statewide Building Code in that the single family home has been converted into 3 apartments within the past 16 months. Owner of Record notified by

certified mail 7/17/86. Manager Milam noted that work will be continued on this particular location, which had been discussed earlier in this meeting by residents in the area.

City Manager Milam informed Council that he had received request from Mr. Lance Braun of Skyfire Pyrotechnical Displays Unlimited of Dayton, Va., for permission to hold fireworks displays on the following three dates: September 1st at Valley Mall, 9:30 p.m. for Labor Day Sales Promotion; September 6th, 9:30 p.m. at James Madison University, following football game, and on October 4th, 10:00 p.m. following the concert for parents' weekend. Manager Milam noted that permission had been granted by Council over the past few years for displays at the requested events, and Captain Stroble noted no problems. Arrangements will be made through the police department as well as fire and rescue, for traffic control and standby in the event of any emergency. On motion of Council Member Robinson, seconded by Vice-Mayor Dingledine, and a unanimous vote of Council, the request was granted for the three fireworks displays.

Vice-Mayor Dingledine called attention to a letter suggesting that localities participate in the Bicentennial of the United States Constitution, with various events to be held on the national level. He noted that in order to participate, a Bicentennial Commission has to be established, which could be done jointly by the city and county. He offered an opinion that it would be appropriate for the city to participate. Mayor Green asked the Vice-Mayor if he would be willing to make some contacts insofar as coordinating the venture, to which he consented.

At 9:30 p.m., on motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote, Council entered an executive session to discuss real estate and personnel.

At 11:07 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened.

Inasmuch as Council had held a public hearing on June 24th concerning two vacancies to be created on the City School Board by the expiration of first terms of Messrs. James Messner and James Wampler, Mayor Green asked members' wishes concerning appointments. Council Member Robinson offered a motion for Messrs. Messner and Wampler to be reappointed for second terms of three (3) years each, expiring June 30, 1989. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

Council was reminded that the second term of Mr. Billy Walton on the Harrisonburg Industrial Development Authority had expired on April 24, 1986, and the Mayor asked members' wishes concerning an appointment. Council Member Shank offered a motion for Mr. Gerald A. Hopkins of 336 Par Lane, Harrisonburg, to be appointed to a first term on the Authority of four (4) years, expiring April 24, 1990. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

Mayor Green asked members' wishes concerning an appointment to the Harrisonburg Welfare Board, inasmuch as Mr. Menefee's second term had expired as of June 30, 1986, rendering him ineligible for reappointment. Vice-Mayor Dingledine moved that Mr. Jack Neff of 165 Maryland Avenue, Harrisonburg, be appointed to a first term of four (4) years, expiring June 30, 1990. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

It was noted that with the expiration of Mr. Hal Finlayson's term as of June 30th as a representative of the City of Harrisonburg on the Community Corrections Board (Diversionary Program), appointment of a representative should be considered. Vice-Mayor Dingledine offered a motion for Mr. James W. Gilkeson, Jr. of 1045 South Dogwood Drive, Harrisonburg, to be appointed to the Board for a term of one (1) year, expiring June 30, 1987. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

There being no further business, the meeting was adjourned.

CLERK

Walter F. Green, Jr.
MAYOR

Tuesday, August 12, 1986

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingleline, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank and City Auditor Philip L. Peterman. Absent: Chief of Police Richard W. Presgrave. (sitting in for the Chief, Capt. Stroble).

✓ On motion of Vice-Mayor Dingleline, seconded by Council Member Robinson, and a unanimous vote of Council, Attorney Earl Q. Thumma, Jr. was appointed to a two year term as City Attorney for the City of Harrisonburg, expiring 6/30/88. Following his appointment, Mr. Thumma took his place at the Council table to assume his duties as City Attorney.

Minutes of the regular meeting held on July 22nd were approved as read.

The following 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, 1986.

From the City Treasurer:

A trial balance report as of close of business on July 31, 1986.

From the Police Department:

A report of Fines & Costs, \$ 2,413.50; Cash collected from street parking meters, \$ 6,540.74; Total cash paid on accounts and turned over to Treasurer, \$ 8,954.24, for month of July, 1986.

From the City Auditor:

A report of cash discounts saved in payment of vendor's invoices in total amount of \$ 437.51, for month of July, 1986.

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 July, 1986.

For information, City Manager Milam called members' attention to their copies of the Annual Report for 1985-86, submitted by the Harrisonburg Department of Social Services.

✓ Mrs. Nancy Crider of 350 Maryland Avenue, presented a petition signed by 66 property owners on Maryland Avenue and other sections of Sunset Heights area, concerning property situate at 341 Maryland Avenue, which recently suffered fire damages. Consideration of Council was requested to see that the dwelling, when renovated both inside and out, is done in such a manner as to lend itself to the residential neighborhood, with future rental in compliance with the R-1 zoning, as a single family residence. Mrs. Crider, serving as spokeswoman for the petitioners, noted no known address for the property owner, but said that tax statements are forwarded to Mr. Lowell Miller, realtor. The surrounding neighborhood is subjected to the dilapidated appearance of the dwelling; many residents moving in and out (as many as 4 unrelated persons at one time); loud parties and music; barking of dogs; motorcycles; vulgar language, etc. all hours of the night. Mrs. Thelma Branch of 340 Maryland Avenue, said that her property faces the dwelling, and spoke of pipes extending from the roof, 6 - 8' in height. She questioned how permission was acquired for this, and pointed out that there is no property owner to "dress down." No response has been received from Mr. Miller concerning complaints registered. She offered an opinion that a chimney should be required when the dwelling is renovated. Mayor Green gave assurance that the situation would be investigated, and asked the City Manager to pursue the matter through proper channels.

✓ Mr. Jim Deskins, Executive Director of the Harrisonburg Redevelopment & Housing Authority, was present in the meeting, along with a representation of Authority members. He introduced Messrs. Tom Flynn and T.C. Strader, representatives of the Consulting Firm of Zuchelli, Hunter & Associates, Annapolis, Md., who have been working in the city over the past few months, conducting an Economic and Market Analysis Study of the Central Business District. They presented an indepth review of their findings with regard to needed improvements to the downtown business core, which is complemented by location of the Court House, as to the Residential Market; Retail Marketing; Office Marketing and Hotel Marketing. They spoke to the need of more residential housing, with space available in the downtown area which could be considered; a need to consider office conversion in the retail space, due to the decline of the downtown businesses which have not returned; the possibility of a hotel in the downtown area which would be a drawing card for commercial types of business, tourists, group travel and other oriented projects; the possibility of a Conference Center near the hotel, as well as a Cultural Arts Center. Both Messrs. Flynn and Strader said they were very much impressed with the city's downtown and its improvements, noting a great potential for it to be created as an Activities Center. Each member of the governing body was presented with a copy of the "Downtown Market and Development Programming Study" as prepared by the firm. Following the open presentation, request was made to further discuss the matter in an executive session with Council concerning real estate acquisition. When Vice-Mayor Dingleline asked how universities fit in with proposals such as this, he was advised that JMU is very important to Harrisonburg, and would add greatly to the downtown plan through activities which would be offered. Mayor Green said that Council would be meeting in executive session later this evening, at which time this matter could be continued.

✓ Vice-Mayor Dingleline reported to Council that he had met with Mr. Tim Hulings, Chairman of the Rockingham County Board of Supervisors, with regard to the possibility of a joint venture as participants in the 1987 Bicentennial of the United States Constitution. It was agreed that a ten member Commission should be appointed by the governing bodies (5 from the county and 5 from the city), with the Commission responsible for appointing its Chairman and Vice-Chairman. He presented the following names, and offered a motion that they be appointed to serve on the Commission:

Dr. Martha B. Caldwell, 216 Governor's Lane
Mrs. Eleanor Canter, 456 Ott Street
Mrs. Mary Fairfax, 431 E. Gay Street
Mr. David J. Hatmaker, 417 Monticello Ave.
Mr. Samuel L. Horst, 857 Old Furnace Rd.

The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

✓ Mayor Green noted that request had been received from the Virginia Commission on the Bicentennial of the United States Constitution, for September 17, 1987 to be proclaimed as "United States Constitution Day" in cities throughout the state. On motion of Vice-Mayor Dingleline, seconded by Council Member Robinson, and a unanimous vote of Council, a Proclamation will be prepared, with copy forwarded to the Virginia Commission.

✓ For consideration of a second & final reading, City Manager Milam presented an ordinance amending Section 6-2-9 of the City Code entitled: "Accumulation of junk, rubbish or garbage on premises in open view", which ordinance had been approved for a first reading on August 12th. Council Member Rhodes noted that an amendment to paragraph (e) with regard to setting a time limit on junk dealers and establishments engaged in repairs, etc. to equipment, had not been dealt with in wording of the second writing of the ordinance. The ordinance was then referred to City Attorney Thumma, with request that he contact former City Attorney Lapsley concerning proper revision of the ordinance.

✓ For consideration of a second & final reading, an ordinance amending Sec. 16-6-58 of the City Code, entitled: "Weeds, etc. on lots" was presented. Following review of the ordinance, noting the addition of words "or general welfare" under paragraphs b and e, as well as extension of time from 5 days to 10 days for removal of trash, garbage, refuse, litter and other similar substances, Council Member Rhodes offered a motion for the ordinance to 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 Council Member Robinson, and adopted by a unanimous recorded vote of Council. (Ord. Bk L page 72).

✓ On motion duly adopted, Council accepted the resignation of Mr. Edward F. White as a member of the Harrisonburg Redevelopment & Housing Authority, effective September 1, 1986, in that he is moving outside the city.

✓ City Manager Milam presented a lease agreement which had been prepared, between the City of

Harrisonburg and the Salvation Army, for use of city owned lots on the northeast side of Monroe Street for recreational purposes. The lease would be for a one year period, subject to annual renewals, with consideration of the lease as \$ 1.00. During a brief discussion, it was suggested that the city be included under paragraph 6, along with the Army, with regard to liability. Mayor Green asked City Attorney Thumma to contact former City Attorney Lapsley, insofar as amendment to the Agreement. Planning Director Sullivan, a member of the Salvation Army Board, expressed appreciation for the Agreement, and noted that signing of the document by an Army official, was pending approval from Headquarters.

✓ Council Member Robinson commended Parks & Recreation Director Gilkerson, for his supervision in clean-up of the building in rear of the City School Board Offices. The building was in a deplorable condition and is used for storage by the Recreation Department.

At 9:10 p.m., on motion of Council Member Shank, seconded by Council Member Rhodes, and a unanimous vote, Council entered an executive session to discuss real estate, personnel and legal matter.

At 11:35 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened. There being no further business, the meeting was adjourned.

CLERK

Walter F. Green, Jr.
MAYOR

At a regular meeting of Council held in the Council Chamber this evening at 7:30, there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingleline; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; 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 corrected.

City Manager Milam presented correspondence from Charlotte Showker and Lester Steele, requesting Council's consideration in the closing of a 10' alley situate between their properties on Franklin Street. He called attention to the attached plat, showing location of the alley in relation to the properties, and noted that he had made the requestors aware of the procedure for an alley closing request, including payment of a required filing fee to process same through a Board of Viewers, public hearing, etc. On motion of Vice-Mayor Dingleline, seconded by Council Member Robinson, and a unanimous vote of Council, the request was referred to the City Planning Commission for review and report.

On motion of Council Member Shank, seconded by Council Member Rhodes, and a unanimous vote of Council, the following Resolution was approved:

WHEREAS, Walker Manufacturing Company is celebrating its 25th Anniversary on Friday, September 19, 1986; and

WHEREAS, Walker Manufacturing has been an outstanding industry in the County of Rockingham, and in the City of Harrisonburg since its annexation into the City in 1983, specializing in Automotive Exhaust Systems; and

WHEREAS, the Industry is of inestimable value, both in economic and civic benefits to this area, to its individuals, organizations and businesses; and

WHEREAS, Walker Manufacturing continues to operate as an Industry in the City of Harrisonburg,

NOW, THEREFORE, BE IT RESOLVED that I, Walter F. Green, 3rd, Mayor of the City of Harrisonburg, on behalf of the Harrisonburg City Council, extend heartiest congratulations to WALKER MANUFACTURING COMPANY on its 25th Anniversary, September 19, 1986.

Mayor

City Manager Milam called members' attention to their copies of documents which had been mailed earlier, concerning the proposed issuance of \$ 21,600,000 revenue refunding bonds by the Harrisonburg Redevelopment & Housing Authority to provide financing for Country Run Apartments, Ltd., in Prince William County, Virginia. Attorney James Sipe noted that the following five exhibits had been provided, as mentioned by the City Manager: July 16 Resolution of the R & H Authority; Certificate of Publication; Record of Public Hearing; Fiscal Impact Statement and proposed City Council Resolution. He noted that the amount of \$ 21,600,000 represents one-half of the \$ 41,000,000 Multi-Family Housing Revenue Bonds for Country Run Apartments Project, approved in December, 1985, with entire proceeds to be used as a refund of the total issue, in order to assist the Developer in financing the acquisition and construction of a portion of a multi-family residential rental project of approximately 796 units to be located at the intersection of Horner Road and Botts Avenue in Woodbridge in Prince William County, Virginia. The following proposed Resolution was presented for Council's consideration of approval:

WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the "Authority") has held a public hearing on July 16, 1986, regarding the issuance by the Authority of its revenue refunding bonds in an amount not to exceed \$ 21,600,000 (the "Bonds"), all of the proceeds of which will be used to refund a portion of its \$ 41,000,000 Multi-Family Housing Bonds (Country Run Apartments Project), Series 1985A, issued on December 31, 1985, to assist Country Run Apartments, Ltd. (the "Developer"), in the financing of the acquisition and construction of a portion of a multi-family apartment project of approximately 796 units to be located at the intersection of Horner Road and Botts Avenue in Woodbridge in Prince William County, Virginia (the "Project"); and

WHEREAS, the Authority has recommended that the City Council of the City of Harrisonburg, Virginia (the "City Council"), approve the issuance of the Bonds to comply with Section 103(k) of the Internal Revenue Code of 1954, as amended (the

"Code"); and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, a record of the public hearing and a "fiscal impact statement" with respect to the Project have been filed with the City Council,

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

1. The City Council approves the issuance of the Bonds by the Authority for the benefit of the Developer to the extent required by Sec. 103(k) of the Code to permit the Authority to assist in the financing of the Project.
2. The approval of the issuance of the Bonds, as required by Sec. 103(k) of the Code does not constitute an endorsement of the Bonds or the creditworthiness of the Developer, but, as required by Section 36-29 of the Code of Virginia of 1950, as amended, the Bonds shall provide that the Bonds shall not be a debt of the City of Harrisonburg, Prince William County, the Commonwealth of Virginia or any political subdivision thereof (other than the Authority) and neither the City of Harrisonburg, Prince William County, the Commonwealth of Virginia nor any political subdivision thereof (other than the Authority) shall be liable thereon, nor in any event shall the Bonds be payable out of any funds or properties other than those of the Authority specifically pledged thereto. The Bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.
3. This resolution shall take effect immediately upon its adoption.

ADOPTED and APPROVED this _____ day of _____, 1986.

Mayor

Atteste:

Clerk

With the understanding that all was in order for approval of the Issue, Vice-Mayor Dingledine offered a motion for the Resolution, as presented, to be approved, with authorization for the proper officials to sign the same. The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

For Council's consideration of approval, the following proposed Resolution was presented and read:

WHEREAS, the City Council of the City of Harrisonburg, Virginia (the Council) approved an industrial development bond financing on behalf of Wharton, Aldhizer & Weaver (the Applicant) on October 7, 1985 for the construction of an office building to be located on Mason Street; and

WHEREAS, the Applicant has determined that it was necessary to relocate the project approximately one block south on Mason Street; and

WHEREAS, such relocation is an insubstantial change in the Project,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia, that the City Council's prior approval of this Bond Project shall extend to the project as relocated.

Attorney George H. Roberts, Jr. informed Council that in 1985 when the Bond Issue was approved, plans were to relocate the office building on either the United Virginia Bank or Dominion Bank properties located on Mason Street. Since then, arrangements were made to acquire the Richard Chew property located approximately one block south of United Virginia Bank and across Mason Street from Dominion Bank. He noted that under the Federal Tax law relating to Industrial Development Bonds, insubstantial variations in the original notice and approval, will not adversely affect an issue of Bonds, but Council's concurrence of the relocation is necessary. Council Member Rhodes offered a motion for the Resolution to be approved, with authorization for the Clerk to certify said action. The motion was seconded by Council Member Shank, and adopted by a unanimous recorded vote of Council.

The following proposed Redolution was presented for Council's consideration of approval:

WHEREAS, on July 18, 1984, the President of the United States signed into law the Deficit Reduction Act of 1984 ("Act") which placed certain limitations on the volume of Private Activity Bonds to be issued by any state; and

WHEREAS, pursuant to the authority vested in him pursuant to the Act, the Governor of Virginia issued Executive Order 54(85)(Revised) ("Order") providing a formula for the allocation of the State Ceiling, as defined in the Order; and

WHEREAS, the Order authorizes the City Council of the City of Harrisonburg, Virginia ("City Council") to allocate the portion of the State Ceiling to the issuing authorities within the City of Harrisonburg, Virginia ("City"); and

WHEREAS, the City Council now desires to allocate \$1,000,000 of its \$1,957,500 portion of the State Ceiling to the Industrial Development Authority of the City of Harrisonburg, Virginia ("Authority") for the benefit of Sierra Manufacturing Company of Virginia, Inc.,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

1. The City Council hereby allocates \$1,000,000 of its \$1,957,500 portion of the State Ceiling on private activity bonds to the Authority for the benefit of Sierra Manufacturing Company of Virginia, Inc. to cover a \$1,000,000 industrial development revenue bond to be issued by the Authority, the proceeds of which are to be used to finance the construction and equipping of an addition to an existing facility for the manufacture of wood stoves.
2. This Resolution shall take effect immediately upon its adoption.

ADOPTED and APPROVED this _____ day of _____, 1986.

Clerk

Attorney George H. Roberts, Jr., explained that inasmuch as allocation was not available for this small business project last year, the Governor's Office was contacted, with approval granted for this special allocation. On motion of Council Member Robinson, seconded by Vice-Mayor Dingeldine, and a unanimous recorded vote of Council, the Resolution was approved, and all members of Council

signed the No-Bribery Certificate, on request form.

✓ The following Planning Commission report from its August 20th meeting was presented:

"...After receiving a petition signed by 16 nearby property owners and hearing Brockway Plastics officials discuss their parking problem, Mr. Milan moved that the Planning Commission recommend the rezoning of Lot 24 on Brook Avenue from R-2 Residential to M-1 Industrial and deny the rezoning of Lot 40 which is located immediately east of the factory building. The motion was seconded by Mr. Hughes, with all members voting in favor..."

Planning Director Sullivan called attention to the attached drawing, showing location of the two lots in question, and noted this as an unusual situation, in that the Commission had recommended approval for rezoning of the one lot, and denial of the other. He noted no opposition from residents with regard to the lot on the Brook Avenue side, but opposition from residents to the east of the plant. Rezoning of the Brook Avenue lot would provide room for widening the entrance, permitting trucks to enter the loading dock. Mayor Green said the two requests should be acted upon separately, and asked members' wishes. Council Member Shank offered a motion for Council to accept the Planning Commission report and schedule a public hearing for Tuesday, October 14th, 7:30 p.m., concerning proposed rezoning of Lot 24 on Brook Avenue from R-2 Residential to M-1 Industrial. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council. The Vice-Mayor then offered a motion for Council to approve the recommendation of the City Planning Commission, denying rezoning of Lot 40 to the east of the plant. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council. The City Manager was instructed to properly advertise the October 14th public hearing.

✓ The following Planning Commission report from its August 20th meeting was received by Council:

"...The Commissioners reviewed a plat drawn by Surveyor Bobby Owens, showing the resubdivision of Lot 56 in Section 2 of Harmony Heights Sub-division. The property is on South Burkwood Court. A duplex dwelling has been built and Mr. Turner desires to sell each unit separately. If resubdivided, each lot will have over 8,500 square feet of area.

Mr. Hartman moved that the Planning Commission recommend approval. Mr. Heath seconded the motion and all members voted in favor..."

Planning Director Sullivan called attention to the attached plat, and pointed out location of the sizable lot which is not too far east from Park Mennonite Church. Mr. John Mauzy, realtor, noted that the lot in question is one of the lots in Harmony Heights, designed to be split, should duplex or multi-family dwellings be constructed. He said the duplex is about a week away from completion, with anticipated sale closing. Council Member Shank offered a motion for the recommendation of the Planning Commission, approving the Gary Turner lot, to be approved. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

✓ Council received the following report from a Planning Commission meeting held on August 20th:

"...The Commissioners were oriented to an overall map of the north portion of Harrisonburg. H.E.C.'s representative, John Driver, described a plat by Surveyor Hal Benner, showing a proposed 3.2 acre lot to be sold by Lillian Shickel to H.E.C. as the site for an electric substation. The lot will front on the north side of Mt. Clinton Pike, between Wampler's Mill and N. Liberty Street. There will be no need to serve the site with water and sewer lines.

Mr. Trobaugh offered a motion for the Planning Commission to recommend approval. Mr. Rhodes seconded the motion and all members voted in favor..."

Planning Director Sullivan referred to the attached plat, noting two homes on the Shickel property. He said the Commission had treated the arrangement as a subdivision, in that the Shickel property is being divided to create the parcel. On motion of Council Member Shank, seconded by Council Member Robinson, and a unanimous vote of Council, the recommendation of the Planning Commission was approved.

✓ City Attorney Thumma presented for consideration of a second & final reading, an ordinance amending Section 6-2-9 of the City Code entitled: "Accumulation of junk, rubbish or garbage on premises in open view." He noted that question was raised on August 12th, when the ordinance was presented for a first reading, concerning the fact that paragraph (e) had not been changed to include a time limit on junk dealers and establishments engaged in the repair, etc. of equipment, for same to be removed from public view, as suggested on July 22nd when the ordinance was first presented. Following his contact with former City Attorney Lapsley, as instructed by Council, Attorney Thumma called attention to paragraph (e) stating as follows: "This section shall not apply to licensed junk dealers which are regulated by Section 12-1-43 of the Harrisonburg City Code." Council Member Rhodes offered a motion for the ordinance amending Section 6-2-9 of the City Code to 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 Dingleline, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk "L" page 74).

✓ For Council's consideration of a first reading, City Attorney Thumma presented an ordinance amending and re-enacting Section 13-1-3 of the Harrisonburg City Code, entitled: "Adoption of state law." He explained that the identical amendment approved in May of this year, applied to any changes in traffic laws which were approved by the General Assembly for fiscal year 1985-86, while the ordinance up for adoption at this time will cover any changes during fiscal year 1986-87. He noted that the ordinance will have to be enacted prior to each new fiscal year, in order to cover regulations for the coming fiscal year. Council Member Robinson moved that the ordinance be approved for a first reading. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous recorded vote of Council.

✓ City Manager Milan presented correspondence dated 8/13/86 from City Treasurer Beverly Miller, requesting that Section 13-1-15 of the Harrisonburg City Code, entitled: "City Motor Vehicle License", be amended under paragraph (o) by changing date of September 30th to October 15th, representing the deadline on which a refund may be requested for 1/2 of amount paid for same when obtained, with determination that the vehicle will not be used in the City of Harrisonburg for the remainder of the license period. She noted that motor vehicle licenses issued on or after October 15th of each year, are pro-rated to one-half of the license fee. Vice-Mayor Dingleline offered a motion for the ordinance to be approved for a first reading, and referred to the City Attorney to be drawn in proper ordinance form. The motion was seconded by Council Member Rhodes, and adopted by a unanimous recorded vote of Council.

With regard to proposed changes in the William G. Myers Armory Assembly Hall, by the Department of Military Affairs, which had been opposed by action of the Harrisonburg Parks & Recreation Commission, and endorsed by City Council, City Manager Milam read the following communication of 8/19/86 from John G. Castles, Major General. The Adjutant General, for information, addressed to Delegate Paul C. Cline:

I have just received the official authority from the National Guard Bureau to build our addition to the Harrisonburg Armory without reducing the size of the drill floor providing we furnish the funds for the necessary design change. We are prepared to do that.

We appreciate the long and friendly relations we have had with the City of Harrisonburg and their support of the local unit. We will always do anything we can to maintain that relationship.

I am glad you called me on this issue and pleased that we were able to meet your request and hopefully the desires of the city officials.

Council received the following proposed Lease Agreement between the City of Harrisonburg and Valley Blox, Inc., for lease of city owned land to the firm for storage purposes:

THIS LEASE, made and entered into this 6th day of August, 1986, by and between CITY OF HARRISONBURG, a Virginia municipal corporation, hereinafter referred to as "Lessor", party of the first part, and VALLEY BLOX, INC., a Virginia Corporation, hereinafter referred to as "Lessee", party of the second part;

W I T N E S S E T H:

That the parties hereto covenant and agree as follows:

1) That the Lessor leases to the Lessee 2-1/2 acres of land, situate at the old sewer treatment plant site between U.S. Route 11 and Interstate 81 in the southern portion of the City of Harrisonburg, Virginia.

2) The consideration for said lease shall be one annual payment in the sum of Three Thousand Dollars (\$3,000.00), payable in advance.

3) The term of this lease shall be one year beginning September 1, 1986. Lessor agrees that they will consider a renewal of said lease upon terms to be agreed on not later than thirty (30) days prior to the end of the term of this lease.

4) The Lessee shall place no permanent improvements on the leased premises and shall only use the premises for storage of products manufactured by the Lessee.

5) The Lessee agrees to keep said leased premises maintained in a neat and orderly fashion.

6) The Lessee assumes any and all liability for injury or damage which might occur on said leased premises as a result of its use of the premises and from the date hereof until the termination date of this lease, Lessee shall keep the leased premises insured at its sole cost and expense, against claims for personal injury or property damage under a policy of general public liability insurance with limits of at least \$2,000,000 for bodily injury and \$50,000 for property damage. Said policy shall name both Lessor and Lessee as the insured.

IN WITNESS WHEREOF, the parties have caused their names to be signed by due authority.

CITY OF HARRISONBURG

*By _____
VALLEY BLOX, INC.*

*By _____ (signed)
Orville V. Pence, President*

City Manager Milam pointed out the fact that the Lease Agreement has already been signed by the President of Valley Blox; and noted that use of the acreage for storage, will not interfere with any of the surrounding area. Council Member Rhodes moved that the Agreement be approved, with authorization for the Mayor to sign the same on behalf of the City of Harrisonburg. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

A request was presented from School Superintendent Hiner for approval of a supplemental appropriation in amount of \$ 3,100 in order to appropriate Federal funds for Adult Basic Education. It was noted in the request form that this program was transferred to Massanutten Voc. Tech School, with no provisions made either in the school budget or MVTC's budget. Inasmuch as State law requires that Federal funds be appropriated before expenditures can be made, \$ 1,900 of the above amount will be absorbed as the local portion of the program from the school budget. Vice-Mayor Dingledine offered a motion for the appropriation to be approved for a first reading, and that:

\$ 3,100 chgd. to: School Fund (3302.01) Antic. Receipts- Fed. Adult Basic Education

3,100 approp. to: School Fund (221.00) Other Inst. Costs-Tuition-Other Divisions

The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

City Manager Milam reminded Council of the Necessity of appointing a Voting Delegate and Alternate Voting Delegate for the Virginia Municipal League meeting, which will be held next month. Council Member Rhodes offered a motion for Mayor Walter Green to be appointed Voting Delegate, and Vice-Mayor Raymond Dinledine to be appointed as Alternate. The motion was seconded by Council Member Shank, and adopted by a majority vote of Council. The Mayor and Vice-Mayor abstaining.

Mayor Green asked members' wishes concerning the regular September 23rd meeting of Council, in that it will conflict with the VML meeting to be held September 21 - 23rd. On motion of Council Member Rhodes, seconded by Vice-Mayor Dingledine, and a unanimous vote, the September 23rd meeting will be cancelled, with special meeting to be called, should a necessity arise.

City Manager Milam reported that information concerning various highway projects had been mailed out to members of Council, with additional information received from Delegate Paul Cline, yesterday. A special session of the General Assembly has been called by the Governor's Office for September 15th concerning transportation, highway projects, recommendations for the 21st century, etc. He reviewed

various projects, previously submitted to Council, and suggested that it may be desired for some of the priorities to be changed. Manager Milam touched on the issues of increased gasoline tax, increase in sales tax and titling tax, as well as the windfall on tax cuts which has received some publicity. He noted that a more indepth report will be presented at the September 9th meeting of Council, and asked members to be thinking of how Delegate Cline should re-act to these issues.

At 8:55 p.m., on motion of Council Member Rhodes, seconded by Council Member Shank and a unanimous vote, Council entered an executive session to discuss real estate and personnel.

At 10:35 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened. There being no further business, the meeting was adjourned.

CLERK


MAYOR

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingleline, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on August 26th, 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, 1986.

From the City Treasurer:

A trial balance report as of close of business on August 31, 1986.

From the Police Department:

A report of cash collected from street parking meters, \$ 8,470.63; fines & costs, \$ 1,668.70; total cash collected, paid on accounts and turned over to City Treasurer for month of August, 1986, \$ 10,089.33.

From the City Auditor:

A report of cash discounts saved in payment of vendor's invoices for month of August, 1986, in total amount of \$ 491.77.

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 August, 1986.

For information, Council received the Report on Audit of Commonwealth Revenues, for the Office of City Treasurer, fiscal year ended June 30, 1986, prepared by the Auditor of Public Accounts, Commonwealth of Virginia. From the report, City Manager Milam noted collections in amount of \$ 1,416,805 - remittances of \$ 1,415,583 - leaving a balance of \$ 1,222. A copy of the report will be in the Office of City Manager for review, if so desired.

Correspondence dated 8/29/86 from Mr. F. J. Soucek, District Manager of Virginia Power, was presented. Request was made for changes to be made in the traffic signals at the intersection of South Main Street and Mosby Road, to provide left turn arrows for vehicles turning left from South Main onto East Mosby Road and West Mosby Road. It was noted that the firm's vehicle operators, and other drivers, have difficulty turning onto East and West Mosby Road from the existing turn lanes, and that the absence of left turn arrows causes additional traffic obstruction and safety hazards. Vice-Mayor Dingleline offered a motion for the request to be referred to the Harrisonburg Transportation Safety Commission for review and report. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

City Manager Milam reported for information, that notification had been received from the Dept. of Conservation & Historic Resources - Division of Litter Control, that Harrisonburg's application for a Litter Control Grant had been approved in the amount of \$ 3,064. He noted that all funds must be spent during the Grant Period July 1, 1986 - June 30, 1987.

Mrs. Fredda Marshall, Operator of the Main Street Dance Studio located on the 3rd floor of the A & N Atore (former Leggett Bldg.), was present in the meeting in order to "go public" with a recent development. She informed Council that the City's Recreation Department has instituted a dance program, and not only paralleled her schedule, but is offering classes at one-half her charge. Former instructors from her studio are now affiliated with the Department's Program, and letters were mailed out to students of Main Street Dance, as well as others, soliciting students. As a result, her business has been affected to the extent that she may be forced to close her studio, with yet another downtown business "biting the dust." In spite of all efforts to contact the Recreation Department concerning the matter, her calls were not returned, forcing her to obtain legal counsel. Had the Recreation Department's Program been in operation, prior to the opening of her studio, Mrs. Marshall said she would have had no complaint. Inasmuch as she operates a city business and pays the city's license tax, as well as rent and liability insurance, Mrs. Marshall objected to the "city going into the dance business." She requested an answer and "soon." Mayor Green said that City Council "has had no part in any of this." Vice-Mayor Dingleline, a representative of Council on the Parks & Recreation Commission, said an effort would be made to clarify this through a meeting with Mr. Gilkerson, Parks & Recreation Director, but added the fact that "there is much more to this than has been revealed." Following discussion, Mayor Green instructed City Attorney Thumma, Vice-Mayor Dingleline and Recreation Director Gilkerson, to meet with Mrs. Marshall and her attorney, T.J. Wilson, IV, in order to clarify the situation. He informed Mrs. Marshall that she would be notified of the meeting date, when determined.

For consideration of a second & final reading, City Attorney Thumma presented an ordinance amending and re-enacting Section 13-1-3 of the City Code entitled: "Adoption of State Law." He explained

that the ordinance, which was approved for a first reading on August 26th, will cover regulations adopted by the General Assembly concerning operation of motor vehicles during fiscal year 1986-87, and that the ordinance must be re-enacted annually, prior to the beginning of each new fiscal year. Council Member 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 Council Member Shank, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk "L", page 75).

City Attorney Thumma presented, for consideration of a second & final reading, an ordinance amending and re-enacting Section 13-1-15 of the City Code entitled: "City Motor Vehicle License." He informed Council that all seemed to be in order for its approval, in that he had discussed with City Treasurer Beverly Miller, the requested change of date from September 30th, to October 15th, under paragraph (o), as the deadline for refund requests on auto license plates or windshield stickers, providing the vehicle would not be used for the remainder of the license period. Qualifying refunds would be for one-half amount of original cost. Vice-Mayor 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 Council Member Robinson, and adopted by a unanimous recorded vote of Council. (Refer to Ord. Bk "L", page 76).

City Manager Milam informed Council that he had toured the city, along with Vice-Mayor Dingleline, City Engineer Wilcox, Senator Kevin Miller and Delegate Paul Cline, for the purpose of citing improvement needs to streets, sidewalks, etc. He gave a verbal description of the route followed, and then reviewed a report of a Highway Needs Survey. Manager Milam noted that projects would be overwhelming and the General Assembly may do nothing. Although the street and highway project schedule will remain in the manual, it does not prevent Council from presenting a resolution in six months, setting out certain projects for priority. The report was for information.

Council Member Robinson moved that a supplemental appropriation in amount of \$ 3,100, requested by School Superintendent Hiner in order to appropriate Federal funds for Adult Basic Education at Massanutten Voc Tech School, be approved for second & final reading, a first reading having been approved on August 26th, and that:

\$ 3,100 chgd.to: School Fund (3302.01) Antic. Recpts.- Fed.Adult Basic Ed.

3,100 approp.to: School Fund (221.00) Other Inst.Costs- Tuition-Other Div.

The motion was seconded by Council Member Shank, and adopted by a unanimous recorded vote of Council.

A request was presented from Water/Sewer Superintendent Yancey for approval of a supplemental appropriation in amount of \$ 467,200 in order to appropriate funds for repair of flood damage at Dry River and Switzer Dams. It was noted that 94% of the total amount would be made available as the Federal/State share, with the remaining 6% in amount of \$ 28,100 to be the responsibility of the city. City Manager Milam noted that although approval had been granted by the Federal Emergency Management Agency (FEMA), final payment is contingent upon the work being accomplished as approved by the scope of the Damage Survey Reports and final inspections of completed work. Following a brief discussion, Council Member Rhodes offered a motion for the appropriation to be approved for a first reading, and that:

\$ 28,100 chgd.to: Water Fund - Unappropriated Fund Balance

439,100 chgd.to: Water Fund (2404-2404.10) State Emerg.Serv.-Flood Damage

414,110 approp.to: Water Fund (2-3004.05) Maint. & Repairs- Flood Damage- 81C

53,090 approp.to: Water Fund (2-3004.06) Maint. & Repairs- Flood Damage- 22B

The motion was seconded by Council Member Shank, and adopted by a unanimous recorded vote of Council.

Council was reminded that the second terms of two members of the Harrisonburg-Rockingham Mental Health & Mental Retardations Services (Chapter 10) Board, had expired as of July 1, 1986. Mayor Green asked members' wishes concerning appointments. Vice-Mayor Dingleline offered a motion for Dr. G. William Harper, 38 Laurel Street, Harrisonburg, and Miss Albunyer Arrington, 1125 Mt.View Drive, Harrisonburg, to be appointed for first terms of three years on the Board, expiring July 1, 1989. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

Council received a proposed Resolution for consideration of approval, prepared by City Attorney Thumma, concerning an exchange of real property located at the intersection of Mt.Clinton Pike and Chicago Avenue, as well as a Deed of Exchange between the City of Harrisonburg and Donald F. & Juanita H. McMullen. Attention was called to a Memo from City Engineer Wilcox to the City Manager, setting out the determination of rights-of-way and monies involved in the property exchange, based on square footage of the two parcels. On motion of Council Member Shank, seconded by Council Member Robinson, and a unanimous recorded vote of Council, the following Resolution was approved:

WHEREAS, the rights-of-way of Chicago Avenue and Mt. Clinton Pike were moved and relocated a short distance from where they had previously run; and

WHEREAS, the abandoned portions of the Chicago Avenue and Mt.Clinton Pike rights-of-way that border Donald F. and Juanita H. McMullen are no longer used by the City and a portion of the property owned by Donald F. & Juanita H. McMullen that borders Mt.Clinton Pike needs to be acquired by the City; and

WHEREAS, the City desires to exchange the abandoned portions of said rights-of-way with Donald F. and Juanita H. McMullen based on a value of \$ 2.50 per square foot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Harrisonburg, Va.:

1. That the Mayor execute a deed of exchange with Donald F. & Juanita H. McMullen conveying the abandoned portions of the Chicago Ave. and Mt. Clinton Pike rights-of-way in exchange for a portion of the McMullen property needed by the City of Harrisonburg.

2. This resolution shall take effect immediately upon its adoption.

ADOPTED and APPROVED this 9th day of September, 1986.

Clerk

City Manager Milam informed Council that the city had been accepting materials at the Resource Recovery Facility, beginning September 1st, and that he had asked for a report from the plant concerning the first week of operation. He reported on refuse which had been hauled to the city's landfill during the first week of its operation, by private haulers and city trucks. Manager Milam noted a

problem with some of the manufacturing companies (i.e. Walker, Valley Blox, Kawneer) disposing of materials which are not in compliance with the city code. The City is accepting these materials for the next couple of months, in order to allow time for the companies to find suitable locations to dispose of those materials.

✓ Council Member Rhodes, a member of the Harrisonburg Transportation Safety Commission, offered a motion for Mr. James Baker to be appointed to serve on the Commission, as replacement for Mr. John Driver. He noted that Mr. Baker had been contacted, and consented to serve, if so desired. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

✓ Vice-Mayor Dingledine offered a suggestion for removal of the left turn arrow at the intersection of Mason & East Market Streets, in that he felt there could be two lanes of traffic east on Market Street. He moved that the matter be referred to the Harrisonburg Transportation Safety Commission, for review and report. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

✓ Council Member Robinson noted site difficulty at the intersection of Keezletown and Country Club Roads when driving at night, and asked the possibility of a pole light at this location. City Manager Milam offered an opinion that when the shopping center is constructed on the north side of Market Street, this should take care of that location insofar as lighting. He was asked to keep this under consideration when the lighting is installed for the Center.

✓ Vice-Mayor Dingledine said he would like a study made of the Cantrell Ave/Paul Street intersection, for provision of a right turn lane going south on Cantrell. Mayor Green made reminded that Council had approved the Cantrell/Paul intersection improvement plan designed by the Virginia Dept. of Highways & Transportation, and recommended by the Harrisonburg Transportation Safety Commission, at its regular meeting on August 13, 1985. He asked the City Manager to check on the situation, insofar as traffic going south on Cantrell, in relation to the improvement plan.

At 8:40 p.m., on motion by Council Member Robinson, seconded by Vice-Mayor Dingledine, and a unanimous vote, Council entered an executive session to discuss personnel, legal and real estate matters.

At 10:50 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened. There being no further business, the meeting was adjourned.

 CLERK



 MAYOR

Tuesday, October 14, 1986

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingledine, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on September 9th, were approved as corrected.

Regular monthly reports were presented and ordered filed, as follows:

From the City Manager:

A report of activities in the various departments and said office for the month of September, 1986.

From the City Treasurer:

A trial balance report as of close of business on September 30, 1986.

From the Police Department:

A report of Fines & Costs, \$ 6,277.90; Cash Collected from street parking meters, \$ 6,846.64; Total cash collected, paid on accounts and turned over to City Treasurer for month of September, 1986, \$ 13,124.54.

From the City Auditor:

A financial report for the City of Harrisonburg, month of September, 1986.

A report of cash discounts saved in payment of vendor's invoices for month of September, 1986, \$ 478.13.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of September, 1986.

City Manager Milam presented the Financial Report for Harrisonburg Electric Commission, fiscal year ended June 30, 1986, prepared by the CPA firm of McGladrey, Hendrickson & Pullen. He noted assets of \$ 22,539,433 and liabilities in a like amount. A copy of the report will be on file in the office of City Manager, for review.

City Manager Milam called attention to financial statements for the Shenandoah Valley Airport Commission, Fiscal Year ended June 30, 1986, prepared by the CPA Firm of Forrest Airhart Associates, Ltd., and noted that a copy would be on file in his office for review.

Attention was called to the Harrisonburg-Rockingham Regional Sewer Authority Report on Examination, June 30, 1986, prepared by the CPA firm of S.B. Hoover & Company. A copy of the report will be available for review in the office of City Manager.

Correspondence dated 9/18/86 was presented from Mr. Dwight Hartman, Chairman of the Board, Truck Enterprises, Inc., expressing concern about traffic control on South Main Street and Exit 62 from I-81. It was pointed out that part of the present problem is that the double line on the roadway in front of the business establishment, 3440 S. Main Street, is between the center lane and the southbound lane. When any southbound car or truck coming from the downtown area, South Main Street, or the interstate exit wants to come into Truck Enterprises or Teco Lease Corporation, they

must stop all traffic when northbound traffic prevents making an immediate turn into those places of business. It was noted further that the 55 mph speed limit which begins in front of Truck Enterprises, adds to the traffic problem, and creates a dangerous situation which could result in serious accidents. Council Member Robinson offered a motion for the correspondence to be referred to the Harrisonburg Transportation Safety Commission, for investigation and report. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

✓ Correspondence dated 10/9/86 was presented from Mr. D.P. Davis, Jr., President of Rockingham Development Corporation, requesting Council's consideration in the rezoning of approximately 75 acres of that portion of the Rockingham County Farm that lies between the C-W Railway and the City Limits, from R-1 Residential to M-1 Industrial. It was noted that the area has rail frontage, 12" water line, sewer line on site and natural gas within 400' with a large area of same currently zoned M-1 for industrial use. Mr. Davis said that the corporation is authorized by the property owner to request the proper zoning, in order that the site may be included on the list of available sites for area certification. On motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous vote of Council, the request was referred to the City Planning Commission for review and report.

City Manager Milam presented correspondence dated 9/18/86 from Mr. H.J. Schiefer, 301 Flint Ave., Harrisonburg, suggesting that the speed limit in the Rockingham Square - Erickson Road area of Route 42, be reduced from 45 mph to 35 mph. He noted that his frequent travel in that area, makes him cognizant of the high speed north-south traffic, and the east-west traffic turning east or west on Erickson Road, as well as through north-south traffic sometimes being blocked by larger, slower vehicles, which are slowing for the turn to Erickson Road. Council Member Rhodes moved that the correspondence be referred to the Harrisonburg Transportation Safety Commission for investigation and report. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

✓ Mr. Robert G. Dinsmore, Jr., Chairman of the Harrisonburg Parks & Recreation Commission, was present in the meeting concerning the matter of a confrontation between Mrs. Fredda Marshall, Operator of the Main Street Dance Studio, and the Department of Recreation. He presented the following resolution which had been adopted by the Commission at a special call meeting held on September 24th, in an effort to resolve the situation, following meetings which were held by Mrs. Marshall and her attorney, Recreation Director Gilkerson, Vice-Mayor Dingledine (a representative of Council on the Commission) and City Attorney Thumma:

WHEREAS, there is a dispute between the Department of Parks and Recreation of the City of Harrisonburg and Fredda Marshall trading as Main Street Dance Centre; and

WHEREAS, an agreement dated September 19, 1986 was entered into between the parties; and

WHEREAS, it is the understanding of the Commission that all parties have further agreed that if the City offers the same classes previously offered with the same or different instructors beginning January 1, 1987, Mrs. Fredda Marshall will not object,

BE IT RESOLVED that the Commission regretfully recommends that all dance classes presently offered, be cancelled until January 1, 1987.

BE IT FURTHER RESOLVED that if the above is not the understanding of the parties, the Commission recommends to the City Council that the Council not recognize the agreement of September 29, 1986 as being the agreement of the parties and the Council direct the Department to forthwith reinstitute its classes.

Mr. Dinsmore informed Council that it was the Commission's feeling that the Recreation Department had done no wrong in instituting a dance class, which had been done in past years, and that "if Mrs. Marshall had made a bad business decision, it was up to her." He added the fact that a large and vocal turnout of those registered for the Recreation Department's dance program, were present in the Commission meeting. City Attorney Thumma said the resolution answers the question of action taken by the Parks & Recreation Commission. Mayor Green noted that Council had been "caught in the middle", which resulted in formation of the committee, and the Vice-Mayor said the Commission had done its best to resolve the situation.

✓ At 8:00 p.m., Mayor Green 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 September 25th and October 9th:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, October 14, 1986 at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following rezoning request:

Brockway Plastics request to rezone Lot 24 on the east side of Brook Avenue from R-2 Residential to M-1 Industrial. Purpose: to increase off-street employee parking.

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 called attention to the following Planning Commission report, presented to City Council at its August 26th meeting:

"...After receiving a petition signed by 16 nearby property owners and hearing Brockway Plastics officials discuss their parking problem, Mr. Milam moved that the Planning Commission recommend the rezoning of Lot 24 on Brook Avenue from R-2 Residential to M-1 Industrial, and deny the rezoning of Lot 40 which is located immediately east of the factory building. The motion was seconded by Mr. Hughes, with all members voting in favor..."

Mr. Sullivan referred to a map, setting out location of the very small grassed lot, and noted that rezoning would not only provide five additional parking spaces for employees, but also widen the curb cut for loading and unloading at the plant. No opposition to the rezoning of this lot was expressed at the Commission's public hearing. Mayor Green called on anyone present in the Hearing who may desire to be heard, either for or against the rezoning request. There being none, the Hearing was declared closed at 8:05 p.m. and the regular session reconvened.

Mayor Green asked members' wishes concerning the request for rezoning of Lot 24 on the east side

of Brook Avenue from R-2 Residential to M-1 Industrial. Vice-Mayor Dingleline offered a motion for the recommendation of the City Planning Commission to be approved. The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

At 8:06 p.m., Mayor Green closed the regular session temporarily and called the evening's second Public Hearing to order. City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper on October 2nd and October 10th:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, October 14, 1986, 7:30 p.m. in the City Council Chambers, 345 S. Main St., Harrisonburg, Va., to consider closing the following public street:

Hirsch Lane, 0.24 of an acre, located on the south side of Country Club Road ending at the C & W Railroad right-of-way.

All interested persons are invited to attend this hearing and express their concern.

CITY OF HARRISONBURG- Marvin B. Milam, City Manager

Council received the following Planning Commission report from its September 17th meeting:

"...The Commissioners reviewed Mr. Bernard Bolt's August 21, 1986 letter requesting the City to close a 110' x 50' paper street between Country Club Road and the C-W Railroad. Mr. Bolt owns the property on both sides of the paper street. There are no utilities in it and since Country Club Court has been constructed nearby, there will never be a need for this street, according to the Planning Director and City Staff.

Mr. Hughes moved that the Commission recommend the paper street be closed, and that City Council appoint a Board of Viewers to review the request and report their opinion to Council. Mr. Milam seconded the motion which passed unanimously."

City Manager Milam said it was his understanding that appointment of a Board of Viewers would not be necessary, in this instance, where property on both sides of the paper street, is under one ownership, and Planning Director Sullivan said it would be o.k. with the Planning Commission to "skip the stipulation for Viewers, as set out in the Commission's report." City Attorney Thumma explained that when the Subdivision Plan was brought before the Planning Commission, this particular section of street was excluded, when other streets were vacated. The subdivider was required to put in curb and gutter at that time, with no payment required for the 0.24 of an acre proposed for closing, at this time. He said that appointment of Viewers is discretionary, and that Council could forgo this action, if so desired. Mayor Green called on anyone present in the meeting, desiring to be heard either for or against the proposed closing. Attorney Steve Blatt noted that the owner is developing another access into the property, with this transaction representing a "trade of streets." There being no others desiring to be heard, the Hearing was declared closed at 8:09 p.m. and the regular session reconvened.

Mayor Green asked members' wishes concerning the request to close 0.24 of an acre (Hirsch Lane). Council Member Shank moved that the recommendation of the Planning Commission be approved, excluding appointment of a Board of Viewers. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

The following report from a September 17th meeting of the City Planning Commission was presented:

"...The Commissioners studied a site plan drawn by Copper and Smith, showing a proposed 2-story professional office building on the 0.78 acre Bernard Bolt property. The triangular parcel faces Country Club Road and will also border Country Club Court. Mr. Copper said that Mr. Bolt will construct curbing along Country Club Road, 12' off the existing paved roadway, and 40 off-street parking spaces plus landscaping will be placed on the site. The structure will look somewhat like a residence, since single family homes are located on the north side of Country Club Road, facing nearby Clay Street. Mr. Milam noted that Mr. Bolt has fully developed Country Club Court and this request will improve the appearance of the property and the area.

Mr. Hughes moved for the Commission to recommend the rezoning of 0.78 acres owned by Bernard Bolt, from R-1 Single Family Residential District to R-3 Multiple Dwelling District for professional office development on Country Club Road. Mr. Rhodes seconded the motion which passed unanimously..."

Council Member Rhodes moved that Council accept the report of the Planning Commission and schedule a public hearing on the rezoning request for Tuesday, November 11, 1986, 7:30 p.m. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council. The City Manager was instructed to properly advertise the public hearing.

Council received the following Planning Commission report from its meeting on September 17th:

"...The Commissioners reviewed an August 5, 1986 letter and map from Mrs. Charlotte Showker and Mr. Lester Steele, requesting the closing of a 10' paper alley between their residential properties on the north side of Franklin Street. The alley runs 182' from Franklin to East Bruce Street. The Director reported that no utilities are in the alley and City Staff doesn't believe any will be needed in the future.

Mr. Hughes moved that the Commission recommend to City Council that it be closed, subject to receiving a report supporting the closing from a Board of Viewers. Mr. Rhodes seconded the motion which passed unanimously..."

On motion of Vice-Mayor Dingleline, seconded by Council Member Robinson, and a unanimous vote of Council, the report of the Planning Commission was accepted and the following individuals appointed to comprise a Board of Viewers, to view the alley, and report in writing, whether there would be any inconvenience in the closing, and if so, what: Messrs. John H. Byrd, Sr., Richard L. Suter, William L. Blair, Jr. and Wilmer C. Byrd, Sr.

The following Planning Commission report from its September 17th meeting, was presented:

"...The Commissioners studied a proposed one-lot Martin Eby Subdivision, drawn by Surveyor Robert Funk. The Director explained that Fertig Cabinets, Inc. desires to purchase a 200' x 400' parcel from Mr. Eby. It will be located on the east side of North Liberty Street, immediately north of the County School Bus Garage. Proposed Mt. Clinton Pike will be situated north of this proposed 1.83 acre tract. Utilities are available on the front side. Curbed entrances will

be required, 30' from the center line of Liberty Street. The property is zoned M-1 Industrial and according to Mr. Eby, the cabinet makers want to construct their new building immediately. Mr. Milam moved that the Commission recommend approval of the Final Plan for Section 1, Martin Eby Subdivision. Mr. Rhodes seconded the motion which passed unanimously..."

Planning Director Sullivan called attention to the attached map, showing Council that whatever is constructed, will not be in the way of proposed Mt. Clinton Pike. He noted that curbing along the frontage will be the same as required of the Holly Farms project, and that measurement will be from the center of the right-of-way, thus creating a 60' street, with approximately 24' of actual pavement. Following a brief discussion, Council Member Rhodes moved that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

As follow-up to letters written to Council on July 30th and September 10th, Mr. Donald Taylor of Perdue, Inc. was present in the meeting to ask for an explanation of why the Betts Road section of Fairway Hills Subdivision did not conform to the city code on Subdivision construction. He appealed to Council to instruct the City Manager's Office and the Street Department to place a high priority on the curb, gutter and paving of the Fairway Hills Section III portion of Betts Road. Photographs showing condition of the roadway were passed among members of Council. Mr. Ron McCoy, owner of a lot on Betts Road, and in the process of building a home on the lot, offered an opinion that the road deserves curb and gutter and improvements in that area. He requested "quick action" by Council, in that he anticipates moving into his home the first part of December. City Manager Milam noted that four lots are involved, and said he felt the situation of Betts Road had been explained to the owners in 1983, when an agreement was worked out concerning an approximate \$ 1 1/2 million dollar improvement program. A couple attorneys were present in the 1983 meeting, and the ruling was that the city cannot be required to make improvements on a public right-of-way, but rather, it is the duty of the owners to provide full improvements. In instances where they may be stalemated, Manager Milam said the city tries to get the best it can, in improvements, for property owners on a road. He offered an opinion that the city has done all it can with regard to Betts Road section of Fairway Hills Subdivision. Mr. Taylor said that nowhere was it mentioned that the city could not require developers or owners to make improvements, and that the only attorney present in the 1983 meeting was Henry Clark. He asked what the city had gained from the 1983 meeting. Manager Milam explained that the water line to serve Fairway Hills had to come from the Valley Mall area and the sewer line from Country Club. A donation of 25' from the center line was requested by the city for storm water drainage, and the city offered to do the work if pipe was purchased by the owners. He said he was told by former City Attorney Lapsley that the city cannot require improvements on an existing right-of-way. Mr. Taylor said he had three different opinions from three different attorneys. Manager Milam pointed out that if the Planning Commission or City Staff made a mistake, it goes back to the developer to make improvements. Mr. Taylor said that what had taken place in 1983 was not in the best interest of the present property owners, and offered an opinion that the city could assist them in the installation of curb and gutter and paving, on Betts Road. City Attorney Thurma cited, as an example, a 1977 case in another city, before the Supreme Court, which ruled that a city had absolutely no authority to require the subdividers to make improvements on the road in question. Attorney Steve Heitz made reminder that land was donated for street widening and that improvements to the roadway are a requirement under the 10-year improvement plan as set out by the Annexation Court, excluding curb and gutter. He suggested the possibility of a donation by the property owners toward curb and gutter, accelerating the project. Mayor Green said the city wants to widen the road and provide better for the storm water, but pointed out that there are certain priorities which have been awaiting street work. Council Member Rhodes said he knew nothing about the law, but feels this project should be given some consideration. Vice-Mayor Dingleline agreed with Mr. Rhodes in that he is sympathetic with the property owners' request, but reiterated the fact that there are priorities. Mr. Rhodes then suggested that Council be provided with a list of those owners involved on the section of Betts Road and what they wish to contribute toward curb and gutter. Mr. Taylor volunteered to submit the information.

As a follow-up of their letter of October 6, 1986, Joe and Kathy Lynch of 111 E. Weaver Avenue, Harrisonburg, were present in the meeting to present a petition containing 36 signatures of residents, expressing concern and displeasure over the lateness and loudness of the fireworks display at JMU on October 4th, 11:00 p.m., following a concert. Request was made in the petition for displays to either be banned in the future, or that they occur before 9:00 p.m., with prior warning to the police department and general public. Mayor Green said he was appalled at the time it was held. Vice-Mayor Dingleline pointed out the fact that Council had given permission for the display to be held on October 4th at 10 p.m., back in July, as requested, and offered an opinion that when a request is received another year, consideration should be given, with curfew set, and public announcement prior to the event. Kathy Lynch informed Council that the fireworks were even louder than in previous years, and had frightened adults, as well as children, in that the noise resembled that of an explosion. Mayor Green said that points brought out this evening, were well taken.

Correspondence dated 10/10/86 was presented from Attorney Lawrence H. Hoover, Jr., requesting on behalf of Wampler Foods, Inc., that Council consider a resolution, recommending the use of industrial access funds for construction of a road to serve as access from Virginia Avenue to the Wampler Foods feed processing facility, presently under construction. City Manager Milam said that this action would not reduce city money from sale of gasoline, and noted that the road through Hillandale Park was constructed through use of industrial funds. He offered an opinion that it would be well to go with a resolution. Further noted by Manager Milam was that the city does not have \$ 85,000 for safety gates required by the railroad, and added the fact that if Wampplers would cooperate, the city could relocate the roadway from near Heritage Haven, to move trucks southward to Mt. Clinton Pike. If Wampplers would furnish a right-of-way from this road to Kratzer Avenue, the city could bring the road from Virginia Avenue to Kratzer Road, with no time-table on the project. An Engineer of Wampler Foods, Inc., said that all had gone smoothly, and it is hoped that the facility may be in operation by January, 1987. He said he felt that the roadway project should qualify for industrial funds. On motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote of Council, the following proposed Resolution, prepared by Attorney Hoover, was approved, with authorization for the Mayor and Clerk to sign the same:

RESOLVED, that the Harrisonburg City Council recommends to the Virginia State Highway and Transportation Commission the use of industrial access funds (Sec. 33.1.221 of the Code of Virginia, as amended) for the construction of a road which will serve as access from Virginia Avenue to Wampler

Foods, Inc. feed processing facility presently under construction in the City of Harrisonburg, such road to be constructed from Virginia Avenue across the Southern Railroad tracks for a distance of approximately 515 feet in an easterly direction to the proposed entrance of the feed processing facility. The estimated cost, excluding city owned rights-of-way, is \$ 308,850 of which \$ 292,750 is eligible for reimbursement.

APPROVED this _____ day of _____, 1986.

Mayor

Atteste:

Clerk

✓ Mayor Green reminded Council that a letter of resignation had been received in August from Dr. Joseph Eney, a member of the City Planning Commission, with no official acceptance of same, to date. Council Member Rhodes moved that the resignation be accepted, with regrets, and a letter of appreciation to be sent Dr. Eney for services rendered.

✓ Vice-Mayor Dingleline offered a motion for a supplemental appropriation in amount of \$ 467,200 to be approved for second & final reading, representing funds for repairs to Switzer and Dry River Dams due to flood damage, with 94% of the total amount as the Federal/State share, and the remaining 6% the responsibility of the city, and that:

\$ 28,100 chgd.to: Water Fund - Unappropriated Fund Balance
439,100 chgd.to: Water Fund (2404-2404.10) State Emerg.Serv.- Flood Damage
414,100 approp.to: Water Fund (2-3004.05) Maint. & Repairs- Flood Damage- 81C
53,090 approp.to: Water Fund (2-3004.06) Maint. & Repairs- Flood Damage- 22B

The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

✓ Correspondence dated 9/18/86 was presented from City Engineer Wilcox, submitting bid tabulation for repairs to dams from flood damage. It was noted that following a background check on the low bidders, nothing could be found to warrant rejection of either bid, and recommendation was made for the following to be approved:

Dam 81-C - Haley Chisholm & Morris, Inc. (Charlottesville) \$ 333,814.00
Dam 22-B - Eavers Bros. Excavating (Staunton) - \$ 35,000.00

Other bids were submitted by Alleghany Construction and C.S.Mundy Quarries, Inc. Approval of the low bids would be subject to anticipated approval by FEMA, in that federal funding is also involved. Council Member Rhodes offered a motion for the low bids, as recommended, to be approved. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

✓ City Manager Milan requested a supplemental appropriation in amount of \$ 66,000 from the General Fund Unappropriated Fund Balance, due to insufficient funds in the proper account for payment of fire insurance premiums. Council Member Shank moved that the appropriation be approved for a first reading, and that:

\$ 66,000 chgd.to: General Fund - Unappropriated Fund Balance
66,000 approp.to: General Fund (9103-5302.01) Ins. & Bond Prem.- Fire Ins.

The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous recorded vote of Council.

✓ City Manager Milan noted that funds in amount of \$ 3,064 had been received from the state for Harrisonburg's Litter Control Program, and requested approval of a supplemental appropriation in that amount, in order to appropriate the funds into the proper account. Vice-Mayor Dingleline moved that the appropriation be approved for a first reading, and that:

\$ 3,064 chgd.to: General Fund (1901.01) Recoveries & Rebates
3,064 approp.to: General Fund (4108-5414.04) Highway & Street Beaut.- Litter Control

The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

✓ City Manager Milan informed Council that he was in receipt of a proposed agreement between the firm of Geisler Smith Associates, Ltd., Springfield, Va. and the County of Rockingham, for preparation of a Feasibility Study of space needs by the County and City of Harrisonburg, to serve as a Guide in determining the possibility of a joint city/county office complex. Inasmuch as he was of the opinion that the agreement should be between the firm, County and City, Manager Milan said that the agreement had been redrawn in this manner, in order that each jurisdiction could be billed for its share of cost for the study, rather than the entire amount being billed to the county. He noted that the "Scope of Study" had also been amended to include the City School Board Offices located at 317 South Main Street. The following amended agreement was presented for Council's consideration of approval:

Agreement dated _____, 1986, between Geisler Smith Associates, Ltd. of 8314 Traford Lane, Springfield, Va. (hereafter referred to as Consultant), and the County of Rockingham, Virginia and the City of Harrisonburg, Va. (Clients).

The Clients desire assistance in preparing an architectural feasibility study. The Consultant is a firm qualified to conduct such studies.

THEREFORE, the parties hereto mutually agree as follows:

1. The Consultant will perform all services outlined in the attached proposal dated June 19, 1986.
2. The Clients will give the Consultant access to the records of and to the properties occupied by the Clients, to the degree necessary to accomplish the purposes of the study, and assures the Consultant the cooperation of the employees of the Clients for said purposes.
3. For the performance of such work, the Clients agree to pay the Consultant a total fee not to exceed Thirty Three Thousand Six Hundred Forty Dollars (33,640.).
4. The Consultant will bill the Clients equally, on a 50-50 basis, monthly, for services rendered, on the percentage of project work completed in the preceding month.

CLIENT

CONSULTANT

Rockingham County
City of Harrisonburg

Geisler Smith Assoc.

Vice-Mayor Dingleline offered a motion for the Agreement, as amended, to be approved, with authorization for the City Manager to sign same on behalf of the City of Harrisonburg. The motion was seconded by

Council Member Robinson, and adopted by a unanimous vote of Council.

✓ In relation to the Agreement between Rockingham County, City of Harrisonburg and the firm of Geisler Smith Associates, Ltd. concerning an architectural feasibility study of office space needs of the County and City, Manager Milam requested approval of a supplemental appropriation in amount of \$ 16,820., representing the City's share of cost for the joint study. Council Member Robinson moved that the appropriation be approved for a first reading, and that:

\$ 16,820. chgd.to: General Fund - Unappropriated Fund Balance

16,820. approp.to: General Fund (4301-7010.00) Gen.Properties- Cap.Outlay- Bldgs.

The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous recorded vote of Council.

✓ City Manager Milam informed Council that sealed bids are being received by the Department of Public Works for a track loader, with an Allis-Chalmers Track Loader (1972) offered as trade-in. Inasmuch as funds are insufficient for the purchase, Manager Milam requested a transfer of funds from the General Fund Unappropriated Fund Balance into the Sanitation Fund Unappropriated Fund Balance, as well as a supp. appropriation in amount of \$ 60,000 in order to place funds into proper account for the purchase. Council Member Rhodes moved that the transfer in amount of \$ 60,000 be approved, and that:

\$ 60,000 trans.from: General Fund - Unapprop. Fund Balance

60,000 trans. to: Sanitation Fund - Unappropriated Fund Balance

The motion was seconded by Council Member Shank, and adopted by a unanimous recorded vote of Council. Council Member Shank then offered a motion for a supplemental appropriation in amount of \$ 60,000 to be approved for a first reading, and that:

\$ 60,000 chgd.to: Sanitation Fund - Unapprop. Fund Balance

60,000 approp.to: Sanitation Fund (7-7001.00) Cap.Outlay- Mach. & Equip.

The motion was seconded by Council Member Rhodes, and adopted by a unanimous recorded vote of Council.

✓ City Attorney Thumma presented a proposed Dog Impoundment Agreement between the City of Harrisonburg and the SPCA, and noted that the only change he had made from the original copy was under the section providing for the method of payment, as requested by the Society. The Agreement reads as follows:

THIS AGREEMENT, made and entered into this _____ day of _____, 1986, by and between the CITY OF HARRISONBURG, hereinafter referred to as the City, and the ROCKINGHAM-HARRISONBURG SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, INC., a non-profit corporation, hereinafter referred to as the Society,

W I T N E S S E T H :

WHEREAS, the Society is authorized and empowered to impound all lost, stray, and homeless animals coming into its control and custody, as well as those which are brought in as a result of violations of the animal regulations; and to place for adoption or humanely dispose of such animals as come into its control.

WHEREAS, the City Council deems it advisable and in the best interests of the City to enter into an agreement with this Society for the management and control of stray dogs brought to its animal shelter from within the City,

NOW, THEREFORE, in consideration of these premises, it is mutually agreed between the parties as follows:

1. Management and Operation of Animal Shelter

(a) The Society will furnish animal shelter facilities located two and one-half miles east of the Court Square on Old Furnace Road and will comply with all state and local laws and regulations regarding animal control and protection.

(b) The Society will maintain proper housing for all lost, stray or homeless dogs, which come into its custody.

(c) The Society will maintain suitable office hours at the animal shelter for the convenience of the public and for the purpose of transacting business in connection with the duties under this contract and for the purpose of receiving animals or for accepting applications for the redemption of impounded animals.

(d) The Society will appoint competent and qualified employees for the carrying out of the responsibilities under this contract, who shall be responsible to the elected officers of the Society.

(e) The Society will provide proper food, water, shelter and other humane treatment for such animals while they are in the Society's possession and until placed or otherwise humanely disposed of by the Society.

(f) The Society will cooperate with the Health Department by following procedures required by the ordinance concerning persons or animals bitten by an animal in the City of Harrisonburg.

(g) The Society will keep full and accurate records of all animals in its control, showing the date, place and reason the animals were brought into custody with a description of the animal and a record of its length of stay and final disposition.

(h) The Society will not have the right, authority or power to sell, mortgage, or assign this contract or the powers granted to it, or any interest therein, for any purpose whatsoever without the written consent of the City.

2. Payment by the City

(a) The City will make payments to the Society for the temporary maintenance of all stray dogs received by it from within the geographic limits of the City of Harrisonburg.

(b) The agreed contract payment shall be paid by an annual appropriation in the total amount of Twenty Thousand Six Hundred Dollars (\$20,600) which sum is paid on a quarterly basis of Five Thousand One Hundred Fifty Dollars (\$5,150.00).

(c) The above amount is an annual appropriation as set forth in the budget of the City and the same shall be subject to change as each annual budget is prepared.

3. Terms of the Agreement

It is mutually understood and agreed by the parties hereto that this agreement shall continue in effect for one year from date hereof. However, after the initial period, this contract may be terminated by either party upon ninety (90)

days written notice to the other of an intention to terminate this agreement or enter into a new agreement. Otherwise, the agreement shall continue in effect under the same terms and conditions on a year-to-year basis.

4. City-Society Cooperation

The City and the Society will cooperate in carrying out the terms and purposes of this agreement and in enacting and enforcing ordinances consistent with such purposes and the aims of the Society.

WITNESS the following signatures and seals:

CITY OF HARRISONBURG

By _____

Atteste:

ROCKINGHAM-HARRISONBURG SOCIETY
FOR THE PREVENTION OF CRUELTY TO
ANIMALS, INC.

By _____

Atteste:

On motion of Council Member Shank, seconded by Council Member Rhodes, and a unanimous vote of Council, the Agreement was approved.

City Attorney Thumma informed Council that the Statewide Building Code had been adopted, and divided into two volumes: "New Construction" and "Existing Structures." In order to make the city's ordinances uniform with the state code, he presented two proposed ordinances, as follows: (1) amending and re-enacting Sections 11-1-1 and 11-1-8, for referral to Volume I of the State Building Code; (2) amending and re-enacting entire Title 11, Chapter 4, adopting Volume II of the Code. Council Member Robinson offered a motion for the ordinance amending and re-enacting Sections 11-1-1 and 11-1-8 to be approved for a first reading. The motion was seconded by Council Member Rhodes, and adopted by a unanimous recorded vote of Council. Council Member Robinson then offered a second motion for the ordinance amending and re-enacting Title 11, Chapter 4 to be approved for a first reading. This motion was seconded by Council Member Rhodes, and adopted by a unanimous recorded vote of Council. When City Manager Milam suggested that file copies of the two Volumes be made available in the Clerk's Office, City Attorney Thumma volunteered to make note of this in the two ordinances, and to see that the Volumes were received and placed on file.

On motion of Council Member Shank, seconded by Council Member Robinson, and a unanimous vote of Council, the following Resolution was approved:

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, 1986 (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.

APPROVED this 14th day of October, 1986.

Mayor

Atteste:

Clerk

At 9:43 P.M., on motion of Vice-Mayor Dingledine, seconded by Council Member Robinson and a unanimous vote, Council entered an executive session to discuss personnel and real estate.

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

Inasmuch as Dr. Joseph Eney's resignation as a member of the City Planning Commission had been accepted earlier in this meeting, Mayor Green asked members' wishes concerning an appointment to fill the vacancy for the remainder of Dr. Eney's second term. Council Member Shank offered a motion for Mrs. Sally A. Shapiro of 515 S. Mason Street, Harrisonburg, to be appointed to fill the unexpired term which will expire on December 31, 1987. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

Council was reminded that the one year terms of Dr. Joseph E. Gardner and Mr. E. Warren Denton, Jr., on the Rockingham Development Corporation Board will expire on October 23, 1986, and Mayor Green asked member's wishes concerning appointments. Council Member Robinson offered a motion for the two individuals to be reappointed to one year terms, expiring October 23, 1987. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

There being no further business, and on motion duly adopted, the meeting was adjourned at 11:05 p.m.

CLERK

State F. Green
MAYOR

Tuesday, October 28, 1986

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingle, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: Council Member Charles L. Shank.

Minutes of the regular meeting held on October 14th were approved as corrected.

City Manager Milam called attention to the Report on Examination of Financial Statements of the

Shenandoah Valley Juvenile Detention Home Commission, for year ended 6/30/86, and noted that copies of the report had been made available to each member of Council.

✓ Correspondence dated 10/22/86 from Attorney Lawrence H. Hoover, Jr., Agent for Park Crest Land Trust, was presented, requesting the rezoning of Lot 19, fronting on Main Street north of East Washington Street, and south of and adjacent to #1010 Main Street, from R-2 Residential to B-2 General Business. It was noted that the reason is to square up the potential lots fronting on Main Street, providing for a more efficient use of the land and avoiding the difficulty of development of a triangular lot. If rezoned, Attorney Hoover pointed out that it would be a natural extension of the B-2 zoned property owned by Park Crest Land Trust. On motion of Vice-Mayor Dingledine, seconded by Council Member Robinson and a unanimous vote of Council Members present, the request was referred to the City Planning Commission for review and report.

✓ City Manager Milam called members' attention to their copies of the City's Comprehensive Annual Financial Report for year ended 6/30/86, prepared by the Harrisonburg CPA Firm of Phibbs, Burkholder, Geisert & Huffman. He noted that the report had been received only this afternoon, and asked members to review their copies, with a representative of the firm to be invited to a future meeting, to answer any questions Council may have.

✓ City Attorney Thumma presented for consideration of a second & final reading, an Ordinance amending and re-enacting Sections 11-1-1 and 11-1-3 of the City Code, entitled: "Building Code Adopted" and "Compliance with Existing Structures Code," respectively. He called attention to paragraph (c) under Section 11-1-1, which had been added, on request of Council when the ordinance was approved for a first reading on October 14th: "A copy of the Virginia Uniform State Wide Building Code, Volume I, as currently amended, is on file in the City Clerk's Office." Council Member Robinson offered a motion for the ordinance, as amended, to 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 Dingledine, and adopted by a unanimous recorded vote of Council Members present. (Refer to Ord. Bk L page 79).

✓ For consideration of a second & final reading, City Attorney Thumma presented an Ordinance amending and re-enacting Title 11, Chapter 4 of the Harrisonburg City Code, entitled: "Existing Structures", which had been approved for a first reading on October 14th. He called attention to paragraph (c) under Section 11-4-1 which had been added on request of Council, as follows: "A copy of the Virginia Uniform State Wide Building Code, Volume 2, Building Maintenance Code as currently amended, is on file in the City Clerk's Office." On motion of Vice-Mayor Dingledine, seconded by Council Member Robinson, and a unanimous recorded vote of Council Members present, the ordinance, as amended, 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. (Refer to Ord. Book L pages 77-78).

✓ Council received the following report from an October 22nd meeting of the City Planning Commission:

"...The Commissioners reviewed a Final Plan for Section 3 of Stonefield Village Subdivision. Twenty single family lots are proposed on Viewmont Court, a street extending 550' west off Vine Street. Mr. J. R. Copper described the engineering and utility plans, which were approved by City Staff when the overall Stonefield Master Plan was presented in 1985. Owner/developer Kevin Leigh reported that he is ready to construct Viewmont Court this fall. The subdivision review sheet was reviewed and Mr. Copper explained plans to pipe storm water into a sink hole shared by nearby Northfield Estates Subdivision.

Mr. Heath, noting that City Staff was satisfied with the drainages, moved to recommend approval of the Final Plan for Section 3, Stonefield Village Subdivision. Mr. Rhodes seconded the motion which passed unanimously..."

Planning Director Sullivan said all has gone well in working with Mr. Leigh, and invited members of Council to visit the project, noting that they should be well pleased. On motion of Vice-Mayor Dingledine, seconded by Council Member Rhodes, and a unanimous vote of Council Members present, the recommendation of the Planning Commission was approved.

✓ The following Planning Commission report, from its October 22nd meeting, was presented:

"...A letter from Attorney Mark Callahan was summarized, requesting approval of the James Logan Estate's desire to re-subdivide two residential lots in Block G of the Garber Addition. The Director noted that the Commission and City Council approved this matter in December 1985, but the re-subdivision was not recorded in the Court House, therefore it was 'void.' No changes have been made on the plat drawn by Gary Judd. Vice-Chairman Trobaugh noted that dwellings exist on the two lots, both of which are smaller than the minimum size needed in R-2 Districts. Mr. Rhodes reported that the Logan Estate hopes to sell the dwellings, and this re-subdivision needs to be reinstated or approved again.

Mr. Hughes moved for the Commission to recommend, reluctantly, a re-approval of the Logan Estate Resubdivision (Lots 16 & 18 in Block G of the Garber Addition). Mr. Rhodes seconded the motion which passed unanimously..."

Planning Director Sullivan pointed out location of the lots, situate on Effinger & Myrtle Streets, and noted that in 1985, the Estate had a prospective buyer, which did not work out. An attempt is now being made to settle the estate, and an attorney recommended that the matter be brought back to Council for re-approval, in order that the lot lines might be straightened. Council Member Robinson offered a motion for the recommendation of the Planning Commission to be approved, which motion, upon being seconded by Vice-Mayor Dingledine, was adopted by a unanimous vote of Council Members present.

✓ The following Planning Commission report from an October 22nd meeting, was presented:

"...The Commissioners reviewed a neighborhood map and a plat showing V. W. Nesselrodt's proposal to re-subdivide a 12.139 square foot lot on the south side of South Avenue into a triplex townhouse layout. Mr. Copper reported that a 3-unit townhouse will be built, appearing as a one-story structure from the front side, but due to the terrain, each unit would have two stories on the

back side. By design, autos will not back into South Avenue. The Director noted that a similar situation exists across the street in the Northampton townhouse development.

Mr. Hughes moved that the Commission recommend approval of the re-subdivision of Lot 3 into a triplex townhouse layout, Southampton Subdivision, Section 2, providing that autos will not back into South Avenue. Mr. Milam seconded the motion. All members voted in favor..."

Planning Director Sullivan said that the report was self-explanatory, and that all questions had been satisfactorily answered at the Commission's meeting. On motion of Council Member Robinson, seconded by Council Member Rhodes, and a unanimous vote of Council Members present, the recommendation of the Planning Commission was approved.

✓ Council received the following Planning Commission report from its October 22nd meeting:

"...The Commissioners reviewed a plat drawn by David L. Ingram, showing the division of Lot 1, Hilltop Farm Subdivision, into a duplex lot (on the northeast corner of Vine Street and Old Furnace Road). Mr. Eddie Burgoyne told the Commissioners that his duplex dwelling is almost complete and he desires to sell it as two separate lots, with the dwellings sharing a common wall and lot line. Parking will be off Vine Street, and designed so that autos won't have to back into Vine Street. A 30' setback off both Vine St. and Old Furnace Road has been established.

Mr. Rhodes moved that the Commission recommend approval of Mr. Burgoyne's request to resubdivide Lot 1, Hilltop Farm Subdivision, into 2 lots. Mr. Milam seconded the motion. All members voted in favor..."

Planning Director Sullivan called attention to the attached plat, and noted that Mr. Burgoyne has built a duplex, with a desire to sell each unit separately. Vice-Mayor Dingleline moved that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council Members present.

✓ City Attorney Thumma presented for consideration of a first reading, a proposed Ordinance enacting Section 12-1-56 of the City Code, entitled: "Direct Sellers", as requested by Commissioner of Revenue Smith. Mr. Smith informed Council that the section authorizes localities to issue a license tax on Direct Sellers (i.e. Avon, Mary Kay Cosmetics, Amway Products, Tupperware, etc.) He noted that there has been a lot of pressure concerning the licensing of such sellers, and that the ordinance provides for a license tax to be paid by those with sales exceeding \$ 4,000 annually. License assessed will be 20¢ per \$100 of retail sales or 5¢ per \$100 of wholesale sales, whichever is applicable. Mr. Smith said he felt it best to handle the situation by ordinance, which also provides for a fine. He added the fact that there may be difficulty in tracking down these sellers, but the Department of Taxation will assist the city in identification of door-to-door and home sales promoters, from tax filings. Attorney Thumma said the ordinance was drafted from the state statute. Council Member Rhodes asked if Direct Sellers are presently paying sales tax, and Mr. Smith said that he presumes so, but will check into the matter with the local Department of Taxation. Vice-Mayor Dingleline asked why the Sellers couldn't just pay tax on all sales over and above \$4,000, rather than the entire amount, to which Mr. Smith replied that the rates, set up by the state, are not amendable by the city. Following discussion, Council Member Rhodes offered a motion for the ordinance to be approved for a first reading. The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council Members present.

✓ For consideration of a first reading, an Ordinance amending and re-enacting Section 12-1-30(a), entitled: "Contractors", was presented. Commissioner of Revenue Victor Smith explained that in the last revision of the City Code in 1983, the words "rent or lease" had been inadvertently omitted under this section. For the "sake of clarity", Mr. Smith noted that the proposed ordinance simply places those words back into Section 12-1-30(a). Vice-Mayor Dingleline moved that the ordinance be approved for a first reading, which motion upon being seconded by Council Member Robinson, was adopted by a unanimous recorded vote of Council Members present.

✓ For Council's consideration of approval, City Manager Milam presented and read the following proposed Resolution:

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 the 28th day of October, 1986, 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, Va. to reconstruct West Market Street (U.S. Route 33) as shown in the 1995 Harrisonburg Thoroughfare Plan from High Street (State Route 42) west to the West Corporate Limits.

2. The City hereby agrees to pay its share of the cost of surveys and plans, rights-of-way, and construction under the present formula adopted by the Department of Highways and 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 pay the Highway Department for 100 percent of the cost incurred for the said project to the time of abandonment.

ADOPTED this _____ day of _____, 1986.

Mayor

Atteste:

Clerk

Manager Milam noted that he had mailed information to all members of Council, including a Memo from City Engineer Wilcox. Under the new funding formula, he said it appears that the City of Harrisonburg's annual construction money will increase from 1/2 million to 1 1/2 million, and that some of the projects have been committed up to year 1991, as follows: (South High Street: Grace St. to Erickson Ave.); (Virginia Avenue: Fifth Street to Old Corp. Limits) (and Port Republic Road: I-81 to South Main Street). The Route 33 West Project (W. Market from Waterman Drive to Garbers Church Road-Va. 910), was committed by the Highway Department, prior to annexation by the City, and while still

situate in the County of Rockingham. Although the project is listed as the city's top priority in the current plan, Manager Milam pointed out that Council must make a formal request to the Highway Department, in order to get same included on the state's listing. A survey of the route sets out a range of pavement widths: High Street to Academy Street, 32'; Academy to Willow Street, 30'; Willow to Dogwood Drive, 33' and from Dogwood to the Old Corporate Limits, 40', resulting in a 40 - 45' right-of-way. The proposed reconstruction project will provide a 48' paved surface from curb to curb and a 70' right-of-way. Mr. Galen Showalter (397 W. Market St.) and Mr. Homer Miller (420 West Market St.) raised a question concerning the amount of yard space that would be lost, providing an equal portion of the right-of-way is taken from each side of the street. Manager Milam informed them that as much as 15' could be required, although an effort would be made to keep it to a minimum. Sidewalks would be reconstructed, and should the 15' be required, the curb would be 4 - 9' nearer residences. When Mr. Miller asked if Council had considered the possibility of an east/west by-pass, Manager Milam noted that it is difficult to get another location, and this is the only route the city presently has, for traffic coming from the west. Planning Director Sullivan traced the route of a proposed east/west loop around the city, under a long-range plan, and said it may be the year 2020 before same materializes. Manager Milam informed Council that if approved, the Resolution would be presented at a public hearing which is scheduled for tomorrow in Staunton, by City Engineer Wilcox. Delegate Paul Cline will be in attendance at the Hearing. Following discussion, Council Member Rhodes offered a motion for the Resolution, as presented and read, to be approved, with authorization for the Mayor and Clerk to sign the same. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council Members present.

For consideration of approval, Council received from City Engineer Wilcox, two easement agreements, prepared by the law firm of Kiykendall, Wetsel & Kuykendall, of Winchester, Virginia, between Aston-Harman (a N.C. Lmtd. Partnership) and the City of Harrisonburg. Aston-Harman, owner of land on Rt. 33 east, has constructed a shopping center, and through a Sanitary Sewer & Water Easement Agreement, gives to the city a 20' easement for installation and maintenance of the lines, and through an Electrical Easement Agreement, gives the City a 10' easement for underground wires and transformers. Mr. Wilcox noted in correspondence which accompanied the Agreements, that "to the best of his knowledge, these documents are in order and are to the benefit of the City." City Manager Milam pointed out location of the area on a map, noting that all seemed to be in order, and asked that the Agreements be approved. On motion of Vice-Mayor Dingleline, seconded by Council Member Robinson, and a unanimous vote of Council Members present, the Agreements were approved, with authorization for the Mayor to sign the same on behalf of the City of Harrisonburg.

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

On October 20, 1986 A.M., The Board of Viewers: John H. Byrd, Sr., Richard L. Suter, Wilmer C. Byrd, Sr. and William L. Blair, Jr., met on Franklin Street at an alley approximately 320 feet west of Myers Ave.

We concluded there will be no inconvenience to anyone, to close this alley. It is not being used as an alley, nor are there any indications that it has been used as an alley. We recommend it be closed.

This alley is 10 feet wide by 181.92 feet long. It runs north from Franklin Street to Bruce Street. Charlotte Showker's property adjoins it on the west side. Lester J. Steele's property adjoins it on the east side.

Respectfully submitted to Harrisonburg City Council.

*signed: John H. Byrd, Sr.
Richard L. Suter
Wilmer C. Byrd, Sr.
William L. Blair, Jr.*

Council was reminded that a Planning Commission report, presented at the October 14th meeting, recommending closing of the alley, pending support in writing, from a Board of Viewers. Council Member Rhodes offered a motion for the Viewers' report to be accepted and an ordinance closing the alley to be approved for a first reading. The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council Members present. Manager Milam noted that information would be forwarded to the City Engineer, and upon payment by the adjoining property owners for land derived in the closing, the ordinance, properly prepared by the City Attorney, would be presented for final reading.

Council Member Robinson moved that a supplemental appropriation in amount of \$ 66,000, approved for a first reading on October 14th due to insufficient funds for payment of fire insurance premiums, be now approved for second & final reading, and that:

\$ 66,000 chgd. to: General Fund - Unapprop. Fund Balance

66,000 approp. to: General Fund (9103-5302.01) Ins. & Bond Premiums- Fire Ins.

The motion was seconded by Council Member Rhodes, and adopted by a unanimous recorded vote of Council Members present.

Vice-Mayor Dingleline offered a motion for a supplemental appropriation in amount of \$ 3,064, representing appropriation of funds received for Harrisonburg's Litter Control Program, to be approved for second & final reading, a first reading having been approved on October 14th, and that:

\$ 3,064 chgd. to: General Fund (1901.01) Recoveries & Rebates

3,064 approp. to: General Fund (4108-5414.01) Highway & St. Beaut.-Litter Control

The motion was seconded by Council Member Rhodes, and adopted by a unanimous recorded vote of Council Members present.

Vice-Mayor Dingleline moved that a supplemental appropriation in amount of \$ 16,820, representing the City's share of cost for a Feasibility Study of City/County Office space needs, be approved for second & final reading, a first reading having been approved on October 14th, and that:

\$ 16,820 chgd. to: General Fund- Unapprop. Fund Balance

16,820 approp. to: General Fund (4301-7010.00) Gen. Properties- Cap. Outlay-Bldgs.

The motion was seconded by Council Member Rhodes, and adopted by a unanimous recorded vote of Council Members present.

Council Member Rhodes moved that a supplemental appropriation in amount of \$ 60,000, approved for a first reading on October 14th for purchase of a track loader by the Public Works Department,

be approved for second & final reading, and that:

\$ 60,000 chgd.to: Sanitation Fund - Unappropriated Fund Balance

60,000 approp.to: Sanitation Fund (7-7001.00) Cap.Outlay- Mach.& Equip.

The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council Members present.

✓ A request was presented from Fire Chief Shifflett, for approval of a supplemental appropriation in amount of \$ 31,819.68, in order to recover funds from Rockingham County, as well as from Donations. Vice-Mayor Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 6,083.18 chgd.to: General Fund (1901.01) Recoveries & Rebates

25,736.50 chgd.to: General Fund - Unappropriated Fund Balance

27,124.68 approp.to: General Fund (3201-1001.06) Dispatchers

4,695.00 approp.to: General Fund (3201-7001.03) Equipment

The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council Members present.

✓ City Manager Milam called attention to correspondence dated September 25th, from the State Compensation Board, advising that the approved mileage rate for fiscal year 1986-87 had been increased to 21 cents per mile, and further advising that request may be made up to this amount on future claims. Although the correspondence referred specifically to the Constitutional Offices, Manager Milam requested approval of the city's present rate of 20.5 cents, being increased to 21 cents per mile, in order to keep the rate uniform among all officials and employees of the City, as well as the offices of Commissioner of Revenue and City Treasurer. Council Member Robinson offered a motion for the state approved rate of 21 cents per mile to be approved, as requested by the City Manager. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council Members present.

✓ Correspondence dated 10/13/86 from Mr. David Rood, Director of the Rockingham/Harrisonburg Alcohol Safety Action Program (ASAP) was presented, advising the City Manager that the Commission had accepted the resignation of Dr. Jon McIntire as a member of the Commission. On motion of Vice-Mayor Dingledine, seconded by Council Member Robinson and a unanimous vote of Council Members present, Council accepted the resignation.

✓ Mayor Green called attention to a letter, protesting a parking fine which had been received last Friday night for parking in a restricted area, during activities at the Harrisonburg High School. He said he had conversed with some people around Hillcrest re Parents' Weekend at JMU, and been informed that the city had towed some cars. He offered an opinion that the city's ordinance should not be quite so enforcable during that particular time. Chief of Police Presgrave informed Council that most of those he had talked with concerning fines imposed, said they were aware of the signs for permit parking only, but felt this was a special occasion, and that the enforcement was from complaints. He noted that the past several weekends have been very difficult insofar as activities at the Convocation Center, and felt that his department had performed very well, under some difficult conditions. The Chief added the fact that University Boulevard, which is scheduled to be opened in a couple of weeks, should relieve the situation to some extent in moving traffic.

✓ The following requests and or complaints, were registered by members of Council, and the City Manager was asked to have same investigated: (1) placing of street light on existing pole (Fairview Ave. & Harrison St.); (2) accumulation of trash in area of Burger King on East Market Street, as well as the area around Federal Street; (3) request for city buses to refrain from using Blue Ridge Drive as a bus route.

✓ Vice-Mayor Dingledine questioned the parking of trucks at the end of Butler Street, east of the JMU parking lot, and said he was not knowledgeable as to ownership of the trucks. Chief Presgrave informed Council that this particular area is JMU property, and that trailers, lined up on the grass, are using same for storage purposes.

At 9:15 p.m., on motion of Council Member Robinson, seconded by Vice-Mayor Dingledine, and a unanimous vote of members present, Council entered an executive session to discuss personnel and a legal matter.

At 10:20 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened. There being no further business, the meeting was adjourned.

CLERK

Walter F. Green
MAYOR

Tuesday, November 11, 1986

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingledine, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

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, 1986.

From the City Treasurer:

A trial balance report as of close of business on October 31, 1986.

From the Police Department:

A report of Fines & Costs, \$ 8,344.46; cash collected from parking meters, \$ 7,353.04; total cash collected and turned over to Treasurer, \$ 15,697.50, for October, 1986.

From the City Auditor:

A financial report for the City of Harrisonburg, month of October, 1986.

A report of cash discounts saved in payment of vendor's invoices for month of October, 1986, in total amount of \$ 450.45.

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, 1986.

✓ Correspondence was presented from the Harrisonburg Retail Merchants' Association, inviting members of Council to participate in the annual Downtown Christmas Parade on Sunday, December 7th, at 2:00 P.M.

✓ City Manager Milam called Council's attention to the Report of financial statements for the Rockingham Public Library, year ended June 30, 1986, prepared and submitted by the CPA Firm of S.B. Hoover & Company. He noted that a copy of the report would be on file in his office, for review.

✓ City Manager Milam presented a report from the Harrisonburg Electoral Board, signed by all officials, setting out votes cast in the General Election held on November 4, 1986, as follows: For Congress: Flo Neher Traywick, 1,495; James R. "Jim" Olin, 2,351. Proposed Constitutional Amendments: Question 1: Yes, 1,740; No, 1,849; Question 2: Yes, 1,300; No, 2,207; Question 3: Yes, 2,846; No, 595; Question 4: Yes, 2,799; No, 664. The report was ordered filed.

✓ At 7:55 P.M., Mayor Green 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 October 23rd and November 6th:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, November 11, 1986, at 7:30 P.M. in the City Council Chambers, 345 South Main Street, to consider the following rezoning request:

Bernard Bolt request to rezone a lot on the corner of Country Club Road and Country Club Court from R-1 Single Family Residential to R-3 Multiple Dwelling District.

Purpose: To construct 2-story professional office building.

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

CITY OF HARRISONBURG- Marvin B. Milam, City Manager

Attention was called to the following Planning Commission report which had been presented to Council at the October 14th meeting:

"...The Commissioners studied a site plan drawn by Copper & Amith, showing a proposed 2-story professional office building on the 0.78 acre Bernard Bolt property. The triangular parcel faces Country Club Road and will also border Country Club Court. Mr. Copper said that Mr. Bolt will construct curbing along Country Club Road, 12' off the existing paved roadway, and 40 off-street parking spaces plus landscaping will be placed on the site. The structure will look somewhat like a residence, since single family homes are located on the north side of Country Club Road, facing nearby Clay Street. Mr. Milam noted that Mr. Bolt has fully developed Country Club Court and this request will improve the appearance of the property and the area.

Mr. Hughes moved for the Commission to recommend the rezoning of 0.78 acres owned by Bernard Bolt, from R-1 Single Family Residential District to R-3 Multiple Dwelling District for professional office development on Country Club Road. Mr. Rhodes seconded the motion which passed unanimously..."

Planning Director Sullivan pointed out the location on a map, noting a small triangular parcel of land on the north side of Country Club Court townhouse development, and separated from Spotswood Acres Subdivision by Country Club Road. The Commission's public hearing was held in October, and Mr. Sullivan noted that a couple questions had been raised by residents in the area, concerning the possibility of allowing commercial activities, which concern was clarified by assurance given that in this particular instance, a two-story professional office building would be constructed, with off-street parking. Mayor Green called on anyone present, desiring to be heard either for or against the rezoning request. Mr. J.R. Copper described the proposed structure, noting two entrances: from Country Club Court and Country Club Road. He added the fact that the plan is only preliminary for the purpose of rezoning the lot, with final plan to be prepared and presented at a later date, following this evening's decision. Mr. Copper offered an opinion that the traffic problem should be very low, five days a week. Mr. Sullivan pointed out that professional offices are permitted in an R-3 zone, and that an effort is made to inform the public that this is different from regulations under General Business. He expressed hope that this particular rezoning would be seen as a transition type use. There being no others desiring to be heard, the Hearing was closed at 8:01 P.M. and the regular session reconvened.

✓ Mayor Green asked members' wishes concerning the rezoning request of Mr. Bernard Bolt for a lot situate on the corner of Country Club Road and Country Club Court from R-1 Single Family Residential to R-3 Multiple Dwelling District, as discussed in this evening's public hearing. Vice-Mayor Dingleline moved that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council. *Ord. appud. For 1st Rdg.*

✓ For consideration of a second & final reading, City Attorney Thumma presented an ordinance amending Section 12-1-56 of the City Code, entitled: "Direct Sellers." He noted that the ordinance, approved for a first reading on October 28th, provides for persons conducting or engaging in direct selling (i.e. Avon, Tupperware, Mary Kay Cosmetics, etc.) to pay an annual license tax (if sales exceed \$ 4,000), of \$0.20 per \$100 of retail sales or \$0.05 per \$100 of wholesale sales, whichever is applicable. Council Member 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 Council Member Shank, and adopted by a unanimous recorded vote of Council. (Ord. Bk L, page 80).

✓ For consideration of a second & final reading, City Attorney Thumma presented an ordinance amending and re-enacting Section 12-1-30(a) of the City Code, entitled: "Contractors." He noted that the ordinance, approved for a first reading on October 28th, reinserts the words "rent or lease"

which were inadvertently omitted under this section in 1983, when the Code was revised. On motion of Council Member Robinson, seconded by Vice-Mayor Dingleline, 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 L, page 81).

Council received the following Planning Commission report from its meeting of October 29th:

"...The Director reported that City Staff has reviewed all changes on the construction and engineering documents which have been submitted by Patton, Harris, Rust and Associates, including revisions delivered on October 22nd, hours prior to the Commission's last meeting. Any future questions will be settled as construction takes place. City Staff has agreed to this approach. Section 1 will have 18 single family lots and 6 duplex lots while Section 2 is a proposal for 48 multi-family units in 8 structures. Both Hidden Creek and South Dogwood Drive will be 60' wide.

Mr. Hughes moved that the Commission recommend approval of the Final Plans for Sections 1 and 2, Hidden Creek Subdivision. Mr. Heath seconded the motion which passed unanimously..."

Planning Director Sullivan called attention to maps attached to the Commission's report, and oriented Council on the project: two separate subdivisions with two separate owners, side by side. R-3 property on the northwest side of Rockingham Square new shopping center and a new road on the northeast side of the shopping center. On the first section, predominantly single family lots with three of the lots, duplex, resulting in three for-sale. Section 2 is local housing (48 multi-family units in 8 structures). Mr. Sullivan offered an opinion that "everything had been ironed out" in the Commission's meeting, with all in order for approval. He added the fact that Section 2 does not complete the site, in that there will be a Section 3 in the future, with requirement for dedication of some streets. Mr. George Foard, a representative of Patton, Harris, Rust & Associates, said this will be a nice development and compatible to the area, in that the multi-family structures will be directly in rear of the new shopping center. On motion of Council Member Robinson, seconded by Council Member Rhodes, and a unanimous vote of Council, the recommendation of the Planning Commission was approved.

Council received the following report from a City Planning Commission meeting held on October 29th:

"...The Director reported that the construction and engineering drawings for Section 6 Extended, Preston Heights, have been reviewed and the lot layout plus proposed Tabb Court is satisfactory, although variances are required to allow the sharp curve and double street frontage for Lots 15 & 16. Staff will work out the details with the designer regarding street and utility work along Cantrell Avenue.

Noting that nine additional single family homes will be added to a site backing up to single family homes. Mr. Heath moved that the Commission recommend approval of Preston Heights Subdivision, Section 6 Extended, including a variance to allow the sharp curve on Tabb Court and double street frontage for Lots 15 & 16. Mr. Rhodes seconded the motion which passed unanimously..."

Planning Director Sullivan noted that covenants are being arranged so that all houses will face the cul-de-sac, with backyards touching cantrell avenue. The developer will be responsible for curb & gutter on the cul-de-sac. He pointed out the fact that Lot 22 should be included, along with Lots 15 & 16 for double frontage, although not set out in the Commission's report. Mr. John Driver informed Council that he had been employed by the Prestons, and pointed out the area on a map, noting that the only way, without the sharp curve, would be 80' wide lots, 300' deep. The requirement for 400' between blocks under the Subdivision Control Ordinance, has resulted in one lot of 100'. Mr. Driver said that a request has been made for Tabb Court to be tied into Cantrell Avenue, with a 35' radius (a total distance of 105' of entrances and exits). Although Highway standards require a 100' acceleration and a 100' deceleration lane, Mr. Driver offered an opinion that the 35' radius is much safer, in that the use of lanes results in cars travelling parallel to traffic. At 35 MPH, a driver has to turn around at 180° to see if traffic is coming. City Manager Milam said that the City Engineer had asked for acceleration and deceleration lanes, as required, and said that he, personally, would like to see approximately 100' of curb & gutter along Lot 23 on Cantrell Avenue, since it is an existing street. He referred to a situation of Lot 10 on Paul Street, where curb & gutter goes to the rear of the lot, and noted the fact that Lot 23 would have no curb & gutter, as well as Lots 15, 16 or 22. Manager Milam noted that improvements to existing streets are a monumental problem for the Public Works Department, as well as for future lot owners, and that City Staff feels that whatever is approved on this project, will be look at one-half block up the hill. The decision, he noted, is that of Council. When Council Member Rhodes asked if there were any plans for widening Cantrell Avenue, Mr. Milam said, "not to my knowledge." He asked that it be made clear in Council's minutes, that future property owners are not to harrass certain city officials regarding improvements in the future. Although it was a desire of City Staff for the developer to place curb and gutter in front of Lot 23, the City is barred by law from requiring a developer to make improvements on an existing street. He noted that this particular section of street is included along with previous dedications, with no improvements. Mr. Driver said that the developer plans to place some pipe in a ditch, for picking up water to Cantrell Avenue. Council Member Shank offered a motion for the Planning Commission recommendation to be approved, including Lot 22 along with Lots 15 & 16 for frontage. The motion was seconded by Vice-Mayor Dingleline, and adopted by a majority recorded vote of Council. Mayor Green, abstaining. Mr. Driver then asked for a variance to allow a 35' radius, in that the City Engineer will require acceleration & deceleration lanes, as required by the Highway Department. Council Member Shank offered an opinion that the City Engineer should be present in a future meeting to discuss the situation, in order that the "other side may be heard." Mr. Driver said he would be unable to get the plans approved, until some decision is reached. Council Member Rhodes (a representative of Council on the City Planning Commission) said he assumed that the recommendation would cover everything, and not hold up the project. He offered a motion to waive the requirement for acceleration and deceleration lanes, in this particular instance. The motion was seconded by Council Member Shank, and adopted by a majority recorded vote of Council. Mayor Green, abstaining.

Correspondence dated 11/7/86 was presented from the Law Firm of Julias, Blatt & Blatt, representing Craig and Roberta Moore, contract purchaser of the Joshua Wilton home situate on the corner of

South Main & Campbell Streets, currently owned by Mrs. Shakie Macher. A 2-fold request was set out in the correspondence: (1) that the proposed conditional zoning district, in the draft copy of the new Zoning Ordinance, be adopted by the City; (2) Approval of conditional zoning for the aforementioned property, in order that it may serve as a restaurant & inn facility. A \$75 check was enclosed for processing the rezoning request, and the following conditions set out in the correspondence by the firm, on behalf of its clients: (1) facility not to be open to the public on Sundays, prior to 12:00 noon in order to accommodate activities at St. Stephens United Church of Christ; (2) use of the property to be restricted to a Restaurant & Inn Facility, and that no other use, otherwise permitted under the B-2 Zoning District, be permitted for this particular property. Attorney Steve Blatt said his client wants to know if there is any likelihood of the house "seeing any daylight", and asked the City to process machinery to approve conditional zoning, by referral back to the City Planning Commission for a public hearing, etc. City Manager Milam suggested that the request could be sent back to the Planning Commission for deliberation on the total zoning document. He noted this as a critical time for the property owner and contract purchaser, and pointed out the fact that if Council proceeds through the time limit for a public hearing, it could be the middle of February before an answer concerning rezoning of the property, could be given. He added the fact that this could be handled as a text change, rather than a map change. Planning Director Sullivan made reminder that the former request was for B-2 General Business zoning, and that although he, personally, was in favor, there had been some protest at the Commission's Hearing. Three pages of the proposed Zoning Amendment relating to Conditional Zoning met with no opposition, whereas the section relating to Special Permits, had met with opposition. He suggested that the Planning Commission could schedule a second public hearing for rezoning of the property to B-2, but with the condition that the property be used, only as requested by the contract purchaser, in written documents. Council Member Shank offered a motion for the request to be referred back to the Planning Commission, and the motion was seconded by Vice-Mayor Dingledine. Mayor Green said he had heard nothing bad re proposed use of the property by the Moores, or proposed conditional zoning, and reiterated the time limit on sale of the property. The motion was adopted by a unanimous vote of Council.

✓ Mr. Kenneth Huffman of the CPA Firm of Phibbs, Burkholder, Geisert & Huffman, was present in the meeting, on invitation of Council, to review the City's 67 page Annual Audit Report for fiscal year ended 6/30/86. He again stressed the need for a fixed asset report and was informed that this has been undertaken by an Intern, working out of the City Manager's Office. Another recommendation was for one individual to be responsible for a "Watch Dog" task, to see that each federally funded program is properly audited, in order to satisfy the City's responsibility to the Program. When Vice-Mayor Dingledine asked why the Community Services' Board could not be included along with the city's audit, in that funds are appropriated to the Board, Mr. Huffman said he would check into the matter. Upon completion of the review, Mr. Huffman invited members of Council to contact the firm with any further questions, and Mayor Green expressed appreciation for the review.

✓ City Manager Milam reminded Council that following a public hearing on October 14th, approval had been granted for the closing of 0.24 of an acre of land (paper street) on the south side of Country Club Road, ending at the C-W Railroad right-of-way, as requested by Mr. Bernard Bolt, owner of the land on both sides of the area requested for closing. He presented a proposed ordinance for the closing, as prepared by City Attorney Thurma, for consideration of a first reading. Mr. Thurma said that inasmuch as the name "Hirsch Lane" was not mentioned in the information he had received for preparation of the ordinance, he would, with Council's permission, redraw the ordinance to include the name, prior to a second & final reading. Two corrections noted in Council was duplication of Country Club Road in the description section of the ordinance, which should read: Country Club Road and then Country Club Court, and setting the area out as a street, rather than an alley. Vice-Mayor Dingledine offered a motion for the ordinance to be approved for a first reading and referred back to the City Attorney for the mentioned corrections and addition. The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

✓ Council received the following report from the Harrisonburg Transportation Safety Commission meeting held on November 4th:

After observing the present traffic pattern of one lane southbound and 2 lanes northbound and the resulting difficulty in making left turns safely, Chief Presgrave made a motion that the traffic pattern on South Main Street from south of the Pleasant Valley intersection to the City's southern limits be redesigned to have one lane southbound, one lane northbound, and a center lane for left turns only. Further, he motioned that the speed limit in the same section on South Main Street be reduced to 45 mph. Secretary Jean Tamkin seconded the motion; and following further discussion by all members present, the motion was adopted unanimously by the Commission.

Council Member Shank offered a motion for the recommendations of the Commission to be approved. Council Member Rhodes made mention that the City may stand to lose some state funding, should the pattern be changed as recommended, in that it would not be considered a highway. The motion was then seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

✓ Correspondence dated 11/4/86 was presented from City Treasurer Beverly S. Miller, requesting authorization to advertise as unpaid, delinquent real estate for years 1985 and 1985, as required under Section 4-1-29 of the Harrisonburg City Code. On motion of Council Member Robinson, seconded by Council Member Shank, and a unanimous vote of Council, the City Treasurer was so authorized.

✓ Council Member Shank moved that a supplemental appropriation in amount of \$ 31,819.68, requested by the Fire Chief in order to recover funds from Rockingham County as well as from Donations, be approved for second & final reading, a first reading having been approved on October 28th, and that:

\$ 6,083.18 chgd.to: General Fund (1901.01) Recoveries & Rebates
 25,736.50 chgd.to: General Fund - Unapprop. Fund Balance
 27,124.68 approp.to: General Fund (3201-1001.06) Dispatchers
 4,695.00 approp.to: General Fund (3201-7001.03) Equipment

The motion was seconded by Council Member Rhodes, and adopted by a unanimous recorded vote of Council.

✓ City Manager Milam called members' attention to their copies of a detour plan, submitted by the Department of Public Works, for re-routing vehicles over 12 tons gross weight, around the North Liberty Street bridge over Blacks Run. It was noted that proper detour signs would be installed by November 14th. Manager Milam said the detour was prompted, following a routine inspection of the bridge between

West Wolfe and West Elizabeth Streets, resulting in a gross limit of 12 tons being set by the State Highway Department. He traced the route, verbally, for southbound trucks on North Main Street, as follows: West onto Gay Street, left onto High Street to Cantrell Bridge - across bridge and left turn onto South Main Street. He said the bridge should be redesigned and rebuilt at an estimated cost of \$ 100,000, funds for which are not available in this year's budget. They will, however, be provided in next year's budget for fiscal year 1987 88. The report was for information.

Vice-Mayor Dingledine offered a suggestion for establishment of a color code to be considered for permits issued for the various areas of the city designated for "Permit Parking Only," prior to issuance of permits in January, 1987.

At 9:30 p.m., on motion duly adopted, Council entered an executive session to discuss personnel and a legal matter.

At 10:35 p.m., the executive session was closed and the regular session reconvened.

Mayor Green asked members' wishes concerning appointment of representatives on the Harrisonburg-Rockingham Regional Sewer Authority, due to expiration of present terms on July 14th of this year. Council Member Rhodes offered a motion for the following Authority members: Messrs. Roy Erickson, Warren L. Braun, John E. Driver and John Gordon, to continue serving as members of the Authority until such time as appointments are made. The motion was seconded by Council Member Shank and adopted by a unanimous vote of Council. (REFER TO MINUTES OF NOVEMBER 25TH FOR CORRECTED WORDING OF MOTION.)

There being no further business, the meeting was adjourned.

CLERK

Walter F. Green
MAYOR

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingledine, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on November 11th were approved as corrected. Attorney Thumma noted that from a legal standpoint, the motion to extend terms of all present members of the Regional Sewer Authority representing Harrisonburg, for one year, must be reworded as follows: "all members shall continue to serve until such time as appointments are made." He noted that the length of a term is set out in the contract between the Sewer Authority and participating governing bodies, and cannot be changed.

City Manager Milam presented a petition signed by 59 residents, requesting street lights in Ashby Heights. He was asked by Council to look into the situation, and report back at a future meeting, with additional information.

City Manager Milam presented correspondence, signed by the owners of eight lots fronting on Betts Road in Section III of Fairway Hills Subdivision. A proposal was made for each lot owner to contribute \$ 3.45 per lineal foot for construction and installation of curb and gutter along the front boundary line of his/her own lot. The \$ 3.45 represents 40% of \$ 8.60 which is the installation cost per foot, estimated by the City Engineer. It was noted that the willingness to contribute is contingent upon the installation of curb and gutter being completed within twelve months. A second request was for Betts Road to be paved as soon as practical. Mr. Donald Taylor of 245 Betts Road and owner of Lot #74, reminded Council that request had been made in October for the improvements, with an agreement at that time for the lot owners to contribute toward installation of curb & gutter. He added the fact that 40% of the cost had seemed to be a fair amount. Manager Milam suggested that the project be included in next year's budget, in that most of the city's funds are committed to projects. He said the City has to justify expenditures for all streets, to the Highway Department, with Betts Road as one street that will have to be funded. He noted that Reservoir Street and University Boulevard have exhausted city funds. Requests have been received from Country Club Road for improvements, and is set up as the city's next project. Vice-Mayor Dingledine offered a motion for the Betts Road project to be considered in the City's budget for fiscal year 1987-88. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

Correspondence was presented from Mr. James Monger in which request was made for the rezoning of the back portions of two lots between Old South High Street and Blacks Run, from R-2 Residential to M-1 Industrial. It was noted that the side of one lot adjoins R. S. Monger & Sons, Inc., which is zoned M-1. Mr. Monger stated that the area would be cleaned up and used for storage of building materials. A plat and check in amount of \$75 for processing the request, were enclosed. On motion of Council Member Shank, seconded by Council Member Rhodes, and a unanimous vote of Council, the request was referred to the City Planning Commission.

As follow-up to a letter dated 11/3/86 from Attorney Steven Blatt to Mrs. Williett Moyers, Business Manager of Warner Cable Communications, Inc., with copies sent to Attorney Bruce Wallinger, City Manager Milam and Mr. Daniel Newberry, Attorney Willial Julias appeared before Council to speak to the matter, in the absence of Attorney Blatt. He noted that Mr. Newberry has a place of business on Miller Circle, east of South Main Street, and has been striving for over a year to be provided with cable service. Several of Mr. Newberry's tenants are also interested in the service, but so far, the only thing that has been accomplished is one excuse after another, with no one seeming to know what is going on. Attorney Julias said he felt this type of conduct should be brought to the attention of City Council, and if nothing can be done for taxpayers in the City, this information should be filed away for reference when the cable franchise is acted upon. He noted that in a review of the Franchise Ordinance, nothing could be found to exclude any individual from cable service, and asked some explanation for the arbitrary delay by Warner Cable Communications, Inc. in providing the service. Vice-Mayor

Dingledine offered a suggestion for the correspondence to be referred to Attorney Holmes Harrison, special attorney employed by the city to evaluate the present cable service, and to work toward a franchise, either renewal or new. The suggestion met with Council's approval, and the correspondence was so referred.

✓ Ms. Susan Yoder, Vice-President of the Community Mediation Center Board of Directors, introduced other officials and some volunteers who were present in the meeting, and oriented Council to services rendered in this community by the non-profit organization. She noted that the organization strives to settle conflicts over matters such as fence lines, old debts, problems between landlords and tenants, etc. Community support comes from 30 active volunteers and about 100 residents who are involved. The most recent program instituted, is in the field of education. Ms. Yoder expressed a hope that the organization, which is located at 298 Green Street, Harrisonburg, can be of service to groups (i.e. city council), as it grows. When a question was raised in Council, Ms. Yoder said that a fee of \$10 is imposed per party, per session of approximately two hours. Mayor Green expressed appreciation for the report, and wished the organization success in its endeavor.

✓ Council received the following Planning Commission report from its November 19th meeting:

"...The Commissioners read an October 24th letter from Mrs. Eunice Miller and Dr. Robert Shouey, stating that their desire to have Lot 1 in the Edgelawn Addition, divided, and both agree 'not to use the parts for construction of any improvement independent of the adjacent lot which we presently own.' The letter also states that the interior lot lines between newly created lots and their respective properties are to be vacated.

The Director reminded the Commissioners that this resubdivision was tabled on October 22nd and the letter of October 24th from Mrs. Miller and Dr. Shouey had been requested. If divided, Mrs. Miller will add Lot 1B to her house lot as expanded side yard area, and Dr. Shouey will purchase Lot 1A and use it to expand his professional office parking lot.

Mr. Hartman moved and Mr. Hughes seconded the motion that the Commission recommend approval of the division of Lot 1, Edgelawn Addition, and the vacating of lot lines between Lot 1 and the Miller house and Dr. Shouey's office. The motion passed unanimously..."

Planning Director Sullivan called attention to the attached map and final plan, noting that the lot division represents the abolishing of a lot line, permitting Mrs. Miller to sell the northern half to Dr. Shouey and retain the southern half of the lot. Vice-Mayor Dingledine offered a motion for the recommendation of the Planning Commission to be approved. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

✓ The following Planning Commission report from a November 19th meeting, was presented:

The Commissioners studied a plat drawn by Robert Jellum, showing a 33,055 square foot piece of land to be purchased by Mr. and Mrs. Delaney Deavers. It will enlarge their residential property, located at 780 Stone Spring Road. Access to the adjacent farm owned by Doris Dull, Walter Randolph, and Bernice Deavers will not be blocked, as a long sliver of land will be retained.

Mr. Hughes moved and Mr. Hartman seconded the motion to recommend approval. The motion passed unanimously..."

Planning Director Sullivan pointed out the location on a map, noting that the land would be expanded by a 33,055 square foot addition, on property owned by Delaney and Bernice Deavers, situate on Stone Spring Road. Council Member Robinson moved that the recommendation of the City Planning Commission be approved. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

✓ Council received the following report from a November 19th meeting of the City Planning Commission:

"...Attorney Henry Clark presented copies of a map showing William Heatwole's and Sarco's property, and he explained why Mr. Heatwole in conjunction with the Sarco Corporation are establishing 60' and 100' wide strips of land which will serve as easements for access purposes, enabling vehicular traffic to reach interior land currently owned by Sarco and Heatwole. The easements will not become public streets at this time, but either or both owners may dedicate their respective strip for public use. All of the land surrounding these strips is zoned M-1 Industrial, and the recently announced Japanese firm will be immediately north of the 60' strip.

Mr. Hartman moved and Mr. Hughes seconded his motion that the Commission recommend approval of these easements. The motion passed unanimously..."

Mr. Clark pointed out the location on a large map, noting a prospective industrial area of 34 acres. The small strip of land (50' x 1220') is needed by Mr. Sarco, serving as an easement to the back tract of land. When Council Member Shank asked if the street, if developed, will fit in with the City's plan, Mr. Sullivan replied in the affirmative. Council was informed that the two easements will form access routes to interior property located on the west side of North Liberty Street. Council Member Rhodes offered a motion for the recommendation of the City Planning Commission to be approved. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

✓ The following Planning Commission report from its November 19th meeting, was received by Council:

"...The Commissioners studied a plat by Bobby L. Owens, showing a 60' wide strip of land located along the south side of Sellers' Furniture Store. A letter from Attorney Glenn Hodge stated that Sellers' Furniture Stores, Inc. intends to convey the 31,959 square foot strip to Mr. Cletus Sellers. It serves as a right-of-way from South Main Street to Mr. Sellers' home and farm.

Mr. Rhodes moved that the Commission recommend approval. Mr. Hughes seconded the motion which passed unanimously..."

Planning Director Sullivan referred to a letter of October 17th which he had received from Attorney Hodge, enclosing a plat of the 60' strip and noting that conveyance of the fee simple ownership in the strip is in lieu of a right-of-way which Cletus Sellers presently has over the land of Sellers Furniture Stores, Inc. Mr. Sullivan noted that it will be a private strip of land, and would not be created as a public street. Council Member Shank moved that the recommendation of the City Planning Commission be approved. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

Council received the following report from a November 19th meeting of the City Planning Commission:

"...The Commissioners were asked by Mr. Bill V. Neff and Mr. J.R. Copper to approve a resubdivision of Lot 7D, Section 1, Interstate Commercial Park. Mr. Ike McCary wants to add a narrow sliver of land (1,994 square feet) to his existing Lot 7C on Reedy Circle. The Director read a 'memo' from City engineer Wilcox which listed 7 technical concerns and strongly urged 'that absolutely no further resubdivision be approved..' Mr. Neff explained why he has not established a new drainage ditch across Lot 7F, but will do so along the east side of McCary's property when development of Lot 7F is finalized. He promised also to grant the City a 20' drainage easement when the ditch is established. Chairman Trobaugh asked Mr. Neff to reply in writing to the City Engineer's memo and to meet with him.

Mr. Heath then moved that the Commission recommend approval of the resubdivision of Lot 7D, Section 1, Interstate Commercial Park. Mr. Hartman seconded the motion and all members voted in favor..."

Mr. Neff noted that Mr. McCary is in need of the small strip of land (1/20th of an acre), in that he has initially purchased only the amount of land he felt was necessary. Mr. Copper explained that Lot 7D is requested for resubdivision, by combining same into Lots 7E and 7F, thereby eliminating Lot 7D. Vice-Mayor Dingleline offered a motion for the recommendation of the City Planning Commission to be approved, and the motion was seconded by Council Member Robinson. When Mayor Green questioned the request in the report for a commitment by Mr. Neff, in writing, to the City Engineer, Mr. Sullivan presented a letter which he had received this evening from Mr. Neff, addressed to the attention of City Engineer Wilcox. In his letter, Mr. Neff set out the facts that a drainage ditch, starting at the end of Hartman's property and running parallel with Ike McCary's property to the cul-de-sac, will be constructed immediately and an easement will be given the City for this portion. The remaining ditch from the cul-de-sac to I-81 will be constructed on a temporary basis until such time as this property is sold and the new owner locates any facilities that may affect the ditch locations. Further added was that "all work will be completed in accordance with general acceptable contracting practices including erosion control. It is the intent to have the above completed on or before December 31, 1986." Having received Mr. Neff's commitment in writing, the motion to approve the resubdivision was then adopted by a unanimous vote of Council.

The following Planning Commission report from its November 19th meeting, was presented:

"...Mr. Bill Neff told the Commissioners he is purchasing a 30' wide strip of land from Virginia Poultry Federation, as part of his overall package for a Nonesboro, Arkansas, shopping center developer. This strip of land will become part of a private road leading to proposed 'Spotswood Square' shopping center from Terri Street.

Mr. Hughes moved and Mr. Rhodes seconded the motion to recommend approval. All members present voted in favor..."

Mr. Neff, present in the meeting, oriented Council to the location and layout, noting resubdivision of Lot 1, Section 17, on the north side of Terri Street. On motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote of Council, the recommendation of the City Planning Commission was approved.

Council received the following Planning Commission report, closely related to the one presented just prior to this report:

"...Mr. Bill Neff explained how the resubdivision of Lot 1, Section 1, Virginia Poultry Federation Subdivision is needed to complete his package for a shopping center developer who will soon build 'Spotswood Square' northeast of East Market Street. The 20' utility easement crossing this property will not be moved or altered in any way.

Mr. Hughes moved and Mr. Rhodes seconded the motion to recommend approval. All members present voted in favor..."

Mr. Neff pointed out location of the strip of land, which he had traded previously to the Poultry Federation, and which had been resubdivided. Vice-Mayor Dingleline offered a motion for the recommendation of the City Planning Commission to be approved. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

Council received the following Planning Commission report from its November 19th meeting:

"...Under other matters, Messrs. J. R. Copper and Henry C. Clark, asked the Commission to approve the final plan for Easthampton Subdivision, a 16-lot residential plan for 8 duplex structures. The Commission tabled the proposal on October 22nd. On November 3rd, Messrs. Copper, Sullivan and Wilcox visited the site at the end of Vale Circle. Mr. Wilcox recommended that Mr. Copper completely redesign the layout. Mr. Copper reported to the Commission that the owners, Messrs. Clark and Nesselrodt, rejected this approach. They promised to install 8" water and sewer pipe, curb and gutter Easthampton Court, and plant a buffer strip of shrubs or trees along Mrs. Beverly Silver's property line.

The Director noted that variances are needed to permit the 11.5% grade and sharp curve on Easthampton Court. Mr. Rhodes moved and Mr. Hughes seconded the motion to recommend approval of the Final Plan, Section 1 for Easthampton Subdivision, with variances for the 11.5% grade and the sharp curve. The motion passed unanimously..."

Planning Director Sullivan pointed out location of the Section on a large map and said the Commission does expect some kind of planting to serve as a buffer, as promised and set out in the Commission's report to Council. Council Member Rhodes offered a motion for the recommendation of the City Planning Commission to be approved. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

Mayor Green said he had received complaints concerning the tremendous jump on University Blvd, particularly when snow is on the street. Some consider it a dangerous situation. He asked if there is anything that could be done at this stage of the game, insofar as fill dirt, which may lessen the dip from a safety standpoint. He said he feels there will be problems on the street with the first big snow or ice storm. Mr. John Driver, former Assistant City Manager, said there are no grades on

the street over 10% which is not all that bad. There is a 7 or 8' cut with 5 or 6' fill, and the street profile was agreed upon. He offered an opinion that there will be no traffic or safety problems. Mr. Bill Neff pointed out the fact that when the property is developed, there will be fill to the edge of the street, and the dip will not appear as it does now. He noted that it "looks funny now because the land lying beside the street has not been filled up." City Manager Milam said he had hoped to have another lane for traffic and curb & gutter. Mr. Driver said he had told Mr. Neff that the city would build a 30' street, and Mr. Neff said he would pass along the possibility of curb & gutter to the developer. Following discussion, the Mayor asked Manager Milam to take a look at the situation.

✓ For consideration of a second & final reading, City Attorney Thumma presented an ordinance for the closing of a 50' paper street southeast of the intersection of Country Club Court with Country Club Road. He noted that the ordinance had been redrawn since first reading of same on November 11th, and called attention to corrections that were requested, including name of the street, "Hirsch Lane." Council Member Robinson offered a motion for the ordinance to 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 Dingledine, and adopted by a unanimous recorded vote of Council. (Ord. Book L, page 82).

✓ Concerning an ordinance for the closing of a 10' alley between Franklin & Bruce Streets which had been approved for a first reading on November 11th, City Manager Milam called attention to a corrected copy of same which had been placed before each member of Council this evening, changing the last portion of the ordinance. City Attorney Thumma referred to a letter dated 11/24/86 from Mr. Lester J. Steele, whose property adjoins the alley, stating no desire to acquire any portion of the 10' alley when closed. In view of this, and the fact that the original ordinance split the area between Mr. Steele and Mrs. Charlotte Showker, the ordinance was redrawn, vesting the title to the entire area in the name of Charlotte Showker, owner of property on the opposite of the alley. City Manager Milam noted receipt of a check from Mrs. Showker in total amount of \$ 2,273.75, representing payment of \$ 1.25 per foot for the 1,819 square foot area. Council Member Shank offered a motion for the ordinance, as amended, to 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 Council Member Robinson, and adopted by a unanimous recorded vote of Council. (Ord. Book L, page 83).

✓ Inasmuch as Mr. Henry L. Whitelow's first term will expire as of November 29th, Council Member Rhodes offered a motion for his reappointment to a second term of four (4) years on the Harrisonburg Redevelopment & Housing Authority, expiring November 29, 1990. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

✓ Council was reminded that the first term of Mr. Michael Patrick on the Building Code Board of Appeals, will expire as of November 30th. Council Member Rhodes moved that Mr. Patrick be reappointed to a second term of five (5) years on the Board, expiring on November 30, 1991. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

At 9:25 p.m., on motion duly adopted, Council entered an executive session to discuss a legal matter.

At 11:30 p.m., the executive session was closed and the regular session reconvened.

✓ Vice-Mayor Dingledine offered a motion for the two regular meetings of Council on December 9th and 23rd, to be changed to one single meeting, to be held on Tuesday, December 16th. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

There being no further business, the meeting was adjourned.

CLERK

MAYOR

Walter B. Beem
MAYOR

Tuesday, December 16, 1986

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thunma, Jr.; Clerk N. Arlene Loker; Vice-Mayor Raymond C. Dingleline, Jr.; Council Members Elon W. Rhodes; Thomas H. Robinson, II, Charles L. Shank; 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 read.

The following regular monthly reports were presented and ordered filed:

From the City Manager:

A Progress Report of activities in the various departments and said office for the month of November, 1986.

From the City Treasurer:

A trial balance report as of close of business on November 30th.

From the Police Department:

A report of Fines & Costs, \$ 4,496; Cash collected from street parking meters, \$ 6,890.44; total cash collected, paid on accounts and turned over to City Treasurer for month of November, \$ 11,386.44.

From the City Auditor:

A financial report for month of November, 1986.

A report of cash discounts saved in payment of vendor's invoices for month of November, 1986, \$ 496.39.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of November, 1986.

City Manager Milam presented the following report from a November 18th meeting of the Harrisonburg Transportation Safety Commission:

Starting with the old business from the meeting on October 28, 1986, Chairman James Rhodes asked for Jim Baker's report from the Street Department on the traffic count at the intersection of Mason and Market Streets. Noting that during a 12 hour period on Friday, November 14th, there were only 129 left turns made onto Mason Street by traffic eastbound on Market Street as compared to 1889 left turns by westbound traffic on Market Street, Jim Baker suggested that the left turn signal for traffic eastbound on Market Street at its intersection with Mason Street could be eliminated so that there would be two lanes eastbound on Market Street from Federal Alley east to the city limits. Further discussion was held before Jean Tamkin motioned to recommend that the left turn signal be eliminated as suggested by Mr. Baker. Nelson Fitzwater seconded the motion and it was approved by a unanimous vote of the Commission.

Council Member Rhodes, a member of the Commission, noted that it was felt by Commission members that removal of the left turn signal was needed, in order to improve traffic flow on Market Street. On motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote of Council, the recommendation of the Transportation Safety Commission was approved.

A request was presented from Police Chief Presgrave for approval of a supplemental appropriation in amount of \$ 1,001.65, in order to replace overtime wages, through funds received from various sources for services rendered by police officers. Vice-Mayor Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 1,001.65 chgd.to: General Fund (1901.01) Recoveries & Rebates
1,001.65 approp.to: General Fund (3101-1001.07) Overtime

The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

Council received a request from Parks & Recreation Director Gilkerson for approval of a supplemental appropriation in amount of \$ 2,215., in order to transfer monies received from ALEXSIS for collision damage less deductible and salvage bid for repair of the 1974 truck. City Manager Milam noted that the funds had been received from the state. Council Member Robinson offered a motion for the appropriation to be approved for a first reading, and that:

\$ 2,215.00 chgd.to: General Fund (1901.01) Recoveries & Rebates
2,215.00 approp.to: General Fund (7101-3004.03) Maint. & Repairs- Auto Equip.

The motion was seconded by Council Member Rhodes, and adopted by a unanimous recorded vote of Council.

A request was presented from Fire Chief Shifflett for approval of a supplemental appropriation in amount of \$ 8,800.24, representing a State Grant. Council Member Shank moved that the appropriation be approved for a first reading, and that:

\$ 8,800.24 chgd.to: General Fund (2201.13) Real.Revenue- Fire Programs Fund
8,800.24 approp.to: General Fund (3201-7006.00) Fire Programs Fund

The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous recorded vote of Council.

Reminder was made that the first term of Mr. Dwight W. Hartman as a member of the City Planning Commission, would expire as of December 31st, and that he would be eligible to serve a second term. Council Member Rhodes offered a motion for Mr. Hartman to be reappointed to a second term of four (4) years on the Commission, expiring on December 31, 1990. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

Mayor Green moved that the first term of Mr. James A. Saker as a member of the Harrisonburg Electric Commission, will expire as of December 31st, and asked members' wishes concerning an appointment. Vice-Mayor Dingledine offered a motion for Mr. Saker to be reappointed to a second term of three (3) years, expiring on December 31, 1989. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

At 8:03 p.m., on motion of Vice-Mayor Dingledine, seconded by Council Member Robinson, and a unanimous vote, Council entered an executive session to discuss personnel.

At 8:40 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened.

As follow-up to his letter of 12/2/86, School Superintendent Hiner was present in this meeting, following a meeting of the School Board, along with Carson Moore, School Board Chairman. Request was made for City Council to convey the title to 33.72 acres of the Lineweaver Land, purchased by the City, to the Board, in order that application may be filed for a Literary Fund Loan in the maximum amount allowed, of \$2 million, toward construction of a new middle school for grades 6, 7 & 8, estimated to cost \$6 million. Superintendent Hiner noted that the Board remains firm in its desire for an additional 15 or 16 acres adjacent to the present site, at such time as it may be needed for athletic fields, parking, environmental lab or school expansion. He informed Council that the Board has registered opposition concerning draining of the Literary Funds, by the Legislature, for uses other than construction (i.e. a 10% salary increase for teachers), which has resulted in long delays for low interest rate loans to communities for school construction, and added the fact that it may be two years, or longer, before Harrisonburg will receive the requested funds. When Mayor Green asked if the Board was working toward a site plan, Superintendent Hiner replied that a preliminary plan setting out proposed location of the school building, parking lot, athletic fields, entrances & exits, etc., should be ready in draft form, for presentation, by January of 1987. Vice-Mayor Dingledine offered a motion for 33.72 acres of the Lineweaver land to be deeded to the Harrisonburg School Board, and the motion was seconded by Council Member Robinson. City Manager Milam explained that the Lineweaver family had given a Deed of Gift (9 $\frac{1}{4}$ acres) for school use, and the city had purchased the remaining 139 acres for a new school and future park area. The 9 $\frac{1}{4}$ acres, under separate deed, is included in the 33.72 acres requested by the Board. He added the fact that the city has retained a 30' strip along the west side of West Market Street for future widening to 4 lanes, and

an additional 30' construction easement. The property has an approximate 1500' frontage on West Market Street and is 850' in depth. The motion to deed the acreage was then adopted by a unanimous vote of Council Members present, with Council Member Shank having been excused from the remainder of the meeting, due to another commitment, prior to discussion of the School Board's request.

There being no further business, and on motion duly adopted, the meeting was adjourned at 9:00 p.m.

CLERK

Walter F. Green
MAYOR